



Strasbourg, 8 March 2011

C198-COP(2011)REP3

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)

3rd MEETING

Strasbourg, 7-8 March 2011

MEETING REPORT

Memorandum prepared by the Secretariat
Directorate General of Human Rights and Legal Affairs

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SUMMARY ACCOUNT OF THE PROCEEDINGS

Items 1, 2 and 3 – Election of the President, the Vice-President and the Bureau of the Conference of the Parties, and Adoption of the Agenda

1. The Secretariat opened the meeting. The Conference of the Parties proceeded to the election of the President, and elected Mrs Eva ROSSIDOU-PAPAKYRIACOU (Cyprus) as the President for two-year-term. In her speech to the Conference of the Parties, she stressed the importance of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198) in improving the international AML/CFT standards.
2. The Conference of the Parties (COP) then elected Ms Alina BICA as the Vice-President. Immediately after the election of the President and Vice-President, the Conference decided, according to Rule 4 of the Rules of Procedure, to renew the term of office of the existing Bureau members, Mrs Hasmik MUSIKYAN (Armenia), Mrs Oxana GISCA (Moldova) and Mr Sorin TANASE (Romania), one more year.
3. The Conference of the Parties adopted the agenda as it appears in Annex I.

Item 4 – Information from the Secretariat

4. The Secretariat informed the Conference of the Parties of “the Training Seminar on the Implementation of the CETS No.198” held on 16-17 June 2010 in Strasbourg, as well as of its intervention in the “Council of Europe Conference on Prevention of Terrorism: Prevention Tools, Legal Instruments and Their Implementation” held on 16-17 December 2010 in Istanbul in the framework of Turkey’s Chairmanship in the Council of Europe Committee of Ministers.
5. The Secretariat also informed the Conference of the Parties about the steps to be taken to make the CETS No.198 website fully operational by the next COP meeting and invited the delegations to provide the Secretariat with feedback in the meantime.
6. The Secretariat briefly updated the Conference of the Parties of FATF’s ongoing work on review of standards.

Item 5 – Discussion of the opinion of the Jurisconsult of the Council of Europe on the issue of the voting rights of the European Community after its ratification of the CETS No. 198

7. The Conference heard further opinions of the European Commission on the issue of the voting rights of the EC after its ratification of the Convention, which was based on the approach followed in Article 7 of the Convention on Information and Legal Co-operation concerning “Information Society Services” (CETS No.180). In the light of Jurisconsult opinion, some Parties and observers underlined the importance of ascertaining the areas where the EC has an exclusive competence to act on behalf of its member States, before taking a decision on the matter. The Conference decided to refer to the Jurisconsult of the Council of Europe for a further opinion, and invited the Bureau, as a first step, to hold consultations with the European Community in order to gather further information to assist in a further review by the Jurisconsult of its opinion.

Item 6 - Discussion of the Conference of the Parties draft Evaluation Report on Albania

8. The Secretariat introduced the rapporteurs, and, thanking the Albanian authorities for their co-operation, briefly outlined the assessment procedure and main findings of the report.
9. The Albanian Head of Delegation thanked the rapporteurs for their work and gave an overview of the legislative steps undertaken by Albania since the entry into force of CETS No.198 in 2008.
10. The rapporteurs presented an overview of their findings. The Chairman then proceeded with a discussion of the draft report.

Main horizontal issues arising

11. The Conference of the Parties sought information on and mainly discussed the following horizontal issues:
 - a. Expectations from Parties to comply with Article 11 of the Convention and paragraph 112 of the Explanatory Report, while taking into account final court judgments taken in another Party in relation to offences, in accordance with the Convention;
 - b. If the Parties are obliged to maintain detailed statistics on a breakdown of types of FIUs to demonstrate the effectiveness of the cooperation with different types of FIUs.
12. With regard to taking into account of final court judgments of other Parties when determining the penalty, the Conference of the Parties decided that Article 11 of the Convention obliges Parties to have measures in place, which provide for such a possibility, however, it does not set out any specific method for taking into account foreign court judgments when determining a penalty. Hence, the Conference of the Parties concluded that Albania is in a position to take into account final court judgments taken in another Party in relation to offences established in accordance with the CETS N°198, though it appears not to have occurred in practice as yet. .
13. With regard to the second horizontal issue, the Conference of the Parties decided that in order to demonstrate the effectiveness of cooperation with all types of FIUs irrespective of administrative, law enforcement or judicial authority under paragraph 3 of Article 46 of the Convention, Parties are not obliged to introduce an obligation in law or regulation for keeping statistics on the breakdown of types of FIUs that are cooperated with.
14. The Conference of the Parties discussed the whole report in depth, and as a result of clarifications made by the Albanian authorities and the rapporteurs, introduced amendments to the report where necessary.
15. The Conference then adopted the report on Albania 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.

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

16. The Conference of the Parties noted with satisfaction that, since its last meeting, the Convention had been ratified by four Council of Europe member states (Portugal, San Marino, Slovenia and Ukraine) bringing the number of ratifications to 22. The Conference of the Parties once again urged the Council of Europe member states which have not already done so, the non-member states which had participated in the preparation of the Convention, and the European Union, to sign and/or ratify the Convention. Other non-member States of the Council of Europe were also invited to accede to the Convention.
17. The President invited countries to make interventions on the progress of their countries in signing and ratifying the Convention. The representatives of Azerbaijan, Ireland, Monaco and the Russian Federation updated the Conference of the Parties of their steps taken. The representative of Azerbaijan stated that Azerbaijan has started the signing process by sending the translated text of Convention to the relevant authorities. The representative of Ireland informed that a new legislation that includes provisions relating to the Convention was brought into force in 2010. The representative of Monaco indicated Monaco's willingness to sign the Convention without giving any timetable for signing it. Finally, the representative of the Russian Federation stated that the process of ratification of the Convention is underway.

Item 8 - Representation of the Conference of the Parties in MONEYVAL

18. The new statute of MONEYVAL (CM/Res(2010)12) which came into force on 1 January 2011 includes in Article 4(1) the possibility of the Conference of the Parties being represented in MONEYVAL's meetings.
19. The Conference of the Parties decided that the Conference of the Parties would be represented in MONEYVAL by its President.

Item 9 - Revision of FATF standards – impact on the Convention

20. The Secretariat briefly updated and familiarised the Conference of the Parties about the present work on revision of the FATF standards and their possible implications for the Convention. The Conference of the Parties took note of this ongoing work and agreed to take stock of any implications for the Convention at its next meeting.

Item 10 - Further work programme of the Conference of the Parties

21. The Conference of the Parties decided that the next Conference of the Parties would be held in Ukraine on 17-18 October 2011 in conjunction with a Regional Seminar to promote the wider ratification of the CETS 198. It was proposed that international cooperation in the field of non-conviction based confiscation could be further explored at this seminar.
22. The Conference of the Parties further decided that the next Party to be assessed would be Romania.

23. The Secretariat stated that the Conference of the Parties will have adopted 2 reports (Albania and Romania) by the end of 2011. The Conference of the Parties will conduct four assessments in 2012.
24. The President concluded the meeting. (See the list of participants in Annex II and the list of decisions in Annex III)

Annex I

Strasbourg, 7 March / mars 2011

C198-COP(2011)OJ1

**Third 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 198)**

*Troisième Conférence des Parties à la Convention
relative au blanchiment, au dépistage, à la saisie et à la confiscation
des produits du crime et au financement du terrorisme (STCE 198)*

**Strasbourg, 7 - 8 March / mars 2011
Palais de l'Europe, room / salle 9**

AGENDA / D'ORDRE DU JOUR

1. **Election of the President and the Vice-President of the Conference of the Parties / Election du Président et du Vice-président de la Conférence des Parties**
2. **Election of the Bureau of the Conference of the Parties / Election du Bureau de la Conférence des Parties**
3. **Adoption of the Agenda / Adoption de l'ordre du jour**
4. **Information from the Secretariat / Informations par le Secrétariat**
 - **Training Seminar (June 2010) / Séminaire de formation (juin 2010)**
 - **Intervention in the Council of Europe Conference « Prevention of Terrorism : Prevention Tools, Legal Instruments and their implementation », Istanbul, December 2010 / Participation à la conférence du Conseil de l'Europe « Prévention du terrorisme: moyens de prévention, instruments juridiques et leur mise en œuvre », Istanbul, décembre 2010**
 - **Website / Site web**
5. **Discussion of the opinion of the Jurisconsult of the Council of Europe on the issue of the voting rights of the European Community after its ratification of the CETS No. 198 / Discussion de l'avis du Conseiller Juridique du Conseil de l'Europe quant au droit de vote de la Communauté européenne suite à sa ratification de la STCE No. 198**
6. **Discussion of the Conference of the Parties Draft Evaluation Report on Albania / Discussion du projet de rapport d'évaluation de la Conférence des Parties sur l'Albanie**
7. **Progress made by States in signing/ratifying the CETS No. 198 / Développements relatifs à la signature/ratification par les Etats de la STCE No. 198**
8. **Representation of the Conference of the Parties in MONEYVAL / Représentation de la Conférence des Parties auprès de MONEYVAL**
9. **Revision of FATF standards – impact on the Convention / Révision des standards du GAFI – impact sur la Convention**
10. **Further work programme of the of the Conference of the Parties / Futurs travaux de la Conférence des Parties**
 - **Second meeting of the Conference of the Parties in 2011 / Seconde réunion de la Conférence des Parties en 2011**
 - **2012 meetings of the of the Conference of the Parties / Les réunions de la Conférence des Parties en 2012**
11. **Any other business / Divers.**

Annex II

Strasbourg, 8 March 2011

C198–COP3(2011) LP1prov

**Third Meeting of 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 198)**

*Troisième réunion de la Conférence des Parties
à la Convention relative au blanchiment, au dépistage,
à la saisie et à la confiscation des produits du crime et au financement du terrorisme
(STCE 198)*

Strasbourg, 7 - 8 March / mars 2011

**Palais de l'Europe
Room / Salle 9**

**LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS**

**I. STATES PARTIES TO THE CETS 198 /
ÉTATS PARTIES A LA CONVENTION STCE 198**

ALBANIA / ALBANIE

Ms Fleura KOLA
Legal Expert, International Acts Sector,
General Directorate of Codification, Ministry of Justice

Mrs Naureda LLAGAMI (Ylli)
Director of Drafting Legislation and Approximation,

Mr. Artan SHIQERUKAJ
Expert in General Directorate for the Prevention of Money Laundering (GDPML)

ARMENIA / ARMÉNIE

Ms Hasmik MUSIKYAN
Rapporteur for Albania
Methodologist, Division of Legal Compliance and International Relations,
Financial Monitoring Center, Central Bank of Armenia

BELGIUM / BELGIQUE

Ms Julie DUTRY
Attachée, DG Législation, SPF Justice

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

Apologised / Excusée

CROATIA / CROATIE

Mr Ivan PLEVKO
Deputy District Attorney, District Attorney's Office

Mr Krešimir SIKAVICA
Head of Economical Crime and Corruption Department

CYPRUS / CHYPRE

Mrs Eva ROSSIDOU-PAPAKYRIACOU
Senior Counsel of the Republic, Head of the Unit for Combating Money Laundering
Attorney General's Office

HUNGARY / HONGRIE

Ms Zsófia PAPP
Senior legal expert, Ministry for national Economy,

Ms. Dr Henriett NAGY Apologised / Excusée
Rapporteur for Albania
Ministry of Justice and Law Enforcement, Department of International Co-operation

LATVIA / LETTONIE

Apologised / Excusé

MALTA / MALTE

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Office of the Attorney General, The Palace, Republic Street,

MOLDOVA / MOLDOVA

Ms Oxana GISCA
Office for Prevention and Fight Against Money Laundering

MONTENEGRO / MONTÉNÉGRO

Ms Ana BOSKOVIC
Collaborator in the Supreme State Prosecutor's Office

Mr Drazen BURIC
Deputy Special Prosecutor for Organised Crime

Mr Predrag MITROVIC
Director, Administration for the Prevention of Money Laundering

NETHERLANDS / PAYS-BAS

Ms Claudia PIETERSE
Permanent Representation of Netherlands

POLAND / POLOGNE

Ms Agnieszka KANIA
Legal Advisor, Head of Legal Unit in the Department of Financial Information in the Ministry of
Finance in Poland (FIU)

PORTUGAL

Mr António FOLGADO
Head of Division of Criminal Justice, International Affairs Department, Directorate General for Justice Policy, Ministry of Justice of Portugal

ROMANIA / ROUMANIE

Ms Alina BICA
Secretary of State, Ministry of Justice and Citizens' Liberties

Mr Florin ION
Rapporteur for Albania
Counsellor to the President, Financial Intelligence Unit

Mr Sorin TANASE
Director, Department for the Reform of the Judiciary and Combating Corruption
Ministry of Justice

SAN MARINO / SAINT-MARIN

Mr Alberto BURIANI
Law Commissioner of the Single Court
Via 28 Luglio, 47893 Borgo Maggiore (RSM)

Mr Simonluca MORSIANI
Law Commissioner of the Single Court

Ms Giorgia UGOLINI
Legal Expert, Financial Intelligence Agency (FIU)

SERBIA / SERBIE

Ms Jovana GRUJIC
Adviser, Ministry of Justice

Mrs Milunka MILANOVIĆ
Administration for the Prevention of Money Laundering, Ministry of Finance,

SLOVAKIA / SLOVAQUIE

Mr Andrej LAZAR
Head of International Co-operation Department, Bureau of Organised Crime,
Financial Intelligence Unit, Ministry of the Interior,

SLOVENIA / SLOVÉNIE

Apologised / Excusée

SPAIN / ESPAGNE

Mr Javier LEAL
Centre de l'Intelligence contre le Crime Organisé,
Secrétariat d'Etat de la Sécurité, Ministère de l'Intérieur

Mr Fernando SANZ
Comisaría General de Policía Judicial, Unidad Central de Delincuencia Económica y Fiscal Brigada de
Blanqueo de Capitales - Grupo 15

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"
"L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

Mr Vladimir ATANASOVSKI
Director of the Office for Money Laundering Prevention and Financing of Terrorism Ministry of Finance

II. SIGNATORY / CONTRACTING/ OBSERVER STATES
ÉTATS SIGNATAIRES / CONTRACTANTS/ OBSERVATEURS

ANDORRA / ANDORRE

AUSTRIA / AUTRICHE

AZERBAIJAN / AZERBAÏDJAN

Ms Sevinj NOVRUZOVA
Senior Legal Adviser, Financial Monitoring Service, Central Bank of the Republic of Azerbaijan

Ms Rugiya HAJIYEVA
Senior Specialist, Financial Monitoring Service, International Cooperation, Central Bank of the Republic of Azerbaijan

BULGARIA / BULGARIE

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

DENMARK / DANEMARK

ESTONIA / ESTONIE

FINLAND / FINLANDE

FRANCE

Apologised / Excusée

GEORGIA / GÉORGIE

GERMANY / ALLEMAGNE

GREECE / GRÈCE

ICELAND / ISLANDE

IRELAND / IRLANDE

Mr James MOLONEY
Justice Attaché, Representation of Ireland to the Council of Europe, Department of Justice and Law Reform

ITALY / ITALIE

LIECHTENSTEIN

LITHUANIA / LITUANIE

LUXEMBOURG

MONACO

Mme Danielle MEZZANA-GHENASSIA
Conseiller technique, Service d'Information et de Contrôle sur les Circuits Financiers (SICCFIN),

NORWAY / NORVÈGE

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Alexander BONDARENKO
Councilor, Legal Department of the Federal Service of Financial Monitoring (Rosfinmonitoring).

Ms Tatiana GUREEVA
Head of Division, Department of New Challenges and Threats, Ministry of Foreign Affairs

SWEDEN / SUÈDE

SWITZERLAND / SUISSE

Apologised / *Excusée*

TURKEY / TURQUIE

UKRAINE

Mr Serhii SHEVCHUK
Deputy to the Permanent Representative of Ukraine to the Council of Europe

UNITED KINGDOM / ROYAUME-UNI

**III. OBSERVERS TO THE COMMITTEE OF MINISTERS /
OBSERVATEURS AUPRÈS DU COMITÉ DES MINISTRES**

CANADA / CANADA

HOLY SEE / SAINT-SIÈGE

Prof. Avv. Marcello CONDEMI
Vice President, FIU

Dr. Avv. Francesco DE PASQUALE
Director, FIU

JAPAN / JAPON

MEXICO / MEXIQUE

Mr Luis Castro OBREGÓN
Deputy Attaché on Strategic Information, Legal Attaché for Europe, Attorney General's Office

UNITED STATES / ETATS UNIS

IV. EUROPEAN UNION / UNION EUROPEENNE

Mr Gerhard MILD
European Commission, DG Internal Market and Services, Unit F2 - Company Law, Corporate Governance, Financial Crime

Mr Peter NATH
General Secretariat of the Council of the EU, DG H 2 B

V. COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE / COMITE DES MINISTRES DU CONSEIL DE L'EUROPE

VI. PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

VII. EUROPEAN COMMITTEE ON CRIME PROBLEMS / COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)

VIII. GROUP OF STATES AGAINST CORRUPTION / GROUPE D'ETATS CONTRE LA CORRUPTION (GRECO)

Mr Björn JANSON
Deputy to the Executive Secretary
Group of States against Corruption / Groupe d'Etats contre la corruption (GRECO)

IX. MONEYVAL

Ms Livia STOICA BECHT
Administrator
Directorate General of Human Rights and Legal Affairs
Directorate of Monitoring ,Council of Europe

X. FINANCIAL ACTION TASK FORCE (FATF) / GROUPE D'ACTION FINANCIÈRE (GAFI)

XI. EURASIAN GROUP (EAG) / GROUPE EURASIE (EAG)

SECRETARIAT OF THE COUNCIL OF EUROPE / SECRÉTARIAT DU CONSEIL DE L'EUROPE

Mr Christos GIAKOUMOPOULOS
Director of Monitoring / Directeur des Monitorings
Directorate General of Human Rights and Legal Affairs (DG-HL) /
Direction Générale des droits de l'Homme et des affaires juridiques (DG-HL)

Mr John RINGGUTH
Executive Secretary / Secrétaire Exécutif
Directorate of Monitoring / Direction des Monitorings
Directorate General of Human Rights and Legal Affairs (DG-HL) /
Direction Générale des droits de l'Homme et des affaires juridiques (DG-HL)

Mr Sener DALYAN
Administrator / *Administrateur*

Mme Marie-Louise FORNES
Administrative Assistant / *Assistante Administrative*

Ms Izabela SLUSARCZYK-TUREK
Administrative Assistant / *Assistante Administrative*

Ms Danielida WEBER
Administrative Assistant to the Conference of the Parties/
Assistante Administrative à la Conférence des Parties

INTERPRETERS / INTERPRÈTES

Ms Martine CARALY-STARKE
Ms Chloé CHENETIER
Ms Nicolas GUITTENNEAU

LIST OF DECISIONS

At its third meeting, held in Strasbourg from 7 to 8 March 2011, 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 adopted the following decisions:

Item 1. Election of the President and Vice- President of the Conference of the Parties

1. Elected Ms Eva ROSSIDOU PAPAKYRIACOU (Cyprus) as President of the Conference of the Parties, and Ms Alina BICA (Romania) as Vice-President, both for a term of office of two years.

Item 2. Election of the Bureau of the Conference of the Parties

2. Elected Ms Oxana GÎSCA (Moldova), Ms Hasmik MUSIKYAN (Armenia) and Mr Sorin TANASE (Romania) as members of the Bureau, for a term of office of one year.

Item 3. Adoption of the Agenda

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

Item 4. Information from the Secretariat

4. Took note of the information provided by the Secretariat regarding the training seminar, the intervention in the Council of Europe Conference in Istanbul (December 2010) , the website of the Conference of the Parties and the Council of Europe representations for inclusion of consideration of the signature and ratification of CETS No. 198 in the revised FATF Recommendations.

Item 5. Discussion of the opinion of the Jurisconsult of the Council of Europe on the issue of the voting rights of the European Community after its ratification of the CETS No. 198

5. Decided to refer to the Jurisconsult of the Council of Europe for a further opinion on the issue of the voting rights of the European Union after its ratification of the Convention, and invited the Bureau to hold consultations with the European Union in order to gather further information to assist in a further review by the Jurisconsult of its opinion.

Item 6. Discussion of the Conference of the Parties draft Evaluation Report on Albania/

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

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

7. Noted with satisfaction that, since its last meeting, the Convention had been ratified by four Council of Europe member states (Portugal, San Marino, Slovenia, Ukraine) bringing the number of ratifications to 22. The Conference of the Parties once again urged the Council of Europe member states which have not already done so, the non-member states which had participated in the preparation of the Convention, and the European Union, to sign and/or ratify the Convention. Other non-member States of the Council of Europe are also invited to accede to the Convention.

Item 8. Representation of the Conference of the Parties in MONEYVAL

8. Decided that the Conference of the Parties would be represented in MONEYVAL by its President.

Item 9. Revision of FATF standards – impact on the Convention

9. Took note of the present revision of the FATF standards and agreed to take stock of any implications for the Convention at its next meeting.

Item 10. Further work programme of the Conference of the Parties

10. Decided that the next Conference of the Parties would be held in Ukraine on 17-18 October in conjunction with a Regional Conference. The next report would be Romania.