

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 22 November 2017

C198-COP(2017)LD9

CONFERENCE OF THE PARTIES

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

9th MEETING

Strasbourg, 21-22 November 2017

LIST OF DECISIONS

Memorandum prepared by the Secretariat
Directorate General of Human Rights and Rule of Law

LIST OF DECISIONS

At its 9th meeting, held in Strasbourg from 21 to 22 November 2017, 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 (CETS n° 198):

- Heard an opening address from Mr Jan Kleijssen, Director of Information Society and Action against Crime.
- Adopted the meeting report of the 8th Plenary (25-26 October 2016, document C198-COP8(2016)REP).
- Welcomed the ratification of the Convention by Azerbaijan, Germany, Greece, Italy and the Russian Federation, as well as the recent signature by Monaco, and invited all Council of Europe Member States which have not done yet to accede to the Convention.
- Took note of an update by the Secretariat on the possible accession to the Convention by Israel, the Council of Europe's neighbourhood partners (Morocco, Tunisia, Jordan) and countries that took part at the CETS no.198 awareness raising seminar held in 2013 (Belarus, Kazakhstan and Tajikistan).
- Discussed a proposal concerning a transversal thematic monitoring of the implementation of the Convention by the State Parties.
- Decided to suspend the current country-to-country monitoring mechanism under Rule 19 of the Rules of Procedure (which was reflected in a Footnote) and to apply a transversal thematic monitoring in line with a newly-adopted Rule 19*bis* for an initial period of two years, with a further stocktaking discussion on the matter at its 11th Plenary in 2019.
- Decided that it would come back at its 10th Plenary to the question whether the follow-up process for the country-to-country monitoring mechanism should be suspended (which was reflected in a Footnote to Rule 19 of its Rules of Procedure), and welcomed Belgium's and Malta's readiness to submit a follow-up report at that Plenary.
- Decided that the first transversal thematic monitoring reports should deal with Article 11 and Article 25(2) and 25(3) of the Convention.
- Discussed and adopted a document on the Council of Europe Action Plan on Combating Transnational Organised Crime (2016 – 2020) and the COP's involvement in implementing this Action Plan, and decided that further amendments could be included in light of the on-going duration of that Action Plan.
- Discussed and adopted the Interpretative Issues related to Article 3(4); Article 11 and Article 25 of the Convention, which were presented by the Secretariat and COP scientific expert, and decided that the document should be published on the COP website.
- Heard a presentation from and had an exchange of views with Mr Carlo Chiaromonte, Secretary to CODEXTER and Head of the Criminal Law Division, on recent developments in CODEXTER and the new European Convention on Offences relating to Cultural Property, including money laundering and terrorist financing aspects of the Convention.

- Heard a presentation from and had an exchange of views with Mr Oleksiy Feshchenko (UNODC) on ML/TF risks posed by virtual currencies. The COP asked the Bureau, together with the Secretariat, to compile a paper with regard to a more structured discussion on the topic for future Plenaries.
- Heard a presentation from and had an exchange of views with Ms Mariana Chicu, Programme Manager in the Cybercrime Programme Office of the Council of Europe (C-PROC) on i-PROCEEDS project and its relevance vis-à-vis Convention principles on asset recovery and expressed interest to regularly exchange information and documents with the project.
- Examined the draft follow-up report on the Republic of Moldova and decided to adopt the country's replies to the questionnaire together with the Secretariat analysis.
- Examined the update to the follow-up report on Poland: while commending Poland for the progress made, the COP noted that several deficiencies were addressed in ongoing legislative processes, with other deficiencies not yet addressed by concrete measures. The COP invited Poland to provide an oral update at the 10th Plenary, while reserving the possibility to revert to the measures indicated in Rule 19(39)(h) of the Rules of Procedure at that Plenary. The COP also noted the possibility that some of the outstanding deficiencies could also be addressed in the course of ongoing MONEYVAL follow-up procedures.
- Took note of the information provided on the recent exchange of views between the President of the COP and the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC).
- Heard a presentation by and had an exchange of views with Ms Joana Ferreira, Vice-Chair of the PC-OC, on the PC-OC MLA model form and decided that this model form should be made available in the future to States Parties when rendering or requesting international cooperation in line with the CETS no.198; in order to reflect a number of amendments to specific provisions of the Convention, it asked the Bureau together with the Secretariat to propose an amended version to be adopted in the COP's silence procedure (Rule 14 (2) of the Rules of Procedure).
- Asked the Bureau to liaise with the PC-OC on possibilities to share documents of both committees, for example by making them available through enabling access to each other's restricted websites on a reciprocal basis.
- Heard updates from several States Parties on developments on reservations made in relation to several provisions of the Convention, and encouraged States Parties to reconsider the necessity of the reservations made with a view to their withdrawal.
- Took note of different cases of practical implementation of the Convention and encouraged all States Parties to continue informing the Plenary of their experiences in implementing the Convention in their jurisdictions.
- Invited the Secretariat to reach out to States Parties on the issues of voluntary contributions and sufficiently qualified seconded experts.
- Encouraged the States Parties which did not provide information on the templates on MLA and the FIU to do so by the end of the year.

- Re-elected Mr Branislav Bohacik (Slovak Republic) as President and Mr Jean-Sébastien Jamart (Belgium) as Vice-President for a term of office of two years. Mr Jamart was also appointed as new Gender Equality Rapporteur for the Conference of the Parties.
- Decided to hold its next meeting in Strasbourg from [30-31, *tbc*] October 2018, and asked the Secretariat to consider a possible extension of the meeting to 2.5 days.
