



Strasbourg, 22 August 2005

Greco (2005) 13E

24th Plenary Meeting of GRECO
(Strasbourg, 27 June – 1 July 2005)

SUMMARY REPORT

I. Opening of the meeting

1. The 24th Plenary Meeting of GRECO was chaired by the President, Mr Drago KOS (Slovenia) and by the Vice-President, Ms Isabelle VAN HEERS (Belgium) on Wednesday. The list of participants appears in Appendix I to this report.
2. The President opened the meeting and welcomed all representatives, referring in particular to those who had been newly nominated.

II. Adoption of the agenda

3. The draft agenda was adopted as it appears in Appendix II to this report. The President stressed the need to respect the order of business, due to the large number of items to be covered.

III. Information provided by the President

4. The President reported on the following:
 - his participation in the Fourth Global Forum on Fighting Corruption (Brasilia, 7-10 June 2005) where he had presented the GRECO model to a workshop on International Conventions : Building and Evaluating Monitoring Mechanisms. The Executive Secretary and a number of Representatives in GRECO had also participated in the event;
 - no clear position had yet been formulated regarding monitoring of the United Nations Convention against Corruption (UNCAC), though possible monitoring methods were under examination. Interest in GRECO was growing but its model would not necessarily be adopted;
 - his presentation of GRECO's Fifth General Activity Report (2004) to the Committee of Ministers of the Council of Europe, at a hearing before the 930th Meeting of the Ministers' Deputies on 15 June 2005¹. A large number of Ambassadors voiced their interest in and praise for GRECO's work. A number of interesting points were raised, including relations between GRECO and the European Commission and European Union accession to the Enlarged Partial Agreement. Several statements regarding progress in the fight against corruption in individual member States were also made. GRECO was clearly regarded as a benchmark for anti-corruption efforts.
5. The President also reported on the 30th meeting of the Bureau, held in Brussels on 1 June 2005 (cf. Greco (2005) 11), at which discussions had been almost entirely devoted to the Third Evaluation Round, which would be discussed by the Plenary later in the week. The Bureau's proposal regarding the content and preparation of the round (Greco (2005) 10 Revised) had been distributed to all Representatives prior to the Plenary.
6. Information had been submitted to the Bureau regarding the on-going First Round non-compliance procedure with respect to Georgia, according to which adoption of the National Strategy against Corruption and of the Action Plan for its implementation was not foreseen until 25 June and before September 2005 respectively. The Bureau had therefore agreed to suggest to the current Plenary that the overall assessment of Georgia's compliance with GRECO's First Round Recommendations be postponed to GRECO 25.

¹ The statement delivered is contained in Greco Inf (2005) 6E.

IV. Information provided by the Executive Secretary

7. The Executive Secretary reported on the following developments since GRECO's 23rd Plenary Meeting (May 2005):

- the very fact that GRECO's President had been invited to a hearing with the Ministers' Deputies was a sign of GRECO's success. The substantive section of the Fifth General Activity Report (2004) had helped to attract interest in GRECO's work. Copies of the statement delivered by the President were available. During the hearing the President had been asked to comment on GRECO's visibility and he had indicated that there had been a move in the right direction with the publication of News Flashes on both the GRECO and Council of Europe websites;

- during the above hearing, the Permanent Representative of the Russian Federation to the Council of Europe had informed the Ministers' Deputies that legislation would be brought into line with the Criminal and Civil Law Conventions on Corruption (ETS Nos. 173 and 174), the relevant package of laws was in the process of being finalised and the ratification law would go to parliament very soon. The Russian Federation may, therefore, accede to GRECO in 2006;

- copies of the Declaration and Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at the Warsaw Summit (16-17 May 2005) were available. The Action Plan calls upon member States which have not already done so to join GRECO and further enlargement to non-member States of the Council of Europe is encouraged. The Council of Europe will step up its cooperation with the OECD and the United Nations to fight corruption on a global level;

- his participation in Global Forum IV at which he made a presentation which focused on Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns. All important players in the anti-corruption field were represented at the Forum and provided input to the workshops and debates. Quite a number of statements had referred explicitly to GRECO and its monitoring methodology. Copies of the Final Declaration adopted at the Forum were available. In the Final Declaration, Heads of Delegation reaffirmed their commitment to the effective implementation of international anti-corruption conventions and stressed the importance of signing and ratifying UNCAC;

- his participation in a Corruption Monitoring Workshop (Sofia, 17-18 June), organised by UNODC and the Centre for the Study of Democracy, an important Bulgarian NGO. Apart from UNODC, UNICRI, the World Bank, the Asian Development Bank and OECD participated in the workshop which focused on the monitoring of corruption and of international anti-corruption policies. He had made a presentation of the GRECO mechanism. It was clear that the issue of the format of UNCAC monitoring would take some time to resolve. However, for the time being, there appeared to be a preference for envisaging a simplified, low-level monitoring method which would focus on the measuring of the extent of corruption (understood by reference to the mandatory offences established in the UNCAC).

- Albania, Lithuania and Spain had not yet authorised publication of their respective Second Round Evaluation Reports² and Bosnia and Herzegovina of its First Round Compliance Report;
 - the Criminal Law Convention on Corruption (ETS 173) had been ratified by 30 States, the Civil Law Convention on Corruption (ETS 174) by 23 States and the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) by 9 States. There had been no new ratifications since the previous Plenary Meeting;
 - forthcoming staff changes.
8. The Plenary was informed that the Luxembourg law ratifying the Criminal Law Convention on Corruption and its Additional Protocol had been adopted in May 2005.
 9. The President urged members to authorise the publication of Evaluation Reports concerning them; otherwise, summaries would need to be prepared.

V. Second Round Evaluation procedure

Draft Evaluation Reports on Germany, Bulgaria and Malta

10. GRECO examined the draft (P3) Second Round Evaluation Report on Germany.
11. Members of the Evaluation Team (cf. list of participants) made introductory presentations. The representatives of Germany presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
12. Following a second reading, GRECO adopted the Second Round Evaluation Report on Germany (Greco Eval II Rep (2004) 10E).
13. GRECO noted with satisfaction that Germany authorised publication of this report.
14. GRECO examined the draft (P4) Second Round Evaluation Report on Bulgaria.
15. Members of the Evaluation Team made introductory presentations. The representatives of Bulgaria presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
16. Following a second reading, GRECO adopted the Second Round Evaluation Report on Bulgaria (Greco Eval II Rep (2004) 13E).
17. GRECO examined the draft (P3) Second Round Evaluation Report on Malta with the Vice-President in the Chair.
18. Members of the Evaluation Team made introductory presentations. The representatives of Malta presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
19. Following a second reading, GRECO adopted the Second Round Evaluation Report on Malta (Greco Eval II Rep (2004) 14E).

² The reports on Spain and Albania were subsequently published on 5 July and 8 July 2005 respectively.

20. GRECO invited the authorities of Bulgaria and Malta to authorise, as soon as possible, the publication of their respective Evaluation Reports.

VI. First Round Compliance procedure

Draft Compliance Report on Portugal

21. GRECO examined the draft (P3) First Round Compliance Report on Portugal. It was based on the Situation Report forwarded by the authorities of Portugal (Greco RS-I (2005) 2E) and additional information provided by the country. GRECO adopted the First Round Compliance Report on Portugal (Greco RC-I (2005) 2E).
22. GRECO invited the authorities of Portugal to authorise, as soon as possible, the publication of this report³.

Draft Addenda to the First Round Compliance Reports on Luxembourg, Spain and the United Kingdom

23. GRECO examined the draft Addendum to the First Round Compliance Report on Luxembourg. It was based on information provided by the authorities of Luxembourg as required by the conclusions of GRECO's First Round Compliance Report. GRECO adopted the Addendum to the First Round Compliance Report on Luxembourg (Greco RC-I (2003) 5E Addendum) and thus terminated the First Round compliance procedure in respect of that country.
24. GRECO invited the authorities of Luxembourg to authorise, as soon as possible, the publication of this Addendum⁴.
25. GRECO examined the draft Addendum to the First Round Compliance Report on Spain. It was based on information provided by the authorities of Spain as required by the conclusions of GRECO's First Round Compliance Report. GRECO adopted the Addendum to the First Round Compliance Report on Spain (Greco RC-I (2003) 7E Addendum) and thus terminated the First Round compliance procedure in respect of that country.
26. GRECO noted with satisfaction that the authorities of Spain authorised publication of this Addendum.
27. GRECO examined the draft Addendum to the First Round Compliance Report on the United Kingdom. It was based on information provided by the authorities of the United Kingdom as required by the conclusions of GRECO's First Round Compliance Report. GRECO adopted the Addendum to the First Round Compliance Report on the United Kingdom (Greco RC-I (2003) 8E Addendum) and thus terminated the First Round compliance procedure in respect of that country.
28. GRECO noted with satisfaction that the authorities of the United Kingdom authorised publication of this Addendum.

³ The report was subsequently published on 29 July 2005.

⁴ The Addendum was subsequently published on 5 July 2005.

29. Pursuant to decision 14 of GRECO 23, the Slovenian delegation provided up-dated information on the proposed dismantling of the Slovenian Commission for the Prevention of Corruption. GRECO reiterated the relevance of this matter with regard to the implementation of GRECO's First Round recommendation viii to Slovenia and invited the Slovenian delegation to provide a further update at GRECO 25. Consequently, examination of the draft Addendum to the First Round Compliance Report on Slovenia was postponed to a forthcoming Plenary Meeting.

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

30. The Georgian delegation informed GRECO that the National Anti-Corruption Strategy had been adopted on 25 June 2005 and that adoption of the Action Plan for the implementation of the Strategy was not foreseen before 1 September 2005. In the light of this information, it was decided to await the finalisation of the Action Plan, before carrying out the overall assessment of Georgia's compliance with GRECO's first round recommendations which was postponed to GRECO 25. The Georgian delegation was invited to submit the additional information necessary for the overall assessment to the Executive Secretary by 10 September 2005.

VIII. "Grand" Corruption

31. Mr Mark RICHARD (United States of America) presented a programme which aims to respond to instances of "grand" corruption, i.e. large scale embezzlement of state funds. It is based on a proposal made by the United States of America to the G8 Summit in 2004. Implementation of the programme is entrusted to the Chair of the G8, currently the United Kingdom. It is being developed with funding from the USA, to provide assistance in preparing mutual legal assistance requests and in tracing embezzled funds which are often secreted in multiple jurisdictions. The programme provides for a mechanism involving:

- accelerated response teams;
- asset recovery case coordination and
- asset recovery workshops to be convened in order to develop expertise in financial investigation and tracing of assets.

Once all legal steps to secure illegal assets have been taken, it is also important to ensure that they are handed over to the appropriate powers.

32. Mr Richard informed GRECO that the mechanism is available, on request, to provide on-site assistance to any country and he invited governments who wish to participate in the accelerated response teams to express their interest.⁵

IX Third Evaluation Round

33. The President introduced the proposal prepared by Bureau 30 on the content and preparation of the Third Evaluation Round (Greco (2005) 10E Revised) which was the result of a thorough debate. He recalled that two of the topics proposed to GRECO 23, namely *funding of political parties* and *the corruption incriminations provided for in ETS 173* had each received the support of approximately half those delegations which took part in the discussions. The Bureau's proposal was designed as a compromise and therefore presented a combination of two topics.

⁵ More detailed information is available at: <http://www.state.gov/e/eb/rls/fs/33552.htm>

34. The Executive Secretary informed the Plenary that the Bureau had also examined in detail the methodology to be applied. GRECO's foreseeable workload in 2006 would make it difficult, if not impossible, for the Plenary to carry out the preparatory work for the Third Evaluation Round itself. It was therefore suggested that two working parties be set up to assist GRECO in that work.
35. Some delegations expressed concern about evaluating two different themes within the same round. However, it was generally accepted that the Bureau's proposal regarding the content of the Third Evaluation Round struck a balance which correctly reflected the views expressed during GRECO 22 (March 2005) and GRECO 23 (May 2005). GRECO's Third Evaluation Round would therefore cover two themes: i. *the incriminations provided for by Articles 2-12 of the Criminal Law Convention on Corruption (ETS 173), in conjunction with Article 19 (1) and, possibly, Articles 15 and 17 of that Convention* and ii. *the transparency of party funding (Articles 11, 12, 13b, 14 and 16 of Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns)*. With regard to the scope of theme i., it was decided that the appropriate working party should be requested to propose which Articles of the Criminal Law Convention on Corruption should finally be included.
36. The proposal to set up two working parties to assist the Plenary in the preparation of the Third Evaluation Round received wide support. The working parties should be mandated to prepare a "toolkit" for the Third Evaluation Round (i.e. list of issues to be addressed; questionnaire; clarifications concerning standards and criteria to be met by evaluated countries, etc ...) to be presented to the Plenary for consideration during the second half of 2006. The working parties should also give thought to the desirable composition of delegations, the selection of evaluators and evaluation teams, the content of on-site visit programmes and other practicalities. The working parties should be provided with all available information to assist them in their task. In this connection, specific reference was made to a Council of Europe publication "Financing political parties and election campaigns – guidelines" which had been designed as an implementation guide to Recommendation Rec(2003)4.
37. The Secretariat would prepare draft Terms of Reference for a working party on the transparency of party funding and a working party on the incriminations provided for by the Criminal Law Convention on Corruption. The draft Terms of Reference would be submitted to Bureau 31 and subsequently to GRECO 25 for approval.

X Budget 2006

38. The Executive Secretary outlined the Organisation's budgetary procedure, which applied to all Council of Europe bodies. The draft Budgetary Proposals for 2006 (Greco (2005) 14E) presented to GRECO had been approved by the Secretary General. They included 2% efficiency savings, in line with the Secretary General's commitment to the Committee of Ministers, and the increase compared to the Budget for 2005 did not exceed the inflation rate.
39. Budgetary constraints meant that the proposed budget left very little room for manoeuvre. It had been impossible to cover the cost of a Start-up Workshop for the Third Evaluation Round and it would be difficult to provide interpretation for meetings of the working parties responsible for preparing the Third Evaluation Round. The efficiency savings mentioned above would need to be made by reducing, for example, the number of documents printed. He further added that it would not be possible for GRECO to implement its activities without increased budgetary resources for 2007.

40. The Plenary felt that the organisation of a Start-up Workshop for the Third Evaluation Round was of significant importance. The President reminded delegations of the possibility of making voluntary contributions which could be used to bear the costs of the Workshop, which should be considered a priority.
41. GRECO approved the Budgetary Proposals for 2006 (Greco (2005) 14E) and instructed the Executive Secretary to transmit them to the Secretary General for consideration by the Budget Committee, prior to their transmission to the Statutory Committee for adoption.

XI Adoption of decisions

42. GRECO adopted the decisions of the 24th Plenary Meeting, as they appear in Greco (2005) 12E.

XII Dates of forthcoming meetings

43. GRECO's 25th Plenary Meeting would be held in Strasbourg on 10-14 October 2005. GRECO noted that its Bureau would meet in Strasbourg on 8-9 September 2005.

APPENDIX I

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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 29 / *Communication du Bureau 29*
6. **First reading** of the draft Second Round Evaluation Reports on: / **Première lecture** des projets de Rapport d'Évaluation du Deuxième Cycle sur :
 - **Lithuania / Lituanie** : Tuesday / *mardi*
 - **Spain / Espagne** : Wednesday / *mercredi*

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 :

 - **Lithuania / Lituanie** : Tuesday all day and Wednesday morning / *mardi toute la journée et mercredi matin*
 - **Spain / Espagne** : Wednesday all day and Thursday morning / *mercredi toute la journée et jeudi matin*
7. Examination and adoption of the draft First Round **Compliance Reports** on : **Bosnia and Herzegovina and Malta (Thursday)** / *Examen et adoption des projets de Rapport de Conformité du Premier Cycle sur la Bosnie-Herzégovine et Malte (jeudi)*
8. **Second reading** and adoption of the draft Second Round Evaluation Reports on **Lithuania and Spain (Vendredi)** / **Deuxième lecture** et adoption des projets de Rapport d'Évaluation du Deuxième Cycle sur **la Lituanie et l'Espagne (vendredi)**
9. Examination and adoption of Additional Reports required by First Round Compliance Reports : RC-I Addenda on **Finland, Luxembourg and Slovenia** / *Examen et adoption de Rapports supplémentaires requis par les Rapports de Conformité du Premier Cycle : RC-I Addenda sur la Finlande, le Luxembourg et la Slovénie*
10. Composition of Evaluation Teams in charge of the Second Round evaluation of Moldova and the United States of America and the Joint First and Second Round evaluation of Azerbaijan / *Composition des Equipes d'Évaluation chargées de l'évaluation du Deuxième Cycle de la Moldova et des Etats-Unis d'Amérique et de l'Évaluation conjointe des Premier et Deuxième Cycles de l'Azerbaïdjan (propositions du Bureau 29)*

11. Third Evaluation Round : Second *tour de table* on possible topics and methodology (cf **Summary Report of Bureau 29, Greco (2005) 7E and Summary Report of GRECO 22, Greco (2005) 5E**) / *Troisième Cycle d'Evaluation : Deuxième tour de table sur les thèmes et la méthodologie éventuels* (cf **Rapport Sommaire du Bureau 29, Greco (2005) 7F et Rapport Sommaire du GRECO 22, Greco (2005) 5F**)
12. Miscellaneous / *Divers*
13. Adoption of decisions / *Adoption des décisions*
14. Dates of next meetings / *Dates des prochaines réunions*