

Strasbourg, 8 December 2017

Greco(2017)25

78<sup>th</sup> GRECO Plenary Meeting  
(Strasbourg, 4-8 December 2017)

DECISIONS

At its 78<sup>th</sup> Plenary Meeting (Strasbourg, 4-8 December 2017), the Group of States against Corruption (GRECO) took the following decisions (see also the Summary Report of the meeting (Greco(2017)26)):

1. adopted the agenda as it appears in the Summary Report of the meeting;

#### Information

2. took note of the information provided by Marin MRČELA, President of GRECO, by Jan KLEIJSEN, Director of Information Society and Action against Crime of the Council of Europe, and by Gianluca ESPOSITO, Executive Secretary of GRECO;
3. took note of the list of items discussed and decisions taken by Bureau 82 (Greco(2017)22);

#### Evaluation procedures

##### *Fifth Round*

4. adopted the following definition to be included in the Fifth Round Questionnaire and Guidelines for Evaluators, and in each Fifth Round Evaluation Report:

*A Head of State would be covered by the 5th evaluation round under "central governments (top executive functions)" when s/he actively participates on a regular basis in the development and/or the execution of governmental functions, or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.*

5. adopted the first in the series of its Fifth Round Evaluation Reports :

- Slovenia (GrecoEval5Rep(2017)2)
- United Kingdom (GrecoEval5Rep(2017)1)

and set the deadline of 30 June 2019 for the submission of a situation report on measures taken to implement the recommendations contained in the reports;

6. invited the authorities of Slovenia and the United Kingdom to authorise, as soon as possible, the publication of the reports mentioned in decision 5 above;
7. adopted the Guidelines for GRECO evaluators for the Fifth Round (GrecoEval5(2016)2-fin);

#### Compliance procedures

##### *Joint First and Second Rounds*

8. on the recommendation of the Bureau, and with reference to the conclusions of the 3<sup>rd</sup> *Interim* Joint First and Second Round Compliance Report on Belarus adopted in October 2017, decided that, pursuant to Rule 32, paragraph 2(iii) of the Rules of Procedure, a high-level mission to Belarus should be organised in the second part of 2018 if there is a lack of progress at the next reporting stage (31 July 2018) of the (non)compliance procedure;

### *Third Round*

9. adopted the *Interim* Third Round Compliance Report on:  
  
Turkey (GrecoRC3(2017)16 - 4<sup>th</sup> *interim* report)  
  
and decided not to continue applying Rule 32 in the case of that member;
10. in accordance with Rule 31 revised, paragraph 8.2 of the Rules of Procedure, requested the Head of Delegation of Turkey to submit additional information regarding action taken to implement certain recommendations by 30 September 2018;
11. adopted the Addendum to the 2<sup>nd</sup> Third Round Compliance Report on:
  - Monaco (GrecoRC3(2017)17)and terminated the compliance procedure in respect of that member, in this round;
12. invited the authorities of Turkey and Monaco to authorise, as soon as possible, the publication of the reports mentioned in decisions 9 and 11 above;
13. on the recommendation of the Bureau and with reference to the conclusions of the 4<sup>th</sup> *Interim* Third Round Compliance Report on Switzerland adopted in June 2017, decided to put on hold the organisation of a high-level mission pursuant to Rule 32, paragraph 2(iii) of the Rules of Procedure due to the popular initiative "For greater transparency in the financing of public life" which has become a draft constitutional amendment to be submitted to a public vote in Switzerland; the situation will continue to be reviewed in the context of the ongoing Third Round (non)compliance procedure;

### *Fourth Round*

14. adopted the *Interim* Fourth Round Compliance Report on:
  - Spain (GrecoRC4(2017)18)and concluded that the level of compliance with the recommendations remains "globally unsatisfactory" in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;
15. in accordance with Rule 32, paragraph 2 (i) of the Rules of Procedure, requests the Head of Delegation of Spain to provide a report on the action taken to implement the pending recommendations by 31 December 2018 at the latest;
16. pursuant to Rule 32, paragraph 2 (ii) a) of the Rules of Procedure, instructs its President to send a letter – with a copy to the President of the Statutory Committee – to the Head of Delegation of Spain on the need to take determined action with a view to achieving tangible progress as soon as possible;

17. adopted the Fourth Round Compliance Report on:

- Armenia (GrecoRC4(2017)15)

and set the deadline of 30 June 2019 for the submission of a situation report on additional measures taken to implement the recommendations;

18. adopted the Fourth Round Compliance Reports on:

- Portugal (GrecoRC4(2017)23)
- Romania (GrecoRC4(2017)24)

and concluded that, in both cases, the level of compliance with the recommendations is “globally unsatisfactory” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;

19. pursuant to Rule 32, paragraph 2(i), requests the Heads of Delegation of Portugal and Romania to provide a report on progress in implementing the recommendations by 31 December 2018;

20. adopted the 2<sup>nd</sup> Fourth Round Compliance Report on:

- Iceland (GrecoRC4(2017)13)

and, in accordance with Rule 31 revised, paragraph 9 of the Rules of Procedure, requests the Head of Delegation of Iceland to submit additional information regarding the implementation of certain recommendations by 30 September 2018;

21. noted with satisfaction that the authorities of Iceland authorise the publication of the report mentioned in decision 20 above;

22. invited the authorities of Spain, Armenia, Portugal and Romania, to authorise, as soon as possible, the publication of the reports mentioned in decisions 14, 17 and 18 above;

#### Rule 34 – Ad hoc procedure in exceptional circumstances

23. pursuant to Rule 34 of the Rules of Procedure:

- requests the Head of Delegation of Romania to submit, by 15 January 2018, information for the preparation of an *ad hoc report* concerning draft legislative amendments currently before the parliament concerning the judiciary, to be examined at GRECO 79 (March 2018);
- requests the Head of Delegation of Poland to submit, by 15 January 2018, information for the preparation of an *ad hoc report* concerning two draft laws on the reorganisation of the Supreme Court and of the National Council of the Judiciary, to be examined at GRECO 79 (March 2018);

### Publication of adopted evaluation and compliance reports<sup>1</sup>

24. called on the authorities concerned to authorise as soon as possible the publication of the following reports:
- 2<sup>nd</sup> Addendum to the 2<sup>nd</sup> Third Round Compliance Reports on Hungary (adopted in March 2017)
  - Fourth Round Compliance Report on Hungary (adopted in June 2017)
  - Fourth Round Evaluation Report on the Russian Federation, Addendum to the 2<sup>nd</sup> Third Round Compliance Report on Germany, Reassessment of Greece's compliance with recommendation ii(i) on the Transparency of party funding, Fourth Round Compliance Reports on Greece, Montenegro, Serbia and Turkey (all adopted in October 2017);
25. expressed particular concern about Belarus being the only member State to not authorise the publication of the reports addressed to it by GRECO since June 2012 (Joint First and Second Round Evaluation Report, Compliance Report, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> *Interim* Compliance Reports, and Third Round Evaluation Report) and urged the authorities to authorise their publication;
26. noted that, pending publication of the full reports, pursuant to Rule 35, paragraph 2 of the Rules of Procedure, it has to date published Summaries of the Joint First and Second Round Evaluation Report, Compliance Report, 1<sup>st</sup> and 2<sup>nd</sup> *Interim* Compliance Reports, and the Third Round Evaluation Report;

### Programme of Activities 2018

27. adopted its Programme of Activities for 2018 (Greco(2017)21-fin);
28. noted that the schedule may be adjusted to respond to scheduling requirements that cannot be foreseen at this stage, and to any additional budgetary shocks, and that if the examination of compliance reports needs to be postponed, the Secretariat will agree – with the members concerned – appropriate new deadlines for situation reports;

### Exchange of views – OECD Public Governance Directorate

29. held an exchange of views with Janos BERTOK, Head of Division, Public Governance Directorate, and welcomed the invitation from the OECD Working Party of Senior Public Integrity Officials (SPIO) for GRECO to participate jointly in thematic surveys and studies on conflict of interests and lobbying;

### Exchange of views – Corruption in Sport and Private Sector Bribery

30. took note of information provided by the representative of UNODC (observer in GRECO) on Resolution 7/8 on Corruption in sport adopted by the 7<sup>th</sup> Session of the Conference of the States Parties to the United Nations Convention against Corruption (COSP 7);

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<sup>1</sup> *Action to be taken when publishing adopted reports* (as specified in decision 26, GRECO 58):

- 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.

31. took note of the information provided by Stanislas FROSSARD, Executive Secretary of the Enlarged Partial Agreement on Sport of the Council of Europe (EPAS) on the involvement of the Council of Europe, including GRECO's Secretariat, in the International Partnership against Corruption in Sport (IPACS) [\[LINK\]](#) that brings together international sports organisations, governments, inter-governmental organisations, and other relevant stakeholders to strengthen and support efforts to eliminate corruption and promote a culture of good governance in and around sport;
32. took note of and welcomed the Summary Analysis of Selected Private Sector Bribery Cases (Greco-Inf(2017)2) prepared by the Head of Delegation of Estonia in collaboration with the Secretariat;

Congress of Local and Regional Authorities of the Council of Europe – Recommendation 405 (2017)  
*Making public procurement transparent at local and regional levels*

33. adopted comments (Greco(2017)24-fin) on Congress Recommendation 405 (2017) and instructed the Secretariat to forward them to the Secretariat of the Committee of Ministers of the Council of Europe;

Inter-secretariat cooperation – international anti-corruption monitoring bodies

34. took note of the information provided by Jan KLEIJSSSEN, Director of Information Society and Action against Crime of the Council of Europe on the engagement of GRECO's Secretariat in leading initiatives for cooperation, partnership and synergies, in particular with the OECD and the United Nations;
35. took note of the information provided by the representative of UNODC (observer in GRECO) on Resolution 7/4 on Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption, adopted by the 7<sup>th</sup> Session of the Conference of the States Parties to the United Nations Convention against Corruption (COSP 7);
36. took note of the ideas raised during the discussions to enhance synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption and requested Delegations to send to the Secretariat any proposal they may have on this question by 15 January 2018; on this basis, the Secretariat will draw up a document for discussion by the Bureau and, subsequently, by GRECO at one of their 2018 meetings;

Topical anti-corruption developments/events in member States

37. took note of the information provided by the delegations of Albania, Azerbaijan, Bulgaria, Greece, Ireland, Italy, Malta, the Netherlands, Poland, "the former Yugoslav Republic of Macedonia" and Turkey (cf. the Summary Report of the meeting – Item 4 of the Agenda);
38. noted that GRECO's President would write a letter to the authorities of the Netherlands to emphasise the importance of implementing GRECO's recommendations, in particular the one asking for a restriction on the simultaneous holding of the office of judge and that of member of either Chamber of Parliament to be laid down in law ;
39. reminded delegations that as of 2018 a page on GRECO's website will be dedicated to information (in English, French, or language(s) of the country concerned) on topical national anti-corruption developments or events that GRECO members wish to share;

## Information from observer organisations and Council of Europe bodies

40. see items 29, 30, 31 and 35 above;

## Miscellaneous

41. on the recommendation of the Bureau, invited the Secretariat to compile issues for possible inclusion in a revised version of GRECO's Statute – proposals from delegations should reach the Secretariat by 31 January 2018 so that the Bureau can discuss this question at its mid-2018 meeting;

## Forthcoming meetings

42. took note of the following dates :

- High-level anti-corruption conference organised by Croatia in the framework of the Chairmanship of the Committee of Ministers (place and date in 2018 to be determined)
- 83<sup>rd</sup> Bureau meeting (Strasbourg, 15 February 2018)
- 79<sup>th</sup> Plenary Meeting (Strasbourg, 19-23 March 2018)
- 80<sup>th</sup> Plenary Meeting (Strasbourg, 18-22 June 2018)
- 81<sup>st</sup> Plenary Meeting (Strasbourg, 15-19 October 2018)
- 82<sup>nd</sup> Plenary Meeting (Strasbourg, 3-7 December 2018).