



Strasbourg, 15 October 2014

C198-COP(2014)REP6

CONFERENCE OF THE PARTIES

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198)

6th MEETING

Strasbourg, 29 September-1st October 2014

MEETING REPORT

Memorandum prepared by the Secretariat
Directorate General of Human Rights and Rule of Law

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SUMMARY ACCOUNT OF THE PROCEEDINGS

1. The Conference of the Parties to the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198) held its sixth meeting in Strasbourg, from 29 September to 1st of October 2014, under the Presidency of Mrs Eva ROSSIDOU-PAPAKYRIACOU (Cyprus). The agenda of the meeting, the decisions taken and the list of participants are annexed to the present report.

Item 1. Opening of the meeting

2. The President opened the meeting and welcomed the participants. In her introductory statements, she welcomed the representatives of Georgia and Sweden, which have become Parties to the Convention since the last meeting. She announced the signature of the Convention by the United Kingdom this very same day and expressed her hope for an early ratification.

Item 2. Adoption of the Agenda

3. The Conference of the Parties adopted the agenda as it appears in Appendix I.

Item 3. Statement by Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate

4. In his statement, Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate, underlined the importance of the Convention, highlighting that it had been recently referred to in the report on the State of Democracy, Human Rights and the Rule of Law in Europe of the Secretary General of the Council of Europe. The latter invited countries, in particular the member States of the Council of Europe, to accede to the CETS no. 198 if they have not yet done so. Mr Kleijssen welcomed the ratifications by Georgia and Sweden since the last Conference of Parties, and the signature of the Convention by the United Kingdom on the same day as the opening day of this meeting. Mr Kleijssen also referred to the importance of international co-operation, and in this context of the provisions of the Convention, in the context of the terrorist financing threats emanating especially from the current happenings in the Middle East, in particular in relation to ISIS.
5. He underlined the importance of raising awareness about the Convention in international fora and the increased need for co-operation with other international bodies, such as MONEYVAL and the FATF. He appreciated that a Secretariat member had joined the FATF evaluation of Belgium, as an evaluator, and that this gave the opportunity to raise questions related to the assessment of the Convention.
6. Finally, he informed the Parties about the on-going procedure for the adoption of the amendments to the Annex to the CETS no. 198 and wished all representatives a successful meeting.

Item 4. Communication by the President and the Executive Secretary

7. The President informed the Conference of the Parties about the Bureau meeting held prior to this meeting and the proposals arising as a result of the Bureau's discussions. The Bureau has reviewed the status of reservations and declarations to the CETS no. 198 and considered that it would be useful for the Conference of the Parties to undertake an exercise of the current reservations and declarations by the States Parties and their usefulness, in particular in respect of the key provisions of the Convention. The President further informed the Plenary that the Bureau had discussed several issues raised by the Slovak Republic and Hungary, with regard to the application of the CETS no. 198, which would be discussed under Item 8 of the Agenda. A proposal to consider undertaking parallel horizontal assessments on key issues, where the CETS no. 198 adds value to the international AML/CFT standards, in order to address the lengthiness of the evaluation process of the Conference of the Parties was also briefly presented.

8. The President invited State Parties which had not yet formally nominated a Head of delegation to do so. She reminded the Conference of the Parties about the elections to be held for the position of Bureau members, and encouraged delegations to submit nominations prior to elections, which would be held on the last day of the meeting.
9. The Secretariat provided an oral update on the status of the process for amending the Annex of the CETS no. 198. In the absence of objections by State Parties, as set out in the procedures, the amendments should enter into force before the end of 2015. The Conference of the Parties also received an update on the status of preparation of the activity report.
10. Finally, the Secretariat informed the Conference of the Parties about several CETS no. 198 related activities, namely the training for rapporteurs and the awareness-raising conference organised in 2013 in Armenia, the participation by the Secretariat at a conference in Israel to present the convention, as well as the participation of a member of the Secretariat to the FATF evaluation of Belgium. The Secretariat underlined the positive effects of a concurrent evaluation for the purposes of both the FATF standards and the CETS no. 198. The Conference of the Parties was also informed about a conference organised by the Council of Europe Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters on confiscation, provisional measures and asset management. States Parties were invited to consider proposing experts for participation at this conference.

Item 5. The state of signatures and/or ratifications of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism

11. The Conference of the Parties noted that, since its last meeting, Georgia and Sweden have ratified the Convention. Furthermore, the United Kingdom has signed the CETS no. 198 and was expected to proceed with its ratification.
12. The President invited representatives to provide an update on the state of progress in signing and ratifying the Convention.
 - a. Azerbaijan indicated that the signature of the CETS no. 198 is in the legislative procedure and it was expected to be finalised by the end of 2015;
 - b. The Czech Republic stated that work is on-going on the draft legislation which would make ratification possible;
 - c. Estonia pointed out that the Convention had already been signed and that the ratification should take place soon;
 - d. Germany informed the Conference of the Parties that the signature of the CETS no. 198 was in the process of assessment within the State bodies;
 - e. Liechtenstein indicated that consideration was given on the manner to implement the CETS no. 198 into national law prior to its signature;
 - f. Turkey which has signed the CETS no. 198, had postponed the ratification due to Parliamentary elections, but was expecting to finalise the ratification procedure in the first half of 2015;
 - g. Morocco, which has accepted the invitation from the Council of Europe to accede to the CETS no. 198, indicated being in the process of evaluation of the implications of the ratification of the Convention;
 - h. The United Kingdom signed the CETS no. 198 on 29 September 2014 and currently awaited the Parliamentary scrutiny in order to ratify the Convention. Ratification was expected at the latest at the beginning of 2015.
13. The Conference of the Parties once again urged the Council of Europe member states which have not already done so and the non-member states which had participated in the preparation of the Convention and the European Union, to sign and/or ratify the Convention as soon as possible. Other non-member states of the Council of Europe were also invited to accede to the

Convention. Countries, which have not yet signed or ratified the CETS no. 198, were also invited to share with the Conference of the Parties possible difficulties of implementation of the Convention, in order to be provided with assistance for such purposes.

Item 6. Monitoring of Parties' implementation of CETS no° 198

Discussion of the Conference of the Parties Draft Evaluation Report on the Republic of Moldova

14. The Head of Delegation of the Republic of Moldova introduced the members of the delegation and presented an overview of the AML/CFT situation in the Republic of Moldova and the relevant legislative steps undertaken in the past years. The rapporteurs (Cyprus, San Marino, Hungary) presented an overview of their main findings and their recommendations. The President then proceeded with the discussion of the draft report. The most important issues of the discussion are summarised below.
15. As concerns the *mens rea* for the offence of money laundering, the Conference of the Parties welcomed that the Republic of Moldova criminalised negligent behaviour. Nonetheless, it was noted that this provision in Moldovan legislation is subject to a purposive element, which may affect the application of this provision, and is therefore not considered to be fully in line with Art. 9 para. 3(b). Furthermore, the lesser subjective mental element provided under Art. 9 para. 3(a) of CETS no. 198 (suspicion) is not criminalised under Moldovan Law. Given that the provisions of Art. 9 (3) are not mandatory, the Conference of the Parties and the scientific expert supported the proposal by Moldova to remove the specific recommendation on this aspect and include it as a comment in the body of the text.
16. Regarding corporate liability, the Republic of Moldova has introduced criminal liability of legal persons. The report raised as a possible issue one of the conditions on which corporate liability is based under Moldovan legislation: "*where the act causes or threatens to cause considerable damage*". The scientific expert requested clarifications as to why this limitation had not been included in the recommendations under this section. The Secretariat has explained that the Rapporteurs had accepted the broad interpretation of this provision in practice. The scientific expert proposed to include a further explanation on this issue, especially under the effectiveness section, which was endorsed by the Conference of the Parties.
17. With regard to confiscation, the scientific expert requested clarifications about whether value-confiscation of laundered property is included to a full extent in Moldovan legislation. The Secretariat explained the reasoning of the report and pointed to the fact that despite most of the provisions being covered, there remain uncovered areas. Moldova agreed with the scientific expert, stating that all the requirements were in their view covered under the legislation, pointing to a provision which broadens the application of value-confiscation, but does not ensure a full coverage of the international requirements. Pursuant to this, the Conference of the Parties decided to include the clarifications in the text of the section, and to reformulate the recommendation to consider harmonising the different provisions addressing this issue.
18. Concerning Art. 7 of the CETS no. 198, Moldova invited the Conference of the Parties to consider reformulating the text of the report so as to specifically indicate which offences included in the annex of the Convention are not provided in the criminal law...with a punishment by imprisonment for a term of up to 12 years specifically covered. This proposal was accepted by the Conference of the Parties. Further details have been also provided by the Moldovan authorities and the Secretariat about the centralised database on the accounts held by legal entities kept by the State Tax Inspectorate and the requirement to obtain an authorisation of an investigative judge in order to access information on bank accounts from financial institutions for all other authorities except for the FIU.
19. In relation to international co-operation with regard to confiscation, the Republic of Moldova questioned the recommendation that the authorities should consider legal amendments in order to enable assistance for requests based on non-conviction based confiscation, given that such a confiscation is against its fundamental law. The Conference of the Parties accepted the proposal

of the Secretariat to amend the recommendation in order to suggest to the authorities to consider adopting measures which would facilitate to the highest extent the provision of assistance in such cases. Albania pointed to the jurisprudence of the ECHR in relation to the possible human rights implications of non-conviction based confiscation. The Secretariat proposed to include this matter for further discussion at future meetings.

20. With regard to Art. 34 of the CETS no. 198, the Republic of Moldova objected to the recommendation proposing to the authorities to consider making use of the option of sending urgent requests directly to the competent authorities, explaining the reasons why this provision had not been put into practice in the Republic of Moldova. The Conference of the Parties has noted the clarifications of the Republic of Moldova, but has nevertheless decided to retain the recommendation as a basis for possible future reconsideration of the matter by the authorities.
21. Concerning Art. 46, it has been raised in the report that the Republic of Moldova had not yet officially notified the Treaty office, in line with this article, which national authority should be considered the FIU for the purposes of the Convention. The President proposed to include a question on Art. 46(13) in the questionnaire in order to have a basis for inclusion of this aspect in the future reports. This proposal was accepted by the COP. The President further informed delegations that the second recommendation had been deleted as a result of an agreement between Moldova and the Rapporteurs and that the section of the report would be amended. The scientific expert requested further information about the possibility to authorise a foreign authority to forward the information obtained from the national FIU to another state authority in the requesting country and clarifications were provided by Moldova on this possibility.
22. Further to its discussion, the Conference of the Parties adopted the report on the Republic of Moldova, as amended and subject to further editorial changes. Pursuant to its Rules of Procedure, this report shall automatically be published within 4 weeks of adoption.

Discussion of the Conference of the Parties Draft Evaluation Report on Malta

23. The Head of Delegation of Malta introduced the members of the delegation and presented an overview of the AML/CFT situation in Malta and the relevant legislative steps undertaken in the past years, as well as the current draft laws and recent jurisprudence. The rapporteurs (Portugal, Moldova, Romania) presented an overview of their main findings and their recommendations. The President then proceeded with the discussion of the draft report. The most important issues of the discussion are summarised below.
24. With regard to corporate liability, the Secretariat presented the changes made to this section on the basis of the clarifications received from Malta and to which the Rapporteurs agreed. As a result, the text was amended in order to recommend the authorities to provide guidance and instructions to the law enforcement authorities only and exclude the judiciary from this recommendation.
25. Concerning Art. 11, Malta stressed that the mentioned Bill 53 of 2014 had already been adopted without any modifications as the "Various Laws (Criminal Matters) (Amendment No. 2) Act, 2014". The Secretariat clarified that the draft Bill had been thoroughly assessed and that the implications of this Act had been fully reflected in the text of the report.
26. Regarding confiscation, the scientific expert requested clarifications regarding the extent of mandatory confiscation. Following the explanations received, the scientific expert proposed to describe in more detail the provisions which enable the confiscation of laundered property. This proposal was accepted by the Conference of the Parties.
27. Under the analysis of implementation of Art. 7, the scientific expert proposed to delete a number of paragraphs of this section describing the powers of the FIU in respect of the competencies required by Art. 7 of the Convention, stating that this article regarded the powers of the judiciary and law enforcement. This proposal was accepted by the Maltese delegation.
28. As regards international co-operation in matters of confiscation, the Conference of the Parties

took note of the comment of the President and of the Maltese delegation that it goes beyond the standards of the Convention to request that a country enforces foreign non-conviction based confiscation orders, when this is against the fundamental principles of national law. The Conference of the Parties accepted the proposal of the President, Malta and the scientific expert to merge the two recommendations in order to recommend to the authorities to consider adopting measures, which would enable Malta to provide the highest extent of assistance to a foreign country in respect of cases related to non-conviction based confiscation orders.

29. Concerning investigative assistance and international co-operation of the FIU, the scientific expert requested further clarifications as to the powers of assistance of the State Prosecutors and the FIU. The clarifications were provided by the Maltese delegation.
30. As regards the postponement of domestic suspicions transactions, the scientific expert requested more information to be provided regarding the draft law, in particular the reasons which have led to such proposed amendments. Malta provided the clarifications, which were then agreed to be reflected in the report. Regarding Art. 28, Malta specified that a large majority of all the requests received by the authorities are as a rule related to fiscal offences and that they have never refused assistance. The Rapporteur agreed to reflect this fact in the report.
31. The Conference of the Parties discussed the whole report in depth and, as a result of clarifications made by the Maltese authorities, the rapporteurs and the scientific expert amended the draft report where necessary.
32. Further to its discussion, the Conference of the Parties adopted the report on the Malta, as amended and subject to further editorial changes. Pursuant to its Rules of Procedure, this report shall automatically be published within 4 weeks of adoption.

Discussion of the Conference of the Parties Draft Evaluation Report on Montenegro

33. The Head of Delegation of Montenegro introduced the members of the delegation and presented an overview of the AML/CFT situation in Montenegro and the relevant legislative steps undertaken in the past years. The rapporteurs (Moldova, Slovenia, Ukraine) presented an overview of their main findings and their recommendations. The President then proceeded with the discussion of the draft report. The most important issues of the discussion are summarised below.
34. Regarding Art. 9, the scientific expert stated that the enhancement of the application of the provisions related to Art. 9 paragraphs 5 and 6 should be more focused on developing jurisprudence in this matter, whilst the development of further prosecutorial guidance and trainings in this matter, as put forward in the second recommendation, should be only a second step, following up on the settled jurisprudence. The Conference of the Parties agreed that the second recommendation in this section would be revised to reflect the discussions and provide a more general recommendation for the country.
35. As concerns corporate liability, the Conference of the Parties discussed whether the provisions of the Montenegrin criminal legislation covered adequately the requirement under Art. 10(2) to hold the legal person liable also in case of a lack of supervision of a responsible person. Montenegro sustained that this provision was covered, as legal persons can be held liable “*when the performance of the responsible person was contrary with the business policy and orders of the legal entity*”. The Conference of the Parties concluded that this provision does not cover the requirements of Art. 10(2) to a full extent and decided to include these concerns in the report.
36. Under Art. 3, the Conference of the Parties discussed the terminology used in the Montenegrin CC and CPC, in particular the words “property” and “proceeds of crime”, and the implications this has for the ability to confiscate all the assets, as required under Art. 3(1), as well as the ability to apply to all such assets extended confiscation. It has been decided that the Secretariat would include all the relevant provisions in the analytical part of the report and, consequently, a proposal would be made with regards to the recommendation.

37. With regard to the proper management of frozen and seized property, Montenegrin legislation allows under certain conditions to sell seized property with the approval of the Court. In this regard, Hungary asked whether there are provisions, which impede in such a situation to sell the property to the perpetrator. The Conference of the Parties decided that Montenegro would provide further clarifications on this issue and the Secretariat shall include this information in the analysis.
38. The Conference of the Parties further discussed the extent of the power to ensure non-disclosure, as required by Art. 7(2d), in particular with regard to cases, where the information has been requested by a state authority other than the FIU. It requested that the clarifications provided by Montenegro be reflected in the report in order to comprise the entire scope of the implementation of this article in Montenegrin legislation.
39. As concerns international co-operation of FIUs, the Conference of the Parties has discussed the extent to which the quality of international co-operation can be assessed on the basis of statistical data. The Secretariat proposed to introduce a new procedure seeking feedback from State Parties on the effectiveness of international co-operation in the COP evaluation process before the reports are drafted. This proposal has been adopted by the Conference of the Parties for all future evaluations. Furthermore, regarding the implementation of Art. 46(6), it was considered that the AML/CFT legislation provides for additional possible reasons for refusal to provide information. Nevertheless, it was also noted by the COP that the Montenegrin FIU had not refused any requests for information in the past six years. The COP decided that these findings shall also be reflected in the report.
40. Given the extent of further information and clarifications which should be provided by Montenegro in order to conclude that the analysis had been made on sufficient grounds; and the high number of substantive changes, which are to be made to the analysis; it was considered that the draft report should be amended in the light of these discussions and provided to the scientific expert and Montenegro for confirmation of changed agreed. The final draft should be made subject to the approval of the Rapporteurs, country, President, Bureau members and scientific expert. The report would then be published.

Item 7. First Follow-up report of Romania

41. The COP examined the first follow-up report of Romania and the analysis prepared by the secretariat, assisted by the Slovak Republic, acting as Rapporteur. The Secretariat presented the developments in Romania since the time of the adoption of the evaluation report, in particular the legislative changes undertaken in order to address the recommendations made in the report. Furthermore, the Conference of the Parties took note of the changes proposed to the draft analysis, on the basis of the bilateral discussions between the country and the Secretariat prior to the meeting.
42. The analysis stated that Romania did not establish a lesser subjective mental element, as proposed by Art. 9(3), and this had been recommended for consideration in the evaluation report. Romania requested to reflect in the analysis that the authorities have considered introducing a lesser subjective mental element on several occasions and recently in 2014, when amending the CC, though it was decided not to do so at this stage. The Conference of the Parties requested further information about the nature of these considerations and the reasons for the conclusion and decided that it is necessary for future evaluations to clearly state the reasons on which the decision was based. Hence the response of the authorities was included in the report.
43. Regarding corporate liability, Romania informed the Conference of the Parties that since the finalisation of the questionnaire, there have been two final convictions of legal persons for the money laundering offences. The Conference of the Parties asked for this to be reflected in the report. The Secretariat welcomed these developments and suggested for the authorities to distribute the judgments for the purposes of future guidance for law enforcement authorities and the judiciary.

44. In addition, Romania requested the consideration of deleting the recommendation under Art. 17 of the Convention, indicating that they considered it not to be possible, due to obligations under the EU legislation. The Conference of the Parties did not agree with the proposal, however it was advised that the recommendation did not require legislative changes, but merely proposed to consider eliminating the consistency issues as regards the co-operation with EU member states under Art. 17, which could be undertaken by adopting specific practical measures.
45. Finally, the Rapporteur asked for clarifications regarding the discrepancy between the value of the seized and confiscated assets. Romania clarified that this is due to the lapse of time between the seizure and the conviction (therefore also confiscation), which is then not reflected in the statistics. A further reason is that when the seized assets are returned to the victim, it is not considered as confiscation and the value of these assets are therefore not reflected in the confiscated assets.
46. The Conference of the Parties requested clarifications about how the Law on International Judicial Co-operation in Criminal Matters applied to assistance on the basis of non-conviction based confiscation orders. Romania explained that under this law, the recognition and execution of foreign judgments applies to confiscation orders and orders for measures equivalent to confiscation. The Conference of the Parties asked for this explanation to be included in the analysis.
47. The Conference of the Parties adopted the replies to the questionnaire prepared by Romania and the draft analysis of the Secretariat with the amendments agreed by the Conference of the Parties. Pursuant to the Rules of Procedure, these reports will be published within four weeks of adoption.

Item 8. Secretariat review of possible amendments to the Convention in the light of the analysis of the Scientific expert on the implication of the FATF Recommendations (2012) & Item 10. Discussion of practical issues arising from the implementation and application of the Warsaw Convention

48. The Executive Secretary informed the Conference of the Parties about the status of the fast track procedure under A 54(6) in respect of the additions to the designated categories of offences in the Annex with respect to smuggling and tax crimes, which have been decided in the 5th meeting of the COP, and stressed that these amendments are expected to come into force before the end of 2015.
49. In addition, the Conference of the Parties revisited the Secretariat's paper from the 5th meeting of the COP on possible amendments to the Convention in the light of the revised FATF Recommendations. The COP expressed its opinion that the Convention holds sufficient added value to other international standards and reaffirmed its agreement that further ratifications of the Convention should take place before wider amendments were to be considered.
50. The COP agreed that the next priority should be to examine the potential inconsistency of the proposed amendments to the designated categories of predicate offences to include tax offences and the current discretion in Art. 28(1)(d) to refuse international cooperation on the basis of the fiscal excuse (with the exception of financing of terrorism). The Conference of the Parties considered that, if the fast track procedure works satisfactorily for the amendment to the annex, the COP could consider at the next Conference of the Parties whether it wished to propose an amendment along the lines of the provision in A.18(paragraph 22) of the Palermo Convention with regard to the fiscal excuse, under the procedure in A.54(1-5) of CETS 198, or if it would consider a wider review of the Convention with a view to an amending protocol.
51. The Conference of the Parties decided to consent on this issue in the context of the written survey on the implementation of the Convention by State Parties. The Conference of the Parties gave the Bureau the authority to prepare an informed proposal on any amendment in this regard for consideration by the Conference of the Parties at its next meeting.

52. Finally, the Conference of the Parties was advised by the Executive Secretary that pending the decision whether Art. 28(1)(d) should be amended, it would be recommendable not to make use of the fiscal excuse, when considering a request for assistance from another State Party.

Item 9. Report of activities of the Conference of the Parties to the Committee of Ministers

53. The Secretariat advised the Conference of the Parties about the status of the report of activities of the COP and proposed to include in the report results from the survey on the implementation of the Convention. The Conference of the Parties accepted this proposal and decided that the Secretariat shall consequently present a final draft to the Bureau for discussion at its next Bureau meeting.

Item 10. Discussion of practical issues arising from the implementation and application of the Warsaw Convention

54. See Item 8 above.

Item 11. Information on other relevant reports and activities of the Council of Europe and possible follow up, as necessary

55. The Secretariat informed the Conference of the Parties that the PC-OC was going to organise a special session in November 2014 on confiscation, seizure, freezing of proceeds of crime, including management of assets. The Conference of the Parties agreed that the Secretariat would continue to update the delegations and that COP experts could contribute to this meeting upon invitation.

Item 12. Communication on other relevant activities in other international for a

56. The Conference of the Parties noted that the discussions with the FATF regarding future co-operation have led to an agreement about co-ordinating evaluations for the purposes of both FATF and COP assessments. The Secretariat has further informed the Conference of the Parties about the experiences of the first joint assessment visit to Belgium and stressed the positive aspects of this co-operation.

Item 13. Review and discussion of reservations and declarations with respect to CETS no. 198

57. The Conference of the Parties took note of the information paper prepared by the Secretariat taking stock of the reservations and declarations of all State Parties and reaffirmed the invitation for State Parties to review their reservations and declarations in order to remove those which are no longer necessary.
58. In addition, the Conference of the Parties agreed to broaden for this purpose the survey on the implementation of the Convention in order to include questions regarding the difficulties the countries are facing when implementing the provisions in respect of which they have entered reservations, and accepted the proposal of the Bureau that the questionnaire shall include questions with regard to the following articles, which were defined as key to the added value of the Convention:
- Reversal of the burden of proof for confiscation (Art. 3(4))
 - Monitoring of bank accounts (Art. 7(2))
 - Conviction for ML without establishing precisely the predicate offence (Art. 9(6))
 - Postponement of transactions at the request of a Party (Art. 47)
 - Provision of information by the requested FIU without a formal request (Art. 46(5))

Item 14. Further work programme of the Conference of the Parties

59. The Conference of the Parties decided that the next Parties to be assessed would be: Armenia, Belgium and Bosnia and Herzegovina. Furthermore, at the next meeting, in November 2015, the follow-up reports on Croatia and Poland shall be examined by the Conference of the Parties. It

has been agreed that the Rapporteurs for the follow-up reports shall be Albania and Spain, respectively.

60. The Conference of the Parties decided to arrange a training of rapporteurs in the first half of 2015, possibly May 2015. In this respect, the Secretariat invited States Parties to nominate rapporteurs, stressing that French speaking rapporteurs would be particularly welcome. The COP was also advised that State Parties wishing to host this event should inform the Secretariat.
61. The Conference of the Parties also agreed that a Bureau meeting shall be scheduled in the first half of 2015 in advance of the next COP meeting, possibly back to back with the training seminar of rapporteurs.
62. Furthermore, the Secretariat was requested to amend the draft survey on the implementation of the Convention on the basis of the proposals from the Bureau and the discussions during this meeting which shall then be distributed to Heads of delegations for comments. After receiving the comments, the Secretariat should prepare a final version of the survey, which will be circulated for the purpose of completion of the questionnaire.
63. Finally, the COP decided to make arrangements for the presentation by the President and the Executive Secretary of a report on COP activities to the Committee of Ministers before the next COP meeting.

Item 15 – Election of the members of the Bureau of the Conference of the Parties

64. The Conference of the Parties decided, pursuant to Rule 4 of the Rules of Procedure, to re-elect Mr. Sorin TANASE (Romania) and to elect Mr. Vitalii BEREGIVSKYI (Ukraine) and Ms. Donatella FRENDI DIMECH (Malta) as members of the Bureau, for a term of office until the next COP meeting in 2015.

Item 16. Any other business

65. The Executive Secretary presented to the Conference of the Parties the report by the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe and stressed the importance of the secretary General's call included therein for further signatures and ratifications by countries, in particular Member States of the Council of Europe, which have not yet done so. State Parties were invited to consult this report.

Items 17 and 18. Adoption of decisions and close of the meeting

66. The Conference of the Parties adopted the decisions taken during this meeting and the meeting was closed.

APPENDIX I – Agenda

Ref. C198-COP6(2014)OJ1

COP Bureau Meeting Agora, Room B.4.06.C	Réunion du Bureau de la COP Agora, salle B.4.06.C								
Bureau meeting, 29 September 9.30-12.30	Réunion du bureau, 29 Septembre, 09h30-12h30								
Agenda	Ordre du jour								
Monday, 29 September 2014	Lundi, 29 Septembre 2014								
1. Opening of the Meeting 14.30 am - <i>Summary report of the 5th meeting and list of decisions</i> - <i>Bureau of the COP : list of decisions and proposals</i>	Ouverture de la réunion 14h30 - <i>Rapport de la 5^e réunion et liste des décisions</i> - <i>Bureau de la COP : liste des décisions et propositions</i>								
2. Adoption of the agenda	Adoption de l'ordre du jour								
3. Statement by Mr Jan Kleijssen, Director of the Information Society and Action against Crime	Déclaration de M. Jan Kleijssen, Directeur, Direction de la Société de l'Information et de la Lutte contre la Criminalité								
4. Communication by the Chair and the Executive Secretary	Communication de la Présidence et du Secrétaire Exécutif								
5. The state of signatures and/or ratifications of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism - <i>Information by delegations</i>	Etat des signatures ou ratifications de la Convention du Conseil de l'Europe relative au blanchiment, au dépistage, à la saisie et à la confiscation des produits du crime et au financement du terrorisme - <i>Information des délégations</i>								
6. Monitoring of Parties' implementation of CETS no° 198 - <i>Examination with a view to adoption of the assessment report</i> <table border="1" data-bbox="228 1406 783 1574"> <tr> <th>Party assessed</th><th>Rapporteur Party</th></tr> <tr> <td>Moldova</td><td>San Marino Cyprus Hungary</td></tr> </table>	Party assessed	Rapporteur Party	Moldova	San Marino Cyprus Hungary	Monitoring de la mise en œuvre de la STCE n°198 par les Parties - <i>Examen en vue de l'adoption du rapport d'évaluation de</i> <table border="1" data-bbox="866 1406 1382 1574"> <tr> <th>Partie évaluée</th><th>Partie Rapporteur</th></tr> <tr> <td>Moldova</td><td>Saint Marin Chypre Hongrie</td></tr> </table>	Partie évaluée	Partie Rapporteur	Moldova	Saint Marin Chypre Hongrie
Party assessed	Rapporteur Party								
Moldova	San Marino Cyprus Hungary								
Partie évaluée	Partie Rapporteur								
Moldova	Saint Marin Chypre Hongrie								
Tuesday, 30 September 2014	Mardi, 30 Septembre 2014								
6. Monitoring of Parties' implementation of CETS no° 198 (continued) 09h30 am <table border="1" data-bbox="228 1749 783 1910"> <tr> <th>Party assessed</th><th>Rapporteur Party</th></tr> <tr> <td>Malta</td><td>Moldova Romania Portugal</td></tr> </table>	Party assessed	Rapporteur Party	Malta	Moldova Romania Portugal	Monitoring de la mise en œuvre de la STCE n°198 par les Parties (suite) 09h30 <table border="1" data-bbox="866 1749 1382 1910"> <tr> <th>Partie évaluée</th><th>Partie Rapporteur</th></tr> <tr> <td>Malte</td><td>Moldova Roumanie Portugal</td></tr> </table>	Partie évaluée	Partie Rapporteur	Malte	Moldova Roumanie Portugal
Party assessed	Rapporteur Party								
Malta	Moldova Romania Portugal								
Partie évaluée	Partie Rapporteur								
Malte	Moldova Roumanie Portugal								
7. Follow-up by the Conference of the Parties of progress made by assessed Parties - <i>Examination with a view to adoption of the</i>	Suivi par la Conférence des Parties des progrès accomplis par les Etats Parties déjà évaluées - <i>Examen en vue de l'adoption du rapport de</i>								

<i>progress report</i>		<i>progrès</i>	
Party assessed	Rapporteurs	Partie évaluée	Partie Rapporteur
Romania	Slovak Republic	Roumanie	Slovaquie
8. Secretariat review of possible amendments to the Convention in the light of the analysis of the Scientific expert on the implication of the FATF Recommendations (2012) - <i>Update</i>		Examen du secrétariat des éventuelles modifications de la Convention, à la lumière de l'analyse de l'expert scientifique sur les implications des recommandations du GAFI (2012) - <i>Mise à jour</i>	
9. Report of activities of the Conference of the Parties to the Committee of Ministers - <i>Examination of draft report in view of adoption</i>		Rapport d'activités de la Conférence des Parties au Comité des Ministres - <i>Examen du projet de rapport en vue de son adoption</i>	
Wednesday , 1st October 2014		Mercredi, 1^{er} octobre 2014	
6. Monitoring of Parties' implementation of CETS no° 198 (continued) 09h30 am		Monitoring de la mise en œuvre de la STCE n°198 par les Parties (suite) 09h30	
Party assessed	Rapporteurs	Partie évaluée	Partie Rapporteur
Montenegro	Ukraine Slovenia Moldova	Monténégro	Ukraine Slovénie Moldova
10. Discussion of practical issues arising from the implementation and application of the Warsaw Convention		Discussion des problèmes rencontrés dans la pratique suite à la mise en œuvre et application de la Convention de Varsovie	
11. Information on other relevant reports and activities of the Council of Europe and possible follow up, as necessary - <i>Review of Council of Europe Conventions</i> - <i>Report by the Secretary General on the State of democracy, human rights and the rule of law in Europe (released on 16 April 2014)</i>		Informations sur d'autres rapports et activités du Conseil de l'Europe pertinents et, si nécessaire, suivi éventuel - <i>Passage en revue des Conventions du Conseil de l'Europe</i> - <i>Rapport du Secrétaire Général sur la situation de la démocratie, les droits de l'homme et l'Etat de droit en Europe (publié le 16 avril 2014)</i>	
12. Communication on other relevant activities in other international fora - <i>Observers</i>		Communication sur les activités pertinentes dans d'autres organisations internationales - <i>Observateurs</i>	
13. Review and discussion of reservations and declarations with respect to CETS no. 198 - <i>Update</i>		Examen et discussion sur les réserves et les déclarations au titre de la STCE n° 198 - <i>Mise à jour</i>	
14. Further work programme of the Conference of the Parties - <i>Future assessments of the COP and rapporteurs</i> - <i>Training of rapporteurs</i> - <i>Awareness raising activities and next meetings</i>		Programme de travail futur de la Conférence des Parties - <i>Evaluations de la COP et rapporteurs</i> - <i>Formation des rapporteurs</i> - <i>Activités de sensibilisation et prochaines réunions</i>	

15. Election of Bureau members		Elections des membres du Bureau	
16. Other business		Divers	
17. Adoption of decisions		Adoption des décisions	
18. Close of the meeting	17.00 pm	Fin de la réunion	17h00

APPENDIX I – List of Decisions



Strasbourg, 1st of October 2014

C198-COP(2014)LD6

LIST OF DECISIONS

At its sixth meeting, held in Strasbourg from 29 September to 1st October 2014, the Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS n°198):

Item 1 Opening of the Meeting

- Welcomed the delegations of Georgia and Sweden, in their capacity as new State Parties;

Item 2. Adoption of the Agenda

- adopted the Agenda as it appears in the Summary report of the meeting (C198-COP6(2014)REP)

and 4.; Communication by the Chair and the Executive Secretary

- took note of the information provided by the Chair and in particular the proposals made as a result of the meeting of the Bureau in respect of future aspects that should be considered for action by the Conference of the parties (cf. summary report of the meeting);
- took note of the information provided by Executive Secretary (cf. summary report of the meeting)

Item 3. Statement by Mr Jan Kleijssen, Director of Information Society and Action against Crime Directorate

- heard a statement by the Director of Information Society and Action against Crime Directorate highlighting the importance of the Convention and its relevance to the current terrorism threats of terrorism; as well as the need to ensure that it is up to date, considering the current international context.

Item 5. The state of signatures and/or ratifications of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism

- welcomed Georgia's and Sweden's ratification and subsequent entry into force of the Convention; as well as the signature of the Convention by the United Kingdom;
- reiterated its invitation to member and non-member States of the Council of Europe to accede to the Convention as soon as possible and noted actions underway reported by countries which have not yet signed or ratified the Convention;

Item 6. Monitoring of Parties' implementation of CETS no° 198

Discussion of the Conference of the Parties Draft Evaluation Report on Moldova

- adopted the assessment reports on :
 - a) Moldova

b) Malta

as amended and subject to further editorial changes, and noted that, pursuant to its Rules of Procedure, this report shall automatically be published within four weeks of adoption.

- Decided that the draft report on Montenegro should be amended in the light of discussions and the final draft to be subject to the approval of the Rapporteurs, country, President, Bureau members and scientific expert prior to its formal publication.
- Decided to introduce a new procedure in the context of the assessment process, seeking feedback from State Parties on the effectiveness of international co-operation in the COP evaluation process ;

Item 7. Follow-up by the Conference of the Parties of progress made by assessed Parties - First CETS no. 198 Follow-up report of Romania

- adopted the replies to the questionnaire prepared by Romania and the draft analysis of the Secretariat with the amendments agreed by the COP. Pursuant to the Rules of Procedure, these reports will be published within four weeks of adoption.

Item 8. Secretariat review of possible amendments to the Convention in the light of the analysis of the Scientific expert on the implication of the FATF Recommendations (2012) & Item 10. Discussion of practical issues arising from the implementation and application of the Warsaw Convention

- took note of the status of the fast track procedure under Article 54(6) in respect of additions to the designated categories of offences in the Annex with respect to smuggling and tax crimes;
- revisited the Secretariat's paper from the 5th meeting of the COP on possible amendments to the Convention in the light of the revised FATF Recommendations. The COP reaffirmed its agreement not to undertake at this stage an amendment process to the Convention.
- The COP agreed that the next priority should be to examine the potential inconsistency of the proposed amendments to the designated categories of predicate offences to include tax offences and the current discretion in Art. 28(1)(d) to refuse international cooperation on the basis of the fiscal excuse (except for financing of terrorism). The Conference of the Parties decided to consent on this issue in the context of a written survey on the implementation of the Convention by State Parties, which it was agreed should be conducted. The Conference of the Parties gave the Bureau the authority to prepare an informed proposal on any amendment in this regard for consideration by the next Conference of the Parties.

Item 9. Report of activities of the Conference of the Parties to the Committee of Ministers

- took note of the presentation of the Secretariat about the status of the report of activities of the COP
- agreed that the Secretariat shall include in the report results from the survey on the implementation of the Convention which will be circulated to all States Parties, and will consequently present a final draft to the Bureau for discussion in 2015.

Item 11. Information on other relevant reports and activities of the Council of Europe and possible follow up, as necessary

- took note of the PC-OC special session in November on confiscation, seizure, freezing of proceeds of crime, including management of assets; and agreed that the Secretariat will liaise with the relevant counterparts about the possible participation of selected COP experts to contribute to this meeting.

Item 12. Communication on other relevant activities in other international fora

- welcomed the on-going co-operation with the FATF and the future planned assessments.

Item 13. Review and discussion of reservations and declarations with respect to CETS no. 198

- took note of the information paper outlining the reservations and declarations of State Parties and decided to invite Parties to review their reservations and declarations in order to remove the ones that are no longer necessary;
- agreed in this respect to broaden the survey on the implementation of the Convention in order to include questions regarding the difficulties the countries are facing when implementing the provisions in respect of which they have entered reservations. The survey should be amended to include additional questions with regard to several articles which were defined as key to the added value of the Convention:
 - Reversal of the burden of proof for confiscation- Art. 3(4)
 - Monitoring of bank accounts- (Art. 7(2))
 - Article 9(6) - conviction for ML without establishing precisely the predicate offence
 - Postponement of transactions at the request of a Party (article 47)
 - Provision of information by the requested FIU without a formal request (article 46(5))

Item 14. Further work programme of the Conference of the Parties

- accepted the proposal of the Secretariat to hold the next meeting of the Conference of the Parties from 4-6 November 2015, and decided that the President, Vice-President and members of the Bureau would continue in office until elections are held at its next meeting;
- decided to arrange a training of rapporteurs (possibly in May 2015) and a meeting of the Bureau prior to its next Conference of the Parties;
- decided that for its next meeting, the Parties to be assessed would be : Armenia, Belgium and Bosnia and Herzegovina;
- decided that, at its next meeting, the COP shall examine the follow-up report on Croatia and Poland and agreed that the Rapporteurs shall be Albania and Spain;
- decided that the Secretariat shall amend the draft survey on the implementation of the Convention in order to include the proposals of the Bureau ; the final document shall then be sent to State Parties for completion of the questionnaire;
- decided to make arrangements for the presentation by the President and the Executive Secretary of a report on COP activities to the Committee of Ministers before the next COP meeting.

Item 15. Election of the members of the Bureau of the Conference of the Parties

- pursuant to Rule 4 of the Rules of Procedure, re-elected Mr. Sorin TANASE (Romania) and elected Mr. Vitalii BEREGIVSKYI (Ukraine), Ms. Donatella FRENDI DIMECH (Malta) as members of the Bureau, for a term of office until the next COP meeting in 2015.

Item 16. Other business

- took note of the report by the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe and the call included therein for accelerating the signature and ratification processes by countries, in particular Member States of the Council of Europe, which have not yet done so.

Item 17. Adoption of decisions

- Adopted the list of decisions of the meeting.

APPENDIX III – List of Participants

I. States Parties to CETS 198 / États parties à la Convention STCE 198

ALBANIA / ALBANIE

Mr Besnik MUÇI
Prosecutor in the Prosecution Office for Severe Crimes in Tirana
Department of Foreign Jurisdictional Relations
General Prosecutor's Office of Albania

Mr Edmond ADEMI
Legal Expert, Ministry of Justice

ARMENIA / ARMÉNIE

Ms Ani GOYUNYAN
International relations expert
Financial Monitoring Center
Central Bank of Armenia
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Ms Arpi HARUTYUNYAN
Leading specialist, Judicial Commissions Division
International Legal Department, Ministry of Justice
Yerevan

Ms Hasmik MUSIKYAN

Apologised / Excusée

MEMBER OF THE BUREAU

Methodologist-Legal Advisor, Legal Compliance Department, FMC, Central Bank of Armenia

BELGIUM / Belgique

Apologised / Excusée

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

Mr Borislav ČVORO
HEAD OF DELEGATION
Senior Inspector in Financial Intelligence Unit
FID / SIPA, Sarajevo

BULGARIA / BULGARIE

Mr Evgeni EVGENIEV
Acting Director of FID-SANS
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CROATIA / CROATIE

Mr Krešimir SIKAVICA
Head of Service for Economic Crime and Corruption,
Police National Office for Suppression of Corruption and
Organized Crime, Ministry of the Interior

Ms Marta ŠAMOTA GALJER
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CYPRUS / CHYPRE

Mrs Eva ROSSIDOU-PAPAKYRIACOU
PRESIDENT OF THE C198-COP
Senior Counsel of the Republic, Head of the Unit for Combating Money Laundering
Attorney General's Office, 27 Katsoni Street, CY – 1082 NICOSIA

Ms Antigoni HADJIXENOPHONTOS
RAPPORTEUR FOR THE REPUBLIC OF MOLDOVA
Financial Analyst
Cyprus FIU

GEORGIA / GEORGIE

Mr Malkhaz NARINDOSHVILI
Head of division of Methodology
International Relations and Justice of
the Financial Monitoring Service of Georgia

Mr Revaz BAGASHVILI
Head of the Criminal Prosecution of Legalization of
Illegal income Division of the Investigation Unit
Chief Prosecutor's office of Georgia

Mr Mikheil JINJOLIA
Investigator for particularly important cases
Criminal Prosecution of Legalization of
Illegal income Division of the Investigation Unit
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HUNGARY / HONGRIE

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HEAD OF DELEGATION
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LATVIA / LETTONIE

Apologised / excusé

MALTA / MALTE

Dr Donatella FRENDO DIMECH

HEAD OF DELEGATION

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High Office for Exceptional Cases Office for Prevention and Fight against Money Laundering

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Mrs Oxana GISCA

High Officer for exceptional cases

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Mrs Olga IONAS

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Apologised / excusé

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PORTUGAL

Ms Carla LEAO
RAPPORTEUR FOR MALTA
Inspector, FIU Portugal
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Mr Paulo NEVES POCINHO
Représentant Permanent Adjoint

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FIU Romania

Mrs Mariana RADU

RAPPORTEUR FOR MALTA

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Ministry of Justice

Mrs Dana BURDUJA
Prosecutor
Prosecutor's Office attached to the
High Court of Cassation and Justice,

Mr George NICA
Prosecutor
Directorate for Investigating and Combating
Organized Crime and Terrorism

SAN MARINO / SAINT-MARIN

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Ministry of Justice
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Ministry of Justice of Ukraine.

Mr Dmytro LOBAN
Head of division, Prosecutor General of Ukraine

Mr Vitaliy BEREZIVSKIY
RAPPORTEUR FOR MONTENEGRO
Deputy Head of Unit
Head of Division of the Financial Investigation Department
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II. Signatory / / observer States / États signataires / observateurs

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Apologised / Excusé

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LUXEMBOURG

Apologised / Excusé

MOROCCO / MAROC

Mr Abdesselam EL ELIMANI
Procureur du Roi auprès du Tribunal de Première Instance de Rabat

Mr Abderrahman ELLAMTOUNI
Magistrat détaché à la Direction des Affaires Pénales et des Grâces
Ministère de la Justice et de Libertés du Royaume du Maroc

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Apologised / Excusé

TURKEY / TURQUIE

Mr Abdullah-Melih KUTLU
Judge
Ministry of Justice

Mr Mehmet Onur YURDAKUL
Finance Expert
Financial Crimes Investigation Board

Mr Mustafa Beyhan VEYSELOĞLU
Police Chief (3rd Degree)
Turkish National Police

UNITED KINGDOM / ROYAUME-UNI

Mr Justin MILLAR
Home Office, London

III. Observer organisations/ / Organisations observateurs

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IV. Scientific expert / Expert scientifique

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V. Secretariat of the Council of Europe / Secretariat du Conseil de

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Directorate General I - Human Rights and Rule of Law
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Mr John RINGGUTH
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Information Society and Action against Crime Directorate
Directorate General I - Human Rights and Rule of Law

Ms Astghik KARAMANUKYAN
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Information Society and Action against Crime Directorate
Directorate General I - Human Rights and Rule of Law

Ms Livia STOICA BECHT
Head of Unit/ Chef d'Unité
Information Society and Action against Crime Directorate
Directorate General I - Human Rights and Rule of Law

Mr Daniel TICAU

Administrator / Administrateur
Information Society and Action against Crime Directorate
Directorate General I - Human Rights and Rule of Law

Mr Hasan DOYDUK
Administrative Assistant / *Assistant Administratif*

Mme Danielida WEBER
Administrative Assistant / *Assistante Administrative*

VI. Interpreters / *Interprètes*

Ms Lucie DE BURLET
Ms Isabelle MARCHINI
Ms Corine McGEORGE