41st Plenary Meeting of GRECO (Strasbourg, 16-19 February 2009)

SUMMARY REPORT
I. Opening of the Plenary Meeting

1. The 41st Plenary Meeting of GRECO was chaired by Mr Drago KOS (President of GRECO, 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, Delegations and the Executive Secretary

4. The President outlined the main results of Bureau 47 (cf. Greco (2009) 3E):

   - in the light of input provided by the delegations of Finland and the Netherlands on the plenary’s working procedures, it had been decided that, as a rule, only the analytical parts of draft evaluation reports would be read out (except in the case of problematic issues flagged by evaluators, the country concerned or by the Secretariat); this accelerated procedure would be applied as of the current meeting;

   - the Secretariat had received from the authorities of Azerbaijan comments on statements made by the Technical Cooperation Department of the Council of Europe with regard to the Joint First and Second Round Compliance Report on Azerbaijan which would be discussed at the next Bureau meeting;

   - “Sponsoring and corruption” and “Corruption in sport” had been identified by the Bureau as suitable topics for future tours de table. A discussion on “Corruption in sport” – which had been only very briefly looked at by GRECO previously - would be particularly timely in light of a resolution adopted at the 11th Council of Europe Conference of Ministers responsible for Sport (Athens, December 2008) on Ethics in Sport (copies of which were available).

5. Regarding the state of publication of reports adopted by GRECO, only one publication was outstanding, i.e. the Joint First and Second Round Evaluation Report on the Russian Federation adopted in December 2008. The President encouraged the authorities to authorise publication as soon as possible.

6. The President drew the attention of delegations to the opinion of the Directorate of Legal Advice and Public International Law (Jurisconsult) on the compatibility of GRECO recommendations regarding the signature and ratification of anti-corruption conventions/protocols with the Statute of GRECO and, more generally, with international law – copies of which were also available (Greco (2009)4E).

7. Finally, since the last Bureau meeting, the President had been invited to speak at the “Dow Jones and Ethisphere’s Global Ethics Summit 2009: Effective Strategies for Anti-Corruption Compliance” which had been held in New York on 4-5 February. He had made a presentation on the hidden costs of corruption and on the GRECO process. He noted in particular that the business community representatives participating were somewhat impressed by the fact that countries were willing to submit to the style of monitoring implemented by GRECO.

8. The floor was handed to delegations. The representative of the Russian Federation informed the plenary that, in response to the recommendations addressed to the authorities of the country in GRECO’s Joint First and Second
Round Evaluation Report on the Russian Federation adopted in December 2008, a Federal Law on countering corruption had been enacted (25 December 2008) as part of the authorities’ strategy in the fight against corruption. Pertinent amendments to, inter alia, the Criminal Code, Criminal Procedure Code, Civil Code, Code of Administrative Offences, Federal Laws on the status of judges, deputies of federal and regional parliaments had also been adopted. This revised legislative framework provided for simplification of procedures for the lifting of immunities, new guidelines concerning conflicts of interest, regulation of the acceptance of gifts by public officials - extending the income disclosure duty on public officials to their close relatives, and adding to the list of offences to which confiscation measures can be applied. Moreover, the revised Code of Administrative Offences was amended to provide for the liability of legal persons for corruption offences. In addition, a Federal Law on securing access to information on the activities of federal and regional state bodies had been enacted on 9 February 2009.

9. The representative of the Netherlands informed the plenary that the Government of the Netherlands had, at the end of January, renewed the reservations it had previously made to the Criminal Law Convention on Corruption (ETS 173). It was to be noted, however, that this did not imply a political decision not to implement recommendations iii. and iv. in GRECO’s Third Round Evaluation Report on the Netherlands (concerning articles 12 and 17 of the Convention). It was a purely technical exercise pending closer consideration of the recommendations.

10. The Executive Secretary reported on the following developments since GRECO’s 40th Plenary Meeting (December 2008):

- following a decision by Bureau 47, two information documents had been prepared related to the consideration at the current meeting of the draft Addendum to the Second Round Compliance Report on Latvia (Relevant provisions of the Criminal Law of Latvia – Greco Inf (2009) 1 and Identification of the physical perpetrator : extracts from Second Round evaluation reports – Greco Inf (2009) 2). The Bureau had been consulted by the Secretariat - which was responsible for preparing draft Addenda without the assistance of rapporteurs - on Latvia’s compliance with recommendation x. (liability of legal persons);

- copies were available of the most recent version of the non-paper on Effective Regret; in response to section E of the document, some delegations had already provided information that could be used to up-date it in view of providing a useful source of information that could be referred to by GRECO when required to take a position on the issue in the context of forthcoming Third Round evaluations;

- with regard to the resolution adopted at the 11th Council of Europe Conference of Ministers responsible for Sport, referred to earlier by the President (paragraph 6), he added that it foresaw the drawing up of a draft recommendation to States on corruption, match fixing and illegal betting – which could lead to a new convention being developed – possibly offering an opportunity for future cooperation between GRECO and the Enlarged Partial Agreement on Sport (EPAS);

- he had participated in a GRECO-EUROJUST contact meeting organised at the initiative of Mr Lampros PATSAVELLAS, national EUROJUST member for Greece and Chair of the Financial and Economic Crimes Team which also comprised a sub-group dealing with corruption (The Hague, 3 February 2009); EUROJUST was a body of the European Union, tasked with enhancing the coordination of investigations and prosecutions within the EU as regards serious transnational crime (including corruption); in the margins of the meeting he had
met with EUROJUST’s President, Mr José Luis LOPES DA MOTA who was keen on reinforcing links with other international stakeholders and emphasised EUROJUST’s interest in becoming more closely associated with GRECO’s activities;

- he had also participated in the Third Intersessional Meeting of the open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption (Vienna, 15-17 December 2008) devoted to consideration of draft elements for the terms of reference of a review mechanism – a further meeting would be held in May 2009; the Secretariat had also contributed to the OECD/ACN Istanbul Action Plan Evaluators Training session (Basel, 17 December 2008) by providing training on political party financing which was touched on in the Istanbul Action Plan’s second round of evaluations which would be carried out in respect of four GRECO members (Armenia, Azerbaijan, Georgia and Ukraine);

- attention to the results of GRECO’s work had clearly grown in recent months due to interest in the theme of party funding and to the growing availability of GRECO reports in national languages, leading to quite extensive media coverage;

- finally, the Executive Secretary informed participants of a new PhD thesis entitled Corruption: The enemy “within” and the international criminal apparatus against it by Mr Leonardo S. Borloni, Bocconi University, Milan - the text could be obtained from him on request.

IV. Third Evaluation Round

11. The plenary carried out an in-depth reading, principally of the analytical parts of the draft Third Round Evaluation Reports on Norway, Sweden and France, with the participation of the Evaluation Teams which had carried out on-site visits to Oslo, Stockholm and Paris. Before adoption, the reports underwent a second reading of drafts which had been revised in the light of the discussions held during the first reading.

12. GRECO adopted the Third Round Evaluation Reports on Norway (Greco Eval III Rep (2008) 6E – Themes I and II), Sweden (Greco Eval III Rep (2008) 4E - Themes I and II) and France (Greco Eval III Rep (2008) 5E - Themes I and II). The authorities of the countries concerned were invited to authorise publication of the reports as soon as possible. The deadline fixed for submission of Situation Reports on implementation of the recommendations contained in the reports was 31 August 2010 in all three cases.


V. Joint First and Second Evaluation Rounds

14. The draft Joint First and Second Round Compliance Report on Andorra 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 Azerbaijan and France. The Rapporteurs communicated their observations on the draft compliance report to the plenary and a detailed reading of it followed.

15. GRECO adopted the Joint First and Second Round Compliance Report on Andorra (Greco RC I/II Rep (2008) 7E) and invited Andorra to authorise its publication as soon as possible. The deadline fixed for the submission of additional information regarding the implementation of recommendations was 31 August 2010.
VI. Second Evaluation Round

16. The draft Second Round Compliance Report on Bosnia and Herzegovina 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 Armenia and Denmark. The Rapporteurs communicated their observations on the draft compliance report to the plenary and a detailed reading of the report followed.

17. GRECO adopted the Second Round Compliance Report on Bosnia and Herzegovina (Greco RC-II (2008) 7E) and invited the country’s authorities to authorise its publication as soon as possible. The deadline fixed for the submission of additional information regarding the implementation of recommendations was 31 August 2010.

18. The plenary also examined the draft Addenda to the Second Round Compliance Reports on Iceland, Latvia and the United Kingdom. The drafts were based on information provided by the authorities of the countries concerned as required by the conclusions of GRECO’s Second Round Compliance Reports. Following a detailed reading, GRECO adopted the Addenda to the Second Round Compliance Reports on Iceland (Greco RC-II (2006) 6E Addendum), Latvia (Greco RC-II (2006) 4E Addendum) and the United Kingdom (Greco RC-II (2006) 8E Addendum) and thus terminated the Second Round compliance procedure in respect of all three countries. GRECO noted with satisfaction the authorisation from Latvia and the United Kingdom to publish their respective reports and the authorities of Iceland were invited to do so as soon as possible.


19. The President expressed his satisfaction with the new design of GRECO’s annual activity report as regards both format and content. The ninth edition included a highly informative feature article on Independent Monitoring of Party Funding, prepared by Ms Patricia PEÑA ARDANAZ, Third Evaluation Round Consultant on Party Funding. Ms PEÑA ARDANAZ, who was present at the meeting, thanked GRECO for having been given the opportunity to contribute to the report, stating that no other body/mechanism provided such a comprehensive overview (including findings and recommendations) on the subject. It had been very interesting for her to examine the wide range of different approaches and interpretations reflected so far in the results of GRECO’s Third Round evaluations and she looked very much forward to following the outcome of the other evaluations to be carried out on this theme in the coming years.

20. GRECO adopted its Ninth General Activity Report (2008) (Greco (2009) 1E Final) and instructed the Secretariat to forward it to GRECO’s Statutory Committee and to the Committee of Ministers of the Council of Europe, in accordance with Article 8, paragraph 1, iii of the Statute. It was noted that the President of GRECO would present the report to the Committee of Ministers on 25 March 2009 (1052nd meeting of the Ministers’ Deputies) after which it would be made public. GRECO was of the opinion that the feature article would be of major interest to a large audience, including policy makers and academics and, in order to disseminate it as widely as possible, members were invited to arrange for the chapter to be translated into their national language - where appropriate - and for it to be made available to the public.

X. GRECO’s 10th Anniversary Conference

21. Referring to the preliminary draft Programme for GRECO’s 10th Anniversary Conference (Greco (2008) 21E) prepared by the Bureau at its 46th meeting, the Executive Secretary informed the plenary of confirmations he had received regarding the participation of Ministers of Justice and leading figures of other bodies
in the conference which would be opened by the President of Slovenia. Representatives of authorities which had not yet confirmed the availability of high-level participants as outlined in the preliminary draft programme were encouraged to do so as soon as possible.

22. The plenary was reminded that 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. In response to a previous call by the President for voluntary contributions towards such costs (which would not exceed 20 000€), Monaco had responded generously with a contribution of 10 000€ which was welcomed by GRECO. Finally, the plenary noted the President’s call for further contributions.

XI. Adoption of decisions

23. The decisions of the 41st Plenary Meeting were adopted, as they appear in document Greco (2009) 5E.

XII. Forthcoming meetings

24. GRECO noted that the Bureau would hold its 48th meeting in Strasbourg on 17 April 2009. The 42nd Plenary Meeting would be held in Strasbourg on 11-15 May 2009.
APPENDIX I

LIST OF PARTICIPANTS

ALBANIA / ALBANIE
Ms Helena PAPA
Inspector, Department of Internal Administrative Control and Anti-Corruption, Council of Ministers

ANDORRA/ANDORRE
Mme Maribel LAFOZ JODAR (Chef de délégation)
Membre de l’Unité de prévention et lutte contre la corruption, Ministère de la Présidence

M. Ivan ALIS SALGUERO
Avocat, Assesseur de l’Unité de prévention et de lutte contre la corruption, Ministère de la Présidence

ARMENIA / ARMENIE
Mr Karen GEVORGYAN
Deputy Dean of International Relations, Faculty of Law, Yerevan State University

AUSTRIA / AUTRICHE
Mr Christian MANQUET (Head of delegation)
Head of Unit, Directorate for Penal Legislation, Federal Ministry of Justice

AZERBAIJAN / AZERBAIDJAN
Mr Vusal HUSEYNOV
Senior Advisor, Commission for Combating Corruption

BELGIUM / Belgique
Mlle Claire HUBERTS (Chef de délégation)
Attachée, Service des principes de droit pénal et de procédure pénale, Direction Générale des Droits et Libertés fondamentales, Service public fédéral Justice (SPF Justice)

M Guido HOSTYN
Premier conseiller de direction, Secrétaire de la Commission de contrôle des dépenses électorales

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE
Mr Sead TEMIM
Prosecutor, Federal Prosecutor’s Office of the Federation of Bosnia and Herzegovina

BULGARIA / BULGARIE
Ms Irena BORISOVA
Head of Department of International Cooperation and Legal Assistance in Criminal Matters
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
Apologised / Excusé

CZECH REPUBLIC / REPUBLIQUE TCHEQUE
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International Department, Section for International Organisations and International Co-operation
Ministry of Justice

Ms Marta LÉBLOVÁ
Public Administration Section, Minstry of the Interior

DENMARK / DANEMARK
Mr Flemming DENKER
Deputy Director, Public Prosecutor for Serious Economic Crime
**ESTONIA / ESTONIE**
Ms Mari-Liis SÕÕT (Head of delegation)
Head of Criminal Statistics and Analysis Division, Criminal Policy Department, Ministry of Justice

**FINLAND / FINLANDE**
Mr Kaarle J. LEHMUS (Head of delegation)
Inspector General of the Police, Ministry of the Interior

**FRANCE**
M Jean ALEGRE (Chef de délégation)
Chargé de mission auprès du directeur des affaires juridiques, Ministère des Affaires étrangères et européennes

M Michel BARRAU
Chef du Service Central de Prévention de la Corruption, Service Interministériel placé auprès du Ministère de la Justice

M Stéphane GAUVIN
Adjoint au Chef du Service Juridique de la Commission Nationale des Comptes de Campagne et des Financements des Partis Politiques (CNCCFP)

M Jean-Marc CATHELIN, Sous-Directeur à la Direction des Affaires Criminelles et des grâces, Ministère de la Justice

M Antoine DOUGLAS
Magistrat à la Direction des Affaires Criminelles et des grâces, Ministère de la Justice

M Xavier PENEAU
Directeur-adjoint à la Direction de la modernisation et l'administration territoriale, Ministère de l’Intérieur

M Thomas ANDRIEU, Secrétaire Générale-adjoint du Conseil d’Etat et Secrétaire Générale de la Commission de transparence financière de la vie politique (CTFVP)

M Jean-Louis MERE
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**ICELAND / ISLANDE**
Apologised / Excusée
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Mr Henry MATTHEWS (Ireland / Irlande)
Office of the Director of Public Prosecutions

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Mr Silvio BONFIGLI
Magistrate, Anticorruption and Transparency Service

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Ms Marita TOMAS
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Mr Trygve HEYERDAHL
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Mr Christian Fredrik HORST
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Mr John ENGSTRØM
Director General, Ministry of Government Administration and Reform

Mr Knut-Fredrik HUSTAD

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Mr Andrei ILYIN
Deputy Head of Section, Office of the Representative of the Russian Federation at the European Court of Human Rights, Ministry of Justice

Mr Konstantin KOSORUKOV
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**SLOVENIA / SLOVENIE**
Mr Drago KOS
**President of GRECO / Président du GRECO**
Chairman, Commission for the Prevention of Corruption

Mr Jure ŠKRBEC
Commission for the prevention of corruption

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Ministry of Justice

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M Olivier GONIN
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Chancellerie

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"
**Apologised / Excusée**

**TURKEY / TURQUIE**
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Mr Mete DEMIRCI
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**UKRAINE**
Mr Mykhaylo BUROMENSKIY
President of the Institute of Humanitarian Research

**UNITED KINGDOM / ROYAUME-UNI**
**Apologised / Excusée**

**UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE**
Mr Richard M. ROGERS (Head of delegation)
Senior Counsel to the Assistant Attorney General, Criminal Division, Department of Justice

Ms Thomasenia DUNCAN
General Counsel, Federal Election Commission

**PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO**
Third Round Evaluation report on NORWAY / Rapport du Troisième Cycle sur la NORVEGE

Theme I – Incriminations
Mr Flemming DENKER (Denmark / Danemark)
Deputy Director, Public Prosecutor for Serious Economic Crime

Ms Regina SIEH (Germany / Allemagne)
Senior public prosecutor, Prosecution office

Theme II – Party Funding / Financement des partis politiques
Mr Pall THORHALLSSON (Iceland / Islande)
Legal Adviser, Prime Minister’s Office

Ms Thomasenia DUNCAN (United States of America / Etats-Unis d’Amérique)
General Counsel, Federal Election Commission

Ms Laura STEFAN (Romania / Roumanie)
Anticorruption Coordinator, Romanian Academic Society

Third Round Evaluation report on SWEDEN / Rapport du Troisième Cycle sur la SUEDE

Theme I – Incriminations
Mr Petr HABARTA (Czech Republic / République Tchèque)
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Mr Henry MATTHEWS (Ireland / Irlande)
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Theme II – Party Funding / Financement des partis politiques
Ms Gabriele ROTH (Germany / Allemagne)
Deputy Head of Division VI5 "Electoral law; political party law", Federal Ministry of the Interior

Ms Patricia PEÑA (Consultant/e)
Canadian International Development Agency (CIDA)
Third Round Evaluation Report on FRANCE / 
Rapport du Troisième Cycle sur la FRANCE

Theme I – Incriminations
Mme Muriel BARRELET (Switzerland / Suisse)
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Mme Anca JURMA (Romania / Roumanie)
Chief Prosecutor, International Cooperation Service, National Anticorruption Directorate

Theme II – Party Funding / Financement des partis politiques
M Guido HOSTYN (Belgium / Belgique)
Premier conseiller de direction, Secrétaire de la Commission de contrôle des dépenses électorales
M Alex BODRY (Luxembourg)
Président du parti socialiste (LSAP), Député-maire, avocat, Groupe Parlementaire du parti socialiste

RAPPORTEURS

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

ANDORRA / ANDORRE
Mr Vusal HUSEYNOV (Azerbaijan / Azerbaïdjan)
M Jean ALEGRE (France)

Second Round Compliance Report / 
Rapport de Conformité du Deuxième Cycle

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE
Mr Karen GEVORGYAN (Armenia / Arménie)
Mr Fleming DENKER (Denmark / Danemark)

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Mme Marie-Rose PREVOST, GRECO

Interpreters / Interpretes
Mme Sally BAILEY
Mme Chloé CHENETIER
Mme Bettina LUDEWIG
APPENDIX II
AGENDA

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 47) / Information du Président, des Délégations et du Secrétaire Exécutif (y compris sur Bureau 47)
4. First reading of draft Third Round Evaluation Reports / Première lecture de projets de Rapports d’Évaluation du Troisième Cycle:
   - Norway / Norvége (Monday / lundi)
   - Sweden / Suède (Tuesday / mardi)
   - France (Wednesday / mercredi)
7. Examination and adoption of the Addenda to the Second Round Compliance Reports on Iceland, Latvia and the United Kingdom / Examen et adoption des Addenda aux Rapports de Conformité du Deuxième Cycle sur l’Islande, la Lettonie et le Royaume-Uni
8. Adoption of the Ninth General Activity Report – 2008 (approved by Bureau 47) / Adoption du Neuvième rapport général d’activités – 2008 (approuvé par le Bureau 47)
10. Second reading and adoption of the draft Third Round Evaluation Reports on Norway, Sweden and France (Thursday) / Deuxième lecture et adoption des projets de Rapport d’Évaluation du Troisième Cycle sur la Norvège, la Suède et la France (jeudi)
11. Miscellaneous / Divers
12. Adoption of decisions / Adoption des décisions
13. Dates of next meetings / Dates des prochaines réunions