

Strasbourg, 13 November 2018



## **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)**

**10<sup>th</sup> MEETING, Strasbourg, 30 – 31 October 2018  
MEETING REPORT**

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

## **SUMMARY ACCOUNT OF THE PROCEEDINGS**

1. The Conference of the Parties to the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198, hereafter: 'the Convention') held its tenth meeting in Strasbourg, from 30 to 31 October 2018, under the Chairmanship of its Chair Mr Branislav Boháčik (Slovak Republic). The agenda of the meeting, the decisions taken and the list of participants are annexed to the present report.

### **Item 1. Opening of the Meeting**

2. The Chair opened the meeting and welcomed the participants.

### **Item 2. Adoption of the Agenda**

3. The Conference of the Parties (COP) adopted the agenda as it appears in Appendix I.

### **Items 3. Statement by Mr Jan Kleijssen, Director of the Information Society and Action against Crime**

4. Mr Jan Kleijssen, Director of the Information Society and Action against Crime, informed the COP on a number of important developments in the Council of Europe's work on the fight against terrorism, financing of terrorism and money laundering, including through cybercrime and virtual assets. He also took the opportunity to mention the new monitoring mechanism for this Plenary, which would look into Articles 11 and 25 of the Convention, and thanked the rapporteurs for their pioneering work. Mr Kleijssen further drew lines between the work of the COP and the work of various other (monitoring) bodies of the Council of Europe, such as GRECO and MONEYVAL, and welcomed the close co-operation between the COP and the PC-OC in light of the Action Plan on Combating Transnational Organised Crime.
5. Moreover, Mr Kleijssen informed the Plenary on the developments regarding the financial situation of the Council of Europe. As a result of financial developments, the Secretary General prepared a report which would be presented during the Helsinki meeting in June 2019, which looks into the future of the Council of Europe. Important aspects included in the report relate to guaranteeing financial stability, as well as prioritising certain themes for the Council of Europe to focus on. One such theme is Artificial Intelligence, which is of certain relevance for the COP.

### **Item 4. Communication by the Chair and the Executive Secretary**

6. The Chair thanked Mr Kleijssen for his statement. He informed the Plenary on his upcoming presentation of the Activity Report 2015-2017 before the Committee of Ministers in September 2018. Besides, he mentioned his presentation of the Convention and the work of the COP during the FATF/MONEYVAL joint workshop for judges and prosecutors on ML/TF investigations and confiscation-related issues, which took place in the Council of Europe in March 2018. Mr Boháčik further informed the Plenary on the forthcoming preparation of a working study on virtual currencies, which could form the basis of a structured discussion on the potential work of the COP on this matter.
7. The Executive Secretary, Mr Matthias Kloth, informed that the MONEYVAL website<sup>1</sup> contained a short article and the agenda of the joint FATF/MONEYVAL workshop for judges and prosecutors with all COP States Parties, which could be of interest for all COP delegations. He further announced that Greece and Denmark had ratified the Convention, which had meanwhile entered into force in both states. Finally, he invited delegations to present their candidacies for Bureau

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<sup>1</sup> See: "FATF/OSCE/MONEYVAL Workshop for Judges and Prosecutors", <https://go.coe.int/BSHeD>

positions in light of the upcoming Bureau elections.

**Item 5. The state of signatures and/or ratifications of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism**

8. The Secretariat informed the Conference of the Parties on the possible accession to the Convention by non-Council of Europe member states, which included updates on Belarus, Israel, Kazakhstan and Morocco.

**Item 6. Council of Europe Action Plan on Combating Transnational Organised Crime (2016-2020) and COP involvement**

9. The COP heard an update by the Secretariat on COP inputs towards achievement of the Transnational Organised Crime Action Plan objectives. Following the discussions of the 9<sup>th</sup> Plenary meeting and comments submitted by the scientific expert, the revised document was prepared and circulated to the delegations. The changes introduced concerned the following actions: '*Establish a mechanism to address judicial co-operation problems*' where cases of practical implementation of the Convention were added; '*Study on the transparency of legal persons*' where reference was made to Article 7 of the Convention; and '*Enhancing the implementation of the existing legal framework on the management and disposal of criminal assets*' where reference to Article 6 of the Convention was made and relevant extracts from COP and MONEYVAL reports were inserted. The Plenary adopted the revised document and decided to share it with other CoE bodies.

**Item 7. Presentation of the first transversal thematic monitoring of the implementation of the Convention by the States Parties: Article 11**

10. The COP discussed the transversal thematic monitoring report on Article 11, for which Mr Azer Abbasov and Ms Ana Boskovic had acted as rapporteurs. The COP heard an introduction by Ms Ana Boskovic on the study, the adopted approach and methodology of the study, and the general conclusions and recommendations. The Secretariat subsequently introduced two preliminary proposals for amendments to the text; one related to new wording to possible international co-operation to facilitate the taking into account of foreign decisions among States Parties, the other related to removing the recommendation on familiarisation of judges and prosecutors from the individual state analyses. Consequently, Azerbaijan, Cyprus and Georgia were asked to explain their legal framework on the question if recidivism accounts for a harsher penalty or an aggravating circumstance.
11. The States Parties were invited to raise comments on the individual state analyses. Italy argued that the Italian Criminal Code in Articles 12 and 99 provides for an aggravating circumstance in the case of recidivism. Taking note of this, the COP invited Italy to provide the translation of Article 12 CC during a follow-up process of the underlying study. Romania proposed to remove the recommendation on statistics in the individual state analyses, while to maintain it in the general part. As such, the report would not introduce a new requirement under the Convention, yet emphasise the usefulness of statistics in regard of Article 11. Croatia, Ukraine, Bulgaria and Georgia explained their legislation. Overall, some Parties presented information which had not been previously provided in writing. The Chairperson and the Executive Secretary therefore underlined the necessity of providing all relevant information in writing, referring also to the Rules of Procedures and the deadlines therein.
12. A number of States Parties intervened on the general part of the report. Romania and Greece suggested changes related to the wording of the text, particularly on the exact wording of the provision in the Convention and the (lack of a) requirement to automatically apply a harsher penalty in case of recidivism. The Plenary discussed and agreed upon a number of amendments, having in mind the scope of the Convention as set out in the explanatory report and interpretive notes on

Article 11. Italy raised an issue related to international co-operation, which the COP considered covered in the preliminary Secretariat's proposal. Azerbaijan mentioned the cumbersomeness of the practice by some States to recognise a foreign decision before it may be considered by judges, but the COP found that incorporating a recommendation on this topic would unduly extend the scope of the Convention.

13. After the discussion on the body of the text was finalised, the COP considered a possible follow-up procedure. It decided that not all States Parties needed to report back to the COP, but instead the Secretariat would send a short questionnaire to all Parties inquiring whether there were any developments to be reported. The answers hereto may be incorporated in a short follow-up document. Those Parties which were not or only partially compliant would be required to submit an update on the individual state analysis' recommendation(s).
14. The COP was satisfied with the thematic monitoring report on Article 11 and decided to adopt the document.

#### **Item 8. Follow-up by the Conference of the Parties of progress made by assessed Parties**

##### ***Belgium***

15. The COP examined the first follow-up report of Belgium and the analysis prepared by the Secretariat. The Belgian delegation introduced the follow-up report and outlined the measures adopted since the 2016 COP assessment report, in particular on new legislation concerning the Central Organ for Seizure and Confiscation of 4 February 2018 and the new AML/CFT Law of 18 September 2018. The delegation also explained that the recommendations concerning corporate liability (Article 10) and recidivism (Article 11) could not entirely be implemented due to political discussions on this matter, and that the recommendation on criminalisation of money laundering had not been implemented as this article in the Penal Code had not been subject to amendments.
16. The Secretariat introduced its analysis. Regarding Article 6, the Secretariat found that the new Law regulating the mission and composition of the Central Organ for Seizure and Confiscation addressed the recommendation adequately. The recommendation on Article 14 was also considered implemented, as the new AML/CFT Law (entry into force on 16 October 2017) stipulates that the Belgian FIU (CTIF) is allowed to oppose the execution of any transaction when it receives an STR.
17. However, the Secretariat also outlined several remaining deficiencies, particularly those relating to Article 9 (criminalisation of money laundering), Article 11 (previous decisions), Article 23 (obligation to confiscate) and Article 46 (co-operation between FIUs) of the Convention. Either no measures had been adopted to address the recommendations relating to the provisions, or the newly adopted legislation did not cover the recommendations.
18. The Armenian delegation, as rapporteur country, posed several questions regarding the follow-up report and the practices in Belgium. The Belgian representative answered these questions and the answers he provided were satisfactory from the point of view of the rapporteur country. Nonetheless, a limited progress was noted with regard to implementation of Article 46 of the Convention (Co-operation between FIUs).
19. The COP was satisfied with the progress made by Belgium, as well as with their answers to the questionnaire and during the Plenary meeting. The COP therefore decided to adopt the follow-up report and the analysis of the Secretariat. Pursuant to the Rules of Procedure, these documents shall be published within four weeks of adoption.

#### **Item 9. Presentation by Poland on progress made since the adoption of the follow up report**

20. Given the conclusion of the 9<sup>th</sup> Plenary meeting to adopt the 2<sup>nd</sup> follow up report by Poland and to

invite the country to provide an oral update of further progress during the 10<sup>th</sup> Plenary, the Polish delegation informed the States Parties on recent developments in their jurisdiction. More precisely, the adoption of the new AML/CFT Law is considered a major step forward in addressing the deficiencies identified with regard to Articles 46 and 47 of the Convention. Chapter 9 of the new law addresses the matter in line with the provisions of these articles. In addition, the Committee of the Council of Ministers of Poland adopted the amendments to the Law on Criminal Liability of Legal Entities. The amendments, which are expected to be approved by the Parliament by the end of the year, will remove the requirement that natural person's liability is a pre-condition for holding a legal person criminally responsible. The Polish delegation also informed the Plenary about the current status of Poland with regard to the MONEYVAL compliance enhancing procedures and the recent decision on lifting the procedure given the progress made by the country.

21. COP took note of the update provided by Poland and agreed not to invite the country for another update during the next Plenary meeting.

**Item 10. Presentation by Mr Dominik Helble, Cybercrime Investigations – State Criminal Police Office Baden-Wuerttemberg/Germany: “Current challenges in tracking the proceeds of crime in the field of virtual assets”**

22. The COP heard an introduction by Mr Alexander Seger, Head of the Cybercrime Division in the Council of Europe and a presentation by Mr Dominik Helble on the topic of virtual assets. Within the Council of Europe, the Cybercrime Convention Committee currently negotiates the Protocol on electronic evidence on enhancing international co-operation, which includes the issue of direct co-operation with service providers in other jurisdictions and the question of extended searches to computer systems. Mr Seger also discussed recent iPROCEEDS project activities, which focus on cybercrime and online crime proceeds in South-Eastern Europe.
23. Mr Dominik Helble, an expert in cybercrime investigations, presented the topic of identifying, searching and seizing proceeds of crimes related to virtual assets. Among the existing two thousand cryptocurrencies, Mr Helble focused on Bitcoin. This remains one of the most popular cryptocurrencies, and is most relevant for cybercrime investigations. The concept of Bitcoin can be examined from a judicial, financial and economical perspective. Mr Helble defined the Bitcoin as a digital currency created by an anonymous (group of) computer programmer(s), on the basis of blockchain technology. Value on the currency can be stored in both online and offline wallets, by using a single 'key' which functions as a password. The many storing possibilities, the anonymity and the difficult technical arrangements behind Bitcoin, and generally any cryptocurrency, make (financial) investigations challenging. However, in Germany, the police successfully conducted investigation which included tracing virtual assets (i.e. Bitcoin). Mr Helble discussed the particularities of these investigations, as well as the challenges for searching and seizing the online and offline wallets. He emphasised the need for trained experts and sufficient resources within the law enforcement agencies responsible for asset identification and investigation, particularly in the light of the potential ML risk and the difficulties with tracing cryptocurrencies. After the presentation, a number of COP States Parties demonstrated their interest in the topic by posing questions.
24. On behalf of the COP, the Chair warmly thanked the experts and stressed that the topic remained a priority of his term of office, and that the Bureau would reflect on how to take this topic further for the 11<sup>th</sup> Plenary.

**Item 11. Presentation of the first transversal thematic monitoring of the implementation of the Convention by the States Parties: Article 25 §2-3**

25. The COP discussed the transversal thematic monitoring report on Article 25 §2-3, for which Mr Azer Abbasov and Ms Ana Boskovic had acted as rapporteurs. The COP heard an introduction Mr Azer Abbasov on giving priority consideration to returning confiscated assets for the purposes of victim compensation and returning of property to the legitimate owner, as well as on giving special

consideration to concluding agreements on sharing such assets with other Parties. The rapporteur sketched a positive picture of the States Parties' legislative implementation of the two provisions, as many Parties had adopted legislative measures. However, only few Parties demonstrated effective implementation of both provisions. The rapporteur therefore encouraged all Parties to follow up on the general and the country-specific recommendations.

26. The States Parties were invited to raise comments on the individual state analyses. Bosnia and Herzegovina, Turkey, Georgia, Croatia, Albania, Sweden, Greece, Sweden, Malta, Republic of Moldova, Armenia, Italy and Latvia explained their legislative framework, of which the COP took note and, wherever necessary, amended the analysis accordingly. Some States Parties provided information which had not been previously sent in writing. Those countries, namely Croatia, North Macedonia, Portugal, Bulgaria and Albania, were invited to provide more information during a follow-up process. The Chairperson and the Executive Secretary again underlined the importance of providing all relevant information in writing before discussing the report in the Plenary meeting.
27. Following the discussion on the individual country analyses, the States Parties were invited to comment on the general parts of the report. Greece argued successfully that any reference in the general part to the Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties should be removed. The Slovak Republic inquired on the system of sharing of confiscated assets between EU Member States and non-EU Member States which are States Party of the COP. It was clarified that the related recommendation (in paragraph 29) concerned only those States Parties which had not implemented sufficiently the provisions of the Convention, while it is not a requirement of the Convention to extend the EU framework to all COP States Parties.
28. The COP considered that the follow-up procedure as agreed upon for Article 11 would also suffice for Article 25 §2-3. The COP concluded to be satisfied with the thematic monitoring report on Article 25 §2-3 and decided to adopt the document, with the outstanding editorial changes, which shall be published within six weeks after adoption.
29. On behalf of the COP, the Chair warmly thanked the rapporteurs for both horizontal studies for their work.

## **Item 12. Follow-up by the Conference of the Parties of progress made by assessed Parties**

### ***Malta***

30. The COP examined the first follow-up report of Malta and the analysis prepared by the Secretariat, with Portugal acting as a rapporteur country. Firstly, Malta presented the relevant developments since the time of the adoption of the 2014 assessment report, in particular concerning the legislative changes undertaken in order to address the recommendations made in this report. The delegation introduced the adopted amendments to the Prevention of Money Laundering Act (PMLA), particularly on the issue of attachment orders and corporate liability, as well as on trainings provided to law enforcement agencies and on the procedures for execution of foreign confiscation orders by the Attorney General's Office.
31. Secondly, the Secretariat presented its analysis, which took into account the information provided by the Maltese delegation. It considered that the recommendation regarding legal instruments to freeze assets (Article 3, confiscation measures) was partially implemented as the authorities did not demonstrate that the amendments to the PMLA were significantly aiding law enforcement authorities to freeze assets at an early stage of an investigation. Moreover, regarding Article 6 (management of frozen and seized property), the establishment of the Asset Recovery Bureau, which is set up to manage frozen and seized property, addresses entirely the recommendation. The trainings held for prosecutors and judges addressed sufficiently the recommendation on Article 9 (criminalisation of money laundering).

32. However, some deficiencies remained. No action was taken on part of the recommendations on Article 10 (corporate liability) and on Article 34 (procedural and other rules) and it was not satisfactorily demonstrated that the authorities were in position to provide clear statistical data on Article 17 and 18 (investigative assistance, monitoring of transactions).
33. The Portuguese delegation, as rapporteur country, had no further questions to the Maltese authorities regarding its answers to the questionnaire. It recommended the COP to adopt the follow-up report and the Secretariat's analysis.
34. The COP decided to adopt the replies to the questionnaire prepared by Malta and the analysis of the Secretariat, including the amendments proposed during the Plenary. Pursuant to the Rules of Procedure, the analysis will be published within four weeks of adoption.

#### **Item 13. Election of Bureau Members**

35. The Secretariat explained the voting procedure for the Bureau as established in the Rules of Procedure. The Secretariat had taken notice of five candidatures for the three vacant positions of Bureau member. Through a secret vote, Ms Oxana Gisca, Ms Ana Boskovic and Mr Ioannis Androulakis were (re-)elected for a two-year term. On behalf of the COP, the Chair warmly thanked the outgoing Bureau members, Mr Besnik Muci and Mr Sorin Tanase, for their highly valuable work over the past years on the COP Bureau.

#### **Item 14. Cases of practical implementation of the Convention by State Parties**

36. Several States Parties provided cases of practical implementation of the Convention and presented them at the Plenary. These were the Republic of Moldova, Bulgaria, Romania, Turkey, Ukraine, Malta and Latvia.
37. The Republic of Moldova presented two cases which included implementation of Article 3 of the Convention. The cases concerned the country's legal framework on confiscation, which, in line with Article 3, recognises the possibility of reversal burden of proof. Both cases identified corruption as a predicate crime. Although the cases are insignificant from the point of view of the funds confiscated, it is important to note that the newly enacted legislation, aligned with Article 3 of the Convention, has already been implemented.
38. Bulgaria mostly discussed recent legal reforms and their influence on better application of the standards embedded in the Convention. More precisely, the new AML/CFT law strengthened the application of Articles 14 and 47 of the Convention – a postponement order by the FIU now can last up to five working days and can be applied upon the request of the Head of the FIU; and an explicit provision on a postponement based on a foreign FIU request is also introduced in the law. In view of that, the Bulgarian delegation presented a case (with a social engineering fraud as a predicate offence) where postponements were made in line with Articles 14 and 47, where investigation is still underway.
39. Romania presented the decision of the Alba Court of Appeal which dealt with a ML case. The Court confirmed that the offence was committed by doing the following: (i) acquiring and possessing, but also restoring and transferring (through sale) sets of antiquities with the aim to hide or conceal their illicit origin knowing that these were crime proceeds (antiquities were stolen from the archaeological sites); (ii) acting as an intermediary who carried out transactions on behalf of the suspects who committed the predicate offence.
40. Turkey, being a new State Party, has yet not applied the Convention in practice but the country's delegation presented a case in which a sister Convention – the 1990 Strasbourg Convention - was successfully applied. The case includes trafficking in human beings and ML offences where a conviction in a foreign country and the subsequent MLA request resulted in the confiscation of

proceeds. The confiscation was then executed by the authorities in Turkey.

41. The Ukrainian delegation discussed a case from 2014 when their Ministry of Justice received a request from another State Party for confiscation of illegally obtained assets. The person was already convicted in the requesting State Party. The Ukrainian court recognised the verdict and ordered the execution of the State Party's court decision. Assets were confiscated and shared between Ukraine and the State Party with the application of Article 25 of the Convention.
42. The Maltese delegation presented two cases – the first concerned international co-operation, i.e. FIU to FIU cooperation with another State Party. The Maltese FIU was able to provide its foreign counterparts with the requested information, namely details on bank accounts (name of bank, account number, type of account, currency denominated in and opening/closing date) as well as the information on ownership of a specific watercraft. The requesting FIU acknowledged the importance of the assistance provided by the Maltese FIU which enabled further preventive actions against potential abuses of both jurisdictions for ML purposes. The second case concerned a politically exposed person and a request for information sent to the Maltese FIU by a State Party. Subsequently to the direct exchange of information between the two FIUs, the law enforcement agencies of the two States Parties sought contact. As a result of their efforts, a request was made to the Maltese authorities to freeze the assets held in Malta. The freezing order was executed and the assets remain frozen pending the outcome of the proceedings.
43. Latvia presented a case related to the confiscated assets which were afterwards returned to the victim. The Latvian FIU received information from several banks and from their international counterparts (from another State Party) on suspicions of money laundering. Latvian police initiated an investigation which soon resulted in the freezing of funds concerned. The court concluded that the assets were from another State Party whilst the victim (a legal person) managed to prove that it was the legitimate owner of these assets. In February 2018, the Latvian court took a decision on non-conviction based confiscation and initiated the return of these assets to the legitimate owner.

#### **Item 15. Review and discussion of reservations and declarations with respect to CETS No. 198**

44. The COP took note of the information paper prepared by the Secretariat outlining reservations and declarations of States Parties as of November 2017. Whilst all State Parties declared a central authority for MLA under Article 33, some countries have not indicated the unit which is a FIU within the meaning of Article 46(13). In this respect, Bosnia and Herzegovina, Croatia and France were asked to make the mandatory declaration under Article 46(13).
45. Croatia stated that it would inform the Secretariat officially on this matter. Given the discussions during the 9<sup>th</sup> Plenary meeting, the Slovenian delegation clarified that, at the moment, the country was not in a position to withdraw the reservation on Article 3(4) because the Law on Civil Confiscation was brought and pending before the Constitutional Court. Turkey confirmed that, during the 9<sup>th</sup> Plenary, its delegation had announced an intention to remove Turkey's reservation on Article 47 of the Convention. The amendment to the Law on Prevention of Laundering of the Proceeds of Crime, particularly its Article 19a) which concerns suspension of transaction, was approved, meaning that domestic legislation would be brought in compliance with Article 47. Consequently, the country intends to initiate withdrawal of the reservation on Article 47.
46. The Chair welcomed these developments and invited other States Parties to review the necessity of their reservations and to inform the Secretariat of any changes with a view of their withdrawal.

#### **Item 16. Further work programme of the Conferences of the Parties**

47. The COP decided to consider Articles 9, paragraph 3, and 14 for the second thematic monitoring review. It also appointed Ms Oxana Gisca and Ms Ani Goyunyan as rapporteurs for these reports.



48. The COP also invited the Secretariat to reach out to Armenia, Bosnia and Herzegovina and Montenegro on the follow-up procedure of the assessment reports.

49. The COP further invited the Chair and the Executive Secretary to write to the Permanent Representations of those States Parties whose representatives did not participate in the 10<sup>th</sup> Plenary meeting.

50. The COP approved the provisional dates of 22-23 October 2019 for the 11<sup>th</sup> meeting to take place.

**Item 17. Miscellaneous**

51. No further matters were discussed under this agenda item.

**Item 18. Adoption of decisions**

52. The Conference of the Parties adopted the list of decisions of the meeting.

**Item 19. Close of the meeting**

53. The Chair thanked all participants and the interpreters and closed the meeting at 17:00h.

## Annex I: Agenda

<b>Monday, 29 October 2018 (13:30 – 16:00)</b>	<b>Lundi, 29 octobre 2018 (13h30 – 16h)</b>
<b>C198-COP Bureau Meeting</b>	<b>Réunion du Bureau de la C198-COP</b>
Agora, Room G02	Agora, Salle G02

<b>Tuesday, 30 October 2018</b>	<b>Mardi, 30 octobre 2018</b>
<b>1. Opening of the Meeting 9.30 am</b> <ul style="list-style-type: none"> <li>- <i>Report of the 9th meeting and list of decisions</i></li> <li>- <i>Bureau of the COP: list of decisions and proposals</i></li> </ul>	<b>Ouverture de la reunion</b> <ul style="list-style-type: none"> <li>- <i>Rapport de la 9eme réunion et liste des décisions</i></li> <li>- <i>Bureau de la CdP : liste des décisions et propositions</i></li> </ul>
<b>2. Adoption of the agenda</b>	<b>Adoption de l'ordre du jour</b>
<b>3. Statement by Mr Jan Kleijssen, Director of Information Society and Action against Crime</b>	<b>Intervention de M. Jan Kleijssen, Directeur de la Société de l'information et de la lutte contre la criminalité</b>
<b>4. Communication by the Chair and the Executive Secretary</b>	<b>Communication de la Présidence et du Secrétaire Exécutif</b>
<b>5. The state of signatures and/or ratifications of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism</b> <ul style="list-style-type: none"> <li>- <i>Information by delegations</i></li> </ul>	<b>Etat des signatures et/ou ratifications de la Convention du Conseil de l'Europe relative au blanchiment, au dépistage, à la saisie et à la confiscation des produits du crime et au financement du terrorisme</b> <ul style="list-style-type: none"> <li>- <i>Information des délégations</i></li> </ul>
<b>6. Council of Europe Action Plan on Combating Transnational Organised Crime (2016 – 2020) and COP involvement</b> <ul style="list-style-type: none"> <li>- <i>Update by the Secretariat</i></li> </ul>	<b>Plan d'action du Conseil de l'Europe de lutte contre le crime organisé transnational (2016 – 2020) et implication de la CdP</b> <ul style="list-style-type: none"> <li>- <i>Mise à jour par le Secrétariat</i></li> </ul>
<b>7. Presentation of the first transversal thematic monitoring of the implementation of the Convention by the States Parties: Article 11</b> <ul style="list-style-type: none"> <li>- <i>Presentation by the rapporteur</i></li> <li>- <i>Discussion with States Parties</i></li> </ul>	<b>Présentation du premier suivi thématique transversal de la mise en œuvre de la Convention par les Etats membres : Article 11</b> <ul style="list-style-type: none"> <li>- <i>Présentation par le rapporteur</i></li> <li>- <i>Discussion avec Etats membres</i></li> </ul>
<b>8. Follow-up by the Conference of the Parties of progress made by assessed Parties</b> <ul style="list-style-type: none"> <li>- <i>Examination with a view to adoption of the follow up report and follow up update</i></li> </ul>	<b>Suivi par la Conférence des Parties des progrès accomplis par les Etats membres déjà évaluées</b> <ul style="list-style-type: none"> <li>- <i>Examen en vue de l'adoption du rapport de progrès et de la mise à jour du suivi</i></li> </ul>

- <i>Party assessed: Belgium</i> <i>Rapporteur: Armenia</i>	- <i>Etat membre évaluée : Belgique</i> <i>Rapporteur : Arménie</i>
<b>9. Presentation by Poland on progress made since the adoption of the follow-up report</b>	<b>Présentation par la Pologne sur les progrès accomplis depuis l'adoption du rapport de suivi</b>
<b>10. Presentation by Mr Dominik Helble, Cybercrime Investigations – State Criminal Police Office Baden-Wuerttemberg/Germany</b> <b>“Current challenges in tracking the proceeds of crime in the field of virtual assets”</b>	<b>Présentation par M. Dominik Helble, Enquêtes sur la Cybercriminalité – Office de police criminelle d’État du Bade-Wurtemberg/Allemagne</b> <b>« Défis actuels dans le suivi des produits de la criminalité dans le domaine des biens virtuels »</b>
<b>Wednesday, 31 October 2018</b>	<b>Mercredi, 31 octobre 2018</b>
<b>11. Presentation of the first transversal thematic monitoring of the implementation of the Convention by the States Parties: Article 25§2-3</b> - <i>Presentation by the rapporteur</i> - <i>Discussion with States Parties</i>	<b>Présentation de la proposition relative à un suivi thématique transversal de la mise en œuvre de la Convention par les Etats membres : Article 25§2-3</b> - <i>Présentation par le rapporteur</i> - <i>Discussion avec les Etats membres</i>
<b>12. Follow-up by the Conference of the Parties of progress made by assessed Parties</b> - <i>Examination with a view to adoption of the follow-up report and follow-up update</i> - <i>Party assessed: Malta</i> <i>Rapporteur: Portugal</i>	<b>Suivi par la Conférence des Parties des progrès accomplis par les Etats membres déjà évaluées</b> - <i>Examen en vue de l'adoption du rapport de progrès et de la mise à jour du suivi</i> - <i>Etat membre évaluée : Malte</i> <i>Rapporteur : Portugal</i>
<b>13. Election of Bureau Members</b>	<b>Elections de Membres du Bureau</b>
<b>14. Cases of practical implementation of the Convention by State Parties</b> - <i>Tour de table</i>	<b>Cas d'application pratique de la Convention par les États membres</b> - <i>Tour de table</i>
<b>15. Review and discussion of reservations and declarations with respect to CETS no. 198</b> - <i>Tour de table</i>	<b>Examen et discussion sur les réserves et les déclarations au titre de la STCE n° 198</b> - <i>Tour de table</i>
<b>16. Further work programme of the Conference of the Parties</b> - <i>Future thematic monitoring of the COP and rapporteurs</i> - <i>Follow up reports</i>	<b>Programme de travail futur de la Conférence des Parties</b> - <i>Evaluations à venir de la CdP et rapporteurs</i> - <i>Rapports de progrès</i>
<b>17. Miscellaneous</b>	<b>Divers</b>
<b>18. Adoption of decisions</b>	<b>Adoption des décisions</b>
<b>19. Close of the meeting</b> <b>17.00</b>	<b>Fin de la réunion</b> <b>17h00</b>

## **Annex II: List of Decisions**

At its 10<sup>th</sup> meeting, held in Strasbourg from 30 to 31 October 2018, 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 agenda (as provided in document C198-COP10(2018)OJ1prov2) with no further changes.
- Adopted the meeting report of the 9<sup>th</sup> Plenary (21-22 November 2017, document C198-COP(2017)REP9).
- Took note of the information update provided by the President and the Executive Secretary.
- Welcomed the ratification of the Convention by Denmark, 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) and countries that took part at the CETS no.198 awareness raising seminar held in 2013 (Belarus and Kazakhstan).
- Heard an update and adopted the revised COP Report on progress towards achievements of the Transnational Organised Crime Action Plan (2016 – 2020) objectives (C198-COP(2018)2); agreed to share this document with other Council of Europe bodies.
- Discussed and adopted the transversal thematic monitoring report of Article 11 of the Convention.
- Discussed and adopted the transversal thematic monitoring report of Article 25(2) and 25(3) of the Convention.
- Decided to consider a follow-up report (Rule 19bis, para.20 of the Rules of Procedure) for those countries whose implementation of the provisions considered in the transversal thematic monitoring reports was not satisfactory, and invited all States Parties to provide information on any actions taken with regard to the general recommendations in these reports to be considered at the 11<sup>th</sup> Plenary.
- Heard a presentation from Mr Dominik Helble, State Criminal Police Office of Baden-Wurttemberg (Germany), on current challenges in tracking the proceeds of crime in the field of virtual assets.
- Examined the draft follow-up report on Belgium and decided to adopt the country's replies to the questionnaire together with the Secretariat analysis.
- Examined the draft follow-up report on Malta and decided to adopt the country's replies to the questionnaire together with the Secretariat analysis.
- Took note of an update by Poland on progress made in the implementation of the Convention since the country's last follow-up report in 2017, and decided that no further follow-up was required.

- 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.
- Invited Bosnia and Herzegovina, Croatia, Denmark and France to provide information as required by Article 46(13) of the Convention.
- 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.
- Elected the following three Bureau members for a term of office of two years: Ms Oxana Gisca, Ms Ana Boskovic and Mr Ioannis Androulakis.
- Decided that the transversal thematic monitoring reports for the 11<sup>th</sup> Plenary meeting of the COP should deal with Article 14 and Article 9(3) of the Convention, and appointed as rapporteur countries the Republic of Moldova (Ms Oxana Gisca) and Armenia (Ms Ani Goyunyan).
- Invited the Secretariat to reach out to Armenia, Bosnia and Herzegovina and Montenegro on the follow-up procedure of the assessment reports.
- Invited the President and the Executive Secretary to write to the Permanent Representations of those States Parties whose representatives did not participate in the 10<sup>th</sup> Plenary meeting.
- Decided to hold its next meeting in Strasbourg from 22-23 October [tbc] 2019.

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## Annex III: List of Participants

### *I. States Parties to CETS 198 / États parties à la Convention STCE 198*

#### **ALBANIA / ALBANIE**

Mr Besnik MUÇI

**MEMBER OF THE BUREAU / MEMBRE DU BUREAU**

Prosecutor in the Prosecution Office for Severe Crimes in Tirana  
Department of Foreign Jurisdictional Relations  
General Prosecutor's Office of Albania

#### **ARMENIA / ARMÉNIE**

Ms Ani GOYUNYAN

Head of delegation

Head of International relations Unit, Financial Monitoring Center, Central Bank of Armenia

Ms Arpi HARUTYUNYAN

Chief specialist, Civil and Economic Cases Division, the European Court of Human Rights Department,  
Ministry of Justice of Armenia, as an expert on international judicial issues

#### **AZERBAIJAN / AZERBAÏDJAN**

Mr Anar SALMANOV

**HEAD OF DELEGATION**

Chairman of the Executive Board, Financial Monitoring Service of the Republic of Azerbaijan

Mr. Azar Abbasov

**RAPPORTEUR TO THE CONFERENCE OF THE PARTIES**

Head, Legal Division of the Financial Monitoring Service, Financial Markets Supervision Authority of the  
Republic of Azerbaijan

Mr Fuad ALIYEV

Head of Cooperation Department, Financial Monitoring Service

Ms Leyla BARKHUDARZADA

Ministry of Justice of the Republic of Azerbaijan, Registration and notary main department  
Head of Group on control-analytical affairs

#### **BELGIUM / BELGIQUE**

M. Jean-Sébastien JAMART

**MEMBER OF THE BUREAU / MEMBRE DU BUREAU**

Attaché juridique

Service public fédéral Justice

Direction générale de la Législation et des Libertés et Droits fondamentaux,

Service des infractions particulières

Blanchiment d'argent et financement du terrorisme

Manipulation des compétitions sportives

## **BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE**

Ms Sanela LATIĆ  
**HEAD OF DELEGATION**  
Ministry of Justice

Ms. Gordana TADIĆ  
Acting Chief Prosecutor of the Prosecutor's Office of BiH

Mr Nikola SLADOJE  
Ministry of Justice;

Mr Željko BOGUT  
Ministry of Justice;

Mr Hasija MASOVIĆ  
Court of Bosnia and Herzegovina

Ms Jadranka LOKMIĆ-MISIRAČA  
High Judicial and Prosecutorial Council of BiH

Ms Biljana LELEK  
Interpreter/Translator

Ms Aleksandra GOLIJANIN  
Senior Advisor – Interpreter/Translator  
Office of the Chief Prosecutor, Prosecutor's Office of BiH

## **BULGARIA / BULGARIE**

Mrs Cvetelina ANNANIEVA STOYANOVA  
Head of Preliminary Analysis  
Financial Intelligence Unit, State Agency for National Security (FID-SANS)

Ms Tea Vassileva PENEVA  
Senior expert of International Legal Cooperation and European Affairs Directorate  
Ministry of Justice

## **CROATIA / CROATIE**

Ms. Željka KLJAKOVIĆ GAŠPIĆ  
Economic Crime and Corruption Service, National Police Office for Suppression of Corruption and Organized Crime, Ministry of the Interior

Ms Danka HRŽINA,  
Department for Mutual Legal Assistance and International Cooperation  
General State Attorney's Office of the Republic of Croatia

## **CYPRUS / CHYPRE**

Mrs. Sylia PAPAPETROU  
Investigator, member of FIU-CYPRUS

## **GEORGIA / GEORGIE**

Ms. Tamta KLIBADZE  
Specialist of the Methodology, International Relations and Legal Department  
Financial Monitoring Service of Georgia

Mr Aleksandre MUKASASHVILI  
Chief Prosecutor's Office of Georgia  
Head of the Criminal Prosecution of  
Legalization of Illegal Income Division of the Investigation Unit

## **GREECE / GRECE**

Mr Ioannis ANDROULAKIS  
Assistant Professor of Criminal Law & Criminal Procedure

Elyna KAPLANI  
Head of EU and international organisations' Dept.  
Hellenic Ministry of Justice, Transparency and Human Rights

## **GERMANY / ALLEMAGNE**

Mr Jürgen MÜLLER  
Legal Adviser  
Federal Ministry of Justice and Consumer Protection

Ms Maria Marbach,  
Desk Officer  
Federal Ministry of Justice and Consumer Protection.

## **HUNGARY / HONGRIE**

Dr captain Attila SISÁK  
**HEAD OF DELEGATION**  
deputy head of department (National Tax and Customs Administration, Directorate General of Criminal Affairs, Department for the Coordination of Criminal Affairs)

Mr Márk MÉSZÁRICS  
Financial investigator  
National Tax and Customs Administration, Directorate General of Criminal Affairs  
Department for the Coordination of Criminal Affairs

## **ITALY / ITALIE**

Mr Nicola PIACENTE  
Chief Prosecutor  
Prosecution Office of Como



## **LATVIA / LETTONIE**

Ms Rūta RĀCENE-BĒRTULE  
Working Group on Evaluations  
Head of Strategic Analysis Unit, FIU  
Prosecutor's Office of the Republic of Latvia  
Office for Prevention of Laundering of Proceeds Derived from Criminal Activity

Mrs Indra Gratkovska  
Head of the Criminal Law department of the Ministry of Justice

## **MALTA / MALTE**

Dr. Victoria Buttigieg  
Assistant Attorney General  
Office of the Attorney General  
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Dr. Elaine MERCIECA  
Senior Lawyer within the  
Criminal Law Unit  
Office of the Attorney General

Dr Jonathan Phyll  
Senior Legal & International Relations Officer  
Financial Intelligence Analysis Unit (Malta)

## **REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA**

Mrs Oxana GISCA  
**HEAD OF DELEGATION**  
**MEMBER OF THE BUREAU / MEMBRE DU BUREAU**  
High Officer for exceptional cases  
Office for prevention and fight against money laundering

Eduard VARZARI  
Deputy Head of Anti-Corruption Prosecutor Office  
General Prosecutor's Office

## **MONTENEGRO / MONTÉNÉGRO**

Ms Ana BOSKOVIC  
**RAPPORTEUR TO THE CONFERENCE OF THE PARTIES**  
Deputy Basic State Prosecutor,  
Basic State Prosecutor's Office,

Mr Drazen BURIC  
Deputy Special Prosecutor for Organised Crime

Mr Vesko LEKIĆ  
Director of Administration for the Prevention of Money Laundering and Terrorist Financing

**NORTH MACEDONIA / MACEDOINE DU NORD**

Mrs Iskra DAMCHEVSKA  
Independent Intelligence Officer  
International Cooperation Department  
Sector for supervision, regulation and system development  
Financial Intelligence Office

Mr Aleksandar VUJIKJ  
Financial Intelligence Office

**POLAND / POLOGNE**

Mrs. Ewa SZWARSKA-ZABUSKA  
Polish FIU, Ministry of Finance

**PORTUGAL**

António FOLGADO  
Head of Division for Criminal Justice  
International Affairs Department  
Directorate General for Justice Policy  
Ministry of Justice, Portugal

**ROMANIA / ROUMANIE**

Mr Sorin TANASE  
**MEMBER OF THE BUREAU / MEMBRE DU BUREAU**  
Legal adviser, Unit for Crime Prevention and Cooperation with EU Asset Recovery Offices Ministry of

Mr Remus Jurj-Tudoran  
Prosecutor, Prosecutor's Office attached to the High Court of Cassation and Justice

Mr. Florian GRIGORE  
General Director, General Operations Directorate  
National Office for Preventing and Combating Money Laundering

**SERBIA / SERBIE**

Mr Vladimir DAVIDOVIĆ  
Assistant Minister of Justice in charge of mutual legal assistance

Mr. Vladimir CEKLIC, Deputy  
Director of Directorate for management of seized assets  
Ministry of Justice

Mr Dragan MARINKOVIC  
Assistant Director of the Administration for the Prevention of Money Laundering

**SLOVAKIA / SLOVAQUIE**

Mr Branislav BOHACIK

**PRESIDENT OF THE C198-COP / PRESIDENT DE LA C198-COP**

Prosecutor, General Prosecutor's Office of the Slovak Republic

JUDr. Alexandra KAPIŠOVSKÁ

European Affairs and Foreign Relations Division/Division des affaires européennes et des relations étrangères Ministry of Justice of the Slovak Republic, International Law Department/ Ministère de la justice de la République slovaque, Département du droit international

## **SLOVENIA / SLOVÉNIE**

Ms Branka GLOJNARIC  
Undersecretary  
Department for Prevention and Supervision  
Office for Money Laundering Prevention

## **SPAIN / ESPAGNE**

Apologised / Excusé

## **SWEDEN / SUEDE**

Ms Amanda FOLKEBRANT (Tuesday)  
Ms Johanna GUSTAFSSON (Wednesday)

## **TURKEY / TURQUIE**

Mr Esin YURTSEVEN  
Assistant Treasury & Finance Expert  
Ministry of Treasury and Finance

Ms. Seda Türkan Manav Dursun  
Judge  
Ministry of Justice

## **UKRAINE**

Mr Oleh BELISOV  
Chief Specialist of the Joint Financial Investigation Unit of the Division of Cooperation with Financial Intelligence Units of the Department of Financial Investigations of the State Financial Monitoring Service of Ukraine

Ms. Nataliia STRUK  
Chief expert of Unit for International Legal Assistance in Criminal Proceedings of Division for International Legal Assistance of Department for International Law

## **UNITED KINGDOM / ROYAUME-UNI**

Apologised / Excusé

***II. Signatory / contracting / observer States / États signataires / contractants /***

## **MONACO**

M. Jean-Marc GUALANDI  
Conseiller Technique du Service  
d'Information et de Contrôle sur les Circuits Financiers  
SICCFIN

Mlle Jenny PERROT  
Service d'Information et de Contrôle sur les Circuits Financiers  
SICCFIN

### **HOLY SEE / SAINT SIEGE**

Msgr Paolo RUDELLI  
Observateur Permanent auprès de Council of Europe

Monsieur Glauco VECCHIATO  
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### **III. Scientific expert / Expert scientifique**

Mr Paolo COSTANZO  
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### **IV. Secretariat of the Council of Europe / Secretariat du Conseil de l'Europe**

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**V.**

**Interpreters / Interprètes**

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