



## Terms of reference of the

### Committee of Experts on Criminal Asset Recovery (PC-RAC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Category: Subordinate body

Duration: 1 January 2024 - 31 December 2025

Programme: Upholding safety, security and integrity of society and persons

Sub-programme: Criminal law - Terrorism

## Main deliverable

Under the authority of the Committee of Ministers, and of the European Committee on Crime Problems (CDPC), the PC-RAC is instructed to complete this deliverable, within the following deadline:

	Category ▼	Priority ▼	Deadline ▼
<p>1. Draft additional protocol supplementing 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), as well as a draft explanatory report thereto.</p> <p>(i) The Committee shall ensure that the draft additional protocol includes, inter alia, the following :</p> <ul style="list-style-type: none"> <li>- provisions to enhance certainty and consistency in the sharing of confiscated assets between States Parties in transnational cases;</li> <li>- provisions to ensure efficient and effective management of seized, confiscated and repatriated assets, including the execution of confiscation decisions;</li> <li>- provisions to facilitate the introduction of non-conviction-based confiscation procedures and of extended confiscation in criminal matters, including co-operation regarding and execution of requests in transnational cases;</li> <li>- any other issue which it deems to be of consequence to strengthen co-operation among Parties with respect to asset recovery.</li> </ul> <p>(ii) The Committee should take into account, when fulfilling this task, the human rights and rule of law standards of the Council of Europe, the relevant case-law of the European Court of Human Rights, fundamental principles of domestic law of Parties, as well as the best practices of member States and other international organisations and initiatives.</p> <p>(iii) The Committee may also consider the previous and current work carried out in this field by the Council of Europe and relevant international and supranational organisations, including the European Union, the United Nations, and the Financial Action Task Force (FATF), as well as the findings of the relevant monitoring bodies, notably the Conference of the Parties to the Convention CETS no.198 and MONEYVAL.</p> <p>(iv) The Committee shall undertake regular consultations with the Conference of the Parties to the Convention CETS no. 198 and the CDPC, with the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) and where necessary, with other Council of Europe committees and international bodies.</p>	C	1	31/12/2025
<p><b>Key</b></p> <p>A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers' decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027</p> <p>B: review of implementation/re-examination foreseen by the recommendation/protocol/convention</p> <p>C: newly proposed deliverable</p>			

## Composition

### • Members

Governments of member States are invited to designate one or more representatives with recognised expertise in the field of criminal asset recovery and management and preferably with prior experience of negotiating international legal instruments. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair). Member States may send other representatives without defrayal of expenses.

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

- **Participants**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Committee of Legal Advisers on Public International Law (CAHDI);
- European Committee on Criminal Problems (CDPC);
- Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
- 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);
- Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Law Enforcement Co-operation (Europol), the European Union Agency for Criminal Justice Co-operation (Eurojust)); the European Public Prosecutor’s Office (EPPO);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Other international organisations and bodies including: the Financial Action Task Force (FATF); Organisation for Security and Co-operation in Europe (OSCE), United Nations Counter-terrorism Executive Directorate (CTED); the United Nations Office for Drugs and Crime (UNODC); the World Bank; the International Monetary Fund.

- **Observers**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Morocco;
- other States having been invited by decision of the Committee of Ministers to participate in the negotiations.

Observer status may be requested in accordance with Article 8 of [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

## Working methods

The rules of procedure of the Committee are governed by [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Plenary meetings ▼			
	Members incl. Chair	Meetings per year	Days per meeting
2024	47	3	3
2025	47	3	3

The PC-RAC will appoint a Gender Equality Rapporteur.

The Chair of the Committee will be invited to attend meetings of the CDPC and of the Conference of the Parties Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (CETS 198) and their respective Bureaus, as well as of the PC-OC, to inform them on progress in its work.

## Budgetary information \*

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2024	3	3	47	152.0	-	-	1 A; 1 B
2025	3	3	47	152.0	-	-	1 A; 1 B

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of standard costs.