

Strasbourg 15 November 1999

GRECO (99) 7

GROUP OF STATES AGAINST CORRUPTION
(GRECO)

REPORT OF THE FIRST MEETING
(Strasbourg, 4-6 October 1999)

Document prepared by the
Directorate General of Legal Affairs (DG I)

1. Opening of the meeting

The “Group of States against Corruption – GRECO” held its first meeting in Strasbourg from 4 to 6 October 1999. Mr G De Vel, Director of Legal Affairs, took the Chair at the start of the meeting.

The list of participants appears in Appendix I.

In his opening speech, Mr De Vel welcomed the fact that the group was able to launch its activities only a few a months after 17 states had adopted the Agreement Establishing GRECO on 1 May 1999. Since then, the Statutory Committee had held two meetings to discuss the budget of the Agreement for the period up to 31 December, which it had approved on 5 July 1999. Four member states – Poland, Hungary, Georgia and the United Kingdom – had now joined the 17 founding member states and it was important that the Rules of Procedure (hereafter “RP”) and the programme of activities should be adopted as soon as possible, bearing in mind the need to begin evaluations early in 2000. A preliminary draft of the RP, prepared by the secretariat and contained in document GRECO (99) 4, could provide a basis for discussion on the subject.

He drew the participants’ attention to the fact that the preliminary draft RP contained a number of rules on the election of the President, Vice-president and members of the Bureau. He suggested that the elections, which were on the agenda, should be held after GRECO had adopted the RP. This would give the representatives who had been appointed to sit on GRECO the opportunity to get better acquainted with each other. If his proposal were accepted, the group could appoint an interim President to chair discussions until the RP were adopted. Perhaps Mr V De GAETANO, the representative of the European Committee on Legal Co-operation (CDCJ) and Chairman of the Multidisciplinary Group on Corruption (GMC) when the Statute of GRECO had been adopted, could chair the group in the interim.

Mr De Vel ended by stressing that GRECO was a key element in the Council of Europe’s strategy to fight corruption. The credibility of the international standards that had been or would be drawn up in this area largely depended on the group functioning effectively. He wished GRECO, a body on which great hopes had been pinned, every success in its work.

2. Adoption of the agenda

The agenda as set out in Appendix II was adopted.

3. Election of the President and Vice-president of GRECO

Following Mr De Vel’s suggestion, GRECO appointed Mr De Gaetano (representative of the CDCJ) interim President and postponed the election of the President, Vice-president and members of the Bureau until after the RP had been adopted.

Mr De Gaetano thanked GRECO for its confidence in him and took the Chair for the rest of the meeting.

4. Determination of the number of members of the Bureau and election of these members

See item 3 above.

5. Presentation of representatives appointed to sit on GRECO

The Chairman asked the representatives to introduce themselves and describe their duties in their respective countries. When everyone had spoken, the Chairman noted that many of the representatives had been appointed on a provisional basis, which confirmed the wisdom of the decision to postpone the elections.

6. Consideration of the Preliminary Draft Rules of Procedure of GRECO

The Chairman drew attention to document GRECO (99) 4 of 21 September 1999, containing the Preliminary Draft Rules of Procedure drawn up by the secretariat, and noted that it was generally agreed that this document should provide the basis for discussion on the RP.

The Group then proceeded to the first reading of the Preliminary Draft Rules of Procedure and decided to make the following amendments:

- i. in the preamble, the references to the Financial Action Task Force (FATF) and the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV) were deleted;
- ii. in Rules 5, paragraph 1 and 9, paragraph 1, the President, Vice-president and members of the Bureau should be elected from among all the appointed representatives and not only from among the heads of delegations;
- iii. Rule 5, paragraph 1, should state that the elected President could be replaced in his or her national delegation;
- iv. a paragraph should be added to Rule 5 dealing with the nomination of candidates for the presidency and vice-presidency;
- v. a sentence on the replacement of the member of the Bureau appointed new Vice-president should be added to Rule 5, paragraph 4;
- vi. it should be stated in Rule 6, paragraph 2 that in performing his or her tasks, the President must be guided only by the interests of GRECO;
- vii. changes similar to those in points (ii), (iv) and (v) should be made to Rules 7 and 9;
- viii. paragraph 4 of Rule 11 on the qualifications of members of the GRECO Secretariat should be deleted;
- ix. Rule 24, paragraph 2, should set the deadline for returning questionnaires at one week before the start of the visit;

- x. Rule 26, paragraph 2, should state that evaluation teams must be composed of three experts from different countries unless otherwise determined by GRECO;
- xi. in Rule 26, paragraph 3, members undergoing evaluation should not be given the opportunity of indefinitely opposing the choice of experts comprising the evaluation team;
- xii. in Rule 27, paragraph 6, the reference to “the whole anti-corruption system” should be replaced by a reference to the provisions under examination;
- xiii. Rule 29, paragraph 2, should stipulate that the speakers shall be selected by the Bureau on a proposal by the Executive Secretary;
- xiv. a new paragraph should be added to Rule 30 on members’ obligation to report on the measures taken to follow the recommendations made by GRECO, which will decide whether or not its recommendations have been complied with;
- xv. in Rule 31, paragraph 2, the steps of the procedure for dealing with non-complying members should be better graduated;
- xvi. paragraph 4 of Rule 32 should be deleted and a reference to Article 16, paragraph 3 of the Statute should be included in paragraph 3 of the same rule;
- xvii. paragraphs 2 and 3 of Rule 38 should be inverted and the new paragraph 2 should stipulate that the support of one fourth of the members of GRECO is needed for a proposed amendment to the RP that has been rejected by the Bureau to be placed on the agenda;
- xviii. Rule 39 on suspension of the application of a Rule should be deleted;
- xix. grammatical corrections should be made and the vocabulary standardised throughout the text of the RP.

After the first reading, the Secretariat drew up documents GRECO (99) 4 rev. (Preamble to Rule 21) and rev. 2 (Rule 22 to the end) containing an amended version of the Draft RP. GRECO then proceeded to a second reading of the draft.

During the second reading of the RP, GRECO decided to stipulate in Rule 29, paragraph 2 that the intervenors and the members of the evaluation team should not be appointed from among the members of the same delegation. It also decided to consider Rule 32 as a proposal to the Statutory Committee. This rule would not be definitely included in the RP unless adopted by the Statutory Committee. A footnote should be included pointing this out. Finally, GRECO decided that the RP would enter into force on 1 November 1999. It also made a few additional grammatical corrections.

After the second reading, GRECO adopted the RP as set out in document GRECO (99) 4 rev. 3.

7. General discussion on the Statute of GRECO

GRECO decided to examine this question when it discussed its programme of activities for the year 2000 at its next meeting.

8. Draft programme of activities for the year 2000: preliminary discussion on the 1st evaluation round

GRECO decided to discuss its programme of activities for the year 2000 at its next meeting, on the basis of a proposal by the Secretariat.

9. Consideration of the preliminary draft budget for the year 2000

The group took note of document GRECO (99) 5 of 30 September 1999 containing the budgetary proposals for the year 2000. It examined them in the light of the budget approved by the Statutory Committee on 5 July 1999 and contained in document GRECO (99) CS2 of 19 July 1999.

After noting that this was to be its first full-year budget, GRECO decided, pursuant to Article 8 of its Statute, to forward these proposals to the Secretary General so that the budgetary procedure might be launched. However, the group considered that as the agreement establishing GRECO had been adopted during the year and there was no programme of activities for 2000, it was not in a position to discuss this question in detail. GRECO hoped that next year it would be in a better position to exercise the budgetary powers given to it by the Statute.

10. Other business

None.

11. Future work

See items 8 and 9 above.

12. Dates of forthcoming meetings

GRECO provisionally decided that its second meeting would be held in the week 13 to 17 December 1999. The Secretariat could however change these dates if they coincided with those already chosen for other meetings, and subject to the availability of meeting rooms¹.

¹ Immediately after the meeting, several representatives informed the Secretariat that the OECD Working Group on Bribery and International Transactions had already convened a meeting for the week 13 to 17 December 1999. After consultation with the interim President, the secretariat decided that the second meeting of GRECO would be held from 1 to 3 December 1999.

APPENDIX I**LIST OF PARTICIPANTS**

1ère réunion / 1st Meeting
Strasbourg, 4-6 octobre / October 1999
(Palais de l'Europe, Salle 6 / Room 6)

BELGIUM / BELGIQUE

Mme Isabelle VAN HEERS, Magistrat d'assistance auprès de l'Office Central pour la Répression de la Corruption, Palais de la Justice - Extension

BULGARIA / BULGARIE

Mr Gueorgui ROUPCHEV, Senior Expert, Directorate of International Legal Co-operation, Ministry of Justice and European Legal Integration

CYPRUS / CHYPRE

Mrs Eva ROSSIDOU PAPAKIRIACOU, Counsel of the Republic, Law office of the Republic of Cyprus

Mr George PAPAIOANNOU, Counsel of the Republic, Law office of the Republic of Cyprus

ESTONIA / ESTONIE

Mr Kalle JÄNES, Security Police Board

Mr Priit PIKAMÄE, Director of Penal Law Department, Ministry of Justice - Apologised for absence/excusé

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS, Inspector General of the Police, Ministry of the Interior

FRANCE

M. Michel GAUTHIER, Magistrat, Conseiller au SCPC (Service Central de Prévention contre la Corruption), Ministère de la Justice

GEORGIA / GEORGIE

Mr Shota DOGHONADZE, Vice-Minister of Foreign Affairs, Ministry of Foreign Affairs

GERMANY / ALLEMAGNE

Mr Edgar Radziwill, Deputy Head of Section, Bundesministerium der Justiz

GREECE / GRECE

Mr Davaris GERASSIMOS, Conseiller, Représentation Permanente de la Grèce auprès du Conseil de l'Europe

HUNGARY / HONGRIE:

Mr Ákos KARA, Legal Adviser, Ministry of Justice

ICELAND / ISLANDE :

Ms Sigridur JOSEPSDOTTIR, State Prosecutor, Prosecutor General, Office of the Prosecutor General

IRELAND / IRLANDE

Ms Lucinda Mac MAHON, Assistant Principal Officer, Law Reform 1 Division, Department of Justice, Equality and Law Reform

LITHUANIA / LITUANIE:

Ms Aušra BERNOTIENE, Deputy Director, Department of International Law and European Integration, Ministry of Justice

LUXEMBOURG

Mme Andrée CLEMANG, Conseiller de Direction 1ère classe, Ministère de la Justice

POLAND / POLOGNE

Mr Jacek GARSTKA, Judge, Department of International Co-operation and European Law, Ministry of Justice

ROMANIA / ROUMANIE

Mme Nadia Ileana CONSTANTINESCU, Conseillère Juridique Principale (Legal Adviser), Direction des Relations juridiques Internationales et de l'intégration européenne, Ministère de la Justice

SLOVAKIA / SLOVAQUIE

Sr. Lt. M.a. Miroslav LIŠKA, Senior specialised Officer, Bureau of Organised Crime, Presidium of Police Force

SLOVENIA / SLOVENIE

Mr Drago KOS, Counsellor to the Government, Ministry of the Interior, Office for Administrative Internal Affairs

SPAIN / ESPAGNE

M. Carlos RAMOS RUBIO, Procureur Délégué Anti-corruption, Tribunal Superior de Cataluña, Fiscalía

Mrs Cristina VALOR GOMEZ, Legal Adviser, International Legal Co-operation Unit, Ministry of Justice

SWEDEN / SUEDE

Mr Håkan ÖBERG, Legal Adviser, Ministry of Justice

UNITED KINGDOM / ROYAUME-UNI:

Mr Brian KINNEY, Policy Administrator, HOME OFFICE, Sentencing and Offences Unit

European Committee on Legal Co-operation (CDCJ)

Mr Vincent A. DEGAETANO, Judge, Courts of Justice, Judges' Chambers, The Law Courts

European Committee on Crime Problems (CDPC)

Mr Michael GROTZ, Ministerialrat, Bundesministerium der Justiz - Absent

Secretariat:

Mr Guy DE VEL, Director of Legal Affairs, Council of Europe

Mr Manuel LEZERTUA, Head of the section of Economic and organised Crime, Division of Crime Problems, Directorate of Legal Affairs, Council of Europe

Assistant:

Mme Elisabeth MAETZ, Division of Crime Problems , Directorate of Legal Affairs, Council of Europe

Interpreters:

Mr Robert SZYMANSKI, Mr Didier JUNGLING, Mr Derrick WORSDALE

APPENDIX II

**1st MEETING / 1^{ère} REUNION
Strasbourg, 4-6 OCTOBER / OCTOBRE 1999
Palais de l'Europe – Room 6/_Salle 6**

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / *Ouverture de la réunion.*
2. Adoption of the agenda / *Adoption de l'ordre du jour.*
3. Election of the President and the Vice-president of the GRECO / *Election du Président et du Vice-Président du GRECO.*
4. Determination of the number of members of the Bureau and election of these members / *Fixation du nombre de membres du Bureau et élection de ces membres.*
5. Presentation of representatives appointed to sit in GRECO / *Présentation des représentants désignés pour siéger au GRECO.*
6. Consideration of the Preliminary-Draft Rules of Procedure / *Examen de l'avant- projet de Règlement Intérieur.*
[doc GRECO (99) 4]
7. General discussion on the Statute of the GRECO / *Discussion générale sur le Statut du GRECO.*
8. Draft programme of activities for the year 2000 : Preliminary discussion on the 1st evaluation round / *Projet de programme d'activités pour l'an 2000 : Discussion préliminaire sur le 1er cycle d'évaluation.*
9. Consideration of the preliminary draft budget for the year 2000 / *Examen de l'avant-projet de Budget pour l'an 2000.* **[doc GRECO (99) 5]**
10. Miscellaneous / *Divers.*
11. Future work / *Travaux futurs.*
12. Dates of the next meeting / *Dates des prochaines réunions.*