

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

PC-GR-COT (2014) 01 EN

DRAFT

WHITE PAPER

ON TRANSNATIONAL ORGANISED CRIME

COMMENTS BY THE MONITORING BODIES

European Committee on Crime Problems (CDPC)

Strasbourg

www.coe.int/cdpc

TABLE OF CONTENTS

I. Comments by the Committee on anti-money laundering and the financing of terrorism measures (MONEYVAL)	2
II. Comments by Restricted Group of experts on international co-operation (PC-OC Mod)	3
III. Comments by POMPIDOU GROUP	4

I. Comments by the Committee on anti-money laundering and the financing of terrorism measures (MONEYVAL)

Page 2: Footnote 8:

⁸ The programme line on [anti-money laundering and the financing of terrorism measures \(MONEYVAL\)](#) ~~The programme line on Money Laundering (MONEYVAL)~~, Terrorism, Cybercrime, Trafficking in Human Beings (GRETA), counterfeiting of Medical Products (MEDICRIME) develops an integrated approach and response to major threats to the rule of law building on the significant set of standards and follow-up mechanisms that it has developed over the years. In these areas, the CoE will pursue its active partnerships with other international organisations including UN, UNODC, OECD, FATF, EU, OSCE and OAS (...).

Page 21: (3.1.2 Possible action to be taken)

-promote the accession to CoE conventions of third countries, in particular those who are [more affected by TOC](#) ~~more directly involved in TOC~~ and promote the entering into agreements with relevant third countries;

Page 36: (3.4 Administrative synergies and co-operation with the private sector)

Co-operation between law enforcement authorities and other bodies is generally encouraged in all documents pertaining to organised crime. The UNTOC stresses the importance of co-operation between law enforcement authorities and other bodies in several instances (most notably in Article 1, Article 7 (4) and Article 31 (2a)). [The CoE Money Laundering Convention of 2005 ^{1\[1\]} \(the Warsaw Convention\) provides](#) ~~The CoE Money Laundering Convention of 2005 provides~~ for the setting up of financial intelligence units and the co-operation between them at an international level.

Page 42: (3.5.2 Possible action to be taken)

- The CoE could explore the possibilities of creating a central register or database of bank accounts [and a register of beneficial ownership of the legal persons](#) at national level.

¹ [Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism](#)

II. Comments by Restricted Group of experts on international co-operation (PC-OC Mod)

Page 45: (4.2 Enhancing judicial and police co-operation)

The CoE should design an action plan to enhance mutual trust among the CoE member states, as this undoubtedly fosters the co-operation. There should be further analysis on whether some of the measures adopted within the EU area, should or could be extended to the CoE landscape.

1. The CoE should take political action towards the ratification of the relevant conventions. Member states States Parties should review the need for keeping some reservations and declarations.
2. The CoE should promote the accession to its conventions by third countries as well as the establishment of co-operation agreements-projects with relevant non-CoE states.
3. The CoE should analyse to what extent the national legal framework on TOC is harmonised in the CoE area and if the existing divergences represent a significant obstacle in co-ordinating efforts and providing efficient co-operation. If such divergences exist, the CoE should analyse if there are certain areas where harmonisation or compatibility of legal provisions could be sought.
4. Further practical measures to overcome the existing delays in providing international co-operation, to avoid ungrounded refusals and to establish mechanisms to prioritise the co-operation in the fight of TOC, should be taken. The MLA conventions intended in a broad sense, including all relevant conventions, such as Extradition, Transfer of Prisoners, provide an adequate legal framework to enable efficient co-operation, however their application is still not sufficient satisfactory. The delays are unacceptable for an efficient criminal justice response, and in a technologized society these delays will render the prosecutions and the recovery of assets impossible.
5. The evolution of the international co-operation model from traditional requests for MLA towards close co-operation and co-ordinated on-going parallel investigations should be fostered by the CoE. To this end the ratification of the 2001 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters – which gives a framework for the JITS – should be encouraged.
6. The CoE should promote the connection of existing judicial and police networks and their expansion within a pan-European landscape. A unit representing non-EU and CoE member states in Eurojust, for co-operation in certain areas of TOC, could be studied further. Promotion of co-operation agreements and memoranda of understanding should be supported if the guarantees for the protection of human rights, and specifically for data protection and privacy rights, are to be safeguarded.
7. Further development of the existing network[s] of Contact Points in all CoE member states should be studied. The setting up of institutionalised network of contact points at CoE level (CoEJN) is recommended.

- | 8. Programmes to ensure that the central [units authorities](#), contact points and judges involved in MLA have adequate training, language skills and are subject to special performance indicators, should be supported.

III. Comments by POMPIDOU GROUP

None