

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 6 September 2018

GT-EP(2018)3

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

**WORKING GROUP ON PUBLIC ETHICS
(GT-EP)**

**REPORT ON THE FIRST MEETING OF THE WORKING GROUP
7-8 JUNE 2018, COUNCIL OF EUROPE, STRASBOURG**

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Department

*This document is public. It will not be distributed at the meeting. Please bring this copy.
Ce document est public. Il ne sera pas distribué en réunion. Prière de vous munir de cet exemplaire.*

Mr Paul-Henri Philips (Belgium, Brussels-Capital Region) and Ms Rikke Marie Rud (Denmark) were elected chair and vice-chair respectively of the working group. The annotated agenda was adopted as set out in Appendix I. Appendix II contains the list of participants.

The first part of the meeting served to situate the public ethics work of the CDDG in its broader context by looking at:

- the origins of the 2004 Handbook on good practice on public ethics at local level;
- the developments since then in Council of Europe standard setting, monitoring and cooperation activities;
- OECD instruments and activities¹;
- developments in legislation, policy and practice in member States, at local, regional and national levels.

The statements and links to the documents or institutions presented are available at <https://www.coe.int/en/web/good-governance/public-ethics>.

The second part of the meeting focused on the purpose and content of the Handbook as well as its role in relation to the future guidelines on public ethics and the Public Ethics Benchmarking tool of the Centre of Expertise. Particular attention was given to the task of the CDDG to ensure that all instruments are relevant and applicable not only at the local level but also at the regional and national levels of governance and address the concerns expressed by the Secretary General in his reports on the state of democracy, human rights and the rule of law.

The working group agreed the following:

The 2004 [Handbook of Good Practice on Public Ethics at Local Level](#) requires thorough revision in terms of both topics and structure, including an overview of fundamentals and principles for comprehensive integrity mechanisms in member States. The format and language should also be simplified, shortened and more accessible. While the principles themselves will be further elaborated in the guidelines on public ethics, the new handbook will be based on existing good practice and focus on practical means and measures for their implementation. It would draw on existing documents, also from other international organisations.

The CDDG work on public ethics would thus result in a set of three complementary documents:

- The guidelines setting out the norms and principles;
- A handbook or manual presenting means and measures for implementing ethics standards;
- The toolkit and its risk assessment and benchmark methodology to compare performance against a median value and identify needs for action and further improvements.

¹ The OECD representative participated only in part of the meeting through a video conference.

The **aim** of the handbook would be to improve citizens' trust in government and administration by enhancing ethical conduct.

The handbook would place public ethics within the wider concept of good democratic governance as defined by the **Council of Europe's 12 Principles**. Principle 6 on ethical conduct as well as a number of the other principles would need to provide the corner stones for the handbook that would include more specific principles of public ethics and integrity to be defined in the guidelines. Compliance with that foundation should allow all member States to put in place a comprehensive integrity system.

The **target group** of the handbook should be both those responsible for elaborating policies for ethical conduct and those responsible for designing and implementing measures for enhancing ethical conduct. The principles and measures in the handbook should apply to all actors in democratic institutions and public service elected and non-elected alike, regardless of their status or type of contract. Implementation of measures set out in the handbook would be context dependent and would provide sufficient flexibility to allow member States to adapt it to the needs of specific levels of the state or categories of officials.

The new handbook would give guidance to the executive and legislative branches of power on practical implementation of public ethics standards at the local, regional and national levels of the state. Specific bodies such as national parliaments however were responsible for adopting their own regulations on ethics.

The new handbook should set out a **comprehensive integrity system**, moving from a mere compliance-based approach referring to legislation, codes, administrative rules and procedures to an approach based on adherence to shared ethical values and principles. Therefore, it should address the culture of public ethics, the implementation of public ethics principles and the enforcement of compliance with these principles and regulations, including sanctions. It should be a living document, updated in regular intervals in function of developments in public ethics in Council of Europe member States.

- As regards the section on **culture of public ethics**, it would show that upholding public ethics concerns the whole society, not only elected officials and public servants. This required clear standards and commitment from the leadership.
- As regards the section on the **implementation of public ethics principles**, several types of means and measures could be combined to provide guidance, facilitate management of integrity systems and to ensure that the human resource management system supports ethical conduct.
- As regards the section on the **enforcement of compliance with public ethics principles**, it should include measures for monitoring and investigation and sanctions.

The handbook would cover a broad range of **issues**, including access to information, transparency and accountability, control and audit, administrative procedures, lobbying activities, declarations of assets and interests, conflicts of interest, revolving doors, remuneration of civil servants and compensation of local elected officials, involvement of all stakeholders and findings from behavioural science.

The handbook could be structured around mandatory as well as optional elements from which member States could select those that best suit their particular situation and circumstances.

In preparing the handbook, the working group should rely on the ethics instruments of the Council of Europe and also those of other international organisations, the OECD in particular. It would also be desirable to include a table comparing those instruments.

A number of questions were raised by the working group members without, however, defining a clear position:

- Shall the handbook focus on public ethics, deal with integrity or both?
- Shall the handbook deal exclusively with public ethics or also look into the prevention of corruption?
- How shall the handbook deal with elected and non-elected officials, in particular at the local level, given that the constraints and circumstances are different in nature?
- Does the term handbook or manual adequately describe the content and purpose of the instrument?

Action required

A draft outline for the new handbook will be prepared by the expert, in cooperation with the Secretariat, for comments and approval by the working group by written procedure, to be followed by a draft of the handbook. This will be examined by the working group at its meeting on 4-5 October in Strasbourg with a view to presenting it to the CDDG at its meeting on 28-30 November 2018.

APPENDIX I

ANNOTATED AGENDA

Thursday 7 June 2018

1. Opening of the meeting by the Secretariat

2. Election of the Chair and the Vice-Chair

3. Adoption of the agenda

GT-EP(2018)OJ1

rev.

5. Activities and workplan

5.1 *Updating and extending the scope of the 2004 [Handbook of Good Practice on Public Ethics at Local Level](#) and Developing Guidelines on Public Ethics:*

- The origins of the 2004 Handbook
Daniel Popescu, Head of the Democratic Governance Department
- Council of Europe standards
 - o CM/Rec(2017)2 of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making
Philippe Krantz, Secretariat of the European Committee on Legal Cooperation (CDCJ)
- Council of Europe cooperation activities
 - o Trends with regard to public ethics
Mustafa Ferati, Economic Crime and Cooperation Division
- Congress of Local and Regional Authorities
 - o European Code of Conduct for All Persons Involved in Local and Regional Governance
Tim Lisney, Secretary of the Governance Committee
- Council of Europe monitoring
 - o Group of States Against Corruption (GRECO)
Gianluca Esposito, Executive Secretary of GRECO
- OECD public integrity standards
 - o Recommendation on integrity (2017)
Carissa Munro, Public Sector Integrity Division, OECD

Lunch break

- Recent trends in legislation, policy and practice in member States

National level

- France: Laws on transparency in public life and the High Authority for Transparency in Public Life
Yves-Marie Doublet, National Assembly, Council of Europe expert
- Georgia: National strategy and policy to promote public ethics
Eka Sepashvili, Adviser to the Minister of Regional Development and Infrastructure on development of local democracy and good governance
- Denmark: Code of conduct in the public sector and Code VII: Seven key duties for civil servants in central government
Jesper Schaumburg Müller, Head of Division, Rikke Marie Rud, Head of Section, Agency for the Modernisation, Ministry of Finance
- UK: Committee on Standards in Public Life
Paul Rowsell, Deputy Director, Democracy, Department Communities and Local Government
- Ukraine: Public ethics and decentralisation: policy framework, practice, examples on public ethics at local level
Nataliya Gnydiuk, Council of Europe expert

Regional level

- Belgium: Brussels-Capital Region, a continuously evolving region
Paul-Henri Philips, Coordinator for international organisations, multilateral relations, Brussels Capital Region

Local level

- Lessons from public ethics benchmarking
Alina Tatarenko, Head of the Centre of Expertise for Local Government Reform
- UK: Action and experience of Cheshire West and Chester with regard to the promotion of public ethics
Andrew Dawson, Councilor, member of the Governance Committee of the Congress of Local and Regional Authorities

4. Terms of reference of the working group

GT-EP(2018)1

- Exchange on expectations in the light of the findings of the first day

Close of day one

Friday 8 June 2018**5. Activities and workplan – continuation item 5.1**

- Questions affecting the work of the CDDG working group on public ethics GT-EP(2018)2
Presentation of the working paper
Dr Aive Pevkur, Council of Europe expert
- Challenges and developments in the field of public ethics since the adoption of the Handbook in 2004
- Scope of the upcoming Handbook
- Principles

Lunch break

- Target groups
- Means to regulate and promote public ethics
- Issues to be addressed in the Handbook

5.2 *Feasibility of a Council of Europe indicator framework for public ethics*

- Methodology questions
Jutta Gützkow, Secretary of the CDDG

6. Conclusions

- Dr Aive Pevkur
- Paul-Henri Philips, Chair of the working group

7. Other business**8. Date and place of the next meeting**

Close of the meeting

APPENDIX II

LIST OF PARTICIPANTS

AUSTRIA / AUTRICHE

Mr Peter ANDRE, Expert for Legal Affairs, Ministry of Interior, WIEN, Austria
E-mail: peter.andre@bmi.gv.at

BELGIUM / BELGIQUE

M. Paul-Henri PHILIPS, Coordinateur pour les Organisations Internationales, Bruxelles International, Relations multilatérales et Organisations Internationales, BRUXELLES, Belgium
E-mail: phphilips@sprb.brussels

Mr Edwin LEFEBRE, Ministry of Internal Affairs of the Flemish Region, Agency for Home Affairs, BRUSSELS, Belgium
E-mail: Edwin.lefebvre@kb.vlaanderen.be

BULGARIA / BULGARIE

Mr Valery NAYDENOV, Head of Department "Administrative territorial structure", Ministry of Regional Development and Public Works, SOFIA, Bulgaria
E-mail: vnaidenov@mrrb.government.bg

Mr Mihail VASILEV, Department "Administrative territorial structure", Ministry of Regional Development and Public Works, SOFIA, Bulgaria
E-mail: mvasilev@mrrb.government.bg

DENMARK / DANEMARK

Mr Jesper SCHAUMBURG-MÜLLER, Head of Division, Agency for the Modernisation, Ministry of Finance, COPENHAGEN, Denmark
E-mail: jessc@modst.dk

Mrs Rikke Marie RUD, Head of Section, Agency for the Modernisation, Ministry of Finance, COPENHAGEN, Denmark
E-mail: rimar@modst.dk

GEORGIA / GEORGIE

Ms Eka SEPASHVILI, Adviser to the Minister of Regional Development and Infrastructure on development of local democracy and good governance, TBILISI, Georgia
E-mail: e.sepashvili@mradi.gov.ge

GREECE / GRECE

Mr Georgios CHRYSAFIS, Directorate of Organisation and Functioning of Local Government, Ministry of the Interior, ATHENS, Greece
E-mail: g.chrisafis@ypes.gr

ITALY / ITALIE

Mr Francesco GIUSTINO, Presidenza del Consiglio dei Ministri, D.A.R.A. - Ufficio Attività Internazionali, ROMA, Italy

E-mail: f.giustino@palazzochigi.it

UKRAINE

Ms Nataliya GNYDIUK, Council of Europe expert in Ukraine

E-mail: hnydiuk@gmail.com

UNITED KINGDOM / ROYAUME-UNI

Mr Paul ROWSELL, Head of Governance Reform and Democracy Unit, Ministry of Housing, Communities and Local Government, LONDON, United Kingdom

E-mail: Paul.Rowsell@communities.gsi.gov.uk

OTHER PARTICIPANTS / AUTRES PARTICIPANTS**CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE L'EUROPE**

Mr Gerhard ERMISCHER, CIVILSCAPE, Representative of the INGOs Conference to the CDDG, ASCHAFFENBURG, Germany

E-mail: gerhard.ermischer@civilscape.eu

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE

Mr Andrew DAWSON, Member of the Governance Committee, Congress of Local and Regional Authorities, CHESTER, United Kingdom

E-mail: Andrew.dawson@cheshirewestandchester.gov.uk

Mr Tim LISNEY, Deputy Secretary of the Chamber of Local Authorities / Secrétaire adjoint de la Chambre des pouvoirs locaux – Secretary of the Governance Committee / Secrétaire de la Commission de la gouvernance

Tel: (33) 3.88.41.35.73; E-mail: tim.lisney@coe.int

OBSERVERS / OBSERVATEURS**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OCDE)**

Ms Carissa MUNRO, Public Sector Integrity Division, Public Governance Directorate, PARIS, France

Tel: (33) 3 85 55 60 63; E-Mail: carissa.munro@oecd.org

EXPERT-CONSULTANTS / CONSULTANT-EXPERTS

M. Yves-Marie DOUBLET, PARIS, France
E-mail : ymdoublet@assemblee.nationale.fr

Ms Aive PEVKUR, TALLIN, Estonia
E-mail: aive@pevkur.ee

SECRETARIAT

Mr Daniel POPESCU, Head of Democratic Governance Department / Chef du Service de la gouvernance démocratique - Directorate of Democratic Governance and Anti-Discrimination / Direction de la gouvernance démocratique et de l'anti-discrimination, Directorate General of Democracy / Direction générale de la démocratie
Tel: +33 (0)3 88 41 36 08; E-mail: daniel.popescu@coe.int

Mrs Jutta GÜTZKOW, Head of Good Governance Division / Chef de la Division de la bonne gouvernance – Secretary of the CDDG / Secrétaire du CDDG - Directorate of Democratic Governance and Anti-Discrimination / Direction de la gouvernance démocratique et de l'anti-discrimination, Directorate General of Democracy / Direction générale de la démocratie
Tel: +33 (0)3 88 41 29 10; E-mail: jutta.gutzkow@coe.int

Mr Theo WELS, Administrator / Administrateur – Good Governance Division / Division de la bonne gouvernance - Directorate of Democratic Governance and Anti-Discrimination / Direction de la gouvernance démocratique et de l'anti-discrimination, Directorate General of Democracy / Direction générale de la démocratie
Tel: +33 (0)3 90 21 53 04 ; E-mail: theo.wels@coe.int

Mrs Alina TATARENKO, Head of the Centre of Expertise for Local Government Reform / Chef du Centre d'expertise sur la réforme de l'administration locale - Directorate of Democratic Governance / Direction de la gouvernance démocratique, Directorate General of Democracy / Direction générale de la démocratie
Tel: +33 (0)3 88 41 28 47; E-mail: alina.tatarenko@coe.int

Mr Philippe KRANTZ, Secretariat of the CDCJ / Secretariat of the CDCJ - Directorate General of Human Rights and Rule of Law / Direction générale des Droits de l'Homme et de l'Etat de droit
Tel : +33 (0)3 88 41 28 25 ; philippe.krantz@coe.int

Mr Gianluca ESPOSITO, Executive Secretary of the GRECO / Secrétaire exécutif du GRECO - Directorate General of Human Rights and Rule of Law / Direction générale des Droits de l'Homme et de l'Etat de droit
Tel : +33 (0)3 88 41 28 41 ; gianluca.esposito@coe.int

Mr Mustafa FERATI, Economic Crime and Cooperation Division / Division de la criminalité économique - Directorate General of Human Rights and Rule of Law / Direction générale des Droits de l'Homme et de l'Etat de droit
Tel : +33 (0)3 88 41 26 29 ; mustafa.ferati@coe.int