

Strasbourg, 31 May 2024

PC-RAC(2024)08

COMMITTEE OF EXPERTS ON CRIMINAL ASSET RECOVERY (PC-RAC)

1ST MEETING

29-31 MAY 2024

STRASBOURG, PALAIS DE L'EUROPE, ROOM 6

Abridged meeting report

Document prepared by the Secretariat

Directorate General I - Human Rights and Rule of Law

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At its first meeting (Strasbourg, France, from 29 to 31 May 2024), held in conformity with its terms of reference as adopted by the Committee of Ministers, and chaired by Mr Cornel-Virgiliu Calinescu (Romania), the Committee of Experts on Criminal Asset Recovery (hereinafter referred as “the PC-RAC” or “the Committee”) decided to:

Agenda Item 1.	Opening of the meeting
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Take note of the opening remarks of Ms Hanne Juncher, Director of the Security, Integrity and Rule of Law Directorate, DGI of the Council of Europe;

Agenda Item 2.	Adoption of the Agenda and Order of business
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Adopt the agenda without amendments;

Agenda item 3.	Introduction by the Secretariat
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Take note of the terms of reference of the PC-RAC and of the applicable procedural rules, in particular Resolution CM/Res(2021)3;

Agenda item 4.	Tour de table
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Welcome the Committee’s nominated members, observers and participants and take note of their introductory statements;

Invite Denmark, Germany, Iceland, Liechtenstein, Lithuania, North Macedonia, Portugal and Spain to consider appointing their representatives before the next meeting;

Agenda item 5.	Election of the Chair and Vice-Chair of PC-RAC
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Take note of the information provided by the Secretariat regarding the procedure for the organisation of elections for the positions of Chair and Vice-Chair;

Elect for a term of one year (which may be renewed once):

- Mr. Cornel- Virgiliu Calinescu (Romania) as Chair of the Committee;
- Mr. Borja Aguado Delgado (Andorra) as Vice-Chair of the Committee;

Agenda item 6.	State of play: work undertaken by international and regional organisations on criminal asset recovery
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Hear presentations on the work and findings of international and regional organisations and their bodies and institutions of relevance for the work of the PC-RAC, namely those of:

- Mr. Jorg Polakiewicz, Director of the Directorate of Legal Advice and Public International Law of the Council of Europe on the Council of Europe’s rules and practices in drafting legally binding instruments;

- Mr. Lado Lalicic, Head of Unit, MONEYVAL, and Deputy Executive Secretary to the Conference of the Parties (COP) to CETS no. 198, on Council of Europe’s standards relevant for the work of the PC-RAC;
- Ms Pamela McCormick, on case law of the European Court of Human Rights relevant for the work of the PC-RAC;
- Mr Martin Polaine, expert, on the “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” of the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC);
- Mr Lajos Korona, scientific expert of the MONEYVAL, on the findings of this monitoring body;
- Mr. Ioannis Androulakis, representative of the COP to CETS no. 198 on the findings of this monitoring body;
- Mr John Carlson, representative of the Financial Action Task Force (FATF), on the FATF standards and work carried out;
- Mr Michael Spath and Ms Laura Stelzer, representatives of the European Commission, on the EU standards and work carried out.

Take note that, in line with its terms of reference, it is expected to take into account in its work the human rights and the 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;

Take note, that in line with its terms of reference, it can consider also the work of the Council of Europe, the European Union, the United Nations, and the Financial Action Task Force (FATF), as well as the findings of the above-mentioned monitoring bodies;

Agenda item 7.

The future 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)

Hear presentations by

- Mr Paolo Costanzo, Scientific Expert of COP to CETS no. 198, on the document “Revised FATF recommendations 4, 38, 30, 31, 40 and interpretative notes – comparison with the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism”;
- Mr Klaudijo Stroligo, Council of Europe expert, on proposed elements of the future Protocol;

Hold an exchange of views on the terms of reference of the PC-RAC and the potential elements of the future protocol, in the light of the working document “Proposal for elements and outline for the future Protocol” prepared by the Secretariat;

Take note of the views expressed by PC-RAC members and observers on aspects that could be covered with respect to sharing of confiscated assets, management of seized and confiscated assets, non-conviction-based confiscation, extended confiscation in criminal matters, co-operation regarding and execution of requests and confiscation decisions in transnational cases;

Take note of the views expressed by PC-RAC members and observers regarding other issues they deem relevant for inclusion in the draft additional protocol, such as: strengthening of cooperation in transnational cases through mutual legal assistance and other mechanisms of bilateral and multilateral cooperation, provision of direct access to the databases containing registers of various types of assets, facilitating exchange of information relevant for asset tracing, seizure and confiscation, setting minimum requirements for requests in transnational cases, defining minimum elements of asset

sharing agreements, clarifying aspects in relation to criminalization of self-laundering, and extending the scope of special investigative means and powers which are included in articles 7, 14, 17, 18, 19 and 47 of the CETS no. 198;

**Agenda
item 8.**

Working methods and workplan of the PC-RAC

Approve following discussion the proposed working methods and the workplan for 2024-2025 as set out in working document PC-RAC(2024)05 and instruct the Secretariat to regularly update this document in line with the decisions taken by the Committee;

**Agenda
item 9.**

Appointment of Gender Equality Rapporteur

Take note of the presentation by Ms Caterina Bolognese, Head of Gender Equality Division of the Directorate General of Democracy and Human Dignity of the Council of Europe on the role of a Gender Equality Rapporteur (GER);

Appoint the Chair to take up this role temporarily, and invite interested members to put themselves forward for the position of Gender Equality Rapporteur of the PC-RAC so that a GER could be appointed at its second meeting;

**Agenda
item 10.**

Date and place of next meeting

Hold the next meeting of the PC-RAC in Strasbourg from 9 to 11 September 2024;

**Agenda
item 11.**

Any other business

(not applicable)

**Agenda
item 12.**

Adoption of the list of decisions and close of the meeting

Adopt the abridged meeting report at the end of the meeting.