18th Plenary Meeting of GRECO
(Strasbourg, 10-14 May 2004)

SUMMARY MEETING REPORT
I. Opening of the meeting

1. The 18th Plenary Meeting of GRECO was opened and chaired by the President, Mr Drago KOS (Slovenia). The list of participants appears in Appendix I to this report.

2. The President welcomed all representatives, in particular the newly appointed representatives of Cyprus, Bosnia and Herzegovina, Georgia and Poland.

II. Adoption of the agenda

3. The meeting agenda was adopted as it appears in Appendix II to this report.

III. Information provided by the President

4. The President reported on discussions at the 24th Meeting of the Bureau (Strasbourg, 22-23 April 2004). He referred, in particular, to the following matters:

   - the Bureau’s intention to consider, on an ongoing basis, the issue of membership in GRECO of the European Community. To this effect, the Bureau would re-visit existing documentation already made available to GRECO on previous occasions (including the questions raised by the American delegation in a letter addressed to the Executive Secretary by Mr Mark RICHARD on 29 April 2003);

   - the Bureau’s extensive exchange of views on how to streamline forthcoming evaluation reports (to be pursued at Bureau 25);

   - recent developments concerning the setting-up of a mechanism for monitoring the implementation of the United Nations Convention against Corruption. The Bureau took note, in this respect, of initiatives by Transparency International with a view to promoting the carrying out of a study on this matter. The Bureau agreed to follow closely developments in this area.

IV. Information provided by the Executive Secretary

5. The Executive Secretary congratulated the President, who had been confirmed by the Slovenian Parliament as the President of the Anti-Corruption Commission of Slovenia.

6. The Executive Secretary reported on the following developments since the 17th Plenary Meeting of GRECO (10-13 May 2004):

   - Ukraine’s recent request to the Secretariat for precise details about the financial implications of Ukraine possibly acceding to GRECO;

   - the re-confirmed interest by Mexico to join GRECO in a not too distant future. To this effect, possibilities for arranging a visit of the Mexican Minister of Public Service to the Council of Europe would be explored;

   - the forthcoming Hearing of the President at the 884th Meeting of the Ministers’ Deputies (19 May 2004);

   - the ratification by Belgium (23 March 2004) and Turkey (29 March 2004) of Convention ETS No 173 (the Criminal law Convention on Corruption). The Convention would enter into force with regard to Belgium and Turkey on 1 July 2004. At the date of the meeting, 29 States had ratified the Convention and 17 others had signed it.

   - the ratification by Moldova (17 March 2004) and Malta (31 March 2004) of Convention ETS No 174 (the Civil Law Convention on Corruption). The Convention would
enter into force with regard to Moldova and Malta on 1 July 2004. The Convention had also been signed by Belarus (25 March 2004). At the date of the meeting, 20 States had ratified the Convention, and 18 others had signed it;

- the Protocol on arbitrators and jurors (ETS No 191). At the date of the meeting, three States had ratified the Protocol and 23 others had signed it. Five ratifications were required in order for Protocol ETS No 191 to enter into force;

- Azerbaijan becoming the 38th member of GRECO on 1 June 2004. The Council of Europe member States which had not yet joined GRECO were: Andorra, Austria, Italy, Liechtenstein, Russian Federation, San Marino, Switzerland and Ukraine;

- the latest Second Round Evaluation visits, which had taken place in the United Kingdom (19-23 April 2004) and Belgium and Norway (26-30 April 2004). The evaluation reports on these countries were expected to be examined in September 2004.

V. Second Round Evaluation procedure

Examination of the draft Evaluation Reports on Poland, Luxembourg and Estonia

7. GRECO examined the draft (P3) Second Round Evaluation Report on Poland.

8. Members of the Evaluation Team (cf List of Participants, Appendix I) made introductory presentations. The representatives of Poland presented their authorities’ comments which were followed by a first reading of the draft report (paragraph by paragraph).


10. GRECO noted with satisfaction that the authorities of Poland authorised publication of the report1.

11. GRECO agreed that the Polish report should serve as an example for future Second Round Evaluation Reports with regard to format as well as content.

12. GRECO examined the draft (P3) Second Round Evaluation Report on Luxembourg.

13. Members of the Evaluation Team made introductory presentations. The representatives of Luxembourg presented their authorities’ comments which were followed by a first reading of the draft report (paragraph by paragraph).


15. GRECO invited the Luxembourg delegation to authorise, as soon as possible, publication of the report.


17. Members of the Evaluation Team made introductory presentations. The representatives of Estonia presented their authorities’ comments which were followed by a first reading of the report (paragraph by paragraph), chaired by the Vice-President, Ms Isabelle VAN HEERS (Belgium).

1 The Report was published on 18 May 2004.
18. GRECO decided (with Estonia’s agreement) to postpone the second reading of the report on Estonia to its 19th Plenary in order to allow the Secretariat sufficient time to incorporate the great number of amendments proposed during the debate into the draft for second reading. It was understood that this procedure was an exceptional measure which should not serve as a precedent.

VI. First Round Compliance procedure

Examination of the draft Compliance Reports on Bulgaria and Germany

19. GRECO examined the draft (P3) First Round Compliance Report on Bulgaria. It was based on the Situation Report forwarded by the Bulgarian authorities (Greco RS-I (2004) 3E) and additional information provided by the country. Following debate, GRECO adopted the First Round Compliance Report on Bulgaria, as it appears in Greco RC-I (2004) 3E.

20. GRECO examined the draft (P3) First Round Compliance Report on Germany. It was based on the Situation Report forwarded by the German authorities (Greco RS-I (2004) 1E) and additional information provided by the country. Following debate, GRECO adopted the First Round Compliance Report on Germany, as it appears in Greco RC-I (2004) 1E.

21. GRECO invited the delegations of Bulgaria and Germany to authorise, as soon as possible, the publication of the Reports.

22. Further to decision 12 of GRECO 16 (Greco (2003) 31E), the Georgian delegation reported on recent developments in Georgia in respect of the recommendations contained in the First Round Evaluation Report on Georgia (Greco Eval I Rep (2001) 5E Final).

23. GRECO took note of the written (Greco Eval I (2004) 1E) and oral information provided and encouraged the Georgian authorities to pursue their efforts to implement GRECO’s First Round Recommendations. GRECO invited the Georgian authorities to provide further, up-dated reports on this matter at its 19th Plenary Meeting and all subsequent Plenaries in 2004, in accordance with the above decision. Ideally, the reports submitted should outline the concrete measures taken in response to each of GRECO’s recommendations and avoid general statements on the subject. This would greatly facilitate the assessment – on an ongoing basis – of Georgia’s level of compliance and of the progress achieved.

VII. Other business

24. GRECO held a hearing with Mr Marc BALTES, Deputy Co-ordinator of OSCE Economic and Environmental Activities and his colleague Ms Kimberley BULKLEY, Good Governance Officer, concerning relevant anti-corruption activities at OSCE-level. In the light of the information received, GRECO asked the Bureau to reflect, together with the Secretariat, upon effective modalities of co-operation between GRECO and the OSCE.

25. Moreover, GRECO discussed possibilities for future hearings with other organisations, active in fields of interest to GRECO. It was agreed to invite the World Bank and the International Chamber of Commerce to hearings on the occasion of forthcoming meetings.

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2 Following authorisation by the Bulgarian and German authorities, the First Round Compliance Reports on Bulgaria and Germany were published on 24 May 2004 and 9 June 2004 respectively.
26. GRECO decided to postpone its decision on the request by the European Bank for Reconstruction and Development (EBRD) for observer status with GRECO to its 19th Plenary Meeting, pending the conclusion of the obligatory consultation of Council of Europe member States (including those not represented on GRECO) in respect of their possible intention to refer the matter to the Committee of Ministers for decision.3


VIII. Adoption of decisions

28. GRECO adopted the decisions of the 18th Plenary Meeting, as they appear in Greco (2004) 7E.

IX. Dates of forthcoming meetings

29. GRECO decided to hold its 19th Plenary meeting in Strasbourg from 28 June – 2 July 2004, emphasising once more that 5 meeting days were required in order to cope with the growing workload. GRECO noted that the next Bureau meeting would be in Brussels on 7-8 June 2004.

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3 The consultation was concluded on 16 June 2004. As a result, GRECO is now in a position, pursuant to paragraph 5 of Resolution (76) 3 of the Committee of Ministers, to take the decision itself ("by a unanimous decision").
APPENDIX I

LIST OF PARTICIPANTS /LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Mr Ardian DVORANI – Apologised / Excusé
Director General of Codification Department, Ministry of Justice

ARMENIA / ARMENIE

Mr Ashot GALOYAN
Adviser to the Minister of Foreign Affairs, Ministry of Foreign Affairs

BELGIUM / BELGIQUE

Mme Isabelle VAN HEERS
Vice-Présidente du GRECO – Vice-President of GRECO
Magistrat Fédéral, Parquet Fédéral

Mlle Claire HUBERTS – Apologised / Excusé
Conseiller adjoint, Service des questions pénales, générales et internationales, Direction Générale de la Législation pénale et des Droits de l’Homme, Ministère de la Justice

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC
Advisor to the Minister of Security of Bosnia and Herzegovina, Council of Ministers of Bosnia and Herzegovina, Ministry of Security

Mr Sead TEMIM
Prosecutor, Federal Prosecutor’s Office of the Federation of Bosnia and Herzegovina

BULGARIA / BULGARIE

Mr Georgi RUPCHEV
Head of Department International Legal Cooperation, Ministry of Justice

CROATIA / CROATIE

Mr Dražen JELENIĆ
Deputy Head of USKOK, Office for Prevention of Corruption and Organised Crime

CYPRUS / CHYPRE

Mr Philippos KOMODROMOS
Legal Officer, Law Office of the Republic, Counsel of the Republic

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Kateřina CIZLOVA
Lawyer, International Department, Section for International Organisations and International Cooperation, Ministry of Justice

Mr Petr POSPISIL
Security Policy Department, Section of the Security-administrative Agendas, Ministry of the Interior

DENMARK / DANEMARK

Mr Flemming DENKER
Deputy Director, The Public Prosecutor for Serious Economic Crime
ESTONIA / ESTONIE

Ms Mari-Liis LIIV
Adviser, Corruption Specialist, Department of Crime Policy, Ministry of Justice

Mr Margus KURM, Vice Chancellor of Criminal Policy, Ministry of Justice

Ms Heili SEPP
Public Prosecutor, Public Prosecutor’s Office

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS
Inspector General of the Police, Ministry of the Interior, Police Department

Ms Helinä LEHTINEN
Ministerial Advisor, Ministry of Justice, Crime Policy Department

FRANCE

M. Franck ZIENTARA
Magistrat, Chargé de mission auprès du Directeur des Affaires Juridiques, Ministère des Affaires Etrangères

GEORGIA / GEORGIE

Mr Pavlé KUBLASHVILI – Apologised / Excusé
Director of Anticorruption Policy Coordinating Department, Office of the National Security Council

Mr David AKHALAIA – Apologised / Excusé
Director of Law Enforcement Department, Office of the National Security Council

Levan KHETSURIANI
Chief Adviser, Anti-corruption Policy Coordinating Department, Office of the National Security Council

GERMANY / ALLEMAGNE

Ms Angelika LAITENBERGER
State Prosecutor, Ministry of Justice

GREECE / GRECE

Mr Gerassimos FOURLANOS
Judge by the Court of Appeal in Athens, Ministry of Justice

HUNGARY / HONGRIE

Mr Ákos KARA – Apologised / Excusé
Head of Division, Ministry of Justice

Mr Sandor DUSIK
Principal Counsellor, Ministry of Interior

ICELAND / ISLANDE

Ms Ragna ARNADOTTIR
Director of Legal Affairs, Ministry of Justice

IRELAND / IRLANDE

Ms Nicola MURPHY
Administrative Officer, Department of Justice, Equality and Law Reform, Criminal Law Reform Division
Mr Tony McDermottroe – **Apologised / Excusé**
Principal Officer, Criminal Law Reform Division

Ms Breda Walshe – **Apologised / Excusé**
Department of Justice, Equality and Law Reform

**LATVIA / LETTONIE**

Mrs Inese Terinka
Senior Specialist, Legal Division, Corruption Prevention and Combating Bureau

**LITHUANIA / LITUANIE**

Ms Aušra Bernotiene – **Apologised / Excusé**
Deputy Director, Department of International Law and European Integration, Ministry of Justice

**LUXEMBOURG**

M. Jean Bour
Procureur d’État, Parquet du Tribunal d’Arrondissement de Diekirch

M. Jean-Paul Frising
Procureur d’État adjoint, Parquet du Tribunal d’Arrondissement de Luxembourg

Mme Félicie Weycker, Ministère de la Fonction Publique

Mme Claudine Konsbruck
Attaché de Gouvernement 1er en rang, Ministère de la Justice

**MALTA / MALTE**

Mr Silvio Camilleri – **Apologised / Excusé**
Deputy Attorney General, Attorney General’s Office

**MOLDOVA**

Mme Cornelia Vicleanschi
Procureur, Chef du Service des Relations Internationales, Bureau du Procureur Général

**NETHERLANDS / PAYS-BAS**

Ms Eline Weeda
Policy maker at the Investigation Department, Ministry of Justice

**NORWAY / NORVEGE**

Mr Atle Roaldsøy
Senior Adviser, Police Department, Ministry of Justice

**POLAND / POLOGNE**

Mr Jacek Garstka
Advisor in Justice and Home Affairs, Representation of the Republic of Poland to the EU

Mr Czerny Michalczuk
Prosecutor, Department of Legal Cooperation and European Law, Ministry of Justice

Ms Iwona Janowska-Marciniak
Senior Specialist, Ministry of Finance, Bureau of Fiscal Documentation
PORTUGAL

Mrs Luisa Maia GONÇALVES
Director of Department, International Relations, Ministry of Justice

ROMANIA / ROUMANIE

Mme Nicoleta ILIESCU
Conseillère du Ministre de la Justice, Direction des Etudes et Elaboration des Actes normatifs et Documentation, Ministère de la Justice

M. Octavian LUPESCU
Procureur, Parquet National Anti-Corruption

SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO

Mr Veselin SUKOVIC
Director of the Anti-Corruption Initiative Agency

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Dr Jaroslav PAL’OV
Director of Bureau of International Police Co-operation, Presidium of Police Forces, Head of National Central Bureau of INTERPOL

SLOVENIA / SLOVENIE

Mr Drago KOS
President of GRECO / Président du GRECO
State Undersecretary, Office for the Prevention of Corruption

Mr Roman PRAH
Assistant Director, Office for the Prevention of Corruption

SPAIN / ESPAGNE

Mrs Marta BETANZOS ROIG
Deputy Director General for Justice in the European Union, and other International Bodies, Ministry of Justice

Mr Alfredo PASCUAL MARTINEZ
Legal Adviser, International Relations Department, Ministry of Justice

Mr Javier ALBALADEJO CAMPOS, Adviser, International Affairs, Ministry of Interior

SWEDEN / SUEDE

Mr Kazimir ÅBERG
Director of International Affairs, Head of Director-General’s Office, Economic Crimes Bureau

Mr Håkan ÖBERG – Apologised / Excusé
Director, Division of International Affairs, Economic Crimes Bureau

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

Prof. Nikola TUPANCEVSKI
Faculty of Law (Criminal Law), University "St. Cyril and Methodius"
TURKEY / TURQUIE

M. Ergin ERGÜL
Chef de Département, Direction Générale du Droit International et des Relations Extérieures, Ministère de la Justice

M. Aydin Sefa AKAY
Adjoint au Représentant Permanent de la Turquie auprès du Conseil de l’Europe, Conseiller, Section des Affaires Juridiques, Représentation Permanent de la Turquie auprès du Conseil de l’Europe

UNITED KINGDOM / ROYAUME-UNI

Mr Paul STEPHENSON
Head of Corruption and Criminal Policy Section, Home Office, Sentencing and Offences Unit

Ms Anna HODGSON – Apologised / Excusé
Policy Advisor, Home Office

Mr Michael COCKLE
Economic Crime and Tax Team, Foreign and Commonwealth Office

UNITED STATES OF AMERICA / ETATS-UNIS D’AMERIQUE

Mr Mark RICHARD – Apologised / Excusé
Senior Counsellor for Criminal Justice Matters, US Mission to the European Union

Mr Joseph E. GANGLOFF
Senior Counsel, Office of International Affairs, U.S. Department of Justice

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

Prof. Dr Albin ESER
Max Planck-Institute for Foreign and International Penal Law, Abteilung Strafrecht

EXPERT-EVALUATORS RESPONSIBLE FOR THE EVALUATION OF THE FOLLOWING COUNTRIES / EXPERTS-EVALUATEURS RESPONSABLES DE L’ÉVALUATION DES PAYS SUIVANTS

Second Round Evaluation of Poland / Evaluation du Deuxième Cycle de la Pologne

Mrs Teresa GALVEZ (Spain / Espagne)
European Criminal Judicial Cooperation Unit, Eurojust

M. Philippe METTOUX (France) – Apologised / Excusé
Conseiller du Secrétariat d’État à la Justice chargée du droit des victimes

Mr Georgi RUPCHEV (Bulgaria / Bulgarie)
Head of Department International Legal Cooperation, Ministry of Justice

Second Round Evaluation of Luxembourg / Evaluation du Deuxième Cycle du Luxembourg

M. Erwin FRANCIS (Belgium / Belgique)
Directeur de l’Organe de Saisie et de Confiscation, Ministère de la Justice

M. Claude MATHON (France)
Chef du Service Central de Prévention de la Corruption, Service Interministériel placé auprès du Ministère de la Justice

M. Antonio Francisco CLUNY (Portugal)
Procureur Général Adjoint, Cour des Comptes
Second Round Evaluation of Estonia /
Evaluation du Deuxième Cycle de l’Estonie

Mr Pekka KOPONEN (Finlande) - Apologised / Excusé
State Prosecutor, Office of the Prosecutor General

Mr Tibor SEPSI (Hungary / Hongrie)
Legal Advisor, Ministry of Justice, Department of Public Law

Mr Keith McCarthy (United Kingdom / Royaume-Uni)
Prosecution Group Leader, Inland Revenue, Special Compliance Office

HEARING WITH / AUDITION AVEC
OFFICE OF THE CO-ORDINATOR OF OSCE ECONOMIC AND ENVIRONMENTAL ACTIVITIES
Thursday 13 May, 14h30 / Jeudi 13 mai, 14h30

Mr. Marc Baltes, Deputy Co-ordinator of OSCE Economic and Environmental Activities, OSCE

Ms. Kimberly Bulkley, Good Governance Officer, OSCE, Office of the Co-ordinator of OSCE Economic and Environmental Activities

PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO /
PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

Mme Anna LAMPEROVA – Apologised / Excusé

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE /
ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L’EUROPE

To be nominated / A désigner

REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

To be nominated / A désigner

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

M. Daniel FONTANAUD – Apologised / Excusé
Magistrat, Ministère de la Justice, Commission des Communautés Européennes

OBSERVER. OECD / OBSERVATEUR. OCDE

Melle Gwenaelle LE COUSTUMER
 Administrateure, Division de Lutte contre la Corruption, Direction des Affaires Financières, Fiscales et des Entreprises, Organisation de Coopération et de Développement Économiques (OCDE)

COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L’EUROPE

Mr Wolfgang RAU, Executive Secretary of GRECO, Directorate General I – Legal Affairs, Council of Europe

M. Carlo CHIAROMONTE, Administrateur, Direction Générale I - Affaires Juridiques, Conseil de l’Europe

Mr Björn JANSON, Administrative Officer, Directorate General I – Legal Affairs, Council of Europe

M. Spyros TSOVILIS, Administrateur, Direction Générale I - Affaires Juridiques, Conseil de l’Europe

M. Christophe SPECKBACHER, Administrateur, Direction Générale des Affaires Juridiques, Conseil de l’Europe

Mr Rupert VINING, Stagiaire : Directorate General I – Legal Affairs
Ms Mélanie GIRARD, Stagiaire : Directorate General I – Legal Affairs
Ms Alepi LIDA, Stagiaire : Directorate General I – Legal Affairs
Ms Fiona MYLES, Assistant, Directorate General I – Legal Affairs, Council of Europe
Mlle Laure PINCEMAILLE, Assistante (Cycles d’évaluation), Direction Générale I - Affaires Juridiques, Conseil de l’Europe
Ms Penelope PREBENSEN, Administrative Assistant (Evaluation rounds), Directorate General I – Legal Affairs, Council of Europe
Ms Simona GHITA, Webmaster, Direction Générale I - Affaires Juridiques, Conseil de l'Europe

INTERPRETERS / INTERPRETES

Mme Sally BAILEY
Mme Isabelle MARCHINI
Mme Cynera JAFFREY
APPENDIX II

AGENDA / ORDRE DU JOUR

1. Opening of the meeting at **09h30** / Ouverture de la réunion à **09h30**
2. Adoption of the draft agenda / Adoption de l’ordre du jour
3. Information by the President / Information par le Président
4. Information by the Executive Secretary / Information par le Secrétaire Exécutif
5. Communication by the Bureau 24 / Communication du Bureau 24
6. First reading and examination of the draft Second Round Evaluation Reports on: / Première lecture et examen des projets de Rapport d’Évaluation du Deuxième Cycle sur :
   - **Poland / Pologne** : Monday (consideration in plenary) / lundi (examen en plénière)
   - **Luxembourg** : Tuesday (consideration in plenary) / mardi (examen en plénière)
   - **Estonia / Estonie** : Wednesday (consideration in plenary) / mercredi (examen en plénière)

   The evaluators and the national delegations concerned are, nevertheless, requested to be available during the following periods: / Les évaluateurs et les délégations nationales concernés sont, toutefois, invités à être disponibles pendant les périodes suivantes :
   - **Poland / Pologne** : Monday all day (consideration in plenary) and Tuesday morning / lundi toute la journée (examen en plénière) et mardi matin
   - **Luxembourg** : Monday afternoon (preparatory meeting), Tuesday all day (consideration in plenary) and Wednesday morning / lundi après-midi (réunion préparatoire), mardi toute la journée (examen en plénière) et mercredi matin
   - **Estonia / Estonie** : Wednesday all day (consideration in plenary) and Thursday morning / mercredi toute la journée (examen en plénière) et jeudi matin
7. Examination and adoption of the draft First Round Compliance Reports on : / Examen et adoption des projets de Rapport de Conformité du Premier Cycle sur :
   - **Bulgaria / Bulgarie** : Thursday morning / jeudi matin
   - **Germany / Allemagne** : Thursday afternoon / jeudi après-midi
8. Second reading and adoption of the draft Second Round Evaluation Reports on **Poland, Luxembourg and Estonia** (Friday) / Deuxième lecture et adoption des projets de Rapport d’Évaluation du Deuxième Cycle sur la **Pologne, le Luxembourg et l’Estonie** (vendredi)
10. Request by the European Bank for Reconstruction and Development (EBRD) for observer status with GRECO / Demande de la Banque Européenne pour la Reconstruction et le Développement (BERD) pour le statut d’observateur auprès du GRECO

11. Hearing with / Audition avec : Office of the Co-ordinator of OSCE Economic and Environmental Activities (Thursday / jeudi, 14h30)


13. Miscellaneous / Divers

14. Adoption of decisions / Adoption des décisions

15. Dates of next meetings / Dates des prochaines réunions