



DIRECTORATE GENERAL I – LEGAL AFFAIRS DEPARTMENT OF CRIME PROBLEMS

Strasbourg, 22 November 2004

Greco (2004) 18E

20th Plenary Meeting of GRECO

(Strasbourg, 27-30 September 2004)

SUMMARY MEETING REPORT

I. Opening of the meeting

- 1. The 20th Plenary Meeting of GRECO was opened and chaired by the Vice-President, Ms Isabelle VAN HEERS (Belgium). The list of participants appears in <u>Appendix I</u> to this report.
- 2. The Vice-President welcomed all the representatives; in this connection, she mentioned in particular changes in the composition of the delegations from Albania, the Czech Republic, Georgia, Germany, France, the Netherlands, Romania, Serbia and Montenegro and the United Kingdom.

II. Adoption of the agenda

3. The draft agenda was adopted as it appears in Appendix II to this report.

III. Information provided by the Vice-President

4. The Vice-President reported on the 26th meeting of the Bureau, held in Strasbourg on 8-9 September 2004 (cf. Greco (2004) 15E): the Bureau had discussed the level of implementation of GRECO's recommendations as well as the method of dealing with additional information required by a series of First Round Compliance Reports. Further to the Committee of Ministers' request to explore the possibilities of increasing GRECO's visibility, an exchange of views had been organised between the Bureau and representatives of the Council of Europe's Spokesperson and Press Division. As a result of this meeting it was agreed *inter alia* that a press release concerning the expected publication of the Second Round Evaluation Report on the United Kingdom would be prepared. The Bureau had welcomed indications from Austria, the Russian Federation and Switzerland that they would join GRECO before the end of 2005. It had furthermore taken note of the appointment of Mr A. ESER, GRECO's Scientific Expert, as Judge at the International Criminal Tribunal for the Former Yugoslavia.

IV. Information provided by the Executive Secretary

- 5. The Executive Secretary reported on the following developments since GRECO's 19th Plenary Meeting (2004):
- the 9th Annual Conference of the International Association of Prosecutors (IAP), Seoul, 5-10 September; in this connection the Secretariat had prepared a brief containing basic information on GRECO, including a list of recommendations issued by GRECO in respect of prosecutorial bodies engaged in the prevention and fight against corruption, which was transmitted to the organisers;
- the Secretariat's meeting with Mr J. WILLIAMS, Chair of the Global Organisation of Parliamentarians Against Corruption (GOPAC), and Ambassador J.-P. HUBER, Permanent Observer of Canada to the Council of Europe. Issues such as the potential contribution future European Chapters of GOPAC might be able to make to the implementation of GRECO's recommendations and the possible accession by Canada to GRECO were discussed;
- the meeting of the Executive Secretary with representatives of the European Aeronautic Defence and Space Company (EADS). It was indicated that EADS might wish to invite speakers from GRECO to internal training activities and that GRECO representatives/experts might usefully contribute to discussions underway in the company regarding the development of internal integrity standards;
- the invitation of GRECO's President and Executive Secretary to attend a meeting of the Parliamentary Assembly's Social, Health and Family Affairs Committee on

- 15 November 2004 in Paris. This would be an opportunity to present GRECO's work and to hold a discussion on the issue of corruption and poverty on which the Committee intended to prepare a report:
- the entry into force of the Criminal Law Convention on Corruption (ETS n° 173) in respect of Belgium, Norway and Turkey on 1 July 2004, and of the Civil Law Convention on Corruption (ETS N° 174) in respect of Moldova and Malta on 1 July 2004. Both Conventions would enter into force in respect of Sweden on 1 October 2004;
- the reinforcement of GRECO's Secretariat by two administrative officers who took up their duties, respectively in August and October 2004;
- the appointment of Mrs Margaret KILLERBY as the new Head of the Department of Crime Problems; and
- the request by the International Association of Judges to make the Recommendation on Corruption, which was adopted by the Association in September 2001, available to GRECO.

V. Second Round Evaluation procedure

Examination of the draft Evaluation Reports on the United Kingdom and Norway

- 6. GRECO examined the draft (P3) Second Round Evaluation Report on the United Kingdom.
- 7. Members of the Evaluation Team (cf. list of participants) made introductory presentations. The representatives of the United Kingdom presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
- 8. GRECO adopted the Second Round Evaluation Report on the United Kingdom as it appears in Greco Eval II Rep (2004) 2E, following a second reading.
- 9. GRECO examined the draft (P3) Second Round Evaluation Report on Norway.
- 10. Members of the Evaluation Team made introductory presentations. The representatives of Norway presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
- 11. GRECO adopted the Second Round Evaluation Report on Norway as it appears in Greco Eval II Rep (2004) 3E, following a second reading.
- 12. GRECO invited the authorities of the United Kingdom and Norway to authorise, as soon as possible, the publication of their respective Evaluation Reports.¹

¹ The Second Round Evaluation Reports on Norway and the United Kingdom were made public on 8 and 24 November 2004 respectively, following authorisation by the authorities of Norway and the United Kingdom.

VI. First Round Compliance procedure

Examination of the draft Compliance Reports on Denmark, Latvia and Norway

- 13. GRECO examined the draft (P3) First Round Compliance report on <u>Denmark</u>. It was based on the Situation Report forwarded by the Danish authorities (Greco RS-I (2004) 10E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Denmark as it appears in Greco RC-I (2004) 10E.
- 14. GRECO examined the draft (P3) First Round Compliance report on <u>Latvia</u>. It was based on the Situation Report forwarded by the Latvian authorities (Greco RS-I (2004) 7E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Latvia as it appears in Greco RC-I (2004) 7E.
- 15. GRECO examined the draft (P3) First Round Compliance report on Norway. It was based on the Situation Report forwarded by the Norwegian authorities (Greco RS-I (2004) 9F) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Norway as it appears in Greco RC-I (2004) 9E.
- 16. GRECO invited the delegations of Denmark, Latvia and Norway to authorise publication of the reports as soon as possible.²

VII. Procedure under Rule 32, paragraph 2 of the Rules of Procedure

17. GRECO examined the Comments (Greco Eval I (2004) 6E) prepared by its Special Rapporteur, Mr Ákos KARA (Hungary), on information provided by the delegation of Georgia pursuant to Rule 32, paragraph 2, al. (i) of GRECO's Rules of Procedure and in accordance with Decision 12 of GRECO 16 and Decision 17 of GRECO 19. GRECO welcomed the progress reported in respect of a number of First Round recommendations and urged the Georgian authorities to pursue their efforts to comply with recommendations not yet addressed in an appropriate manner. The delegation of Georgia was invited to submit additional information to the Executive Secretary by 10 November 2004 in view of its examination by the Special Rapporteur and, subsequently, by GRECO 21.

IX. 2005 budget

18. GRECO took note of the information provided by the Executive Secretary, in particular that, in the context of a written consultation, no alternative proposals had been submitted to GRECO's Statutory Committee concerning the revision of minimum and maximum rates of contributions for GRECO's 2005 budget. However, the rates need to be revised in the future in view of the prospective accessions mentioned above.

X. Miscellaneous

19. GRECO held a hearing with Ms Cheryl GRAY, Sector Director, World Bank. It invited the Bureau to reflect, together with the Secretariat, upon modalities of possible future co-operation between GRECO and the World Bank.

XI. Possible accession of the European Community to GRECO

 $^{^2}$ Following authorisation of the national authorities, the First Round Compliance reports on Denmark and Latvia were made public on 11 October 2004 and the First Round Compliance report on Norway was made public on 8 November 2004.

20. GRECO noted the apparent intention of the Dutch Presidency of the European Union to promote EC accession to GRECO, as indicated by the Dutch representative to GRECO, Ms Eline WEEDA. It agreed to pursue consideration of this matter at its forthcoming meeting in light of any new developments in this regard.

XII. Adoption of decisions

21. GRECO adopted the decisions of the 20th Plenary Meeting, as they appear in Greco (2004) 17E.

XIII. Dates of forthcoming meetings

22. GRECO's 21st Plenary Meeting would be held in Strasbourg from 29 November to 2 December 2004. GRECO noted that its Bureau would meet on 28-29 October 2004 in Strasbourg.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Mr Ardian DVORANI

Director General of Codification Department, Ministry of Justice

ARMENIA / ARMENIE

Mr Ashot GALOYAN

Adviser to the Minister of Foreign Affairs, Ministry of Foreign Affairs

AZERBAIJAN / AZERBAIDJAN

Mr Inam KARIMOV

Chief Adviser, Department of Coordination of Law Enforcement Bodies, Executive Office of the President of the Republic of Azerbaijan

Mr Kamran ALIYEV

Senior Assistant to the Prosecutor General, General Prosecutor's Office

BELGIUM / BELGIQUE

Mme Isabelle VAN HEERS

Vice-Présidente du GRECO - Vice-President of GRECO

Magistrat Fédéral, Parquet Fédéral

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC

Advisor to the Minister of Security of Bosnia and Herzegovina, Council of Ministers of Bosnia and Herzegovina, Ministry of Security

Mr Sead TEMIM

Prosecutor, Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina

BULGARIA / BULGARIE

Mr Georgi RUPCHEV

Head of Department International Legal Cooperation, Ministry of Justice

CROATIA / CROATIE

Mr Željko HORVATIĆ - Apologised / Excusé

Professor, Head of Criminal Law Department, Faculty of Law

CYPRUS / CHYPRE

Mrs Eva ROSSIDOU PAPAKYRIACOU - Apologised / Excusée

Law office of the Republic of Cyprus, Senior Counsel of the Republic

Mrs Georgia CONSTANTINOU

Law Office of the Republic of Cyprus, Unit for Combating Money Laundering, Attorney General's Office

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Karin BINDEROVA

Lawyer / EU Coordinator, Security Policy Department, Ministry of the Interior

Mr Robert FREMR

Judge, Supreme Court

DENMARK / DANEMARK

Mr Flemming DENKER

Deputy Director, The Public Prosecutor for Serious Economic Crime

Mr Joachim KROMANN

Criminal Law Division, Law Department, Ministry of Justice

ESTONIA / ESTONIE

Ms Mari-Liis LIIV

Adviser, Corruption Specialist, Department of Crime Policy, Ministry of Justice

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS

Inspector General of the Police, Ministry of the Interior, Police Department

Ms Helinä LEHTINEN

Ministerial Advisor, Ministry of Justice, Crime Policy Department

FRANCE

M. Franck ZIENTARA

Magistrat, Chargé de mission auprès du Directeur des Affaires Juridiques, Ministère des Affaires Etrangères

M. Claude MATHON

Chef du Service Central de Prévention de la Corruption, Service Interministériel placé auprès du Ministère de la Justice

M. Pierre SOCCOJA

Secrétaire Général du Service Central de Prévention de la Corruption, Service Interministériel placé auprès du Ministère de la Justice

GEORGIA / GEORGIE

Mr Irakli CHIKOVANI

Director of Anti-Corruption Policy Department, National Security Council,

Mr Levan KHETSURIANI

Chief Adviser, Anti-corruption Policy Coordinating Department, National Security Council

GERMANY / ALLEMAGNE

Mr Matthias KORTE

Head of Division, Ministry of Justice

GREECE / GRECE

Mr Petros KAKALIS

Judge, Vice-President of the Court of Cassation, Ministry of Justice

Mr Gerassimos FOURLANOS

Judge, Court of Appeal in Athens, Ministry of Justice

HUNGARY / HONGRIE

Mr Ákos KARA - Apologised / Excusé

Head of Division, Ministry of Justice

Mr Sandor DUSIK

Principal Counsellor, Ministry of Interior

ICELAND / ISLANDE

Ms Ragna ARNADOTTIR – **Apologised** / **Excusée** Director of Legal Affairs, Ministry of Justice

IRELAND / IRLANDE

Ms Nicola MURPHY

Administrative Officer, Department of Justice, Equality and Law Reform, Criminal Law Reform Division

LATVIA / LETTONIE

Mrs Inese TERINKA

Senior Specialist, Legal Division, Corruption Prevention and Combating Bureau

LITHUANIA / LITUANIE

Ms Aušra BERNOTIENE

Director, Department of International Law, Ministry of Justice

LUXEMBOURG

M. Jean BOUR

Procureur d'Etat, Parquet du Tribunal d'Arrondissement de Diekirch

MALTA / MALTE

Mr Silvio CAMILLERI - Apologised / Excusé

Deputy Attorney General, Attorney General's Office, The Palace

MOLDOVA

Mme Cornelia VICLEANSCHI - Apologised / Excusée

Procureur, Chef du Service des Relations Internationales, Bureau du Procureur Général

Mme Elena ECHIM

Head of Section of Treaties and European Integration, Directorate of Governmental Agent and International Relations, Ministry of Justice

NETHERLANDS / PAYS-BAS

Ms Eline WEEDA

Policy maker, Investigation Dept, Ministry of Justice

Mr Alex BELLING

Coordinator policy on integrity, Ministry of the Interior and Kingdom Relations, Directorate-General Management Public Sector

NORWAY / NORVEGE

Mr Atle ROALDSØY

Senior Adviser, Police Department, Ministry of Justice

Mr Lars STOLTENBERG

Senior Public Prosecutor, National Authority for Investigation and Prosecution of Economic and Environmental Crime ("ØKOKRIM")

Mr Erling Thormod NARUM

Assistant Director General, Ministry of Labour and Government Administration

POLAND / POLOGNE

Mr Cezary MICHALCZUK

Prosecutor, Ministry of Justice, Department of International Cooperation and European Law

Mme Iwona JANOWSKA-MARCINIAK

Senior Specialist, Ministry of Finance, Bureau of Fiscal Documentation

PORTUGAL

Mrs Luisa Maia Gonçalves

Director of Department, International Relations, Ministry of Justice

ROMANIA / ROUMANIE

Mr Constantin IVAN-CUCU

Director, Directorate for relations with the Public Ministry (Public Prosecutor's Office), Anti-Corruption and Crime Prevention Institution, Ministry of Justice

SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO

Mr Veselin SUKOVIC

Director of the Anti-Corruption Initiative Agency

Mr Mladen SPASIC

Head of the Department for Combating Organised Crime, Ministry of Interior

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Dr Jaroslav PAL'OV

Director of Bureau of International Police Co-operation, Presidium of Police Forces, Head of National Central Bureau of INTERPOL

SLOVENIA / SLOVENIE

Mr Drago KOS - Apologised / Excusé

President of GRECO / Président du GRECO

State Undersecretary, Office for the Prevention of Corruption

Mr Roman PRAH

Assistant Director, Office for the Prevention of Corruption

SPAIN / ESPAGNE

Mrs Marta BETANZOS ROIG

Deputy Director General for Justice in the European Union and other International Bodies, Ministry of Justice

Mr Javier ALBALADEJO CAMPOS

Legal Adviser, International Relations Department, Ministry of Interior

SWEDEN / SUEDE

Mr Kazimir ÅBERG

Director of International Affairs, Head of Director, General's Office, Economic Crimes Bureau

Mr Lennart KLACKENBERG

Advisor to the Swedish Government on anti-corruption issues, Ministry of Justice

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

Mr Nikola TUPANCEVSKI

Assistant at the Law Faculty (Criminal Law), University "St. Cyril and Methodius"

TURKEY / TURQUIE

M. Ergin ERGÜL

Magistrat, Chef de Département, Direction Générale du Droit International et des Relations Extérieures, Ministère de la Justice

Mr Aysel YILDIRIM

Ministry of Finance, Financial Crimes Investigation Board

Ms Erkan TUNCDEMIR

Ministry of Finance, Financial Crimes Investigation Board

UNITED KINGDOM / ROYAUME-UNI

Mr Paul STEPHENSON

Head of Corruption and Fraud Law, Criminal Law Policy Unit, Home Office, Sentencing and Offences Unit

Mr Michael EDBURY
Department of Trade and Industry

Ms Sue GRAY Cabinet Office

Mr Stephen GOADBY Home office

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

Mr Mark RICHARD

Senior Counsellor for Criminal Justice Matters, US Mission to the European Union

Mr Joseph E. GANGLOFF, Senior Counsel, Office of International Affairs, U.S. Department of Justice

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

Prof. Dr Albin ESER - Apologised / Excusé

Max Planck-Institute for Foreign and International Penal Law, Abteilung Strafrecht

EXPERT-EVALUATORS RESPONSIBLE FOR THE EVALUATION OF THE FOLLOWING COUNTRIES / EXPERTS-EVALUATEURS RESPONSABLES DE L'ÉVALUATION DES PAYS SUIVANTS

Second Round Evaluation of the United Kingdom / Evaluation du Deuxième Cycle du Royaume-Uni

Mr Eberhard SIEGISMUND (Germany / Allemagne)

Deputy Director General of the Judicial System Division, Ministerial dirigent, Ministry of Justice

Mr Ivar TALLO (Estonia / Estonie) - Apologised / Excusé

Chairman of Government Anti-Corruption Committee, Tartu University

Mr Patrick BREHONY (Ireland / Irlande)

Superintendent, Police (An Garda Síochána), National Bureau of Criminal Investigation

Second Round Evaluation of Norway / Evaluation du Deuxième Cycle de la Norvège

Mr Ardian DVORANI (Albania / Albanie)

Director General of Codification Department, Ministry of Justice

Mr Arno NEUKIRCHEN (Germany / Allemagne)

Senior Public Prosecutor, Ministry of Justice of Nordrhein-Westfalen Land

HEARING WITH / AUDITION AVEC THE WORLD BANK / LA BANQUE MONDIALE WEDNESDAY 29 SEPTEMBER, 11H30 / MERCREDI 29 SEPTEMBRE, 11H30

Ms Cheryl GRAY, Sector Director, Poverty Reduction and Economic Management Europe and Central Asia Region, World Bank

PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

Mme Anna LAMPEROVA - Apologised / Excusée

Ambassadeur Extraordinaire et Plénipotentiaire, Représentation Permanente de la Slovaquie auprès du Conseil de l'Europe, Représentante Permanente de la Slovaquie auprès du Conseil de l'Europe

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

M. Jaume BARTUMEU CASSANY Membre du Conseil Général

Mr David MILNER, Deputy Secretary to the Committee on Legal Affairs and Human Rights, Parliamentary Assembly

REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

Mr Petar RASHKOV - Apologised / Excusé

Director, International Legal Co-operation and International Legal Assistance, Ministry of Justice

Ms Sanja ŠTIMAC

Head of the Department for International Legal Cooperation, Ministry of Justice

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

Apologised / Excusé

OBSERVER OECD / OBSERVATEUR OCDE

Apologised / Excusé

COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

Mr Wolfgang RAU, Executive Secretary of GRECO, Directorate General I – Legal Affairs, Council of Europe

M. Carlo CHIAROMONTE, Administrateur, Direction Générale I - Affaires Juridiques, Conseil de l'Europe

Mr Björn JANSON, Administrative Officer, Directorate General I – Legal Affairs, Council of Europe

Ms Liubov SAMOKHINA, Administratrice, Direction Générale I - Affaires Juridiques, Conseil de l'Europe

Ms Elspeth REILLY, Assistant, Directorate General I - Legal Affairs, Council of Europe

Ms Penelope PREBENSEN, Administrative Assistant (Evaluation rounds), Directorate General I – Legal Affairs, Council of Europe

Mme Laure HEIM, Assistante (Cycles d'évaluation), Direction Générale I - Affaires Juridiques, Conseil de l'Europe

Ms Simona GHITA, Webmaster, Direction Générale I - Affaires Juridiques, Conseil de l'Europe

Ms Jennifer KADDUR, Assistant, Directorate General I – Legal Affairs, Council of Europe

INTERPRETERS / INTERPRETES

Mme Sally BAILEY

Mme Isabelle MARCHINI

Mme Julia TANNER

APPENDIX II

AGENDA / ORDRE DU JOUR

- 1. Opening of the meeting at **09h30** / Ouverture de la réunion à **09h30**
- 2. Adoption of the draft agenda / Adoption de l'ordre du jour
- 3. Information by the President / Information par le Président
- 4. Information by the Executive Secretary / Information par le Secrétaire Exécutif
- 5. Communication by Bureau 26 / Communication du Bureau 26
- 6. **First reading** and examination of the draft Second Round Evaluation Reports on: / **Première lecture** et examen des projets de Rapport d'Evaluation du Deuxième Cycle sur :
 - United Kingdom / Royaume-Uni : Monday (consideration in plenary) / lundi (examen en plénière)
 - **Norway / Norvège :** Tuesday (consideration in plenary) / mardi (examen en plénière)

The evaluators and the national delegations concerned are, nevertheless, requested to be available during the following periods: / Les évaluateurs et les délégations nationales concernés sont, toutefois, invités à être disponibles pendant les périodes suivantes :

- **United Kingdom / Royaume-Uni :** Monday all day (consideration in plenary) and Tuesday morning / lundi toute la journée (examen en plénière) et mardi matin
- Norway / Norvège : Tuesday all day (consideration in plenary) and Wednesday morning / mardi toute la journée (examen en plénière) et mercredi matin
- 7. Examination and adoption of the draft First Round Compliance Reports on:

 Denmark, Latvia and Norway (Wednesday) / Examen et adoption des projets de Rapport de Conformité du Premier Cycle sur le Danemark, la Lettonie et la Norvège (mercredi)
- 8. Hearing with Cheryl GRAY, World Bank (**Wednesday**, **11h30 13h00**) / Audition avec Cheryl GRAY, Banque Mondiale (**mercredi**, **11h30 13h00**)
- 9. **Second reading** and adoption of the draft Second Round Evaluation Reports on the United Kingdom and Norway (Thursday) / Deuxième lecture et adoption des projets de Rapport d'Evaluation du Deuxième Cycle sur le Royaume-Uni et la Norvège (jeudi)
- First Round Compliance procedure Georgia (Decisions 15-18 of GRECO 19) / Procédure de Conformité du Premier Cycle – Géorgie (Décisions 15-18 du GRECO 19)
- 11. Possible accession of the European Community to GRECO / Adhésion éventuelle de la Communauté Européenne au GRECO

- 12. Budget 2005 state of preparation / Budget 2005 état de préparation
- 13. Miscellaneous / Divers
- 14. Adoption of decisions / Adoption des décisions
- 15. Dates of next meetings / Dates des prochaines réunions