

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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EUROPEAN COMMITTEE ON CRIME PROBLEMS

(CDPC)

COMMITTEE OF EXPERTS

ON THE OPERATION OF EUROPEAN CONVENTIONS

ON CO-OPERATION IN CRIMINAL MATTERS

(PC-OC)

Draft questionnaire on the use and efficiency of CoE instruments as regards international co-operation in the field of seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing

1. Do you consider the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30) and its additional protocols as appropriate instruments for co-operation in the fields of:
 - a. search and seizure of proceeds of crime?
 - b. confiscation of proceeds of crime?
 - c. asset sharing?(Please specify)
2. When using the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) and 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) as a basis for co-operation, did you encounter any legal or practical difficulties in the fields of:
 - a. search and seizure of proceeds of crime?
 - b. confiscation of proceeds of crime?
 - c. management of seized and confiscated assets?
 - d. asset sharing?(Please specify)
3. Is your State in a position to co-operate with other States on the basis of reciprocity and in the absence of a treaty as regards:
 - a. search and seizure of proceeds of crime?
 - b. confiscation of proceeds of crime?
 - c. asset sharing?(Please specify)
4. Is your State in a position to provide mutual legal assistance for the purpose of, or, related to non-conviction based confiscation and other measures (for instance civil forfeiture)? If so, please specify the conditions and the instrument(s) used as a legal basis. If not, please specify the legal obstacles.
5. Is your State in a position to provide assistance in criminal, civil and administrative proceedings related to the liability of legal entities for the purpose of seizure or confiscation of proceeds of crime? If so, please specify the conditions and the instrument(s) used as a legal basis. If not, please specify the legal obstacles.
6. Is your State in a position to provide assistance in procedures related to virtual currencies such as bitcoins, especially as regards seizure and confiscation?
7. Is your State in a position to provide assistance, independently from a confiscation decision, for the purpose of restitution to the victim of assets obtained by criminal means?
8. Do you have any proposals to amend and/or facilitate the application of Council of Europe instruments for international co-operation in the field of search, seizure and confiscation of proceeds of crime, including the management of seized and confiscated property and asset sharing? (Please specify your proposal and the instrument(s) concerned)