



Groupe d'Etats contre la corruption
Group of States against corruption

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**FIRST GENERAL ACTIVITY REPORT
OF GRECO
(SEPTEMBER 1999 – DECEMBER 2000)**

Strasbourg, 18 December 2000

Document prepared by the
Secretariat of GRECO

FIRST GENERAL ACTIVITY REPORT OF GRECO (SEPTEMBER 1999 – DECEMBER 2000)

Terms of reference

This is the general activity report of the Group of States against Corruption - GRECO for the period between September 1999 and December 2000. It is submitted under Article 8 § 3 of the Agreement Establishing GRECO and Rule 37 of the Rules of Procedure of GRECO.

Executive summary

GRECO started functioning in September 1999. By December 2000, 26 States had become members of GRECO. In the period between September 1999 and December 2000 GRECO adopted its Rules of Procedure, elected its President, Vice-President and the other members of its Bureau and fixed the modalities of its first round of supervision (2000-2001). It also conducted 9 evaluation visits and adopted ... evaluation reports. GRECO's first Executive Secretary was also appointed during the period in question.

Establishment of GRECO

The setting up of GRECO was authorised by the Committee of Ministers of the Council of Europe (hereafter Committee of Ministers) by virtue of Resolution (98)7. By the end of April 1999 the necessary number of States had notified the Secretary General of the Council of Europe (hereafter the Secretary General) of their will to be members and on 1 May 1999 the representatives to the Committee of Ministers of Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, the Slovak Republic, Slovenia, Spain and Sweden adopted Resolution (99)5 establishing GRECO. The Statute of GRECO was appended to that resolution.

According to its Statute, the aim of GRECO is to improve the capacity of its members to fight corruption by following up, through a dynamic process of mutual evaluation and peer pressure, compliance with their undertakings in this field. In order to achieve this aim, GRECO monitors the observance of the Guiding Principles for the Fight against Corruption, which were adopted by the Committee of Ministers on 6 November 1997 (hereafter the GPCs), as well as the implementation of relevant international legal instruments in conformity with the latter's provisions.

Membership

GRECO is a Partial and Enlarged Agreement open to the membership, on an equal footing, of Council-of-Europe Member States, non-member States having participated in its elaboration and other non-member States having been invited to join it. By December 2000, GRECO had 27 members, the 17 founding States and Bosnia-Herzegovina (date of accession 24 February 2000), Denmark (2 August 2000), Georgia (15 September 1999), Hungary (8 July 1999), Latvia (26 July 2000), Poland (19 May 1999), "the Former Yugoslav Republic of Macedonia" (6 October 2000), the United Kingdom (17 September 1999), the United States of America (19 September 2000) and Croatia (2 December 2000).

Adoption of the Rules of Procedure, Election of the Bureau, Working Methods and Preparation of the First Evaluation Round

Greco's first meeting

The Statutory Committee, composed of the representatives on the Committee of Ministers of the Members States of the Council of Europe that are also members of GRECO and of representatives specifically designated to that effect by the other members of GRECO, having adopted on 5 July 1999 a budget for GRECO for the period between 1 September and 31 December 1999, GRECO's first meeting was convened between 4 and 6 October 1999. The list of representatives appointed by member countries to sit on GRECO, according to Article 6 of the Statute, figures in appendix 1. At its first meeting GRECO adopted its Rules of Procedure, which entered into force on 1 November 1999.

Greco's second meeting

A second meeting was held between 1 and 3 December 1999. On that occasion GRECO elected Mr M. Gauthier from France as President and Mr D. Kos from Slovenia as Vice-President. Messrs B. Kinney from the United Kingdom, A. Kara from Hungary and M. Möhrenschrager from Germany were elected members of the Bureau.

GRECO also fixed the modalities for the first evaluation round (hereafter FER), which would run from 1 January 2000 to 31 December 2000. The 20 GPCs were divided into several thematic groups for this purpose. It was decided that FER would concentrate on a review of the application of specific principles selected from different but not necessarily all the groups. GPCs that were directly linked to the Criminal and Civil law Conventions, which had not yet entered into force, would be excluded. GRECO decided to select GPC no. 3 on the independence, autonomy and powers of persons or bodies in charge of preventing, investigating, prosecuting, and adjudicating corruption offences, GPC no. 6 on the immunities from investigation, prosecution or adjudication of corruption offences and GPC no. 7 on the specialisation, means and training of persons or bodies in charge of fighting corruption.

Furthermore, GRECO decided, for the purposes of FER, to divide its membership in two groups, the first consisting of the Members to be evaluated in 2000 (Belgium, Cyprus, Finland, France, Georgia, Luxembourg, the Slovak Republic, Slovenia, Spain and Sweden) and the second of those to be evaluated in 2001 (the remaining 11 members). GRECO invited its Bureau to start the preparation of the draft questionnaire for FER, if necessary with the assistance of scientific experts. In addition to questions on the selected GPCs, the questionnaire would contain a general part seeking background information on the perception of the problem of corruption and on the relevant legislative and institutional framework. Moreover, GRECO recalled the obligation of all Members to propose experts for the evaluation teams. This would enable the Bureau to prepare proposals concerning the composition of these teams for 2000.

Finally, GRECO approved its Programme of Activities for 2000, which was transmitted to the Statutory Committee.

The Bureau's first three meetings

GRECO's Bureau met for the first time immediately after the second Plenary meeting. At its second meeting in Paris between 24 and 25 February 2000 the Bureau took note of a preliminary draft questionnaire prepared by the Secretariat. It also laid down criteria for the composition of the evaluation teams and delegated to the President the task of formulating, with the Executive Secretary, concrete proposals in this connection for 2000. At its third meeting in Strasbourg on 2 May 2000 the Bureau decided to propose to the Plenary to conduct, during FER, evaluation visits to each of the countries concerned.

List of evaluators compiled

A list of evaluators was prepared, in accordance with Article 10 § 4 of the Statute, on the basis of proposals made by members. This list figures in appendix 2.

Greco's third meeting

GRECO's third meeting was held between 3 and 5 May 2000. On that occasion GRECO approved the questionnaire for FER and set 1 July 2000 as the date by which members in Group A should send their replies. It also decided on the composition of the teams responsible for conducting the evaluation of Group-A members and instructed them to analyse the respective replies to the questionnaire. Finally, it decided to hold country visits as part of FER and instructed its Bureau to organise such visits as from the autumn 2000.

The Bureau's fourth and fifth meetings

At its fourth meeting in Paris between 27 and 28 June 2000 the Bureau considered a number of practical issues in connection with the evaluation visits – their length, which authorities to meet and relations with the press - and studied the draft programmes for some of those forthcoming. It also discussed the structure of the evaluation reports. At its fifth meeting, which was held in Istanbul on 14 November 2000, the Bureau discussed the procedure for the examination and adoption of the evaluation reports by the Plenary, including the question of the intervenors - i.e. representatives from particular countries who would be invited to ask questions on specific evaluation reports. It also discussed GRECO's programme of activities and the final and complementary budget for 2001.

Evaluation visits

Between September and November 2000 GRECO conducted evaluation visits to the following eight countries:

Slovenia visited on 12-14 September 2000 by an evaluation team composed of Mr P. Garaj (law-enforcement expert), Mr A. Vercher Noguera (criminal-justice expert) and Mr J. Garstka (policy expert),

Slovakia visited on 26-28 September 2000 by Ms O. Merényi (law-enforcement expert), Ms K. Kull (criminal-justice expert) and Mr T. Axelsson (policy expert),

Finland visited on 3-5 October 2000 by Mr Á. Eördögh (law-enforcement expert), Mr W. Schmid, (criminal-justice expert) and Mr K. Åberg (policy expert),

Belgium visited on 10-12 October 2000 by Mr J. Neuens (law-enforcement expert), Mr J. J. Lopez Ortega (criminal-justice expert) and Mrs N. Iliescu (policy expert),

Georgia visited on 16-20 October 2000 by Mr R. Smith (law-enforcement expert) Mr J. Szymanski (criminal-justice expert) and Mr G. Rupchev (policy expert),

Spain visited on 6-8 November 2000 by Mr J. Farinade (law-enforcement expert), Mr N. Jansen (criminal-justice expert) and Ms R. Fitzgerald (policy expert),

Luxembourg visited on 7-9 November 2000 by Mr J. Keränen (law-enforcement expert), Mr V. Ponta (criminal-justice expert) and Mr J.-P. Bueb (policy expert) and

Sweden visited on 21-23 November 2000) by Mr M. Ratassepp (law-enforcement expert), Mrs E. Rossidou Papakiriadou (criminal-justice expert) and Mrs C. Hubbard (policy expert).

One more visit will be conducted in Cyprus from 19 to 21 December 2000. The evaluation team will be composed by Mr R. Gaspar (law-enforcement expert), Mr P. Nikoloudis (criminal-justice expert) and Mr K. Stroligo (policy expert).

The visit to France, a Group-A member, will be conducted in January 2001.

Adoption of Evaluation Reports

Bureau's sixth meeting

On 11 December 2000 the Bureau met in Strasbourg in order to prepare the fourth meeting of the Plenary.

Greco's fourth meeting

At its fourth meeting, which was held between 12 and 15 December 2000, GRECO adopted, by consensus, the reports on Belgium, Slovenia and Slovakia. It also approved its Programme of Activities for 2001, which was transmitted to the Statutory Committee.

Other

GRECO's first Executive Secretary, Mr M. Lezertua, was appointed by the Secretary General in November 1999.

Appendix 1

List of representatives appointed to sit on GRECO (as on 29 November 2000)

BELGIUM / BELGIQUE (to be confirmed in writing)

Mme Isabelle VAN HEERS, Magistrat d'assistance auprès de l'Office Central pour la Répression de la Corruption, Palais de la Justice - Extension, Rue des Quatre Bras, 13, 1000 BRUXELLES

BOSNIA-and-HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Nedžad HADZIMUSIC, Ambassador, Director for Political Multilateral Relations and Co-operation, Ministry of Foreign Affairs, Musala 2, 33 SARAJEVO

Substitutes:

Mr Barisa COLAK, Ministre de la Justice de la Fédération de Bosnie-Herzégovine, Ministère de la Justice de la Fédération de Bosnie-Herzégovine, Valtera Perica, 15/3, 33 SARAJEVO

Mme Gordana CENIC-JOTANOVIC, Adjointe au Ministre des Finances de la Republika Srpska ; Ministère des Finances de la Republika Srpska, Vuka Karadzica, 4, 51 BANJA LUKA

BULGARIA / BULGARIE

Mr Georgi RUPCHEV (Head of Delegation), State Expert, Directorate of Legislation, Ministry of Justice and European Legal Integration, Slavianska Street 1, 1040 SOFIA

Mme Emiliena POPOVA, Procureur, Bureau du Procureur Général, 2 Vitosha Blvd, 1040 SOFIA

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Representative to be designated. Provisional contact:

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ESTONIA / ESTONIE

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FINLAND / FINLANDE

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Ms Raija TOIVIAINEN, State Prosecutor, The Office of the Prosecutor General, P.O. Box 333, 00181 HELSINKI

FRANCE

M. Michel GAUTHIER (**President of GRECO / Président du GRECO**), Magistrat Chargé de Mission, Service des Affaires Européennes et Internationales (SAEI), Ministère de la Justice, 13 Place Vendôme, 75042 PARIS Cedex 01

Mme Pascale LABROUSSE (Chef de Délégation / Head of Delegation), Magistrat, Direction des Affaires Criminelles et des Grâces, Ministère de la Justice, 13, Place Vendôme, 75001 PARIS

Mme Claudine JACOB, Magistrat, Chargée de mission auprès du Directeur des Affaires Juridiques, Ministère des Affaires Etrangères, 37 Quai D'Orsay, 75007 SP PARIS

GEORGIA / GEORGIE

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GERMANY / ALLEMAGNE

Mr Manfred MÖHRENSCHLAGER, Head of Section, Bundesministerium der Justiz, D -11015 BERLIN

Substitute:

Mr Edgar RADZIWILL, Bundesministerium der Justiz, D -11015 BERLIN

GREECE / GRECE

Mr Nestor COURAKIS, Professor of Criminology, University of Athens, c/o Mrs ARVANITI, Department of International Relations, Ministry of Justice, Messogion 96, ATHENS 11527

Mr Charalambos PAPACHARALAMBOUS, Lawyer, Special Collaborator to the Minister Of Justice, c/o Mme ARVANITI, Section des Relations Internationales, Ministère de la Justice, Messogion 96, ATHENES 11527

HUNGARY / HONGRIE:

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LATVIA / LETTONIE

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Substitute:

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Mme Claudine KONSBRUCK, Attaché de Gouvernement 1er en rang, Ministère de la Justice, 2934 LUXEMBOURG Ville

POLAND / POLOGNE

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ROMANIA / ROUMANIE

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SLOVENIA / SLOVENIE

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APPENDIX 2

LIST OF EVALUATORS

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Mr Vladimir KONSTANTINIDI, Senior Specialist at the Personal Department, Ministry of State Incomes, 77a – 67, Tsereteli avenue, TBILISI

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(RESERVE)

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HUNGARY / HONGRIE:

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