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Tour de table
on recent developments in anti-corruption institutions
and strategies – including measures taken
to raise awareness in this area
(GRECO 33, 29 May – 1 June 2007)

Summary of information provided by delegations

Introduction

When discussing the organisation of plenary meetings to be held in 2007, the Bureau agreed, at its 37th Meeting (Strasbourg, 13-14 November 2006), that GRECO should organise regular *tours de table* on certain issues emanating from its (First and) Second Evaluation Rounds with a view to using GRECO as a forum for an exchange of information (including difficulties encountered when implementing recommendations; promising practices; emerging trends) - cf. Greco (2006) 26E.

At its 33rd Plenary Meeting (Strasbourg, 29 May – 1 June) GRECO held its first *tour de table* on “recent developments in anti-corruption institutions and strategies – including measures taken to raise awareness in this area”. Numerous examples were provided by those delegations present, including on measures taken within the context of ongoing compliance procedures (summarised below).

Albania

The appointment of a new government in 2005 had led to changes in the composition of the Anti-Corruption Unit to the Council of ministers. The Unit was strengthened and given a new role and powers (i.e. carrying out inspections within the administration and operational missions). At the end of 2005, an Anti-Corruption Task Force was created. It is presided by the Prime Minister and composed of representatives of various ministries and authorities involved in the fight against corruption, which also meet at technical level. A series of measures have been taken to modernise/computerise public tender procedures and the registration of commercial companies. The annual anti-corruption strategy will be replaced by the end of 2007 by a mid-term strategy (2007-2013). Awareness raising initiatives have focused in the last two years on the denunciation of corruption (hotlines).

Armenia

A new anti-corruption strategy and action plan (the old one dated back to 2003) are due to be adopted by the end of 2007. They will deal with health care, public procurement, tax, customs and public administration and will take on board GRECO and OECD working group recommendations.

Austria

A general legal anti-corruption framework is being prepared to implement the Criminal Law Convention on Corruption (ETS 173), the United Nations Convention against Corruption (UNCAC), as well as OECD working group recommendations. In the beginning of June, the first anti-corruption day will be celebrated in the country and a common strategy will be debated by all the relevant players. Austria will also host in July this year the first international anti-corruption summer school with the participation of EU and neighbouring countries.

Azerbaijan

The anti-corruption action plan adopted for the years 2004-2006 will be replaced by a new version. A draft law on the criminal liability of legal persons is in the adoption process. A special anti-corruption service – comprising an investigative unit - has been created. Increasing coordination between the various departments responsible for corruption investigations has now become a crucial issue.

Belgium

Information on new developments was provided in the Second Round Compliance Report adopted that week (GRECO 33) and published subsequently on GRECO's website ([http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoRC2\(2006\)9_Belgium_EN.pdf](http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoRC2(2006)9_Belgium_EN.pdf)).

Bosnia and Herzegovina

The current anti-corruption strategy runs until the end of 2007, monitored by a special supervisory body. Amendments to the criminal law and criminal procedure legislation are currently being prepared.

Bulgaria

In 2006, a new anti-corruption strategy ("Transparent Governance") was adopted for the period 2006-2008. The implementing action plan, which is drafted on an annual basis, also takes into account GRECO, EU and OECD recommendations. A new commission was established to monitor the implementation of these framework documents. Given the fact that the Parliament and the Supreme Judicial Council have similar structures, a coordination council was created in 2006.

Croatia

All activities foreseen in the anti-corruption programme adopted in March 2006 for the period 2006-2008 will be carried out under the umbrella of the Ministry of Justice. All authorities concerned submit a monthly report on implementation of the programme to the Ministry. A coordination council was also established.

Czech Republic

The Financial Police was transferred to a unit for combating corruption and serious financial crime within the Criminal Police on 1 January 2007. Draft legislation on the administrative liability of legal persons was under preparation and it was intended to establish special panels of judges, trained and specialised in prosecuting corruption cases.

Denmark

Awareness-raising measures have focused on international business relations. An Internet based tool (the corporate Social Responsibility Compass) was set up in 2005 to provide information and guidance to Danish businesses on foreign business cultures, managing international business relations, maintaining integrity, avoiding bribes, etc. At the same time the Confederation of Danish Industries (which counts approximately 7000 members) provides a Corruption Awareness Service (making manuals and training available and providing assistance and general advice on such matters as bribery and facilitation payments).

Estonia

There have been no major institutional changes. A new anti-corruption strategy will be adopted later this year. A draft law was prepared to modernise the system for the collection and control of declaration of assets by the parliamentary select anti-corruption committee. According to the Programme of the Coalition for 2007 – 2011 an important change would be the return (from the ordinary local police) to the Security Police Board of the obligation to investigate corruption in larger cities and rural municipalities

Finland

The country is currently preparing the implementation of a GRECO recommendation on "pantouflage". The upcoming third round evaluation visit by a GRECO evaluation team has triggered significant interest in, and publicity about, GRECO's activities in Finland. The government intends to appoint a team of experts responsible for preparing implementation of third round recommendations. Since May, a specialised police officer, concentrating solely on corruption issues has been appointed to the National Bureau of Investigation (NBI).

Georgia

The authorities are preparing the updating of the national anti-corruption strategy of 2005 and action plan of 2006. A new approach consists in giving to individual government institutions more responsibility to adopt their own internal strategies and action plans. The Prosecutor's Office and the Ministry of the Interior, in particular, have developed websites providing information on the fight against corruption, on cases and investigations and allowing the reporting of cases. The Criminal Law Convention on Corruption was ratified in 2006 and Georgia is preparing the ratification of the UNCAC. Legislation is being drafted to implement a GRECO recommendation on the incompatibility of certain functions. General efforts have also focused in 2006 on improving the business climate and environment.

Germany

New laws are in the adoption process concerning a) the applicability of telephone tapping to active and passive bribery (final adoption foreseen by the end of 2007 at the latest), b) the implementation of the Criminal Law Convention, the UNCAC and EU framework decision (the draft was approved by the Cabinet on 30 May). Separate draft legislation on bribery of members of the Parliament will be prepared by the latter itself, exceptionally.

Greece

A draft law was prepared to implement the Criminal law Convention. It is felt that GRECO should pay greater attention to small-scale corruption in daily life and addressing guidelines to the public.

Iceland

There have been some recent changes in the police structures and the Prosecutor for serious economic crime is now an independent unit (Unit for Investigation and Prosecution of Economic Crime) which will strengthen his position.

Ireland

A new regulation on whistleblowing in relation to police misconduct was passed in April this year. The new system provides for a series of protective measures designed for the benefit of reporting persons (the identity of the person is protected, actions against the person reporting are prohibited, sanctions can be imposed on those who threaten or attempt to influence the person).

Latvia

The financing of political parties is a topical issue at the moment: a) the Corruption Prevention and Combating Bureau – CPCB – has prepared amendments to introduce criminal liability of recipients of donations and persons who have asked to provide financing to political parties in large amounts, as well as to introduce criminal liability for

exceeding spending limits; b) although limits on funding are low, the parliament is about to abolish this limit; c) the opportunity of regulating pre-election campaigns and addressing hidden advertising and activities of third parties is being discussed. The CPCB has also developed a concept document on lobbying (which is currently unregulated). The concept document proposes to regulate lobbying and amend the provision on trading in influence passed in 2004 in order to distinguish two separate concepts – legal activity of lobbying and criminal offence of trading in influence. Training material on ethics in the public sector was developed in 2006 and made available on-line. An anti-corruption campaign based on provocative televised video-spots took place in February-March this year.

Lithuania

Information on new developments was provided in the Second Round Compliance Report adopted that week (GRECO 33). Lithuania's special anti-corruption body (the Special Investigation Service) was strengthened and given more resources. The Anti-Corruption programme and action plan (initially for the period 2002-2006) – which is subject to the monitoring of a special commission – was updated last year. Also last year, Lithuania ratified the UNCAC.

Luxembourg¹

The government has initiated draft legislation to approve the UNCAC and establish a special anti-corruption body (COPRECO) which will be responsible for the follow-up to recommendations from GRECO and other similar mechanisms. This body already exists informally.

Malta

Information on new developments was provided in the Second Round Compliance Report adopted that week (GRECO 33).

Moldova

In December 2006, the Parliament adopted a new, comprehensive anti-corruption action plan for the period 2007-2009, with a focus on appropriate legal framework adoption, prevention of corruption in public institutions and the private sector, improving cooperation between public institutions and civil society and extension of international collaboration, having as one of the outputs awareness raising among both public officials and civil society.

In 2006, the (new) Ministry of Public Local Administration was given responsibility for the overall coordination, inclusively of the anti-corruption work and measures, at local level. In some ministries, internal audit units have now been established. On 1 January 2007, the National Institute of Justice was created. It is responsible for organising training activities, including on the topic of corruption.

Several draft laws have been prepared and now examined by the Parliament: new law on combating corruption, on conflict of interests, on code of conducts for public officials, on the financing of political parties, as well as the necessary amendments for the liability of legal persons for corruption to be established. Parliament is examining the draft laws on ratification of the UNCAC, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, and the Protocol to the Criminal Law Convention on Corruption (likely to be adopted in 2007).

¹ The information was provided by the Belgian delegate on behalf of Luxembourg

On 27 December 2006, Parliament adopted Law No. 430 (entry into force 23 March 2007) modifying and amending the internal rules of parliament. This law introduces a chapter (no. 3) entitled "Procedure for the lifting of parliamentary immunity". The chapter comprises 5 articles which deal with the definition of parliamentary immunity, requests for the lifting of immunity, the procedure for examining the Prosecutor General's request by the Parliamentary committee on appointments and immunities, the procedure for the lifting of immunity and the obligation on law enforcement bodies to inform the parliament of the results of the examination of the case.

Republic of Montenegro

An anti-corruption strategy and action plan (for 2006-2009) were adopted in 2005 and 2006 respectively. The action plan will notably aim at implementing the recommendations addressed by GRECO and other international institutions. The implementation of the action plan is monitored by a national commission to which 30 state bodies and institutions, as well as NGOS and private sector entities, report back every month. A first semi-annual report will be issued in July 2007. In addition to new pieces of legislation introduced in 2006 (most notably on public procurement and criminal liability of legal persons), other changes are being considered (i.a. drafting of a new constitution, legislation on financing of political parties, money laundering). Changes to the Criminal Procedure Code will tackle the issues of special investigative means, confiscation of criminal proceeds and seizure. In the second half of 2007, priority will be given to a public awareness campaign, starting with educational sessions at universities and faculties.

Norway

There have been no significant new developments as regards anti-corruption institutions and strategies. In the last two years, Norway has experienced a substantial increase in the number of corruption cases (10-20 cases from an average of 4 cases per year in the past). These cases concern mostly the public sector (and have shocked politicians and heads of institutions). In addition to ØKOKRIM, the central unit for investigating i.a. cases of corruption, several of the police districts have initiated their own investigations. This could provide very valuable experience to the newly established economic crime units within the 27 police districts. Some apparently very serious corruption cases in the municipality of Oslo and neighbouring municipalities have led to a reinforced fight against corruption within these municipalities, including revised code of ethics, new routines for internal controls, the introduction of a system for asset-declaration, hotlines for anonymous reporting, etc

Poland

In July 2006, a Central Anti-Corruption Bureau was created, the head of which is appointed by the Prime Minister for a 4-year term. It is too early to draw conclusions from the moderate experience of the office. It is intended that the Bureau will become a powerful structure enjoying strong autonomy and staffed with about 100 or more persons.

Portugal

Recent anti-corruption efforts have focused on raising awareness through a) an explanatory guide entitled "Prevent Corruption" which was disseminated among the administrations and the private sector, supported by a website and a whistleblowing hotline; b) an itinerant exhibition on the issue of corruption (on-going); c) regular workshops (e.g. in March, the Ministry of Interior organised one on corruption and transparency).

Romania

The National Integrity Agency has inspection powers and supervisory functions in respect of officials (assets, conflicts of interests, incompatibilities). The holders of 34 types of posts have to submit declarations using a clearly defined template designed by World Bank experts. The inspectors of the Agency can act *ex officio* or upon notification. In case of an unjustified difference of 10 000 euros between the information declared and the real situation, the case is taken to court with a view to confiscating assets whose legitimate origin cannot be ascertained. The Agency can impose sanctions for failure to submit declarations of wealth or interest or for failure to apply disciplinary sanctions. The Agency cannot receive instructions, its heads are chosen by open competition and it submits an annual report to the Senate. The liability of legal persons for criminal offences was introduced in 2006 and a general revision of the Penal Code and Penal Procedure Code is being prepared. A campaign against petty, day-to-day corruption – e.g. in the fields of education and health care – is scheduled for the period of July to November this year.

Russian Federation

Elaborating a general anti-corruption strategy is among the priorities. Earlier this year, an inter-ministerial working group was created by presidential decree to work out proposals concerning in particular the implementation of the UNCAC and Council of Europe anti-corruption instruments, and the creation of a central body with a preventive function. Work in the legal field would cover criminal law aspects, money laundering aspects of corruption, the statute of civil servants and officials more generally (including certain restrictions), measures to better prevent interferences into police and judicial work. The working group will have to report back to the President in August this year. In 2006, a “public chamber” under the authority of the President carried out a global review to identify corruption-related risks in the legislation. It was pointed out that an attempt to introduce the forfeiture of assets based on civil law standards had failed due to (historically-motivated) fears. Likewise, current reporting obligations are badly accepted in practice. The media and legislative branch are being associated in governmental efforts to facilitate the acceptance of these mechanisms.

Republic of Serbia

The new Constitution was adopted in October 2006. As a result, many new laws and drafts have to go through the parliamentary/legislative process again (e.g. the law implementing the Civil Law Convention on Corruption). It is felt that the pace of reforms needs to slow down in order to concentrate efforts on the significant (and sometimes excessive) number (20 or so) of strategies, action plans and special commissions which need to be implemented. The institution of the investigative judge is a source of problems in the new Criminal Procedure Code and the rationalisation of the judicial network is being prepared (there are twice as many judges as in Belgium). A number of senior officials have either been charged with or convicted of corruption recently.

Slovak Republic

With regard to anti-corruption institutions, the situation has stabilised. Law enforcement agencies involved in the fight against corruption, i.e. the Special Court, the Bureau of Special Prosecution and the Bureau for the fight against corruption of the Police Presidium use new special investigative means widely and very successfully. Their work strategy has changed; in practice, they now concentrate efforts mainly on detecting and prosecuting current corruption cases with an aim to finding red-handed offenders. Undercover agents, wire-tapping and voice and image recording equipment is used almost daily and has helped to provide evidence of corruption of police officers, judges,

prosecutors, governmental and municipal officials, etc. The media plays a very important role in this area too because all new cases are published immediately after the offender is discovered. The Slovak Republic ratified the Criminal Law Convention on Corruption in 2000 and the Civil Law Convention in 2003.

Slovenia

There is an impression that the priority given and commitment to combating corruption has declined and there is concern as regards the autonomy of certain key institutions. The Commission for the Prevention of Corruption is under threat of being abolished (a first draft law transferring its powers to the parliament was found unconstitutional in April this year but a new draft has been prepared) and in the meantime, the financing of its activities is not ensured although the number of complaints received has significantly increased (260 complaints altogether in 2006, a figure which had already been reached by the end of the first quarter of 2007). The Commission is also responsible for training and raising awareness in respect of various target groups, and for the implementation of the anti-corruption strategy and action plan of 2004; should the Commission be abolished, it is unclear who would take over these tasks.

Spain

Several changes have taken place or are being planned: Criminal Code reform to introduce the concept of liability of legal persons, Code of ethics for the public service, a law on enhancing access to public administrative information and a law on the financing of political parties (including guidelines for ensuring accountability) etc.

Sweden

Information on new developments was provided in the Second Round Compliance Report adopted that week (GRECO 33) and published subsequently on GRECO's website ([http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoRC2\(2007\)1_Sweden_EN.pdf](http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoRC2(2007)1_Sweden_EN.pdf)).

Switzerland

In 2003 already, the State Secretary for Economic Affairs, together with other government institutions, the private sector and the Swiss chapter of Transparency International published for Swiss companies operating abroad a brochure (30,000 copies distributed to business umbrella organisations, also available on-line and announced in the media) about the dangers of corruption, in particular, active bribery of foreign public officials. Its success has triggered the idea of producing a second edition that would also include bribery in the private sector and passive bribery of foreign public officials.

The "Former Yugoslav Republic of Macedonia"

The UNCAC was ratified recently and several legal changes have taken place: regulations on the protection of personal data and on access to information, creation of a body to implement the system of declaration of assets. At the end of May, the Parliament passed a law on conflicts of interest. The criminal liability of legal persons, confiscation of assets, special investigative means (a recent law on interception of communications enables the use of those measures in the investigation of corruption) are already in place. The judiciary is also undergoing important changes: following the new Constitution a Judicial Council is being created, a new law on the judiciary has been adopted, administrative courts have been created and new judges are therefore being recruited, a new law on the prosecutor general's office is in the adoption phase. Several judges were dismissed recently for corruption. As regards awareness-raising initiatives, the government has recently adopted a strategy on cooperation with civil society. Following assessments, it was agreed to update the anti-corruption strategy and action plan of 2003 to establish a

6 pillared programme for the prevention and reporting of corruption, with a focus on the efficiency of measures, the adoption of key performance indicators. Implementation of the programme will be monitored by a State anti-corruption commission.

Turkey

In 2006, the scope of the inter-ministerial committee's work was extended to the fight against corruption (including international aspects), and a new law on the prevention of money laundering and on the implementation of the UNCAC came into force. Forthcoming legislative elections will slow down the implementation of GRECO recommendations.

Ukraine

General information is available in GRECO's Joint First and Second Round Evaluation Report adopted in March this year. An anti-corruption plan has been prepared (possibly for adoption in September this year) to implement the recommendations formulated in the report.

United Kingdom

The Secretary of State for International Development was asked by the Prime Minister in July 2006 to lead the UK fight against international corruption and ensure close cooperation between all Government departments and agencies involved. A first annual action plan (2006-2007) was published focusing on doing more in 4 key areas: investigating and prosecuting foreign bribery by UK companies and nationals, combating money laundering by Politically Exposed Persons and recovering the stolen assets, promoting responsible business conduct and supporting international efforts to fight corruption. Results include: the establishment of a dedicated overseas anti-corruption unit within the City of London Police that is currently working with the Serious Fraud Office on 6 cases, and made its first arrests in January; the creation of the Proceeds of Corruption Unit within the Metropolitan Police Service that has restrained £34.6m of allegedly stolen assets; the setting up of new anti-money laundering structures by the Serious Organised Crime Agency to improve the gathering and development of intelligence; the revamping of the National Contact Point to strengthen the effectiveness of the OECD Guidelines on Multi-national Enterprises and to promote responsible business conduct; and the stepping up of awareness raising activities with the private sector and British front line officials overseas. Other significant developments, outside the framework of the action plan, include: the Law Commission is carrying out a review of the UK bribery law with a view to fundamental reform; a Serious Crime Bill is before Parliament introducing "Serious Crime Prevention Orders" which place restrictions or obligations on individuals and organisations involved in serious crime, including bribery and corruption offences; asset recovery powers will also be enhanced (the Assets Recovery Agency and the Serious Organised Crime Agency are being merged and an Asset Recovery Action Plan has been published); a new Civil Service Code (setting standards of behaviour, including reporting criminal or unlawful activity) has been published by the Government; and the extension of the UK's ratification of the Criminal Law Convention on Corruption (ETS 173) to Guernsey and the Isle of Man (Crown Dependencies) is under preparation.

United States

Following the mid-term elections in which the Democrats gained the majority in both houses of Congress, changes in the role and procedures of the "ethics" committees of the House of Representatives and of the Senate have been proposed and are under discussion. The United States has also volunteered to be a part of the pilot evaluation and information gathering project using the checklist proposed by the first Council of States Parties of the UN Convention Against Corruption.

Next *tour de table*

GRECO decided to devote its next *tour de table*, which is scheduled to take place at GRECO 34 (October 2007), to the issue of rules and guidelines for situations where public officials move from the public to the private sector ("pantouflage"). It will be the first *tour de table* to be organised following the Bureau 37 decision to strengthen the compliance procedure by, *inter alia*, organising "a tour de table (on a voluntary basis) on the stage of implementation of recommendations every 6 months" (cf. Greco (2006) 26E).