



Strasbourg, 15 November 2006

**Greco (2006) 20E**

**30<sup>th</sup> Plenary Meeting of GRECO**  
(Strasbourg, 9-14 October 2006)

**SUMMARY REPORT**

## **I. Opening of the meeting**

1. The 30<sup>th</sup> Plenary Meeting of GRECO was chaired by Isabelle VAN HEERS (Vice-President, Belgium). The list of participants appears in Appendix I to this report.
2. The meeting was opened – during the brief absence of the Vice-President – by Georgi RUPCHEV (Bulgaria). He welcomed all representatives, referring in particular to those who had been newly nominated and handed the floor to the Head of the newly composed delegation of Switzerland which had joined GRECO as its 42<sup>nd</sup> member on 1 July 2007.
3. The Head of the Swiss Delegation wished to inform the Plenary of his country's commitment to full participation in GRECO's work. His authorities had already agreed to the schedule proposed by the Bureau for the Joint First and Second Round Evaluation of Switzerland.

## **II. Adoption of the agenda**

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

## **III. Information provided by the Executive Secretary**

5. The Executive Secretary presented the apologies of the President, Mr Drago KOS (Slovenia), who was unable to attend the meeting. He reported on the following developments since GRECO's 29th Plenary Meeting (June 2006):

- Austria would join GRECO as its 43<sup>rd</sup> member on 1 December 2006, date of entry into force of the Civil Law Convention on Corruption (ETS 174) in its respect and the Russian Federation would join on 1 February 2007, date of entry into force of the Criminal Law Convention on Corruption (ETS 173) in its respect;

- an Octopus Interface conference on corruption and democracy, would be held at the Council of Europe on 20-21 November 2006 dealing with issues concerning political finance, conflicts of interest, lobbying, corruption and the independence of justice, democracy and the control of corruption. The OECD, Transparency International and UNODC would participate;

- the Secretariat had attended a strategy meeting organised by Transparency International (London, 31 August) to prepare a selection of NGOs for the first Conference of States Parties to the UN convention against Corruption to be held in Amman (December 2006) and had provided detailed information to participants on the functioning and results of GRECO monitoring;

- he had participated in the Second expert group meeting for the development of a technical guide to promote the implementation of the UN convention against corruption (Vienna, 25-27 September) organised by the UN Interregional Crime and Justice Research Institute (UNICRI) and the UN Office on Drugs and Crime (UNODC). The technical guide is intended to complement the existing legislative guide. Four draft chapters of the guide were tabled for discussion and having been asked to provide some input, he had referred to relevant issues that have been addressed in GRECO evaluation reports;

- at the Bureau's request, he had sent a letter to the Chairman of the Article 29 Data protection Working Party which had adopted in February 2006 *Opinion 1/2006 on the application of EU data protection rules to internal whistleblowing schemes in the fields of accounting, internal accounting controls, auditing matter, fight against bribery, banking and financial crime*, drawing his attention to the

provisions on "whistleblowing" contained in Recommendation No. R (2000) 20 on codes of conduct for public officials and the appended Model code of conduct for public officials, the Civil Law Convention on Corruption (ETS No. 173) and relevant first and second round recommendations adopted by GRECO (copies of letter and Opinion made available);

- Interpol had, at its 75<sup>th</sup> General Assembly (Rio de Janeiro, 19-22 September), voted in favour of establishing an international anti-corruption academy which would provide training and technical assistance and assist in implementing the United Nations Convention against Corruption;

- the Council of Europe now provided, free of charge, a Wifi network service to experts and visitors;

- Carlo CHIAROMONTE and Spyros TSOVILIS had left GRECO's Secretariat to take up posts elsewhere in the Organisation and Christophe SPECKBACHER and Laura SANZ-LEVIA had rejoined the Secretariat.

#### **IV. Communication by the President of the Statutory Committee**

6. Ambassador Anna LAMPEROVA, Permanent Representative of Slovakia to the Council of Europe, President of GRECO's Statutory Committee, congratulated GRECO on its success. The group had become an internationally recognised reference body for its anti-corruption work and she encouraged further dissemination of information on its activities. The plenary was informed that GRECO's budget for 2007 would be submitted to the Statutory Committee for adoption on 23 November. GRECO representatives were reminded that their interlocutors for matters concerning the adoption of the budget were the Permanent Representatives (Ambassadors or Deputies) to the Council of Europe of countries that are members of GRECO.

#### **V. Second Round Evaluation procedure**

##### Second Round Evaluation Reports on Moldova and the United States

7. Having heard introductory presentations by the members of the Evaluation Teams (cf. list of participants) and comments by the representatives of the countries concerned, a first reading of the draft evaluation reports (paragraph by paragraph) and plenary discussions followed. A second reading of revised drafts prepared by the Secretariat in the light of the debates preceded the adoption of the reports.
8. GRECO adopted after two readings the Second Round Evaluation Reports on Moldova (Greco Eval II Rep (2006) 1E) and the United States of America (Greco Eval II Rep (2005) 10E).
9. GRECO noted with satisfaction that the authorities of the United States of America authorised publication of the report.
10. The authorities of Moldova were invited to authorise, as soon as possible, publication of the report.

#### **VI. Joint First and Second Round Evaluation procedure**

##### Joint First and Second Round Evaluation Report on the Republic of Montenegro

11. Having heard introductory presentations by the members of the Evaluation Team (cf. list of participants) and comments by the representatives of the country

concerned, a first reading of the draft evaluation report (paragraph by paragraph) and plenary discussions followed. A second reading of a revised draft prepared by the Secretariat in the light of the debate preceded the adoption of the report.

12. GRECO adopted after two readings the Joint First and Second Round Evaluation Reports on the Republic of Montenegro (Greco Eval I-II Rep (2005) 4E).
13. The authorities of the Republic of Montenegro were invited by GRECO to authorise, as soon as possible, publication of the report.
14. With regard to the scheduling of forthcoming joint evaluations, the Executive Secretary recalled that Bureau 36 had taken the strong view that, in order to make best use of GRECO's limited budget, both joint evaluations in respect of new members and third round evaluations of "older" members should be carried out in a timely and well-structured manner. The Bureau agreed that new members should be submitted to joint first and second round evaluations as soon as possible after their accession, thus peaks in the workload of GRECO's 2007 plenary meetings could be avoided. As a matter of principle, the Bureau took the view that replies to the first and second round questionnaires by new members should be submitted at the latest five months after accession to GRECO.
15. Subsequently, Switzerland had been invited to submit its replies to the questionnaires by 28 February 2007 and to foresee receiving an evaluation visit during the second third quarter 2007. The Swiss authorities had already accepted and a visit was scheduled to take place in September 2007. The authorities of Austria (which would join GRECO on 1 December 2006) had also been invited to submit replies to the questionnaires by 30 April 2007 and to foresee receiving an evaluation visit during the last quarter of 2007. The above considerations would also be borne in mind when proposing a schedule to the authorities of the Russian Federation (which would join GRECO on 1 February 2007). The draft Joint First and Second Round Evaluation Reports on these countries would be submitted to GRECO for examination during the course of 2008.

## **VII. First Round Compliance procedure**

### Addenda to the First Round Compliance Reports on Denmark, Latvia, Norway, Poland and Romania

16. The draft Addenda to the First Round Compliance Reports on Denmark, Latvia, Norway, Poland and Romania were based on information provided by the authorities of the countries concerned as required by the conclusions of GRECO's First Round Compliance Reports. Following a detailed reading, GRECO adopted the Addenda to the First Round Compliance Reports on Denmark (Greco RC-I (2004) 10E Addendum), Latvia (Greco RC-I (2004) 7E Addendum), Norway (Greco RC-I (2004) 9E Addendum), Poland (Greco RC-I (2004) 5E Addendum) and Romania (Greco RC-I (2004) 8E Addendum) and thus terminated the first round compliance procedure in respect of those countries.
17. GRECO noted with satisfaction that the authorities of Latvia and Romania authorised the publication of the Addenda.

18. The authorities of Denmark<sup>1</sup>, Norway<sup>2</sup> and Poland were invited by GRECO to authorise, as soon as possible, publication of the Addenda.

### **VIII. Second Round Compliance procedure**

#### Second Round Compliance Reports on Estonia, Iceland, Latvia, Norway and the United Kingdom

19. The draft Second Round Compliance Reports on Estonia, Iceland, Latvia, Norway and the United Kingdom had been prepared on the basis of Situation Reports forwarded by the relevant authorities and in consultation with Rapporteurs designated on behalf of Latvia and Germany for Estonia, Bosnia and Herzegovina and Denmark for Iceland, the Netherlands and Lithuania for Latvia, Albania and Sweden for Norway and Estonia and Malta for the United Kingdom. Following a detailed reading, GRECO adopted the Second Round Compliance Reports on Estonia (Greco RC-II (2006) 3E), Iceland (Greco RC-II (2006) 10E), Latvia (Greco RC-II (2006) 4E), Norway (Greco RC-II (2006) 11E) and the United Kingdom (Greco RC-II (2006) 8E).
20. GRECO noted with satisfaction that the authorities of Estonia, Latvia and the United Kingdom authorised the publication of the compliance reports.
21. The authorities of Iceland<sup>3</sup> and Norway<sup>4</sup> were invited by GRECO to authorise, as soon as possible, publication of the compliance reports.

### **IX. Third Evaluation Round**

22. GRECO adopted an amendment (Greco (2006) 17bil) to the Third Round Evaluation Round Questionnaire on the Transparency of Party Funding. The amendment had been submitted by the Bureau following a proposal by the delegation of Turkey. The two Third Evaluation Round Questionnaires would be made available on GRECO's website.
23. The Executive Secretary informed the plenary that, at its last meeting, the Bureau had reflected on a reasonable schedule for the first third round evaluations and had agreed that the first wave of members to be evaluated would be invited to submit replies to the questionnaires by 1 February 2007 and to foresee receiving an evaluation visit in May/June 2007. This schedule should make it possible to devote the last plenary in 2007 (December) to the consideration of the first 3 to 4 third round evaluation reports.
24. Following a proposal by the Bureau – which bore in mind the order in which members had been evaluated in the Second Evaluation Round – the authorities of Finland, France, Poland, Slovenia and the United Kingdom had been invited to accept the above schedule. Finland, Slovenia and the United Kingdom had accepted, no reply had been received from Poland and the Head of Delegation of France indicated that her authorities would prefer, for the time being, to be evaluated later in the round.
25. The second wave of countries to be evaluated would be invited to submit replies to the questionnaires by 31 May 2007 and to foresee receiving an evaluation visit during the last quarter of 2007. In the absence of volunteers, the plenary took note of the fact that Bureau 37 would propose a list of countries which could

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<sup>1</sup> The Addendum to the First Round Compliance Report on Denmark was published on 18 October 2006.

<sup>2</sup> The Addendum to the First Round Compliance Report on Norway was published on 2 November 2006.

<sup>3</sup> The Second Round Compliance Report on Iceland was published on 18 October 2006.

<sup>4</sup> The Second Round Compliance Report on Norway was published on 2 November 2006.

constitute the second wave to the 31<sup>st</sup> Plenary Meeting (December 2006). The Vice-President informed the plenary that the Bureau's proposals would be based on the second round order of evaluations. After those countries mentioned above, the Slovak Republic, Estonia, Luxembourg, Iceland, Latvia and Belgium had been the next countries evaluated in the second round.

26. The Executive Secretary had been informed that the Netherlands might be in a position to make a voluntary contribution to GRECO's budget for 2007 towards financing a Start-up workshop for training third round evaluators. In the meantime, the Secretariat would try to organise a short training session involving some specialists on the issue of political party funding to be held during the December plenary meeting. The training session would be designed for current GRECO representatives and would help to satisfy the wish some had expressed to gain further insight into the issue of party funding before the launch of the Third Evaluation Round.

#### **X. Whistleblowing - presentation**

27. Mr Guy DEHN, Director and Ms Anna MYERS, Deputy Director of *Public Concern at Work* made a presentation of the work of the United Kingdom based, not-for-profit organisation which promotes responsible whistleblowing in the public interest. Its work focuses on three main activities:

- free confidential advice for individuals who have a workplace concern
- consulting services to organisations, regulators and government on how to address whistleblowing as part of robust risk management and good governance
- campaigning on and in the public interest.

28. GRECO took note with great interest of the presentation which highlighted some of the key legal and policy issues to be considered. The ensuing discussion allowed participants to share examples of national experience regarding such questions as protection offered to whistleblowers and attitudes within society regarding the willingness to come forward with allegations of corrupt behaviour and to accept whistleblowers as making a valuable contribution to the fight against corruption.

#### **XI. Observer status with GRECO**

29. GRECO examined a request for observer status with GRECO from the United Nations Office on Drugs and Crime (UNODC). An important point had been made by the Executive Director of the UNODC, namely that "regular interaction with the meetings of the Group of States against Corruption will be beneficial to the future Conference of States Parties to the United Nations Convention against Corruption". In his reply, the Secretary General of the Council of Europe fully subscribed to that view and forwarded the request for observer status to GRECO for consideration (cf. exchange of letters - document Greco (2006) 18).

30. GRECO was well acquainted with the work of the UNODC which was heavily involved in the promotion of the United Nations Convention against Corruption (UNCAC) and responsible for the Conference of States Parties to the UNCAC. GRECO's Secretariat had been actively involved in the ongoing reflection on ways in which the implementation of the UNCAC could be assessed, notably in the framework of the "Friends of the convention" group.

31. The Executive Secretary recalled that at its 26<sup>th</sup> Plenary Meeting (December 2005) copies of a message from the Committee of Ministers concerning the

implementation of the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) had been distributed, indicating that the Council of Europe would step up its cooperation with the United Nations. GRECO would need to provide feedback to the Committee of Ministers on efforts made towards achieving this goal.

32. The new procedure for dealing with requests for observer status was fixed by Resolution Res(2005)47 whereby observers are admitted on the basis of a unanimous decision by the committee concerned. In the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of the 2/3 of the members of the committee concerned.
33. GRECO decided unanimously to grant observer status to the United Nations, represented by the United Nations Office on Drugs and Crime (UNODC).

## **XII. Miscellaneous**

34. The Executive Secretary reminded the plenary that at its next meeting (GRECO 31, 4-8 December 2006) elections of the President, Vice-President and members of the Bureau for the Third Evaluation Round (launch : 1 January 2007) would be held. He drew GRECO's attention to Rule 5, paragraph 5 of GRECO's Rules of Procedure which stipulates : "Any member may submit candidatures [...]. Candidatures may be submitted either in writing to the Executive Secretary before the meeting during which the election is due to take place or orally during that meeting, at least 48 hours in advance of the election".
35. It was recalled that the current President, Vice-President and Bureau members could stand for re-election. However, Ms Isabelle VAN HEERS, Vice-President (Belgium) and Mr Paul STEPHENSON, Bureau member (United Kingdom) indicated that they would not be candidates. Bureau 36 had been of the opinion that, ideally, the future Bureau would include some of its existing members in order to ensure a certain continuity.

## **XIII. Adoption of decisions**

36. GRECO adopted the decisions of the 30<sup>th</sup> Plenary Meeting, as they appear in document Greco (2006) 19E.

## **XIV. Dates of forthcoming meetings**

37. GRECO's 31<sup>st</sup> Plenary Meeting would be held in Strasbourg on 4-8 December 2006. GRECO noted that that its Bureau would next meet in Strasbourg on 13-14 November 2006.

## **APPENDIX I**

### **LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

#### **ALBANIA / ALBANIE**

Mr Edmond DUNGA  
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#### **ANDORRA/ANDORRE**

#### **Apologised / Excusée**

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#### **AZERBAIJAN / AZERBAIDJAN**

Mr Kamran ALIYEV  
Head of Department, General Prosecutor's Office

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Substitut du Procureur du Roi, Parquet Fédéral

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Mr Sead TEMIM  
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Mr Georgi RUPCHEV (Head of delegation)  
Director, International Cooperation and European Integration, Ministry of Justice

#### **CROATIA / CROATIE**

Mr Marin MRČELA (Head of delegation)  
Judge at the County Court in Zagreb

#### **CYPRUS / CHYPRE**

Ms Olga SOPHOCLEOUS  
Counsel of the Republic, Law Office of the Republic of Cyprus

#### **CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

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Ms Marie VYKLIČKÁ  
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## **DENMARK / DANEMARK**

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Mrs Alessandra GIRALDI  
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Mr Jorn GRAVESEN  
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Ms Elina ELKIND  
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auprès du Ministère de la justice

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Chancellerie, Inspection générale des Services Judiciaires

## **GEORGIA / GEORGIE**

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Ms Elspeth REILLY, Assistant, Directorate General I – Legal Affairs, Council of Europe

Ms Penelope PREBENSEN, Administrative Assistant (Evaluation rounds), Directorate General I – Legal Affairs, Council of Europe

Mme Laure HEIM, Assistante (Evaluation rounds), Directorate General I – Legal Affairs, Council of Europe

Mme Marie-Rose PREVOST, Assistante, (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 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 agenda / *Adoption de l'ordre du jour*
3. Information by the President and the Executive Secretary (including on Bureau 36) / *Information par le Président et le Secrétaire Exécutif (y compris sur Bureau 36)*
- 3a. Communication by Ambassador A. LAMPEROVA, Permanent Representative of Slovakia to the Council of Europe, President of GRECO's Statutory Committee (**Monday 9 October, time to be confirmed**) / *Communication par l'Ambassadeur A. LAMPEROVA, Représentant Permanent de la Slovaquie auprès du Conseil de l'Europe, Présidente du Comité Statutaire du GRECO (lundi 9 octobre, heure à confirmer)*
4. First reading / *Première lecture* :  
  
draft Second Round Evaluation Reports on / *projets de Rapport d'Evaluation du Deuxième Cycle sur* :
  - **Moldova** : Wednesday / *mercredi*
  - **United States of America / Etats-Unis d'Amérique** : Monday / *lundi*  
draft Joint First and Second Round Evaluation Report on / *projet de Rapport d'Evaluation des Premier et Deuxième Cycles conjoints sur* :
  - **Republic of Montenegro / République du Monténégro** : Tuesday / *mardi*  
Evaluators and national delegations concerned are requested to be available during the following periods: / *Les évaluateurs et délégations nationales concernés sont invités à être disponibles pendant les périodes suivantes* :
  - **United States of America / Etats-Unis d'Amérique** : All day Monday and Tuesday morning / *Lundi toute la journée et mardi matin*
  - **Republic of Montenegro / République du Monténégro** : All day Tuesday and Wednesday morning / *mardi toute la journée et mercredi matin*
  - **Moldova** : All day Wednesday and Thursday morning / *mercredi toute la journée et jeudi matin*
5. Examination and adoption of Addenda to First Round Compliance Reports on **Denmark, Latvia, Norway, Poland and Romania (Thursday)** / *Examen et adoption des Addenda aux Rapports de Conformité du Premier Cycle sur le Danemark, la Lettonie, la Norvège, la Pologne et la Roumanie (jeudi)*
6. Examination and adoption of the Second Round Compliance Reports on **Iceland (Tuesday), Estonia, Latvia, Norway and the United Kingdom (Thursday)** / *Examen et adoption des Rapports de Conformité du Deuxième Cycle sur l'Islande (mardi), l'Estonie, la Lettonie, la Norvège et le Royaume-Uni (jeudi)*
7. Proposed amendment to the questionnaire on transparency of party funding– following a proposal by the delegation of Turkey (cf. Decision 21 of GRECO 29, 19-23 June 2006 and Bureau 36 of 7 September 2006) / *Proposition d'amendement au questionnaire sur la transparence du financement des partis politiques– suite à une proposition par la délégation de la Turquie (voir décision 21 du GRECO 29, 19-23 juin 2006 et le Bureau 36 du 27 septembre 2006)*
8. Third Evaluation Round – schedule of first evaluations / *Troisième Cycle d'Évaluation – calendrier des premières évaluations*



9. **Second reading** and adoption of the draft Evaluation Reports on **Moldova**, the **Republic of Montenegro** and the **United States of America (Friday)** / **Deuxième lecture** et adoption des projets de Rapport d'Évaluation sur la **Moldova**, la **République du Monténégro** et les **Etats-Unis d'Amérique (vendredi)**
10. Whistleblowing - Presentation by Mr Guy DEHN, Director, Public Concern at Work (United Kingdom) **(Thursday – 11h30)** / 'Whistleblowing' – Présentation par M. Guy DEHN, Directeur, Public Concern at Work (Royaume-Uni) **(jeudi – 11h30)**
11. Decision on request for observer status with GRECO by the United Nations – United Nations Office on Drugs and Crime (UNODC) / *Décision sur la demande du statut d'observateur auprès du GRECO des Nations Unies – Office des Nations Unies contre la drogue et le crime (ONUDC)*
12. Miscellaneous / *Divers*
13. Adoption of decisions / *Adoption des décisions*
14. Dates of next meetings / *Dates des prochaines réunions*