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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)

Follow-up analysis of the Thematic Monitoring Review of the Conference of the Parties to CETS No.198 on Article 11 ("Previous Decisions"), Article 25 §2 - 3 ("Confiscated Property"), and Article 14 ('Postponement of Suspicious Transactions)[1]

[1] Adopted by the Conference of the Parties to CETS No. 198 at its 17th meeting (Strasbourg, 4 - 5 November 2025). The analysis in respect of Articles 11 and 14 of the Convention in respect of the Russian Federation were revised and adopted by written procedure by the Conference of the Parties on 18 June 2026

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INTRODUCTION

1. The Conference of the Parties (hereinafter: “the COP”), at its 9th meeting held in Strasbourg from 21 to 22 November 2017, decided to initiate the application of a horizontal thematic monitoring mechanism for an initial period of two years. At its 11th meeting, held in October 2019, the COP decided to extend the application of this horizontal monitoring for a further five years (i.e. until 2024). Subsequently, at its 16th meeting, held in October 2024, the COP decided to extend, for an additional five years (i.e. until 2029) the application of Rule 19bis of the Rules of Procedure, which provides the basis for conducting horizontal reviews. Such review looks at the manner in which all States Parties implement selected provisions of 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, hereinafter: “the Warsaw Convention”). To that effect, the COP adopted a new Rule 19bis of the Rules of Procedures.

2. Further to this, the COP amended its Rules of Procedure with regard to the application of the follow-up process. To that end, Rule 19bis(20) states that ‘*the Conference may decide that those Parties whose implementation of a certain provision of the Convention was not considered satisfactory report back on progress made within three years’ time at the latest, taking into account the nature of the recommendations rendered in the thematic monitoring reports. State Parties which declared not to apply the Articles selected to be assessed through the thematic monitoring shall be exempted from the follow – up process on these Articles*.’

3. Consequently, at its 13th meeting the COP decided to launch a follow-up process on Thematic Monitoring Report on Article 11 and Article 25(2) and 25(3) of the Convention while at the 14th COP meeting, follow-up procedure was initiated on the Thematic Monitoring Report on Article 14 of the Warsaw Convention. In 2019, 2022, 2023, 2024 and 2025 the COP discussed and analysed progress made by several State Parties in implementing the selected articles of the Warsaw Convention. The outcomes of the follow-up procedure are explained below.

METHODOLOGY

4. The thematic monitoring report on Article 11 established the extent to which international recidivism is taken into account by the Parties. There are several possibilities to comply with the provision of Article 11, such as by providing for a harsher sanction in case of previous convictions by both domestic and foreign courts, or by providing that courts and prosecutors take previous convictions into account by assessing the offenders’ past circumstances when setting a sentence[2]. It was also emphasised that Article 11 does not enforce a positive obligation on courts or prosecution services to inquire whether persons being prosecuted have received final convictions from the courts of another State Party.

5. The report on Article 25 (2 and 3) established the extent to which asset sharing, for the purposes of victim compensation and return of property to the legitimate owner, as well as the possibility to negotiate relevant asset sharing agreements between different States Parties, are taken into account by the States Parties. More precisely, Article 25(2) requires States Parties to have in place any kind of measure to oblige the competent authorities, to consider, as a matter of priority, returning the confiscated property to the legitimate owner or to compensate the victim(s) of crime, upon a request received from other State Party(ies).

[2] Note that the drafters of the Warsaw Convention in the explanatory report consider that merely “assessing the offenders’ past circumstances when setting a sentence” would possibly be too vague or ambiguous.

Moreover, it was noted that, according to Article 25(3), States Parties are not required, but encouraged to give special consideration to concluding arrangements or agreements on asset sharing, and preferably on a solid, long-term basis as the sharing of confiscated property usually concerns significant funds. Effective implementation of Article 25 (2 and 3) was assessed through a combination of factors, such as the transposition of the provision into the respective legislative framework, and through submitted case studies and related statistics.

6. Both horizontal reviews contain a number of general recommendations following the summary findings, as well as country-specific recommendations following the individual state's analysis.

7. Both reports (on Article 11 and on Article 25 (2 and 3)) were subject to a follow-up procedure in 2019, 2022, 2023 and 2024. The first follow-up report (2019) concluded that limited progress had been made to implement the recommended actions with regard to both articles. Seven States Parties were able to demonstrate progress and present concrete measures that they applied with the aim to address the recommendations of Article 11 and eight countries with respect to the recommendations of Article 25 (2 and 3). Moreover, improvements with regard to the implementation of Article 25 resulted mostly from the adoption of Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, which is applicable to all State Parties that are EU member states.

8. Furthermore, the follow-up report adopted at the 14th COP meeting (2022) noted that, four years after the adoption of the Thematic Monitoring report of Article 11 and Article 25 (2 and 3), some progress has been achieved. In particular, progress in implementing Article 11 was observed in Azerbaijan and the United Kingdom, whilst other countries (Montenegro, the Russian Federation, Serbia and Türkiye) had not introduced any changes. Five countries (Croatia, Belgium, Montenegro, the Netherlands and Poland) demonstrated sufficient progress in implementing the provisions of Article 25 (2 and 3) whereas San Marino and North Macedonia made progress in addressing deficiencies identified under Article 25 (3). The COP, at its 14th meeting, therefore proposed further follow-up procedures for the State Parties that did not address the recommendations. In addition, the COP also decided that the Russian Federation should report on progress made with regard to Article 14 ('postponement of suspicious transactions').

9. The 2023 Follow-up report adopted at the 15th COP meeting concluded that no progress was observed in Montenegro, the Russian Federation, Serbia and Türkiye in implementing Article 11 of the Convention into their national legal system. With regard to Article 25 (2 and 3), only Azerbaijan made sufficient progress in implementing both paragraphs of this article of the Convention, while San Marino made progress with regard to application of Article 25(2). However, other three countries were either in the process of reforming their legislation (Armenia) or had not yet initiated them (Serbia and North Macedonia). The COP decided to grant one more year to those State Parties that did not address the recommendations. With regard to the progress made by the Russian Federation on the implementation of recommendations made in the Thematic Monitoring Review (2019) dealing with Article 14 of the Convention, it was concluded that the country has to make further progress to meet the requirements of this Article and was asked to report back at the 16th Plenary meeting.

10. The fourth follow-up report, adopted at the 16th COP meeting in October 2024, highlighted that only one State Party (Montenegro) adopted legislative measures to transpose Article 11 into its national legislation. The other three State Parties (the Russian Federation, Serbia and Türkiye) concerned have not reported any progress in this regard. With respect to Article 25 (2 and 3) none of the State Parties reported progress in implementing the standards, and additional efforts remain necessary. Finally, as regards Article 14 and its implementation by

the Russian Federation, the fourth follow-up report of 2024 underlined that, while several legislative amendments were pending further procedure, the implementation of requirements of Article 14 was yet to be demonstrated.

11. To sum up, this follow-up report analyses the progress made by the following countries: (i) the Russian Federation, Serbia, and Türkiye in implementing Article 11; (ii) Armenia, and Serbia in implementing Article 25 (2 and 3); (iii) North Macedonia in implementing Article 25 paragraph 2; and (iv) the Russian Federation in implementing Article 14. These countries are being assessed in relation to the respective articles, reflecting ongoing efforts to ensure their compliance with these requirements of the Warsaw Convention. Furthermore, the analysis of the Russian Federation's implementation of Articles 11 and 14 of the Warsaw Convention was updated following the country's submission of additional information, and then adopted by written procedure in 2026, pursuant to the 2025 COP Plenary decision.

12. This analysis, however, does not assess the implementation of 'soft recommendations' which aim at better implementation of the articles concerned (e.g. maintaining statistics), or enhanced application of the provisions concerned (by e.g. providing for aggravating circumstances in law in case of previous decisions).

ARTICLE 11

13. The following general recommendations with regard to the implementation of Article 11 were made in the 2018 report:

"With the aim to promote a harmonised notion of recidivism at the international level, States Parties are recommended, if they have not yet done so, with regard to Article 11, to:

- *Amend their laws with an express reference made to the concept of international recidivism, handing the competence to their criminal courts and prosecutor's offices to take into account previous decisions handed down by another State Party;*
- *Extend the possibility of taking into account the decisions by criminal courts to all States Parties, as required by Article 11;*

For the purposes of more effective results of the use of Article 11, States Parties are invited to consider, with regard to Article 11, to:

- *If appropriate and practicable, maintain statistics on the application of Article 11 by judges and prosecution services.*

States Parties, in particular those which did not provide case examples on the practical implementation of Article 11, are recommended to continue to familiarise judges, prosecution services and other competent authorities with the concept of international recidivism and the related domestic provisions."

14. The country specific analysis, which is provided below, aimed at assessing any progress made in implementing country specific recommendations from the 2018 Report. Findings of the previous follow-up reports were taken into account; however, the main source of information were the responses to the follow-up questionnaire provided by the States Parties.

Russian Federation

15. The Russian Federation has undergone a 'selected follow-up procedure' in 2021 and the report on the implementation of Article 11 was then amended. The report noted the absence

of specific provisions in domestic legislation introducing the notion of international recidivism. Subsequent follow-up reports in 2022, 2023 and 2024 noted that no legislative changes had been made and recommended the country to demonstrate progress either by amending its legislation or by providing evidence that the requirements of Article 11 are implemented in practice, through the jurisprudence of national courts.

16. In their response to the 2025 Questionnaire, as well as in the additional materials submitted upon request following the 17th COP plenary meeting[3], the Russian Federation indicated that, although not explicitly provided for in its criminal legislation, criminal convictions rendered by foreign courts may be taken into account by national courts when determining criminal sanctions. This position is further supported by the 2018 Resolution of the Plenum of the Supreme Court of the Russian Federation, which instructs law enforcement authorities and prosecutors to present the defendant's criminal record to the court. In this context, it is specified that the criminal record includes information on prior convictions both within the Russian Federation and in foreign jurisdictions. Accordingly, courts are required, when determining criminal sanctions, to take into account convictions rendered by foreign courts.

17. The authorities provided several examples of cases where national courts considered foreign convictions during domestic criminal proceedings for the purpose of determining the severity of criminal sanctions.

18. Taking into account that the revised COP Interpretative Note on Article 11 confirms that the requirements of this article of the Warsaw Convention can be fulfilled either through legislative provisions or through jurisprudence, it is concluded that, in the Russian Federation, the requirements of Article 11 are reflected in the Supreme Court Resolution as well as in judicial practice. Both sources allow courts to take into account final decisions rendered in another country when determining on the severity of the criminal sanctions. Article 11 is therefore considered to be implemented by the Russian Federation.

Serbia

19. In their response to the 2025 follow-up questionnaire, the Serbian authorities reiterated their commitment, expressed in the previous follow-up, to implement the requirement of Article 11. They informed that the Ministry of Justice is continuing its work on amending the Criminal Code (CC). According to the proposed amendments of Article 55a of the CC, the court shall impose a higher punishment (above the half of the range of the prescribed punishment starting with the lowest measure of such punishment) if the perpetrator has been twice convicted for the same or similar offence. The condition for applying this aggravating circumstance is that less than five years have passed since the previous conviction. The proposed amendment defines "earlier conviction" as final judgements handed down by domestic and foreign courts, which is intended to be considered as aggravating circumstances under Article 55(1) of the CC. The authorities specified that the draft amendment of Article 55a of the CC has been sent to the European Union for opinion and is intended to be adopted by the end of 2025. Therefore, whilst the proposed amendment would satisfy to a large extent the requirements of Article 11, the amendments have not yet been adopted, and Serbia thus still needs to make further progress to ensure full implementation of Article 11 of the Convention.

[3] See
C198-COP(2025)11, 17th meeting (Strasbourg, date 4-5 November 2025) , see Item 9 of the meeting report at https://rm.coe.int/c198-cop-2025-11-cop-17th-meeting-report-en/48802a1f43 -

Türkiye

20. The authorities reiterated their view expressed during the previous plenary meetings (namely in 2018, 2022, 2023 and 2024), that their national legislation sufficiently complies with Article 11. This has already been a subject of the 2018 Thematic Monitoring Review and the 2022, 2023 and 2024 Follow-Up Reports which all confirm that international recidivism is only applied in some specific circumstances (i.e., when the offender commits looting, fraud, production and trade of narcotics or psychotropic substances, and counterfeiting money or valuable stamps) and it was consider insufficient to comply with the requirements of Article 11. Meantime, no legislative amendments have been reported to ensure that all predicate offences to ML would be subject to recidivism.

21. Nevertheless, the authorities in their response to the 2024 and 2025 Questionnaire, advised that the relevant authorities are undertaking legislative studies in order to possibly consider legislative amendments. Consequently, it could be concluded that no progress since the adoption of the thematic monitoring report was achieved.

ARTICLE 25 (2 and 3)

22. The following general recommendations with regard to implementation of Article 25 (2 and 3) were made in the 2018 report:

"With the aim to promote a harmonised approach to sharing of confiscated property, States Parties are recommended, if they have not yet done so, with regard to Article 25(2), to:

- *Ensure that their authorities are, to the extent permitted by domestic law and if so requested, in a position to give priority consideration to returning the confiscated property to the requesting Party in order to both compensate the victims or return such property to the legitimate owners (as required by Article 25(2)).*
- *Modify their domestic legislation to put in place appropriate legislative measures and the institutional framework as to guarantee that this provision of the Convention can be effectively applied;*
- *Introduce provisions in domestic legislation permitting priority consideration for returning the confiscated property to the requesting Party for both victim compensation and return of property to the legitimate owner;*

For the purposes of the successful implementation and application of Article 25(2), States Parties are invited to consider with regard to Article 25(2) to:

- *Include in their training programmes for the judiciary and other relevant authorities the strengthening of the institutional capacities to better understanding and applying in practice the provisions of Article 25(2 and 3) of the Convention;*
- *Maintain statistics on the effective implementation of these provisions.*

States Parties are also recommended, if they have not yet done so, with regard to Article 25(3), to:

- *Provide for the possibility to conclude agreements or arrangements on asset sharing specifically by introducing such provisions into their domestic legislation;*

- *Negotiate and conclude asset sharing agreements, in accordance with its domestic law or administrative procedures, either on a case-by-case or on a regular basis, with other States Parties, to effectively apply this Convention's provision;*
- *Extend the possibility to conclude asset-sharing agreements (which may be limited to COP States Parties which are at the same time EU Member States) to all COP States Parties*[4]*"*

23. The country specific analysis provided below assesses progress reported by Parties since 2018 in application of Article 25 (2 and 3), primarily on the basis of their responses to the follow-up questionnaire, while also taking into account the findings of the previous follow-up report.

Armenia

24. In their responses to the 2025 follow-up questionnaire, the Armenian authorities indicated that the "Law on on Legal Assistance in Criminal Cases", was adopted in December 2024. Article 97(6) of this law establishes the legal framework to ensure that, in the context of the execution of confiscation order at the request of a foreign country, "compensation for damage caused to victims, as well as the return of property to the lawful owners" is "ensured as a priority", thus complying with the requirement of Article 25(2).
25. Regarding Article 25(3), the rapporteurs stated in the Horizontal Review 2020 that the Armenian authorities are in a position to negotiate ad-hoc agreements on the sharing of confiscated assets. The new Article 97(7) now explicitly permits the possibly of concluding such agreements on a regular or ad-hoc basis. The law indicated also that in case of absence of an agreement between Armenia and the requesting State, half of the confiscated assets or half or its value shall be transferred to the requesting Party.
26. The new article clearly addresses the requirements as stipulated in Article 25 (2 and 3). Consequently, their approval by the legislator provides a solid legal basis for application of the requirements of Article 25 (2 and 3) the Convention. Given the recent adoption of the legal provisions, practical implementation has not been demonstrated.
27. It can be concluded that all requirements of Article 25 (2 and 3) are transposed into domestic law. Subsequently, it is recommended to Armenia to raise awareness among the competent authorities of the procedures for asset sharing and concluding special agreements.

North Macedonia

28. In their response to the 2025 follow-up questionnaire, North Macedonia reported that the competent authority has initiated the process of amending Law on International Cooperation to meet the requirements of Article 25 (2) of the Convention.
29. The fact that these amendments are not yet adopted, leads to the conclusion that insufficient progress has been achieved by the country to implement Article 25 (2) of the Convention.

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[4] At the 10th plenary meeting one delegation raised a concern as to whether EU Member States would be competent to conclude *ad-hoc* agreements on asset sharing with non-EU Member States. The delegation noted that the competence to sign such agreements might fall within the exclusive competence of the European Union. The Plenary clarified that the relevant general recommendation shall not be understood as a requirement of the Warsaw Convention to extend the EU asset sharing framework (to which the EU Member States are bound) to all COP States Parties. The recommendation would merely entail that States Parties which are EU Member States provide for a possibility to sign asset-sharing agreements with non-EU COP States Parties, as long as this is in line with the EU legal framework.

Serbia

30. The authorities reiterated their response stating that, in order to transpose requirements of Article 25 (2 and 3) of the Convention, the Ministry of justice has prepared amendments to the Law on Confiscation of Property Derived from Criminal Activity. These proposed amendments of the Law would enable returning the confiscated property to the requesting state, so that priority can be given to the victims' compensation. More precisely, the proposed amendments of Article 78 of the law read as follow:

31. "*The permanently confiscated property derived from a criminal activity shall be disposed of in compliance with the provisions of this Law, unless laid down otherwise by an international agreement.*

    In the distribution of permanently confiscated property, priority is given to the possibility of returning the property to the requesting state, if required, so that it can give compensation to the victims of the crime or to return such property to their legitimate owners."

32. Furthermore, the proposed amendments of the Law would also allow Serbian competent authorities to conclude agreements with other countries in order to share confiscated property. Specifically, the final paragraph of the proposed amendments to Article 78 states: "*For the distribution of permanently confiscated property, the Republic of Serbia may enter into a general agreement or a specific arrangement with the requesting state.*"

33. The proposed legislative amendments would meet the requirements of Article 25 (2 and 3) of the Convention. However, whilst the authorities specified that the adoption of the amendments was planned to be adopted by the end of 2025, these amendments are still pending adoption by the Parliament. Therefore, it can be concluded that Serbia has to make further progress to implement Article 25 (2 and 3) of the Convention.

OVERALL CONCLUSION ON PROGRESS MADE WITH REGARD TO ARTICLES 11 AND 25 (2 AND 3)

34. Following the adoption of the 2018 Thematic Monitoring, 2022, 2023, 2024 and 2025 Follow-Up Reports, and further to the submission of additional information by the Russian Federation in 2026, the analysis confirmed that Article 11 is implemented by the Russian Federation. Further progress is still needed by Serbia and Türkiye in implementing the requirements of this article of the Warsaw Convention.

35. With regard to Article 25 (2 and 3), Armenia has adopted legislative amendments introducing all requirements of Article 25 (2 and 3) of the CETS No.198. On the other hand, Serbia and North Macedonia reported that they have initiated legislative amendments in order to implement the requirements of this article of the Warsaw Convention. Nevertheless, further efforts are needed since none of the amendments has yet been adopted.

ARTICLE 14

Russian Federation

36. The COP, at its 15th Plenary meeting, concluded that the Russian Federation should make further progress to meet the requirements of Article 14 and was asked to report back in one

year. Article 14 requires Parties to take measures to permit urgent action to be taken by FIUs or other competent authorities or bodies in order to postpone a domestic suspicious transaction. The paragraph does not foresee a maximum duration of the postponement; instead, the duration of the measures shall be determined by national law. Parties may permit reporting entities to carry out a transaction in urgent cases before a suspicious transaction report (STR) is submitted. Parties may also require a STR as a basis for every postponement order issued by the FIU (or any other competent authority), but they could opt for extending the basis of the order to other information sources (i.e. upon the request of a domestic judiciary authority or upon request of a foreign FIU).

37. The 2023 Follow-up Report concluded that the Russian Federation had presented draft legislation addressing the requirements of Article 14. However, as these amendments had not yet been adopted at the time, the Russian Federation was recommended to make further progress in implementing these requirements.

38. In their responses to the 2024 Questionnaire, the Russian Federation provided information on several legislative developments since the last Plenary meeting. In October 2023, a mechanism was established to improve information sharing between the Bank of Russia and the Ministry of Internal Affairs to better counter fraud. New legislation (Federal Law No. 369-FZ, in force since July 2024) enables payment operators to block transfers in cases of fraud, however this measure does not extend to money laundering, as required under Article 14 of the Warsaw Convention. The authorities also indicated that a draft amendment to the Criminal Procedure Code was being prepared to allow investigators to suspend banking operations for up to 10 days in the context of criminal proceedings. In addition, they reported that steps are being taken to empower the FIU (Rosfinmonitoring) to suspend transactions, although no specific legislative developments in this regard were provided.

39. In their response to the 2025 Questionnaire, the authorities reported that Federal Law No 522FZ of 28 December 2024, entered into force, on 1 June 2025. They further stated that this legal act grants the Rosfinmonitoring the power to temporarily suspend transactions involving funds or other property suspected of being linked to criminal activity or money laundering, including on the basis of requests from foreign authorities. The duration of such a measure is limited to 10 days, with the possibility, however, to be extended to 30 days. The authorities also indicated that the Rosfinmonitoring issued clarifications to the banking sector, explaining how this measure is to be implemented. In addition, they specified that the legislation does not restrict the application of these measures to situations where a suspicious transaction report has been previously submitted.

40. Federal Law No. 278FZ, Article 1(2), adopted on 31 July 2025, further empowers law enforcement agencies to suspend suspicious transactions during pre-trial criminal proceedings where there are sufficient grounds to believe that the funds are linked to a crime. This law allows investigators to halt transactions involving funds, electronic funds, or advance payments for communication services in such circumstances.

OVERALL CONCLUSION ON ARTICLE 14

41. Following the adoption of the Thematic Monitoring, as well as the 2023 and 2024 Follow-Up Reports, the Russian Federation introduced legislative amendments aimed at meeting the requirements of Article 14. In particular, the 2025 amendments to the Federal Law on Countering the Legalisation of Proceeds of Crime and the Financing of Terrorism empowered the FIU (Rosfinmonitoring) to suspend suspicious transactions. Specifically, Article 1

paragraph 10 (e) of this Law allows the FIU to temporarily suspend transactions if there are reasonable grounds to believe that a money laundering offence has been committed. Such a measure may also be applied on the basis of a request from a foreign competent authority. In all cases, the suspension cannot exceed 10 days, or 30 days where it is based on a foreign request. Therefore, these legislative amendments confirm that the requirements of Article 14 have been implemented by the Russian Federation.