

Strasbourg, 29 mai 2024

PC-RAC(2024)OJ1

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

1ST MEETING

29-31 MAY 2024

STRASBOURG, COUNCIL OF EUROPE

PALAIS DE L'EUROPE, ROOM 6

Agenda and Order of Business

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

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AGENDA

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.
	<u>Working document PC-RAC(2024)OJ1</u>
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
	<u>Working document Terms of reference of PC-RAC</u>
	The Secretariat will introduce the role and tasks of the PC-RAC as set out in the terms of reference.
	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.
	<u>Reference document Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods</u>
4. Tour de table	
	Members, observers and participants are invited to briefly introduce themselves.
	<u>Reference documents List of PC-RAC members – PC-RAC(2024)01</u>
	<u>Provisional list of participants – PC-RAC(2024)LP1</u>
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.
	<u>Reference documents Resolution CM/Res(2021)3</u>
	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.
	<u>Elections and appointments – PC-RAC(2024)02</u>

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.

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."

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

[Study](#)

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

- 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

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

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.

- **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;
- **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.

Proposal for elements and outline for the future Protocol – 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.

ORDER OF BUSINESS

(provisional and subject to change in light of the work pace)

Date	Timetable	Agenda items
Wednesday, 29 May	2.00 pm – 5.30 pm	1, 2, 3, 4, 5 (vote), 6
Thursday, 30 May	9.30 am – 12.30 pm / 2.00 pm – 5.00 pm	9.30 - Group Photo 6 (continued), 7
Friday, 31 May	9.30 am – 12.30 pm / 2.00 pm – 5.00 pm	7 (continued if necessary), 8-12