



Strasbourg, 5 January 2009

**Greco (2008) 25E**

**40<sup>th</sup> Plenary Meeting of GRECO**  
(Strasbourg, 1-5 December 2008)

**SUMMARY REPORT**

## **I. Opening of the Plenary Meeting**

1. The 40<sup>th</sup> Plenary Meeting of GRECO was chaired by Mr Drago KOS (President, Slovenia).
2. The President opened the meeting by welcoming all representatives, referring in particular to those who had been newly nominated. The list of participants appears in Appendix I to this report.

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

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

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

4. The **President** outlined the main results of Bureau 46 (cf. Greco (2008) 23E) which had been chaired by Mr Marin MRČELA (Vice-President, Croatia). A number of Bureau proposals were tabled at the present meeting (items 9, 11 and 12 of the agenda). The Bureau had also approved the draft Programme of Activities for 2009 which was submitted to GRECO for adoption at the present meeting (item 10). Moreover, the Bureau had been informed that the Regional Anti-Corruption Initiative (RAI) Secretariat (Sarajevo) which was a successor to SPAI planned to make a request for observer status with GRECO.
5. Since the last plenary meeting he had participated in an informal meeting of the Working Group on Review of the Implementation of the United Nations Convention. He had also been to Moscow to participate in a hearing of the PACE Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on "Judicial Corruption" where he had principally spoken about GRECO's work in the fields of judicial corruption and whistleblower protection.
6. It was to be noted that the Bureau 46 report contained a reminder and clear guidelines to members on the procedure to be followed for the submission of information upon which draft Compliance Reports and Addenda to Compliance Reports are to be based. The President stressed the need for these procedures to be followed in order to ensure that a sound assessment of the merits of the information could be made during the drafting and adoption process. The problems caused to the plenary's operation by individual countries when belatedly presenting significant additional oral information during consideration of the relevant compliance report (i.e. after the country concerned had had ample possibility to complete information at the P2 stage) would be highlighted in the country reports as well – as the case may be – as in the decisions taken by GRECO. In order not to overburden GRECO's schedule with unfinished work, situations which might result in the postponement of the finalisation of RC reports had to be avoided under all circumstances.
7. The Bureau had also agreed that a representative of the Secretariat of the European Commission would be invited for a future **exchange of views** with GRECO during which possible ways in which the EC could be involved in GRECO's work could be discussed.
8. The **Executive Secretary** reported on the following developments since GRECO's 39<sup>th</sup> Plenary Meeting (October 2008) :
  - copies were available of the outcome of the 13<sup>th</sup> International Anti-Corruption Conference (IACC) which had been attended by Mr Dimitris GIZIS (Bureau member, Greece) and a member of the Secretariat (Athens, 30 October – 2 November); the plenary was also invited to take note of the conclusions and

recommendations of a Workshop organised by the Hertie School of Governance during the IACC, entitled "Lessons learned from the EU anticorruption policy" – which might provide some input for a future exchange of views with the European Commission;

- the Secretariat had participated in a meeting of the Commission on Anti-Corruption of the International Chamber of Commerce (ICC) held in Paris on 17 October; the ICC had shown a keen interest in the anti-corruption instruments of the Council of Europe and in the results of GRECO's evaluation work;

- he would participate in an event organised by the Andorran authorities to mark the International Anti-Corruption Day on 9 December and, on 15-17 December, would represent the Council of Europe in the second meeting in Vienna of the Open-ended Intergovernmental Working Group on the Implementation of the United Nations Convention against Corruption during which elements for draft Terms of Reference of a review mechanism would be examined;

- copies were available of two Opinions of the European Commission for Democracy through Law (Venice Commission) which referred to GRECO findings on the issue of immunity: Opinion No. 490/2008 "on draft amendments to Article 23(5) of the Law on the Human Rights Defender of Armenia" and Opinion No. 492/2008 "on the Issue of the Immunity of Persons Involved in the Electoral Process in Armenia"; copies were also available of a Council of the European Union Decision on a contact-point network against corruption which would soon be established;

- the Statutory Committee had adopted GRECO's budget for 2009 at its 13<sup>th</sup> meeting, on 27 November. Ambassador Bruno GAIN, Permanent Representative of France to the Council of Europe and President of the Statutory Committee since November 2007, chaired the meeting. The budget for 2009 had increased by some 13% compared to 2008 and foresaw the creation of an additional A grade post. The Secretary General of the Council of Europe and, subsequently, the Budget Committee had approved the draft Budget before it was submitted to the Statutory Committee. The President of the latter highlighted the fact that it was crucial that GRECO should be provided with the necessary means to continue its work satisfactorily and the committee supported that fact without reserve and, in addition, expressed a considerable amount of praise for the work carried out by GRECO.

#### **IV. Third Evaluation Round**

9. In line with standing practice, an in-depth reading of the draft Third Round Evaluation Report on **Poland** took place with the participation of the Evaluation Team which had carried out an on-site visit to Warsaw. Before adoption, the report underwent a second reading of a draft which had been revised in the light of the discussions held during the first reading.

10. GRECO adopted the Third Round Evaluation Report on Poland (Greco Eval III Rep (2008) 2E – Themes I and II) and invited Poland to authorise its publication as soon as possible. The deadline fixed for submission of a Situation Report on implementation of the recommendations contained in the report was 30 June 2010.

11. GRECO approved the composition of the Teams in charge of the Third Round Evaluation of Croatia, Malta, Ireland, Germany, "the former Yugoslav Republic of Macedonia", Turkey, Bulgaria and Hungary – as contained in document Greco Eval III (2007) 1bil of 5 December 2008).

12. The Executive Secretary drew the plenary's attention to the non-paper entitled "Introductory notes regarding a possible *tour de table* on the issue of effective regret". It had been prepared by the Secretariat following the decision taken at GRECO 39 to ask the Bureau to discuss the possibility of holding a *tour de table* on the question and it now reflected comments made by the Bureau at its last meeting. The Bureau had felt it was too early to hold a *tour de table* on this question. In the meantime, the aim of the non-paper was to provide some information GRECO could refer to when required to take a position in the context of Third Round evaluations. The President invited delegations to forward comments on the non-paper to the Secretariat **by 15 January 2009** so that they could be considered by Bureau 47.

#### **V. Joint First and Second Evaluation Rounds**

13. An in-depth reading of the draft Joint First and Second Round Evaluation Report on **the Russian Federation** took place with the participation of the Evaluation Team which had carried out an on-site visit to Moscow. The Russian delegation was headed by the Minister of Justice of the Russian Federation, Mr Alexander V. KONOVALOV. Before adoption, the report underwent a second reading of a draft which had been revised in the light of the discussions held during the first reading.
14. GRECO adopted the Joint First and Second Round Evaluation Report on the Russian Federation (Greco Eval I-II Rep (2008) 2E) and invited the Russian Federation to authorise its publication as soon as possible. The deadline fixed for submission of a Situation Report on implementation of the recommendations contained in the report was 30 June 2010.
15. The draft Joint First and Second Round Compliance Report on **Montenegro** had been prepared, on the basis of a Situation Report submitted by the authorities of the country, in consultation with Rapporteurs designated on behalf of Hungary and Italy. The Rapporteurs communicated their observations on the draft compliance report to the plenary and a detailed reading of it followed.
16. GRECO adopted the Joint First and Second Round Compliance Report on Montenegro (Greco RC-I/II (2008) 5E) and invited Montenegro to authorise its publication as soon as possible. The deadline fixed for the submission of additional information regarding the implementation of recommendations was 30 June 2010.
17. GRECO approved the list of Rapporteur countries for Second Round and Joint First and Second Round compliance procedures which had been up-dated to include the most recent member States – as contained in document Greco Eval II (2005) 7E Rev 4).

#### **VI. Second Evaluation Round**

18. The draft Second Round Compliance Reports on **Moldova** and the **United States of America** had been prepared, on the basis of Situation Reports submitted by the authorities of the countries concerned, in consultation with Rapporteurs designated on behalf of Andorra and Romania for Moldova and on behalf of France and Poland for the United States of America. The Rapporteurs communicated their observations on the draft compliance reports to the plenary and a detailed reading of the reports followed.
19. GRECO adopted the Second Round Compliance Reports on Moldova (Greco RC-II (2008) 8E) and on the United States of America (Greco RC-II (2008) 5E). The deadline fixed for the submission of additional information regarding the

implementation of recommendations was 30 June 2010 in both cases. GRECO noted with satisfaction that both countries authorised publication of the reports.

20. The draft Addendum to the Second Round Compliance Report on **Estonia** was based on information provided by the authorities of the country as required by the conclusions of GRECO's Second Round Compliance Report. Following a detailed reading, GRECO adopted the Addendum to the Second Round Compliance Report on Estonia (Greco RC-II (2006) 3E Addendum) and thus terminated the Second Round compliance procedure in respect of that country. Estonia was invited to authorise publication of the Addendum as soon as possible.

## **VII. Publication of reports and translation into national languages**

21. Note was taken of the fact that the national authorities concerned intended to authorise very shortly the publication of the Joint First and Second Round Evaluation Report on Austria (which the authorities would simultaneously issue in German) and of the Joint First and Second Round Compliance Report on Azerbaijan.
22. The Executive Secretary informed the plenary that some 16 members had provided reports translated into national languages for inclusion on GRECO's website. Members which had not yet responded to the invitation to make translations available were encouraged to do so as such texts were an important asset, enhancing the dissemination of information. He reminded the plenary that the Bureau decision to invite States to provide a translation of adopted reports into national languages had been implemented since March 2007 and that the intention had not been to request that previously adopted reports be translated, however if such translations were made available to the Secretariat they would be included on GRECO's website and would constitute a welcome, additional source of information for the public.

## **VIII. Ninth General Activity Report (2008)**

23. GRECO agreed with the proposal of Bureau 46 to include a substantive section on Independent Monitoring of Party Funding in its Ninth General Activity Report (2008) and noted with satisfaction that Ms Patricia PEÑA ARDANAZ, Third Evaluation Round Consultant on Party Funding, had accepted to prepare a draft of the section. The draft report would be submitted to Bureau 47 and subsequently presented to GRECO 41 for adoption.

## **IX. Programme of Activities for 2009**

24. The Executive Secretary informed the plenary that the Heads of Delegation of all the countries for which provisional dates for evaluation visits in 2009 had been included in the calendar contained in the draft Programme of Activities had been contacted by letter proposing dates for visits and deadlines for the submission of replies to GRECO's questionnaires. He urged those who had not already done so to reply as rapidly as possible (ideally by end 2008) in order to ensure a manageable schedule for 2009. Note was taken of the fact that the dates proposed to Croatia, Germany, Hungary and "the former Yugoslav Republic of Macedonia" would almost certainly be accepted very shortly and that Malta would communicate its reply within a week or so. Proposals for dates would be sent to Cyprus, Greece and Romania as soon as those for the other eight countries had been fixed. GRECO adopted its Programme of Activities for 2009 as it appears in document Greco (2008) 19E Final.
25. In the light of GRECO's heavy work programme for 2009, the question of carrying out a review of the working methods of GRECO's plenary was raised by the

representative of the Netherlands. GRECO asked its Bureau to pursue its reflections on this subject and delegations were invited to submit to the Secretariat any observations they might have in time for them to be borne in mind by Bureau 47.

#### **X. GRECO's 10<sup>th</sup> Anniversary Conference**

26. GRECO was provided with the preliminary draft Programme for GRECO's 10<sup>th</sup> Anniversary Conference (Greco (2008) 21E) which had been further worked on by the Bureau at its 46<sup>th</sup> meeting. The preliminary draft contained indications of twelve member States (countries representing a variety of geographical areas, legal systems and domestic policies as regards some of the questions to be discussed) which could be invited to provide high-level speakers to address Sessions I and II – it being understood that, within Session I, the two themes indicated would be divided between the speakers, bearing in mind individual preferences.
27. Two Round Tables were also foreseen in the preliminary draft Programme. As regards Round Table 2 on Future challenges and emerging subject areas, additional input as regards appropriate panellists with relevant experience in the fields of lobbying and corruption and private sector bribery was required.
28. The President invited delegations to forward comments on the preliminary draft programme to the Secretariat **by 31 December 2008**. In particular, delegations were asked to explore the availability of high-level representatives to act as speakers during Sessions I and II and to propose panellists to take part in Round Table 2.
29. It was noted that the Bureau had agreed that it would be useful to prepare a provisional review of the first results (to mid 2009) of the Third Evaluation Round which could be made available to the Conference.
30. As it had unfortunately not been possible to make provision for the costs related to the organisation of the Conference in GRECO's budget for 2009, the President made a call for voluntary contributions, indicating that such costs would not exceed 20 000€.

#### **XI. Adoption of decisions**

31. The decisions of the 40<sup>th</sup> Plenary Meeting were adopted, as they appear in document Greco (2008) 24E.

#### **XII. Forthcoming meetings**

32. GRECO noted that the Bureau would hold its 47<sup>th</sup> meeting in Strasbourg on 23 January 2009. The 41<sup>st</sup> Plenary Meeting would be held in Strasbourg on 16-20 February 2009.

## **APPENDIX I**

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

#### **ALBANIA / ALBANIE** **Apologised / Excusé**

#### **ANDORRA/ANDORRE**

M. Ivan ALIS SALGUERO

Avocat, Assesseur de l'Unité de prévention et de lutte contre la corruption, Ministère de la Présidence et des Finances

#### **ARMENIA / ARMENIE**

Mr Gevorg KOSTANYAN

Assistant to the President of Armenia

#### **AUSTRIA / AUTRICHE**

Mr Christian MANQUET (Head of delegation)

Head of Unit, Directorate for Penal Legislation, Federal Ministry of Justice

Ms Doris NIEDERSÜSS

Bundeskanzleramt – Verfassungsdienst, Federal Chancellery of Austria - Constitutional Service,

Mr Martin KREUTNER

Director Federal Bureau for Internal Affairs (BIA), Federal Ministry of the Interior

#### **AZERBAIJAN / AZERBAIDJAN**

Mr Inam KARIMOV (Head of delegation)

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#### **BELGIUM / BELGIQUE**

Mlle Claire HUBERTS (Chef de délégation)

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M Paul MULS

Premier conseiller de direction, Secrétaire de la commission de contrôle des dépenses électorales  
Chambre des représentants

#### **BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Mr Sead TEMIM

Prosecutor, Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina

#### **BULGARIA / BULGARIE**

Mr Georgi RUPCHEV (Head of delegation)

State Expert, Directorate of International Cooperation and European Integration, Ministry of Justice

#### **CROATIA / CROATIE**

Mr Marin MRČELA (Head of delegation)

**Vice-Président du GRECO – Vice-President of GRECO**

Justice of the Supreme Court

#### **CYPRUS / CHYPRE**

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

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International Department, Section for International Organisations and International Co-operation  
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Ms Milada VANĚČKOVÁ  
Deputy Director, Territorial Public Administration Dpt., Ministry of the Interior

**DENMARK / DANEMARK**

Mr Flemming DENKER  
Deputy Director, Public Prosecutor for Serious Economic Crime

**ESTONIA / ESTONIE**

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**FINLAND / FINLANDE**

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**FRANCE**

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M. Pierre-Christian SOCCOJA  
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Mr Roman PRAH  
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**"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"**

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Deputy Director, US Office of Government Ethics

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

Apologised / Excusé

**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE  
PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Apologised / Excusée

**REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ**

Apologised / Excusé

**REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC**

Mr Damir VEJO  
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Herzegovina

**OBSERVER UNITED NATIONS – UNODC / OBSERVATEUR NATIONS UNIES – ONUDC**

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**OBSERVER OECD / OBSERVATEUR OCDE**

Mr Alex CONTE  
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**GRECO EVALUATION TEAMS / EQUIPES D'EVALUATION DU GRECO****Third Round Evaluation report on POLAND /  
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Mr Justin FISHER – AcSS (Consultant)  
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**Joint First and Second Round Evaluation Report on the Russian Federation /  
*Rapport d'Evaluation des Premier et Deuxième Cycles conjoints  
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Director of International Cooperation and European Integration, Ministry of Justice

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Coordinateur du pôle régional anti-criminalité en Europe du Sud-Est, Ambassade de France

Mr Joseph E. GANGLOFF (United States of America / Etats-Unis d'Amérique)  
Deputy Director, US Office of Government Ethics

**Joint First and Second Round Compliance Report /  
*Rapports de Conformité des Premier et Deuxième Cycles conjoint***

**MONTENEGRO**

Mr Ákos KARA (Hungary / Hongrie)  
Mr Fabrizio GANDINI (Italy / Italie)

**Second Round Compliance Reports /  
*Rapports de Conformité du Deuxième Cycle***

**MOLDOVA**

M Ivan ALIS-SALGUERO (Andorra / Andorre)  
Ms Oana HAINEALA (Romania / Roumanie)

**UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE**

M Pierre-Christian SOCCOJA (France)  
Mr Cezary MICHALCZUK (Poland / Pologne)

**COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE**

Mr Wolfgang RAU, Executive Secretary of GRECO / *Secrétaire Exécutif du GRECO*

**Assistant / Assistante**

Ms Elspeth REILLY, Personal Assistant to the Executive Secretary / Assistante Particulière du Secrétaire Exécutif

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M. Christophe SPECKBACHER  
Ms Laura SANZ-LEVIA  
Ms Tania VAN DIJK  
Mr Michael JANSSEN

**Secretariat - Evaluation rounds / Secrétariat - Cycles d'évaluation**

Ms Penelope PREBENSEN, Administrative Assistant / *Assistante Administrative*  
Mme Laure HEIM, Assistant / *Assistante*  
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Ms Simona GHITA, Directorate General of Human Rights and Legal Affairs / *Direction générale des droits de l'Homme et des affaires juridiques*  
Mme Marie-Rose PREVOST, GRECO

**Interpreters / Interprètes**

Mme Sally BAILEY  
Mme Isabelle MARCHINI  
Mme Julia TANNER

## **APPENDIX II**

### **AGENDA / ORDRE DU JOUR**

1. Opening of the meeting / *Ouverture de la réunion* - **09h30**
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Information from the President, Delegations and the Executive Secretary (including on Bureau 46) / *Information du Président, des Délégations et du Secrétaire Exécutif (y compris sur Bureau 46)*
4. **First reading** of draft Evaluation Reports / **Première lecture** de projets de Rapport d'Evaluation:  
  
Third Evaluation Round / *Troisième Cycle d'Evaluation*
  - **Poland / Pologne** (Monday / lundi)  
Joint First and Second Evaluation Rounds / *Premier et Deuxième Cycles d'Evaluation conjoints*
  - **Russian Federation / Fédération de Russie** (Tuesday afternoon - Wednesday / mardi après-midi - mercredi)
5. Examination and adoption of the Joint First and Second Round Compliance Report on **Montenegro** / *Examen et adoption du Rapport de Conformité des Premier et Deuxième Cycles conjoints sur le Monténégro*
6. Examination and adoption of the Second Round Compliance Reports on **Moldova** and the **United States of America** / *Examen et adoption des Rapports de Conformité du Deuxième Cycle sur la Moldova et les Etats-Unis d'Amérique*
7. Examination and adoption of the Addendum to the Second Round Compliance Report on **Estonia** / *Examen et adoption de l'Addendum au Rapport de Conformité du Deuxième Cycle sur l'Estonie*
8. Publication of reports; translation of reports into national language: state of play / *Publication de rapports ; traduction de rapports dans la langue nationale : état de la situation*
9. Joint First and Second Round Compliance Procedures regarding Austria, Italy, Monaco, Russian Federation, Switzerland and Ukraine – selection of rapporteur countries (Bureau 46 proposal) / *Procédures de conformité des Premier et Deuxième Cycles conjoints à l'égard de l'Autriche, l'Italie, Monaco, la Fédération de Russie, la Suisse et l'Ukraine – sélection de (pays) rapporteurs (proposition Bureau 46)*
10. Adoption of the Programme of Activities for 2009 (approved by Bureau 46) / *Adoption du Programme d'Activités pour 2009 (approuvé par le Bureau 46)*
11. Third Evaluation Round - composition of the Teams in charge of the evaluation of Croatia, Malta, Ireland, Germany, "the former Yugoslav Republic of Macedonia", Turkey, Bulgaria and Hungary / *Troisième Cycle d'Evaluation - composition des Equipes chargées de l'évaluation de la Croatie, Malte, l'Irlande, l'Allemagne, « l'ex-République yougoslave de Macédoine », la Turquie, la Bulgarie et la Hongrie*

12. Ninth General Activity Report (2008) – substantive issue (Bureau 46 proposal) / *Neuvième rapport général d'activités (2008) – question de fond (proposition du Bureau 46)*
13. **Second reading** and adoption of the draft Third Round Evaluation Report on Poland and of the Joint First and Second Round Evaluation Report on the Russian Federation (**Friday**) / **Deuxième lecture** et adoption du projet de Rapport d'Evaluation du Troisième Cycle sur la Pologne et du projet de Rapport d'Evaluation des Premier et Deuxième Cycles conjoints sur la Fédération de Russie (**vendredi**)
14. Miscellaneous / *Divers*
15. Adoption of decisions / *Adoption des décisions*
16. Dates of next meetings / *Dates des prochaines réunions*