



Strasbourg, 12 June 2013

C198-COP(2013)DEC5

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)**

5th MEETING

Strasbourg, 12-14 June 2013*

LIST OF DECISIONS

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

LIST OF DECISIONS

At its fifth meeting, held in Strasbourg from 12 to 14 June 2013, 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 by Mr Jan Kleijssen, Director of Information Society and Action against Crime Directorate

- took note of the comments made by the President and the Director of Information Society and Action against Crime Directorate on the importance of the Convention, the need to ensure that it is up to date with international standards, and on the future cooperation between the COP and the Financial Action Task Force (FATF).

Item 2. Election of President and Vice-President of the Conference of the Parties

- pursuant to Rule 4 of the Rules of Procedure, re-elected Ms. Eva ROSSIDOU-PAPAKYRIACOU (Cyprus) as President, for a term of office of two years and elected Mr. Branislav BOHACIK (Slovak Republic) as Vice-President of the Bureau for a mandate of two years, renewable once.

Item 3. Adoption of the Agenda

- adopted the Agenda as it appears in Appendix I to this document. The list of participants appears in Appendix II.

Item 4. Election of members of the Bureau of the Conference of the Parties

- pursuant to Rule 4 of the Rules of Procedure, re-elected Ms. Katerina BUHAYETS (Ukraine), Ms. Hasmik MUSIKYAN (Armenia) and Mr. Sorin TANASE (Romania) as members of the Bureau, for a term of office of one year.

Item 5. Information from the President

- took note of the information provided by the President and Secretariat regarding the state of negotiations with the European Union on ratification of the Convention.

Item 6. Information from the Secretariat

- took note of the Council of Europe publication "Reference Documents Conference of the Parties".
- took note of the information provided by the Secretariat on the negotiations with the FATF with a view of joining their evaluations where possible in respect of States parties to the Convention which are members of the FATF.

Item 7. Progress made by States in signing/ratifying the CETS No. 198

- invited member and non-member States of the Council of Europe to accede to the Convention as soon as possible.
- welcomed Bulgaria's ratification and subsequent entry into force of the Convention; Denmark's, Estonia's and Georgia's signatures; and the UK's written statement on its intention to ratify CETS No. 198.

Item 8. Review and discussion of reservations and declarations with respect to CETS No. 198

- noted that several Parties considered that their reservations upon the ratification could now be lifted.
- decided to invite Parties to review their reservations and declarations in order to remove the ones that are no longer necessary.

Item 9. First CETS no. 198 Follow-up report of Albania

- adopted the replies to the questionnaire prepared by Albania 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 10. Information from the European Union and accession of the EU to CETS no. 198

- agreed to pursue the dialogue between the COP Secretariat and the European Commission on the ratification of the Convention by the European Union.
- took note of the President's and the Director of Information Society and Action against Crime's invitations to States to ratify the Convention as soon as possible.
- invited the European Union to ratify the Convention.

Item 11. Discussion of the Conference of the Parties' Draft Evaluation Report on Croatia

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

Item 12. Secretariat review of possible amendments to the Convention in the light of the analysis of the Scientific expert on the implication for the Convention of the FATF Recommendation (2012)

- agreed the approach set out in the Secretariat paper C198-COPS(2013)INF-12;
- decided to invoke the fast track procedure under A 54(6) in respect of additions to the designated categories of offences in the Annex with respect to smuggling and tax crimes (as set out in paragraph 10 of the paper).
- agreed to review the position in respect of other amendments at each COP meeting in the light of changes foreseen to EU standards and in particular to consult with State Parties via questionnaires on problems encountered in practice with regard to A 28(1)(d) (fiscal excuse) and banking secrecy (A 28(7)).

Item 13. Discussion of the Conference of the Parties Draft Evaluation Report on Poland

- examined the draft report on Poland and agreed a number of amendments.
- adopted as amended and subject to further editorial changes the report on Poland, and noted that, pursuant to its Rules of Procedure, this report shall automatically be published within four weeks of adoption.

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

- (1) decided to arrange an awareness raising conference and a training of rapporteurs, which will be held in Armenia from 1st to 4 October 2013.
- (2) decided that the next Parties to be assessed would be: the Republic of Moldova, Malta and, possibly, Montenegro. Discussions would be held about joining FATF evaluations of Belgium and Spain, in the light of the outcome of discussions on the overall issue of collaboration in on-site missions with the FATF.
- (3) decided that, at its next meeting, in June 2014, the COP shall examine the follow-up report on Romania.
- (4) decided to make arrangements for the presentation by the President and the Executive Secretary of a report on its activities to the Committee of Ministers before the next COP meeting.