

## 1509<sup>th</sup> meeting, 9 October 2024

10 Legal questions

### 10.6 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)

#### Conference of the Parties

Fourth activity report (covering the period 2021-2023)

Item to be considered by the GR-J at its meeting on 26 September 2024

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

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**List of abbreviations**

AML	Anti-money laundering
The Assembly	Parliamentary Assembly of the Council of Europe
CDPC	European Committee on Crime Problems
CETS no. 141	1990 Council of Europe Convention on Laundering, Search Seizure and Confiscation of the Proceeds from Crime – the Strasbourg Convention
CETS no. 198	2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism – the Warsaw Convention
CFT	Countering the financing of terrorism
COP	Conference of the Parties to the 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism – the Warsaw Convention (CETS no. 198)
The Court	European Court of Human Rights
EAG	Eurasian Group on Combating ML/TF
EU	European Union
FATF	Financial Action Task Force
FIU	Financial intelligence unit
ML	Money laundering
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering measures and the Financing of Terrorism
NCBC	Non-Conviction Based Confiscation
OSCE	Organisation for Security and Co-operation in Europe
PC-OC	Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters
PC-RM	Committee of Experts on the revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
PC-RAC	Committee of Experts on Criminal Asset Recovery
TF	Terrorist financing
UN	United Nations

## I. Introduction from the President

I am honoured to present this fourth activity report which covers the work and achievements of the Conference of the Parties (COP) to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the “Warsaw Convention”, CETS no. 198) from 2021 to 2023. As is the case with many international bodies, it would be inaccurate to claim that this period proceeded as expected. From the ongoing impacts of the COVID-19 pandemic to the effects of the Russian Federation’s war of aggression against Ukraine, practices and policies have had to change. It is for this reason that I am especially proud of the prompt reactions and measures taken by the COP, both of which were timely and effective in mitigating, to the extent possible, the related consequences. I am also grateful for the support expressed by other Council of Europe bodies and for their diligent efforts to ensure that the Warsaw Convention remains effective, while also being flexible in response to ever-changing global developments.

In a period where political ties were severed and borders closed, we have been able to expand the reach of the Convention, following ratifications by Estonia and Morocco, as well as the extension of the application of the Convention by the United Kingdom to the territory of the Isle of Man. Morocco is the first non-member State of the Council of Europe to become a party to the Convention, further consolidating the convention’s importance beyond Europe’s borders. I am also pleased that the COP has had the capacity to become an active player in the shaping of the global anti-money laundering and countering terrorism financing (AML/CFT) regulatory environment, through a fruitful co-operation between the COP and the global AML/CFT network lead by the Financial Action Task Force (FATF). The COP’s President and the secretariat supported and actively contributed to the process of revision of the FATF standards on asset recovery, together with experts from the Parties to the Convention. The roundtable engagements hosted by Interpol and the FATF with a wide range of experts were also a success, with the COP participating in promoting the effective development of global asset recovery standards. The exciting prospect of the suspicious transaction deferral mechanism in Articles 14/47 of the Convention becoming a global standard was raised by the COP’s representatives on these occasions, leading to the final inclusion of this mechanism in the revised FATF standards.

As the Convention’s reach expands, the importance of support from other specialised bodies, institutions and experts has become increasingly apparent. This is particularly true of our sister committee, MONEYVAL. I am pleased to announce that we were able to translate this sentiment into action during MONEYVAL’s ministerial meeting held in April 2023. The High-level Declaration and MONEYVAL’s Strategy which were adopted at this event both call for greater synergy between the COP and MONEYVAL as a product of clear benefits of closer co-operation in the past.

The evolving nature of the money laundering and terrorist financing (ML/TF) threats requires that the Convention be kept under constant review to ensure that it remains at the forefront of the AML/CFT field. In order to improve the existing legal framework and enhance international co-operation in the area of management, recovery and sharing of criminal proceeds, and in response to duly identified challenges, the COP consulted the Council of Europe’s Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) to examine the need and feasibility of an additional legal instrument in this area. Following positive results, the Committee of Ministers decided in November 2023 to set up the Committee of Experts on Criminal Asset Recovery (PC-RAC) under its authority, and the authority of the European Committee on Crime Problems (CDPC).

As new ML/TF risks emerge, the COP must adapt its toolkit to continue to effectively ensure the implementation of the Convention. To this end, it moved to a horizontal thematic monitoring review methodology in 2018. Due to the obvious benefits of this methodology, three additional thematic monitoring reports and two follow-up reports were adopted by the Conference during the period covered by this report. This methodology has been applied to all new State parties, with entirely positive results. On the basis of these results, we have decided to extend transversal monitoring until 2024. While the introduction of new methods is to be welcomed, monitoring would of course be ineffective without consistent follow-up. To this end, the COP adopted its workplan on thematic monitoring reviews and follow-up for the period 2024-2026, including reporting on countries that have recently ratified the Warsaw Convention. I would like to express my appreciation not only to the teams responsible for the follow-up, but also to the representatives of the States parties, who are ensuring that our recommendations and guidance are effectively put into practice.

It goes without saying that the Convention is only effective with the continued engagement of its States parties. The benefits to States of this commitment are felt through our efforts of monitoring and actively following-up on both national and international ML/TF threats, and ensuring that national AML/CFT efforts are recognised internationally. The ratification and effective implementation of the Convention enhances this impact, which is why I encourage the remaining Council of Europe member States – Andorra, Czechia, Iceland, Ireland, Finland, Luxembourg, Liechtenstein, Norway, Switzerland, and also the European Union to become a Party in the very near future.

Last but not least, I am grateful to my predecessor for his efforts and dedication in promoting the work of the COP and the importance of the Warsaw Convention. His firm leadership has enabled the COP to accomplish important work. In addition to adopting a concrete work plan both for the continuation of the thematic monitoring reviews and for follow-up, the COP also set out the objectives and priority actions for the next period. These include three main objectives, each with its own achievable and specific actions. The COP will support the effective implementation of the Convention by the Parties, take measures to ensure the continued relevance of the Convention by actively contribute to the standard-setting work on the future Additional Protocol, and promote the Convention with a view to broadening its membership, thereby strengthening the AML/CFT network and international co-operation in this area.

Ms Oxana GISCA,  
President of the Conference of the Parties

## II. Executive summary

This fourth activity report covers the work carried out by the Conference of the Parties to 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, the Warsaw Convention) from 2021 to 2023. It summarises the added value the convention brings to the global anti-money laundering and countering terrorism financing standards and discusses its monitoring, interventions and other activities carried out during the reporting period. Moreover, the report seeks to address key matters concerning the procedures established and the Convention's direct or indirect impact on strengthening the capacities of States parties in combating money laundering and terrorist financing and confiscating proceeds of crime.

The Warsaw Convention, which entered into force on 1 May 2008, remains the only comprehensive anti-money laundering treaty covering the prevention and repression of money laundering and the financing of terrorism as well as international co-operation. It is a key convention of the Council of Europe, specifically designed to assist in the investigation, prosecution and conviction of serious money laundering cases, and to enhance national capacities to fight terrorist financing. The convention reinforces current international standards by setting, *inter alia*, high requirements regarding freezing, seizure and confiscation measures, the management of frozen and seized property, and the possibility to take international recidivism into account when determining penalties as well as in a number of other areas. It also provides a legal possibility to share confiscated assets between the co-operating States parties. The Conference of the Parties' action against money laundering is central to the fight against organised crime and complements the Council of Europe's efforts against organised crime, corruption, human trafficking, cybercrime and economic crime in general.

The monitoring procedure under the Warsaw Convention was designed so avoid duplicating the work of MONEYVAL or the FATF. It focuses on the parts of the Convention that enhance global standards and strengthen the fight against money laundering and financing of terrorism.

The Warsaw Convention currently has 39 States parties. Since the publication of the third Activity Report, the Warsaw Convention has been ratified by Morocco (April 2022) and Estonia (September 2022). It is also important to note that in September 2023, the United Kingdom extended the application of the Convention to the territory of Isle of Man. Currently four States (Finland, Iceland, Liechtenstein and Luxembourg), as well as the European Union are signatories to the Warsaw Convention and have yet to ratify it. Promoting accession by the remaining Council of Europe member States (Andorra, Czechia, Ireland, Norway, Switzerland) and expanding the reach of the Convention beyond Europe remains priority objective of the Conference of the Parties.

The number of ratifications of the Convention has grown significantly since the Conference of the Parties' first meeting in 2009. These figures are encouraging, and the Convention's provisions are now implemented across Europe. In 2018, the monitoring methodology shifted from a country-by-country review to transversal thematic monitoring, marking a significant change in the Conference's approach. The initial proposal for the transversal monitoring to last two years was extended by five years (i.e. until 2024), due to the benefits observed from this approach. During this reporting period, the Conference adopted three thematic monitoring and two follow-up reports. Additionally, new States parties to the Convention (Lithuania, Austria and Estonia) were assessed against the articles of the Convention which were subject to 2018 – 2022 horizontal reviews. This practice, which is a part of the Conference of the Parties' Rules of Procedure, ensures that all horizontal reviews are current and align with the status of ratification of the Convention.

The topics, findings, and recommended actions resulting from the monitoring activities of the Conference of the Parties are further elaborated in the relevant chapters of this report. In addition to the monitoring reports, the Conference of the Parties paid particular attention to further developing the understanding of the Parties of the specific provisions of the Convention. To this end, the Conference of the Parties developed and adopted several Interpretative Notes, which provide a comprehensive overview of the modalities of how specific requirements of articles subject to horizontal review should be applied in practice.

In 2022, as a result of the Russian Federation's aggression against Ukraine, the Conference of the Parties amended its Rules of Procedure, introducing measures to restrict the participation a State Party in its work of under certain conditions. The restricted participation, as provided for in the revised Rules of Procedure, was immediately applied to the Russian Federation, by decision of the Conference.

The Committee of Ministers decided in November 2023 to establish in 2024 the Committee of Experts on Criminal Asset Recovery (PC-RAC) under its authority and that of the European Committee on Crime Problems (CDPC) to develop an additional protocol to the Convention. This proposal put forward by the CDPC was based on the outcome of the consultations with the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC), to ascertain whether an additional instrument to the convention would be feasible and on the findings of the Conference of the Parties in the area of criminal asset recovery, in response to the challenges and expected additional benefits such a new instrument would yield.

The Conference of the Parties adopted in October 2023 both a workplan and timelines for thematic monitoring reviews and follow-up reports,<sup>2</sup> and more general objectives and actions for the Conference of the Parties,<sup>3</sup> to be completed in the 2024-2026 period. The objectives are to support the effective implementation of the Convention by Parties, ensure the continued relevance of the Convention and identify areas of priority focus for the work on the future additional protocol, and support signatures, ratifications and entries into force of the Convention.

Lastly, the report also discusses co-operation established by the Conference of the Parties with other Council of Europe and non-Council of Europe bodies dealing with the fight against money laundering and terrorist financing and economic crime in general. The results and concrete developments of this co-operation are also addressed in this report.

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<sup>2</sup> See Annex II: Timelines for Thematic Monitoring Reviews and Follow-up Reports.

<sup>3</sup> See Annex III: Objectives and actions (2024-2026).

### III. Conference of the Parties activities (2021-2023)

#### 1. INTRODUCTION AND BACKGROUND

1. Money laundering directly threatens the rule of law, whilst also providing organised crime with its cash flow and investment capital, and the incentive to commit more proceeds-generating crime. The Council of Europe's action against money laundering is thus central to the fight against organised crime and complements the Council of Europe's action against organised crime, corruption, human trafficking, cybercrime and economic crime in general. The Council of Europe's action in this area aims to take the profit out of crime, whilst also protecting the international financial system, and also shielding citizens against those who finance terrorism. On the monitoring side, this work is conducted through two complementary mechanisms. The first is the Committee of Experts on the Evaluation of Anti-Money Laundering measures and the Financing of Terrorism (MONEYVAL) which evaluates its members against the international standards set by the Financial Action Task Force (FATF). The second is the Conference of the Parties (COP) to 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), which is the monitoring body of that Convention.

2. The Council of Europe was the first international organisation to address the importance of taking measures to combat the threats posed by money laundering for democracy and the rule of law.<sup>4</sup> The Council of Europe's engagement with this issue led to the negotiation and adoption of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS no. 141, the "Strasbourg Convention") in 1990 and, in 2005, building on the Strasbourg Convention, the adoption of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the "Warsaw Convention").<sup>5</sup>

3. The Warsaw Convention, a key convention of the Council of Europe, needs to be ratified by all member States as it is specifically designed to enhance national capacities to fight money laundering and the financing of terrorism more effectively. It is important to stress the positive effects of effective anti-money laundering and combating the financing of terrorism (AML/CFT) measures on the rule of law and democracy of a nation as a whole, rather than just the financial sector.

#### 2. MISSION AND WORKING FRAMEWORK

##### The Convention

##### Origins

4. This Chapter provides a brief overview of the history of developments in the Council of Europe that led to the adoption of the Warsaw Convention in 2005.

5. The Recommendation No. Rec(80)10 of the Committee of Ministers on measures against the transfer and safekeeping of funds of criminal origin paved the way for future international standards on money laundering.

6. The 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime (the "Strasbourg Convention") sought to facilitate international co-operation and mutual legal assistance in investigating crime and tracking down, seizing, and confiscating the proceeds thereof. The Strasbourg Convention provides a full set of rules covering all stages of the procedure, from the first investigation to the imposition and enforcement of confiscation measures. It also allows for flexible but effective mechanisms of international co-operation in order to deprive criminals of the instruments and fruits of their illegal activities. Moreover, the Strasbourg Convention provides a wide basis for the criminalisation of money laundering, through the introduction of an "all crimes" approach to money laundering criminalisation.

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<sup>4</sup> Recommendation No. Rec(80)10 on measures against the transfer and safekeeping of funds of criminal origin, adopted by the Committee of Ministers of the Council of Europe on 27 June 1980.

<sup>5</sup> Note that the Warsaw Convention, unlike the Strasbourg Convention, provides for a monitoring mechanism through the COP to ensure that its provisions are properly implemented.



7. The Strasbourg Convention is ratified by all the Council of Europe member States and by Australia. Notwithstanding the recognition that the Strasbourg Convention received, it did not address a number of issues, including measures related to the prevention of money laundering. However, by the end of the 1990s, it was recognised by experts in MONEYVAL and beyond that the Strasbourg Convention needed to be updated to reflect new developments, as well as the rapidly evolving international standards in this area (in the European Union, United Nations and the FATF) and the experience gained in the context of mutual evaluations by the FATF and MONEYVAL. The clear link between financing of terrorism and money laundering was recognised by the Committee of Ministers in 2001, when it extended MONEYVAL's mandate to the financing of terrorism. The Strasbourg Convention therefore needed to be expanded to address the fight against terrorism financing. Furthermore, when the Strasbourg Convention was negotiated, financial intelligence units (FIUs) were not a part of the anti-money laundering structures in Council of Europe member States. FIUs developed rapidly in the 1990s and, by the end of that decade, there was pressure to anchor their critical role and responsibilities in an international treaty.

8. To this end, in 2003, the European Committee on Crime Problems (CDPC) entrusted the Committee of Experts on revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (PC-RM) to draft a protocol to the Strasbourg Convention. The PC-RM developed a text which both added to and modified provisions of that Convention. Owing to the extent of the modifications envisaged and the enlargement of the scope of the treaty to include issues concerning the financing of terrorism, it was decided that this text should be a separate convention, rather than a protocol to the Strasbourg Convention. The new Warsaw Convention was adopted by the Committee of Ministers on 3 May 2005 as CETS no. 198. It entered into force on 1 May 2008.

## Content

9. The Warsaw Convention builds on the successes of the Strasbourg Convention, thereby reinforcing the international AML/CFT standards as they stood after the adoption of the 2003 FATF recommendations. Even after the adoption of the revised FATF standards of 2012,<sup>6</sup> the Convention remains ahead of current international AML/CFT standards in several respects.

### Overview of areas in which the Warsaw Convention has strengthened current international standards

#### Criminalisation of money laundering

- The predicate offences to money laundering have to, as a minimum, include the categories of offence found in the appendix to the Convention, which entrenches the FATF requirements on this issue into an international legal treaty.
- It clarifies (and puts into a legally binding instrument) that a prior or simultaneous conviction for the predicate offence is not required.
- It allows for lesser levels of mental element (*mens rea*) for suspected money laundering.
- It clarifies that prosecutors do not have to establish a particular underlying predicate offence on a specific time and date in a prosecution for autonomous money laundering. This is important when seeking to prosecute stand-alone money laundering offences by those who launder on behalf of organised criminals and on behalf of other third parties.

#### Corporate liability

- Some form of liability for money laundering (whether criminal, administrative or civil) is now a mandatory requirement if committed for the benefit of the legal person by any natural person, acting either individually or as part of an organ of that legal person, who has a leading position within the legal person. The leading position can be assumed to exist in three alternative situations.
- The Convention expressly covers the legal person's liability for money laundering in cases where lack of supervision or control by the natural person (referred to above) has made it possible to commit the offence.

<sup>6</sup> In 2023, the FATF completed a substantive work on amending its Recommendations 4 and 38 which concern confiscation of proceeds of crime. This notwithstanding, the changes introduced, a number of which exceeds the standards established by the Warsaw Convention, were not formally approved by the FATF before 2024, a period which is not covered by this Activity Report. In number of other areas covered by this table, the Warsaw Convention remains ahead of the revised FATF standards.

**International recidivism**

- The Convention requires the State to ensure that there is the possibility, when determining the penalty, to take into account final decisions taken in another State party against a natural or legal person.

**Confiscation**

- A new concept of “laundered property” has been introduced, in order to ensure that confiscation of the property involved in an autonomous money laundering offence is possible.
- Confiscation must be available for money laundering and offences contained in the appendix to the Convention.
- Mandatory confiscation for some major proceeds-generating offences is contemplated.
- Reversal of the burden of proof is made possible for confiscation purposes. After a conviction for a serious offence, offenders are required to demonstrate the origin of alleged proceeds or other property liable to confiscation (to the extent that such a requirement is consistent with domestic law principles).
- There is a requirement to properly manage frozen or seized property.
- There is a requirement that priority consideration be given to returning assets, where requested, and concluding agreements in this respect.

**Investigative powers or techniques**

The provisions of the Convention require that:

- Courts/other competent authorities are empowered to order that bank, financial or commercial records are made available so that freezing, seizure and confiscation is possible.
- States parties should ensure that their competent authorities have the power to determine whether a natural/legal person holds an account and to obtain the details.
- States parties should ensure that their competent authorities have the power to obtain “historical” banking information.
- competent authorities have the power to conduct prospective monitoring of accounts.
- States parties should ensure that their competent authorities consider extending these powers to non-banking financial institutions.

**International co-operation**

States parties are required to:

- co-operate to the widest extent possible where assistance is requested in respect of non-conviction-based confiscation orders.
- provide international assistance in respect of requests for information on whether subjects of criminal investigations abroad hold or control accounts in the requested State party.
- provide international assistance in respect of requests for historical information on banking transactions in the requested party (may be extended to non-bank financial institutions).
- provide international assistance in relation to requests for prospective monitoring of banking transactions in the requested party (may be extended to non-bank financial institutions).
- provide for the possibility of direct communication prior to a formal request being sent.

**International co-operation between financial intelligence units**

- The Convention includes detailed provisions on FIU co-operation, which is not subject to the same formalities as judicial co-operation.

**Postponement of suspicious domestic transactions**

- The Convention requires States parties to take measures to permit urgent action in appropriate cases to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion.

**Postponement of suspicious transactions on request from a foreign financial intelligence unit**

- States parties are required to adopt measures to permit urgent action to be initiated by a financial intelligence unit, at the request of a foreign financial intelligence unit, to suspend or withhold consent to a transaction going ahead.

**Refusal and postponement of co-operation**

- Provision is made to prevent the refusal of international judicial co-operation on grounds that the request relates to a political offence or to a fiscal offence when the request relates to financing of terrorism.
- Provision is made to prevent refusal of international co-operation by States parties which do not recognise self-laundering domestically on the grounds that, in the internal law of the requesting party, the subject is the author of both the predicate offence and the money laundering offence.

**Mandate of the Conference of the Parties**

10. Article 48 of the Warsaw Convention provides that the COP shall:

- a) monitor the proper implementation of the Convention by the Parties;
- b) at the request of a Party, express an opinion on any question concerning the interpretation and application of the Convention.

11. In order to fulfill its mandate, the COP adopted Rules of Procedure at its first meeting in 2009. These have been supplemented by specific procedures and amended several times, with transversal thematic monitoring being adopted in 2017 to ensure that its monitoring puts a stronger focus on the added value the Warsaw Convention brings to the international AML/CFT standards, whilst more actively involving more States parties at the same time. In the same vein, amendments were adopted to ensure consistency of the application of the new mechanism regarding those countries which had ratified the Convention after the thematic monitoring review mechanism was established. Important clarifications of the rules of procedure were also made in 2019 in respect to repeated non-compliance of a State party with the provisions of the Convention, or their failure to take part in thematic monitoring.

12. In November 2022, at its 14th plenary meeting, the COP adopted amendments to Rules 2 and 3 of its Rules of Procedure<sup>7</sup> introducing measures to restrict the participation in its work of a State party under certain conditions, after conducting a vote to ascertain the consensus on whether the modalities of the participation of the Russian Federation should be further discussed.

13. During the Plenary, the Conference discussed draft procedural amendments to Rules 2 and 3 of the Rules of Procedure, outlining procedural limitations on the participation of a State that has ceased to be a member of the Council of Europe. The focal point of the rules included the addition of the new paragraph 2 of Rule 2, setting out that certain restrictions can be applied to a State party which is not party to the Council of Europe<sup>8</sup> in the case of a serious violation of Article 3 of the Statute of the Council of Europe. These restrictions importantly include but are not limited to a prohibition on voting, loss of the privilege to participate in meetings of the conference, revoked allowance to stand for elections (and vote on), and prohibition of being entrusted with any task of rapporteur, co-ordinator, head of a delegation or any equivalent task. The draft text was further amended to restrict the right of a State party to stand for elections. Votes were again conducted both on the issue of whether the amendments to the rules of procedure were to be adopted and if all new restrictions should be applied to the participation of the Russian Federation in the COP to the CETS no.198. Both votes achieved the 2/3 threshold with an overwhelming majority in favour, which resulted in the restrictions envisaged under Rule 2, paragraph 2 (a-c) being applied to the Russian Federation, and their participation in the meetings of the Conference being restricted to online attendance only.

<sup>7</sup> Rules of Procedure of the COP, available at <https://rm.coe.int/c198-cop-2009-1rev6-rulesprocedure-en/1680a93101>.

<sup>8</sup> This also applies in cases in which the state party concerned has recently ceased to be a Council of Europe member State.

## Members, participants and observers

### Members

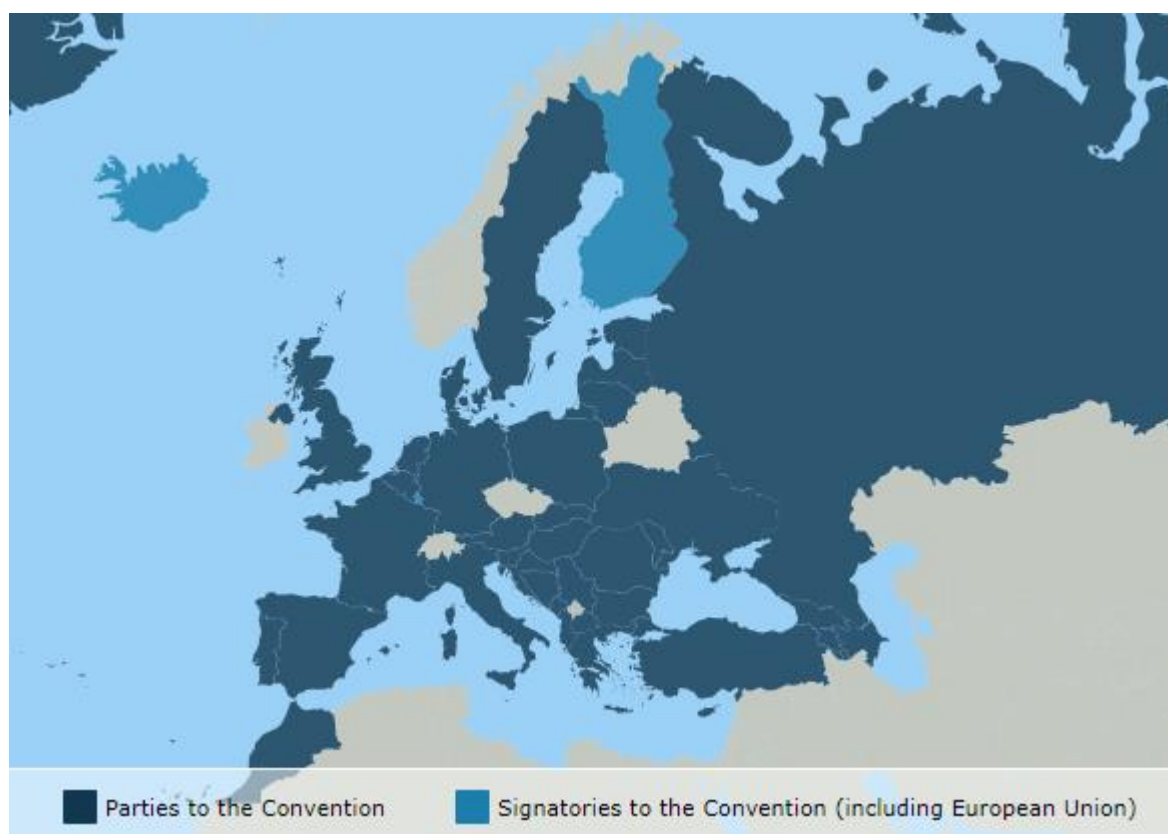
14. According to Rule 1 of the Rules of Procedure, members of the COP are representatives of the States and entities that are parties to the Convention<sup>9</sup> and of other States that have acceded to the Convention.<sup>10</sup> Participation in the Warsaw Convention and to the Conference is not limited to member States of the Council of Europe, non-member States which have participated in its elaboration, or to the European Union. Since its entry into force in 2008, the Convention has been also open for accession by other States, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe.

### New members

15. The Warsaw Convention has been ratified by two new members during the period covered by this report. Morocco ratified the Warsaw Convention on 19 April 2022, with entry into force on 1 August 2022. Estonia ratified the Convention on 1 September 2022, with entry into force on 1 January 2023.

### Signatures and Ratifications

16. The Convention is now in force in 39 countries. Five members of the Council of Europe have not yet signed the Convention, whilst four signatories, which are also the Council of Europe member States, have yet to ratify the Convention (for the exact dates of signatures and ratifications, see Annex I to this activity report).



17. The European Union became a signatory to the Warsaw Convention on 2 April 2009. A number of issues require clarification before ratification is possible, including voting rights and the areas in which the EU would have exclusive competence to act on behalf of its member States. During the 15th plenary meeting of the Conference of the Parties (Strasbourg, 9-10 November 2023), the representative of the European Union informed of the Union's intention to ratify the Convention and that the process would be expected to be finalised in 2024. It was outlined that the ratification of the Warsaw Convention is part of the EU's Strategy to tackle Organised Crime 2021-2025.

<sup>9</sup> See Article 49, paragraph 1, of the convention.

<sup>10</sup> See Article 50.

## Participants

18. Participants in the COP (without the right to vote) are representatives of:
- States and entities referred to in Article 49, paragraph 1, of the convention, which have signed but not yet ratified the convention;
  - States or entities which have ratified or acceded to the convention but in respect of which it has not yet come into force;
  - other member States of the Council of Europe;
  - States having observer status with the Council of Europe;
  - the Committee of Ministers of the Council of Europe;
  - the Parliamentary Assembly of the Council of Europe (the Assembly);
  - the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
  - the European Committee on Crime Problems (CDPC);
  - the Group of States against Corruption (GRECO);
  - the Financial Action Task Force (FATF); and
  - the Eurasian Group (EAG).

## Observers

19. The COP or its Bureau may, on a permanent or ad-hoc basis, authorise international governmental organisations, including the United Nations, the Organisation for Security and Co-operation in Europe (OSCE), the International Monetary Fund, the World Bank, the Egmont Group and Interpol, to send representatives to its meetings as observers without the right to vote, or defrayal of their expenses.

## Accession by States which are not members of the Council of Europe

20. The convention is also open for accession by non-member States which have not participated in its elaboration, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe. In principle, the Committee of Ministers may take the initiative of inviting a non-member State to accede to a specific convention. It is nevertheless customary for the non-member State to request accession in a letter addressed to the Secretary General of the Council of Europe. Before taking a decision in respect of a request for accession to a Council of Europe convention, the Committee of Ministers consults member States and States that are not members of the Council of Europe, but which are parties to the convention in question. The decision on whether or not to issue an invitation has to be unanimously agreed upon by those Council of Europe member States which are parties to the convention. Then, an invitation to accede to the convention is extended to the State concerned by the Secretary General.

21. On the basis of a proposal by the executive secretary, with support from the vice-president and several States parties, the question was tabled whether the COP shall be consulted whenever a non-member State requests accession, as this is a special procedure invoked by similar bodies within the Council of Europe. According to this practice, several Council of Europe monitoring mechanism issue recommendation to the Committee of Ministers concerning the accession of a non-member State. In view of that, the decision on whether the consultation of the COP is a procedural necessity whenever a non-member State requests accession was referred to the Committee of Ministers. The Committee of Ministers decided, during their 1438th meeting (June 2022), *to consult the Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198) whenever a non-member State requests to be invited to accede to CETS no. 198.*

22. During the period under consideration in this and the previous activity report, several bilateral contacts took place with a number of non-member States contemplating to ratify the Warsaw Convention. At its plenary meetings, the Conference discussed the possible accession to the convention of States which are not members of the Council of Europe. To that effect, COP instructed the secretariat to reach out to the jurisdictions which had expressed interest in joining the Warsaw Convention. So far, representatives and members of the COP communicated with several non-member States of the Council of Europe (Morocco, Kazakhstan and Kyrgyz Republic), either within the framework of large projects being implemented by the Council of Europe in these jurisdictions or through other fora and bilateral communication. As a result, Morocco ratified the convention in April 2022, whereas Kazakhstan put forward its candidacy to join the convention and thus become State Party of the COP to the CETS no. 198. These discussions are ongoing.

## Governance

23. The COP elects from among its members, for a two-year mandate, a president and vice-president, as well as three other Bureau members. The Bureau assists the president in directing the work of the Conference and ensures the preparation of meetings. The current Bureau is composed as follows:

Conference of the Parties Bureau (elected in November 2023) <sup>11</sup>	
President	Ms Oxana Gisca (Republic of Moldova)
Vice-president	Ms Claudia Elion (The Netherlands)
Bureau members	Mr Azer Abassov (Azerbaijan) Mr Aram Kirakossian (Armenia) Mr Muhammed Karaca (Türkiye)

24. According to Rule 5 of the Rules of Procedure, the COP is assisted by a secretariat provided by the Council of Europe. Mr Igor Nebyvaev ensured the role of Executive Secretary of the COP until the appointment in March 2023 of Ms Livia Stoica Becht as Executive Secretary to MONEYVAL and the COP to CETS no. 198, supported by Mr Lado Lalicic, Deputy Executive Secretary of the COP.<sup>12</sup>

## Scientific expert

25. The function of the scientific expert is to provide neutral, experienced opinions where necessary and to assist the chair and secretariat in ensuring the consistency of the COP's outputs. This includes fulfilling a quality control function for draft Assessment reports, attending COP meetings and enriching debates with experience and knowledge.

26. Mr Paolo Costanzo (Italy) was appointed as scientific expert to the COP in 2012.

## Gender balance

27. The COP, conscious of the importance of ensuring a gender balance within its committee and in line with the Council of Europe Gender Equality Strategy 2018-2023,<sup>13</sup> ensures throughout the scope of its activities that gender balance principles are respected. The COP appointed at its 9<sup>th</sup> meeting (21-22 November 2017) Mr Jean-Sébastien Jamart (Belgium) as gender rapporteur for the COP. Moreover, the COP joined the efforts of the forward-looking FATF initiative that seeks to start a constructive dialogue on Women Leaders in FATF and the Global Network. In February 2023, the vice president represented the Council of Europe and contributed to the discussion on the role of women in AML/CFT.

## Meetings

28. According to the Rule 7 of the Rule and Procedures, the Conference shall meet at least once a year. During the three-year period covered by this report, the COP met four times, as follows:

Meeting	Date	Place
Extraordinary Meeting of the Conference of the Parties	12 May 2021	Strasbourg, Palais de l'Europe and online
13 <sup>th</sup> Meeting of the Conference of the Parties	17-18 November 2021	Strasbourg, Palais de l'Europe and online

<sup>11</sup> Previously, during the reporting period, the Bureau was composed of Ioannis Androulakis (President, Greece), Oxana Gisca (Vice-president, Republic of Moldova) and several Bureau members in chronological order of their mandates: Ani Goyunyan, (Armenia), Alexander Mangion (Malta), Claudia Elion (The Netherlands), Aram Kirakossian (Armenia), Azer Abassov (Azerbaijan).

<sup>12</sup> Mr Lado Lalicic took up the position of Executive Secretary to MONEYVAL and COP to the CETS on 1<sup>st</sup> June 2024.

<sup>13</sup> The Council of Europe Gender Equality Strategy 2018-2023 was adopted in March 2018 by the Committee of Ministers. The overall goal of the strategy is to achieve the effective realisation of gender equality and to empower women and men in the Council of Europe member states. To this end, the strategy promotes a holistic and integrated approach to gender equality and provides policy guidance and support to Council of Europe member states, as well as internal institutional bodies and mechanisms to tackle old and new challenges in implementing standards in the area of gender equality. Co-operation and synergies were reinforced with the various steering committees and monitoring mechanisms to ensure an integrated approach and introduce a gender equality perspective in all policies and at all levels. Gender Equality Rapporteurs have been appointed in all steering committees, other institutional bodies as well as in some of the monitoring mechanisms.



Meeting	Date	Place
14 <sup>th</sup> Meeting of the Conference of the Parties	15-16 November 2022	Strasbourg, Palais de l'Europe and online
15 <sup>th</sup> Meeting of the Conference of the Parties	9-10 November 2023	Strasbourg, Palais de l'Europe <sup>14</sup>

### 3. MONITORING OF THE IMPLEMENTATION OF THE CONVENTION BY THE CONFERENCE OF THE PARTIES

#### Assessments and follow-up reports

29. The COP, at its 9th meeting in November 2017, decided to initiate the application of a horizontal thematic monitoring mechanism for an initial period of two years, further extended until 2024 on the basis of positive results. Such review focuses on the manner in which all States parties implement selected provisions of the convention, instead of focusing on specific member States and how these implement the convention as a whole, which was the standard. To that effect, the COP adopted a new Rule 19bis of the Rules of Procedures. Both as an aid to the review process itself and as a consequence of the results obtained, interpretative notes were created and will further be considered when appropriate.

30. During the period under review, three thematic monitoring reports and two follow-up reports have been discussed and adopted. A number of amendments to the previous thematic monitoring reports were made following the ratification of the convention by the new members. Also, the inputs received and the selected follow-up procedure in respect of certain countries were reflected in the amended reports. The planned timeline for future horizontal thematic monitoring reviews and follow-ups is set out in annex A.

	COP Assessments	COP Follow-up reports
2021	<p><b>Horizontal Review (Article 10)</b>  <b>Horizontal Review (Article 3(4))</b></p> <p><i>Updated Horizontal Reviews with assessment of Lithuania:</i>  Horizontal Review (Article 25(2 and 3))  Horizontal Review (Article 11)  Horizontal Review (Article 14)  Horizontal Review (Article 9(3))  Horizontal Review (Article 7(2) and 19(1))</p>	Selected follow-up procedure for: Russian Federation (Article 11 and Article 25(2 and 3))
2022	<p><b>Horizontal Review (Article 6)</b></p> <p><i>Updated Horizontal Reviews with assessment of Austria:</i>  Horizontal Review (Article 10)  Horizontal Review (Article 3(4))  Horizontal Review (Article 25(2 and 3))  Horizontal Review (Article 11)  Horizontal Review (Article 14)  Horizontal Review (Article 9(3))  Horizontal Review (Article 7(2) and 19(1))</p>	Follow-up Report (Article 11 and Article 25(2 and 3))
2023	<p><i>Updated Horizontal Reviews with assessment of Estonia:</i>  Horizontal Review (Article 25(2 and 3))  Horizontal Review (Article 11)  Horizontal Review (Article 14)  Horizontal Review (Article 9(3))  Horizontal Review (Article 7(2) and 19(1))  Horizontal Review (Article 3(4))  Horizontal Review (Article 10)  Horizontal Review (Article 6)</p>	2nd Follow-up Report (Article 11, Article 25 and Article 14)

<sup>14</sup> The restrictions set out in Rule 2.2, paragraphs a), b) and c) of the COP198 Rules of Procedure are applied with regard to the Russian Federation as of the 14th plenary meeting, and its participation in the work of the Conference is limited to on-line attendance only.

## Assessment reports adopted during the reporting period (in chronological order)

### 2021

#### Thematic Monitoring Review on Article 3(4)

31. The findings of this report were initially presented at the COP meeting in October 2020. The discussion held during the plenary meeting brought up an issue of interpretation of a scope of 'serious offence(s)' within the meaning of this article of the convention. Whereas several States parties had different views than the rapporteurs with regard to the scope of application of the reversal of burden of proof, the 12th plenary decided to postpone the adoption of the report until this issue is resolved. Consequently, the scientific expert revised the Interpretative Note on Article 3(4) and provided an interpretation of a scope of 'serious offence(s)'. Subsequently, the report was amended in line with the revised Interpretative Note and also made available to all States parties in April 2021. Both documents were discussed and adopted at the extraordinary plenary meeting of the COP held on 12 May 2021. The main findings drawn from these responses are set out in the summary section of the report.

32. The report seeks to establish the extent to which States parties have legislative or other measures in place to provide the possibility for the burden of proof to be reversed regarding the lawful origin of alleged proceeds or other property liable to confiscation in serious offences. The definition of the notion of serious offence for the purpose of the implementation of this provision is left to the domestic law of the parties.

33. Article 3(4) addresses the reversal of burden of proof in respect of a serious offence as defined by national law in order to ensure that an offender is required to demonstrate the origin of alleged proceeds or other property liable to confiscation.

34. Sixteen States parties made a declaration under Article 53(4) not to apply – fully or partially – Article 3(4) of the convention. This notwithstanding, eight of these countries reported that they had measures in place to reverse the burden of proof. Other than these, eighteen other countries apply Article 3(4).

35. As a general conclusion, it can be stated that the scope of application of this paragraph differs significantly among these parties. The majority of States parties apply the reversal of burden of proof through so called extended confiscation<sup>15</sup> in criminal proceedings. Other States parties which apply Article 3(4) do it through confiscation in civil proceedings (also known as confiscation *in rem*<sup>16</sup>). Whereas the convention leaves it up to the parties to apply the reversal of burden of proof the way they seem appropriate and in line with the fundamental principles of their national legislation, some limitations to full application of Article 3(4) among different parties are observed.

36. With regard to the effective implementation of this Article, of those States parties which transposed Article 3(4) (i.e. reversal of burden of proof principle) in their legislation, thirteen States parties informed the COP on application of this principle either through statistics or case law. Some jurisdictions, although not having the reversal of burden of proof the way it is foreseen by Article 3(4), provided case law which explains how their confiscation regimes function in practice.

37. With reference to the recommendations issued from the findings of this report, States parties are invited to follow-up and ensure proper implementation of both general and the country-specific recommendations when adopting legislative or other measures to further implement the provisions of the Warsaw Convention.

#### Thematic Monitoring Review on Article 10 (1 and 2 “Corporate Liability”)

38. This thematic monitoring review report seeks to establish the extent to which States parties have legislative or other measures in place necessary to ensure that legal persons can be held liable for the criminal offence of money laundering (ML) committed for their benefit by any natural person acting individually or as a part of the organ of the legal person and who has a leading position within said legal person.

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<sup>15</sup> Extended confiscation is a term used to reflect the ability to confiscate assets (in criminal proceedings) that go beyond the direct proceeds of a concrete criminal offence for which the defendant is prosecuted.

<sup>16</sup> Confiscation in rem takes place in a civil court. An *in rem* action should not require previous criminal conviction against an individual in order to confiscate his/her assets - prosecutors must only prove that the property in question derived from an illegal activity.



39. Article 10 addresses the issue of the corporate liability for money laundering offences. In particular, it establishes (i) the liability of a legal person for a money laundering (ML) offence committed on its behalf and for its benefit (ii) the liability of the legal person for a ML offence committed due to the lack of supervision or control.

40. The provisions of Article 10(1 and 2) have been fully transposed in 17 States parties whilst 19 States parties have implemented these provisions to different degrees. One State party has not transposed the provisions of Article 10 in its legislation.

41. Regarding the effective implementation of this Article, the application of the provisions of Article 10 varies among States parties. Four States parties were able to demonstrate effective implementation of the corporate liability regime for ML cases, while other 13 States parties have demonstrated effectiveness to a certain extent through provision of case law or statistics for ML offence. Eleven States parties have presented information on the existing investigations and prosecutions for ML offences or convictions for other offences, which illustrates that the corporate liability regime is applied in these. Some States parties did not provide case law or statistics relevant for the application of Article 10 of the convention.

42. For the purpose of an effective application of Article 10(1 and 2), States parties are strongly encouraged to take additional steps to facilitate the use of corporate liability mechanisms by judicial and law enforcement authorities (guidance documents, instructions etc.) in money laundering cases in the various circumstances envisaged by Article 10 of the convention (including in case of lack of supervision or control).

43. The report also provides several general and country specific recommendations, which the States parties are encouraged to implement.

#### Amendments to the 2018-2021 thematic monitoring reports (covering Lithuania and the United Kingdom)

44. In line with Article 19bis of the Rules of Procedure, and reporting requirements for the new States parties, Lithuania has submitted the responses to the questionnaires aimed at assessing the country's implementation of the convention on all articles which were subject to thematic monitoring reviews since 2018. The COP therefore discussed and adopted amendments to the 2018-2021 thematic monitoring reports following the ratification by Lithuania. The reports were also amended by introducing the analysis on the United Kingdom, following a postponed provision of the country's inputs.

## **2022**

#### Thematic Monitoring Review on Article 6 "Management of Frozen or Seized Property"

45. This thematic monitoring review focused on Article 6 of the Warsaw Convention. The report seeks to establish the extent to which States parties have legislative or other measures in place necessary to ensure that proper management of frozen or seized property are in place.

46. Article 6 addresses the issue of the management of the frozen and seized property. In particular, it States that "Each Party shall adopt such legislative and other measures as may be necessary to ensure proper management of frozen or seized property in accordance with Article 4 (Investigative and provisional measures) and 5 (Freezing, seizure or confiscation)".

47. All States parties have measures in place to deal with seized assets. Whilst the majority of States parties also include concrete measures to manage assets, the report emphasises the systems of ten States parties with the most developed asset management systems. The remaining 28 States parties assessed in the review, are invited to adopt advanced measures in managing assets, such as specific guidance on asset management. Against this background, the report made specific recommendations to these States parties to extent measures and include effective management as required by Article 6 of the convention.

48. Furthermore, not all countries have the same level of compliance with Recommendation 4 of the FATF standards from 2012. As noted in the methodology chapter of this report, shortcomings in relation to application of Recommendation 4 also have a cascading effect on the application of Article 6 of the Warsaw Convention.

49. With regard to the effective implementation of this article, States parties included in their responses either statistical details on assets seized and managed, or concrete case studies on management of specific assets. Different details by the States parties which provided statistics were included – from the overall amounts of assets seized, to the estimated value of all assets managed by the asset management offices, as well as the types of assets under the management. In general, the statistical information may indicate a certain level of effective implementation of Article 6, but the limiting factor preventing a full effectiveness assessment is that these details do not provide an opportunity to observe concrete management measures applied and their effectiveness in preserving or increasing the value of assets seized.

50. Concrete cases of successful asset management of assets included various types of assets managed – from complex legal entities to virtual assets, and are presented in the country specific part of the report. For the majority of them, the relevant features of asset management confirmed the effective application of Article 6 of the Convention.

51. The report made several 'soft' recommendations for consideration by the States parties considerations, which aim at improving the effectiveness of asset management systems.

52. Finally, the report provides a number of general and country specific recommendations, which States parties are requested to consider when adopting measures to further implement the Article 6 of the convention.

#### Amendments to the 2018-2021 thematic monitoring reports (covering Austria)

53. In line with the Rules of Procedure and reporting requirements for new States parties, the secretariat carried out and presented the analysis of Austria's compliance with the provisions of the convention which were subject to thematic monitoring reports since 2018. The COP adopted the amendments to the 2018-2021 thematic monitoring reports to include the parts covering Austria.

### **2023**

#### Amendments to the 2018-2022 thematic monitoring reports (covering Estonia)

54. Further to the 14th COP plenary decision concerning the COP's extensive engagement in preparing the initiative for drafting the protocol to the Warsaw Convention, no additional thematic monitoring review was carried out in 2023.

55. This, however, does not mean that the monitoring of the application of the convention by the States parties was discontinued. In line with Article 19bis of the Rules of Procedure, and reporting requirements for new States parties, Estonia has submitted the responses to the questionnaires aimed at assessing the country's implementation of the convention on all articles which were subject to thematic monitoring reviews since 2018. As a consequence, the assessment of Estonia's application of Articles 3(4), 6, 7(2 c)/19(1), 9(3), 10(1-2), 11, 14/47, 25(2 and 3) was carried out and then adopted by the 15th plenary. Estonia was found to be compliant, to a large extent with these articles of the convention apart from the analysis on Article 25(2) where certain shortcomings were noted. Consequently, the country will undergo a follow-up procedure with respect to this article.

56. The thematic monitoring reports of States parties' implementation of the articles listed above were thus amended to include Estonia and republished on the COP webpage.

### **Follow-up reports**

#### **2021**

57. In 2021, the COP continued to have a selected follow-up proceedings based on States parties own request for review of the findings of the thematic monitoring reviews further to legislative or other changes which took place. The 13th plenary (17-18 November 2021) approved the changes to the thematic monitoring reviews on Articles 11 and 25(2 and 3) for the Russian Federation, as a part of the silent procedure.

58. The plenary discussion also focused on a regular follow-up procedure and the Rule 19bis(20) of the Rule of Procedure, according to which 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. States 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.

59. Consequently, the COP decided to launch a follow-up process on thematic monitoring reports on Articles 11, 25(2 and 3) of the convention. Azerbaijan, Montenegro, Russian Federation, Serbia, Türkiye and the United Kingdom were invited to report with respect to Article 11. Armenia, Azerbaijan, Belgium, Croatia, Montenegro, the Netherlands, Poland, San Marino, Serbia and North Macedonia were invited to report under the follow-up process with respect to Article 25(2 and 3). The analysis of these States parties progress in addressing the recommendations from the thematic monitoring reviews on the aforementioned articles of the Warsaw Convention was scheduled for the next COP plenary meeting (17-18 October 2024).

## **2022**

### Follow-up analysis of the Thematic Monitoring Review on Article 11 "Previous Decisions" and Article 25(2 and 3) "Confiscated Property"

60. As an overall conclusion, four years after the adoption of the thematic monitoring reports on Articles 11 and 25(2 and 3), some progress has been noted with regard to the implementation of Articles 11 and 25(2 and 3). In particular, progress in regard to the implementation of Article 11 is observed in Azerbaijan and the United Kingdom, whilst other countries (Montenegro, the Russian Federation, Serbia and Türkiye) had not introduced any changes into their frameworks to facilitate the application of Article 11.

61. With regard to Article 25(2 and 3), Belgium, Croatia, Montenegro, the Netherlands and Poland made sufficient progress concerning its implementation. San Marino and North Macedonia made progress with regard to application of Article 25(3), whereas the same could not be stated for Article 25(2), where the 2018 report recommendations are still valid for both aforementioned countries.

62. The plenary adopted the follow-up report. It also decided that the States parties which have not demonstrated sufficient progress in applying any of the articles concerned, should report again at the next (15<sup>th</sup>) plenary meeting. In addition, the COP also decided that the Russian Federation should report on progress made with regard to Article 14.

## **2023**

### Follow-up analysis of the Thematic Monitoring Review on Article 11 "Previous decisions, Article 25(2 and 3) "Confiscated property", and Article 14 "Postponement of domestic suspicious transactions"

63. Further to the adoption of the follow-up report at the 14th plenary meeting, the analysis on progress made by the States parties which have not yet demonstrated satisfactory progress in addressing the recommended actions on Article 11 (Montenegro, the Russian Federation, Serbia and Türkiye) was presented and adopted at the 15th plenary held from 9 to 10 November 2023. The analysis concluded that none of the countries called to report again had introduced and adopted legislative or other measures to transpose Article 11 and facilitate its application. With regard to Article 25(2 and 3), the analysis confirmed that Azerbaijan made sufficient progress against the requirements of both paragraphs of this article of the convention, while San Marino made progress with regard to the application of Article 25(2). Nevertheless, three countries were either in the process of reforming their legislation (Armenia) or had not yet initiated them (Serbia and North Macedonia). Taking into account the conclusions set out in the follow-up report, the COP decided to invite the President of the Conference of the Parties to write a letter to the Parties' Heads of Delegations and Permanent Representatives to the Council of Europe, in line with the Rule 19bis (25) of the Rules of Procedure covering situations where the Conference considers that a Party has not satisfactorily made progress. It also agreed that it would consider further measures if the respective provisions of the convention (as referred to in the follow-up report) are not applied to a satisfactory level until the next (16th) plenary, including, where appropriate, a high-level visit. Consequently, Armenia, North Macedonia, Montenegro, the Russian Federation, Serbia, and Türkiye were invited to report on progress made at the sixteenth meeting of the Conference of the Parties.

64. Concerning the application of Article 14 application by the Russian Federation, it was concluded that the draft legislation as presented by the country took into account Article 14's requirements. However, not having the legislation adopted allowed for a conclusion that the country has to make further progress to meet the requirements of this Article and that any further steps with regard to continued non-application of this article of the convention should be decided by the COP.

### **Interpretative Notes of the Warsaw Convention**

#### Revised Interpretative Note on Article 3(4)

65. During the 12th plenary meeting of the COP, the rapporteurs and some States parties had different views on the meaning of 'serious offence' as envisaged by Article 3(4). The relation between the mandatory confiscation regime as regulated by Article 3(2) and the reversal of the burden of proof for confiscation (i.e. offender must demonstrate that the origin of alleged proceeds is consistent with national law) as foreseen in Article 3(4) vis-à-vis the notion of 'serious offence' as a threshold to trigger the reversal of the burden of proof was discussed.

66. Pertaining to the importance of this issue, it was decided to postpone the adoption of the report on Article 3(4) and conduct further research. Consequently, the COP Bureau asked the scientific expert to revise the existing Interpretative Note on Article 3(4) and focus on the issue of notion of a serious offence. A revised Note was prepared and presented at the extraordinary plenary meeting of 12 May 2021. It was agreed upon to include several additional clarifications in the Note, as proposed by the president and the scientific expert. Weighting the interests of States parties, existing measures in the convention, and European Court of Human Rights (the Court) case-law, the content includes a detailed interpretation of the scope of 'serious offences', rooted in national law. The revised Interpretative Note was adopted by the plenary in May of 2021. The COP thanked the States parties involved for their diligence regarding Article 3(4), as this improves cohesion and certainty not just between States parties, but also between the COP and States parties.

#### Interpretative Note on Article 9(3)

67. The decision to prepare an Interpretative Note on Article 9(3) resulted from the discussions on the horizontal review held in November 2019, highlighting an insufficient understanding of the exact nature of this requirement by several States parties. Of specific importance was the threshold of the minimum mental element, namely the wording '*ought to have assumed*'.

68. The COP also recognised that the threshold of mental awareness in national law differed between member States (eg. *Dolus eventualis*/reasonableness/recklessness). To aid jurisdictions in their efforts to properly interpret and apply consistently either one or both principles set out in Article 9(3) (a) or (b), the interpretative note included not only examples of a range of legislation and practices in different member States, but also good practices observed from member States, reflecting examples of the effective practical implementation of often vague and theoretical *mens rea* legislation. This also extended not only to the implementation of the legislation, but also guidance on inferring the knowledge from objective, factual circumstances (i.e. proving *mens rea*). The Interpretative Note was adopted by the Plenary at its extraordinary meeting of 12 May 2021.

#### Interpretative Note on Article 10

69. Interpretative issues related to certain aspects of Article 10 of the convention, specifically related to the function of internal methods used by entities to prevent ML and related offences (hereon 'compliance programmes'), in the context of corporate liability were considered following the discussion held at the COP's 13th meeting. At the same meeting, the Conference adopted the thematic monitoring report on States parties' implementation of Article 10 (1 and 2). The findings on internal compliance programmes, their applications and specific provisions in national laws on exemption of legal persons from criminal liability upon applications of these programmes in certain States parties, were key areas of focus of the Interpretative Note. These were accompanied with selected examples of good practice. In appreciation of the fact that the programmes differed substantially across States parties and had undergone recent reforms, the Note also included general guidance of main pillars that have proven to be effective when implemented in compliance programmes, along with suggestions on how to practically implement a "compliance defence" in a judicial process. The note on Article 10 was discussed and adopted at the COP plenary meeting on 16 November 2022.

#### 4. OTHER ACTIVITIES

70. The COP secretariat has undertaken efforts to increase the visibility of the convention, as well as to gain better insights in the level of implementation of some of the convention's provisions. This is ensured through permanent communication and co-operation with MONEYVAL. The COP also closely co-operated with other structures, including with the Council of Europe's Committee of Ministers and the Assembly, the CDPC, the Committee on Counterterrorism (CDCT), the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC). The secretariat members were also engaged in the work related to cybercrime and crypto currency issues. Some of the results of this co-operation were published on the COP website.

71. The COP aims to increase its visibility through participation and presentation of its activities in different fora. To further this, the COP was informed that the ratification of the Warsaw Convention is part of the EU's Strategy to Tackle Organised Crime 2021-2025.<sup>17</sup> In addition, several non-member States of the Council of Europe have expressed an interest in joining the convention.

#### **Joint session of the COP and the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) and initiative to draft an additional protocol to the Warsaw Convention**

72. Since the adoption in 2005 of CETS no. 198, a number of challenges have been identified within the context of mutual country assessments, indicating the need to update the convention in order to improve the existing legal framework and enhance international co-operation in this area. Such discussions were initiated already in 2012, and in 2013, within the framework of the COP to the CETS no. 198 but it was concluded that a more general review of the convention's provisions on international co-operation should not be undertaken, until a critical mass of States had ratified the convention, and the outcome of the negotiations of the EU 4th directive and the Confiscation directive was clear.

73. In addition, a series of discussions have taken place between COP to the CETS no. 198 and the PC-OC, which have identified that such updates and improvements should be regarded as a priority. In 2019, the PC-OC completed a comprehensive Study on the possible added value and feasibility of preparing a new binding instrument in the Council of Europe on international co-operation as regards the management, recovery and sharing of assets proceeding from crime. On the 17th of November 2022, the COP held a Joint session with the PC-OC, in order to discuss and consider the development of Council of Europe instruments in the field of criminal asset recovery, taking into account the findings of the aforementioned PC-OC Study and the COP198 findings from its monitoring reports. Three key areas were identified as subjects of the additional protocol. These are: (i) management of seized and confiscated assets; (ii) fostering of international co-operation in non-conviction-based confiscation procedures; and (iii) enhancement of asset sharing between States parties, which would also ensure prior consideration is given to the victims of crime. The future protocol is, however, not limited to these areas only, and other issues of interest may be discussed and included in it.

74. This initiative, i.e., to supplement the CETS no. 198, was then presented to the competent Council of Europe steering committee; the CDPC, together with proposed Terms of Reference for a committee assigned to prepare an additional protocol to the Convention. The CDPC approved the Terms of Reference and submitted them for adoption to the Committee of Ministers, which, decided in November 2023 to establish the PC-RAC under their authority, and the authority of the CDPC. The COP Bureau appointed Mr Ioannis Androulakis, former COP President and Mr Paolo Costanzo, the COP Scientific Expert as its representatives in the PC-RAC.

#### **Comparative analysis on the (draft) revised FATF standards and the Convention's provisions**

75. In November 2023, the Scientific Expert presented a comparative analysis of the draft revised FATF standards and the convention's provisions, drawing attention to possible areas where the new FATF standards would go beyond those of the convention and vice versa. Issues such as provisional measures to secure confiscation, asset management, return and disposal of confiscated assets, non-conviction-based confiscation (NCBC), reversal of burden of proof, suspension of suspicious transactions, international co-operation, sharing of confiscated assets, informal co-operation, etc. were all included in the analysis. As a result, a document was developed detailing each of these areas and their coverage in both the revised FATF standards (Recommendations 4 and 38) and the Warsaw Convention.

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17. Source available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0170>.

76. The paper/comparative analysis prepared by the Scientific Expert was published on the COP restricted website, and made available to the FATF. Several States parties expressed their interest in the study and future developments in the Council of Europe on this matter.

### **Participation of the Conference of the Parties in international fora and events**

77. This section describes the most relevant international events on ML and asset recovery in which the COP was represented during the period covered by this activity report.

### **COP co-operation with the FATF**

78. For the purpose of facilitating discussions on the revision of the FATF standards and the involvement of the COP in this process, the COP adopted a decision in May of 2021 to support the revision of the FATF Standards through a joint initiative with the COP delegations which were also represented in the FATF. This discussion was continued during the FATF Policy Development Group meetings, held between February and October of 2023. The COP's President, Vice-President and the secretariat provided expert input during the process of the revision of the FATF standards, arguing in support of the introduction of some of the Warsaw convention principles, as embedded in article 14 ('postponement of suspicious transactions'), article 3(4) ('reversal of the burden of proof'), article 6 (management of seized assets) and article 25 ('confiscated property') as global standards. The COP supported the organisation of both a FATF seminar on good practices in postponing suspicious transactions where several COP States parties presented their legislation and practical application of this measure; and a seminar on NCBC, where the COP secretariat facilitated the participation of the Court' registry staff, to present the Court's case law involving NCBC.

### **FATF - Interpol Roundtable Engagements (FIRE)**

79. The COP prides itself in proactively impacting the combating of ML and TF on a global scale. An example of this was the COP's active participation in two FATF- Interpol Roundtable Engagement (FIRE) during the reporting period, involving over 200 global experts and industry leaders, including law enforcement, financial intelligence, public policy and judicial officials as well as experts in industry and academia. The engagements, held in September 2022<sup>18</sup> and September 2023<sup>19</sup> respectively, had the objective of discussing asset recovery issues and practical solutions to deprive criminals of their illicit assets. COP and its representatives contributed to the global discussion on confiscation and asset recovery at the highest level, as evidenced also by the outcome of the discussions and changes made to FATF's Recommendations 4 and 38, which builds on COP's interventions in support of those revisions.

80. During both FIRE engagements, through thematic panel discussions and real-life case studies, experts examined effective ways to address contemporary financial crime threats and support law enforcement in detecting and disrupting criminal asset flows. The engagements catalysed global efforts on asset recovery, and also handled changes and modifications that need to be done to both make the asset recovery more robust, but also effective with the rise of new threats such as crime involving crypto currency. It is a priority of the COP to remain engaged in relevant initiatives which keep it abreast of any new developments, so that it can ensure that the convention remains relevant, up to date and able to address newly identified threats.

81. Given the added value of the standards of the Council of Europe in the field of confiscating proceeds of crime, Article(s) 14 and 47 of the convention were of special importance, and the possibility of the postponement of suspicious transactions becoming a global standard was raised. This was once again further discussed in the second FIRE, culminating with the very real possibility of this becoming a reality soon. The COP thanked the organisers and participants of the FIRE event for their interest in the work of the COP and the convention as a whole.

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18. First engagement, see : FATF and INTERPOL intensify global asset recovery ([fatf-gafi.org](https://fatf-gafi.org))

19. Second engagement, see : FATF-INTERPOL Partnership: Igniting Global Change to Take the Profit Out of Crime ([fatf-gafi.org](https://fatf-gafi.org))

## High-level meeting of MONEYVAL

82. The COP recognises the value of enhanced synergy between the conference and other Council of Europe bodies. To this end, the President of the COP participated in the high-level meeting organised by the Ministry of Finance of Poland and MONEYVAL in Warsaw on 25 April 2023 and made an address during the high-level session.

83. During the meeting, ministers and high-level officials responsible for anti-money laundering policies from 35 MONEYVAL members and territories discussed the role of MONEYVAL in its action against money laundering, terrorist and proliferation financing, crimes that impact our society and threaten the rule of law, democracy and the integrity of the financial system. The COP was pleased to acknowledge that a High-level Declaration<sup>20</sup> was adopted and the MONEYVAL Strategy on anti-money laundering, combating the financing of terrorism and proliferation financing (2023-2027)<sup>21</sup> was endorsed. Both documents call for greater synergy and closer co-operation between MONEYVAL and the COP as a priority, the benefits of which the COP is optimistic about.

### Conference of “Supranational and national AML/CFT/CPF systems: challenges and prospects”

84. The vice-president participated as a guest speaker in the Conference of “Supranational and national AML/CFT/CPF systems: challenges and prospects”, which took place in online from Ukraine on 27 April 2023. At this occasion, she presented the COP’s activities, and also announced relevant findings with regard to Ukraine’s compliance with the convention, in the light of the findings of the thematic monitoring reviews carried out from 2018 onwards.

### Conference “Future of AML: building resilience in the evolving financial crime environment”

85. The President of the COP took part in the Conference “Future of AML: building resilience in the evolving financial crime environment”, organised by the FIU of Latvia in close co-operation with MONEYVAL, within the framework of Latvia’s Presidency of the Committee of Ministers of the Council of Europe (Riga, 6-7 November 2023).

86. This high-level international conference brought together about 200 anti-money laundering experts from member States of the Council of Europe and beyond, representatives of European and international organisations, private sector and civil society, including figures such as the Advocate-General in the Court of Justice of the European Union and the President of FATF. The aim of the conference was to share experience and discuss current affairs and future of sanctions, virtual assets, digital transformation, and asset recovery.<sup>22</sup>

## Cases of Practical Application of the Convention

87. Developing case practice on different provisions is one of the ultimate goals of the COP and parties are regularly reminded and encouraged to regularly provide and present as many cases as possible. Presentation of cases of practical implementation of the convention by States parties is a permanent agenda item in the plenary meetings. The presentation of the cases follows a template developed by the secretariat in 2018. During the reporting period, the cases reflected the practical application of those provisions of the convention which discuss the asset management systems (as defined by Article 6 of the convention), confiscation (Articles 3 and 4), ML offences and crypto assets fraud (Articles 5, 9, 14, 46) international co-operation (Article 15), central authority (Article 33), as well as examples of urgent action by FIUs in cases of suspicious transactions (Article 14). All cases of practical application of the convention are made available to all parties on the COP’s restricted webpage, as tangible evidence of concrete results achieved and also source of inspiration for other parties.

## Review of declarations and reservations

88. The convention enables States parties to make declarations and reservations in respect of selected substantive provisions. The review of declarations and reservations was a standing item on the meetings’ agenda during the reporting period. Thirty-nine countries have made declarations/reservations.

<sup>20</sup> Text of the declaration available at <https://rm.coe.int/moneyval-2023-hldeclaration-en/1680ab0ae3>.

<sup>21</sup> MONEYVAL Strategy on anti-money laundering, combating the financing of terrorism and proliferation financing (2023-2027) available at <https://rm.coe.int/moneyvalstrategy2023-2027-en/1680ab0b06>.

<sup>22</sup> Key highlights of the conference “Future of AML: Building Resilience in the Evolving Financial Crime Environment” available at <https://fid.gov.lv/en/news/key-highlights-of-the-conference-future-of-aml-building-resilience-in-the-evolving-financial-crime-environment>.

89. At its 13<sup>th</sup> meeting in 2021, the COP agreed to recommend that States parties inform (on a voluntary basis) the Conference of their intentions to submit reservations and declarations after depositing the instruments of ratification, and instructed the secretariat to inform States parties of any observations made by the membership on such reservations and declarations.

90. At its 14<sup>th</sup> meeting, the COP decided to carry out a review of the existing thematic reports, and encouraged the States parties which made declarations or reservations on articles which they apply in practice to consider withdrawing them. Following this plenary, the COP to the CETS no. 198 secretariat carried out a horizontal review of the relevant reports with the aim to identify the States parties whose systems allowed for the application of Articles 3(4) and/or 7(2)(c)/19(1), whilst also having entered declarations in this respect to not apply or to partially apply these articles. As an immediate result of the discussions held on this matter, the Slovak Republic decided, in April 2023, to withdraw its declaration with respect to Article 7(2 c) of the Warsaw Convention.

91. Considering the findings of horizontal review on Article 3(4), the COP invited six States parties who demonstrated that they were implementing this article in practice to inform the COP before its 16<sup>th</sup> meeting of their readiness to consider withdrawing the declarations. Furthermore, the COP acknowledged that parties may reserve the right not to apply, in part or in whole the provisions of article 7(2)(c) and noted that the declarations that have been made remained in force. The COP also encouraged States parties which entered declarations in respect of articles 7(2)(c) and 19(1) to consider whether it would be opportune to revisit this and introduce the requirements of these specific provisions into their national legislation. The COP will continue to pay attention to any positive developments in this respect reported in the context of its monitoring processes by States parties.

#### **Other meetings and topics discussed**

92. At each Plenary meeting, the COP discusses topical issues in the AML/CFT field, hears presentations by, or exchanges views with AML/CFT experts. Apart from the issues already covered elsewhere in this report, the COP discussed, amongst other matters:

- The Assembly Resolution 2365 (2021) and the related Recommendation 2195 (2021) “Urgent need to strengthen financial intelligence units – Sharper tools needed to improve confiscation of illegal assets” which calls for the effective implementation of Article 14 of the Warsaw Convention, which allows the postponement of suspicious transactions by FIUs.
- Council of Europe Counter-Terrorism Strategy – COP comments by the scientific expert and exchange of views held with the Council of Europe Committee on Counter-Terrorism (CDCT) and the COP on the implementation of point 1.5 of the Strategy “Financing of Terrorism”.
- Discussion with regard to the Council of Europe’s permanent observer status with the FATF which enables various bodies of the Council of Europe, including the COP to join the FATF meetings and contribute as observers.
- FATF outcomes of the asset recovery components of mutual evaluation reports from across the global network and the FATF project on Asset Recovery completed by the FATF in June 2021, including its findings and future steps.
- Building stones for a sound asset management system - Development of asset management guidelines, as presented by Mr Walter Quiryen, prosecutor from Belgium and Council of Europe expert.
- FATF project on amendments to Recommendations 4 and 38 and related changes in the FATF Methodology with regards to measures to strengthen the toolkit available to law enforcement, asset recovery agencies and the criminal justice system more broadly to target criminal assets.
- The Assembly Recommendation 2229 (2022) “How to put confiscated criminal assets to good use?”.
- Study on the virtual assets and related issues – Key findings of the analysis on responses received to the Questionnaire on Virtual Assets, as presented Mr Branislav Bohacik, former President of the COP.



- Bilateral meeting with representatives of the Kyrgyz Republic to discuss the accession process for non-member States of the Council of Europe to the Warsaw Convention (July 2023).
- Ongoing communication with the representatives of Kazakhstan on their request to become a party to the Warsaw Convention.

### **Visibility and communication**

93. The website of the COP is regularly maintained and is up to date.<sup>23</sup> This user-friendly website allows the COP to better communicate about its activities and includes the basic documents underlying the convention, including the Warsaw Declaration, the Action Plan and the Explanatory Report, as well as the COP assessment, follow-up, and activity reports. It is updated regularly with news so that visitors to the website can easily get an overview of the mandate and activities of the COP.

94. In addition, a restricted website has been created to enable parties and observers to access information which is not made public. The restricted website has already proven to be a helpful tool, not only for assessment process purposes, but also for information exchange and other tools which States parties may use to foster their co-operation within the framework of the Warsaw Convention.

## **5. WAY FORWARD AND CONCLUSIONS**

95. The COP to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism continues to be an important mechanism in the global fight against money laundering and financing of terrorism, complementing usefully the work of FATF, MONEYVAL, and other global and regional bodies. This review period has shown the effective use of the horizontal thematic monitoring review methodology, whilst also proving to the States parties that the COP and CETS no. 198 are swift and flexible in their response to global developments. The growing global importance of the convention is also evident given the ever-increasing synergy between the COP and other AML/CFT bodies, such as MONEYVAL and FATF, and the recent ratification of the convention by a first non-member State.

96. The Conference plans to continue its horizontal monitoring approach for the time being, and its efforts to support the effective implementation of the convention in all member States remains a priority. This will be done not only through monitoring of implementation, but also through the creation of additional interpretative notes and the updating of existing ones, in order to further streamline the horizontal monitoring mechanism.

97. The COP has adopted specific plans for the upcoming period, including a workplan for both the continuation of thematic monitoring reviews and follow-ups and the objectives for the COP, which are complemented by distinct actions to achieve these. The objectives are to support the effective implementation of the convention by parties, ensure the continued relevance of the convention, and identify areas of priority focus for the work on the future additional protocol, and support signatures, ratifications, and entries into force of the convention.

98. The continued relevance of the convention, along with the possible future creation of an additional protocol is also an important item on the future agenda. For that purpose, the COP will ensure a close co-operation with MONEYVAL and the FATF, whilst also identifying and documenting trends and areas of priority in the asset recovery field. As a continuation of the successful increased communication between the COP and States not yet party to the convention, the COP will continue to actively promote further accession by other States.

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<sup>23</sup> The website can be visited at <https://www.coe.int/en/web/cop198/home>.



	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Poland	16/05/2005	08/08/2007	01/05/2008			X	X			
Portugal	16/05/2005	22/04/2010	01/08/2010			X	X			
Republic of Moldova	16/05/2005	18/09/2007	01/05/2008		X	X	X	X		
Romania	16/05/2005	21/02/2007	01/05/2008			X	X			
San Marino	14/11/2006	27/07/2010	01/11/2010		X	X	X			
Serbia	16/05/2005	14/04/2009	01/08/2009	55			X			
Slovak Republic	12/11/2007	16/09/2008	01/01/2009		X	X	X			
Slovenia	28/03/2007	26/04/2010	01/08/2010		X	X	X			
Spain	20/02/2009	26/03/2010	01/07/2010			X	X			
Sweden	16/05/2005	23/06/2014	01/10/2014		X	X	X			
Switzerland										
Türkiye	28/03/2007	02/05/2016	01/09/2016		X	X	X			
Ukraine	29/11/2005	02/02/2011	01/06/2011		X	X	X			
United Kingdom	29/09/2014	27/04/2015	01/08/2015		X	X	X	X		

#### Non-members of Council of Europe

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada										
Holy See										
Japan										
Mexico										
Morocco		19/04/2022 a	01/08/2022				X			
Russian Federation	26/01/2009	28/09/2017	01/01/2018		X	X	X		X	
United States of America										

#### International Organisations

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
European Union	02/04/2009									

Total number of signatures not followed by ratifications	<b>5</b>
Total number of ratifications/accessions	<b>39</b>

#### Notes:

a: Accession s: Signature without reservation as to ratification su: Succession r: Signature "ad referendum".  
R.: Reservations D.: Declarations, Denunciations, Derogations A.: Authorities T.: Territorial Application C.:  
Communication O.: Objection.  
55: Date of signature by the State union of Serbia and Montenegro.

Source: Treaty Office on <http://conventions.coe.int> - \* Disclaimer.

**Annex II: Timelines for Thematic Monitoring Reviews and Follow-up Reports (2024-2026)****Thematic Monitoring Reviews 2024**

Country/ Jurisdiction	Questionnaires sent to the country/ jurisdiction	Country/ jurisdiction provides responses and other written materials	First draft analysis/report is sent to the country/ jurisdiction	Comments provided by the country/ jurisdiction on draft report	Final draft report sent to the plenary	Report to be adopted
<b>Morocco</b>	December 2023	31 March 2024	30 June 2024	September 2024	October 2024	November 2024
<b>Aruba</b>	December 2023	31 March 2024	30 June 2024	September 2024	October 2024	November 2024

**Thematic Monitoring Reviews 2025**

Country/ Jurisdiction	Questionnaires sent to the country/ jurisdiction	Country/ jurisdiction provides responses and other written materials	First draft analysis/report is sent to the country/ jurisdiction	Comments provided by the country/ jurisdiction on draft report	Final draft report sent to the plenary	Report to be adopted
<b>Jersey</b>	December 2025	31 March 2026	30 June 2026	September 2026	October 2026	November 2026
<b>Isle of Man</b>	December 2025	31 March 2026	30 June 2026	September 2026	October 2026	November 2026

**Follow-up Reports**  
**2024: Article 7(2c)**

Country/ Jurisdiction	Questionnaires sent to the country/jurisdiction	Country/jurisdiction provides responses and other written materials	Final draft report sent to the plenary	Report to be adopted
<b>Austria<sup>24</sup></b>	June 2024	September 2024	October 2024	November 2024
<b>Denmark</b>	June 2024	September 2024	October 2024	November 2024
<b>France</b>	June 2024	September 2024	October 2024	November 2024
<b>Lithuania</b>	June 2024	September 2024	October 2024	November 2024
<b>Monaco</b>	June 2024	September 2024	October 2024	November 2024
<b>Spain</b>	June 2024	September 2024	October 2024	November 2024

**2025: Article 3(4)**

Country/ Jurisdiction	Questionnaires sent to the country/jurisdiction	Country/jurisdiction provides responses and other written materials	Final draft report sent to the plenary	Report to be adopted
<b>Republic of Moldova</b>	June 2025	September 2025	October 2025	November 2025
<b>Monaco</b>	June 2025	September 2025	October 2025	November 2025
<b>Spain</b>	June 2025	September 2025	October 2025	November 2025
<b>San Marino</b>	June 2025	September 2025	October 2025	November 2015

24. The follow-up for Austria is rescheduled for 2025, as a result of the decision of the 15th plenary meeting.

**2026: Article 10 (1 and 2)****Article 10(1)**

Country/ Jurisdiction	Questionnaires sent to the country/jurisdiction	Country/jurisdiction provides responses and other written materials	Final draft report sent to the plenary	Report to be adopted
<b>Russian Federation</b>	June 2026	September 2026	October 2026	November 2026

**Article 10(2)**

Country/ Jurisdiction	Questionnaires sent to the country/jurisdiction	Country/jurisdiction provides responses and other written materials	Final draft report sent to the plenary	Report to be adopted
<b>Bulgaria</b>	June 2026	September 2026	October 2026	November 2026
<b>Croatia</b>	June 2026	September 2026	October 2026	November 2026
<b>Denmark</b>	June 2016	September 2016	October 2026	November 2026
<b>France</b>	June 2026	September 2026	October 2026	November 2026
<b>Montenegro</b>	June 2026	September 2026	October 2026	November 2026
<b>Russian Federation</b>	June 2026	September 2026	October 2026	November 2026
<b>Türkiye</b>	June 2026	September 2026	October 2026	November 2026
<b>United Kingdom</b>	June 2026	September 2026	October 2026	November 2026

*Note: Further to the adoption of the parts of the thematic monitoring reviews on Estonia, the country will be invited to report on Article 25(2) in 2027*

Country/ Jurisdiction	Questionnaires sent to the country/jurisdiction	Country/jurisdiction provides responses and other written materials	Final draft report sent to the plenary	Report to be adopted
<b>Estonia</b>	June 2027	September 2027	October 2027	November 2027

## Annex III: COP Objectives and Actions (2024-2026)

Conference of the Parties to CETS no. 198: Objectives and actions 2024-2026	
<b>Objective 1</b>	<b>Support the effective implementation of the Convention by Parties</b>
Action 1.1	Monitor the proper implementation of the convention by the Parties (art 48.1 (a)) <sup>25</sup>
Action 1.2	Prepare notes concerning the interpretation and application of the convention (art 48.1 (b)) to facilitate the application of the convention by the Parties ( <i>upon request</i> ). Review and update existing Interpretative Notes ( <i>when necessary</i> ).
Action 1.3	Promote experience sharing in the implementation of the convention's provisions by the Parties through the organisation of thematic events in a host Party.
<b>Objective 2</b>	<b>Ensure the continued relevance of the convention and identify areas of priority focus for the work on the future additional protocol</b>
Action 2.1	Identify and document significant trends, legal, policy, and technological developments as well as good practices.
Action 2.2	Ensure close co-ordination between the Parties to ensure representation of the COP and facilitate common positions in relevant meetings of the Committee of Experts on Criminal Asset Recovery (PC-RAC) and other international fora.
Action 2.3	Ensure transversal co-operation and/or co-ordination with MONEYVAL and FATF and participation in their work.
<b>Objective 3</b>	<b>Support signatures, ratifications and entries into force of the convention</b>
Action 3.1	Engage in policy dialogue and other assistance with States that have signed or have been invited to accede the convention but are not yet Parties, in view of completing the process of ratification or accession (including, where necessary, missions to these countries).
Action 3.2	Following the accession by the European Union to the convention, review the rules of procedures and clarify implications for its monitoring processes.
Action 3.3	Parties to the convention and Council of Europe to provide, facilitate or contribute to technical assistance projects and events to encourage States with the necessary level of legislation and capacities to request accession to the Warsaw Convention and/or to help them meet the necessary requirements in view of future possible accession.

<sup>25</sup> Overview of scheduled reports

<b>2024</b>	Thematic reviews: Morocco, Aruba	Follow-up report on <b>Article 7(2) c</b> : Denmark, France, Lithuania, Monaco, Spain
<b>2025</b>	Thematic reviews: Jersey, Isle of Man	Follow-up reports on <b>Article 3(4)</b> : Moldova, Monaco, Spain, San Marino; <b>Article 7(2) c</b> : Austria
<b>2026</b>	Thematic reviews: TBD	Follow-up report on <b>Article 10(1)</b> : Russian Federation Follow-up report on <b>Article 10(2)</b> : Bulgaria, Croatia, Denmark, France, Montenegro, Russian Federation, Türkiye, United Kingdom