

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 10 November 2023

C198-COP(2023)9

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)

15th MEETING

Strasbourg, 9 - 10 November 2023

LIST OF DECISIONS

Memorandum prepared by the Secretariat
Directorate General of Human Rights and Rule of Law

LIST OF DECISIONS C198-COP 15TH PLENARY MEETING

At its fifteenth meeting (Strasbourg | online, 9 - 10 November 2023), with was chaired by Mr Ioannis Androulakis (President of the Conference of the Parties, Greece), the Conference of the Parties (COP) to the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198, hereafter: 'the Convention'):

1. noted the welcome remarks of Ms Hanne Juncker, Director of Information Society and Action against Crime Directorate of the Council of Europe, who underlined the current and continued relevance of the Convention, of the monitoring work of the Conference of the Parties and the complementarity of the COP's work with that of the Financial Action Task Force (FATF) and MONEYVAL, noting the objective set out in MONEYVAL's Strategy on anti-money laundering, combating the financing of terrorism and proliferation financing (2023-2027) to develop further synergies between MONEYVAL and the Conference of the Parties;
2. adopted the agenda of the meeting;
3. welcomed Estonia and Morocco, who joined this meeting as Parties to the Convention and newly nominated heads of delegations and representatives;
4. took note of the information provided by the President and the Executive Secretary regarding the high-level events to which they took part, notably the High-level meeting of ministers and high-level officials of MONEYVAL members and territories (Warsaw, Poland, 25 April 2023), the second FATF-Interpol Roundtable Engagement (FIRE, Lyon, September 2023) to which several Parties contributed, the active participation to several meetings of the Financial Action Task Force aimed at revising the international asset recovery standards, and the information provided regarding the dialogue with the Kyrgyz authorities regarding the Convention's provisions, implementation and accession modalities;
5. took note of the Vice-President's participation as a guest speaker to the Conference "Supranational and national AML/CFT/CPF systems: challenges and prospects", held in Lviv, Ukraine on 27 April 2023.
6. heard an update from the representative of the European Union on the planned process aimed at ratifying the Convention by the end of 2024;
7. discussed the state of declarations and reservations to the Convention, adopted the review and agreed, *inter alia*, to call on States Parties to review and/or withdraw their declarations made in relation to articles 3(4), 7 (2 c) and 19 (1) of the Convention. Taking into account the conclusions of the thematic monitoring reports adopted so far, it also agreed to encourage several State Parties to review their declarations and that a letter to that effect should be addressed by the President to the relevant competent authorities in Poland, Slovenia, the Russian Federation and Ukraine;

8. took note of information provided by Azerbaijan, Bosnia and Herzegovina, Monaco, Croatia, Romania, the United Kingdom, Ukraine, the Netherlands, the Republic of Moldova and the Russian Federation on recent legislative developments, major cases of co-operation among States Parties, trainings and awareness raising events. It invited State Parties to continue supporting the implementation of the Convention through similar activities in the future and inform the plenary on these developments;
9. examined Estonia's implementation of the Convention under its thematic monitoring procedure, pursuant to Article 19bis of the Rules of Procedure, and adopted new sections to its 2018-2022 Horizontal Review Reports in respect of Estonia's implementation of articles 3(4); 6; 7(2 c) and 19 (1); 9(3); 10 (1 and 2); 11; 14 and 25 (2 and 3);
10. decided that in 2024, the Kingdom of Morocco and the country of Aruba of the Kingdom of Netherlands will be subject to the monitoring procedure set out in Article 19bis of the Rules of Procedure according to the timeline prepared by the Secretariat, and that their reports will be examined by the Conference of the Parties with a view to their adoption at the sixteenth plenary meeting;
11. Adopted the follow-up report on articles 11, 25 and 14, and took into account the progress made by Azerbaijan and San Marino. It heard the information provided by Türkiye, the Russian Federation and Serbia and decided to introduce some editorial changes in the conclusions concerning Russian Federation's compliance with articles 11 and 14.
12. Taking into account the conclusions set out in the reports concerning several States Parties (Armenia, North Macedonia, Montenegro, the Russian Federation, Serbia, Türkiye), it decided to invite the President of the Conference of the Parties to write a letter to the Parties' Heads of Delegations and Permanent Representatives to the Council of Europe, in application of Rule 19bis (25) of the Rules of Procedure covering situations where the Conference considers that a Party has not satisfactorily made progress. It also agreed that it would consider further measures if the respective provisions of the Convention (as referred to in the Follow-Up report) are not applied to a satisfactory level until the next Plenary, including, where appropriate, a high-level visit. Consequently, Armenia, North Macedonia, Montenegro, the Russian Federation, Serbia, and Türkiye were invited to report on progress made at the sixteenth meeting of the Conference of the Parties;
13. Considering the aspects raised by Türkiye in the context of the assessment of the implementation of Article 11 (Previous decisions), and the explanations provided by the scientific expert, it decided to update the Interpretative Note on Article 11, with the support of the scientific expert;
14. heard a presentation by Mr Paolo Costanzo, scientific expert, on a comparative mapping of the revised FATF standards on asset recovery and the Convention's provisions, and discussed the potential impact, if any, on the monitoring procedures of the COP once the new evaluation round will be initiated by the FATF, MONEYVAL and other FSRB style bodies. Instructed the secretariat to communicate the presentation

and the detailed mapping paper prepared by the scientific expert to the Parties and publish them on the COP's restricted website;

15. held a discussion, following presentations by the President and the Executive Secretary, on future developments in relation to the Council of Europe's standard-setting work aimed at elaborating an additional protocol to the Convention. Took note of the planned set up of a committee of experts on criminal asset recovery, working under the authority of the Committee of Ministers and of the European Committee on Crime Problems (CDPC), to undertake this work from 2024-2026, and which would be expected to cooperate closely with the COP. It authorised the Bureau to appoint the COP expert(s) which should be engaged in the work of the committee on behalf of the Conference of the Parties.
16. heard presentations and exchanged views with Belgium, Croatia, France, Italy, Malta, Romania, and the United Kingdom on these Parties' asset management systems. It instructed the secretariat to publish the presentations and other documents provided by these Parties on the COP's restricted website.
17. elected, by secret ballot, Ms Oxana Gisca (Republic of Moldova) as President of the COP198 and Ms Claudia Elion (The Netherlands) as Vice-President for a first two years' term starting in January 2024; elected as Bureau member from January 2024 Mr Muhammed Karaca (Türkiye) for a first two years' term, and re-elected Mr Azer Abassov (Azerbaijan) and Mr Aram Kirakossian (Armenia) for a last term of two years;
18. approved the objectives and proposed priority actions for 2024-2026, taking duly note that the Programme and Budget is yet to be adopted by the Committee of Ministers, and invited the Bureau to review and develop further its workplan once the budget is approved;
19. decided to hold its next meeting in Strasbourg in November 2024 and instructed the Secretariat to confirm the dates of its next meeting as soon as possible.
20. thanked warmly Mr Ioannis Androulakis for his active Presidency and steer for the past four years, for his substantive contribution to the work of the Committee and for promoting actively the Convention's standards internationally.