



Strasbourg, 27 May 2009

C198-COP(2009)REP1

## **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)**

#### **1<sup>st</sup> MEETING**

**Strasbourg, 22-23 April 2009**

#### **MEETING REPORT**

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

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## SUMMARY ACCOUNT OF THE CONFERENCE OF THE PARTIES PROCEEDINGS

### ***Items 1, 2 and 3 – Opening of the Conference by the Secretary General, Election of an interim President, and Adoption of the Agenda***

1. The first 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) was held at the Council of Europe in Strasbourg on 22-23 April 2009. The list of participants appears at Appendix II.
2. The Secretary General of the Council of Europe , the Right Honourable Terry Davis, addressed the Conference of the Parties (hereafter referred to as “the Conference”) and 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 198) (hereinafter referred to as “the Convention”), and the contribution it makes to the fight against money laundering and terrorist financing. He reminded the Conference that terrorists seldom kill for money, but need money to kill. He urged States not just to sign the Convention but to ratify it as soon as possible.
3. The agenda, as adopted by the Conference of the Parties, is set out at Appendix I.
4. The Conference proceeded to elect Ms Alina BICA (Romania) as Interim Chair of the Conference.

### ***Item 4 – Overview of the Convention and its relationship to other international standards (Mr Herbert Zammit LaFerla, Scientific Expert to the Convention Drafting Committee and Mr John Ringguth, Executive Secretary to MONEYVAL)***

5. The Conference heard a comprehensive overview of the Convention’s provisions by Mr John RINGGUTH, Executive Secretary to MONEYVAL, and Mr Herbert ZAMMIT LAFERLA, who was a Scientific Expert to the PC-R-M, which was the Drafting Committee which prepared the Convention. The presentation will be made available on the Conference’s website.

### ***Item 5 - Progress made by States in signing/ratifying the CETS no.198***

6. The Chair invited countries to make interventions if they were able to do so on the progress of their countries in signing or ratifying the Convention. The representative of France indicated that they were examining ways which would enable France to sign the Convention very soon. The representative of the United Kingdom indicated that the United Kingdom is fully supportive of the Convention and that they were looking forward to ratifying it. A submission to UK Ministers was expected soon, with a view to legislation. The representative from Portugal indicated that Portugal had signed the Convention and that they were very supportive of the solutions in it and were in the process of ratification. The representative of Belgium indicated that Belgium expected that ratification should take place by the end of the year.

**Items 6 and 7- Rules of Procedure for the Conference, and Financing of the forthcoming work of the committee**

7. The Rules of Procedure at Appendix III were adopted after a wide-ranging discussion. In the course of the discussion the Conference recommended that provision should be requested for funds to be made available in the Ordinary Budget of the Council of Europe to cover the reimbursement of expenses of members and deputy members for their attendance at the Conference(s) of the Parties in 2010 (and beyond), and that this should be reflected in Rule 1(3) of the Rules of Procedure.

**Item 8 - Monitoring of the Convention (Article 48)**

8. The Conference decided to refer to the Jurisconsult of the Council of Europe for an opinion the issue of the voting rights of the European Community after its ratification of the Convention (Appendix IV). The voting rights of the European Community and its member States in the Conference of the Parties would be reviewed in the light of that opinion.
9. The Conference requested the Secretariat to prepare a paper for the next meeting of the Conference of the Parties on how the Conference of the Parties will operate in respect of its responsibilities under Article 48 (4) of the Convention for the settlement of disputes between the Parties.
10. The Conference requested the Secretariat to prepare a paper on procedures for the formation and operation of any evaluation teams that may be required by the Conference of the Parties under Rule 19 of the Rules of Procedure.

**Item 8.3 - Proposals for a Working Group to draft a Questionnaire for completion by Contracting Parties**

11. The Conference decided to establish a Drafting Group under Rule 12 to prepare, within the next six months, a draft questionnaire for completion by State Parties, which the Conference of the Parties will consider at its next meeting. The drafting of a questionnaire which would be applicable to the European Community will be prepared by the Drafting Group after the European Community has ratified the Convention, and the areas of Community competence have been clarified.
12. Oral nominations for the Drafting Group were received from:
- Albania
  - Croatia
  - Moldova
  - The Netherlands
  - Poland
  - Romania
  - Portugal
  - Russian Federation
  - The European Commission
  - Slovenia

13. It was agreed that the Secretariat would formally invite any other delegations to join the Drafting Group in writing after the meeting. It was agreed that the first Questionnaire to be drafted would be for completion by the State Parties to the Convention. The Conference envisages initially individual monitoring of compliance with key areas in the Convention not covered by other international standards on a Party by Party basis. However, subsequent party specific monitoring, through horizontal reviews of particular issues raised by the Convention, was not excluded for the future.

**Item 9 - Any other business**

14. It was decided that the next Conference will meet in the second half of January 2010. The Conference would wish in principle to meet at least twice in 2010.

## APPENDIX I

Strasbourg, 22 April / avril 2009

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**Strasbourg, 22\* - 23 April / avril 2009**  
**Palais de l'Europe, room / salle 1**

**AGENDA / ORDRE DU JOUR**

1. **Opening of the Conference by the Secretary General (9h30)** / *Ouverture de la Conférence par le Secrétaire Général (9h30)*
2. **Election of an Interim President of the Conference of the Parties** / *Election du Président intérimaire de la Conférence des Parties*
3. **Adoption of the Agenda** / *Adoption de l'ordre du jour*
4. **Overview of the Convention and its relationship to other international standards [Mr Herbert Zammit LaFerla, Scientific Expert to the Convention Drafting Committee and Mr John Ringguth, Executive Secretary to MONEYVAL** / *Vue d'ensemble de la Convention et sa relation avec les autres standards internationaux [M. Herbert Zammit LaFerla, Expert scientifique du Comité de rédaction de la convention, et M. John Ringguth, Secrétaire Exécutif de MONEYVAL]*
5. **Progress made by States in signing/ratifying the CETS no.198** / *Progrès accompli par les Etats suite à la signature/ratification de la STCE no.198*
6. **Rules of Procedure for the Conference** / *Règles de procédure de la Conférence*
7. **Financing of the forthcoming work of the committee** / *Financement des travaux futurs du comité*
8. **Monitoring of the Convention (Article 48)** / *Suivi de la mise en œuvre de la Convention (Article 48)*
  - 8.1 **The approach of the Convention to monitoring its provisions** / *Interprétation de la Convention aux fins du suivi de la mise en œuvre de ses dispositions*
    - **Available FATF, MONEYVAL and other source documents** / *Documents du GAFI, de MONEYVAL et autres documents disponibles*
  - 8.2 **Main areas where the Convention adds value to existing international standards** / *Principaux domaines couverts par la Convention qui apportent une valeur ajoutée aux normes internationales existantes*
  - 8.3 **Proposals for a Working Group to draft a Questionnaire for completion by Contracting Parties** / *Propositions de création d'un Groupe de travail chargé d'élaborer un questionnaire à compléter par les Parties contractantes*
9. **Any other business** / *Divers.*  
**Date of next meeting** / *Date de la prochaine réunion*

\* **Wednesday 22 April 2009, 18h30 – Vin d'honneur for the participants to the Meeting in the Restaurant Bleu, Palais de l'Europe** / *Mercredi 22 avril 2009, 18h30 - Vin d'honneur offert aux participants à la réunion, Restaurant Bleu, Palais de l'Europe*

**APPENDIX II**

Strasbourg, 23 April 2009

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**LIST OF PARTICIPANTS  
LISTE DES PARTICIPANTS****I. STATES PARTIES TO THE CETS 198 /  
ÉTATS PARTIES A LA CONVENTION STCE 198****ALBANIA / ALBANIE**

Mr Fatjon PENI  
Deputy Permanent Representative of Albania to the Council of Europe

Mrs Blerina XHANI  
Head of Analysis Department  
General Directorate for the Prevention of Money Laundering, Ministry of Finances

**ARMENIA / ARMÉNIE**

Mme Nazeli HAMBARZUMYAN  
Deputy to the Permanent Representative  
Permanent Representation of Armenia to the Council of Europe

**CROATIA / CROATIE**

Petra LEPPEE FRAIZE  
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Représentation Permanente de la République de Croatie auprès du Conseil de l'Europe

Ms Marcela KIR  
Director, Foreign Exchange Policy Department, Croatian National Bank

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

Mr Tomislav SERTIĆ  
Senior Inspector, Anti-Money Laundering Office, Ministry of Finance

**MALTA / MALTE**

Dr Jason GRIMA  
Representative of the Office of the Attorney General of Malta

Dr Anton BARTOLO  
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**MOLDOVA**

Ms Oxana GISCA,  
Main Inspector, Office for Prevention and Fight Against Money Laundering  
Center for Combating Economic Crimes and Corruption

**MONTENEGRO / MONTÉNÉGRO**

Mr Drazen BURIC  
Deputy Special Prosecutor for Organised Crime

Ms Ana BOSKOVIC  
Assistant for the International Cooperation in the Supreme State Prosecution

**NETHERLANDS / PAYS-BAS**

Mr Gerard DE BOER,  
Deputy to the Permanent Representative of Netherlands to the Council of Europe

**POLAND / POLOGNE**

Mrs Elzbieta FRANKÓW-JASKIEWICZ  
Head of the International Cooperation Unit  
Department of Financial Information, Ministry of Finance

**ROMANIA / ROUMANIE**

Ms Alina BICA  
**CHAIR / PRESIDENT**  
Secretary of State  
Ministry of Justice and Citizens' Liberties

Mr Ion FLORIN  
Counsellor to the President of the  
Financial Intelligence Unit

Mr Sorin TANASE  
Deputy Director  
Ministry of Justice and Citizens' Liberties

Mr Costin Horia ROGOVEANU  
Attaché juridique  
Adjoint au Représentant Permanent de la Roumanie auprès du Conseil de l'Europe

**SLOVAKIA / SLOVAQUIE**

Mrs Soňa DANOVÁ  
Deputy to the Permanent Representative of Slovakia to the Council of Europe

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

**ANDORRA / ANDORRE**

Mr Josep M<sup>a</sup> FRANCINO BATLLE  
Directeur, Unité de Prévention du Blanchiment (UPB)

**BELGIUM / BELGIQUE**

Mme Tine DE MEULENAER  
Attaché Jurist, Department of Criminal Legislation, Ministry of Justice



**BULGARIA / BULGARIE**

Mrs Yordanka PARPAROVA  
Deputy to the Permanent Representative of Bulgaria  
to the Council of Europe

Apologised / Excusé**CYPRUS / CHYPRE**Apologised / Excusé**CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Katerina KUCEROVA  
**Head of Delegation** for the 1<sup>st</sup> meeting of the COP-198  
International Criminal Law Unit, International Department for Criminal Matters

Mr Karel KORYNTA  
Director, Financial Analytical Unit  
Ministry of Finance

Mr Jaromir NEUZIL  
Head of Delegation to MONEYVAL  
Head of International Co-operation Department, Financial Analytical Unit  
Ministry of Finance

Mr Jiri TVRDY  
Legislator, Financial Analytical Unit  
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**ESTONIA / ESTONIE**Apologised / Excusé**FRANCE**

Mme Virginie CAYRE  
Représentation Permanente de la France auprès du Conseil de l'Europe

**GEORGIA / GÉORGIE**

Mr Mamuka JGENTI  
Deputy Permanent Representative of Georgia to the Council of Europe

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Permanent Representation of Georgia to the Council of Europe

**GERMANY / ALLEMAGNE**

Mr Gerhard WAHLE  
Federal Ministry of Justice  
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**HUNGARY / HONGRIE**Apologised / Excusé**ITALY / ITALIE**

M. Rodolfo Maria SABELLI.  
Sostituto Procuratore della Repubblica

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Ms Ilva KASE

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Mme Danielle MEZZANA-GHENASSIA, Conseiller technique SICCFIN  
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Mme Paula Cristina SEQUEIRA DE SACRAMENTO  
Unité d'information Financière de la Police Judiciaire  
(contact Représentation Permanente de Portugal)

**RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE**

Mr Nikolay VARLAMOV – Head of delegation  
State Secretary – Deputy Head  
Federal Financial Monitoring Service

Mrs Tatiana GUREEVA  
Head of Section of Department of new challenges and threats  
Ministry of Foreign Affairs of the Russian Federation

Ms Anna KALASHNIKOVA  
Deputy Head of Section of Legal Department  
Federal Financial Monitoring Service

Mr Konstantin KOSORUKOV, Deputy for Legal Affairs to the Permanent Representative  
of the Russian Federation to the Council of Europe

**SAN MARINO / SAINT-MARIN**

Ms Giorgia UGOLINI  
Legal expert of the San Marino Financial Intelligence Agency (FIU)

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Secretary of State, Ministry of Justice

Andrej Plaustejner, Head of the FIU Slovenia  
Ministry of Finance

**SPAIN / ESPAGNE**

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 Consejero técnico  
 Subdirección General de Asuntos de Justicia para la UE y OO.II.  
 Dirección General de Cooperación Jurídica, Ministerio de Justicia

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 Chef de l'Unité droit pénal international  
 Office fédéral de la justice, Département fédéral de la justice et police

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

Ms Mirjana MICEVSKA  
 Department for Prevention of Money Laundering  
 Ministry of Finance

**UKRAINE**Apologised / Excusé**UNITED KINGDOM / ROYAUME-UNI**

Mr Ibeawuchi NWOKOCHA  
 Organised and Financial Crime Unit  
 Home Office

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

Mr Akira TAKANO, Consul, Attorney  
 Consulate-General of Japan

**HOLY SEE / SAINT-SIEGE**Apologised / Excusée**IV. EUROPEAN COMMISSION / COMMISSION EUROPEENNE**

Mr Gerhard MILD  
 European Commission

Mr Sebastiano TINE  
 DG JLS, Fight against Organised Crime

**IV. RAPPORTEUR**

Mr Herbert ZAMMIT LAFERLA  
**SCIENTIFIC EXPERT TO THE CONVENTION DRAFTING COMMITTEE / EXPERT SCIENTIFIQUE  
 DU COMITE DE REDACTION**

Director Financial Stability Division, Central Bank of Malta

**V. SECRETARIAT OF THE COUNCIL OF EUROPE /  
SECRETARIAT DU CONSEIL DE L'EUROPE**

Mr Christos GIAKOUMOPOULOS  
Director of Monitoring / *Directeur des Monitorings*  
Directorate General of Human Rights and Legal Affairs (DG-HL)

Mr John RINGGUTH  
Executive Secretary to MONEYVAL / *Secrétaire Exécutif de MONEYVAL*  
Directorate of Monitoring / *Direction des Monitorings*

Mr John BAKER  
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MONEYVAL Secretariat / *Secrétariat de MONEYVAL*  
Directorate of Monitoring / *Direction des Monitorings*

Ms Livia STOICA-BECHT  
Administrator / *Administratrice*  
MONEYVAL Secretariat / *Secrétariat de MONEYVAL*  
Directorate of Monitoring / *Direction des Monitorings*

Mrs Danielida WEBER  
Administrative Assistant to MONEYVAL Committee  
*Assistante Administrative auprès du Comité MONEYVAL*

**INTERPRETERS / INTERPRÈTES**

Mme Sally BAILEY (le 22)  
Mme Jennifer GRIFFITH (le 23)  
M. Robert SZYMANSKI  
Mme Chloé CHENETIER

**APPENDIX III**



Strasbourg, 23 April 2009

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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 Monitoring  
Directorate General of Human Rights and Legal Affairs – DG-HL

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<sup>1</sup> Adopted by the Conference of the Parties at its first meeting (Strasbourg, 22-23 April 2009).

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 :
  - States and entities referred to in article 49 paragraph 1 of the Convention which have signed but not yet ratified the Convention;
  - States or entities which have ratified or acceded to the Convention but in respect of which it has not yet come into force;
  - other member states of the Council of Europe;
  - states having observer status with the Council of Europe;
  - the Committee of Ministers of the Council of Europe;
  - the Parliamentary Assembly of the Council of Europe;
  - the Committee of Experts on the evaluation of anti-money laundering measures and the financing of terrorism (MONEYVAL);
  - the European Committee on Crime Problems (CDPC);
  - the Group of States against Corruption (GRECO);
  - the Financial Action Task Force (FATF);
  - 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, authorise international governmental organisations, including the United Nations, the Organisation 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 one year and may be renewed.

#### **Rule 5 – Secretariat**

1. 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 four 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**

1. 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**

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.

**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.
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 twelve 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.

#### Draft report

11. A draft report will be prepared by the Secretariat in conjunction with the rapporteur(s) based on the replies to the Questionnaire. The draft report will constitute a "desk review" of the position of the Party concerned by the Secretariat and rapporteur(s).
12. The draft report may contain recommendations.
13. The draft report should take account, where appropriate, of publicly available information from the bodies mentioned in Rule 19(2).
14. 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 the draft report.
15. A draft report will be prepared on the basis of the Questionnaire and / or any further clarifications by the Secretariat and rapporteur(s), and sent to the Party being assessed for comments. A Party should have at least six weeks to provide comments.
16. Any comments received will be considered by the Secretariat, in conjunction with the rapporteur(s) and the draft report may be amended.
17. The draft report, amended in the light of the Party's comments, will be circulated to the Conference of the Parties at least four weeks in advance of the meeting at which it is to be discussed.

#### Discussion in the Conference of the Parties

18. The Party will present an overview of its implementation of the relevant provisions of the Convention.
19. The rapporteur(s) will present their comments 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.
20. The draft report will then be subject to peer review by the Conference of the Parties.
21. 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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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

27. 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.
28. 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

29. 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.

#### **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 – Annual 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.

## APPENDIX IV

### Request to the Jurisconsult of the Council of Europe

As regards the rules that would apply in respect of voting rights of the European Community and of its Member States when the former would ratify the Convention, the Conference decided to forward to the Jurisconsult of the Council of Europe the following request:

**The Conference of the Parties, referring to Articles 49 par. 1 and 52 par. 4 of the Convention and to the prospective of the European Community ratifying the Convention, would appreciate receiving the Jurisconsult's comments on the proposal made (see below) as to the rules that would apply in respect of voting rights of the European Community and of its Member States when the former would ratify the Convention, as well as any suggestions that the Jurisconsult might consider appropriate in this respect, in particular in the light of the Report of the Committee of Experts on Public International Law (CAHDI) on the so called "disconnection clause" and its effects.**

#### Appendix :

**Proposal made concerning the voting rights of the European Community and its Member States:**

"Each member of the Conference shall have one vote; the European Community shall exercise in matters within its competence its right to vote with a number of votes equal to the number of its member states."

[...]