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C198-COP(2024)20

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)**

**16th Plenary Meeting
Strasbourg, 17-18 October 2024**

MEETING REPORT

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

SUMMARY OF THE PROCEEDINGS

The Conference of the Parties 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') held its sixteenth meeting in Strasbourg, from 17 to 18 October 2024, chaired by Ms Oxana GISCA (President of the Conference of the Parties, Republic of Moldova). The agenda of the meeting, the decisions taken, and the list of participants are annexed to this report.

The report summarises the discussions on each agenda item and the decisions adopted by the Conference of the Parties (hereinafter COP 198).

Items 1. Opening of the meeting and Statement by Ms Hanne Juncher, Director of Security, Integrity and Rule of Law Directorate

The President opened the meeting and welcomed the participants. Ms Hanne Juncher, Director of the Security, Integrity and Rule of Law Directorate highlighted the importance of the Convention, emphasising its role as a cornerstone for international cooperation, information sharing and cross-border collaboration. Ms Juncher commended the COP's application of a horizontal review monitoring mechanism over the past six years, which has facilitated more effective responses to evolving challenges. She emphasised the importance of this plenary meeting as it will discuss the assessment of Morocco as the first non-CoE (Council of Europe) State Party. In addition, there are other important developments such as Aruba's assessment and Kazakhstan's request to join the Convention. Furthermore, Slovak Republic recent decision to withdraw reservations on Article 7(2(c)) was welcomed by Ms Juncher and she further encouraged other States Parties to reduce the number of reservations to strengthen uniformity and effectiveness. Ms Juncher also outlined the COP's contribution in drafting the Additional Protocol to the Convention.

Ms Juncher referenced a recent exchange of views with the Council of Europe's Rapporteurs Groups on Legal Cooperation (GR-J), emphasising the alignment of the COP's efforts with broader organisational objectives. The achievements of the COP were praised by GR-J delegates, and she congratulated the President and the COP members for their ongoing efforts. Finally, she reminded the plenary that human rights issues must stay at the heart of the discussions regarding standards setting, monitoring, and technical assistance. She also encouraged active participation, confident that the meeting would lead to significant progress in combating financial crime and enhancing global security.

Item 2. Adoption of the agenda and order of business

The agenda was adopted with proposed amendments to the order of business. Agenda items 1, 2, 3, 4, 8, and 10 were discussed on day 1, and agenda items 12, 5, 6, 9, 11, 13-16 on day 2. The final agenda is included in Annex I.

Item 3. Information from the President and the Executive Secretary

The President informed the plenary on the activities that took place since the last meeting. Two sets of letters were sent to State Parties, in line with the decision taken during the 15th plenary meeting. On one hand, letters were sent to Armenia, Montenegro, North Macedonia, Serbia, the Russian Federation, and Türkiye, highlighting concerns over the unsatisfactory progress made in the implementation of Articles 11, 25 (2 and 3), and 14 of the Convention. On the other hand, letters directed to Poland, Slovenia, the Russian Federation and Ukraine, were sent to encourage those state parties to reconsider their declarations made with respect to Article 3(4) of the Convention.

The President also shared insights from the recent exchange of views with the Council of Europe's Rapporteurs Group on Legal Cooperation (GR-J), held in September 2024. During

this session, the COP activity report was presented and adopted, with active participation from various member states. The feedback was highly positive, reflecting strong appreciation from delegations. Critical points were also raised during this meeting, namely the added value of the Warsaw Convention in terms of benefits of cooperation, outreach activities, technical assistance, and continuous communication, as well as the question of ratification for non-member states.

The Executive Secretary congratulated the COP on the adoption of the 4th activity report by the Committee of Ministers. He emphasised that the COP Secretariat was proactive in 2024, regarding its outreach activities with non-member states expressing interest in ratifying the Convention. The Secretariat provided assistance to these states, with documents to facilitate future accession, addressing advantages and technical aspects of the Convention.

Both the President and the Executive Secretary expressed gratitude to Mr Paolo Costanzo and Mr Ioannis Andrulakis for their contribution to PC-RAC meetings and the drafting of the Additional Protocol to the Convention.

Item 4. State of signatures and ratifications of the Warsaw Convention

i. Request by Kazakhstan to be invited to sign and ratify the Warsaw Convention: Kazakhstan – for adoption.

The President reminded delegations that, according to the Committee of Ministers' decision, the COP is asked to provide a non-binding opinion on the accession of non-member states, namely Kazakhstan.

The Executive Secretary informed the Plenary that the "Policy paper regarding accession of non-member states", was prepared by the Secretariat and outlined principles and procedures to be followed in such instances. It was emphasised that these guidelines are not strict rules, but rather general recommendations that describe how to discuss the accession of a non-Council of Europe member state.

The Representative of the Directorate of Legal Advice and Public International Law (DLAPIL), Ms Ana Gomez, presented key points regarding the legal procedure for inviting non-CoE members to accede to CoE treaties, specifically as set out by Article 50(1) of the Warsaw Convention. Such accession procedure entails: (i) initial consultation with CoE member states (6-8 weeks); (ii) review by the rapporteur group to the Committee of Ministers (CM); and (iii) if approved, the CM issues an invitation with a 5 years limited validity.

In addition, the Secretariat presented a document outlining Kazakhstan's compliance with international conventions. The document took into account information regarding the respect of human rights and rule of law standards, based on a compilation of the relevant information prepared by the Secretariat.

In light of the Secretariat's presentation, several delegations expressed support for Kazakhstan's accession to the Convention, highlighting experiences in cooperation (Romania), benefits for mutual assistance (the Netherlands), and positive experiences in terms of bilateral negotiations (Slovakia). Poland noted Kazakhstan's compliance with FATF standards, while Monaco and Ukraine cited progress in human rights. Greece recommended a review to ensure alignment with the convention's standards, and Republic of Moldova and Azerbaijan pointed to ongoing improvements, advocating for accession. An important majority of the COP countries expressed a positive opinion on Kazakhstan's request, and that with no opposition. Therefore, a draft opinion reflecting this will be prepared in consultation with the treaty office and DLAPIL.

ii. Action taken by member states and the European Union towards signature or ratification of the Warsaw Convention

The representative of the European Union reaffirmed its intention to ratify the Warsaw Convention and indicated that its legal analysis is still ongoing. Norway and Liechtenstein also

showed interest in favour of ratifying the Convention. Finally, Romania called for the three CoE member states that signed the Convention in 2005 but have yet to ratify it to proceed with ratification.

Item 8. Preparation of an additional protocol to the CETS no. 198 and COP inputs in the process

Mr Cornel-Virgiliu Calinescu, Chair of the Committee of Experts on Criminal Asset Recovery (PC-RAC), presented the progress made regarding the drafting of the additional protocol to the CETS no. 198. He highlighted that three meetings had already taken place, with the most recent one in October 2024, which focused on the second review of the Zero Draft. The next step will be focused on preparing the first draft of the additional protocol, in close coordination with relevant bodies of the Council of Europe, including DLAPIL.

He underscored several key discussion points from the Zero Draft including: (i) the introduction of extended confiscation powers; (ii) the examination of how NCBC could be set by minimum standards; (iii) provisions on mandatory confiscation; and (iv) the establishment of national Asset Management Offices (AMOs) and Asset Recovery Offices (AROs) to support cross-border investigations and prosecutions.

The Executive Secretary confirmed that the COP, as an observer in the PC-RAC, will provide an opinion on the draft protocol. Once the text is more refined, the COP will seek feedback from delegations. He reminded the plenary that maintaining close collaboration with colleagues involved in the PC-RAC is essential.

Item 10. Revised Interpretative Note on Article 11

The Scientific Expert, Mr Paolo Costanzo presented the revised Interpretative Note on Article 11 of the Convention, dealing with international recidivism. He emphasised that this revision addresses the questions aroused at the last plenary meeting concerning the implementation of the article. He explained that, while judges are not mandated to consider prior international convictions, the national legal framework of member states should allow for it. The Scientific Expert clarified that the legal possibility to not apply harsher penalty in instances where there is no foreign conviction would not fall within the scope of Article 11.

The Plenary adopted the revised Interpretative Note.

Item 7. Monitoring the implementation of the Convention

i. Morocco: Amendments to the 2018, 2019, 2020, 2021, 2022 thematic monitoring reports – assessment of the Kingdom of Morocco – for adoption

In line with Article 19bis of the Rules of Procedure, the Secretariat presented the analysis of the Kingdom of Morocco's compliance with the provisions of the Convention, which were subject to Thematic Monitoring Reports since 2018.

The presentation was followed by the intervention from Morocco which emphasised their strong commitment to upholding the principles of the Convention. While expressing general support for the analysis and conclusions, the Moroccan delegation requested certain points in the report to be reconsidered, seeking a more nuanced understanding of the country's unique legal context in relation to articles 7(2c) and 19 (1) and 9(3) of the Convention.

With respect to Article 7(2(c)), Morocco argued that their legal system enables monitoring of banking operations and submitted for the first time additional legal provisions and case examples. The Secretariat made certain amendments to the analysis but given the amount of new information submitted at the Plenary, the Secretariat was not in a position to provide substantive analysis. Therefore, it was concluded that this information will be subject to the follow-up analysis.

A few changes were introduced into the analysis of Article 9(3) of the Convention based on Morocco's inputs.

The delegation of Hungary raised questions regarding Article 11, stating that it would be unreasonable to require countries to develop case law given the language of the article and its interpretative note. There was substantial discussion on whether countries should be encouraged, rather than obliged, to develop case law on certain offences to meet the requirements of the article. The Secretariat upon the conclusion of the discussion amended the report in order to align with the language and requirements of Article 11.

ii. Aruba: Amendments to the 2018, 2019, 2020, 2021, 2022 thematic monitoring reports – assessment of the country of Aruba – for adoption

As a result of the Netherlands' extension of the application of the Convention to Aruba in 2015 and following the decision taken during the 15th plenary meeting, the Secretariat carried out and presented the analysis of the country of Aruba's compliance with the provisions of the Convention which were subject to Thematic Monitoring Reports since 2018.

Following the presentation of the Secretariat, the delegation of the country of Aruba expressed its strong appreciation of the analysis, and highlighted this as a significant moment, as it marked Aruba's first experience as a party to the Convention. They have generally expressed their agreement with the analysis and requested several changes to be introduced in the report to better reflect the extent to which legislation is aligned with the relevant provisions of the Convention. Namely, given that part of the legislation was not submitted on time with respect to the implementation of Article 7 (2c) of the Convention, the Secretariat, upon the presentation of legal provision, amended the analysis and conclusions. In addition, the conclusions on Article 14 were amended to better guide the authorities to address the deficiencies. The same was done with respect to the analysis under Article 10 of the Convention.

The plenary adopted the report as amended, incorporating Aruba's and other countries' proposals.

Item 12. Article 3(4): Cases of practical implementation of the Convention by State Parties – Tour de Table

Following the 2021 thematic review and the interpretative note on Article 3 (4) of the Convention, several State Parties (the UK, Italy, and France) were invited to present jurisprudence and their implementation of the reversal of burden of proof in confiscation proceedings.

The UK highlighted their key approach, which rests on the concept of a "criminal lifestyle" regime. This procedure targets individuals who are convicted for any offence to which "criminal lifestyle" can be attached to, or individuals with a history of offending and who cannot prove the lawful origin of their assets within the past six years. Three case examples were presented where the reversal of burden of proof was applied including in the procedure initiated for unexplained wealth.

Italy explained that various forms of confiscation have been integrated into the Italian legal framework over time, and requirements for NCBC and extended confiscation have been outlined in the "Antimafia Code". Italy presented two case examples to demonstrate practical implementation and challenges when applying the reversal of burden of proof. The first example provided insight on a defence's failure to establish the lawful origin of seized cash, and examples of discrepancies the prosecution can prove to secure the seizure of illicit proceeds. The second example provided insights into asset confiscation, which extended to companies registered under the convicted children's names but for which he remained in control. Irregularities in lease contracts and the lack of qualifications among the new company's shareholders confirmed the businesses were fronts, highlighting the difficulties in tackling sophisticated asset concealment schemes.

France provided insights from its legal frameworks which allows for the reversal of the burden of proof to be applied. France also uses a “short circuit” approach, in conjunction with TRACFIN (Financial Intelligence Unit) to speed up legal proceedings, particularly targeting shell companies that could be liquidated by criminals to prevent the dissipation of assets. Indicators such as fraudulent documents, unusual financial flows, and lack of operating expenses help in identifying these entities. The reversal of the burden of proof has supported the development of innovative practices, ensuring efficient and expedited processes for definitive confiscations and asset seizures.

A number of delegations exchanged views with the speakers and raised questions regarding (i) the impact of the status of limitation on the possibility to initiate confiscation procedure; (ii) the use of tax and financial information in criminal investigations, and (iii) the handling of confiscation of assets held by third parties.

All presentations are available at the C198-COP restricted website.

Item 9. Revision of the FATF methodology on IOs 2 and 8 in relation to confiscation of proceeds of crime

Mr John Carlson (FATF Secretariat) presented an overview of recent revisions to the FATF standards in relation to recommendations 4, 30, 31, 38 and 40 and Immediate Outcomes (IOs) 2 and 8, which address asset recovery and international cooperation.

The revision of Recommendation 4 provides for a more holistic approach, targeting the recovery of criminal proceeds at all stages. The new amendments include non-conviction-based confiscation, cooperation with tax authorities as well as the establishment of proper management of property to preserve its value. The amendments introduced in Recommendations 30 and 31 strengthen the role of authorities in identifying and tracing assets through proactive parallel financial investigations, multidisciplinary groups, and access to diverse information sources. Recommendation 38 facilitates the expeditious response to foreign asset recovery requests, while amended Recommendation 40 obliges FIUs and law enforcement agencies to act swiftly in suspending transactions at the request of foreign authorities and to support international asset recovery networks.

Revisions to IO. 2 place an increased emphasis on asset recovery, including references to asset recovery offices and the exchange of asset-related information. A clearer distinction has also been made between cross-border asset recovery under IO2 (providing assistance) and IO8 (seeking assistance).

In relation to the amendments introduced under IO. 8, it was underscored that a complete overhaul was undertaken compared to the current methodology. The core amended areas requiring attention include (i) policy developments and prioritisation mechanism; (ii) obligation to suspend transactions; (iii) effective asset management; and (iv) mechanism to compensate victims.

Mr Carlson specified that the new methodology will be applied to all mutual evaluations in the upcoming round, except for countries that submitted compliance materials before June 2024, and that the FATF is developing further guidance on asset recovery, training, and outreach activities to ensure a better understanding and effective implementation of the new standards.

Item 6. Information provided by Parties and Observers on topical developments of relevance for the Conference of the Parties

Several State Parties presented developments with respect to the practical implementation of different provisions of the Convention.

Monaco presented updates highlighting the establishment of a service for managing seized and confiscated assets, which became operational in April 2024. Additionally, the Financial Intelligence Unit has been restructured, reinforced, and integrated within the Edmond group,

becoming an independent authority that combines financial intelligence, supervision of financial institutions, and enforcement of sanctions.

San Marino reported that in July 2024 international agreement with Italy was enacted, enabling recognition of the judicial decisions and handling of confiscated assets. Amendments were also made to the criminal code, ensuring that confiscated assets are returned to the requesting state if the value is below €10,000 and if the value is higher, not more than half of the amount is transferred. These changes also address victim compensation and the restitution of assets to legitimate owners.

Malta provided information on the amendment made in February 2024 to the Proceeds of Crime Act, focusing on freezing orders and confiscation. The new regulation requires that if a person faces criminal charges, authorities must specify the assets to be targeted, aligning the value with what the court would eventually confiscate if the accused was found guilty.

Italy presented new measures aiming to combat self-laundering and ensuring proper management of seized companies in order to preserve their value by placing them under judicial control. Finally, in August 2024, European regulations on crypto assets were implemented, requiring transparency for all transactions.

Item 11. Follow up procedure: Report on progress made by the States Parties

i. Articles 11 and 25 (2 and 3)

In accordance with the decision taken in the 15th COP Plenary Meeting, the Secretariat carried out an analysis of progress made by (i) Montenegro, the Russian Federation, Serbia, and Türkiye on implementation of Article 11; (ii) by Armenia and Serbia on Article 25 (2 and 3); and (iii) by North Macedonia on paragraph 2 of Article 25.

The President informed the Plenary of the letters sent to the heads of delegations and permanent representatives of Armenia, Türkiye, Montenegro, Serbia, North Macedonia, and the Russian Federation, to encourage them to take the necessary measures to fulfil the requirements of Articles 11 and 25 (2 and 3).

The Secretariat presented the report which highlighted that, with regard to Article 11, only Montenegro has adopted legislative amendments to ensure that foreign decisions are taken into account when determining penalties. Other three countries, namely Serbia, the Russian Federation and Türkiye have not introduced legislative or other measures to fulfil the requirement of Article 11. With respect to the implementation of Article 25 (2 and 3), none of the countries reported any legislative amendments, but all conveyed that legislative work is in progress, with anticipated amendments being enforced in the near future.

The Russian Federation made an observation that the issue of non-implementation of Article 11, had been on the national agenda since 2021 and suggested a revision of the language of the analysis to emphasise that "further progress is necessary". The proposed amendments were incorporated into the report.

The Serbian delegation reiterated its commitment to fully implement the Convention and provided information on the ongoing legislative process regarding the implementation of Articles 11 and 25 (2 and 3). Namely, the Ministry of Justice of the Republic of Serbia has prepared draft laws and amendments, that are being reviewed by the European Commission and under public consultation, to the Criminal Code and the Law on Confiscation of Property Derived from Criminal Activity, to implement respectively Article 11 and Article 25 (2 and 3).

ii. Article 14

In accordance with the decision of the 15th COP Plenary Meeting, the Secretariat carried out an analysis on the progress made by the Russian Federation in relation to the application of Article 14 of the Convention. The report concluded that no progress was observed in implementing the requirements of this article.

The Russian Federation reiterated its position, requesting that the language in the report reflect its recent legislative initiatives and amend the conclusion stating that "further progress is necessary".

The Secretariat pointed out that the analysis contains information on all legislative initiatives relevant to the implementation of Article 14 but given that these have not yet been adopted, progress still needs to be demonstrated.

The COP adopted the amended follow up report on Articles 11, 25 (2 and 3) and 14 and decided to take additional measures for those countries which did not demonstrate sufficient progress. These include organising online consultation meetings with each concerned State Party. These meetings would bring together the President, Vice-President or a member of the Bureau of the COP, the head of the country's delegation or permanent representation and the official(s) concerned. This approach aims to convey a high-level message encouraging these countries to prioritise and implement the recommended actions arising from horizontal reviews.

iii. Article 7(2(c)) and 19(1)

The Secretariat in accordance with the decision of the 15th COP Plenary meeting carried out the analysis on the progress made in implementing Articles 7(2(c)) and 19(1) by Denmark, France, Lithuania, Monaco, and Spain. The report highlighted that progress has been achieved by Lithuania and Monaco, while the other three countries still need to introduce legislative amendments in order to address the requirements of these articles.

The report, as prepared by the Secretariat, was adopted by the Plenary, and countries not meeting these requirements are invited to report back in 2025.

It was also agreed that Morocco and Aruba will be incorporated into the workplan of activities for the next follow-up reports for the articles that were not implemented to a satisfactory level.

Item 5. Declarations and reservations

The President welcomed the decision of the Slovak Republic to withdraw its reservation to Article 7(2(c)) of the Convention, and Slovenia's intention of withdrawing its reservations to Article 3(4). In addition, the President reminded the plenary of letters addressed to Poland, Slovenia, the Russian Federation, and Ukraine encouraging them to review their declarations in relation to Article 3(4) of the Convention.

The Secretariat presented key updates to the Declarations and Reservations document, including (i) the Slovak Republic's withdrawal of its reservation on Article 7(2(c)) and its impact on Article 19(1); (ii) clarification on the extension of the application of the Convention to Aruba; and (iii) information on the letters sent to several State Parties encouraging them to consider withdrawing their declarations on Article 3(4).

The Russian Federation asserted that it does not intend to withdraw its reservations or declarations.

Ukraine informed the Plenary on the ongoing national discussion regarding the reservation to Article 3(4) of the Convention. While acknowledging that their national criminal courts partially apply the reversal of the burden of proof, and providing statistical data on the matter, concerns remain about potential legal amendments. Ukraine committed to provide the plenary with a conclusive stance once a decision is made.

Slovenia informed the COP that the competent Ministry concluded that the reservation to Article 3(4) could be withdrawn, and it would be formally communicated to the Council of Europe in due time.

Item 13. Workplan and priority actions of the COP for 2024-2025

The Conference of the Parties adopted the proposal to extend the application of rule 19bis of the Rules of Procedure for the next five years, which serves as a basis to conduct horizontal reviews.

Several delegations expressed their support for the extension of the application of the horizontal reviews. Poland highlighted that Rule 19bis is an effective tool for identifying priority areas and ensuring countries' compliance with the Convention. Aruban delegation highlighted the importance of horizontal reviews and appreciated the Secretariat's explanation of the procedures ahead of the assessments, noting that this guidance was helpful as they had not actively participated in prior meetings.

The Executive Secretary reminded the plenary of the next year's plan and that is the assessment of the UK Crown Dependencies of Jersey and the Isle of Man whereas the follow-up reporting will also proceed as per the workplan and discussions of this plenary.

Item 14. Other business

The COP agreed and supported the President's proposal to appoint Mr Ioannis Andrulakis, former COP President, as Scientific Expert alongside Mr Paolo Costanzo, and warmly thanked both experts for their involvement the COP and PC-RAC.

Item 15. Future meetings

The COP decided to hold the 17th plenary meeting in Strasbourg in 2025, and agreed that the exact dates will be decided at a later stage, based on the dates of the PC-RAC final meeting, to allow it to present the final outcome of its work during the next plenary session.

Item 16. Adoption of decisions

The COP adopted the list of decisions, as it appears in Annex II of the present report.

ANNEX I.

Agenda	Ordre du jour
<p>1. Opening of the meeting</p> <p>Welcome statement by Ms Hanne Juncher, Director, Security, Integrity and Rule of Law Directorate.</p>	<p><i>Ouverture de la réunion</i></p> <p><i>Discours de bienvenue de Mme Hanne Juncher, Directrice, Sécurité, Intégrité et Etat de droit.</i></p>
<p>2. Adoption of the agenda and order of business</p> <p>The Conference of the Parties is invited to examine and adopt the agenda and the order of business.</p>	<p><i>Adoption de l'ordre du jour et des travaux</i></p> <p><i>La Conférence des Parties est invitée à examiner et à adopter l'ordre du jour et l'ordre des travaux.</i></p>
<p>3. Information from the President and the Executive Secretary</p> <p>The Conference of the Parties is invited to take note of the information provided by the President and by the Secretariat about any developments since the last meeting, and of any implications it may have for the Conference of the Parties' operation and activities.</p>	<p><i>Informations communiquées par le Président et le Secrétaire exécutif</i></p> <p><i>La Conférence des Parties est invitée à prendre note des informations fournies par le Président et par le Secrétariat sur les développements intervenus depuis la dernière réunion, et de leurs implications éventuelles sur le fonctionnement et les activités de la Conférence des Parties.</i></p>
<p>4. State of signatures and ratifications of the Warsaw Convention</p> <p>iii. Request by <i>Kazakhstan</i> to be invited to sign and ratify the Warsaw Convention: Kazakhstan – for adoption</p> <p>The Conference of the Parties is invited to examine the request of Kazakhstan and adopt an opinion for the attention of the Committee of Ministers.</p> <p>iv. Action taken by member states and the European Union towards signature or ratification of the Warsaw Convention</p> <p>The President will invite participating observers and the European Union to inform the Conference of the Parties of measures taken or planned towards becoming a Party to the Convention.</p>	<p><i>État des signatures et ratifications de la Convention de Varsovie</i></p> <p>i. <i>Demande du Kazakhstan visant à être invité à signer et à ratifier la Convention de Varsovie – pour adoption</i></p> <p><i>La Conférence des Parties est invitée à examiner la demande du Kazakhstan et à adopter un avis à l'attention du Comité des ministres.</i></p> <p>ii. <i>Mesures prises par les États membres et l'Union européenne en vue de la signature ou de la ratification de la Convention de Varsovie</i></p> <p><i>Le Président invitera les observateurs participants et l'Union européenne à informer la Conférence des Parties des mesures prises ou envisagées en vue de devenir Partie à la convention.</i></p>
<p>5. Declarations and reservations</p> <p>An oral update will be provided by the Secretariat on changes to the declarations and reservations since the last meeting. Parties are invited to share experience on the application of reservations and declarations.</p>	<p><i>Déclarations et réserves</i></p> <p><i>Une présentation orale sera réalisée par le Secrétariat sur les changements apportés aux déclarations et aux réserves depuis la dernière réunion. Les Parties sont invitées à partager leur expérience sur l'application des réserves et des déclarations.</i></p>

<p>6. Information provided by Parties and Observers on topical developments of relevance for the Conference of the Parties</p> <p>Parties and observers are invited to present information on legislative developments, major cases or judgments, important events, training provided to other countries, including by international organisations etc. (brief interventions- 3 minutes per intervention).</p>	<p>Informations communiquées par les Parties et les Observateurs sur des sujets d'actualité présentant un intérêt pour la Conférence des Parties</p> <p><i>Les Parties et les observateurs sont invités à présenter des informations sur les développements législatifs, les affaires ou jugements majeurs, les événements importants, les formations dispensées à d'autres pays, y compris par des organisations internationales, etc. (Interventions brèves – 3 minutes par intervention).</i></p>
<p>7. Monitoring the implementation of the Convention</p> <p>i. Morocco: Amendments to the 2018, 2019, 2020, 2021, 2022 thematic monitoring reports – assessment of the Kingdom of Morocco – for adoption</p> <p>ii. Aruba: Amendments to the 2018, 2019, 2020, 2021, 2022 thematic monitoring reports – assessment of the country of Aruba – for adoption</p> <p>The President will invite the Secretariat and the countries assessed to present the report and its findings. The Conference of the Parties is invited to examine and adopt the reports.</p>	<p>Suivi de la mise en œuvre de la Convention</p> <p>i. Maroc : Amendements aux rapports de suivi thématiques de 2018, 2019, 2020, 2021 et 2022 – évaluation du Royaume du Maroc - pour adoption</p> <p>ii. Aruba : Amendements aux rapports de suivi thématiques de 2018, 2019, 2020, 2021 et 2022 - évaluation de l'Etat d'Aruba - pour adoption</p> <p><i>Le Président invitera le Secrétariat et les pays évalués à présenter le rapport et ses conclusions. La Conférence des Parties est invitée à examiner et à adopter les rapports.</i></p>
<p>8. Preparation of an additional protocol to the CETS no. 198 and COP inputs in the process</p> <p>The COP is invited to hold an exchange of views with Mr Cornel-Virgiliu Calinescu (Romania), Chair of the Committee of Experts on Criminal Asset Recovery (PC-RAC) on the state of play of the negotiation process and discuss any priority issues for further consideration by the PC-RAC, to be put forward on behalf of the COP by its designated experts, Mr Paolo Costanzo et Mr Ioannis Androulakis .</p>	<p>Préparation d'un protocole additionnel à la STCE n° 198 et contributions de la COP au processus</p> <p><i>La COP sera invitée à discuter avec M. Cornel-Virgiliu Calinescu (Roumanie), Président du Comité d'Experts sur le Recouvrement des Avoirs Criminels (PC-RAC) sur l'état d'avancement des négociations ainsi que sur les questions prioritaires devant faire l'objet d'un examen particulier par le PC-RAC. Ces éléments seront présentés au nom de la COP par les experts désignés, M. Paolo Costanzo et M. Ioannis Androulakis.</i></p>
<p>9. Revision of the FATF Methodology on IOs 2 and 8 in relation to confiscation of proceeds of crime</p> <p>The President will invite the FATF Secretariat to present the key elements of the adopted revisions to the FATF Methodology in June 2024.</p>	<p>Révision des RI 2 et 8 de la méthodologie du GAFI en ce qui concerne la confiscation des produits du crime</p> <p><i>Le Président invitera le Secrétariat du GAFI à présenter les éléments clés des modifications apportées en juin 2024 à la Méthodologie du GAFI.</i></p>

<p>10. Revised Interpretive Note on Article 11</p> <p>As a result of discussions during the 15th plenary meeting, the Interpretative Note on Article 11 was revised. The President will invite the COP Scientific Expert, Mr Paolo Costanzo to present the revised Note. The Conference of the Parties is invited to examine and adopt the revised Interpretative Note.</p>	<p>Note interprétative sur l'article 11 révisée</p> <p><i>À la suite des débats tenus lors de la 15e séance plénière, la Note interprétative relative à l'article 11 a été révisée. L'expert scientifique de la CdP, M. Paolo Costanzo, sera invité par le Président à présenter la Note révisée. La Conférence des Parties est invitée à examiner et à adopter la Note interprétative révisée.</i></p>
<p>11. Follow up procedure: Report on progress made by the States Parties:</p> <ul style="list-style-type: none"> i. Articles 11 and 25 (2 and 3) of the Convention¹ - for adoption ; ii. Article 14² - for adoption ; iii. Article 7(2 (c))³ and 19(1) - for adoption; <p>The Secretariat will present the draft report on progress made by the States Parties reporting under this procedure and its findings, followed by a discussion with the Parties. The Conference of the Parties is invited to examine and adopt the reports and the recommendations contained therein.</p>	<p>Procédure de suivi : rapport sur les progrès réalisés par les États Parties :</p> <ul style="list-style-type: none"> i. Articles 11 et 25 (2 et 3) de la Convention⁴ - pour adoption ; ii. Article 14⁵- pour adoption ; iii. Article 7(2 (c))⁶ et 19(1) - pour adoption ; <p><i>Le Secrétariat présentera le projet de rapport portant sur les progrès réalisés par les États parties ayant présenté des rapports dans le cadre de cette procédure ainsi que ses conclusions. Il s'en suivra une discussion avec les Parties. La Conférence des Parties est invitée à examiner et à adopter les rapports ainsi que les recommandations qu'ils contiennent.</i></p>
<p>12. Article 3(4): Cases of practical implementation of the Convention by State Parties, thematic session on reversal of burden of proof in confiscation proceedings (Article 3(4)) – presentation by selected jurisdictions, followed by a <i>Tour de table</i></p> <p>As a follow up to the 2021 thematic review, the President will invite selected State Parties⁷ to present cases/jurisprudence and key aspects of their implementation of the reversal of burden of proof in confiscation proceedings.</p>	<p>Article 3(4) : Mise en œuvre pratique de la Convention par les États parties, session thématique sur le renversement de la charge de la preuve dans les procédures de confiscation (article 3(4)) - présentation par des juridictions sélectionnées, suivie d'un tour de table</p> <p><i>Dans le cadre du suivi de l'examen thématique de 2021, le Président invitera certains États parties⁸ à présenter des cas/ de la jurisprudence ainsi que les principaux aspects de la mise en œuvre du renversement de la charge de la preuve dans les procédures de confiscation.</i></p>

¹ In respect of Article 11: Montenegro, Russian Federation, Serbia, Türkiye; in respect of Article 25 : Armenia, North Macedonia, Serbia.

² In respect of Article 14: Russian Federation.

³ In respect of Article 7(2 c): Denmark, France, Lithuania, Monaco, Spain.

⁴ Pour l'article 11 : Monténégro, Fédération de Russie, Serbie, Türkiye ; en ce qui concerne l'article 25 : Arménie, Macédoine du Nord, Serbie.

⁵ En ce qui concerne l'article 14 : Fédération de Russie.

⁶ Pour l'Article 7(2 c): Danemark, France, Lituanie, Monaco, Espagne.

⁷ Italy, France and the United Kingdom.

⁸ Italie, France et Royaume-Uni.

<p>13. Workplan and priority actions of the Conference of the Parties for 2024-2025</p> <p>The Conference of the Parties is invited to discuss the implementation of priority actions as agreed at the 15th plenary (November 2023), in particular with respect to its monitoring function and decide whether to extend the application of Rule 19bis, i.e., horizontal reviews instead of country specific reviews, beyond 2024.</p> <p>Parties are also invited to express opinions or indicate any implementation issues which may require the Conference of the Parties to consider preparing other interpretative notes.</p>	<p>Plan de travail et actions prioritaires de la Conférence des Parties pour 2024-2025</p> <p><i>La Conférence des Parties est invitée à discuter de la mise en œuvre des actions prioritaires déterminées lors de la 15e réunion plénière (novembre 2023), en particulier en ce qui concerne son rôle de suivi et à prendre une décision sur l'opportunité de prolonger l'application de la règle 19bis au-delà de 2024, c'est-à-dire poursuivre les réexamens horizontaux plutôt que les réexamens par pays.</i></p> <p><i>Les Parties sont également invitées à exprimer leur avis ou à faire part de problématiques liées à la mise en œuvre qui pourraient amener la Conférence des Parties à envisager l'élaboration d'autres notes interprétatives.</i></p>
<p>14. Other business</p> <p>Delegations are invited to raise, prior or at the early beginning of the meeting, any other issues and present them.</p>	<p>Divers</p> <p><i>Les délégations sont invitées à soulever, avant ou au début de la réunion, toutes autres questions et à les présenter.</i></p>
<p>15. Future meetings</p> <p>The COP is invited to take note of the proposed calendar for 2025.</p>	<p>Prochaines réunions</p> <p><i>La Conférence des Parties est invitée à prendre note du calendrier proposé pour 2025.</i></p>
<p>16. Adoption of decisions</p> <p>The Conference of the Parties will adopt the list of decisions.</p>	<p>Adoption des décisions</p> <p><i>La Conférence des Parties adoptera la liste des décisions.</i></p>

ORDER OF BUSINESS / ORDRE DES TRAVAUX

Date	Timetable/ Horaires	Agenda items/ points de l'ordre du jour
17/10/2024	9h30-18h00 CET	1, 2, 3, 4, 8, 10 and 7.
18/10/2024	9h00-17h00 CET	5, 6, 9, 11, 13-16.

ANNEX II.

LIST OF DECISIONS C198-COP 16TH PLENARY MEETING

At its sixteen meeting (Strasbourg/online, 17 – 18 October 2024), chaired by Ms Oxana GISCA (President of the Conference of the Parties, Republic of Moldova), 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. heard the welcoming remarks of Ms Hanne Juncker, Director of the Security, Integrity and Rule of Law Directorate, who emphasized the Convention's ongoing relevance and its outreach. She emphasized the importance of the monitoring function of the COP, as well as the increased interest by non-member states to the Council of Europe, to join the Warsaw Convention. She also congratulated the COP for its achievement and implication in drafting the Additional Protocol, and encouraged State Parties to continue contributing to this important workstream of the Council of Europe;
2. adopted agenda of the meeting as amended in terms of the timing of several items, which were moved to day 2;
3. took note of the information provided by the President who emphasized important developments since the last plenary meeting. This, inter alia, includes letters sent in May 2023 to Armenia, Montenegro, North Macedonia, Serbia, the Russian Federation, and Türkiye, regarding their unsatisfactory progress on the implementation of one or more of the following Articles (11, 14 and 25). In addition, letters were sent to Poland, Slovenia, the Russian Federation and Ukraine, in regard to the possibility for these countries to withdraw reservations on Article 3.4. The President also informed the plenary on the exchange of views with the Council of Europe's Rapporteurs Groups on Legal Cooperation (GR-J), during which the COP activity report (2021-2023) was adopted;
4. took note of the information provided by the Executive Secretary regarding the COP's activities/achievements since the 15th plenary in terms of outreach and technical assistance to non-Council of Europe member states, which aspired to join the Convention;
5. took note of the document prepared by the Secretariat ("Policy paper regarding accession of non-member states"), and the intervention of the representative of the Directorate of Legal Advice and Public International Law (DLAPIL) on guidelines and procedures for non-member states of the Council of Europe to accede to the Warsaw Convention;
6. heard the Secretariat's presentation on relevant information for Kazakhstan's accession to CETS 198, compiled in line with the requirements of the policy paper previously presented to the plenary;
7. examined the application by Kazakhstan to accede the Warsaw Convention and agreed unanimously to support Kazakhstan's request; decided to convey its opinion to the Committee of Ministers on this matter, in line with the Committee of Ministers decision 1438/10;
8. heard an update from the representative of the European Union on the process aimed at ratifying the Convention;

9. took note of the current state of play of the discussion process related to the drafting of the Additional Protocol to the Convention by Mr Cornel-Virgiliu Calinescu (Romania), Chair of the Committee of Experts on Criminal Asset Recovery (PC-RAC);
10. adopted the revised Interpretative Note on Article 11 of the Convention, as presented by Scientific Expert Mr Paolo Costanzo;
11. examined the Kingdom of Morocco's implementation of the Convention under thematic monitoring review, pursuant to Article 19bis of the Rules of Procedure. Further to the additional information provided by Moroccan authorities, and subsequent analysis by the Secretariat and Scientific Expert, decided to modify the draft report in relation to articles 7(2(c)), 9, and 11, and adopted the report as amended;
12. examined Aruba's implementation of the Convention under thematic monitoring review, pursuant to Article 19bis of the Rules of Procedure, and adopted the report as amended during the plenary discussion;
13. heard presentations of cases and jurisprudence and exchanged views with France, Italy and the United Kingdom on the practical implementation of article 3(4) regarding the reversal of the burden of proof in confiscation proceedings;
14. took note of the presentation by Mr John Carlson, Senior Counsellor at the FATF Secretariat, on recently revised FATF methodology (R.4, R.30, R.38, R.40, immediate outcomes 2 and 8), in regard to confiscation and international cooperation;
15. took note of information provided by Monaco, San Marino, Malta and Italy on recent legislative developments, major cases of co-operation among States Parties and asset confiscation and management practices, and invited State Parties to continue supporting the implementation of the Convention through similar activities in the future and inform the plenary on these developments;
16. adopted the follow-up report prepared by the Secretariat on articles 11, 25 (2 and 3), and 14 and took into account the updates and discussions regarding one or more of these articles by Armenia, Montenegro, North Macedonia, the Russian Federation, Serbia and Türkiye; decided to introduce some modification in the report in relation to the Russian Federation (articles 11 and 14), and adopted the follow-up report as amended; decided to take additional measures involving online consultation meeting, as suggested by the Bureau (online meeting with, inter alia, participation of a COP President, Vice-President or a Bureau member and a country's head of the delegation, permanent representation, and relevant public official(s), to convey high-level messages and work with a country to implement the recommended follow up actions);
17. adopted the follow-up report on articles 7(2(c)) and 19(1), confirming the progress made by Lithuania and Monaco; decided to invite Denmark, France and Spain to report back in 2025;
18. welcomed the decision of the Slovak Republic to withdraw its reservation on article 7(2(c)) and of Slovenia's intention to withdraw the reservation on article 3(4), as a result of the decision taken during the 15th plenary meeting to send letters to encourage competent authorities to review reservations; took note of Ukraine's presentation of cases which feature elements of article 3(4) of the Convention.
19. decided to extend the application of Rule 19bis for the next 5 years, and amended the workplan to include findings of Morocco and Aruba reports with regard to the follow-up reports, as well as countries which remain in the follow up on articles 11, 25 (2 and 3),

14, 7(2(c)) and 19(1);

20. heard other businesses and issues raised by delegations, and approved the President's proposal to appoint Mr Ioannis Andrulakis, former President of the COP, as COP Scientific Expert;
21. decided to hold its next meeting in Strasbourg in 2025, and agreed that the exact dates of the future meeting will be decided at a later stage, based on the PC-RAC final meeting dates, to allow it to present the final outcome of its work during the next plenary session;
22. adopted the list of decision;

ANNEX III.

LIST OF PARTICIPANTS
Council of Europe, Palais de l'Europe, room 10

STATE PARTIES		
ALBANIA	Diana STILLO	Head of International Treaties and Judicial Cooperation Unit Ministry of Justice
	Valeria CANGA	Head of International Relations Sector Coordination and Legal Directorate Albanian Financial Intelligence Agency
ARMENIA	Aram KIRAKOSSIAN	Head of the International Relation Division of the Financial Monitoring Center of the Central Bank of Armenia
	Margarita BAGHDASARYAN	International Relations Expert International Relation Division of the Financial Monitoring Center of the Central Bank of Armenia
AUSTRIA	Mag. Christina RATH	Federal Ministry of Justice Directorate General for Criminal Law, Unit IV 2
AZERBAIJAN	Azer ABBASOV	Deputy Chairman of the Executive Board of Financial Monitoring Service
	Mehman ALIYEV	Head of Legal Department Financial Monitoring Service
BELGIUM	Jean Sébastien JAMART	Attaché juridique, Service Public Fédéral Justice
BOSNIA AND HERZEGOVINA	Larisa HRNJIC	State investigation and protection agency / Financial intelligence department (FIU BiH)
	Mario MARIĆ	Expert advisor of the Criminal Defense Section Ministry of Justice of Bosnia and Herzegovina
BULGARIA	APOLOGIZED	
CROATIA	Željka KLJAKOVIC GASPIC	General Police Directorate Criminal Police Directorate National Police Office for Suppression of Corruption and Organized Crime Economic Crime and Corruption Service, ARO
CYPRUS	Christophoros STAVRINOS	Counsel of the Republic Member of Cyprus FIU
DENMARK	APOLOGIZED	

ESTONIA	Ursula SOKK	Adviser/ EE Minsitry of Finances
FRANCE	Margaux GUILLMOT	Cheffe de mission Ukraine/GAFI Sous-direction de la justice pénale spécialisée Direction des affaires criminelles et des grâces – Ministère de la Justice
	Ludivine PLENCHETTE	Ministère de la Justice
	Louise JOSEPH	Ministère de la Justice
GEORGIA	Tamta KLIBADZE	Head of Secondary Unit at Methodology, International and Legal Department of Financial Monitoring Service of Georgia
	Lasha ABULADZE	General Prosecutor's Office of Georgia, Head of the Anti-Money Laundering Unit
GREECE	Ioannis ANDROULAKIS	Advisor to the Hellenic Ministry of Justice, Assistant Professor of Criminal Law & Criminal Procedure University of Athens
HUNGARY	Akos KARA	Head of Department Department of Criminal Law Codification, Ministry of Justice
ITALY	Liana ESPOSITO	Magistrate at the National Directorate "Antimafia ed antiterrorismo"
LATVIA	Indra AIZUPE-DZINTARE	Director of Criminal Law Department, Ministry of Justice
	Dainis VĒBERS	Advisor, FIU Latvia
LITHUANIA	Živilė ŠADIANEC	Chief Investigator of Compliance Division Money Laundering Prevention Board, Ministry of Interior
	Audrius VALEIKA	Deputy Director of the Financial Crime Investigation Service
MALTA	Dr Sean Xerri DE CARO	Lawyer, Office of the Attorney General
	Mr Neil ZAMMIT	Manager, Asset Management, Asset Recovery Bureau
	Dr Daniel FRENDO	Senior Manager, Legal Affairs, Financial Intelligence Analysis Unit
MAROC	Az El Arb KETTANI IDRISSE	Conseiller de Monsieur le Président Directeur du Pôle des Affaires Juridiques et Conformité
	Jawhar NFISSI	Président de l'ANRF

	Youssef NAHI	Gouverneur au Ministère de l'Intérieur
	Moussa BARHMI	Magistrat à la Présidence du Ministère Public
	Hicham HARRAK	Commissaire Judiciaire relevant du Ministère de la Justice.
	Abdelaziz EL ALAMI	Consul Général par Intérim
	Hafid BADHADDUO	Magistrat, Che de Pole de suivi des Affaires criminelles spéciales relevant de la Présidence du Ministère Public
	Lhadj MEKKI MEKKI	Commissaire Divisionnaire, Direction Générale de la Sureté Nationale
REPUBLIC OF MOLDOVA	Oxana GISCA President of the COP	Office of Prevention and Fight Against Money Laundering Government of Republic of Moldova
	Elena LUPAN	Chief inspector, FIU Moldova
	Natalia TANASOV	Chief inspector, FIU Moldova
MONACO	Richard DUBANT Chef de délégation	Directeur du service de gestion des avoirs saisis ou confisqués (SGA)
	Stéphanie PASCUCCI	Chef de Division - Supervision, Autorité Monégasque de Sécurité Financière
MONTENEGRO	Blagoje GLEDOVIĆ Head of delegation	Acting Director General of the Directorate for international cooperation and Mutual Legal Assistance- Ministry of Justice
	Danijela MILIĆEVIĆ	Chief Police Advisor, Department for Financial Intelligence Affairs (FIU) Police Directorate -Ministry of the Interior
	Ivana MAŠANOVIĆ	Deputy to the Permanent Representative Permanent Representation of Montenegro to the Council of Europe
NETHERLANDS	Tom van der BERK Acting Head of Delegation	Ministry of Justice and Security
	Claudia ELION Vice-president of the C198-COP	Senior policy advisor on international affairs, Fiscal Intelligence and Investigation Service, Tax Administration Utrecht
	Elvira KROSS	Policy and Legal Advisor of Financial Intelligence Unit Aruba
	Alex ERADES	Chief Prosecutor of Aruba

NORTH MACEDONIA	Gordana MILEVSKA	Head of unit Unit for international legal assistance in criminal matters, Department for International Legal Assistance
POLAND	Miłosz GAIDA	Senior Specialist International Cooperation Unit Department of Financial Information/Polish FIU, Ministry of Finance
	Ewa SZWARSKA-ZABUSKA	Chief Specialist International Cooperation Unit Department of Financial Information/ Polish FIU, Ministry of Finance
PORTUGAL	José BRAGUÊS	Criminal Police / Chief-Inspector / Financial Information Unit (UIF)
	António DELICADO Head of Delegation	Legal Advisor, Directorate General for Justice Policy, Ministry of Justice
	Hélio Rigor RODRIGUES	Prosecutor of the Republic/Adviser to the General Prosecutor Office
ROMANIA	Cornel Virgiliu CALINESCU Chair of PC-RAC	General Director, National Agency for the Management of Seized Assets
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RUSSIAN FEDERATION On-line	Alexey LYZHENKOV <i>Head of Delegation</i>	Deputy Director Department on the Issues of New Challenges and Threats Ministry of Foreign Affairs of the Russian Federation
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	Serena UGOLINI	Magistrate at the Court of the Republic of San Marino
SERBIA	Bojana ŠĆEPANOVIĆ	State Secretary in the Ministry of Justice of the Republic of Serbia
SLOVAK REPUBLIC	Branislav BOHACIK <i>Head of Delegation</i>	Prosecutor, head of delegation General Prosecutor's Office of the Slovak Republic International Department
	JUDr. Michaela KRUMPÁL VIDOVENCOVÁ	Senior police officer, Financial Intelligence Unit of the Police Force
	Zuzana ŠTOFOVÁ	Director of European and Foreign Affairs Division, Ministry of Justice of the Slovak Republic
SLOVENIA	Petra RUPNIK	Secretary Office for Money Laundering Prevention of the Republic of Slovenia

SPAIN	APOLOGIZED	
SWEDEN	APOLOGIZED	
TÜRKIYE	Dr. Yavuz YILMAZ	Justice Counsellor Permanent Representation of Türkiye in Strasbourg
UKRAINE	Tetyana SHORSTKA	Head of the transfer of sentenced persons and enforcement of judgements – Deputy head of the International Legal Assistance Subdepartment of the International Cooperation and Representation Department
	Oleh BELISOV	Deputy Head of Division – Head of Unit for joint financial investigations of Division for Financial Investigations with FIU's of Financial Investigation Department of the State Financial Monitoring Service of Ukraine
UNITED KINGDOM	Robert JONES	Senior Policy Advisor Criminal Finances Team
	Adrian FOSTER	Chief Crown Prosecutor of the CPS Proceeds of Crime Division Crown Prosecution Service
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SCIENTIFIC EXPERT		
Paolo COSTANZO	Head Analysis and Institutional Relations Directorate Financial Intelligence Unit Banca d'Italia	
Council of Europe SECRETARIAT DGI		
Hanne JUNCHER	Director Directorate of Security, Integrity and Rule of Law	
Livia STOICA BECHT	Head of Economic Crime and Corruption Department	
Ana GOREY	Constitutional Justice and Cooperation Division:	
Milan NIKOLIC	Committee of Experts on Criminal Asset Recovery (PC-RAC)	

C198-COP SECRETARIAT	
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