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## **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)**

## **RULES OF PROCEDURE<sup>1</sup>**

Directorate of Information Society and Action against Crime  
Directorate General Human Rights and Rule of Law – DGI

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<sup>1</sup> Adopted by the Conference of the Parties at its first meeting (Strasbourg, 22-23 April 2009), revised and amended at the fourth meeting (Strasbourg 12-14 June 2012), and at the eighth meeting (Strasbourg, 25-26 October 2016)

# **Part I: Key procedural documents of the Conference of the Parties**

## **Rules of Procedure**

The Conference of the Parties,

Having regard to 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) (hereinafter "the Convention"), in particular Article 48 thereof on monitoring of its implementation;

Pursuant to paragraph 5 of Article 48 of the Convention;

Adopts the present rules of procedure:

## **Rule 1 – Composition**

### **Members**

1. The members of the Conference of the Parties (hereinafter Conference) shall be representatives of the States and entities referred to in article 49 paragraph 1 of the Convention that are Parties to the Convention and of other states that have acceded to the Convention under its article 50.
2. Each member of the Conference of the Parties may be accompanied by two deputy members.
3. Members and deputy members shall be entitled to reimbursement of their expenses, within the limits of the Council of Europe budgetary appropriations.

### **Participants**

4. Participants shall be representatives of:
  - a. States and entities referred to in article 49 paragraph 1 of the Convention which have signed but not yet ratified the Convention;
  - b. States or entities which have ratified or acceded to the Convention but in respect of which it has not yet come into force;
  - c. other member states of the Council of Europe;
  - d. states having observer status with the Council of Europe;
  - e. the Committee of Ministers of the Council of Europe;
  - f. the Parliamentary Assembly of the Council of Europe;
  - g. the Committee of Experts on the evaluation of anti-money laundering measures and the financing of terrorism (MONEYVAL);
  - h. the European Committee on Crime Problems (CDPC);
  - i. the Group of States against Corruption (GRECO);
  - j. the Financial Action Task Force (FATF);
  - k. the Eurasian Group (EAG).

5. Participants shall not have the right to vote, nor shall they be entitled to reimbursement of their expenses.

### **Observers**

6. The Conference or its Bureau may, on a permanent or ad hoc basis, authorize international governmental organizations, including the United Nations, the Organization for Security and Co-operation in Europe (OSCE), the International Monetary Fund (IMF), the World Bank, the Egmont Group and Interpol, to send representatives to its meetings as observers without the right to vote, or defrayal of their expenses.

## **Rule 2 – Restricted composition**

The Conference of the Parties may decide to hold sessions with a more restricted composition than that set out in Rule 1 above; however, it cannot restrict members' participation in any session.

## **Rule 3 – Presidency and Vice-Presidency**

1. The Conference shall elect a President and a Vice-President from among its Parties. These elections shall not affect the total number of representatives of the Parties concerned.
2. The term of office of the President and the Vice-President shall be two years. It shall be renewable once.
3. Election of the President and the Vice-President shall require a two-thirds majority in the first round of voting and a simple majority in the second round of voting.
4. Elections shall be held by secret ballot.
5. The President shall direct discussions and draw conclusions from them whenever he/she deems appropriate. He/she may call to order any speaker who departs from the subject under discussion or the functions set out in Rule 1 above.
6. The Vice-President shall replace the President if he/she is unavailable or unable to chair a meeting for any other reason. If the Vice-President is unavailable, the President shall be replaced by another member of the Bureau appointed by it.
7. The President or any other member acting as President shall retain the right to take the floor and to vote as a member of the Conference.

## **Rule 4 – Bureau**

1. The Conference of the Parties shall elect a Bureau consisting of the President, the Vice-President and three other members of the Conference.
2. The Bureau shall be responsible for:

- assisting the President in directing the work of the Conference;
  - ensuring the preparation of meetings;
  - ensuring continuity between meetings where necessary;
  - performing any other specific additional task delegated to it by the Conference.
3. Bureau members shall be elected in the same way as the President and the Vice-President. The election shall take place immediately after the election of the President and the Vice-President. The term of office of Bureau members shall be two years and may be renewed once.

## **Rule 5 – Secretariat**

The secretariat of the Conference shall be provided by the Secretariat General of the Council of Europe. To this end, the Secretary General of the Council of Europe shall appoint the Executive Secretary of the Convention and any other necessary staff.

## **Rule 6 – Official languages**

1. The official languages of the Conference shall be those of the Council of Europe.
2. Documents of the Conference shall be drafted in either of the official languages of the Council of Europe. At the request of a member documents adopted shall be distributed in both official languages.
3. A member of the Conference may speak in a language other than the official languages; in this case the member concerned shall be responsible for arranging interpretation into one of the official languages at their expense. Any document drawn up in a language other than the official languages shall be translated into one of the official languages under the responsibility and at the expense of the member, participant or observer submitting it.

## **Rule 7 – Convening of meetings**

1. The Conference shall meet at least once a year and shall decide at the end of each of its meetings the date of its next meeting.
2. The Conference shall be convened by the Secretary General of the Council of Europe. Additional meetings can be convened by the Secretary General or upon request of one-third of the members to the Secretary General.
3. The Executive Secretary shall notify members of the Conference of the place, date and opening time of a meeting, its probable duration and the subjects to be dealt with. Convocation letters shall be sent at least six weeks before the date of the meeting except on grounds of urgency, which shall be duly explained.
4. Analogous arrangements shall apply to participants and any observers.
5. Information technology should be used as far as possible.

## **Rule 8 – Agenda**

1. The Executive Secretary shall prepare a draft agenda for the meeting after consulting the President of the Conference and on the basis of proposals received from the Parties.
2. The Executive Secretary shall make the draft agenda and the provisional list of working documents available to members, participants and observers at least two weeks before the date of the meeting.
3. Information technology should be used as far as possible.
4. The agenda shall be adopted by the Conference at the beginning of the meeting.

## **Rule 9 – Documents, lists of decisions and meeting reports**

1. The Executive Secretary shall be responsible for the preparation and the distribution of the Conference's working documents. Documents requiring a decision shall be transmitted to members at least three weeks in advance of the opening of the meeting at which the decision is to be taken. However, in exceptional cases, if no member objects, the Conference may deliberate a document submitted closer to the meeting. Unless the Conference decides otherwise, documents shall be made public after the meeting for which they were prepared.
2. At the end of each meeting the Executive Secretary shall submit to the Conference for approval, in both official languages, the list of the decisions adopted at the meeting. Unless the Conference decides otherwise, the approved list of decisions shall be public.
3. Information technology should be used as far as possible.

## **Rule 10 – Quorum**

The quorum of the Conference shall be reached when the majority of the members is present.

## **Rule 11 – Privacy of meetings**

Meetings shall be held in camera.

## **Rule 12 – Working methods**

1. The Conference may establish working or drafting groups among its members. Participants and observers may be invited to take part in the above-mentioned groups.
2. The Conference may ask the Executive Secretary to commission the services of one or more scientific experts or consultants, as appropriate, within the limits of budgetary appropriations.

## **Rule 13 – Hearings**

The President or the Conference may decide to hold hearings of experts or other qualified persons possibly able to contribute to the work of the Conference.

## **Rule 14 – Proposals**

1. Any proposal submitted to the Conference shall be tabled in writing in one of the official languages if a member so requests. In this case the proposal shall not be discussed until it has been circulated.
2. The President may suggest the adoption of a proposal/decision through a ‘silence procedure.’ Suggestion to apply the silence procedure shall be made during the plenary meeting and subsequently made in writing, with an indication of the exact time for the expiration of the period of silence.  
At the first meeting following the adoption of the decision, the President shall make an announcement concerning this adoption.  
Silence procedure shall not be applied for the adoption of COP assessment reports.

## **Rule 15 – Order of voting on proposals and amendments**

1. If two or more proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In the event of doubt as to the order, the President shall decide.
2. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where a proposal is the subject of two or more amendments, the Conference shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the amendment which next departs furthest from the proposal and so on, until all the amendments have been put to the vote. However, where the acceptance of an amendment necessarily entails the rejection of another amendment, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In the event of doubt as to the order of priority, the President shall decide.
3. Parts of a proposal or an amendment may be put to the vote separately.
4. For proposals with financial implications, the most costly shall be put to the vote first.

## **Rule 16 – Order of procedural motions**

Procedural motions shall take precedence over all other proposals or motions tabled, apart from points of order. They shall be put to the vote in the following order:

- a. suspension of the sitting;
- b. adjournment of the discussion on the item in hand;
- c. postponement to a specified date of the decision on the merits of a proposal;
- d. closure of the discussion on the item in hand.

## **Rule 17 – Reconsideration of a matter**

When a decision has been taken, it shall be re-examined only if a member so requests and this request is approved by a two-thirds majority of the votes cast.

## **Rule 18 – Voting**

1. Each member of the Conference shall have one vote; only one deputy member per delegation of a Party may take part in a vote in place of the member.
2. When the European Community shall ratify the Convention, the rules as to the voting rights of the European Community and of its member states shall be reviewed.
3. A quorum shall exist before a vote can be taken.
4. The Conference shall take decisions by a two-thirds majority of the votes cast unless regulated otherwise.
5. Points of procedure shall be decided by a majority of the votes cast. If the question arises whether an item concerns a procedural matter, it may be considered a point of procedure only if the Conference so decides by a two-thirds majority of the votes cast.
6. For the purpose of these rules, "votes cast" shall mean the votes of members voting for or against. Members who abstain shall be considered not to have voted.

## **Rule 19 - Procedure for monitoring the implementation of the Convention**

In respect of its function under Article 48 paragraph 1a of the Convention, the Conference of the Parties will apply the following procedures:

### **Questionnaire**

1. The Conference of the Parties shall prepare, within six months from its first meeting, a Questionnaire for its use in the monitoring of the proper implementation of the Convention (hereinafter "the Questionnaire").
2. The Questionnaire will seek information on the implementation of provisions in the Convention which are not covered by other relevant international standards on which mutual evaluations are carried out by FATF, MONEYVAL and other equivalent AML/CFT assessment bodies (the FATF style regional bodies, the International Monetary Fund and the World Bank).
3. The Questionnaire should, where appropriate, include requests for statistics and information on resources assigned to a relevant area covered by the Questionnaire in order to assist the Conference in monitoring the proper implementation of the Convention by the Parties.
4. The Questionnaire may be amended by a majority decision of the Conference of the Parties as necessary.

## **Procedures and timescales**

5. The Conference of the Parties will decide the order of assessment of individual Parties, on the basis of the adopted Questionnaire, taking into account the dates on which the Convention came into force in Parties and any representations from a Party.
6. At each meeting of the Conference of the Parties, consideration will be given to draft reports on the implementation of relevant provisions in the Convention covered by the Questionnaire in respect of a number of Parties to be decided at the previous meeting of the Conference of the Parties.
7. The Parties to be assessed first will be decided only after the adoption of the Questionnaire.
8. The adopted Questionnaire will be sent to Parties which will be assessed at the next meeting of the Conference immediately after a decision is taken as to when a Party will be assessed.
9. At the time decisions are taken on the order of Parties to be assessed, the Conference will appoint one or more rapporteur(s) from among the Parties to assist the Conference in monitoring the proper implementation of the Convention by the Party being assessed.
10. The assessed Party should return the completed Questionnaire to the Secretariat within ten weeks of receipt, together with texts of relevant legislation, regulations, guidelines or other documentation which will assist the Conference of the Parties in its monitoring function.
11. If the rapporteur(s) consider(s) that the replies to the Questionnaire provide insufficient information, the Secretariat will liaise with the Party concerned to obtain further information before preparing a draft report. The additional information should be sent by the Party two weeks upon receipt of the request.
12. In order to ensure a proper preparation and discussion of that report, the rapporteur(s) retain(s) a discretion to include any new factual information submitted thereafter.

## **Draft report**

13. A draft report will be prepared by the Secretariat in conjunction with the rapporteur(s) within eight weeks following the receipt of the replies to the Questionnaire and, if necessary, additional information. The draft report will constitute a “desk review” by the Secretariat and the rapporteur(s).
14. The Party shall provide comments no later than four weeks upon the receipt of the draft report. New information beyond this time limit may be taken into consideration only with the explicit consent of the rapporteurs. The Secretariat and the rapporteur(s) shall consider the comments and amend the draft report within three weeks upon receipt of the comments.
15. The draft report may contain recommendations.



16. The draft report should take account, where appropriate, of publicly available information from the bodies mentioned in Rule 19, paragraph 2.
17. The draft report shall be objective, accurate and of a high standard. In order to restrict itself to the added-value it aims to provide, the draft report shall exclusively focus on the parts of the Conventions which are not covered by other relevant international standards on which mutual evaluations are carried out by the FATF, MONEYVAL and other equivalent AML/CFT assessment bodies. The monitoring procedure will deal with areas covered by this Convention only in respect of those areas which are not covered by other relevant international standards on which mutual evaluations are carried out by the FATF or MONEYVAL.
18. The draft report will be circulated to the Conference of the Parties at least three weeks in advance of the meeting at which it is to be discussed.
19. Prior to the discussion in the Conference of the Parties, the Secretariat will engage the assessed party, the rapporteur(s) and any other interested party to single out the list of priority issues that will be discussed by the Conference of the Parties. The other state parties will be invited to make proposals for such priority issues upon receipt of the draft report.
20. A pre-meeting between the rapporteurs, Secretariat and the assessed Party may be held if necessary. IT technology (such as video conference) may be used for this purpose.

#### **Discussion in the Conference of the Parties**

21. The Party will present an overview of its implementation of the relevant provisions of the Convention.
22. The rapporteur(s) will present their comments and the priority issues (as referred in paragraph 19) on the implementation of relevant provisions of the Convention to the Conference. The rapporteur(s) may also raise questions on the draft report for replies by the Party concerned and for discussion in the Conference of the Parties.
23. The draft report will then be subject to peer review by the Conference of the Parties.
24. All representatives of the Parties, participants and observers will be entitled to ask questions of the Party being assessed or to raise issues on the draft report.
25. The discussion in the Conference of the Parties should be guided by the priority issues. The assessed Party should restrict its submission to these issues. If a particular issue raised in the report is contested by the assessed Party, it is also expected to be in a position to make alternative proposals.
26. After discussion, the rapporteur(s) will indicate to the Conference of the Parties whether, in their view, the Conference of the Parties has sufficient information to adopt the draft report. The Conference of the Parties shall decide whether the draft report should be adopted.
27. If the Conference of the Parties decides the information is sufficient and the progress on implementation of the Convention's provisions is satisfactory, the Conference will adopt the report, together with any amendments agreed by the Conference of the Parties.

28. If there are significant concerns raised about the sufficiency of the information provided in the draft report, or about the implementation of the Convention's provisions by the Party concerned and the Conference of the Parties concludes that it requires further information in the discharge of its functions, it shall liaise with the Party concerned, taking advantage, if so required, of the procedure and mechanism of MONEYVAL. The Party concerned shall then report back to the Conference of the Parties. The latter shall on this basis decide on whether or not to carry out a more in-depth assessment of the position of the Party concerned.
29. A more in-depth assessment may, but need not necessarily, involve an onsite visit by an evaluation team. The Conference of the Parties will decide what further steps should be taken in respect of an assessed Party where a draft report is not adopted on a case by case basis.
30. If the draft report is not adopted, an amended draft report will be considered at the next meeting of the Conference of the Parties, in the light of any further assessment required and authorised by the Conference of the Parties.

### **Publication**

31. After the adoption of the final report, the corrected version of the report will be sent to the Party being assessed to check its accuracy with decisions taken by the Conference of the Parties, and to provide any comments on the report for publication.
32. All adopted reports of the Conference of the Parties will automatically be published within four weeks of adoption, together with any comments from the relevant Party.

### **European Community**

33. When the European Community shall ratify the Convention, the involvement of the European Community in the procedure for monitoring of the implementation of the Convention will be set out.

### **Follow up**

34. There shall be a follow up procedure, based on a template prepared by the Secretariat and approved by the Conference of the Parties by a majority decision.
35. Thirty months after the adoption of the Conference of the Parties report, the assessed Party should provide an update of its progress in meeting the recommendations and/or other issues identified in the adopted report as being sufficient for follow up,
36. The Secretariat will dispatch the replies and the adopted report to a rapporteur country appointed by the Conference of the Parties for reviewing the replies.
37. The Secretariat will prepare a brief written analysis of the progress made to meet the identified deficiencies to assist the Conference of the Parties in its analysis. The Secretariat will provide a copy of its draft analysis to the assessed Party, which may provide comments.

38. The draft analysis, amended as necessary, will be circulated to the Conference of the Parties, including the rapporteur country, no later than 2 weeks before the Conference of the Parties meeting at which it is to be discussed.

39. At the discussion of the follow up report:

- a. the State Party will present an overview of the measures taken to meet the recommendations in the Conference of the Parties report, and provide information which demonstrates effective implementation;
- b. the Secretariat will present its draft analysis;
- c. the rapporteur country will raise questions on the replies to the follow up template;
- d. all representatives of the Parties, participants and observers will be entitled to ask questions of the Party whose follow up report is being assessed;
- e. after discussion the rapporteur country will indicate to the Conference of the Parties whether, in their view, the Conference of the Parties has sufficient information to adopt the replies to the template;
- f. if the Conference of the Parties decides the information is sufficient and the progress on meeting the Conference of the Parties recommendations is satisfactory, the conference of the Parties will adopt the replies to the questionnaire prepared by the State Party and the draft analysis of the Secretariat, together with any amendments agreed by the Conference of the Parties;
- g. .If there are significant concerns raised about the sufficiency of the information provided or lack of progress made by the party, the replies to the follow up template will not adopted. The Party concerned shall re-submit an updated follow up template before the next Conference of the Parties plenary meeting.. If the amended replies and amended Secretariat analysis are satisfactory, they will be adopted as set out in Rule 19, paragraph 39(f) above and the interim draft analysis published on the website will be removed and replaced with the amended version.
- h. If the amended replies are not satisfactory, the Conference shall liaise with the Party concerned taking advantage if so required of the procedure and mechanism of MONEYVAL such as inviting the Secretary General of the Council of Europe to write a letter to the competent minister(s); possible on-site visit; and ultimately a public statement on the website of the Conference of the Parties.

#### **Publication of follow up**

40. Where Rule 19, paragraph 39(g) applies the Conference of the Parties may authorise the publication of the interim draft analysis pending reconsideration of the issue at the next Conference of the Parties;

41. After adoption of the replies to the follow up questionnaire and draft analysis by the Secretariat, as amended under Rule 19, paragraph 39(f), they will be sent to the

Party being assessed to check accuracy with decisions taken by the Conference of the Parties;

42. All adopted follow up questionnaires and draft Secretariat analyses of the replies to the follow up questionnaires will be published within 4 weeks of adoption.

## **Rule 20 – Periodic reports to the Committee of Ministers**

The Conference shall periodically inform the Committee of Ministers of the progress of its work under conditions to be agreed with the latter.

## **Rule 21 – Activity report**

The Conference shall publish a report on its activities periodically.

## **Rule 22 – Amendments to the rules of procedure**

The Conference may amend these rules of procedure by a decision requiring a two-thirds majority of the votes cast.