



Strasbourg, 17 December 2010

Greco (2010) 25E

49th Plenary Meeting of GRECO
(Strasbourg, 29 November – 3 December 2010)

SUMMARY REPORT

I. Opening of the Meeting

1. The 49th 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, including Mr Luigi LA MARCA, Chief Compliance Officer with the Council of Europe Development Bank (CEB) which was represented in GRECO for the first time.
3. The list of participants appears in Appendix I.

II. Adoption of the agenda

4. The agenda, which was exceptionally heavy due to the unavoidable scheduling of 4 draft evaluation reports, was adopted as it appears in Appendix II.

III. Information provided by the President, delegations and the Executive Secretary

5. The **President** informed the Plenary of his participation in the following events:
 - conference on the "Fight against corruption - Integrative feedback of domestic and international activities" organised by the then chairmanship of the Committee of Ministers of the Council of Europe, the "former Yugoslav Republic of Macedonia", which was held on 15 – 16 October in Ohrid;
 - conference on "European Anti-Corruption Practices and Public Administration Reform in Ukraine" organised by the European Business Association (EBA) in Kyiv on 5 October;
 - 14th International Anti-Corruption Conference (IACC) on the theme of restoring trust through global action on transparency, held in Bangkok on 10-13 October, where prominent speakers from around the world were gathered and at which the robust nature of GRECO's anti-corruption monitoring mechanism was referred to;
 - 10th Annual Conference of the European Partners against Corruption (EPAC) held in Oradea (Romania) on 17-19 November; the President had on that occasion discussed with European Commission representatives its commitment to address the problem of corruption, developments as regards the planned setting up – with input from GRECO – of a mechanism which would take stock of anti-corruption efforts in EU member States and consideration of EU accession to GRECO;
 - conference on "Corruption prevention in the midst of crisis?" organised by *Dbb Akademie* in Cologne on 22 – 23 November 2010.
6. The President went on to inform the plenary of a number of issues discussed by the Bureau at its last meeting (cf. Bureau 55 report, Greco (2010) 23E). First, a letter received from the Chair of EPAC, expressing an interest in putting in place a more formal framework for cooperation with GRECO. The Bureau had decided to invite EPAC representatives to a plenary meeting in 2011 while, in the meantime, possibilities for such a framework would be explored bearing in mind that GRECO's statute did not make provision for granting observer status to bodies that were not international public organisations.

7. The Bureau had also discussed the questionnaire prepared by the European Commission in the context of its public consultation regarding future evaluation of EU anti-corruption efforts, which – from GRECO’s point of view – had to some extent been overtaken by positive developments aimed at avoiding duplication through close future cooperation with GRECO. The question of whether GRECO should respond to the questionnaire was raised by a delegation to which the President replied that GRECO had not been formally invited to respond and as, in talks with the European Commission, there had been a move towards strengthened cooperation with GRECO along the lines laid down in the Stockholm Programme – including EU accession to GRECO – there was no particular issue to be raised.]
8. The President’s mandate in the Commission for the Prevention of Corruption in Slovenia had expired and he retained his position as President of GRECO until the end of the current term.
9. The floor was handed to the **Executive Secretary** who provided the plenary with information as follows:
 - GRECO’s budget for 2011 had been adopted by the Statutory Committee on 25 November under the Chairmanship of its new President, Ambassador Hans-Dieter HEUMANN, Permanent Representative of Germany to the Council of Europe;
 - the Bureau had suggested that a feature article on the theme of “sponsoring and corruption” be included in GRECO’s Eleventh General Activity Report (2010) and, on the recommendation of the Head of the German Delegation to GRECO, Professor Thomas RÖNNAU, Bucerius Law School, Hamburg, had accepted to prepare the article based on his wide knowledge of the subject;
 - he had met with Kazakhstan’s Ambassador to Belgium (Brussels) who reiterated his country’s strong interest in cooperation with GRECO;
 - one meeting in which the Secretariat had participated, that was of particular interest, was a Conference organised by UNDP on “Building Strategic Anti-Corruption Partnerships in the Arab Region (26-27 October, Amman) – the Conference launched a four-year regional anti-corruption initiative set up by UNDP; both the UNDP and that region of the world were very interested in Council of Europe anti-corruption standards and in particular in GRECO’s methodology which served as inspiration for promotion of the implementation of the United Nations Convention against Corruption;
 - as regards enhanced cooperation with the European Union, the Secretariat had given some thought to the matter of GRECO’s contribution to the EU’s own reporting and it was felt that it would be very unrealistic to try to produce an overall summary of all the work carried out by GRECO even more so as it would involve a major up-dating exercise for which there was little willingness on behalf of member states and even less resources at secretariat level; at present the drawing up of a horizontal review with a clear thematic focus (possibly on the theme of integrity and good governance in public life) which would draw from the Second Evaluation Round and theme II of the current Third Evaluation Round on party funding was being considered; as regards EU accession to GRECO, it could be noted that one form the relevant agreement could take was that of a Resolution of the Committee of Ministers of the Council of Europe which would spell out the modalities of accession (including clarifications on the purpose of, the way in which the EU would be represented in GRECO plenary meetings and during on-site visits to EU member States and possibly other States that might wish such

a representation as well as a financial contribution by the EU) – GRECO would be kept informed of tangible developments;

- a statement by the President would be published on 9 December, international anti-corruption day; European Commissioner Cecilia MALMSTRÖM, responsible for Home Affairs would also make a statement on that occasion;

- he had been informed that Belarus had completed the internal procedures necessary for the entry into force of an agreement with the Council of Europe concerning immunities and privileges of GRECO representatives and evaluators which was a pre-requisite for the country's membership in GRECO to become effective; official notification of the completion of the aforementioned procedures was imminent¹;

- the following documents had been made available to the plenary for information : Guidelines on Political Party Regulation by OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission), a motion for a resolution on Good governance and sport ethics submitted to the Parliamentary Assembly of the Council of Europe, a draft Resolution and explanatory memorandum of the Congress of Local and Regional Authorities on Rights and duties of local and regional elected representatives: the risks of corruption and the statement made by the Secretary General of the OECD on the occasion of the Fourth part of the 2010 Ordinary Session of the Council of Europe Parliamentary Assembly (4-8 October 2010).

10. The President handed the floor to delegations. The Head of the delegation of Croatia, speaking in his capacity as **Vice-President**, reported on the high level roundtable on "Counter measures in the Balkans against Organised Crime and Corruption", organised by the Ministry of Justice of Serbia and Friends of Europe, that he had attended accompanied by Ms Zorana MARKOVIC, Head of the delegation of Serbia and Ms Slagjana TASEVA, Head of the delegation of "the former Yugoslav Republic of Macedonia". Two sessions had been held: "Bringing the full force of law against organised crime" and "A healthy investment climate means stamping out corruption". He did not share the rather dramatic analysis of the situation in the region referred to by Friends of Europe and had presented data regarding levels of compliance with GRECO recommendations as an indication of progress that had been made. Once it had been issued, he would make the report of the roundtable available to the plenary.
11. The Head of delegation of **Montenegro** informed the plenary, as chairperson of the RAI Regional Anti-Corruption Initiative (covering 9 countries from South-East Europe), that the annual Steering Committee meeting had been held end October to discuss the successful implementation of 10 joint measures for the fight against corruption. Generally speaking it had been agreed that issues relating to legislation, establishment of institutional framework and strategies had been dealt with. The main challenge for the following period would be asset recovery (implementation of mostly new or significantly amended criminal legislation in the 9 countries).

¹ The relevant agreement entered into force on 13 January 2011, thus rendering effective Belarus' participation in GRECO on that very day.

12. Note was taken of written information provided by the Head of Delegation of **Luxembourg** who was retained by official duties and unable to attend the meeting. A law had been adopted on 27 October 2010 on international mutual assistance which approved the 29 May 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union as well as its Protocol of 16 October 2001. It also amended certain provisions of the Code of Criminal Procedure related to mutual assistance in criminal matters. It should result in simplification of procedures. A second law adopted on 27 October 2010 concerned measures to counter money laundering and the financing of terrorism which would have positive repercussions with regard to corruption offences. Constitutional amendments aimed at confirming the independence of the Public Prosecution in individual proceedings as well as the establishment of some form of judicial service commission were being considered. Finally, the draft law on incriminations which, among others, aimed at implementation of GRECO's Third Round recommendations on incriminations and foresaw the introduction of measures to protect whistle blowers as well as extending the list of those subject to reporting obligations would be voted on in Parliament very shortly.

IV. Joint First and Second Evaluation Rounds

13. The draft Joint First and Second Round Compliance Report on **the Russian Federation** examined by GRECO had been prepared, in consultation with Rapporteurs designated on behalf of Austria and "the former Yugoslav Republic of Macedonia", on the basis of a Situation Report submitted by the authorities of the Russian Federation. The Rapporteurs communicated their observations on the draft report to the plenary.
14. The compliance report was adopted (Greco RC-I/II (2010) 2E) and the Russian Federation was invited to authorise its publication as soon as possible in accordance with standing practice. The deadline fixed for the submission of additional information regarding the implementation of outstanding recommendations was 30 June 2012.
15. GRECO also examined the draft Addendum to the Joint First and Second Round Compliance Report on **Montenegro**. It was based on information provided by the authorities of the country, as required by the conclusions of GRECO's Joint First and Second Round Compliance Report. GRECO adopted the Addendum (Greco RC-I/II (2008) 5E Addendum) and thus concluded the Joint First and Second Round compliance procedure in respect of Montenegro. The authorities were invited to authorise the publication of the Addendum as soon as possible in accordance with standing practice.²
16. Finally, as regards Joint First and Second Round procedures, GRECO approved the composition of the Team in charge of the evaluation of San Marino (Greco Eval II (2003) 1bil. of 18 November).

V. Second Evaluation Round

17. GRECO examined the draft Second Addendum to the Second Round Compliance Report on **Greece**. It was based on information provided by the authorities in response to the conclusions reached by GRECO in its Addendum to the Second Round Compliance Report on Greece adopted in March 2010. GRECO also examined the draft Addendum to the Second Round Compliance Report on the **United States of America** which was based on information provided by the

² The Addendum to the Joint First and Second Round Compliance Report on Montenegro was subsequently made public on 14 December 2010.

authorities as required by the conclusions of GRECO's Second Round Compliance Report. GRECO adopted the Second Addendum on Greece (Greco RC-II (2007) 14E Addendum II) and the Addendum on the United States of America (Greco RC-II (2008) 5E Addendum). Second Round compliance procedures in respect of both countries were thus concluded.

18. GRECO noted with satisfaction that in both cases the delegations concerned authorised the publication of the above Addenda.

VI. Third Evaluation Round

19. A close reading of the draft Third Round Evaluation Reports scheduled for adoption was carried out by the plenary with the participation of the Evaluation Teams which had previously carried out on-site visits to the countries concerned.
20. Following a second reading of drafts that had been revised in the light of the discussions held during the first reading, GRECO adopted the Third Round Evaluation Reports on **Armenia** (Greco Eval III Rep (2010) 4E – Themes I and II), **Montenegro** (Greco Eval III Rep (2010) 7E – Themes I and II), **Portugal** (Greco Eval III Rep (2010) 6E – Themes I and II) and **Romania** (Greco Eval III Rep (2010) 1E – Themes I and II).
21. GRECO noted with satisfaction that Portugal authorised the publication of the report and the authorities of Armenia, Montenegro³ and Romania were invited to do likewise as soon as possible in accordance with standing practice. The deadline fixed for submission of Situation Reports on the implementation of GRECO's recommendations was 30 June 2012 in all four cases.
22. The plenary also examined the draft Third Round Compliance Report on **Poland** which had been prepared, in consultation with Rapporteurs designated on behalf of Azerbaijan and Malta, on the basis of a Situation Report submitted by the authorities of Poland. The Rapporteurs communicated their observations on the draft compliance report to the plenary.
23. The compliance report was adopted (Greco RC-III (2010) 7E) and Poland was invited to authorise its publication as soon as possible in accordance with standing practice. The deadline fixed for the submission of additional information regarding the further implementation of recommendations was fixed at 30 June 2012.
24. Furthermore, GRECO adopted Third Round *Interim* Compliance Reports on **Iceland** (GRECO RC-III (2010) 2E Interim Report) and the **Slovak Republic** (Greco RC-III (2010) 3E Interim Report). Both assessed the further implementation of recommendations that had been pending at the time of the adoption of the Third Round Compliance Reports, following the application of Rule 32 paragraph 2(i) of GRECO's Rules of Procedure. They were prepared, in consultation with the rapporteurs responsible, on the basis of information provided by the national authorities.
25. In the case of Iceland, due to the progress made, GRECO decided to suspend the application of Rule 32. In the case of the Slovak Republic, GRECO decided that, in accordance with Rule 32, paragraph 2(ii), a letter would be sent by GRECO's President to the Head of the Delegation of the country, with a copy to the President of the Statutory Committee, drawing attention to the need to take determined action with a view to achieving tangible progress as soon as possible.

³ The Third Round Evaluation Report on Montenegro was subsequently made public on 14 December 2010.

The authorities of both countries were invited to authorise publication of the interim compliance reports as soon as possible and to provide a report on action taken to implement pending recommendations by 30 September 2011.

26. Finally, as regards Third Round procedures, GRECO approved the list of rapporteur countries for forthcoming compliance procedures (Greco Eval III (2010) 16E REV Eng only). Thus, the Netherlands and Albania would designate rapporteurs for Denmark; "the former Yugoslav Republic of Macedonia" and Portugal for Lithuania and Cyprus and the Slovak Republic for Malta.

VII. Fourth Evaluation Round

27. The President informed the plenary of progress made by Working Party WP-Eval IV during its first meeting (Strasbourg, 26-27 October 2010). The first task accomplished had been to form an opinion on the scope of the round. In order to allow for in-depth, substantive evaluations, it had been felt that too broad a scope should be avoided. It was proposed to GRECO to focus on corruption prevention in respect of members of parliament (regardless of the chamber of parliament, regardless of whether they are appointed or elected), judges (both professional and lay judges, regardless of the type of court in which they sit) and prosecutors. GRECO welcomed this proposal.

VIII. Programme of Activities for 2011

28. The Executive Secretary thanked GRECO members for their cooperation in establishing dates for evaluation visits scheduled in the provisional calendar appended to the draft Programme of Activities for 2011 (in chronological order: Liechtenstein, Ukraine, the United States of America, Switzerland, Austria, San Marino, Monaco, Italy and the Russian Federation). It had been possible to fix dates for visits which would facilitate dividing GRECO's work between four plenary meetings at which it should be possible to foresee the examination of a maximum of 3 evaluation reports at each Plenary Meeting.
29. GRECO adopted its Programme of Activities for 2011 (Greco (2009) 22E Final).
30. Furthermore, as regards 2011, the Executive Secretary informed the plenary of the Bureau's intention to invite Mr Thorbjørn JAGLAND, Secretary General of the Council of Europe to an exchange of views during GRECO's 50th Plenary Meeting (28 March – 1 April 2010) in order to mark the occasion. GRECO welcomed that intention. To add a celebratory touch, it had been hoped that a delegation might wish to consider hosting a reception.

IX. Miscellaneous

31. GRECO returned to an issue that had at times hindered the smooth functioning of its pre-plenary and plenary procedures on compliance. It considered that the submission of new information after the deadline provided for by Rule 31, paragraph 3 (including on the occasion of the examination of the P3 version of draft RC reports) was a practice that made a sound assessment of its merits extremely painstaking and represented a significant waste of plenary time. GRECO therefore stressed that its members should supply all relevant information to the Secretariat when submitting their written comments on draft compliance reports, addenda to compliance reports or interim compliance reports, within the deadline laid down in the Rules of Procedure.

X. Adoption of decisions

32. The decisions of the 49th Plenary Meeting were adopted, as they appear in document Greco (2010) 24E.

XI. Forthcoming meetings

33. GRECO noted that the 50th Plenary Meeting would be held in Strasbourg on 28 March to 1 April 2011.

APPENDIX I

LIST OF PARTICIPANTS

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Apologised / Excusé

OBSERVER OECD / OBSERVATEUR OCDE
Apologised / Excusé

GRECO EVALUATION TEAMS / EQUIPES D'ÉVALUATION DU GRECO

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

Theme I – Incriminations

Mr Dimitrios GIZIS
Prosecutor, Athens Court of 1st Instance

Mr Cezary MICHALCZUK – **Apologised / Excusé**
Prosecutor, National Prosecutor's Office, Bureau of International Legal Cooperation
Ministry of Justice

Theme II – Party Funding / Financement des partis politiques

Mr Adrian MORARU
Deputy Director, Institute for Public Policy

Mr Remco NEHMELMAN
Associate professor on constitutional and administrative law, Faculty of law, economics and
governance, Institute of constitutional and administrative law

Third Round Evaluation report on Montenegro
Rapport d'Évaluation du Troisième Cycle sur le Monténégro

Theme I – Incriminations

Mr Dražen JELENIĆ
Acting County State Attorney, County State Attorney's Office

Mr Björn THORVALDSSON
Assisting Prosecutor, Unit for Investigation and Prosecution of Economic Crime, National
Commissioner of the Police

Theme II - Party Funding / Financement des partis politiques

Mr Fernando JIMENEZ SANCHEZ
Department of Political Science and Public Administration

Ms Jane LEY
Deputy Director, US Office of Government Ethics

Third Round Evaluation report on Portugal/
Rapport d'Évaluation du Troisième Cycle sur le Portugal

Theme I – Incriminations

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

Mr Henry MATTHEWS
Office of the Director of Public Prosecutions

Theme II - Party Funding / Financement des partis politiques

Mrs Maria GAVOUNELI
Lecturer in International Law, Faculty of Law, University of Athens

Mr Inam KARIMOV
Chief Adviser, Dpt of Coordination of Law Enforcement Bodies, Executive Office of the President of
the Republic, Secretary of the Commission for Combating Corruption

Third Round Evaluation report on Romania/
Rapport d'Évaluation du Troisième Cycle sur la Roumanie

Theme I – Incriminations

Mr Frederik DECRUYENAERE
Attaché au Service du droit pénal spécial, Service Public Fédéral Justice

Mr Elnur MUSAYEV
Senior Prosecutor, Anticorruption Department, General Prosecutor's Office

Theme II - Party Funding / Financement des partis politiques

Mr Richard M. ROGERS
Senior Counsel to the Assistant Attorney General, Criminal Division, Department of Justice

Mr Tibor SEPSI
Government adviser, Secretariat of Law and Coordination, Prime Minister's Office

RAPPORTEURS
Joint First and Second Round Compliance Report /
Rapport de Conformité du Premier et Deuxième Cycles Conjoints

Russian Federation / Fédération de Russie

Mr Christian MANQUET (Austria / Autriche)

Ms Slagjana TASEVA ("The Former Yugoslav Republic of Macedonia / "L'ex République Yougoslave
de Macedoine")

**Third Round Compliance Report /
Rapport de Conformité du Troisième Cycle**

Poland / Pologne

Mr Leonard CARUANA (Malta / Malte)

Mr Inam KARIMOV (Azerbaijan / Azerbaïdjan)

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

Iceland / Islande

Mr Marin MRČELA (Croatia / Croatie)

Mr Olof NYMAN (Sweden / Suède)

Slovakia / Slovaquie

Mr Christian MANQUET (Austria / Autriche)

Mr Alvis VILKS (Latvia / Lettonie)

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

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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-RAVET

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 55) / *Informations du Président, des Délégations et du Secrétaire Exécutif (y compris sur le Bureau 55)*
4. **First reading** of draft Third Round Evaluation Reports on: / **Première lecture** des projets de Rapports d'Évaluation du Troisième Cycle sur :
 - **Portugal / Portugal**
(Monday / lundi)
 - **Montenegro – Theme II / Monténégro – Thème II**
(Monday afternoon / lundi après-midi)
 - **Montenegro – Theme I / Monténégro – Thème I**
(Tuesday morning / mardi matin)
 - **Romania / Roumanie**
(Wednesday / mercredi)
 - **Armenia / Arménie**
(Thursday / jeudi)
5. Examination and adoption of the Joint First and Second Round Compliance Report on the **Russian Federation (Tuesday 12h00)** / *Examen et adoption du Rapport de Conformité des Premier et Deuxième Cycles Conjointes sur la **Fédération de Russie (mardi 12h00)***
6. Examination and adoption of the Addendum to the Joint First and Second Round Compliance Report on **Montenegro** / *Examen et adoption de l'Addendum au Rapport de Conformité des Premier et Deuxième Cycles Conjointes sur le **Monténégro***
7. Examination and adoption of the Addenda to the Second Round Compliance Reports on **Greece** (Second Addendum) and the **United States of America** / *Examen et adoption de l'Addenda aux Rapports de Conformité du Deuxième Cycle sur la **Grèce** (Deuxième Addendum) et les **Etats-Unis d'Amérique***
8. Examination and adoption of the Third Round Compliance Report on **Poland (Wednesday)** / *Examen et adoption du Rapport de Conformité du Troisième Cycle sur la **Pologne (mercredi)***
9. Examination and adoption of the Third Round Interim Compliance Reports on **Iceland** and **Slovakia** (Rule 32, paragraph 2(i) of the Rules of Procedure) / *Examen et adoption des Rapports de Conformité Intérimaires du Troisième Cycle sur l'**Islande** et la **Slovaquie** (Article 32 paragraphe 2(i) du Règlement Intérieur)*
10. Programme of Activities for 2011 (approved by Bureau 55) / *Programme d'Activités pour 2011 (approuvé par le Bureau 55)*
11. Joint First and Second Evaluation Rounds – composition of the Team in charge of the evaluation of San Marino (Bureau 55 proposal) / *Premier et Deuxième Cycles d'Évaluation conjoints – composition de l'équipe chargée de l'évaluation de Saint Marin (proposition du Bureau 55)*

12. Third Round Compliance Procedure regarding Denmark, Lithuania and Malta – Selection of rapporteur countries (Bureau 55 proposals) / *Procédure de conformité du Troisième Cycle à l'égard du Danemark, de la Lituanie et de Malte – Sélection de pays rapporteurs (propositions du Bureau 55)*
13. **Second reading** and adoption of the draft Third Round Evaluation Reports on Armenia, Montenegro, Portugal and Romania (**Thursday** and **Friday**) / **Deuxième lecture** et adoption des projets de Rapports d'Évaluation du Troisième Cycle sur l'Arménie, le Monténégro, le Portugal et la Roumanie (**jeudi** et **vendredi**)
14. Miscellaneous / *Divers*
15. Adoption of decisions / *Adoption des décisions*
16. Dates of next meetings / *Dates des prochaines réunions*