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

Follow-up analysis of the Thematic Monitoring Review of the Conference of the Parties to CETS No.198 on Article 11 (“Previous Decisions) and Article 25 §2 - 3 (“Confiscated Property”) ¹

¹ As examined and adopted by the Conference of the Parties to CETS No. 198 at its 11th meeting, Strasbourg, 22-23 October 2019.

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Introduction

1. The Conference of the Parties (hereinafter: “the COP”), at its 9th meeting held in Strasbourg from 21 to 22 November 2017, decided to initiate the application of a horizontal thematic monitoring mechanism for an initial period of two years. Such review would look at the manner in which all States Parties implement selected provisions of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198, hereinafter: “the Convention”). To that effect, the COP adopted a new Rule 19*bis* of the Rules of Procedures.
2. The COP Plenary decided that the first thematic monitoring review should deal with Article 11 as well as with Article 25(2) and 25(3) of the Convention. A questionnaire was circulated among all 34 States Parties. The responses thereto were analysed by the Rapporteur team, consisting of Ms Ana Boskovic and Mr Azer Abbasov, together with the Secretariat. The two reports² were adopted during the 10th Plenary meeting of the Conference of the Parties (Strasbourg, 30-31 October 2018)³.
3. The report on Article 11, which is a binding obligation for COP States Parties, established the extent to which international recidivism is taken into account by the Parties. The conclusions and recommendations are discussed below. There are several possibilities to comply with the provision of Article 11, such as by providing for a harsher sanction in case of previous convictions by both domestic and foreign courts, or by providing that courts and prosecutors take previous convictions into account by assessing the offenders’ past circumstances when setting a sentence⁴. It was also emphasised that Article 11 does not enforce a positive obligation on courts or prosecution services to inquire whether persons being prosecuted have received final convictions from the courts of another State Party.
4. The report on Article 25(2 and 3), which are also binding obligations upon States Parties, established the extent to which asset sharing, particularly for the purposes of victim compensation and return of property to the legitimate owner, as well as the possibility to negotiate relevant agreements, is taken into account by the Parties. The conclusions and recommendations are discussed below. Article 25(2) requires States Parties to have in place any kind of measure to oblige the competent authorities, to consider, as a matter of priority, returning the confiscated property to the legitimate owner or to compensate the victim(s) of crime. Moreover, it was noted that, according to Article 25(3), States Parties are not required, but encouraged to give special consideration to concluding arrangements or agreements on asset sharing, and preferably on a solid, long-term basis as the sharing of confiscated property usually concerns large sums of money. Effective implementation of Article 25(2 and 3) was assessed through a combination of factors, such as the transposition of the provision into the respective legislative framework, and through submitted case studies and related statistics.
5. Both reports contain a number of general recommendations following the summary findings, as well as country-specific recommendations following the individual state analyses. States Parties were strongly encouraged to consider implementing both the general and the country-specific recommendations, by adopting legislative and non-legislative measures and by keeping statistics.

² “C198-COP(2018)1-HR-I” and “C198-COP(2018)1-HR-II”

³ The reports are accessible through the website of the Conference of the Parties:
<https://www.coe.int/en/web/cop198/implementation/reports>

⁴ Note that the drafters of the Warsaw Convention in the explanatory report consider that merely “assessing the offenders’ past circumstances when setting a sentence” would possibly be too vague or ambiguous.

6. This follow-up report analyses the measures adopted by States Parties on the general recommendations described below. It also discusses country-specific recommendations. The analysis does not assess the implementation of 'soft recommendations' which aim at better implementation of the articles concerned (e.g. maintaining statistics), or enhanced application of the provision concerned (by e.g. providing for aggravating circumstances in law in case of previous decisions). The period under review is from October 2018 (adoption of the reports) until September 2019. The country analyses under 'Countries' Review' should be read in conjunction with the country-specific analyses and conclusions of the thematic monitoring reviews.

Article 11

7. The following conclusions were drawn following the assessment on the implementation and application of Article 11 by all 34 States Parties: the provision of Article 11 has been implemented through domestic legislation in 32 out of 34 states (i.e. 94% of all States Parties). 25 out of these 32 Parties indicated that their authorities have the express power to take into account previous foreign decisions. Other Parties make an express reference to 'a perpetrator's prior life' only, which is considered not broad enough to cover all elements of a previous foreign decision, or took into account previous decisions of EU Member States only. Two states had not adopted any measures relating to Article 11. Only twelve states were able to demonstrate effective implementation of the provision through statistics.
8. As a result of the level of implementation and application, a number of general recommendations and country-specific recommendations were made. The country-specific recommendations are repeated in the analyses below. The general recommendations were the following:

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

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

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

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

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

9. Overall, one year after the adoption of the thematic monitoring review of Article 11, only seven States Parties were able to demonstrate progress and present concrete measures that they applied with the aim to address the recommendations or further strengthen the implementation of this article. In particular, Azerbaijan, Bosnia and Herzegovina, Georgia, Greece, Hungary, Latvia and Ukraine made concrete steps to implement general or country-

specific recommendations. More details on these measures are provided under the countries' specific reviews.

Article 25(2 and 3)

10. The following conclusions were drawn from the assessment on the implementation and application of Article 25(2): out of 34 submissions, 24 states (i.e. 71% of all States Parties) indicated that their authorities give priority consideration to sharing assets for the purposes of victim compensation or return of the property to the legitimate owner. Other states did not have such explicit legislative or other measures in place.
11. Only 11 states demonstrated the application of the provision in practice by providing a case study. The remaining 23 states responded that: i) implementation could not be measured, as no statistics were maintained on the topic; or ii) that no requests had been received; or iii) that no practical measures had been taken.
12. The following conclusions were drawn from the assessment on the implementation and application of Article 25(3): 26 states argued that their authorities were in principle in the position to negotiate agreements, which they proved either by stating the applicable legal provision or by other measures adopted. In practice, in most States Parties, the possibility to conclude agreements or arrangements mostly relates to case-by-case or *ad-hoc* situations. They are not necessarily concluded on the basis of Article 25(3). Seven States Parties did not indicate whether their authorities had the capability to conclude agreements or arrangements on the sharing of confiscated property with other States Parties. From an effectiveness point of view, only four states parties demonstrated the effective implementation of the provision by providing details of the agreements in place.
13. As a result of the level of implementation and effectiveness as described above, a number of general recommendations and country-specific recommendations were made. The country-specific recommendations are provided in the analyses below. The general recommendations were the following:

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

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

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

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

- *Maintain statistics on the effective implementation of these provisions.*

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

- *Provide for the possibility to conclude agreements or arrangements on asset sharing specifically by introducing such provisions into their domestic legislation;*
- *Negotiate and conclude asset sharing agreements, in accordance with its domestic law or administrative procedures, either on a case-by-case or on a regular basis, with other States Parties, to effectively apply this Convention's provision;*
- *Extend the possibility to conclude asset-sharing agreements (which may be limited to COP States Parties which are at the same time EU Member States) to all COP States Parties⁵*

14. It should be noted that at the EU level, new measures which are in line with the provision of Article 25(2) have been adopted. In particular, EU Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders stipulates in the preamble that “where the executing authority is informed of a decision issued by the issuing authority or by another competent authority in the issuing State to reconstitute frozen property to the victim, the executing authority should take the necessary measures to ensure that the property concerned is frozen and reconstituted to the victim as soon as possible.” Article 29 (‘Restitution of frozen property to the victim’) reads:

“Where the executing authority has been informed of a decision to reconstitute frozen property to the victim [...], it shall take the necessary measures to ensure that, where the property concerned has been frozen, that property is reconstituted as soon as possible to the victim, in accordance with the procedural rules of the executing State, where necessary via the issuing State [...].”

15. This provision, which is binding upon all EU Member States, applies from 19 December 2020 onwards. As a result, it can be assumed that all COP States Parties which are EU Member States will comply with the provision set forth in Article 25(2) or any related relevant recommendation in the thematic monitoring review or underlying analysis at the latest from the date of the entry into force of that EU Regulation with regard to other EU Member States. Implementation of the above EU Regulation does not automatically entail that the measures applied by and among EU Member States apply also to COP States Parties which are not EU Member States.

16. Overall, one year after the adoption of the Thematic Monitoring Review of Article 25(2 and 3), eight States Parties were able to demonstrate country-individual progress and present concrete measures that they applied with the aim to either address the recommendations or further strengthen the implementation of this article in their jurisdictions. In particular, Armenia, Azerbaijan, Georgia, Greece and Hungary undertook concrete steps to implement the recommendations whilst Serbia, Slovak Republic and Spain made some steps to better implement Article 25(2 and 3). More details on these measures are provided under the countries’ specific reviews. Moreover, the 21 States Parties which are EU Member States (among which the four that demonstrated individual progress, as mentioned here above),

⁵ At the 10th plenary meeting one delegation raised concern as to whether EU Member States would be competent to conclude *ad-hoc* agreements on asset sharing with non-EU Member States. The delegation noted that the competence to sign such agreements might fall within the exclusive competence of the European Union. The Plenary clarified that the relevant general recommendation shall not be understood as a requirement of the Warsaw Convention to extend the EU asset sharing framework (to which the EU Member States are bound) to all COP States Parties. The recommendation would merely entail that States Parties which are EU Member States provide for a possibility to sign asset-sharing agreements with non-EU COP States Parties, as long as this is in line with the EU legal framework.

have collectively made progress at a supranational level through the adoption of the EU Regulation 2018/1805.

Countries' review

1. The following review provides an overview of the measures adopted by States Parties since the adoption of the thematic monitoring reviews on Article 11 and Article 25(2 and 3). It discusses the implementation of the general recommendations, as well as the country-specific recommendations for Article 11 and Article 25(2 and 3). The review finishes with a conclusion for every country.
2. This review does not include an analysis of the measures adopted by Denmark and the Russian Federation, as they have not submitted a response to the questionnaire.

Article 11

1. The targeted follow-up questionnaire included i) a question on general measures adopted to (further) implement Article 11 for all States Parties to answer; as well as ii) a question on the status of implementation of the country-specific recommendation for those states which had received such a recommendation on Article 11 in the thematic monitoring review. The following subchapter therefore includes responses by the states under scrutiny, as well as additional information by some states which had already been assessed as compliant.

Armenia

2. Armenia was found compliant with the provisions of Article 11 and had thus not received a country-specific recommendation on Article 11. The authorities nevertheless state that they have elaborated draft laws and periodically held meetings, consultations and seminars with relevant officials to facilitate the effective implementation of Article 11.

Azerbaijan

Recommendation: to adopt legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

3. The authorities informed that the Constitutional Court of Azerbaijan had decided on a relevant legal question concerning the possibility of the courts of Azerbaijan to take into account the conviction created by court of foreign states. It decided that courts shall take into account the conviction created by foreign courts only under international treaties to which Azerbaijan is a party – which would include the Warsaw Convention.
4. The Constitutional Court further recommended the National Assembly of Azerbaijan to amend the Criminal Code and the Criminal Procedure Code to improve the procedures for the recognition and consideration of foreign court decisions under international treaties to which Azerbaijan is a party to.
5. The clarification by the Constitutional Court suffices to comply with the recommendation for Article 11.

Belgium

Recommendation: to adopt legislative or other measures to enable courts and prosecutors to take previous judgements into account, irrespective of the (COP State) Party in which they were handed down.

6. The authorities have not adopted any legislative or other measures.

Bosnia and Herzegovina

7. Bosnia and Herzegovina did not receive any country-specific recommendation on Article 11. Nonetheless, the authorities inform the Conference of the Parties about cases and judgments

of the courts in Bosnia and Herzegovina which, when sentencing an offender in Bosnia and Herzegovina, took into account a previous foreign decision on the same offender. The Conference of the Parties welcomes these statistics.

Bulgaria

Recommendation: to adopt legislative or other measures to enable courts and prosecutors to take previous judgements into account, irrespective of the (COP State) Party in which they were handed down.

8. The authorities have not adopted any legislative or other measures.
9. The authorities reiterate that the Criminal Code provides that the sentence of a foreign court produces the same legal effects as a sentence given by a national court. This reasoning was already analysed for the Thematic Monitoring Review.
10. The authorities further inform that the Criminal Code lays down a harsher penalty in case of multiple crimes or recidivism.

Croatia

Recommendation: to adopt legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

11. The authorities have not adopted any legislative or other measures.

Cyprus

Recommendation: to adopt legislative or other measures to enable courts and prosecutors to take previous judgements into account, irrespective of the (COP State) Party in which they were handed down.

12. The authorities have not adopted any legislative or other measures.
13. The authorities are currently in the process of examining a legislative amendment in order to cover non-EU Member States within the scope of Article 11 of the Warsaw Convention.

France

Recommendation: to adopt legislative or other measures to enable courts and prosecutors to take previous judgements into account, irrespective of the (COP State) Party in which they were handed down.

14. The authorities have not adopted any legislative or other measures.
15. The authorities nonetheless provided updated statistics on the exchange of information relevant for Article 11.

Georgia

16. Georgia did not receive any country-specific recommendation on Article 11. Nonetheless, the authorities inform that a new electronic case management system is in function since 1 September 2019, which maintains full information on criminal cases, with more sophisticated and detailed data processing tools than the former case management system. This system will also keep statistics concerning recidivism.
17. Besides, the authorities note that, according to Article 58 of the Criminal Code, recidivism including for foreign cases, is considered as an aggravating circumstance.

Greece

18. Greece did not receive any country-specific recommendation on Article 11. Notwithstanding, the authorities made steps which relate to the implementation and application of Article 11, namely the enactment of the new Greek AML/CFT Law and the new Greek Criminal Code on 1 July 2019. As stated in the thematic monitoring review, the Greek courts were able to take into account final convictions issued by courts of other States Parties to the Warsaw Convention. This was established in the Greek AML/TF Law (Art. 39(1) in the new law, Art. 45(1) in the previous law), while the recidivism provisions established in the Criminal Code functioned as underlying base. The Greek authorities informed that the recidivism provisions (in Arts. 88-93 and Article 187B(1)) of the Criminal Code are deleted with the enactment of the new Penal Code.
19. As of July 2019, taking foreign final decisions into account takes place in the context of the general rules that govern the setting of sentences by the courts (Art. 79 Criminal Code). These rules include their general powers and their obligations to assess the perpetrator's past behaviour. It empowers courts to potentially accord an aggravating circumstance as a result of previous foreign decisions.
20. The relevant excerpts of the Criminal Code and AML/TF Law were not made available for the purposes of this follow-up report. Therefore, it cannot be concluded whether or not the new provisions are in line with Article 11 of the Warsaw Convention – this question would be subject to the new thematic monitoring review cycle on Article 11.

Hungary

21. Hungary was found compliant with the provisions of Article 11, therefore the thematic monitoring review did not suggest any country-specific recommendations. Still, the authorities explained the Conference of the Parties the legal framework regarding recidivism.
22. The Ministry of Justice responded to the critical remark in the Thematic Monitoring Review regarding the absence of an explanation of the notion of 'special recidivism' (see footnote 7, page 16, thematic monitoring review of Article 11). According to Article 459(1) point 31a) of the Criminal Code, "a recidivist shall be considered a special recidivist if he committed the same criminal offence or similar criminal offences both times". This is different from a multiple recidivist, which is a person who has "already been sentenced to imprisonment to be executed as a recidivist prior to committing the intentional criminal offence, and three years have not yet passed since the last day of serving the term of imprisonment or the day when the imprisonment ceases to be enforceable until the commission of the new criminal offence punishable by imprisonment" (Art. 459(1) point 31b) Criminal Code).
23. The Conference of the Parties welcomes this explanation.

Latvia

Recommendation: to adopt legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

24. The authorities note that no particular amendments were made to introduce explicitly the possibility to consider previous judgments, besides "a perpetrator's past behaviour" into the domestic legal framework.
25. It should nevertheless be noted that a relevant amendment was agreed upon to Article 70⁸ of the Criminal Code as a result of a remark in the thematic monitoring review to which no recommendation was made. The review states that there is "no specific legislative or other measures which would provide for the possibility of taking into account, when determining the penalty, final decisions against legal persons taken in another Party in relation to offences

established in accordance with CETS no. 198". The first paragraph of Article 70⁸ as proposed states: "in determining the type of a coercive measure, the nature of the criminal offence, the harm caused and whether a legal person has previously been subject to a penalty or coercive measure shall be taken into account". The Ministry of Justice will submit this amendment for consideration and approval to the Parliament in the autumn of 2019.

Montenegro

Recommendation: to introduce a specific notion of international recidivism into domestic legislation.

26. The authorities reiterate their argumentation for the thematic monitoring review, stating that Article 42 of the Criminal Code obliges courts to take into consideration any previous decision when determining the sentence of the offender. No further explicit notion of international recidivism in domestic legislation is made.
27. The issue has not been amended or changed since the 2014 COP assessment and the 2018 thematic monitoring review.

The Netherlands

Recommendation: to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

28. The authorities reiterate their argumentation for the thematic monitoring review, stating that the decision on the sentence lies within the exclusive competency of a judge when considering a specific case. The judge takes into account the specific circumstances of the criminal offence and the conduct or behaviour, both domestically and abroad, the criminal record and intentions of the perpetrator.
29. The authorities make no notion of newly adopted measures, which would introduce explicitly the notion of international recidivism in domestic legislation, and no jurisprudence was provided which could implement this recommendation.

North Macedonia

30. North Macedonia did not receive any country-specific recommendation on Article 11. The authorities inform the Conference of the Parties that keeping statistics on the practice of considering foreign previous decisions when deciding on the sentence is considered in the Program for continued education of judges and prosecutors for 2019 and 2020, within the Academy for judges and prosecutors.

Poland

Recommendation: to take legislative or other measures to enable courts and prosecutors to take previous judgements (the notion thereof being wider than the scope of the 'perpetrator's prior life) into account, irrespective of the (COP State) Party in which they were handed down.

31. The authorities have not adopted any legislative or other measures.

Romania

32. Romania did not receive any country-specific recommendation on Article 11. The authorities nonetheless inform that the Romanian Ministry of Justice intends to raise awareness on the matter of international recidivism among magistrates. It foresees to discuss the matter with the Romanian network for judges and prosecutors in criminal matters in October 2019.

33. The Romanian authorities also inform that the Ministry of Justice is currently examining the possibility to develop a new case management system to enhance the maintenance of statistics which are of relevance for Article 11.

Russian Federation

Recommendation: to take legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

34. The Russian Federation did not submit a reply to the questionnaire.

Serbia

Recommendation: to take legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

35. The authorities have not adopted any legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation.
36. The authorities informed that some amendments were made to the Criminal Code on 21 May 2019, which introduce clarifications and a harsher criminal policy to the offence of recidivism.
37. Moreover, from an effectiveness point of view, between 31 October 2018 and 19 August 2019, the Serbian Public Prosecutor's Office received two letters rogatory regarding ML/TF offences, which contained requests for the extract of a criminal record. The Public Prosecutor Office in Serbia in the same period has issued one request for an extract from a criminal record in respect of ML/TF offences.

Slovenia

Recommendation: to take legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

38. Article 129 of the Criminal Procedure Act was amended. Paragraph 5 now provides for the courts to notify a competent authority, employer or other legal person that is according to the law obliged to respect the said loss of rights. The provision is not limited to national competent authorities and legal persons. The amendment will enter into force in October 2019.
39. However, this does not relate to the recommendation to enable courts to consider and recognise previous judgments handed down abroad, apart from a perpetrator's past behaviour.

Spain

40. The authorities did not adopt any measures to address the (general) recommendation to ensure that final decisions handed down in any COP State Party which is not an EU Member State may be considered as aggravating circumstance in domestic cases.

Sweden

41. Sweden did not receive any country-specific recommendation on Article 11. The authorities inform that they are unable to provide any statistical information on the implementation of Article 11.

Turkey

Recommendation: to adopt any legislative or other measures to ensure that all predicate offences of money laundering in foreign courts' judgements are subject to recidivism.

42. The authorities reiterated their view that the Turkish legislation sufficiently complies with Article 11, as a number of predicate offences to ML are included in the scope of the Turkish

domestic legislation on recidivism. However, no legislative or other measures were adopted to ensure that all predicate offences of ML would be subject to recidivism.

Ukraine

43. Ukraine did not receive any country-specific recommendation on Article 11.
44. The authorities inform the COP about the measures adopted under the Council of European Convention on Mutual Assistance in Criminal Matters (1959) and the CIS Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (1993), which are of relevance for Article 11 of the Warsaw Convention. Moreover, the authorities indicate that Ukraine has concluded 19 bilateral treaties/agreements on legal assistance and legal relations in criminal matters, which also concern notifications on convictions. All these measures were already in place at the time of adoption of the thematic monitoring review on Article 11.

United Kingdom

Recommendation: to take legislative or other measures to introduce the principle of international recidivism expressly in domestic legislation or by means of jurisprudence.

45. The authorities have not adopted any legislative or other measures.

Article 25(2 and 3)

1. The targeted follow-up questionnaire included i) a question on general measures adopted to (further) implement Article 25(2 and 3) for all States Parties to answer; as well as ii) (a) question(s) on the status of implementation of the country-specific recommendation(s) for those countries which had received such (a) recommendation(s) on Article 25(2 and 3) in the thematic monitoring review. The following subchapter therefore includes responses by the states under scrutiny, as well as additional information by some states which had already been assessed as compliant.

Albania

Recommendation: to adopt legislative or other measures to include victim compensation as a reason of special consideration for the sharing of assets with requesting COP States Parties.

2. The authorities have not adopted any legislative or other measures.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

3. The authorities have not adopted any legislative or other measures.

Armenia

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

4. Two draft laws which would fulfil this recommendation are in preparation, but no excerpts of the draft laws were provided to the COP. Therefore, no analysis of the technicalities of the law in light of implementation of the recommendation is made. The Conference of the Parties still welcomes the steps undertaken by the authorities to fulfil the recommendation, which are the following:
5. Firstly, the authorities make notice of the draft Criminal Code, which will include provisions on reimbursement of victims of crime and return of criminal proceeds to the legitimate owner. Secondly, a draft law on Civil forfeiture of illegal assets is elaborated upon. This law provides, among other issues, for the return or sharing of confiscated assets with a requesting state in line with separate or mutual agreements between Armenia and the requesting state, for purposes including the return of property to the legitimate owner.
6. Moreover, the authorities note that Armenia has taken steps to fulfil the general recommendation to facilitate trainings on the provisions of Article 25(2 and 3) with the judiciary and other relevant authorities by including the subject in the annual training programme for judges, prosecutors, investigators and candidates for those positions. Besides, a seminar on asset recovery will be organised in co-operation with international experts for representatives of relevant Armenian authorities.

Azerbaijan

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

7. Amendments to domestic legislation relevant for the issue of victim compensation were adopted on 9 July 2019. In particular, under Article 99-3.1 of the Criminal Code, the legitimate owner of property shall be compensated at the expense of property confiscated. Article 189

of the Criminal Procedure Code further provided that the victim of the crime shall be compensated upon a competent court's decision or final ruling of a competent prosecuting authority. However, the amendments do not consider the sharing of assets with requesting states as they do not relate to the underlying idea of the provisions of the Warsaw Convention (in particular, Article 25(2)), which is to promote international co-operation in the field of asset sharing.

8. As discussed under the analysis for Article 11 above, the Constitutional Court also interpreted the Constitutional Court in such a way that obligations under international treaties have a direct effect in Azerbaijan.

Belgium

Recommendation: to adopt legislative or other measures to include returning assets to the legitimate owners as a reason of special consideration for the sharing of assets with requesting COP States Parties.

9. The authorities have not adopted any legislative or other measures.

Bosnia and Herzegovina

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

10. The authorities have not adopted any legislative or other measures.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

11. The authorities have not adopted any legislative or other measures.

Bulgaria

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

12. The authorities have not adopted any legislative or other measures.

Recommendation: to adopt legislative or other measures to include victim compensation as a reason of special consideration for the sharing of assets with requesting COP States Parties.

13. The authorities have not adopted any legislative or other measures.

Croatia

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

14. The authorities have not adopted any legislative or other measures.

15. The authorities reiterated their arguments which had already been analysed for the thematic monitoring review, the 2013 COP assessment report and the 2016 COP follow-up analysis. In particular, the authorities argued that confiscation of the proceeds of crime for the purpose of compensation of a victim and/or return of the assets to the legitimate owner is duly implemented in law. The Act on mutual legal assistance in criminal matters establishes that: if there exists a procedure initiated by an injured party in a requesting country, and this latter

country has requested MLA in civil matters from Croatia for the purpose of victim compensation, this procedure will prioritise over the procedure of confiscation of property by Croatia. As a consequence, the compensation and/or return of the assets to the legitimate owner has priority over the confiscation of the proceeds of crime.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

16. The authorities have not adopted any legislative or other measures.

Cyprus

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

17. The authorities have not adopted any legislative or other measures.
18. The authorities are currently considering proceeding with a legislative amendment to the AML/CFT Law to include the provision of Article 25(2) expressly in domestic law.

Denmark

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

19. Denmark did not submit a reply to the questionnaire.

France

20. France did not receive any country-specific recommendation on Article 25(2 and 3). The authorities nonetheless re-explained their framework for asset sharing with countries within and beyond the European Union.

Georgia

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties, which are not necessarily EU Member States, for the purposes of victim compensation and/or return of the assets to the legitimate owner.

21. Amendments to the Law on International Cooperation in Criminal Matters concerning international co-operation in case of asset confiscation entered into force on 6 August 2018. The amendments foresee a new chapter on international co-operation on property confiscation, regulating issues including forms of international co-operation and the procedure of executing foreign requests for property confiscation. Article 56 of the said Law stipulates that, "in case of sharing confiscated property with a foreign country, the interests of the legitimate owner or victims shall be taken into account".
22. Statistics were provided relating to the requests made by the General Prosecutor's Office of Georgia to foreign countries for confiscation purposes in ML cases. The authorities further informed that, between 2018 and 2019, 189 representatives of competent authorities participated in trainings relating to Article 25(2 and 3).
23. The Conference of the Parties welcomes these developments.

Germany

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

24. The authorities have not adopted any legislative or other measures.

Greece

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

25. The authorities have not adopted any legislative or other measures relating to this recommendation. As stated under the analysis for Article 11 above, the authorities have made general developments regarding Article 25(2 and 3) through the enactment of the new AML/CFT Law and the new Criminal Code on 1 July 2019.
26. Apart from that, some adopted legislative amendments strengthen the implementation of Article 25(2). Greece has already been assessed as compliant with this particular provision in the thematic monitoring review. This concerns Art. 372 of the new Criminal Procedure Code, according to which seized assets are as a rule returned to their legitimate owners, and Art. 373 of the Criminal Procedure Code which further defines the particularities of victim compensation. Moreover, Article 68 (on confiscation as a penalty) and Article 76 (on confiscation as a security measure) of the new Criminal Code contain provisions on using confiscated assets for the satisfaction of the victim.
27. These provisions can be read in conjunction with the general MLA provisions of the Criminal Procedure Code, which altogether regulate the issue of (consideration of) asset sharing with requesting states for the purposes of victim compensation and return of property to the legitimate owner. The Conference of the Parties therefore welcomes the measures adopted by Greece to strengthen the framework relevant for the implementation of Article 25(2) of the Warsaw Convention.

Hungary

28. Hungary was found compliant with the provisions of Article 25(2 and 3); therefore the thematic monitoring review did not suggest any country-specific recommendations. Still, the authorities informed the Conference of the Parties on the developments regarding victim compensation.
29. One amendment to the Hungarian domestic legal regime on considering foreign final decisions was adopted on 1 January 2019. Additional provisions were added to provide guidance for courts on the procedure to be followed if they have recognised a final decision handed down in an EU Member State.
30. The authorities further informed that the Prosecution Service is preparing an update to the means of collecting data regarding MLA requests aiming at the application of asset recovery tools. In line with the EU Regulation 2018/1805 on the mutual recognition of freezing and confiscation orders of 14 November 2018 (Art. 35), statistics on MLA requests for the freezing, seizure or for the execution of in-rem non-conviction based confiscation orders will be better maintained.
31. The Conference of the Parties welcomes these developments.

Italy

Recommendation: to adopt legislative or other measures to include victim compensation as a reason of special consideration for the sharing of assets with requesting COP States Parties.

32. The authorities reiterate their argumentation as for the thematic monitoring review; however, no legislative or other measures were adopted on this country-specific recommendation.

Latvia

33. Latvia did not receive any country-specific recommendation on Article 25(2 and 3). The authorities nonetheless inform the Conference of the Parties that asset-sharing had taken place between Latvia and Germany, the latter being the requesting state. It did however not take place on the basis of an ad-hoc or permanent agreement or with the purposes of victim compensation or return of property to the legitimate owner, on the basis of Article 25(2 and 3) of the Warsaw Convention.

Malta

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

34. The authorities have not adopted any legislative or other measures. They nevertheless informed that the recommendation would be addressed in the National Action Plan.

Montenegro

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

35. No legislative amendments have been undertaken in the period under review, but the Ministry of Justice is considering various ways to implement the recommendation.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

36. No information was provided.

The Netherlands

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

37. No new information was provided.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

38. No information was provided.

North Macedonia

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

39. The authorities have not adopted any legislative or other measures.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

40. The authorities have not adopted any legislative or other measures.

Poland

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties, which are not necessarily EU Member States, for the purposes of victim compensation and/or return of the assets to the legitimate owner.

41. The authorities have not adopted any legislative or other measures.

Portugal

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

42. The authorities have not adopted any legislative or other measures.

43. The authorities nonetheless note that training was provided to judges and prosecutors to familiarise them with the procedures to apply asset sharing for the purposes foreseen in Article 25(2). Besides, the authorities explained, in addition to what was included in the thematic monitoring review, that the Criminal Code foresees some possibility to compensate victims or return property to the legitimate owner. In particular, according to Article 110(6) of the Criminal Code, paragraphs 1-5 of Article 110, which regulate the particularities of confiscation for the state, are without prejudice of the rights of the victim, meaning that victim's rights are protected, even where the victim is a foreign citizen, which allows for the compensation or return of assets (paragraph 6).

Republic of Moldova

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

44. The authorities have not adopted any legislative or other measures.

45. The authorities informed that the newly established Inter-institutional Working Group for the amendment of the legislative and institutional framework that regulates money laundering and terrorist financing would examine the implementation of this recommendation. The Working Group, consisting of all relevant competent authorities, will develop a draft law on amendments to a number of legislative provisions, and will work on a new mechanism for maintaining statistics which are of relevance to the AML sector. The Conference of the Parties welcomes this development.

Romania

46. Romania did not receive any country-specific recommendation on Article 25(2 and 3). The authorities make nonetheless notice of various developments.

47. First of all, currently the Romanian authorities are negotiating asset sharing agreements, two of which are based on the 1990 Strasbourg Convention (ETS 141).

48. Moreover, legislative changes are envisaged in light of the newly adopted Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders, which directly touches upon Article 25(2) of the Warsaw Convention.

49. The Conference of the Parties welcomes these developments.

Russian Federation

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

50. The Russian Federation did not submit a reply to the questionnaire.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

51. The Russian Federation did not submit a reply to the questionnaire.

San Marino

Recommendation: to adopt legislative or other measures give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner?

52. No information was provided.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

53. The authorities inform that the interdepartmental Group of the Public Administration of the Republic of San Marino is currently in the process of examining draft agreements on sharing confiscated property with other states.

54. The Conference of the Parties welcomes these developments.

Serbia

Recommendation: to adopt legislative or other measures to further clarify the provisions in law which would give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

55. No information was provided which would demonstrate the implementation of this recommendation.

56. The authorities provided information on developments of new contracts on asset sharing with foreign countries, which falls within the scope of Article 25(3). Contacts were initiated with Montenegro, Spain and Bosnia and Herzegovina and the Bosnian Republika Srpska on a possible agreement for asset sharing. The Conference of the Parties welcomes these steps.

Slovak Republic

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

57. The authorities reiterated their view that the competence to conclude general asset sharing agreements lies with the EU, and therefore no further steps were taken by the Slovak authorities. Besides, no asset sharing agreements were made as no foreign requests had been addressed to the Slovak Republic on the confiscation of property with sharing of assets.

58. The general recommendation to "include in their training programmes for the judiciary and other relevant authorities the strengthening of the institutional capacities to better

understanding and applying in practice the provisions of Article 25(2 and 3) of the Convention” was followed up by the Slovak Republic. In particular, the Slovak Ministry of Justice included the topic in the regular meeting of the Judicial network in the area of mutual legal assistance in criminal matters on 6 November 2018.

Slovenia

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

59. The authorities note that the provision of Article 502b of the Criminal Procedure Act was amended so that the time limits for freezing are now doubled. The amendment will enter into force in October 2019.
60. This does however not relate to the recommendation to adopt measures to provide explicitly in legislation for the principle of asset sharing for the purposes of victim compensation and returning goods to the legitimate owner.

Spain

Recommendation: to adopt legislative or other measures to include victim compensation as a reason of special consideration for the sharing of assets with requesting COP States Parties.

61. No relevant legislative amendments were made to include explicitly in domestic legislation that not assets could be shared not only for the purpose to return property to the legitimate owner, but also for the purpose of victim compensation.
62. Nevertheless, some non-legislative measures were adopted in the field of asset recovery and asset sharing. Most notably is the establishment of a Commission for the Adjudication of Property Proceeds from Crime within the Office for the Recovery and Management of Assets (Royal Decree 948/2015 of 23 October 2018). This Commission distributed economic resources to programs including for the assistance of victims and for the fight against organised crime. In particular, some financial resources were dedicated to the maintenance of statistics data on assistance to victims of crime. The Conference of the Parties welcomes such non-legislative measures.

Sweden

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation and/or return of the assets to the legitimate owner.

63. No legislative or other measures were adopted in the period under review, thus the conclusions of the thematic monitoring review remain valid.

Recommendation: to adopt legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.

64. No legislative or other measures were adopted in the period under review, thus the conclusions of the thematic monitoring review remain valid.

Turkey

Recommendation: to adopt legislative or other measures to give special consideration for the sharing of assets with requesting COP States Parties for the purposes of victim compensation, as a matter of priority.

65. The authorities have not adopted any legislative or other measures.
66. Instead, the authorities argued that the current legislative framework would be sufficient to share assets whenever a victim requests compensation via civil law cases.

Ukraine

67. Ukraine did not receive any country-specific recommendation on Article 25(2 and 3). The authorities indicate that they shared the results of the thematic monitoring review on Article 25(2 and 3) with the General Prosecutor's Office of Ukraine.

United Kingdom

Recommendation: to take legislative or other measures to include return of assets to the legitimate owner as a reason of special consideration for the sharing of assets with requesting COP States Parties.

68. The authorities have not adopted any legislative or other measures.
69. The authorities reiterated their arguments for the Thematic Monitoring Report.
- Recommendation: to take legislative or other measures to give special consideration to negotiating agreements, on an ad-hoc or regular basis, on sharing confiscated property with other COP States Parties.*
70. The authorities have not adopted any legislative or other measures.
71. The authorities inform about existing mutual legal assistance procedures, but do not demonstrate that there are measures in place to give special consideration to negotiating asset sharing agreements with other COP States Parties.

Conclusion/Recommendation(s)

1. The following subchapter draws a conclusion for every individual State Party to the Warsaw Convention, which is based on the analyses above.

Albania

2. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for Albania.

Armenia

3. The authorities indicated that provisions in the draft Criminal Code and draft law on Civil Forfeiture of illegal assets would answer to the recommendation for Article 25(2). Whilst the Conference takes note of these measures, the laws referred to have not entered into force yet, so the recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Armenia.

Azerbaijan

4. Through jurisprudence the direct effect of international treaties in Azerbaijan was clarified, and it was established that foreign decisions should be considered by courts when deciding on a penalty. The latter is the result of the direct effect of relevant international treaties to which Azerbaijan is a party. The jurisprudence suffices to comply with the recommendation for Article 11. It also has a slight impact on the recommendation for Article 25(2), but here the adopted amendments to the Criminal Code do not cover the entire scope of Article 25(2) of the Warsaw Convention. The adopted amendments are nevertheless welcomed by the Conference of the Parties.
5. Therefore, the recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Azerbaijan.

Belgium

6. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and 25(2) as put forward in the thematic monitoring report remain valid for Belgium.

Bosnia and Herzegovina

7. The authorities have not provided information on the implementation of the country-specific recommendations on Article 25(2 and 3) as put forward in the thematic monitoring report. The recommendations remain valid for Bosnia and Herzegovina.

Bulgaria

8. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and 25(2) as put forward in the thematic monitoring report remain valid for Bulgaria.

Croatia

9. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for Croatia.

Cyprus

10. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2) as put forward in the thematic monitoring report remain valid for Cyprus.

Denmark

11. No information was provided. The recommendation on Article 25(3) as put forward in the thematic monitoring report remains valid for Denmark.

France

12. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 11 as put forward in the thematic monitoring report remains valid for France.

Georgia

13. Both legislative and other measures were adopted to implement the general or country-specific recommendations. Georgia has implemented the country-specific recommendation. There are no outstanding recommendations for Georgia.

Germany

14. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Germany.

Greece

15. Whilst no legislative or other amendments have been made yet to implement the relevant country-specific recommendation on Article 25(3) of the Warsaw Convention, the Conference takes note of the amendments which were adopted and which strengthen the implementation of Article 11 and Article 25(2). This notwithstanding, the recommendation on Article 25(3) as put forward in the thematic monitoring report remains valid for Greece.

Hungary

16. Hungary was assessed as compliant with both Articles 11 and 25(2 and 3). The authorities continue to foster their implementation through the adoption of measures relevant for some of the general recommendations. There are no outstanding recommendations for Hungary.

Italy

17. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Italy.

Latvia

18. Although no legislative or other measures have been adopted yet to implement the relevant general or country-specific recommendations, the Conference takes note of the on-going revision of the Criminal Code. The recommendation on Article 11 as put forward in the thematic monitoring report remains valid for Latvia.

Malta

19. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 25(3) as put forward in the thematic monitoring report remains valid for Malta.

Montenegro

20. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for Montenegro.

The Netherlands

21. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations, or no information was provided to demonstrate implementation of the recommendations. The recommendations on Article 11 and Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for the Netherlands.

North Macedonia

22. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for North Macedonia.

Poland

23. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The relevant recommendations on Article 11 and Article 25(2) as put forward in the thematic monitoring report remain valid for Poland.

Portugal

24. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Portugal.

Republic of Moldova

25. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendation on Article 25(3) as put forward in the thematic monitoring report remains valid for the Republic of Moldova.

Romania

26. Even though Romania was assessed as compliant with both Articles 11 and 25(2 and 3), some more legislative and other reforms are currently underway for further implementation of the general recommendations. There are no outstanding recommendations for Romania.

Russian Federation

27. No information was provided. The recommendations on Article 11 and Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for the Russian Federation.

San Marino

28. No legislative measures have been adopted, but some developments are made concerning Article 25(3). Still, the relevant recommendations on Article 25(2 and 3) as put forward in the thematic monitoring report remain valid for San Marino.

Serbia

29. No legislative measures have been adopted, but some developments are underway concerning Article 25(3). The relevant recommendations on Article 11 and Article 25(2) as put forward in the thematic monitoring report remain valid for Serbia.

Slovak Republic

30. Whilst some steps were made to enable better application of Article 25(2 and 3) by judiciary, no legislative or other measures have been adopted yet to implement the relevant general or country-specific recommendations. The recommendation on Article 25(3) as put forward in the thematic monitoring review remains valid for the Slovak Republic.

Slovenia

31. Some legislative amendments have been adopted; however, they do not implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2) as put forward in the thematic monitoring report remain valid for Slovenia.

Spain

32. The authorities have adopted some non-legislative measures relating to Article 11, but they do not implement the relevant general or country-specific recommendations. The recommendation on Article 25(2) as put forward in the thematic monitoring report remains valid for Spain.

Sweden

33. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 25(2 and 3) as put forward in the thematic monitoring review remain valid for Sweden.

Turkey

34. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2) as put forward in the thematic monitoring review remain valid for Turkey.

Ukraine

35. Ukraine was assessed as compliant with both Articles 11 and 25(2 and 3). The authorities continue to foster the implementation of the article through the adoption of measures relevant for some of the general recommendations. There are no outstanding recommendations for Ukraine.

United Kingdom

36. The authorities have not adopted any legislative or other measures to implement the relevant general or country-specific recommendations. The recommendations on Article 11 and Article 25(2 and 3) as put forward in the thematic monitoring review remain valid for the United Kingdom.