21st Plenary Meeting of GRECO
(Strasbourg, 29 November – 2 December 2004)

SUMMARY MEETING REPORT
I. Opening of the meeting

1. The 21st 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 the representatives; in this connection, he referred, in particular to changes in the composition of the delegations from Albania, the Czech Republic, Lithuania, the Netherlands, Serbia and Montenegro, Spain, Turkey and the United Kingdom.

II. Adoption of the agenda

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

III. Information provided by the President

4. The President reported on his participation at the conference on “Anti-corruption efforts in Romania: achievements, lessons learned and future challenges”, on 3 November 2004, which had been organised jointly by the OECD and the Ministry of Justice in Bucharest. He presented the main findings, conclusions and recommendations of GRECO's First Round Evaluation Report and the subsequent Compliance Report on Romania. The press conference which followed was well attended and showed that GRECO is a well known institution and that its work and recommendations are highly regarded.

5. On 15 November 2004, the President and the Executive Secretary had attended a meeting of the Social, Health and Family Affairs Committee of the Parliamentary Assembly in Paris on the theme “Poverty and fight against corruption in the Council of Europe Member States”. The President had introduced GRECO’s work briefly, which had provoked considerable interest and a willingness to further develop cooperation between both bodies. Owing to the fact that the main rapporteur (Mr Cousin) was not present at the conference, Mr Kos was invited to participate again in a forthcoming meeting of the Committee.

6. The President welcomed the possible future cooperation between GRECO and the World Bank, including enhanced exchange of information and more regular official contacts, as appropriate.

IV. Information provided by the Executive Secretary

7. The Executive Secretary reported on the following developments since GRECO’s 20th Plenary Meeting (2004):

- the approval by the Statutory Committee on 23 November 2004 of GRECO’s budget for 2005. Further agreement was to be reached in 2005, in the light of proposals to be prepared by the Secretariat, concerning the possibility of reviewing the minimum and maximum rates of the Scale of Contributions for 2006;

- the finalisation of the research study carried out by GRECO’s scientific expert, Mr A. Eser. In this context, the possibility of its publication was to be further explored. The cover page, table of contents and conclusions of the study were made available to all participants;

- the press release on the Council of Europe’s website concerning the publication of the Second Round Evaluation Report on the United Kingdom, which was
coordinated with the authorities and accompanied by a more detailed press release in the United Kingdom. As per the agreement reached at GRECO’s Bureau 26 meeting to increase GRECO’s visibility, further press releases would be prepared in the future on a case-by-case basis;

- the completion by the Secretariat of a reworked GRECO leaflet on “Monitoring compliance with Council of Europe anti-corruption standards”, which was to be handed over to a graphic designer for additional presentational improvements and was intended to be released at the beginning of 2005;

- the extensive inclusion of GRECO’s comments on Resolution 1646 (2004) 1 of the Parliamentary Assembly on “Improving the prospects of developing countries: a moral imperative for the world” in the subsequent response by the Committee of Ministers, which also encouraged Member States and non-Member States, sharing the Council of Europe’s values, to join GRECO;

- the explicit reference to GRECO’s opinion on corruption in sport included in Resolution I on the principles of good governance in sports adopted at the 10th Conference of European Ministers responsible for Sport (Budapest, 14-15 October 2004);

- the ratification by Slovenia of the Additional Protocol to the Criminal Law Convention on Corruption (ETS n° 191) on 11 October 2004. As a result of this fifth ratification, the protocol would enter into force on 1 February 2005 in respect of Bulgaria, Norway, Slovenia, Sweden and the United Kingdom;

- the entry into force of the Civil Law Convention on Corruption (ETS n° 174) in respect of Sweden on 1 October 2004;

- the notification by Andorra of its intention to join GRECO as its 39th member. The Council of Europe Member States which had not yet joined GRECO were Austria, Italy, Liechtenstein, the Russian Federation, San Marino, Switzerland and Ukraine. The Secretariat had heard from Switzerland that the ratification process for the Criminal Law Convention on Corruption (ETS n° 173) was well advanced. It also noted that, although the Russian Federation had expressed its interest in acceding to GRECO by ratifying the Criminal Law Convention on Corruption, accession was unlikely to occur in the short term. In addition, the Canadian authorities had recently indicated during an official visit carried out by the Council of Europe’s Deputy Secretary General, Maud DE BOER-BUQUICCHIO, that the country had not yet acceded for financial reasons.

V. Second Round Evaluation procedure

Examination of the draft Evaluation Reports on Belgium and France

8. GRECO examined the draft (P3) Second Round Evaluation Report on Belgium.

9. Members of the Evaluation Team (cf. list of participants) made introductory presentations. The representatives of Belgium presented their authorities’ comments, which were followed by a first reading of the draft report (paragraph by paragraph).


11. GRECO examined the draft (P3) Second Round Evaluation Report on France.
12. Members of the Evaluation Team made introductory presentations. The representatives of France presented their authorities’ comments, which were followed by a first reading of the draft report (paragraph by paragraph).


14. GRECO invited the authorities of Belgium and France to authorise, as soon as possible, the publication of their respective Evaluation Reports.

15. GRECO approved the composition of Second Round Evaluation Teams in charge of the evaluation of Armenia, Bosnia and Herzegovina, Greece, Hungary, Ireland, the Netherlands and Turkey (Greco Eval II (2003) 1bil of 24 November 2004).

VI. First Round Compliance procedure

Examination of the draft Compliance Reports on Albania, Croatia, Greece and “the former Yugoslav Republic of Macedonia”

16. GRECO examined the draft (P3) First Round Compliance report on Albania. It was based on the Situation Report forwarded by the Albanian authorities (Greco RS-I (2004) 11E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Albania as it appears in Greco RC-I (2004) 11E.

17. GRECO examined the draft (P3) First Round Compliance report on Croatia. It was based on the Situation Report forwarded by the Croatian authorities (Greco RS-I (2004) 4E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Croatia as it appears in Greco RC-I (2004) 4E.

18. GRECO examined the draft (P3) First Round Compliance report on Greece. It was based on the Situation Report forwarded by the Greek authorities (Greco RS-I (2004) 2E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on Greece as it appears in Greco RC-I (2004) 2E.

19. GRECO examined the draft (P3) First Round Compliance report on “the former Yugoslav Republic of Macedonia”. It was based on the Situation Report forwarded by the authorities of “the former Yugoslav Republic of Macedonia” (Greco RS-I (2004) 10E) and additional information provided by the country. Following a debate, GRECO adopted the First Round Compliance Report on “the former Yugoslav Republic of Macedonia” as it appears in Greco RC-I (2004) 15E.

20. GRECO invited the delegations of Albania, Croatia, Greece and “the former Yugoslav Republic of Macedonia” to authorise publication of the reports as soon as possible.¹

¹ Following authorisation by the national authorities, the First Round Compliance report on Croatia was made public on 20 December 2004.
VII. Procedure under Rule 32, paragraph 2 of the Rules of Procedure

21. GRECO examined the Comments II (Greco Eval I (2004) 8E) prepared by its Special Rapporteur, Mr Ákos KARA (Hungary), on information provided by the delegation of Georgia pursuant to Rule 32, paragraph 2, al. (i) of GRECO’s Rules of Procedure and in accordance with Decision 12 of GRECO 16 and Decision 17 of GRECO 19. GRECO welcomed the progress reported in respect of a number of First Round recommendations and urged the Georgian authorities to pursue their efforts to comply with recommendations not yet addressed in an appropriate manner, bearing in mind the observations made in the aforementioned Comments II. The delegation of Georgia was invited to submit additional information to the Executive Secretary by 21 February 2005, in view of its examination by the Special Rapporteur and, subsequently, by GRECO 22.

VIII. Draft amendment to GRECO’s Rules of Procedure

22. GRECO asked the Bureau to revise - in the light of the discussions - the proposed amendment to Rule 31 of its Rules of Procedure (Greco (2004) 20 Revised) concerning Additional Reports required by First Round Compliance Reports, and agreed to examine the new draft at GRECO 22.

IX. Draft programme of activities for 2005


X. Annual Activity Report 2004: Proposal by the Bureau for a substantive issue to be addressed

24. GRECO decided to include a substantive section on the topic “Immunities of public officials as obstacles in the fight against corruption” in its Fifth Annual Activity Report (2004).

XI. Miscellaneous

25. GRECO was informed that in a Draft Council Resolution of 23 November 2004 (considered by the Multidisciplinary Group on Organised Crime) concerning the Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on a Comprehensive EU Policy against Corruption, the Commission was called upon to consider various options, such as a separate EU monitoring mechanism, participation in GRECO, or a mechanism to evaluate and monitor both EU instruments and the UN Convention against Corruption.

26. The Executive Secretary encouraged all EU Member States representatives to GRECO to support accession of the European Community to GRECO during forthcoming meetings of the EU Multidisciplinary Group on Organised Crime.

27. GRECO agreed to include on the agenda of GRECO 23 a tour de table concerning GRECO’s possible contribution to the monitoring of the UN Convention against Corruption. Ideally such an exchange of views would be organised on the basis of a few key questions, which would be submitted to GRECO 22 in writing. The Bureau would discuss possible questions at its next meeting.
XII. Adoption of decisions

28. GRECO adopted the decisions of the 21st Plenary Meeting, as they appear in Greco (2004) 22E.

XIII. Dates of forthcoming meetings

29. GRECO’s 22nd Plenary Meeting would be held in Strasbourg from 14-18 March 2005. GRECO noted that its Bureau would meet on 3-4 February 2005 in Strasbourg.
APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Mr Edmond DUNGA
Director of Anti-Corruption Unit, Council of Ministers

ARMENIA / ARMENIE

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

AZERBAIJAN / AZERBAIDJAN

Mr Kamran ALIYEV
Senior Assistant to the Prosecutor General, General Prosecutor’s Office

BELGIUM / BELGIQUE

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

Mlle Claire HUBERTS – Apologised / Excusée
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 Srdja VRANIĆ
National Public Administration Reform (PAR) Coordinator, Office of the Chairman, Council of Ministers

Mr Sead TEMIM - Apologised / Excusé
Prosecutor, Federal Prosecutor’s Office of the Federation of Bosnia and Herzegovina

BULGARIA / BULGARIE

Mr Georgi RUPCHEV
Head of Department of 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 Philipppos KOMODROMOS
Legal Officer, Law Office of the Republic, Counsel of the Republic

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Karin BINDEROVA
Policy Maker, Ministry of the Interior

Mr Karel BLAHA
Lawyer, Ministry of Justice
DENMARK / DANEMARK

Mr Svend LARSEN
Public Prosecutor, Office of the Director of Public Prosecutions

ESTONIA / ESTONIE

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

FINLAND / FINLANDE

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

Ms Helinä LEHTINEN
Ministerial Advisor

FRANCE

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

Mme Pascale LABROUSSE
Magistrat, Adjointe au chef du bureau du Droit Economique et Financier de la Direction des Affaires Criminelles et des Grâces, Ministère de la Justice

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

M. Charles-Henri MONTIN
Chargé de mission à la Délégation aux usagers et aux simplifications administratives, responsable des affaires internationales

GEORGIA / GEORGIE

Mr Irakli CHIKOVANI
Director of Anti-Corruption Policy Department, National Security Council

GERMANY / ALLEMAGNE

Ms Angelika LAITENBERGER
State Prosecutor, Ministry of Justice

GREECE / GRECE

Mr Petros KAKALIS
Judge, Vice-President, Supreme Court (Areios Pagos), Ministry of Justice

Mr Gerassimos FOURLANOS
Judge, 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

Mr Stefan EIRIKSSON
Director of Police and Judicial Affairs, Ministry of Justice

IRELAND / IRLANDE

Ms Nicola MURPHY
Administrative Officer, Department of Justice, Equality and Law Reform, Criminal Law Reform Division

Mr Jim O'FARRELL
Principal Officer, Department of Finance

LATVIA / LETTONIE

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

LITHUANIA / LITUANIE

Ms Aušra BERNOTIENĖ - Apologised / Excusée
Director, Department of International Law, Ministry of Justice

Mr Mindaugas SILKAUSKAS
Deputy Director, Department of International Law, Ministry of Justice

LUXEMBOURG

M. Jean-Paul FRISING
Procureur d'Etat adjoint, Parquet du Tribunal d’Arrondissement de Luxembourg

MALTA / MALTE

Mr Silvio CAMILLERI – Apologised / Excusé
Attorney General, Attorney General’s Office

MOLDOVA

Mme Cornelia VICLEANȘCHI
Procureur, Chef de la Section Générale, Bureau du Procureur Général

Mrs Elena ECHIM
Head of Section of Treaties and European integration, Directorate of Governmental Agent and International Relations, Ministry of Justice

NETHERLANDS / PAYS-BAS

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

Ms Nadia WALRAVEN, Ministry of Justice, Investigation Department

Ms Tania VAN DIJK
Senior policy officer, Ministry of Justice

Mr Alex BELLING – Apologised / Excusé
Coordinator policy on integrity, Ministry of the Interior and Kingdom Relations

NORWAY / NORVEGE

Mr Bjørn VALVIK
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POLAND / POLOGNE
Mr Cezary MICHALCZUK
Prosecutor, Department of International Cooperation and European Law, Ministry of Justice,

Mme 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
Mr Constantin Virgil IVAN-CUCU
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SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO
Mr Veselin SUKOVIC, Director of the Anti-Corruption Initiative Agency

Ms Ana NIKOLIC
Senior Advisor, Anti-Corruption Initiative Agency

Mrs Aleksandra POPOVIĆ
Assistant Minister, Ministry of Justice

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE
Mr 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
Chairman, Commission for the Prevention of Corruption

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

SPAIN / ESPAGNE
Ms Esther PIAS
Deputy Director General for Justice in the European Union and other International Bodies, Ministry of Justice

Mr Antonio VERCHER NOGUERA – Apologised / Excusé
Public Prosecutor, Public Prosecutor’s Office in the Supreme Court, Fiscalía del Tribunal Supremo

SWEDEN / SUEDE
Mr Kazimir ÅBERG
Director of International Affairs, Head of Director – General’s Office, Economic Crimes Bureau
Mr Håkan ÖBERG
Director, Division of International Affairs, Economic Crimes Bureau
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

Mr Nikola TUPANCESKI
Professor Ph. D (Criminal Law), Law Faculty Justinianus “Primus”

Mr Nikola Todor VITLAROV
High Prosecutor, High Prosecutor’s Office

Ms Vanja MIHAJLOVA, Member of the State Commission for the prevention of corruption

TURKEY / TURQUIE

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

Mr Erkan TUNÇDEMİR
Expert of Financial Crimes Investigation Board

Mr Süleyman AYDIN
Assistant Professor, Police Academy Directory

UNITED KINGDOM / ROYAUME-UNI

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

Ms Natasha CHETTY
Policy Advisor, Home Office

UNITED STATES OF AMERICA / ETATS-UNIS D'AMÉRIQUE

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

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

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

GRECO EVALUATION TEAMS / EQUIPES D’ÉVALUATION DU GRECO

Second Round Evaluation of Belgium /
Evaluation du Deuxième Cycle de la Belgique

Mme Françoise ROSEN (Luxembourg)
Premier Substitut, Parquet Luxembourg

Mme Cornelia VICLEANŞCHI (Moldova)
Procureur, Chef du Service des Relations Internationales, Bureau du Procureur Général

M. José Antonio MOURAZ LOPES (Portugal)
Directeur national adjoint du département de contrôle de la corruption et de la fraude économique et financière, Police Judiciaire
Second Round Evaluation of France / Evaluation du Deuxième Cycle de la France

M. Pieter VERREST (Netherlands/Pays-Bas)
Administrateur Principal, Ministère de la Justice

M. Peter DE ROECK (Belgium/Belgique)
Auditeur Général des Finances, Service Public Fédéral Budget, Service Contrôle de l’Intégrité

M. Panagiotis KAVIS (Greece/Grèce)
Procureur, Cour d’Appel d’Athènes, Hellenic Ministry of Justice

RAPPORTEURS : Compliance Procedure/Procédure de Conformité

RC-I ALBANIA/ALBANIE
Ms Karin BINDEROVA – Czech Republic/République Tchèque
Ms Tania VAN DIJK – Netherlands/Pays-Bas

RC-I CROATIA/CROATIE
Mr Edmond DUNGA – Albania/Albanie
Mr Antonio VERCHER NOGUERA – Spain/Espagne – Apologised / Excusé

RC-I GREECE/GREC
Mrs Luisa Maia GONÇALVES - Portugal
Mr Roman PRAH – Slovenia/Slovénie

RC-I “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”/« L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE »
Mr Jim O’FARRELL – Ireland/Irlande

Mrs Elena ECHIM - Moldova

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

Mme A. LAMPEROVA – Apologised / Excusée
Ambassadeur Extraordinaire et Plénipotentiaire, Représentant Permanent de la République Slovaque auprès du Conseil de l’Europe

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

Mr Jaume BARTUMEU CASSANY, Membre du Conseil Général

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OBSERVER OECD / OBSERVATEUR OCDE

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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

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

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Ms Lioubov SAMOKHINA, Administrative Officer, Directorate General I – Legal Affairs, Council of Europe

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Ms Simona GHITA, Webmaster, Direction Générale I - Affaires Juridiques, Conseil de l’Europe

Ms Jennifer KADDUR, Assistant, Directorate General I – Legal Affairs, Council of Europe

INTERPRETERS / INTERPRETES

Mme Sally BAILEY
Mme Martine CARALY
Mme Julia TANNER
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 Bureau 27 / Communication du Bureau 27
6. First reading and examination of the draft Second Round Evaluation Reports on: / Première lecture et examen des projets de Rapport d’Evaluation du Deuxième Cycle sur :
   - Belgium / Belgique : Monday (consideration in plenary) / lundi (examen en plénière)
   - France : Tuesday (consideration in plenary) / mardi (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 :
   - Belgium / Belgique : Monday all day (consideration in plenary) and Tuesday morning / lundi toute la journée (examen en plénière) et mardi matin
   - France : Tuesday all day (consideration in plenary) and Wednesday morning / mardi toute la journée (examen en plénière) et mercredi matin

7. Examination and adoption of the draft First Round Compliance Reports on : Albania, Croatia, Greece and “the former Yugoslav Republic of Macedonia” (Wednesday) / Examen et adoption des projets de Rapport de Conformité du Premier Cycle sur l’Albanie, la Croatie, la Grèce et l’ex-République yougoslave de Macédoine” (mercredi)


9. First Round Compliance Procedure – Examination of additional information to be submitted by Georgia, pursuant to Rule 32, paragraph 2 sub-paragraph (i) of the Rules of Procedure and Decision 13 of GRECO 20 / Procédure de conformité du Premier Cycle – Examen des informations complémentaires à soumettre par la Géorgie, en vertu de l’article 32, paragraphe 2 alinéa (i) du Règlement Intérieur et de la Décision 13 du GRECO 20

11. Draft Programme of Activities for 2005 (to be examined for adoption) / Projet de Programme d’Activités pour 2005 (pour examen en vue de son adoption)


13. Composition of Second Round Evaluation Teams in charge of the evaluation of Armenia, Bosnia and Herzegovina, Greece, Hungary, Ireland, the Netherlands and Turkey / Composition des Equipes d’Evaluation du Deuxième Cycle chargées de l’évaluation de l’Arménie, la Bosnie-Herzégovine, la Grèce, la Hongrie, l’Irlande, les Pays-Bas et la Turquie

14. Miscellaneous / Divers

15. Adoption of decisions / Adoption des décisions

16. Dates of next meetings / Dates des prochaines réunions