

Strasbourg, 18 October 2024

C198-COP(2024)LD1

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**

LIST OF DECISIONS

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;