

THE PRESIDENT

Please quote: DGI/WR/BJ/er

Mr Jesper HJORTENBERG
Chair of the CDPC

Strasbourg, 7 May 2014

Dear Mr Hjortenber,

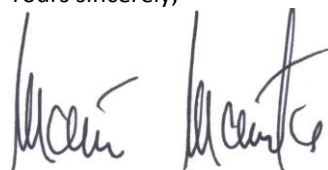
Thank you for your letter of 25 March 2014 concerning the implementation of the Committee of Ministers' decision of 10 April 2013 on the review of Council of Europe Conventions and the responsibilities of the CDPC and relevant convention-based bodies in this respect. Your request for information - as far as GRECO is concerned - is limited to the Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS 191).

As you are aware, the Council of Europe was a pioneering standard-setter in this area at the time of the adoption of these instruments. This was confirmed, not least, when the UN Convention against Corruption - to a large extent providing equivalent provisions - was adopted several years later.

The Criminal Law Convention on Corruption and its Additional Protocol have been ratified by a large majority of Council of Europe member States: ETS 173 by 44 member States (and Belarus) and ETS 191 by 35 member States. GRECO monitored, in detail, some of the provisions of ETS 173 in the Second Round Evaluations and the bulk of the provisions of ETS 173 and ETS 191 under its Third Evaluation Round. The evaluations and the following compliance procedures are still ongoing in respect of a number of States. It should be noted that all GRECO members have agreed to such monitoring, regardless of whether these instruments have been ratified or not. In this context, it is also worth mentioning that GRECO recommendations are not only limited to criminal law compliance with the provisions under scrutiny but, also, to the ratification of these instruments and/or withdrawal of reservations whenever appropriate. GRECO has been rather successful in this respect.

As you are aware, on 21 June 2013, GRECO discussed the feasibility of an additional protocol to the Criminal Law Convention on Corruption to cover the non-profit sector and agreed then that it was premature to take a firm decision as the question merited further consideration, notably, in the light of the outcome of the work underway within the enlarged Partial Agreement on Sport (EPAS) on a draft Convention against manipulation of sports competitions. As this work is still ongoing, GRECO's position in this respect remains the same to date. That said, your letter will be discussed in the next Bureau meeting of GRECO (23 May 2014) and in the following plenary meeting of GRECO on 16-20 June 2014. Only after these dates, will I be in a position to provide further information about these issues.

Yours sincerely,



Marin MRČELA