44th Plenary Meeting of GRECO
(Strasbourg, 6 – 8 October 2009)

SUMMARY REPORT
I. Opening of the Plenary Meeting

1. The 44th Plenary Meeting of GRECO was chaired by Mr Marin MRČELA (Vice-President of GRECO, Croatia). Mr Richard ROGERS (Bureau member, United States of America) took the chair during the examination of the draft Addendum to the Second Round Compliance Report on Croatia.

2. The Vice-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 Vice-President conveyed the President’s apologies for his absence. He went on to congratulate all those involved in GRECO’s 10th Anniversary Conference which had been held the day before and had been a highly successful event, gathering a significant number of high-level representatives from member States, international organisations and civil society as well as independent experts. A compendium of texts submitted by speakers and panellists as well as the conclusions presented by the Executive Secretary would be published.

5. He also outlined the discussions held and results of Bureau 50 (22 September 2009), asking participants to refer to the report of the meeting for further details (Greco (2009) 18E):

   - the President had informed the Bureau of his meeting with representatives of Serbia in August, during which he provided them with practical advice for the work of the recently established anti-corruption agency and he and Christophe SPECKBACHER (Secretariat) had participated as speakers in a roundtable on “Public Funding of Political Parties and Abuse of State Resources” (Athens, 17-18 September 2009) organised by the OSCE, representatives of which had expressed an interest in cooperating with GRECO and had been invited to make a written request to that effect;

   - as follow-up to the GRECO 43 (July 2009) decision stressing “the need for enhanced cooperation between GRECO and the relevant institutions of the European Union, with a view to avoiding duplication and promoting synergies”, the Bureau had held a first exchange of views on the possible modalities of such cooperation, to be further discussed at its next meeting (Bureau 51, 2 November 2009); in response to questions from the floor as to how to ensure appropriate political support in this context, the Executive Secretary reminded the plenary of the Memorandum of Understanding between the Council of Europe and the European Union, which had been developed at the highest political level within both structures and provided the basis for closer cooperation. GRECO’s various exchanges with the relevant EU institutions – which would be continued - were aimed at developing ideas for the practical modalities of such efforts;

   - an exchange of views had been held with representatives of EUROJUST on enhanced cooperation between both bodies which the Bureau felt would be of reciprocal interest, including in connection with GRECO’s Fourth Evaluation Round. The Secretariat had been asked to pursue discussions with the competent services of EUROJUST in order to identify concrete modalities for institutionalised and regular exchanges;
- the Bureau had also continued its preliminary consideration of possible themes for the Fourth Evaluation Round and aimed to submit coherent proposals to the plenary for discussion as early as possible in order to allow ample time to the plenary to reach a decision. The Executive Secretary added that it was hoped proposals could be submitted to GRECO maybe even in December, in view of a first discussion at the first 2010 plenary meeting, at the very latest.

6. The Executive Secretary reported on the following developments since GRECO’s 43rd Plenary Meeting (June-July 2009):

- Belarus would almost certainly soon become a member of GRECO as the agreement concerning immunities and privileges of GRECO representatives and evaluators had been approved by the Committee of Ministers of the Council of Europe, signature by both parties was now pending; another potential candidate was Kazakhstan which had made a formal request to the Committee of Ministers to be invited to become a party to various Council of Europe conventions, including the Civil and Criminal Law Conventions on Corruption (ETS 174 and 173), the appropriate consultation process among non-member States parties to the conventions needed now to be completed; in addition a similar agreement to that established between the Council of Europe and Belarus would also have to be concluded; moreover, Liechtenstein appeared to be considering acceding to GRECO;

- the President would participate in a roundtable to launch the OECD Global awareness raising campaign on foreign bribery (Paris on 9 December);

- the Executive Secretary had been invited, along with representatives of other bodies such as the OECD working group, to Beirut to inform a group of Arab States on the practicalities of GRECO’s modus operandi to assist them in the preparation of the next Conference of the States Parties to the United Nations Convention against Corruption (Doha, Qatar, 9-13 November 2009);

- copies of a document prepared by the Parliamentary Assembly of the Council of Europe on the protection of “whistle-blowers” were available, it called on member States to adjust their legislation to a set of guiding principles.

7. The floor was handed to delegations. The representative of France had recently participated in a conference in Kazakhstan and was pleased to report that he had observed a very strong intention on the part of the authorities of Kazakhstan to engage in serious efforts to fight corruption. A cooperation agreement between the Central Service for the Prevention of Corruption of France and its counterpart in Kazakhstan would be signed that very day.

IV. Third Evaluation Round

8. The plenary carried out an in-depth reading, principally of the analytical parts of the draft Third Round Evaluation Report on Malta, with the participation of the Evaluation Team which had carried out an on-site visit to Valetta. 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.

9. GRECO adopted the Third Round Evaluation Report on Malta (Greco Eval III Rep (2009) 2E – Themes I and II). The authorities of Malta were invited to authorise publication of the report as soon as possible1. The deadline fixed for submission

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1 The Third Round Evaluation Report on Malta was made public on 10 November 2009.
of a Situation Report on implementation of the recommendations contained in the report was 30 April 2011.

10. The plenary noted that, in accordance with the chronology followed during the Second Evaluation Round, Third Round Evaluation visits to Romania, Cyprus, Armenia, Serbia, Montenegro, the Czech Republic, Portugal, Bosnia and Herzegovina, the United States of America, Azerbaijan, Moldova and Andorra would be scheduled in 2010 and that the Secretariat would contact the members concerned individually with regard to deadlines for submitting replies to the questionnaires and the dates of the visits in such a way as to ensure an even and timely distribution of evaluation work throughout the year and between the plenary meetings.

11. The plenary approved the list of rapporteur countries for Third Round Compliance Procedures regarding Finland, the Slovak Republic, Slovenia and the United Kingdom (Greco Eval III (2009) 10E).

V. Second Evaluation Round

12. The plenary examined the draft Addenda to the Second Round Compliance Reports on Albania, Croatia, the Netherlands, Spain and “the former Yugoslav Republic of Macedonia”. 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 Albania (Greco RC-II (2007) 12E Addendum), Croatia (Greco RC-II (2007) 13E Addendum), the Netherlands (Greco RC-II (2007) 7E Addendum), Spain (Greco RC-II (2007) 10E Addendum) and “the former Yugoslav Republic of Macedonia” (Greco RC-II (2007) 8E Addendum) and thus concluded the Second Round compliance procedure in respect of all five countries. GRECO noted with satisfaction the authorisation from Croatia to publish the above-mentioned Addendum and the authorities of Albania, the Netherlands, Spain and “the former Yugoslav Republic of Macedonia” were invited to do so as soon as possible.

VI. Tour de table – Corruption in Sport

13. GRECO held a tour de table on Corruption in Sport, with the participation of Mr. Wolfgang MAENNIG, Professor, Chair of Economic Policy, Hamburg University as keynote speaker and of Mr Stanislas FROSSARD, Executive Secretary of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe. EPAS would hold a first meeting, on 2 December, of its a working group to examine the preparation of a draft recommendation on corruption in sport, in which GRECO participation would be welcome and would, in any case, up-date GRECO on progress made. The Secretariat was asked to prepare and publish a summary record of the presentations and ensuing discussions.

VII. Miscellaneous

14. Following a call from the floor, the plenary discussed reiterating to the forthcoming session of the Conference of States Parties to the United Nations Convention against Corruption (Doha, Qatar, 9-13 November 2009) its previous communications, and agreed to address the following message to the Conference:

"On 5 October 2009 the Strasbourg-based Council of Europe’s Group of States against Corruption (GRECO) celebrated its 10th Anniversary with a High-level
Conference which brought together a large number of Ministers and Secretaries of State as well as other representatives from 46 member States, several non-member States and international organisations, including the United Nations, and representatives of civil society.

Throughout its ten years of existence GRECO has monitored, on the basis of its peer review methodology, the compliance of member states with six Council of Europe anti-corruption instruments, including the Criminal Law Convention on Corruption (ETS 173) of 1999, issued tailor-made recommendations and subsequently assessed the implementation of these recommendations in practice.

The achievements of GRECO and its member States over the last decade evidence, as highlighted by numerous speakers at the Conference, that international norms are at risk of remaining dead letters if they are not backed up by a credible review mechanism and process.

In light of its broad monitoring experience the Group of States against Corruption encourages the States Parties to the United Nations Convention against Corruption to complement this universal instrument with an effective review mechanism, while avoiding duplication.

Only then will it be possible to address corruption which is a threat to the whole international community in an effective manner.

The Group of States against Corruption confirms its willingness to offer its long-standing expertise and knowledge and to support the implementation of the United Nations Convention against Corruption to the extent possible."

VIII. Adoption of decisions

15. The decisions of the 44th Plenary Meeting were adopted, as they appear in document Greco (2009) 19E.

IX. Forthcoming meetings

16. GRECO noted that the Bureau would hold its 51st meeting in Strasbourg on 2 November 2009. The 45th Plenary Meeting would be held in Strasbourg on 30 November – 4 December 2009.
APPENDIX I

LIST OF PARTICIPANTS

ALBANIA / ALBANIE
M. Edmond DUNGA
Head of the Office in the Anticorruption Secretariat, Regional Anti-Corruption Initiative (RAI) Secretariat

Mrs Helena PAPA
Inspector, Department of Internal Administrative Control and Anti-Corruption, Council of Ministers,

ANDORRA / ANDORRE
M. Sergi ALIS SOULIÉ (Chef de délégation)
Présidence du Gouvernement

ARMENIA / ARMENIE
Mr Artur OSIKYAN (Head of delegation)
Deputy Head of Police

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

AZERBAIJAN / AZERBAIDJAN
Apologised / Excusé

BELGIUM / BELGIQUE
M. Paul MULS
Premier conseiller de direction, Secrèteaire de la commission de contrôle des dépenses électorales Chambre des représentants

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE
Mr Vjekoslav VUKOVIC
Assistant Minister of Security of Bosnia and Herzegovina, Council of Ministers of Bosnia and Herzegovina, Ministry of Security

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)
Justice of the Supreme Court

CYPRUS / CHYPRE
Mr Philipppos KOMODROMOS (Head of delegation)
Counsel of the Republic, Law Office of the Republic of Cyprus

CZECH REPUBLIC / REPUBLIQUE TCHEQUE
Ms Helena LIŠUCHOVÁ (Head of delegation)
Department of International Organisations and Co-operation, Ministry of Justice

Ms Marta LÉBLOVÁ
Public Administration Section, Minstry of the Interior

DENMARK / DANEMARK
Mr Lars LICHTENSTEIN
Head of Section, Office of the Director of Public Prosecutions
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, Police Department

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

GEORGIA / GEORGIE
Mr Vakhtang LEJAVA (Head of delegation)
Chief Advisor, Prime Ministers Office, Deputy Head of the Anti-corruption Council of Georgia
State Chancellery

GERMANY / ALLEMAGNE
Mr Matthias KORTE (Head of delegation)
Head of Division, Ministry of Justice

Ms Nora KAISER

GREECE / GRECE
Mr Dimitrios GIZIS
Prosecutor, Hellenic Ministry of Justice

HUNGARY / HONGRIE
Mr Ákos KARA (Head of delegation)
Deputy Head of Department, Ministry of Justice

ICELAND / ISLANDE
Mr Helgi Magnús GUNNARSSON
Public Prosecutor, Head of Unit for Investigation and Prosecution of Economic Crime, National Commissioner of the Police

IRELAND / IRLANDE
Ms Aileen HARRINGTON
Assistant Principal Officer, Criminal Law Reform, Department of Justice, Equality and Law Reform

Mr Paul E. MURPHY
Assistant Principal Officer, Ethics in Public Office, Government Buildings, Department of Finance

ITALY / ITALIE
M. Calogero PISCITELLO (Chef de délégation)
Sous-chef de cabinet du ministre, Ministère de la justice

Mr Silvio BONFIGLI
Magistrate, Anticorruption and Transparency Service

Mr Fabrizio GANDINI
Magistrate, Magistrate attached to Office I, Directorate General of Penal Law

LATVIA / LETTONIE
Mrs Violeta ZEPPA-PRIEDÎTE
Head of Legal Division, Corruption Prevention and Combating Bureau
LITHUANIA / LITUANIE
Ms Elena KONCEVICIUTE
International Relations Officer, International Cooperation Division, Special Investigation Service

LUXEMBOURG
M. Jean BOUR (Chef de délégation)
Procureur d’État, Parquet du Tribunal d’Arrondissement de Diekirch

MALTA / MALTE
Mr Silvio CAMILLERI (Head of delegation)
Attorney General, Attorney General’s Office

Mr Leonard CARUANA
Advocate, Attorney General’s Office

Mr Paul VASSALLO
Superintendent, Malta Police Force, Police General Headquarters

MOLDOVA
Mme Cornelia VICLEANSCHI (Chef de délégation)
Procureur, Chef de la Section Générale, Bureau du Procureur Général

MONACO
M. Frédéric COTTALORDA
Chef de Section, Service d’Information et de Contrôle sur les Circuits Financiers (SICCFIN), Département des Finances et de l’Economie

MONTENEGRO
Ms Vesna RATKOVIC (Head of delegation)
Director, Directorate for Anti-Corruption Initiative

NETHERLANDS / PAYS-BAS
Mr Bastiaan WINKEL-BOER (Head of delegation)
Policy Advisor, Ministry of Justice

Mr Harry DE WIT
Policy advisor, Directorate Public Sector Employment, Ministry of the Interior and Kingdom Relations

Ms Pauline DEN AMBTMANN
Head of Anti-Fraud Unit

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Mr Atle ROALDSØY (Head of delegation)
Senior Adviser, Ministry of Justice

Mr Jens-Oscar NERGÅRD
Senior Adviser, Ministry of Government Administration and Reform

POLAND / POLOGNE
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Ministry of Justice, National Prosecutor’s Office, Bureau of International Legal Cooperation

PORTUGAL
Ms Ines MARINHO
Legal advisor, Directorate General for Justice Policy, Ministry of Justice

ROMANIA / ROUMANIE
Ms Anca CHELARU (Head of delegation)
Deputy Director, Department or Relations with the Public Ministry, Prevention of Crime and Corruption, Ministry of Justice and Citizens Freedoms
RUSSIAN FEDERATION / FEDERATION DE RUSSIE
Mr Oleg PLOKHOI
Deputy Head, Human resources and government awards department, Administration of the President

Mr Aslan YUSUFOV
Deputy Head of Directorate, Head of Section of supervision over implementation of anti-corruption legislation, Prosecutor General’s Office

Mr Konstantin KOSORUKOV
Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

REPUBLIC OF SERBIA / REPUBLIQUE DE SERBIE
Ms Zorana MARKOVIC (Head of delegation)
Director of the Agency for the Fight against Corruption

Ms Milica DJUNIC
Legal Consultant, Ministry of Justice

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE
Mr Vladimír KOTULÍČ
Deputy Director, International Police Cooperation Bureau

SLOVENIA / SLOVENIE
Mr Drago KOS
Apologised / Excusé
President of GRECO / Président du GRECO
Chairman, Commission for the Prevention of Corruption

Ms Sandra A. BLAGOJEVIC
Assistant Head, Sector for Integrity, Commission for the Prevention of Corruption

SPAIN / ESPAGNE
Mr Rafael VAILLO
Technical Counsellor, D.G. for International Cooperation, Ministry of Justice

SWEDEN / SUÈDE
Mr Olof NYMAN
Legal Adviser, Division for Criminal Law, Ministry of Justice

SWITZERLAND / SUISSE
M Ernst GNAEGI (Chef de délégation)
Chef de l’unité du droit pénal international, Office fédéral de la Justice

M Olivier GONIN
Collaborateur scientifique, Unité du droit pénal international, Office fédéral de la justice

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"
Ms Slagjana TASEVA (Head of delegation)
Professor in Criminal Law, Dean of the Faculty of Law, "First Private University, European University - the Republic of Macedonia"

TURKEY / TURQUIE
M. Ergin ERGÜL (Chef de délégation)
Magistrat, Directeur Général Adjoint, Direction Générale du Droit International et des Relations Extérieures, Ministère de la Justice

Mr Mete DEMIRCI
Inspector, Prime Minister’s Office

UKRAINE
Mr Yuriy SUKHOV (Head of delgation)
Government agent for anti-corruption policy, Cabinet of Ministers of Ukraine
Mrs Olena SMIRNOVA  
Head of Unit responsible for development of anticorruption policy, Ministry of Justice

Mr Olexandr KOVALENKO  
Prosceutor, Head of Division, Prosecutors General’s Office of Ukraine

UNITED KINGDOM / ROYAUME-UNI  
Ms Frances ORAM  
Head of Political Parties and Referendums Branch, Ministry of Justice

Ms Katherine FOX  
Deputy Head, Russia Section, Russia, S. Caucasus and Central Asia Directorate  
Foreign & Commonwealth Office

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

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

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLAMENTAIRE DU CONSEIL DE L’EUROPE

REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC  
Mr Damir VEJO  
Head of the Department for Organised Crime and Corruption, Ministry of Security of Bosnia and Herzegovina

OBSERVER UNITED NATIONS – UNODC / OBSERVATEUR NATIONS UNIES – ONUDC

OBSERVER OECD / OBSERVATEUR OCDE

GRECO EVALUATION TEAM / EQUIPE D’EVALUATION DU GRECO

Third Round Evaluation report on MALTA/  
Rapport d’Evaluation du Troisième Cycle sur MALTE

Theme I – Incriminations
Mr Jaan GINTER  
Vice Dean, University of Tartu, Faculty of Law

Mr Paul E. MURPHY  
Assistant Principal Officer, Ethics in Public Office, Government Buildings, Department of Finance

Theme II – Party Funding / Financement des partis politiques
M. Edmond DUNGA  
Head of the Office in the Anticorruption Secretariat, Regional Anti-Corruption Initiative (RAI)  
Secretariat

ROUND TABLE ON “CORRUPTION IN SPORT”

Mr Wolfgang MAENNIG  
Professor, University of Hamburg

Mr Stanislas FROSSARD  
Executive Secretary of the Enlarged Partial Agreement on Sport (EPAS), DG IV, Council of Europe
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

Administrative Officers / Administrateurs
Mr Björn JANSON
M Christophe SPECKBACHER
Ms Laura SANZ-LEVIA
Ms Sophie MEUDAL-LEENDERS
Mr Michael JANSSEN
Ms Aleksandra KURNIK, Temporary Assistant Lawyer

Central Office / Bureau Central
Ms Penelope PREBENSEN, Administrative Assistant / Assistante Administrative
Mme Laure HEIM, Assistant / Assistante
Mme Marie-Rose PREVOST, Assistant / Assistante

Webmaster
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 / Interpretes
Mme Sally BAILEY
Mme Isabelle MARCHINI
Mme Julia TANNER
APPENDIX II

AGENDA

1. Opening of the meeting / Ouverture de la réunion 10h00
2. Adoption of the agenda / Adoption de l’ordre du jour
3. Information from the President, Delegations and the Executive Secretary (including on Bureau 50) / Information du Président, des Délégations et du Secrétaire Exécutif (y compris sur Bureau 50)

5. * Tour de table on Corruption in Sport – Keynote speaker: Mr Wolfgang MAENNIG, Professor, Chair of Economic Policy, Hamburg University – Wednesday, 7 October, 14h00 / * Tour de table sur la Corruption dans le Sport – Intervenant principal : M Wolfgang MAENNIG, Professeur, Chaire de Politique Economique, Université d’Hambourg – mercredi, 7 octobre, 14h00

6. Examination and adoption of the Addenda to the Second Round Compliance Reports on Albania, Croatia, the Netherlands, Spain and “the former Yugoslav Republic of Macedonia” / Examen et adoption des Addenda aux Rapports de Conformité du Deuxième Cycle sur l’Albanie, la Croatie, les Pays-Bas, l’Espagne et « l’ex-République yougoslave de Macédoine »


8. Third Round Compliance Procedures regarding Finland, Slovakia, Slovenia and the United Kingdom – selection of rapporteur countries (Bureau 50 proposal) / Procédures de conformité du Troisième Cycle à l’égard de la Finlande, la Slovaquie, la Slovénie et le Royaume-Uni – sélection de (pays) rapporteurs (proposition du Bureau 50)

9. Miscellaneous / Divers

10. Adoption of decisions / Adoption des décisions

11. Dates of next meetings / Dates des prochaines réunions

* Heads of delegation are invited to comment on:
  i. the legal and institutional framework for fighting corruption in sport, including the role of sports organisations
  ii. obstacles to effectively combating corruption in sport and
  iii. examples of good practice.

* Les chefs de délégations sont invités à communiquer leurs remarques sur:
  i. le cadre juridique et institutionnel pour la lutte contre la corruption dans le sport, y compris le rôle des organisations sportives
  ii. les obstacles à une lutte effective contre la corruption dans le sport, et
  iii. des exemples de bonnes pratiques.