



Strasbourg, 18 January 2010

**Greco (2009) 30E**

**45<sup>th</sup> Plenary Meeting of GRECO**  
(Strasbourg, 30 November – 4 December 2009)

**SUMMARY REPORT**

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

1. The 44th Plenary Meeting 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. GRECO postponed examination of the draft Third Round Compliance Report on Slovenia to its first meeting in 2010 (GRECO 46) as information concerning Theme II –“Transparency of Party Funding” had been submitted by the Slovenian authorities too late to allow for its assessment. 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** informed the plenary that he had participated as a speaker in the Ethical Corporation’s 3<sup>rd</sup> Annual Anti-Corruption Summit : Ethics, values and corporate compliance – How to persuade employees to do the right thing (Brussels, 20-21 October 2009) and a conference on Corruption and Human Rights organised by the Maastricht Centre for Human Rights (Maastricht, 22-23 October). He had also taken part in Global Forum VI (Doha, 7-8 November) and held talks in Ukraine with the Deputy Prime Minister, the Minister of Justice and Parliamentarians. Since, he had learned that the Supreme Court had asked the Constitutional Court to freeze three anti-corruption laws adopted earlier in the year, which might, in his opinion, have an adverse effect on the country’s anti-corruption efforts. Slovenia had hosted a European Partners against Corruption (EPAC) conference (Nova Gorica, 4 – 6 November 2009) at which EPAC’s Statute had been approved – membership was open to all anti-corruption agencies and all internal affairs police units of EU or Council of Europe member States. Moreover, the European contact-point network against corruption - gathering anti-corruption institutions of EU member States – had been formally established. He had also been appointed by the Council of Europe to represent the Organisation at the forthcoming OECD Global Awareness-Raising Campaign on Foreign Bribery organised to mark International Anti-Corruption Day in Paris, on 9 December.
5. He referred briefly to the results of the last Bureau meeting which were detailed in document Greco (2009) 25E and highlighted the items that led to proposals under Agenda items 7, 8, 9 and 10 of the current meeting.
6. Finally, the President thanked delegations for having ensured high-level representation at GRECO’s 10<sup>th</sup> Anniversary Conference. He was particularly satisfied to note that the speakers who participated clearly paid much tribute to and endorsed the work carried out by GRECO.
7. The floor was handed to delegations. The **Head of the delegation of Croatia** informed the plenary that a new committee, chaired by the Prime Minister, had recently been set up to monitor implementation of anti-corruption measures. The results of GRECO’s second round compliance procedure in respect of Croatia had been presented to the Committee which had been very pleased to hear that Croatia was one of the 17 countries on which an Addendum to a Second Round Compliance Report had been published to have implemented satisfactorily or dealt with in a satisfactory manner all Second Round recommendations addressed to it. The Committee – which was clearly committed to doing all in their power to comply with

GRECO's conclusions - was very keen to receive GRECO's recommendations concerning the transparency of party funding.

8. The **Head of the delegation of France** asked if the plenary could be informed of the results of the 3<sup>rd</sup> Session of the Conference of States Parties to the United Nations Convention against Corruption (COSP-3) held in Doha (Qatar) on 9–13 November and of the President's interventions and general impressions.
9. The President replied that he had taken part in Global Forum VI (the last one of its kind to be held) and had participated in a round table on independent anti-corruption institutions. The conclusions reached were those already familiar to GRECO, i.e. that such institutions needed to be specialised, autonomous or independent. Information on the results of COSP-3, would be provided by the Secretariat which had been represented.
10. The **Executive Secretary** reported on developments since GRECO's 44<sup>th</sup> Plenary Meeting (October 2009). First, Liechtenstein would join GRECO on 1 January 2010. The country had signed the Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS 191). Moreover, the agreement between the Council of Europe and Belarus concerning immunities and privileges of GRECO representatives and evaluators had been approved by the Committee of Ministers of the Council of Europe some two months ago and arrangements for signature by both parties were now underway. Belarus would subsequently become a member of GRECO.
11. He had participated in a meeting in Beirut (15-16 October 2009) organised by the UNDP, the Ministry of Justice of Lebanon and a structure called ACINET (Arab Anti Corruption and Integrity Network) in preparation of COSP-3. It had gathered representatives of Arab UN member States interested in supporting the idea of a fully-fledged review mechanism of the United Nations Convention. Numerous questions had been addressed to him concerning all aspects of the structure, working methods and substance of GRECO's work.
12. At its last meeting, the Bureau had discussed follow-up to be given to GRECO's 10<sup>th</sup> Anniversary Conference and had focused on the proposal to set up an informal forum of major anti-corruption monitoring bodies. On the occasion of the EPAC conference referred to by GRECO's President, Mark PIETH, Chairman of the OECD Working Group on Bribery in International Business Transactions, had informed him that the OECD took the question of coordination very seriously and that the working party had been given a mandate to enhance cooperation with other major players. He was under the impression that, following Doha, the question of a forum, and of coordination in general, would become even more important and discussions would need to be held with representatives of the UNODC and the European Commission.
13. The Bureau had also discussed possible follow-up to the GRECO 44 *tour de table* on corruption in sport. It could be noted that the Enlarged Partial Agreement on Sport (EPAS) would hold a round table on 2 December which would serve as a basis for the preparation of a draft recommendation on match-fixing.
14. Ukraine had deposited its instrument of ratification of the Criminal Law Convention on Corruption and its Additional Protocol. Only six Council of Europe member States had not yet ratified the Convention (Austria, Germany, Italy, Liechtenstein, San Marino and Spain).
15. GRECO's President would be invited to a hearing with the Ministers' Deputies of the Council of Europe on 9 June 2010 – this annual event provided the only occasion for formal contact with the Committee of Ministers of the Council of

Europe which had always taken a vivid interest in GRECO's work, it was a very valuable visibility exercise for GRECO and contributed to securing support for the implementation of GRECO recommendations in the capitals.

16. GRECO's budget for 2010 had been adopted on 26 November by the Statutory Committee which also elected Ambassador Per SJÖGREN, Permanent Representative of Sweden to the Council of Europe as its new President. GRECO and its Secretariat had again been praised for their work.
17. All GRECO representatives and participants had received a provisional edition of the compendium of speeches delivered during GRECO's 10<sup>th</sup> Anniversary Conference, it was hoped that outstanding texts would soon be received in order to complete it.
18. As already mentioned by the President, on 23 November, a new draft of the Stockholm Programme (a link to which had been forwarded to all representatives), contained significant changes concerning GRECO and the Council of Europe in general; delegations were urged to bear the new version of the document in mind when discussing enhanced cooperation with the European Union later in the week.
19. The floor was handed to **Ms SANZ-LEVIA, Secretariat**, who informed the plenary of the results of COSP-3, in which the Council of Europe participated as an observer. One of the key achievements of the conference had been the preparation of terms of reference for a review mechanism contained in Resolution CAC/COSP/2009/L.9 adopted by the conference. The model agreed included a number of provisions which would allow states under evaluation to opt out as regards country visits, input of non-governmental sources and transparency/confidentiality requirements (a minimum standard required that an executive summary be published). The model as constituted at this stage was considered by some as being a first step towards developing a more robust and transparent monitoring system in the future. It could be noted that it was the first example of a peer-to-peer monitoring mechanism within the United Nations. Under the agreed mechanism, all States would be monitored within review cycles every five years; the findings to be contained in country review reports would be based on self-assessment checklists, complemented by peer review carried out by experts. The reports were intended to provide a balanced assessment of successful experiences and good practices, as well as challenges and gaps with respect to the provisions of the UNCAC in terms of legislation, practice and institutional arrangements and would determine technical assistance needs. Horizontal, thematic reports would also be produced, exploring particular strengths and weaknesses of the systems evaluated. Further aspects would be developed within the Open-ended Intergovernmental Review Group in preparation of COSP-4 which would be held in Morocco in 2011.
20. The Executive Secretary added that even though States would be able to opt-in or opt-out of a number of possible characteristics of the mechanism, he supposed that a number of countries (among them, European countries) would accept a far-reaching approach, including for example on-site visits, publication of reports, etc. This could possibly lead to some duplication of work, with States undergoing fully-fledged monitoring of certain aspects by both the UN and GRECO.

#### **IV. Second Evaluation Round**

21. GRECO examined the draft Addendum to the Second Round Compliance Report on **Romania**. The draft 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 Reports on Romania (Greco RC-II (2007) 9E Addendum) and thus concluded the Second Round compliance procedure in respect of that country. GRECO invited the authorities of Romania to authorise publication of the report as soon as possible.

22. Note was taken of information provided orally by the Head of the delegation of the Netherlands concerning the entry into force on 1 January 2010 of new legislation that would ensure implementation of recommendations ii, iii and v which had been assessed as partly implemented in the Addendum to the Second Round Compliance Report on the Netherlands adopted in October 2009 (Greco RC-II (2007) 7E Addendum).

## **V. Third Evaluation Round**

23. The plenary carried out an in-depth reading, principally of the analytical parts of the draft Third Round Evaluation Reports on **Croatia, Germany and Ireland** with the participation of the Evaluation Teams which had carried out on-site visits to Zagreb, Berlin and Dublin. 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.
24. GRECO adopted the Third Round Evaluation Reports on Croatia (Greco Eval III Rep (2009) 1E – Themes I and II), Germany (Greco Eval III Rep (2009) 3E – Themes I and II) and Ireland (Greco Eval III Rep (2009) 4E – Themes I and II). Croatia and Germany authorised publication of their respective reports and Ireland was invited to do so as soon as possible. The deadline fixed for submission of Situation Reports on implementation of the recommendations contained in the reports was 30 June 2011 in all three cases.
25. The plenary also examined the draft Third Round Compliance Reports on **Finland** and the **United Kingdom** which 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 Norway and the United Kingdom for Finland and on behalf of Bulgaria and Ireland for the United Kingdom. The Rapporteurs communicated their observations on the draft compliance reports and a detailed reading of the reports followed.
26. Having discussed the approach to adopt with regard to the low number of fully implemented recommendations reflected in the draft Third Round Compliance Reports on Finland and the United Kingdom, GRECO considered that the response by both countries to the Third Round recommendations addressed to them could not – owing to a number of positive developments – be qualified as “globally unsatisfactory” in the meaning of Rule 31 paragraph 8.3 of its Rules of Procedures. GRECO asked its Bureau to discuss the possible need to revise the Rules of Procedure, in particular as regards the use of the non-compliance procedure pursuant to Rule 31 paragraph 8.3.
27. GRECO adopted the Third Round Compliance Report on Finland (Greco RC-III (2009) 2E) and noted with satisfaction that the authorities of the country authorised publication of the report. The deadline fixed for the submission of additional information regarding the further implementation of recommendations was 30 June 2011.
28. Having examined the draft Third Round Compliance Report on the United Kingdom in the absence of the delegation of the United Kingdom - with the consent of the delegation - GRECO nevertheless decided to postpone the final adoption of the Third Round Compliance Report on the United Kingdom to its first

Plenary Meeting in 2010. The delegation of the United Kingdom was urged to ensure its presence at that meeting.

29. Finally, as regards Third Round procedures, GRECO approved the composition of evaluation teams responsible for evaluation visits in 2010 as well as the list of rapporteur countries for compliance procedures regarding Estonia, Iceland, Luxembourg and the Netherlands.

## **VI. Fourth Evaluation Round**

30. The President outlined the thematic proposals for GRECO's Fourth Evaluation Round as prepared by Bureau 51 (document Greco (2009) 26E):
  - **Option I:** the preparation of updated country reports which would cover the core issues of the First and Second Evaluation Rounds as well as an additional "special subject" not yet included in previous evaluations, namely "conflicts of interest of elected representatives"; the purpose of this approach would be to provide an update reflecting the current state of anti-corruption policies in light of the relevant Council of Europe instruments and GRECO's previous pronouncements; and
  - **Option II:** "Human rights and corruption prevention in parliaments, public administration and the private sector"
31. The Bureau had expressed a clear preference for Option II as it presented a number of advantages. It would permit to a) concentrate on one essential field of anti-corruption policy (prevention); b) explore more in detail certain key issues addressed during the Second Evaluation Round under the heading "Public administration"; and c) also cover two new areas where effective prevention policies were of critical importance (i.e. parliaments and the private sector) which would follow up on proposals made at GRECO's 10th Anniversary Conference (Strasbourg, 5 October 2009). Moreover, this option would no doubt meet with considerable public interest.
32. The Bureau's proposals also contained an outline of the possible content of Option II as well as information concerning subjects not covered by previous rounds.
33. The plenary was invited to hold a preliminary discussion which would be continued at future plenary meetings until a decision was reached. It could be noted that the Fourth Evaluation Round would not be officially launched until 2012.
34. Participants voiced a number of views as regards both options. **Option I** could usefully allow for more in-depth evaluation of the effectiveness and efficiency of implementation and application in practice. Opinions differed however as to whether or not it was the right time to re-visit the themes of the First and Second Evaluation Rounds. The Executive Secretary pointed out that chapter 3 of the proposed outline for Option II had been construed to allow for a more in-depth examination of matters concerning a topic which had already been an important component of the Second Evaluation Round (Public Administration). One proposal for alternative "special subjects" was made: international cooperation and/or auditing in public administration. **Option II** was welcomed by a number of delegations as it would allow GRECO to examine very topical questions not yet covered in previous rounds or those which clearly warrant updating (i.e. "corruption prevention in public administration"). Consideration should be given not only to the themes proposed in the outline but also to including, for example, lobbying and international cooperation. Regarding the inclusion of "corruption in the private sector", the need to avoid overlapping with the OECD's work as well as potential difficulties in cooperating with private sector representatives and

securing implementation of recommendations were stressed. A majority of the delegations which took the floor expressed support for **Option II**.

35. In preparation of a future plenary debate on the content of GRECO's Fourth Evaluation Round, the Bureau was asked to revise and refine its proposals in light of the discussions held at the present meeting.

#### **VII. Programme of Activities for 2010**

36. The Executive Secretary thanked GRECO members for their cooperation in establishing dates for evaluation visits contained in the provisional calendar appended to the draft Programme of Activities. The scheduling fitted well into the proposed Plenary Meeting calendar. Bosnia and Herzegovina had not yet replied to the Secretariat's proposal concerning dates, but at the request of the President, the representative of the country present at the meeting acknowledged that the visit would be held, as proposed, on 20-24 September 2009.

37. GRECO adopted its Programme of Activities for 2010 (Greco (2009) 22E Final).

#### **VIII. Tenth General Activity Report (2009)**

38. GRECO discussed the Bureau 51 proposals for the substantive issue to be covered in the feature article to be included in its Tenth General Activity Report (2009) and chose "Experience with the criminal offence of trading in influence" and noted with satisfaction that the Head of the delegation of France would assist with identifying a suitable French expert to draw it up. France had significant experience in dealing with the offence of trading in influence and the article could draw on that experience to present examples of national practice in that field. Should it prove difficult to secure such a contribution, GRECO agreed that the President would draft an article on "Human rights and corruption".

#### **IX. Enhanced cooperation with the European Union**

39. GRECO took note of and welcomed the most recent version of the Stockholm programme as finalised at the meeting of the Justice and Home Affairs Council on 30 November and 1 December 2009 (17024/09 – CO EUR-PREP 3 – JAI 896 – POLGEN 229 – 2 December), in particular section 4.4.5. on "Economic crime and corruption".

40. GRECO would await further information concerning the implementation of the Stockholm Programme and, in the meantime, expressed its willingness to contribute to the development of a comprehensive anti-corruption policy of the European Union, in line with the invitation addressed by the European Council to the Commission. In particular, it welcomed the invitation by the European Council to the Commission to submit a report, in 2010, to the Council on the modalities for the Union to accede to GRECO and, in this connection expressed its willingness to discuss such modalities with the competent EU services in light of GRECO's Statute, the Criminal Law Convention on Corruption (ETS 173) and the Civil Law Convention on Corruption (ETS 174), which already provided for the possibility of EU participation in GRECO.

#### **X. Adoption of decisions**

41. The decisions of the 45<sup>th</sup> Plenary Meeting were adopted, as they appear in document Greco (2009) 29E.

**XI. Forthcoming meetings**

42. GRECO noted that the Bureau would hold its 52<sup>nd</sup> meeting in Strasbourg on 1 March 2010 and that the 46<sup>th</sup> Plenary Meeting would be held in Strasbourg on 22-26 March 2010.



## **APPENDIX I**

### **LIST OF PARTICIPANTS**

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**PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ  
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**OBSERVER UNITED NATIONS – UNODC / OBSERVATEUR NATIONS UNIES – ONUDC  
Apologised / Excusé**

**OBSERVER OECD / OBSERVATEUR OCDE  
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**GRECO EVALUATION TEAMS / EQUIPES D'EVALUATION DU GRECO**

**Third Round Evaluation report on GERMANY/  
Rapport d'Évaluation du Troisième Cycle sur l'ALLEMAGNE**

**Theme I – Incriminations**

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M Christian COQUOZ - **Apologised / Excusé**  
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**Theme II – Party Funding / Financement des partis politiques**

M Yves-Marie DOUBLET

Directeur adjoint, service des affaires juridiques, Division du contrôle et des études juridiques, France

Ms Viera KOTULIČOVÁ

General State Advisor, Ministry of the Interior, Public Administration Section, Slovakia

**Third Round Evaluation report on IRELAND/  
Rapport d'Évaluation du Troisième Cycle sur l'IRLANDE**

**Theme I – Incriminations**

Ms Vesna RATKOVIC

Director, Directorate for Anti-Corruption Initiative, Montenegro

Mr William A. KEEFER

Office of Inspector General, U.S. Postal Service, United States of America

**Theme II – Party Funding / Financement des partis politiques**

Ms Elena MASNEVAITĖ

PhD Student, Vilnius University Law Faculty, Lithuania

Mr Fernando JIMENEZ SANCHEZ

Department of Political Science and Public Administration, University of Murcia, Spain

**Third Round Evaluation report on CROATIA/  
Rapport d'Évaluation du Troisième Cycle sur la CROATIE**

**Theme I – Incriminations**

Mr Flemming DENKER

Deputy Director, Public Prosecutor for Serious Economic Crime, Denmark

Mr Georg Florian GRABENWEGER

BIA - Head of Unit 4, Prevention and external relations, Federal Bureau for Internal Affairs (BIA) Federal Ministry of the Interior, Austria

**Theme II – Party Funding / Financement des partis politiques**

Mr Christopher MAGRI

Project leader, Internal Audit and Investigations Directorate (IAID), Office of the Prime Minister, Malta

Mr Remco NEHMELMAN

Associate professor on constitutional and administrative law, Faculty of law, economics and governance, Institute of constitutional and administrative law, Netherlands

**RAPPORTEURS**

**Third Round Compliance Reports / Rapports de Conformité du Troisième Cycle**

**FINLAND / FINLANDE**

Ms Chiara MacCALL (United Kingdom) - Theme I – **Apologised / Excusée**

Mr Jens-Oscar NERGÅRD (Norway) - Theme II

**UNITED KINGDOM / ROYAUME-UNI**

Ms Irena BORISOVA (Bulgaria) - Theme I

Mr David WADDELL (Ireland) - Theme II

**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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Mme Marie-Rose PREVOST, GRECO

**Interpreters / Interpretes**

Mme Sally BAILEY  
Mme Julia TANNER  
Mme Isabelle MARCHINI



## **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 51) / *Informations du Président, des Délégations et du Secrétaire Exécutif (y compris sur Bureau 51)*
4. **First reading** of draft Third Round Evaluation Reports on: / **Première lecture** des projets de Rapport d'Evaluation du Troisième Cycle d'Evaluation sur :
  - **Germany / Allemagne** (Monday / lundi)
  - **Ireland / Irlande** ( Tuesday / mardi)
  - **Croatia / Croatie** ( Wednesday / mercredi)
5. Examination and adoption of the Addendum to the Second Round Compliance Report on **Romania** / *Examen et adoption de l'Addendum au Rapport de Conformité du Deuxième Cycle sur la Roumanie*
6. Examination and adoption of the Third Round Compliance Reports on **Finland** and the **United Kingdom** / *Examen et adoption des Rapports de Conformité du Troisième Cycle sur la Finlande et le Royaume-Uni*
7. Programme of Activities for 2010 (approved by Bureau 51) / *Programme d'Activités pour 2010 (approuvé par le Bureau 51)*
8. Third Evaluation Round – composition of the Teams in charge of 2010 evaluations / *Troisième Cycle d'Evaluation – composition des Equipes chargées d'évaluations en 2010*
9. Third Round Compliance Procedure regarding Estonia, Iceland, Luxembourg and the Netherlands – selection of rapporteur countries (Bureau 51 proposal) / *Procédure de conformité du Troisième Cycle à l'égard de l'Estonie, l'Islande, le Luxembourg et les Pays-Bas – sélection de (pays) rapporteurs (Proposition du Bureau 51)*
10. Tenth General Activity Report (2009) – substantive issue (Bureau 51 proposal) / *Dixième rapport général d'activités (2009) – question de fond (proposition du Bureau 51)*
11. Enhanced cooperation with the European Union – Bureau 51 proposal / *Coopération renforcée avec l'Union Européenne – proposition du Bureau 51*
12. **Second reading** and adoption of the draft Third Round Evaluation Reports on Germany, Croatia and Ireland (**Friday**) / **Deuxième lecture** et adoption des projets de Rapport d'Evaluation du Troisième Cycle sur l'Allemagne, la Croatie et l'Irlande (**vendredi**)
13. Miscellaneous / *Divers*
14. Adoption of decisions / *Adoption des décisions*
15. Dates of next meetings / *Dates des prochaines réunions*