

2000



COUNCIL OF EUROPE CONSEIL DE L'EUROPE



Group of States
against corruption

Strasbourg, 2 May 2000
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GRECO (2000) 9

GROUP OF STATES AGAINST CORRUPTION
(GRECO)

REPORT OF THE 2nd MEETING
(Strasbourg, 1-3 December 1999)

Document prepared by the
Executive Secretary, (Directorate General of Legal Affairs, DG I)
in conformity with Rule 19, par. 2 of GRECO's Rules of Procedure

1. Opening of the meeting

The “Group of States against Corruption – GRECO” held its second meeting in Strasbourg from 1 to 3 December 1999. Mr M. Lezertua, appointed Executive Secretary of GRECO by the Secretary General, took the Chair at the start of the meeting.

The list of participants appears in Appendix I.

The Executive Secretary recalled that at its 1st meeting (Strasbourg, 4-6 October 1999, see meeting report in document GRECO (99) 7), GRECO agreed to postpone the election of the President, Vice-President and Bureau until the adoption of the Rules of Procedure (hereafter, “RP”). The RP were finally adopted on 6 October 1999 and entered into force on 1 November 1999.

In accordance with Rule 5, paragraph 5 RP, members were invited to submit candidatures to the posts of President, Vice-President and members of the Bureau¹. Pending the election, scheduled to take place on 3 December 1999, GRECO invited Mr. M. GAUTHIER (France), the only candidate to the Presidency, to take provisionally the Chair.

2. Adoption of the agenda

The agenda was adopted as set out in Appendix II.

3. Presentation of representatives appointed to sit on GRECO

The acting President invited the representatives to introduce themselves and to describe their experience and functions in their respective countries.

4. Determination of the number of members of the Bureau

In accordance with Article 9, par. 1 of its Statute and Rule 9, par. 1 RP and taking into account its current membership, GRECO limited to 5 the number of posts in the Bureau, including the President and Vice-President.

5. Election of the President, Vice-President and members of the Bureau

5.1 December (11 a.m.), the following candidatures were submitted:

- i) To the post of President: Mr. M. GAUTHIER (France)
- ii) To the post of Vice-President: MR. D. KOS (Slovenia)
- iii) To the three posts of members of the Bureau: MM Z. MARGVELASHVILI (Georgia), M. MÖHRENSCHLAGER (Germany), A. KARA (Hungary), V. DUEÑAS JIMENEZ (Spain) and B. KINNEY (United Kingdom).

¹ The candidatures submitted are reflected in item 5 below.

5.2 Election

On 3 December 1999 (12 a.m.) GRECO held an election by secret ballot, in conformity with Rule 5, par. 6 RP. The results were the following:

- i) Mr. M. GAUTHIER (France) was elected President of GRECO (16 votes in favour, 2 white bulletins);
- ii) Mr. D. KOS (Slovenia) was elected Vice-President of GRECO (15 votes in favour, 3 white bulletins);
- iii) Messrs B. KINNEY (United Kingdom, 17 votes), A. KARA (Hungary, 13 votes) and M. MÖHRENSCHLAGER (Germany, 10 votes), were elected members of the Bureau;
- iv) Messrs V. DUEÑAS (Spain, 8 votes) and Z. MARGVELASHVILI (Georgia, 5 votes) were not elected but could be called to fill vacant seats in the Bureau during the 1st evaluation cycle, in accordance with Rule 5, par. 4 RP.

6. General discussion on the Statute of GRECO

GRECO had a general exchange of views on how to exercise the functions conferred upon it by the Statute. It was aware that the first cycle of supervision (hereafter, “the FER”) provided a unique opportunity for sending a clear signal about its existence and reinforcing its influence in the current international debate on corruption issues. At the time of launching the FER, GRECO felt it was important to show that it was determined to conduct serious, thorough and weighted evaluations. It should be a priority to obtain a better visibility for its work, stressing GRECO’s specific and complementary role, in respect of other international bodies active in the same field of activity. Also, the fact that the Conventions were not yet in force would allow GRECO to have a fresh look on the Guiding Principles, test the procedures, establish its practice and lay down the foundations of a permanent and reliable evaluation system.

Subsequently GRECO discussed the scope of the FER. Some representatives argued in favour of devoting the FER to a general overview of the way in which the Guiding Principles (“GPC”) were being applied or, at least, a review of the basic legislation and institutions in place to fight corruption. Other representatives, on the contrary, preferred to concentrate on a limited number of GPCs of a specific and detailed nature.

GRECO agreed, finally, to devote the FER to the monitoring of the application of a limited and coherent set of GPCs. However, the Questionnaire will contain a general part that will provide GRECO and experts in evaluation teams with background information on the perception of the corruption problem in the member undergoing the evaluation as well as of the legislative and institutional framework in place to counteract this phenomenon.

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

GRECO examined this question in the light of document GRECO (99) 10, containing a draft Programme of activities for 2000, prepared by the Secretariat in accordance with the decisions taken at the first plenary meeting (4-6 October, see meeting report in doc. GRECO (99) 7)

GRECO decided that the FER would run from 1 January 2000 to 31 December 2001. It considered that all the evaluations should be completed in this time frame although it would be possible to extend the FER if too many new members joined.

GRECO had an extensive debate on the selection of the GPC that would be covered during the FER. The representatives of Cyprus (document Greco (99) misc 3), Estonia (Greco (99) misc 2) and Finland (Greco (99) misc 1) tabled written proposals. Some representatives were in favour of a multidisciplinary approach –dividing the 20 GPC into several thematic groups and selecting one GPC from each group- and others preferred a thematic approach – selecting all the GPC dealing with the same subject or closely connected ones.

Following a long debate, GRECO agreed, firstly, to exclude from the FER GPCs which were directly linked to the Conventions. It endorsed, secondly, the limited multidisciplinary approach –selecting one GPC from different thematic groups but without necessarily covering all the groups- proposed by Mr. A. KARA (Hungary). Following an indicative vote (13 in favour, 2 against and 3 abstentions) GRECO selected GPCs n° 3, 6 and 7 for the FER.

Furthermore, GRECO agreed to divide, for the purpose of the FER, its membership in two groups: Group A, which will include members to be evaluated in 2000 and Group B, which would include members to be evaluated in 2001. On a voluntary basis these groups were completed as follows:

- **Group A** (10members): Belgium, Cyprus, Finland, France, Georgia, Luxembourg, Slovakia, Slovenia, Spain and Sweden.
- **Group B** (11 members): Bulgaria, Estonia, Germany, Greece, Hungary, Iceland, Ireland, Lithuania, Poland, Romania and United Kingdom.

GRECO invited its Bureau to start the preparation of the draft questionnaire for the FER, if necessary with the assistance of scientific experts. For this purpose it empowered the Bureau to appoint scientific experts for the FER. GRECO decided to examine the draft questionnaire at its next plenary meeting.

Finally, GRECO recalled the obligation of all members, under Article 10, par. 4 of the Statute, to submit proposals of experts who could participate in evaluation teams. It further recalled that according to Rule 25, par. 1 RP the deadline for submitting such proposals would expire on 31 January 2000. GRECO invited the Secretariat to send a written reminder to all representatives. Moreover, it instructed the Bureau to prepare proposals relating to the composition of evaluation teams for the 10 members included in Group A. GRECO would examine these proposals at its next Plenary meeting.

GRECO approved its Programme of activities for 2000 as it appears in document GRECO (99) CS5 and instructed the Executive Secretary to transmit it to the Statutory Committee for the purpose of the application of Article 18, par. 3 of the Statute.

8. Participation of the Parliamentary Assembly in GRECO

GRECO took note with interest of the letter of the President of the Parliamentary Assembly dated 30 September 1999, requesting the Committee of Ministers to consider the participation of the Assembly in the work of GRECO. It further noted the decision taken by the Committee of Ministers, at the 687th meeting of the Minister's Deputies to request GRECO's opinion on this matter, in conformity with Article 7, par. 2 of the Statute.

GRECO considered that the Committee of Ministers should reply positively to the request made by the President of the Parliamentary Assembly and invited the Secretariat to prepare a draft opinion to this effect for approval at the next Plenary meeting.

9. Miscellaneous

None.

10. Future work

See items 6 and 7 above.

11. Dates of next meetings

GRECO decided that its third meeting would be held from 3 to 5 May 2000 and would be preceded by a Bureau meeting on 2 May 2000.

GRECO further decided that its 4th meeting would be held in the first fortnight in December 2000, without setting the exact dates at this stage.

APPENDIX I**GROUP OF STATES AGAINST CORRUPTION**
GROUPE D'ETATS CONTRE LA CORRUPTION
- GRECO -

2nd Meeting / 2^{ème} Réunion
Strasbourg, 1-3 December / décembre 1999
Palais de l'Europe

LIST OF PARTICIPANTS**BELGIUM / BELGIQUE**

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

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

ESTONIA / ESTONIE

Mrs Ülle RAIG, Legal Adviser, Penal Law Department, Ministry of Justice

FINLAND / FINLANDE

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

Ms Raija TOIVIAINEN, State Prosecutor, The Office of the Prosecutor General

FRANCE

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

GEORGIA / GEORGIE

Mr Zaal MARGVELASHVILI, Deputy Head of the International Law Department, Ministry of Foreign Affairs

GERMANY / ALLEMAGNE

Mr Manfred MÖHRENSCHLAGER, Head of Section, Bundesministerium der Justiz

GREECE / GRECE

Mrs Sophia SOTIROPOULOU, Judge of the First Instance's Court, Ministry of Justice

Apologised for absence / excusée

HUNGARY / HONGRIE:

Mr Ákos KARA, Legal Adviser, Ministry of Justice

ICELAND / ISLANDE :

Ms Sigrídur JOSEPSDOTTIR, State Prosecutor, Prosecutor General, Office of the Prosecutor General - **Apologised for absence / Excusée**

IRELAND / IRLANDE

Ms Geraldine MOORE, Assistant Principal, Law Reform II Division, Department of Justice, Equality and Law Reform

Ms Lucinda McMAHON, Assistant Principal Officer, Law Reform I Division, Department of Justice, Equality and Law Reform - **Apologised for absence / Excusée**

LITHUANIA / LITUANIE:

Mr Jurgis JURGELIS, Advisor to the Director General of the State Security Department

LUXEMBOURG

M. Jean BOUR, Procureur d'Etat à Diekirch

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

Mr Ljubomir JOVANOVIĆ, Counsellor to the Minister, Ministry of Interior, General Police Directorate, Head of Division for Organised Crime - **Apologised for absence**

SPAIN / ESPAGNE

M. Valentin DUEÑAS JIMENEZ, Conseiller Juridique, International Legal Co-operation Unit, Ministry of Justice

SWEDEN / SUEDE

Mr Kazimir ÅBERG, Director, Economic Crime Bureau

Mr Håkan ÖBERG, Legal Adviser, Ministry of Justice

UNITED KINGDOM / ROYAUME-UNI:

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

Mr Ray SAMS , Head of Civil Law Development Division, Lord Chancellor's Department -

Apologized for absence / Excusé

European Committee on Legal Co-operation (CDCJ)

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

- **Apologized for absence / Excusé**

European Committee on Crime Problems (CDPC)

Mr Michael GROTZ, Ministerialrat, Bundesministerium der Justiz

Apologized for absence / Excusé

Secretariat:

Mr Manuel LEZERTUA, Executive Secretary to GRECO, Division of Crime Problems, Directorate of Legal Affairs, Council of Europe

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

Interpreters:

Mme Sylvie BOUX, Mlle Isabelle MARCHINI, Mme Cynera QUAINÉ-JAFFREY

APPENDIX II

GROUP OF STATES AGAINST CORRUPTION
GROUPE D'ETATS CONTRE LA CORRUPTION

- GRECO -

2nd Meeting / 2^{ème} Réunion
Strasbourg, 1-3 December / décembre 1999
Palais de l'Europe

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. Presentation of representatives appointed to sit in GRECO / *Présentation des représentants désignés pour siéger au GRECO.*
4. Determination of the number of members of the Bureau / *Fixation du nombre de membres du Bureau*
5. Election of the President, Vice-President and members of Bureau of GRECO / *Election du Président, Vice-Président et membres du Bureau du GRECO.*
6. General discussion on the Statute of the GRECO / *Discussion générale sur le Statut du GRECO.*
7. 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.*
8. Participation of the Parliamentary Assembly in GRECO / *Participation de l'Assemblée Parlementaire aux travaux du GRECO*
9. Miscellaneous / *Divers.*
10. Future work / *Travaux futurs.*
11. Dates of the next meeting / *Dates des prochaines réunions.*