

Strasbourg, 6 May 2016

Greco(2016)8

**71<sup>st</sup> GRECO Plenary Meeting**  
(Strasbourg, 14-18 March 2016)

**SUMMARY REPORT**

## I. Opening of the meeting

1. The 71<sup>st</sup> Plenary Meeting, held in Strasbourg on 14-18 March 2016 was chaired by Marin MRČELA, President of GRECO (Croatia) who opened the meeting by welcoming all participants, referring in particular to newly nominated Heads of delegation and representatives. Frederik DECRUYAENAERE, Head of Delegation of Belgium and Vjekoslav VUKOVIK, Head of Delegation of Bosnia and Herzegovina who were attending for the last time were thanked by the President for their valued contribution over a number of years.

2. The list of participants appears in Appendix I.

## II. Adoption of the Agenda

3. The agenda was adopted as it appears in Appendix II.

## III. Gender Equality Rapporteur

4. The Plenary designated Vita HABJAN BARBORIČ (Bureau member, Head of delegation, Slovenia) as GRECO's Gender Equality Rapporteur until the return of Helena LIŠUCHOVÁ (Bureau member, Head of delegation, Czech Republic).

## IV. Information Items

### *President*

5. The President referred to the information shared and discussions held at the most recent meeting of the Bureau – report of the **75<sup>th</sup> Meeting of the Bureau** (Greco(2016)5) - and the Plenary took particular note of a set of **test questions for assessing the level of implementation of recommendations "to consider ..."** proposed by the Swiss Delegation to guide the Plenary:

- **Pertinence:** has the reflection process carried out in the country really taken into account GRECO's underlying concerns (and not something unrelated)?
- **Extent:** Were these concerns examined/discussed in depth, possibly with the involvement of appropriate (expert) institutions/individuals?
- **Legitimacy:** Has the decision to act/not to act been taken by an appropriate authority (ideally at political level – see also GRECO's case-law concerning the status of draft legislation)?
- **Documentation:** Has the reflection process and/or its results been properly documented: dates of meetings; persons/institutions involved; written sources available, possibly even accessible to the public?

6. Regarding the Plenary's workload in 2016, the Bureau had referred to the measures already taken to make it more manageable, including limiting the total number of reports to around 40 (Bureau 74), extending the deadlines for situation reports in Fourth Round non-compliance procedures to 12 months and postponing the examination of some compliance reports (GRECO 70). The Bureau had also reiterated its previous position on the maximum length – up to five years – that should as a rule be envisaged for non-compliance procedures. The period should be calculated from the time at which the first decision to apply the non-compliance procedure was taken. However, certain situations, e.g. where there are real prospects of further progress, could justify extending the five-year period. Such situations would merit a close dialogue with the country in question.

7. The Congress of Local and Regional Authorities (CLARE) of the Council of Europe intends to set up a programme of action against corruption at local and regional level and would devote part of its 30<sup>th</sup> Session to that issue. The President would participate in a related debate in CLARE on 22 March 2016.

8. No issues were raised by the Plenary with respect to the above items.

***Gender Equality Rapporteur***

9. Vita HABJAN BARBORIČ had represented GRECO at a conference entitled *Incorruptible women? Gender dimensions of corruption* organised by Transparency International (TI) Czech Republic (Prague, 23 February 2016) at which she had presented the efforts GRECO has made so far in response to the Council of Europe's transversal programme and strategy on gender equality. TI Czech Republic had shared the results of research it had conducted into the level of involvement of women in some 250 criminal cases of corruption tried between 2012 and 2014 which showed considerably lower levels of involvement of women than of men. However it had not been possible to extend the analysis to establish a clear correlation between gender and corruption. Another NGO actively promoting greater participation of women in parliament in the Czech Republic had underlined that currently one fifth of MPs are women, which is below the EU average.

***Executive Secretary***

10. In a reply (CM/AS(2016)Rec2073 final) to Parliamentary Assembly Recommendation 2073 (2015) on *Improving the protection of whistleblowers* – on which GRECO had been asked to comment at its October 2015 plenary meeting (cf. Greco (2015) 13E) – the Committee of Ministers refers to the Recommendation to member States adopted by it in 2014 (Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers) and encourages GRECO, within the limits of its Statute, to follow developments regarding the implementation of CM/Rec(2014)7 in the area of corruption and other related misconduct – which implies that at least in the understanding of the Committee of Ministers, GRECO has some degree of competence for dealing with a standard-setting text not prepared directly under the aegis of GRECO or the Multidisciplinary Group on Corruption (GMC) that had conducted the work that had led to the establishment of GRECO.

11. In follow-up to a resolution adopted by the Sixth session of the Conference of the States Parties to the United Nations Convention against Corruption (COSP-6), the UNODC Secretariat had taken the initiative to propose holding a *Workshop on enhancing synergies and sharing good practices in the conduct of international anti-corruption reviews* (22-23 September 2016) that will be hosted by the OECD and bring together the secretariats of mechanisms involved in anti-corruption monitoring (UNODC, OECD, MESICIC, GRECO and also possibly the European Commission) to share and compare practices, identify synergies, etc.

12. The Council of Europe is launching an *Action plan on strengthening judicial independence and impartiality*. This initiative of the Secretary General would be endorsed by a high-level conference attended by justice ministers from the Council of Europe's 47 member States (Sofia, 21-22 April 2016). The Action plan is based mainly on Council of Europe standards – notably the European Convention on Human Rights, recommendations of the Committee of Ministers and opinions of the Consultative Council of European Judges, the Consultative Council of European Prosecutors and the Venice Commission – many of which are included in the reference texts for GRECO's Fourth Evaluation Round.

13. The Committee of Ministers has adopted (1249<sup>th</sup> meeting of the Ministers' Deputies, 2-3 March 2016) the comprehensive *Action plan on transnational organised crime*, prepared by the European Committee on Crime Problems (CDPC) to give follow-up to the *White paper on transnational organised crime* endorsed by the CDPC. Elena KONCEVICIUTE, GRECO representative, Lithuania had actively participated in various stages of the preparation of the action plan.

14. The Executive Secretary had recently met with Maria GANDOLFO, Head of the Members' Administration Unit in the European Parliament which, among other things, deals with the Code of

Conduct for Members and acts as the Secretariat for the Advisory Committee on the Conduct of Members. The Unit which has extensive experience in managing declarations of interest, providing practical guidance on conduct and dealing with practical cases, wishes to establish relations with other parliaments and certain international bodies and is very interested in GRECO's work. It has been proposed that a short exchange of views with the President of the Advisory Committee, Jean-Marie CAVADA, be held during GRECO's June Plenary Meeting.

15. No issues were raised by the Plenary with respect to the above items.

## V. Third Evaluation Round

Theme I "Incriminations" / Theme II "Transparency of party funding"

### *Evaluation procedures*

16. The delegations of all GRECO member States that make up the Plenary review the draft evaluation reports in a first reading that involves the participation of a delegation from the country concerned and the Evaluation Team that carried out the on-site evaluation visit and contributed to the drawing up of the draft report. A second reading of revisions made in light of the first is carried out before the formal adoption of the texts.

17. GRECO adopted Third Round Evaluation Reports – including formal recommendations – on **Liechtenstein** (GrecoEval3Rep(2016)2 – publication pending), and **San Marino** (GrecoEval3Rep(2016)1 – publication pending). The deadline of 30 September 2017 was set for the submission of Situation Reports on the measures taken to implement the recommendations in both cases.

### *Compliance procedures*

18. In its compliance reports and *interim* compliance reports, GRECO pronounces itself on the level of compliance of member States with its recommendations. A Situation Report submitted by the authorities of a member State provides the basis for the assessments made. Rapporteurs designated by two member States are associated with the preparation of each draft compliance or *interim* compliance report tabled.

19. With the adoption of the 2<sup>nd</sup> Third Round Compliance Report on **Austria** (GrecoRC3(2016)1E – publication pending) GRECO terminated the Third Round compliance procedure in respect of that member.

20. The 2<sup>nd</sup> Third Round Compliance Reports on **Belgium** (GrecoRC3(2016)2 – publication pending), **Germany** (GrecoRC3(2016)5 – publication pending), **Sweden** (GrecoRC3(2016)3 – published on 24 March 2016) and the **United States of America** (GrecoRC3(2016)6 – published on 1 April 2016) were adopted and, in accordance with Rule 31, paragraph 9 of the Rules of Procedure, the authorities of those members are asked to provide additional information regarding the implementation of certain recommendations by 31 December 2016.

21. The President and the delegation of Denmark informed the plenary that arrangements would soon be going ahead for the organisation of the high-level mission to Denmark called for in GRECO's 4<sup>th</sup> Third Round *Interim* Compliance Report on the country.

## VI. Fourth Evaluation Round

Prevention of corruption in respect of members of parliament, judges and prosecutors

### *Compliance procedures*

22. The rapporteur countries for the Fourth Round compliance procedure in respect of Azerbaijan (GrecoEval4(2016)3) were selected.

23. The Fourth Round Compliance Reports on **Albania** (GrecoRC4(2016)6 – published on 15 April 2016), **Denmark** (GrecoRC4(2016)7 – published on 15 April 2016) and **France** (GrecoRC4(2016)2 – publication pending) were adopted. The deadline of 30 September 2017 was set for the submission by the authorities of those three members of Situation Reports on additional measures taken to implement the recommendations.

### *Rule 32 procedures – non-compliance*

24. With the adoption of the *Interim* Fourth Round Compliance Report on **Iceland** (GrecoRC4(2016)3 – published on 23 March 2016) GRECO discontinued the application of Rule 32 and asked the authorities to submit, pursuant to Rule 31, paragraph 8.2, additional information regarding action taken to implement certain recommendations by 31 December 2016.

25. In its *Interim* Fourth Round Compliance Report on **Latvia** (GrecoRC4(2016)4 – published on 7 April 2016) GRECO concluded that the level of compliance with its recommendations remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3. Therefore, the application of Rule 32 is maintained and, pursuant to paragraph 2(i) of that rule, the authorities are asked to provide a report on progress in implementing the pending recommendations by 31 March 2017. Moreover, pursuant to paragraph 2 (ii) a) of Rule 32, GRECO has instructed its President to send a letter – with a copy to the President of the Statutory Committee – to the head of delegation of Latvia underlining the need to take determined action with a view to achieving tangible progress as soon as possible.

## VII. Publication, translation and availability of adopted reports ([www.coe.int/greco](http://www.coe.int/greco))

26. The authorities of the members concerned are invited to authorise the publication of the reports adopted at the present meeting as soon as possible and, in that context, to adhere to the agreed action to be taken when publishing a report (GRECO 58, decision 26), in particular setting the publication date in consultation with the Secretariat.<sup>1</sup>

27. Moreover, the President called on the relevant authorities to authorise, with no further delay, the publication of the reports indicated below, placing a particular stress on the case of Belarus where authorisation to publish the first report on the country (adopted in June 2012) has still not been received:

- Belarus: Joint First and Second Round Evaluation Report (adopted June 2012), Compliance Report (adopted June 2014) and *Interim* Compliance Report (adopted June 2015)
- Turkey<sup>2</sup>: Fourth Round Evaluation Report (adopted October 2015)

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<sup>1</sup> GRECO asks its members to:

- agree a same-day publication date with the Secretariat
- clearly mark both the date of adoption and date of publication on the cover page
- make the national language version available and easily accessible on a domestic website
- notify the Secretariat of the location of the report by communicating the internet link to it
- include a link on the domestic website to the official language versions on GRECO's website.

<sup>2</sup> Authorisation was given to make the report public on 17 March 2016.

- Cyprus<sup>3</sup>; Turkey<sup>4</sup>: *Interim* Third Round Compliance Reports (adopted December 2015)
- Azerbaijan<sup>5</sup>: Addendum to the Second Third Round Compliance Report (adopted December 2015)

## VIII. Preparation of the Fifth Evaluation Round

### *Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*

#### *Exchange of views – corruption prevention and the promotion of integrity within the police*

28. Andreas WIESELTHALER, Director, Federal Anti-Corruption Bureau of the Federal Ministry of the Interior of Austria and Robert ŠUMI, Police Superintendent, Head of the Research and Social Skills Centre, General Police Directorate of Slovenia presented to the plenary the principle elements of the corruption prevention and integrity building programmes aimed at police services implemented in their respective countries.

29. In Austria, the code of conduct for police work and ethics developed by the Ministry of the Interior is based on the nationwide code of conduct for public employees. To introduce the code, the Federal Anti-Corruption Bureau (BAK) held discussions with all Ministry of the Interior employees on the values underlying the code and the benefits of the values promoted, as well as ethical decision-making and ethical dilemmas.

30. The police service is well trusted, but that trust must be earned and sustained. With that objective in mind a holistic compliance system has been gradually developed. A Chief Compliance Officer was appointed in the Human Resources Department of the Ministry of the Interior and Regional Compliance Officers in each regional Police Directorate. Their roles are to establish a culture of compliance, provide advisory services and implement risk management and value management systems that are tailored to the specific value culture and main focus of the work of the regional police force concerned. Value management implies changing mind-sets in order to change behaviour. Most compliance tools were already in place, e.g. disciplinary regulations, compliance management systems and complaints mechanisms, they just needed to be better synchronised within the compliance management system. Integrating value, risk and compliance management into promotion procedures is yet to be accomplished – vetting is considered very important in order to avoid recurring problems throughout a career.

31. Sponsoring – through, for example, the sale of advertising space in police journals – was an area identified by compliance officers as posing a corruption risk and, in response, the BAK has developed related regulations in collaboration with the Vienna Law School. New regulations on gifts and side jobs and other potential sources of conflict of interest, including possibly the holding of financial interests in businesses – are planned. In that context however it is important to bear in mind that police work can be part-time work and opportunities to do over-time can be limited so legislation reducing other sources of income might be difficult to pass.

32. The BAK is engaged in anti-corruption investigations in the police. Its prevention work is both personal/individual centred – one initiative being the personal ethics statement signed and kept by each member of the police force – and organisation centred – where investigations can provide a basis for developing prevention projects that look into structures, rules and regulations and procedures to identify weak spots that are addressed in the context of strategies that are implemented in the framework of an agreement concluded with the police organisation concerned.

<sup>3</sup> Authorisation was given to make the report public on 23 March 2016.

<sup>4</sup> Authorisation was given to make the report public on 21 March 2016.

<sup>5</sup> Authorisation was given to make the report public on 14 March 2016.

33. Under the nationwide anti-corruption strategy for the public administration developed by the BAK, a National Integrity Officers Network has been established and mandatory ongoing training is provided for public administration employees (with 90% funding from the European Union), a web-based coordination and communication platform will be set up and a game App has been developed aimed at 16-25 year olds that confronts the player with ethical dilemmas in 12 different professional fields.

34. For the purposes of the system in Slovenia, police professionalism is understood as manifesting itself in legality, expert knowledge and ethical behaviour. Ethical leadership and leading by example are considered essential, and integrity implies consistency between words and deeds, ethical conduct and a set of virtues.

35. Police ethics are approached both from the angle of control/repression and of prevention. Control is exercised through internal police supervision, and Ministry of the Interior supervision over individual areas of policing and based on reporting requirements. Complaints made by the public about police conduct are managed by the Ministry of the Interior – not investigated by the police. Internal security is assured by a special division of state prosecutors within the Office of the Prosecutor General responsible for investigating and prosecuting criminal offences involving police staff, disciplinary procedures as well as integrity plans (which form part of prevention efforts). External oversight is exercised by the Human Rights Ombudsman and the Information Commissioner as well as a well-developed NGO sector, and of course the media.

36. The national prevention policy was developed gradually. Pilot work was conducted between 2005 and 2007, and in 2008 a national working group was established. The group works outside the Police Academy so that the discussions it holds with all police officers on integrity issues can also include those who have completed their training. The Integrity and Ethics Committee was established in the police in 2011 and the Research and Social Skills Centre (one of its main focuses is integrity and ethics) was established in 2014. The Code of Police Ethics was developed in 2008.

37. In the course of that work it had become clear that repression alone does not guarantee durable prevention. Each police officer, irrespective of rank, needs to be aware of the importance of personal and organisational integrity. A positive approach that does not stigmatise has to be taken and the realities of day-to-day police duties (including the need to rely on team members in dangerous situations) and the other features of police work that lead to a specific sub-culture have to be borne in mind. A series of case studies and detailed workshops (ethics and morals, personal and organisational integrity, leading by example, leadership obligations, social responsibility/accountability, misguided solidarity – code of silence, etc.) have been very effective for demonstrating how integrity needs to form a cornerstone of each and every task and how once trust is lost it is very difficult to rebuild.

38. In the framework of international cooperation, the Slovenian General Police Directorate had contributed to the European Police College (CEPOL) Common Curriculum on Police Ethics and Integrity (2012) and the Council of the European Union Handbook of best practices for the self-assessment of law enforcement forces to prevent corruption and enhance integrity – 2014.

39. In the discussion following the two presentations, some stress was put on the need to bear in mind, when dealing with prevention measures within law enforcement bodies, that law enforcement work will normally be extensively regulated and that working and pay conditions, and the day-to-day challenges of the job often contribute to a specific culture that has to be well understood – a heavy reliance on solidarity was mentioned as an example, and in that respect, the need to promote well-intentioned solidarity. Prevention programmes that take those characteristics into account and place the focus on promoting positive behaviour rather than stigmatising are more likely to be successful. Codes of ethics/conduct and integrity building projects, as well as related compliance management,

usefully complement legislation – which itself needs to be appropriately explicit and comprehensive – by providing a perspective on the mission of law enforcement and the role in society of law enforcement personnel, defining expected behaviour and promoting positive examples. Codes should be inspirational and motivational in nature rather than an additional disciplinary tool. Ongoing training, internal discussion and advice on integrity issues are needed. Data related to complaints procedures can provide a good source for flagging up potentially persistent integrity problems in a specific area, as well as for risk analysis and management. Disciplinary and criminal cases will often reveal corruption-related issues.

40. Other questions that require careful consideration are whether integrity checks should be carried out only prior to recruitment or at different career stages – good role models in mentorship and leadership are very important. Rotation can prove effective if feasible from the point of view of knowledge and skills management.

41. With regard to defining, for the purposes of GRECO's Fifth Evaluation Round, which bodies have law enforcement functions, special mention was made of police functions that are outsourced to private companies – often in sectors managed by local authorities that can be particularly prone to corruption such as traffic related controls.

### ***Scope and content***

42. The Plenary discussed the scope and content of the 5<sup>th</sup> Evaluation Round (to be launched in 2017) using as a basis a document prepared by the Secretariat and reviewed by Bureau 75 which contained a set of lead questions (Greco(2016)3-rev). As agreed, the Plenary's comments were summarised by the Secretariat (Greco(2016)9) and communicated to the Working Party (WP-Eval V) entrusted with assisting GRECO in the preparation of the new round in advance of its first meeting (Strasbourg, 6-7 April 2016). After that first phase of its work, WP-Eval V will report back to the Plenary (GRECO 72, 27 June – 1 July 2016).

## **IX. General Activity Report - 2015**

43. GRECO adopted its Sixteenth General Activity Report (Greco(2016)1-fin) which outlines the results of its core evaluation and compliance work in 2015. It also draws attention to the Council of Europe's multidisciplinary approach to corruption through work in a variety of other structures of the Organisation and provides details of GRECO's extensive external relations. The feature article, contributed by Magnus ÖHMAN, Senior Political Finance Advisor at the International Foundation for Electoral Systems (IFES), is on the topic of *Transparency in political finance – public and civil society oversight*.

44. The report is to be forwarded to GRECO's Statutory Committee and to the Committee of Ministers of the Council of Europe, in accordance with Article 8, paragraph 1, iii of the Statute. It will be presented by GRECO's President to the 1258<sup>th</sup> meeting of the Ministers' Deputies (1 June 2016) and made available to the public (web and print editions) immediately after that date. GRECO delegations are invited to maximise its distribution and to make the feature article available to a broad readership by translating it into their national languages.

## **X. Exchange of views – Kyrgyz Republic**

45. As follow-up to the exchange of views held at GRECO's 68<sup>th</sup> Plenary Meeting in June 2015 (cf. summary report of the meeting, Greco (2015) 10E), the President welcomed a delegation from the Kyrgyz Republic composed of Liudmila USMANOVA, Deputy Prosecutor General, Talantbeck MAMYROV, Senior Prosecutor, Department of International Legal Co-operation, Office of the



Prosecutor General and Kalyskhan KHASANOVA, National Programme Officer, Economic and Environmental Dimension, OSCE Centre Bishkek.

46. An up-date was provided of strategic national anti-corruption initiatives and measures implemented in the context of the bilateral Council of Europe Neighbourhood Co-operation Priorities for the Kyrgyz Republic 2015-2017 - which includes a chapter designed specifically with the future ratification of the Council of Europe's anti-corruption conventions and accession to GRECO in mind – as well as in the context of implementation of the United Nations Convention against Corruption, and in the framework of the OECD Anti-corruption Network for Eastern Europe and Central Asia.

47. Strong political will has driven significant legislative reform aimed at carrying a message of zero tolerance of corruption in public institutions. GRECO welcomed once again the authorities' interest in joining GRECO in the future and they were encouraged to continue their efforts in the context of cooperation with the Council of Europe. The authorities named as an important challenge the need to identify the deep causes of corruption and to develop effective preventive measures. The dismantling of the country's dedicated anti-corruption agency in favour of a concentration of competencies in the law enforcement agencies was questioned in that context.

#### **XI. Parliamentary Assembly of the Council of Europe (PACE) Recommendation 2087 (2016) – *Judicial corruption: urgent need to implement the Assembly's proposals***

48. In response to a request by the Committee of Ministers (1247<sup>th</sup> meeting of the Ministers' Deputies – 10-11 February 2016) GRECO adopted comments on the Assembly's Recommendation 2087 (2016) as contained in document Greco(2016)4-fin in which GRECO welcomes the Assembly's call for the elaboration of a model code of conduct directed at judicial officials along the lines of the model code for public officials set out in Recommendation No. R (2000) 10 of the Committee of Ministers. It also draws attention to how important it is that codes of conduct for members of the judiciary include concrete guidance for resolving ethical dilemmas in the form of explanatory comments and/or practical examples and that regular practice-oriented training and confidential counselling are offered. In addition, appropriate and efficient mechanisms for enforcement need to be in place. In response to a question about which standard setting body might be likely to be tasked with preparing a draft model code of conduct, the Secretariat replied that the Consultative Council of European Judges (CCJE) would be likely as it deals specifically with ethical conduct of judges. The Secretariat was instructed to forward the comments to the Secretariat of the Committee of Ministers.

#### **XII. European Union participation in GRECO**

49. The Executive Secretary informed the plenary that he had been contacted by European Commission secretariat members early in 2016. First, enquiries had been made by DG Home about possibilities for cooperation in the context of conferences, etc. – none of which are foreseen on GRECO's 2016 work programme which is taken up for the most part by its monitoring work. There might be opportunities for the participation of GRECO experts in workshops organised as follow-up to the EU Anti-Corruption Report, but the thematic focus on public procurement does not fit closely with work currently underway in GRECO. Second, he had met with representatives of the Legal Service, External Relations that would be the service that would be involved in any discussions between the legal services of the Commission and the Council of the European Union on the legal aspects of a possible accession of the EU to GRECO.

50. The Plenary expressed its concern about the apparent lack of concrete progress towards accession of the European Union to GRECO since the Commission adopted a Communication on the

matter in October 2012.<sup>6</sup> In the absence of information addressed to it directly by the European Commission, GRECO took note of a written question from a group of MEPS (written question no. E-013204-15 of 29 September 2015 on the subject *EU membership in GRECO*) asking the European Commission when it intends to become a full member of GRECO and whether the Commission is prepared to set an ambitious date. In reply, European Commissioner Dimitris AVRAMOPOULOS reiterates the Commission's commitment to participation in GRECO and states that discussions between the Commission and the Council of the European Union on the details for such participation are ongoing and that a specific date cannot yet be given (written answer of 9 February 2016).

51. Note was also taken of the document *EU priorities for cooperation with the Council of Europe in 2016-2017* adopted by the Council of the European Union on 18 January 2016, in which it is again stated that EU participation in GRECO could contribute to more co-ordinated anti-corruption policies in Europe and strengthen the impact of their respective anti-corruption endeavours, that the analysis of the implications of full participation of the EU in GRECO is still ongoing, and also that participation remains the long-term objective.

### **XIII. Item 4 - Topical anti-corruption developments/events in member States**

52. Under Item 4 of the Plenary's agendas, delegations are invited to share information outside the statutory evaluation and compliance reporting cycles. The information reported by delegations is summarised below.

#### ***Azerbaijan***

53. The working group of the National anti-corruption commission composed of representatives of the public sector and civil society has been reviewing the results of the National anti-corruption strategy plan implemented for the years 2012-2015. A preliminary analysis and evaluation shows that anti-corruption efforts were in tune with the programme of broad public sector and economic reforms announced by the President at the annual session of the Cabinet of Ministers in late December 2015. Areas of public administration that had attracted criticism in the past had been primary targets of that action, for example public procurement, financial regulation and customs. Other steps include plans for substantial reform of the customs service, mainly through the introduction of electronic services, with a view to promoting the establishment of Azerbaijan as a regional transportation hub. The public procurement agency which failed to reach the objectives set has been disbanded and its functions are to be transferred to a new agency which is being designed in consultation with international experts. The functions of the banking and financial regulators as well as financial intelligence services have been outsourced to a public law legal person in an effort to remove the various barriers generated by state bureaucracy and to enable greater scrutiny of those services.

54. Along with those major institutional reforms, the government has made efforts to increase scrutiny of decision-making in public institutions. To that end, national and regional administrative appeal councils have been established in order to look into the grievances of private parties. Compared to the previous mechanisms, the new review procedures provide for minimum formalities. Finally, in the context of the recent reforms measures are being taken aimed at securing the transparency and accountability of private sector agencies implementing public functions. For example, the articles of association of the state oil and national television companies have been amended by a Presidential Ordinance that introduces collegial management boards.

#### ***Bosnia and Herzegovina***

55. Parliament has established a special working group to look into changes to the Election Law and the Law on the Financing of Political Parties and it is hoped that positive steps will be reported in the

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<sup>6</sup> *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the Participation of the European Union in the Council of Europe Group of States against Corruption (GRECO)* – Brussels, 19.10.2012 COM(2012)604 final.

context of the preparation of the 3<sup>rd</sup> Third Round *Interim* Compliance Report which is scheduled for adoption at GRECO's June 2016 plenary meeting.

#### ***Cyprus***

56. A National Anti-Corruption Strategy is currently being deployed, under the Ministry of Justice having the cordial support of the President of the Republic himself, aiming to cover nationwide all aspects of public life vulnerable to corruption. In this effort, the Attorney General of the Republic, head of the Legal Service in which the Delegation serves, gave clear directions as to the top priority that should be given to anti-corruption policies.

57. The Law on the Election of Political Parties was recently amended to guarantee inter alia a more effective mechanism for improved oversight by the General Auditor of the pre-election expenses of all candidates.

#### ***Greece***

58. Legislation adopted in March 2015 (Law 4320/2015) has replaced the National Anti-corruption Coordinator with a fully independent General Secretariat against Corruption (GSAC) placed under the supervision of the Deputy Minister of Justice. The GSAC's secretariat – composed of 30 persons, half of them public officials – is responsible for ensuring the coherent and effective implementation the strategic National Anti-Corruption Plan<sup>7</sup>, coordinating the fight against fraud, cooperation with international organisations and institutions, and resolving issues that might result from overlapping responsibilities of the domestic departments or agencies involved in the fight against corruption. Four units deal with the National Strategic Plan, action against fraud (AFCOS), legislation, and administration respectively. The GSAC also includes four offices for the coordination of action and operational planning of: the Financial and Economic Crime Unit (SDOE), the Economic Police Directorate, the internal audit units of all ministries, and the Body of Inspectors of Health Services and Welfare (SEYYP).

#### ***Ireland***

59. Prior to the 2016 general election, the government published a new Public Sector Standards Bill that addresses one of the weaknesses in the country's anti-corruption system – that the Standards in Public Office Commission cannot initiate an investigation without first receiving a complaint. This draft legislation deals with that issue by foreseeing greater powers of investigation for the Commissioner, through the establishment of a Deputy Commissioner (who will be independent in terms of the investigations functions). It is expected that the new government will advance the draft legislation which aims to significantly enhance the existing framework for identifying, disclosing and managing conflicts of interest as well as minimising corruption risks; ensuring that the institutional framework for oversight, investigation and enforcement is robust and effective with the Commissioner having stronger powers of sanction and enforcement in relation to a range of contraventions as well as a broader role in the provision of advice and guidance.

#### ***Italy***

60. In addition to work on implementation of the EU Framework Decision on Corruption in the Private Sector and for the ratification of the Council of Europe's Additional Protocol to the Criminal Law Convention on Corruption (ETS 191), the development of a new Public Procurement Code is of particular note.

61. The Council of Ministers has approved a draft of the Public Procurement Code prepared pursuant to enabling legislation - Law no. 11 of 28 January 2016 - which established principles to guide the government in the preparation of the new code which is to serve the purposes of harmonising rules on transparency, publicity, sustainability and traceability in public procurement, to contribute to the fight against corruption, avoid conflicts of interest and promote transparency. The tools that serve those

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<sup>7</sup> (<http://www.gsac.gov.gr/index.php/el/2015-08-12-10-16-53>)

objectives include the development of a clear and simple institutional framework and the replacement of more than a thousand national - and an even greater number of regional - regulatory provisions by just over 200 new provisions.

62. “Gold plating” when implementing European Union legislation will be explicitly prohibited, and a few hundred professional decision-making bodies will replace the some 120 000 bodies currently authorised to attribute public contracts. This will concentrate and improve supervision. The new draft code limits the situations in which simplified or negotiated procurement procedures can be used – derogations will apply only in the event of serious natural disasters; any other derogation to the rules – for example in the context of the organisation of major international sporting events – is to be explicitly excluded. It is planned that all documents pertaining to calls for tenders will be fully accessible, including electronically, to encourage broad participation.

63. Under the new code the national anti-corruption authority (ANAC) will be given powers to check and verify procurement procedures, as well as the execution of public contracts – a stage previously neglected in procurement legislation. It is foreseen that companies executing public contracts will be obliged to use dedicated accounts for all payments. It is also planned that the ANAC will be made responsible for adopting the various texts pertaining to public procurement procedures, for example model calls for tenders, model contracts and guidelines, and will establish memoranda of understanding with the public procurement decision-making bodies.

#### ***The Netherlands***

64. Discussions recently held with members of parliament in the broader context of integrity issues in the Netherlands also provided an opportunity to discuss progress made and further steps to be taken in the near future in the context of the preparation of the situation report to be submitted under the Fourth Round non-compliance procedure.

#### ***San Marino***

65. The Ministry of Justice has signed a cooperation agreement with the National Anti-Corruption Authority (ANAC) of Italy that will make it possible for San Marino to benefit from best practices in Italy, for example for the follow-up given to recommendations formulated by GRECO in the framework of the Joint First and Second Evaluation Rounds, notably with respect to training for judges, the police and public officials. On 8 March 2016 – date on which the agreement was signed – judges, the police and public officials participated in a full day of training given by ANAC officials and judges designated by the Italian *Scuola Superiore della Magistratura* (Superior School of the Magistracy). This cooperation, which results from initial contacts between the two delegations in GRECO, is highly valuable for a country like San Marino that does not have an equivalent anti-corruption Authority.

#### ***Ukraine***

66. The on-going work to select candidates for the National Agency for Prevention of Corruption (NAPC) is the task of a special competition commission. Four members of the NAPC had been selected and one further vacant post had been announced. It is expected that the NAPC will start its work by end March 2016. The National Anti-Corruption Bureau (NABU) which is specialised in investigating corruption offences committed by senior officials became operational when the Office of the Specialised Anti-corruption Prosecutor started its work. The Head of NABU was appointed already in April 2015. The Head of the Office of the Specialised Anti-corruption Prosecutor was appointed in November 2015.

67. An electronic system for the declaration of assets by public officials was introduced in March 2016. The system, which has been developed in co-operation with UNDP and the World Bank, is to become an open data system connected to other data bases, allowing for the detection of false declarations as well as spotting potential conflicts of interest. At the same time, amendments to the

pertinent law that would have postponed implementing the system until 2017 were rejected by the parliament.

68. In November 2015 the National Asset Recovery Office was established by law. That legislation was the result of co-operation with the OECD and the U.S. State Department. This Office is empowered to carry out searches, evaluate and manage assets and to work at the international level in order to return assets obtained from corruption, etc. to Ukraine. The new law is compatible with related EU directives.

#### **XIV. Adoption of decisions**

69. The decisions of the 71<sup>st</sup> Plenary Meeting were adopted as they appear in document Greco(2016)7.

#### **XV. Forthcoming meetings**

70. The Bureau will hold its 76<sup>th</sup> meeting in Vienna on 20 May 2016. GRECO's 72<sup>nd</sup> Plenary Meeting will be held in Strasbourg on 27 June – 1 July 2016.

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**Interim Compliance Reports / Rapports de conformité intérimaires**

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Ms Valerie CONKLIN (15/03)

**71<sup>st</sup> GRECO PLENARY MEETING**

**71<sup>ème</sup> REUNION PLENIERE DU GRECO**

<b>AGENDA</b>		<b>ORDRE DU JOUR</b>	
1.	Opening of the meeting <b>9.30 am</b>	Ouverture de la réunion <b>09h30</b>	
2.	Adoption of the agenda	Adoption de l'ordre du jour	
3.	Information from the President and the Executive Secretary	Communication du Président et du Secrétaire Exécutif	
4.	Topical anti-corruption developments/events in member States	Développements/événements anti-corruption d'actualité dans les Etats membres	
5.	<b>First reading</b> Evaluation Report – Third Round Liechtenstein ..... <b>Monday</b> San Marino ..... <b>Tuesday</b>	<b>Première lecture</b> Rapport d'Evaluation – Troisième Cycle Liechtenstein ..... <b>lundi</b> Saint-Marin ..... <b>mardi</b>	
6.	<b>Adoption</b> 2 <sup>nd</sup> Compliance Report – Third Round <b>Austria</b> <b>Belgium</b> <b>Germany</b> <b>Sweden</b> <b>United States of America</b>	<b>Adoption</b> 2 <sup>e</sup> Rapport de Conformité – Troisième Cycle <b>Autriche</b> <b>Belgique</b> <b>Allemagne</b> <b>Suède</b> <b>Etats-Unis d'Amérique</b>	
7.	<b>Adoption</b> Compliance Report – Fourth Round <b>Albania</b> <b>Denmark</b> <b>France</b>	<b>Adoption</b> Rapport de Conformité – Quatrième Cycle <b>Albanie</b> <b>Danemark</b> <b>France</b>	
8.	<b>Adoption</b> <i>Interim</i> Compliance Report – Fourth Round <b>Iceland</b> <b>Latvia</b>	<b>Adoption</b> Rapport de Conformité <i>intérimaire</i> – Quatrième Cycle <b>Islande</b> <b>Lettonie</b>	
9.	<b>Selection of rapporteur countries</b> Fourth Round Compliance Procedure: Azerbaijan (Bureau 75 proposal for approval)	<b>Sélection des pays rapporteurs</b> Procédure de conformité du Quatrième Cycle : Azerbaïdjan (proposition du Bureau 75 pour approbation)	
10.	<b>Fifth Evaluation Round</b> Exchange of views – corruption in law enforcement agencies • Robert ŠUMI, Police Superintendent, Head of Research and Social Skills Centre, Ljubljana • Andreas WIESELTHALER, Director, Federal Bureau of Anti-Corruption (BAK), Vienna <b>Wednesday, 2.30 pm</b>	<b>Cinquième Cycle d'Evaluation</b> Echange de vues – corruption au sein des services répressifs avec • Robert ŠUMI, <i>Police Superintendent, Head of Research and Social Skills Centre, Ljubljana</i> • Andreas WIESELTHALER, <i>Director, Federal Bureau of Anti-Corruption (BAK), Vienne</i> <b>Mercredi, 14h30</b>	
11.	<b>Fifth Evaluation Round</b> Substantive issues to be covered under the round – discussion structured around lead questions prepared by the Secretariat	<b>Cinquième Cycle d'Evaluation</b> Points de fond à examiner dans le cadre du cycle – discussion autour de questions-clés préparées par le Secrétariat	

12. <b>General Activity Report 2015</b> Adoption (draft approved by Bureau 75 – written procedure)	<b>Rapport général d'activités 2015</b> Adoption (projet approuvé par le Bureau 75 – procédure écrite)
13. <b>Exchange of views – Kyrgyz Republic</b> <ul style="list-style-type: none"> <li>• Liudmila USMANOVA, Deputy Prosecutor General</li> <li>• Talantbeck MAMYROV, Senior Prosecutor, Department of International Legal Co-operation, Office of the Prosecutor General</li> <li>• Kalyskhan KHASANOVA, National Programme Officer, Economic and Environmental Dimension, OSCE Centre Bishkek</li> </ul> <p style="text-align: right;"><b>Wednesday, 4.30 pm</b></p>	<b>Echange de vues – République Kirghize</b> <ul style="list-style-type: none"> <li>• Liudmila USMANOVA, Adjointe du Procureur général</li> <li>• Talantbeck MAMYROV, Procureur principal, Direction de la coopération juridique internationale, Bureau du Procureur général</li> <li>• Kalyskhan KHASANOVA, Administrateur de programme national, Dimension économique et environnementale, Centre de l'OSCE Bichkek</li> </ul> <p style="text-align: right;"><b>Mercredi, 16h30</b></p>
14. <b>Parliamentary Assembly of the Council of Europe Recommendation 2087 (2016) – Judicial corruption: urgent need to implement the Assembly's proposals</b> Adoption of Comments (draft approved by Bureau 75 – written procedure)	<b>Assemblée parlementaire du Conseil de l'Europe Recommandation 2087 (2016) – La corruption judiciaire : nécessité de mettre en œuvre d'urgence les propositions de l'Assemblée</b> Adoption de Commentaires (projet approuvé par le Bureau 75 – procédure écrite)
15. <b>European Union participation in GRECO</b> Latest developments	<b>Participation de l'Union européenne au GRECO</b> Développements récents
16. <b>Second reading and adoption</b> Evaluation Report – Third Round <b>Liechtenstein</b> <b>San Marino</b> <p style="text-align: right;"><b>Friday</b></p>	<b>Deuxième lecture et adoption</b> Rapport d'évaluation – Troisième Cycle <b>Liechtenstein</b> <b>Saint-Marin</b> <p style="text-align: right;"><b>Vendredi</b></p>
17. Miscellaneous	Divers
18. Adoption of decisions	Adoption des décisions
19. Dates of next meetings	Dates des prochaines réunions
20. Close of the meeting <p style="text-align: right;"><b>Friday, 12 noon</b></p>	Fin de la réunion <p style="text-align: right;"><b>vendredi, 12h00</b></p>