

Strasbourg, 08 July 2024

PC-RAC(2024)09

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

1ST MEETING

29-31 MAY 2024

STRASBOURG, PALAIS DE L'EUROPE, ROOM 6

Meeting report

Document prepared by the Secretariat
Directorate General I - Human Rights and Rule of Law

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1. The Committee of Experts on Criminal Asset Recovery (hereinafter referred as “the PC-RAC” or “the Committee”) held its 1st meeting from 29 to 31 May 2024 at the Palais de l’Europe in Strasbourg, with Mr Lado Lalicic, Head of Unit, MONEYVAL, and Deputy Executive Secretary to the Conference of the Parties (COP) to CETS no. 198 as a provisional Chair, and with Mr Cornel - Virgiliu Călinescu (Romania) in the Chair, once the election was held.

ITEMS DISCUSSED AND DECISIONS TAKEN

Agenda Item 1.	Opening of the meeting
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2. Ms Hanne Juncher, Director of the Security, Integrity and Rule of Law Directorate, DGI, opened the meeting, underlining the importance of the PC-RAC and the reasons of its creation.

Agenda Item 2.	Adoption of the Agenda and Order of business
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3. The PC-RAC adopted the draft agenda and the provisional order of business without amendments (see Appendix I).

Agenda item 3.	Introduction by the Secretariat
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4. The Secretariat introduced the role and tasks of the PC-RAC as set out in the terms of reference, outlining that the PC-RAC is a subordinate body under the authority of the Committee of Ministers and of the European Committee on Crime Problems (CDPC), entrusted to complete the 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 (hereinafter CETS no. 198 or “Warsaw Convention”), as well as a draft explanatory report thereto by 31 December 2025. The work and procedure of the PC-RAC is regulated by Resolution CM/Res (2021)3 which governs the intergovernmental committees and their subordinate bodies, their terms of reference and working methods.

5. The Secretariat informed the participants regarding the studies undertaken and the experts’ views regarding the need for such a protocol, referring to the very low percentage of globally recovered assets, the gaps identified in legislation and practice through the work of the monitoring mechanisms, and the ways in which the additional protocol could strengthen globally asset recovery actions.

Agenda item 4.	Tour de table
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6. The members, observers and participants of the PC-RAC presented themselves, including their functions, and experience in the field of criminal asset recovery and management. The list of participants is set out in Appendix II.

7. The Committee invited 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

8. The PC-RAC was called to elect its Chair and Vice-Chair at this meeting. The Secretariat outlined the general rules of the election procedure provided for in Article 12 of Appendix 1 to Resolution CM/Res(2021)3 and the role and duties of both the Chair and Vice-Chair. The candidates for these positions introduced themselves briefly.

9. The PC-RAC held elections, in accordance with CM/Res(2021)3, as a result of which:

- Mr Cornel-Virgiliu Calinescu, General Director of the National Agency for the Management of Seized Assets in Romania, was elected Chair for a first one-year term of office (which may be renewed), from 29 May 2024 to 29 May 2025.
- Mr Borja Aguado Delgado, Deputy Prosecutor of the Public Prosecutor's Office of Andorra, was elected vice-chair for a first one-year term of office (which may be renewed), from 29 May 2024 to 29 May 2025.

**Agenda
item 6.**

State of play: work undertaken by international and regional organisations on criminal asset recovery

10. The Secretariat presented the Council of Europe's standards relevant for the work of the PC-RAC highlighting the various CoE instruments, including the Warsaw Convention itself, the Criminal law Convention on Corruption, Convention on Action Against Trafficking in Human Beings, and the Convention on the Manipulation of Sports Competitions.

11. The Chair invited Council of Europe bodies and committees, as well as other relevant regional and international organisations to present the standards and progress of their work in the area relevant for work of the PC-RAC.

12. Mr Jörg Polakiewicz, Director of Legal Advice and Public International Law (DLAPIL), presented the role of his directorate, highlighting that DLAPIL should conduct a final check of the draft text of the Protocol. He noted that DLAPIL is not a part of the negotiations process, and therefore cannot change policy choices made by the Committee. The director touched upon the Model Final Clauses for Conventions, Additional Protocols and Amending Protocols concluded within the Council of Europe, adopted by the Committee of Ministers in 2017,¹ setting out, among other things, to whom the additional protocol will be open for signatures and how the date of entry into force will be determined. The committee also heard recommendations on the implementation of clauses relating to reservations, and the relation of the protocol to other international instruments.

13. The Secretariat of the European Court of Human Rights presented the ECHR's case-law relation to confiscation. This showed that generally, states have a rather high level of discretion in relation to confiscation issues, however there are instances of violations, mainly concerning the peaceful enjoyment of property (Article 1 of Protocol 1), and the right to a fair trial (Article 6 of ECHR), especially in regard to the test of proportionality.

14. The Chair and the Secretariat highlighted the importance of the ECHR case law and underlined the rights that could be infringed upon by confiscation. The Chair also invited delegations to review their national case-law that may be relevant for the purposes of the PC-RAC's work and supplement the presented summary of ECtHR case-law.

1. See [Model Final Clauses for Conventions, Additional Protocols and Amending Protocols concluded within the Council of Europe / CM/Del/Dec\(2017\)1291/10.1](#) (5 July 2017).

15. Members heard a presentation of the Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC) made by Mr Martin Polaine, independent expert, on the conclusions of 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. Mr Martin Polaine stressed the clear need for an international framework that encourages assistance for non-conviction-based confiscation (NCBC) and the need for provisions on asset management. In response to a question whether NCBC should extend to both to the criminal and civil sphere, Mr Polaine shared his view that the time had come to have obligatory NCBC provisions in an instrument that will state situations in which NCBC can be used. This instrument also should encompass clear safeguards, especially given the risk that NCBC could be used as ‘the easy option’, instead of opening a criminal investigation.

16. Mr Lajos Korona, scientific expert of the MONEYVAL, shared a variety of experiences and best practices identified in mutual evaluations on the confiscation and management of assets in state Parties. Mr Korona advised to include more basic and general definitions because of the many differences in states’ practice, and a clear framework especially for NCBC, along with the need for a distinction between civil and criminal matters in this regard. He also touched upon the evident need for better management of confiscated and seized assets, especially assets that are complex to manage or are prone to depreciation.

17. Mr Ioannis Androulakis, former president of the COP to CETS no. 198 and its designated representative to PC-RAC, presented the developments that led to the additional protocol, touching upon the work done by the COP reviewing articles 3, 6 and 25 of the Warsaw Convention, and their heightened relevance for the work of the PC-RAC. He further gave examples of differing practices on the subjects to which the three articles are relevant, concluding that the protocol has the potential to improve and streamline these practices.

18. Mr John Carlson of the FATF Secretariat informed members of the meeting on the FATF updated standards and methodology, presenting in particular the standards applicable to asset recovery.

19. Mr Michael Spath and Ms Laura Stelzer of the European Commission (EC) presented the Directive 2024/1260 on asset recovery and confiscation, and the Regulation on the mutual recognition of freezing and confiscation orders in the EU – Rules on sharing, management and re-use of confiscated assets.

20. The Committee took 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.

21. Further, the Committee took note that, in line with its terms of reference, it can consider also the work carried out by the Council of Europe, the European Union, the United Nations, and the Financial Action Task Force (FATF), as well as the findings of the relevant monitoring bodies, notably COP to CETS no. 198 and MONEYVAL.

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)
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22. Mr Paolo Costanzo, scientific expert of COP to CETS no. 198, gave a presentation on elements that could be included in the future protocol, especially focused on main areas where the Warsaw Convention differs from the revised FATF recommendations 4, 38, 30, 31, 40 and interpretative notes with a view of both outlining core areas where the Convention adds value to other international

instruments, and identifying what parts of Convention would generally benefit from potential updates. He further pointed to the most important areas of discussion, namely the overall asset recovery regime, property held by third parties, and a NCBC regime.

23. Following this presentation, members held an exchange of views on the terms of reference of the PC-RAC.

24. In the first part of the discussion, the members and observer shared views on the elements explicitly mentioned in the Terms of reference, namely NCBC, extended confiscation, execution of freezing and confiscation orders, as well as asset management and sharing of assets.

25. As regards NCBC, it was notable that there are considerable differences in the structures of domestic NCBC systems. Nevertheless, many members of the committee highlighted the importance of NCBC. Most members were of the opinion that its inclusion in the additional Protocol would be beneficial. Some members, while not disagreeing with this view, cautioned that possible NCBC structure included in the protocol should not go beyond what has been set out in the new EU Directive. Most states that did not yet have NCBC in their domestic legislation supported its inclusion via the protocol, and a few of them argued that provisions would have to be drafted carefully to fit different constitutional orders. Few members raised issues regarding the civil or criminal nature of NCBC proceedings, and the incompatibility of these two systems when it comes to the recognition of decisions in transnational cases. The EC underlined that the new Directive only applies to criminal NCBC. Other comments highlighted the importance of clearly specifying the situations in which NCBC should be allowed, and the need to have clear definitions of certain terms such as “absconded person”.

26. Concerning co-operation between member states, the majority of the members of the committee stressed in their comments the need for more efficient co-operation, including the effective sending, receiving, and execution of freezing orders, as well as ensuring a generally smooth flow of information.

27. As regards asset sharing, many members have few or no domestic examples of successful asset sharing cases. The reasons for the lack of sharing between states are many and varied and there was a wide range of differing opinions on the reasons for this and what the main barrier might be. Views ranged from a general lack of asset recovery cases to communication challenges and difficulties in finding counterparts and competent authorities in other states. It was also suggested by some states that there is a lack of transparency in asset-sharing cases, citing the need for more information on the assets, their types etc. Opposing this view, one representative voiced concern with respect to a requirement of a high level of transparency in asset-sharing cases because, unlike in asset return cases where transparency is very important, asset-sharing does not lead to the re-corruption of funds in the destination country, and similar transparency measures would lead to an additional burden for states facing a high number of such cases. Among states which had a wider experience in concluding asset-sharing agreements, few mentioned applying models that require a 50:50 split for properties valued above EUR 10,000. Several states supported the inclusion of a requirement to set up specialised offices as a way of addressing many of the issues identified by the members. In general, Committee members expressed support for a more robust framework for asset sharing in the additional Protocol, but some expressed concerns in respect to over-regulating this area and stressed the need for flexible solutions that would leave sufficient room for negotiation.

28. Asset management was also discussed. A large number of states supported provisions to ensure a more efficient asset management, including common standards, interlocutory sales, and the establishment of dedicated asset management offices. A few members pointed out difficulties in managing complex assets, such as companies and cryptos, and asked for more guidance on managing this type of property.

29. The Committee took note of all the views expressed by PC-RAC members and observers on aspects that could be covered by the additional protocol with respect to sharing of confiscated assets,

management of seized and confiscated assets, NCBC, extended confiscation in criminal matters, co-operation regarding and execution of requests and confiscation decisions in transnational cases.

30. As regards other elements that could be considered, Mr Klaudijo Stroligo, Council of Europe expert and former member of the committee in charge of drafting the Warsaw Convention, gave a presentation on other provisions that could be considered for inclusion in the additional protocol. Namely, the following additional elements were put forward for consideration.

- Introducing and regulating the financial investigation and/or parallel financial investigation as a mandatory part of the processes leading to identification and seizure of proceeds of crime. Furthermore, introducing the concept of post-conviction financial investigations, for the purposes of identifying property subject to a confiscation decision. Mr Stroligo shared a view that this could be done by introducing a definition of financial investigation, parallel financial investigation and post-conviction financial investigation in Article 1 (Use of terms) and by amending Article 7 (Investigative powers and techniques).
- Introducing a requirement for Parties to establish a central register of bank accounts and safe-deposit boxes kept by financial institutions, including virtual asset service providers (VASPs). It was announced that the EU would introduce such a requirement in the new AML Directive. This would help reduce the time taken to trace assets subject to confiscation.
- Extending the obligations (e.g., production and monitoring orders) set out in paragraph 2 of Article 7 (Investigative powers and techniques) of the Convention to accounts held in non-bank financial institutions, including brokerage accounts and VASPs. The Convention provides for this only as an option, but Mr Stroligo expressed the view that there was no reason to have this obligation for bank accounts and not for other financial institutions.
- Introducing in Article 7 (Investigative powers and techniques) a new paragraph empowering courts or other competent authorities to order the bank and other non-banking financial institutions to provide any document held by these institutions as part of their customer due diligence obligations. The FATF recommendations require financial institutions to keep all files during the customers' due diligence process including onboarding records, business records, risk profile, documents relating to unusual large suspicious transactions etc. All of these records must be retained in order to be made available to courts or other competent authorities, such as Financial Intelligence Unit (FIUs), prosecutors, and police.
- Introducing in Article 7 a new possibility to identify during a house search any property, even legally obtained, that might be a subject of value-based confiscation. The order should be issued for any property, not only proceeds, instrumentalities or objects of crime. It should be noted that this proposal goes beyond all currently existing international instruments.
- Introducing a new paragraph in Article 9 (Laundering offences), which would prevent Parties from criminalising self-laundering when the perpetrator of a predicate offence committed money laundering by acquisition, possession or use of property derived from his own criminal activity. Mr Stroligo provided additional clarification in support of this proposal. He explained that there is a possibility in all relevant conventions, including the Warsaw Convention, to allow countries to criminalise money-laundering offences in a number of situations that are similarly defined in all relevant international instruments. However, some countries, when drafting provisions in their national legislation criminalised self-laundering in all the situations set out in these instruments, including the use, possession and acquisition of property obtained from perpetrator's own criminal activity. In some jurisdictions, this led to the possibility that all proceeds obtained through crime are automatically considered laundered by the mere possession of such proceeds. He expressed the view that self-laundering should not exist if there was no concealment, conversion, use of financial institutions to transfer proceeds or similar actions. The proposal, which follows the solution from Article 3 (5) of EU

Directive 2018/1673, is to introduce a new paragraph in Article 9 (Laundering offences) of the Warsaw Convention, which would prevent Parties from criminalising self-laundering in these situations.

- Introducing in Article 12(2) a possibility to ensure that the FIU's analytical function covers both operational and strategic analysis.
- Expanding FIU postponement powers in Article 14 to any proceeds generating offence, not only to transactions related to Money Laundering/Terrorist Financing (ML/FT). It was recalled that FATF Recommendation 20 from 2012 extended the obligation of reporting entities to report all funds and transactions, including attempted transactions, related to any suspected proceeds of crime. In this context, consideration could be given to the possibility of requiring FIUs to postpone not only transactions related to ML/FT, but also transactions related to any proceeds-generating offence.
- Ensuring that the rights of persons involved in transactions are protected e.g., by allowing them to appeal against the FIU's decision when the postponement takes a long time. Both the FATF and new EU standard, which will come into effect in June this year, provide that persons involved in transactions should have the right to challenge the decision if the postponement lasts longer than 10 days.
- Amending Article 18 (Requests for information on banking transactions) to require the requested Party to provide not only the particulars of bank accounts and banking operations, but also any document held by banks and non-bank financial institutions. The proposed amendment follows the previously mentioned changes of Article 7 and basically suggests that all documents that would be used in a domestic investigation should also be shared in international co-operation.
- Amending Article 47 (International co-operation for postponement of suspicious transactions) to allow the requested FIU to postpone not only transactions related to ML/FT, but also transactions related to any proceeds-generating crime. The proposed amendment follows the recommended changes to Article 14, extending proposed domestic provisions to also facilitate the requests from foreign FIUs.
- Revising sections 3 and 4 to further facilitate the recognition and enforcement of foreign orders for provisional measures. Mr Stroligo and Mr Costanzo presented a proposal that this recognition should not be made conditional on the conducting of a domestic investigation and should be extended to orders from any authority, not just courts.
- Strengthening provisions that are dealing with the rights of third parties, especially rights of innocent bona fide parties, taking into account the relevant case-law of the ECtHR in this regard, as the existing Article 32 of the Convention does not provide sufficient protection. This provision is quite narrow as it does not address the limits to confiscation and freezing orders against bona fide parties. Mr Ioannis Androulakis also underlined the importance of ensuring the participation of third parties in relevant proceedings. Reference was made to the ECtHR judgment in *G.I.E.M. v. Italy*, which makes it clear that it is possible to issue orders against third parties provided that safeguards are in place.

31. The FATF representative expressed the view that consideration should also be given to adding some references to the need for overall, holistic approach to asset recovery, which is not often met as most of the jurisdictions demonstrate a compartmentalised approach in this area, if such a provision could be introduced in a conventional instrument. He also underlined the importance of timely access to information and registers as a means of improving investigations. Regarding "self-laundering" he recalled that the FATF follows the UN Conventions in this regard and shared his view that existence of

such an offence is a practical question of whether there has been one act committed or several acts which allow for a predicate offence to be separated from a subsequent self-laundering offence.

32. The EC indicated that self-laundering is covered by the Directive on combating money laundering by criminal law. Article 3(5) makes it mandatory to criminalise self-laundering only in cases of conversion, transfer, concealment, and disguise of the property. From the wording of this provision, it is not mandatory to criminalise self-laundering for the acquisition, possession or use of property, although this possibility is neither completely excluded nor prohibited. It was recalled that directives set minimum standards and that EU Member States may go beyond their provisions. As regards financial investigations, the new Directive contains provisions allowing parallel financial investigations in high-value cases, although EU member states can limit this possibility to organised crime. The Directive also allows post-conviction tracing of assets. The EC indicated their openness to including these possibilities and provisions in the additional Protocol, as well as for a mandatory provision requiring establishment of asset recovery offices, not only asset management offices, as this can have positive effects on asset tracing processes. The setting up of centralised registers of bank accounts is required by the EU acquis and this can be useful and contribute to asset tracing, investigations, and for the work of FIUs. Consequently, the EC agreed with the view that this should be considered as a possible addition to the Protocol. Regarding the investigative powers and techniques and the extension of monitoring orders to non-bank financial institutions, the future AML Directive foresees the power to monitor transactions, payments and cryptocurrency accounts, but only for FIUs, not for other investigative authorities. While such powers could be included in the Protocol, reference was made to the EU acquis in this area. Concerning one of the proposals that related to powers to trace other property, if understood as an investigative power granted to law enforcement authorities to trace legal property, but not with a view to confiscate on a criminal law basis, it was noted that there was no EU acquis regulating such powers and no concrete EU position regarding this question. In relation to the postponement powers, the new AML Directive expands this power beyond ML and FT offences to some other predicate offences, but not to all proceeds-generating offences. This power will only be allowed in relation to predicate offences defined in the acquis as predicate offences for money laundering. In this regard, the EC referred to the need for compatibility with the EU acquis. Regarding the rights of third parties, non-bona fide and bona fide parties, the Asset Recovery Directive clearly provides that the third parties must have safeguards as they have to be able to claim ownership and participate in proceedings, thus they expressed the view that the Protocol should have safeguards similar to those in the EU acquis. The EU representatives also indicated that when they referred to the compatibility of the provisions of the Protocol with the EU acquis, this did not imply or should not be understood as identical to the EU acquis.

33. States who made interventions generally agreed with the arguments provided for including listed additional elements, with a few expressing reservations about certain points. Some states echoed the positions of the EC and cautioned that matters not regulated by the EU acquis should not be taken into consideration. One member generally agreed with the proposal to limit the possibility of conducting domestic investigation as part of the process for recognition of foreign provisional measures, but not to preclude this possibility in all cases. It was also expressed that many international instruments deal with the powers of FIUs to obtain information, but the problem that arises in practice is that this information cannot be used as evidence in judicial proceedings. One member therefore recommended exploring the possibility of extending access to this type of information to prosecutors in order to allow their further use in judiciary proceedings. The introduction of provisional measures for the payment of fines was also put forward as one of the possible additions for consideration. One State indicated that it would be difficult to consider the introduction of centralised registers of bank accounts in its system. Regarding information exchange between the states, there were few proposals to standardise the format and content of the shared information in order to ensure a smoother co-operation in this domain. Some States mentioned that it would be beneficial to take into account existing EU models in this area. A few participants also mentioned that it would be valuable to promote the mandatory establishment of asset recovery offices, as they have proven to be very effective. It was also recommended to consider a possibility of setting up funds from confiscated assets to compensate victims or to finance social projects. With regard to the proposed identification of property that can

be confiscated during searches, it was recommended to complement the proposal with the possibility of seizing cryptocurrency wallets when they are found during searches of IT property.

34. Many interventions touched on the issue of self-laundering, in particular with regard to the proposed exclusion of this offence in situations of use, possession and acquisition. There was some form of consensus among all those who spoke on this issue, namely that while they agreed with the possible limitation of self-laundering or its applicability to a specific range of offences and situations, they still saw merit in retaining it in some of the situations of use, possession and acquisition of property derived from perpetrator's own activity. One of the notable points that emerged from the interventions is the importance of being able to make a clear distinction between acts that constitute predicate offences and those that may constitute self-laundering which is a practical question that will have to be resolved on a case-by-case basis. The importance of negligent money laundering, which is dealt with in Article 9(3) of the Warsaw Convention, was also mentioned and the Committee was invited to consult points from the [Interpretative Note](#) on this provision prepared by the COP to CETS no. 198.

35. In addition to the views expressed, some members shared domestic solutions that could be taken into consideration. One example was the obligation for prosecutors and courts to review freezing and seizure orders at regular intervals in order to avoid unnecessarily long duration and possible violations of property rights. Another example was the regulation of debts related to seized property. Once the seizure order has been lifted, the authorities are obliged to send a call to all public and private entities to report any outstanding debts against the property. As a result, the property is held for a period of time to settle the reported debts before being returned to the owners. Regarding international co-operation, the good examples of ARO, CARIN and EUROPOL were noted and commended. During discussions, some practical questions that states might encounter in practice were also raised such as the nature of information that should be given to the customers of financial institutions whose transactions have been suspended by FIU to avoid tipping off the ongoing investigations.

36. At the end, Mr Ioannis Androulakis added for consideration the issue of definitions, such as the definition of the financing of terrorism, which he stressed should be updated in line with new international instruments in this area.

37. The Committee took note of all the views expressed by PC-RAC members and observers regarding the other issues they deem relevant for inclusion in the draft additional protocol, such as: strengthening of co-operation in transnational cases through mutual legal assistance and other mechanisms of bilateral and multilateral co-operation, 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 criminalisation 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

38. The Secretariat presented the proposed Working Methods and the Workplan for 2024-2025 (as set out in working document PC-RAC(2024)05), including processes for undertaking regular consultations with the Conference of the Parties to CETS no. 198, the CDPC, the PC-OC and where necessary with other CoE committees and international bodies. PC-RAC members discussed the proposal, and a few members were concerned about the proposed dates for the 2nd and 3rd meetings and the time available for inter-institutional consultations on the zero-draft before the second meeting. The Secretariat indicated that a first zero-draft would be circulated as soon as possible before the start of the summer holidays. It also provided clarifications regarding the proposed dates, highlighting the strict schedule for the finalisation of the PC-RAC's work, the need for planning

meetings in a manner which would enable co-ordination and consultations with other committees, notably the CDPC and the COP to CETS no. 198.

39. The PC-RAC approved the proposed Working Methods and the Workplan for 2024-2025 without amendments, and instructed the Secretariat to regularly update this document in line with the decisions taken by the Committee.

**Agenda
item 9.**

Appointment of Gender Equality Rapporteur

40. Ms Caterina Bolognese, Head of Gender Equality Division of the Directorate General of Democracy and Human Dignity of the Council of Europe presented the role of a Gender Equality Rapporteur (GER). The Secretariat provided background and procedural information on the appointment of a GER.

41. Given that no member had formally expressed an interest in being nominated as GER, the Committee agreed to appoint the Chair to act in this role on a temporary basis, while inviting any interested members to come forward so that the appointment of the GER could be made at the next meeting.

**Agenda
item 10.**

Date and place of next meeting

42. The second meeting of the PC-RAC will be held from 9 to 11 September at the Council of Europe in Strasbourg.

**Agenda
item 11.**

Any other business

43. No other business was discussed at the meeting.

**Agenda
item 12.**

Adoption of the list of decisions and close of the meeting

44. PC-RAC members adopted the list of decisions taken during this meeting.

APPENDIX I

Agenda of the 1st meeting of the PC-RAC 29-31 May, Strasbourg, Council of Europe

1. Opening of the meeting (2 pm)	
Opening statement by Ms Hanne Juncher, Director, Security, Integrity and Rule of Law Directorate, DG I	
2. Adoption of the Agenda and Order of business	
PC-RAC members are invited to adopt the draft agenda and the provisional order of business, subject to any further amendments discussed.	Working document PC-RAC(2024)OJ1
3. Introduction by the Secretariat	
<ul style="list-style-type: none">• Presentation of the PC-RAC, its role and tasks according to the terms of reference• Information on elections for the position of Chair and Vice-Chair• Information on appointment of a Gender Equality Rapporteur	Working document Terms of reference of PC-RAC
The Secretariat will introduce the role and tasks of the PC-RAC as set out in the terms of reference.	Reference document Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
PC-RAC members will be informed by the Secretariat of the procedures for the election of the Chair and Vice-Chair, as well of any expressions of interest communicated to the Secretariat for the different positions. The elections will take place on the first day of the meeting in accordance with the procedure set out in Resolution CM/Res(2021)3.	
4. Tour de table	
Members, observers and participants are invited to briefly introduce themselves.	Reference documents List of PC-RAC members – PC-RAC(2024)01
	Provisional list of participants – PC-RAC(2024)LP1
5. Election of the Chair and Vice-Chair of PC-RAC	
The PC-RAC is called at its first meeting to elect its Chair and Vice-Chair. The candidates will be invited to take the floor and introduce themselves. The election will be conducted in accordance with the procedure provided for in Article 12 of Appendix 1 to Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.	Reference documents Resolution CM/Res(2021)3
	Elections and appointments – PC-RAC(2024)02

6. State of play: work undertaken by international and regional organisations on criminal asset recovery

- Council of Europe standards, European Court of Human Rights (ECHR) case-law and other relevant work on criminal asset recovery

PC-RAC will be informed of the work and legal instruments of the Council of Europe relevant for the work of the PC-RAC, including that of other Council of Europe committees and bodies and the European Court of Human Rights. It will also hear a presentation of the conclusions of 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.

List of reference documents – [PC-RAC\(2024\)03](#)

[Study](#)

Summary of relevant ECHR case – law – [PC-RAC\(2024\)06](#)

In line with its mandate (Main deliverable 1 (ii) and (iii)), “the PC-RAC should take into account when fulfilling its task, the human rights and rules of law standards of the Council of Europe and the relevant case law of the of the European Court of Human Rights, and may also consider the previous and current work carried out in this field by the Council of Europe [...] as well as findings of the relevant monitoring bodies, notably the Conference of the Parties to the Convention CETS no. 198 and MONEYVAL.”

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- Update on work undertaken by other regional and international organisations and other multi-stakeholder initiatives on asset recovery

PC-RAC will hear updates on the work and relevant standards of other relevant regional and international organisations. Participating representatives will be invited to present the standards and progress of their work in this area, including any ongoing initiatives of relevance to the work of PC-RAC.

In line with its mandate (Main deliverable 1 (iii)), “the PC-RAC may also consider the previous and current work carried out in this field by [...] relevant international and supranational organisations, including the European Union, the United Nations, and the Financial Action Task Force”.

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)

- Tour de table among members and observer states on the terms of reference of the PC-RAC and its expected deliverable

PC-RAC members and observers are invited to engage in substantive discussions and express their views regarding the elements of the future additional protocol, in order to provide clear orientations for the preparation of the zero-ground draft protocol. Parties to CETS no. 198 will be invited to share any issues that they encountered in the context of the application of the Convention’s provisions either domestically or for the purpose of cooperating with other States. The tour de table and discussion will focus as a priority on the elements of the terms of reference in separate sessions, and if time permits, any other issues which should be considered by PC-RAC within the scope of its mandate.

[Reference document PC-RAC Terms of Reference](#)

- **Session 1:** provisions to enhance certainty and consistency in the sharing of confiscated assets between States Parties in transnational cases;
- **Session 2:** provisions to ensure efficient and effective management of seized, confiscated and repatriated assets, including the execution of confiscation decisions;

Proposal for elements and outline for the future Protocol –

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- **Session 3:** 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;
 - **Session 4:** any other issue which it deems to be of consequence to strengthen co-operation among Parties with respect to asset recovery.
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PC-RAC(2024)04
(restricted)

8. Working methods and workplan of the PC-RAC

PC-RAC members are invited to hold an exchange of views and review, in view of approval, the proposed working methods and the workplan for 2024-2025, including any processes for undertaking regular consultations with the Conference of the Parties to CETS no. 198 and the European Committee on Crime Problems (CDPC), with the Committee of Experts on the Operation of the European Conventions on Co-operation in Criminal Matters (PC-OC) and where necessary with other CoE committees and international bodies.

[Working document](#)
Working methods and
workplan of PC-RAC –
[PC-RAC\(2024\)05](#)

9. Appointment of Gender Equality Rapporteur

In line with its terms of reference, the PC-RAC is tasked by the Committee of Ministers to appoint a Gender Equality Rapporteur among its members at its first meeting. The PC-RAC is invited to hear a presentation by the Secretariat and to appoint a GER on the basis of expressions of interest received from members.

Elections and
appointments –
[PC-RAC\(2024\)02](#)

10. Date and place of next meetings

The PC-RAC Secretariat will present the proposed dates of the next meetings. PC-RAC members are invited to take note of the dates of the next meetings.

11. Any other business

12. Adoption of the list of decisions and close of the meeting

PC-RAC members are invited to review, with a view to adoption, the list of decisions taken during this meeting.

APPENDIX II

List of Participants

MEMBERS / MEMBRES

ALBANIA / ALBANIE	Ms Diana SILA (Stillo) Head of International Treaties and Judicial Cooperation Unit Ministry of Justice
ANDORRA / ANDORRE	M. Borja AGUADO DELGADO Vice-Chair of the PC-RAC / Vice-Président du PC-RAC Procureur adjoint, Ministère Public, Siège de la Justice
ARMENIA / ARMÉNIE	Ms Louise MANUKIAN Head, Department of International-Legal Cooperation of the Prosecutor General's Office of Armenia
AUSTRIA / AUTRICHE	Mr Wolfgang PEKEL Deputy Head of Department General Directorate for Criminal Law Federal Ministry of Justice
AZERBAIJAN / AZERBAÏDJAN	Mr Mehman ALIYEV Head of Legal Department of the Financial Monitoring Service of Azerbaijan Republic Mr Elkhan ALIYEV Senior specialist of Legal Department of Financial Monitoring Services of Azerbaijan Republic
BELGIUM / BELGIQUE	M. Jean-Sébastien JAMART Attaché juriste SPF Justice DG Législation, Libertés et Droits fondamentaux Service des infractions et des procédures particulières
BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE	Prof. dr. sci. Sanela LATIĆ Head of the Department for Cooperation with Domestic and International Judicial Bodies and Comparative Law Ministry of Justice
BULGARIA / BULGARIE	Ms Magdalena GEORGIEVA State expert International legal cooperation and European affairs Directorate Ministry of Justice
CROATIA / CROATIE	
CYPRUS / CHYPRE	Mrs Maria KYRMIZI ANTONIOU Senior Counsel of the Republic Head of the Cyprus Financial Intelligence Unit – MOKAS
CZECHIA / TCHÈQUE	Mr Jakub PASTUSZEK Head of Unit of International Criminal Law International Department for Criminal Matters Ministry of Justice
DENMARK / DANEMARK	[Awaiting nomination / <i>Nomination en attente</i>]
ESTONIA / ESTONIE	Ms Mare TANNBERG Adviser Criminal Law Division, Ministry of Justice

FINLAND / FINLANDE	Ms Maria HAUPTMANN Senior specialist
FRANCE	Mme Claire HARISMENDY Magistrate - rédactrice Bureau de la négociation pénale européenne et internationale (BNPEI) Direction des affaires criminelles et des grâces
GEORGIA / GÉORGIE	Mr Nikoloz CHINKORASHVILI Deputy Head of International Relations and Legal Department Office of the Prosecutor General of Georgia
GERMANY / ALLEMAGNE	[Awaiting nomination / <i>Nomination en attente</i>]
GREECE / GRÈCE	Mr Sotirios TSOUVALAS Presiding Judge of the Court of First Instance of Athens Seconded to the Special Legal Service Ministry of Justice
HUNGARY / HONGRIE	Mr dr. Akos KARA Head of Department Department of Criminal Law Codification Ministry of Justice
ICELAND / ISLANDE	[Awaiting nomination / <i>Nomination en attente</i>]
IRELAND / IRLANDE	Mr Stephen DOWNEY Criminal Legislation Division Department of Justice
ITALY / ITALIE	Ms Liana ESPOSITO Magistrate at the National Directorate "Antimafia ed antiterrorismo"
LATVIA / LETTONIE	Ms Elīna KALVĀNE Lawyer Ministry of Justice
LIECHTENSTEIN	[Awaiting nomination / <i>Nomination en attente</i>]
LITHUANIA / LITUANIE	[Awaiting nomination / <i>Nomination en attente</i>]
LUXEMBOURG	M. Michel TURK Directeur Bureau de gestion des avoirs (BGA) Le Gouvernement du Grand-Duché de Luxembourg
MALTA / MALTE	Mr Gabriel BONANNO Deputy Director Asset Recovery Bureau
REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA	Mr Vitalie RACU Head of Financial Investigation Directorate Criminal Assets Recovery Agency (ARBI)
MONACO	M. Richard DUBANT Directeur du service de gestion des avoirs saisis ou confisqués (SGA)

MONTENEGRO / <i>MONTÉNĚGRO</i>	
NETHERLANDS / <i>PAYS-BAS</i>	Mr Bert VENEMA Ministry of Justice and Security
NORTH MACEDONIA / <i>MACÉDOINE DU NORD</i>	[Awaiting nomination / <i>Nomination en attente</i>]
NORWAY / NORVĚGE	Ms Louisa BØRRESEN Deputy to the Permanent Representative Norwegian Permanent Delegation to the Council of Europe
POLAND / POLOGNE	Mr Łukasz SOŁTYS Officer, Asset Recovery Office Bureau of Combating Economic Crime National Police Headquarters Ministry of the Interior and Administration
PORTUGAL	[Awaiting nomination / <i>Nomination en attente</i>]
ROMANIA / ROUMANIE	Mr Cornel - Virgiliu CĂLINESCU <u>Chair of the PC-RAC / Président du PC-RAC</u> General Director National Agency for the Management of Seized Assets Ministry of Justice
SAN MARINO / <i>SAINT-MARIN</i>	Ms Serena UGOLINI Magistrate of the Court of San Marino
SERBIA / SERBIE	Mr Nikola PETROVIĆ Head of Department in Financial Investigation Unit (FIU)
SLOVAK REPUBLIC / <i>RÉPUBLIQUE</i> <i>SLOVAQUE</i>	Ms Zuzana ŠTOFOVÁ Director European and Foreign Affairs Division, International Law Department Ministry of Justice
SLOVENIA / SLOVĚNIE	Dr Katja REJEC LONGAR Director Office for International Cooperation and Mutual Legal Assistance Ministry of Justice
SPAIN / ESPAGNE	[Awaiting nomination / <i>Nomination en attente</i>]
SWEDEN / SUĚDE	Ms Frida VELANDER Legal advisor Department of Justice Mr Gustav HOLM Legal advisor
SWITZERLAND / SUISSE	[Nomination(s) not expected temporarily / <i>Nomination(s) non attendue(s) temporairement</i>]
TÜRKIYE	Mr Muhammed KARACA Rapporteur Judge
UKRAINE	Ms Kateryna SHEVCHENKO Head of Department of international Legal Assistance, Deputy Head of Directorate of International Legal Co-operation and Representation Ministry of Justice

UNITED KINGDOM / ROYAUME-UNI	Mr Eldon WARD Asset Recovery Policy Manager Mr Rob JONES Asset Recovery Senior Policy Adviser
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PARTICIPANTS / PARTICIPANT·ES

EUROPEAN COURT OF HUMAN RIGHTS / COUR EUROPEENNE DES DROITS DE L'HOMME	Mr Kresimir KAMBER Directorate of Jurisconsult Office of the President of the Court Pamela MCCORMICK
CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRÈS DES POUVOIRS LOCAUX ET RÉGIONAUX DU CONSEIL DE L'EUROPE	Ms Olga SHEVCHUK Manager Programme "Strengthening Good Democratic Governance and Resilience in Ukraine" Centre of Expertise for Good Governance
EUROPEAN COMMITTEE ON CRIMINAL PROBLEMS (CDPC) / COMITÉ EUROPÉEN POUR LES PROBLÈMES CRIMINELS (CDPC)	Ms Eva PASTRANA Head of Criminal Justice Division Secretary of the European Committee on Crime Problems (CDPC) Mr Radu PANTIRU Senior ECtH Advisor seconded to the CDPC
COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES AND THE FINANCING OF TERRORISM (MONEYVAL) / COMITÉ D'EXPERTS SUR L'ÉVALUATION DES MESURES DE LUTTE CONTRE LE BLANCHIMENT DE CAPITAUX ET LE FINANCEMENT DU TERRORISME (MONEYVAL)	Dr Lajos KORONA Public Prosecutor Metropolitan Prosecutor's Office Legal scientific expert Budapest, Hungary
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) / CONFÉRENCE DES PARTIES À LA CONVENTION RELATIVE AU BLANCHIMENT, AU DÉPISTAGE, À LA SAISIE ET À LA CONFISCATION DES PRODUITS DU CRIME	Mr Ioannis ANDROULAKIS Assistant Professor of Criminal Law and Criminal Procedure Faculty of Law, University of Athens Athens, Greece Mr Paolo COSTANZO Scientific Expert to C198-COP Analysis and Institutional Relations Directorate Financial Intelligence Unit Banca d'Italia Rome, Italy

<p><i>ET AU FINANCEMENT DU TERRORISME (STCE N° 198)</i></p>	
<p>COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS (PC-OC) / COMITE D'EXPERTS SUR LE FONCTIONNEMENT DES CONVENTIONS EUROPEENNES SUR LA COOPERATION DANS LE DOMAINE PENAL (PC-OC)</p>	<p>Mr Hasan BERMEK Secretary of the PC-OC</p>
<p>DIRECTORATE OF LEGAL ADVICE AND PUBLIC INTERNATIONAL LAW / DIRECTION DU CONSEIL JURIDIQUE ET DU DROIT INTERNATIONAL PUBLIC</p>	<p>Jorg POLAKIEWICZ Director</p>
<p>DGII: DIRECTORATE GENERAL OF DEMOCRACY AND HUMAN DIGNITY / DGII: DIRECTION GÉNÉRALE DE LA DÉMOCRATIE ET DE LA DIGNITÉ HUMAINE</p>	<p>Ms Caterina BOLOGNESE Head of Gender Equality Division Human Dignity and Gender Equality Department</p>
<p>EUROPEAN UNION / UNION EUROPÉENNE</p>	<p>Ms Céline CHAZELAS-BAUR <i>Apologised / Excusé</i> European Commission Directorate-General for Migration and Home Affairs Directorate D – Internal Security Unit D.5 – Organised Crime and Drugs</p> <p>Mr Michael SPATH European Commission Directorate-General for Migration and Home Affairs Directorate D – Internal Security D.5 – Organised Crime & Drugs</p> <p>Ms Laura STELZER European Commission Directorate-General Justice and Consumers Directorate A – Justice Policies Unit A.5 - Criminal Procedural Law</p> <p>Ms Giulia GIARDINO Legal Unit Delegation of the European Union to the Council of Europe</p> <p>Ms Julia KOEBERLE Legal Unit Delegation of the European Union to the Council of Europe</p>
<p>CANADA</p>	<p>Mr Ivan NAULT Counsellor / <i>Conseiller</i> International Assistance Group / <i>Service d'entraide internationale</i> Department of Justice Canada / <i>Ministère de la Justice Canada</i></p>

FINANCIAL ACTION TASK FORCE (FATF) / GROUPE D'ACTION FINANCIÈRE (GAFI)	Mr John CARLSON Senior Counsellor FATF Secretariat
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OBSERVER / OBSERVATEUR

MOROCCO / MAROC	Mr Az El Arab KETTANI IDRISSE Conseiller de Monsieur le Président Directeur du Pôle des Affaires Juridiques et Conformité par intérim
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INDEPENDENT EXPERTS / EXPERT INDEPENDANTS

Mr Klaudio STROLIGO Council of Europe expert (Member of the Committee of Experts in charge of drawing up CEST 198)
Mr Martin POLAINE Consultant

SECRETARIAT / SECRÉTARIAT

DGI : DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW / DGI : DIRECTION GÉNÉRALE DROITS HUMAINS ET ÉTAT DE DROIT DIRECTORATE OF SECURITY, INTEGRITY AND RULE OF LAW / DIRECTION DE LA SÉCURITÉ, DE L'INTEGRITÉ ET DE L'ÉTAT DE DROIT	Ms / Mme Hanne JUNCHER Director / <i>Directrice</i> Directorate of Security, Integrity and Rule of Law / <i>Direction de la sécurité, de l'intégrité et de l'État de droit</i> E-mail: hanne.juncher@coe.int
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INTERPRETERS / INTERPRÈTES

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