



Groupe d'Etats contre la corruption
Group of States against Corruption



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 27 April 2012

Greco (2012) 6E

54th GRECO Plenary Meeting
(Strasbourg, 20 – 23 March 2012)

SUMMARY REPORT

I. Opening of the meeting

1. The 54th Plenary Meeting was chaired by Mr Marin MRČELA, President of GRECO (Croatia).
2. The President opened the meeting by welcoming all participants, referring in particular to newly nominated representatives. He noted the nomination of new Heads of Delegation for Andorra, "the former Yugoslav Republic of Macedonia" and the United Kingdom, new representatives for Andorra, Finland, Germany, the Netherlands, Poland and San Marino. The list of participants appears in Appendix I.

II. Adoption of the Agenda

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

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

4. The **President** provided the plenary with the following information:
 - i. He had participated in an exchange of views with members of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (Paris, 12 March 2012) at which he had presented GRECO's Fourth Evaluation Round as well as in several workshops in Croatia, one on the role of the media in the fight against corruption and one organised by the Croatian Chapter of Transparency International (TI).
 - ii. He had also been called on to give a number of media interviews. The interest shown in GRECO's work was in his opinion to be welcomed and there was good reason to be even more proactive with the media.
 - iii. He welcomed the nomination, as representatives of the Parliamentary Assembly of the Council of Europe (PACE) in GRECO, of Mr Oliver HEALD (United Kingdom) and Ms Marietta de POURBAIX-LUNDIN (Sweden), both members of the PACE Committee on Legal Affairs and Human Rights. Mr HEALD had contributed to the training workshop for the Fourth Evaluation Round held in Andorra in November 2011 and would make a further presentation to GRECO during the Round Table on the prevention of corruption in respect of members of parliament at the present meeting (see paragraphs 21 - 39 below).
 - iv. The Bureau had, at its last meeting (Bureau 58 – Strasbourg, 24 February), discussed a request for observer status in GRECO from Transparency International (TI) which wished to increase its support to the GRECO process. As TI could not be regarded as an international intergovernmental organisation, it was not eligible for observer status – that said, the Bureau had welcomed the initiative to foster cooperation with GRECO and agreed that TI should be invited to contribute to the Round Table on prevention of corruption in the judiciary to be held during GRECO 55 and/or to an informal meeting with the Bureau possibly in the margins of a forthcoming plenary meeting.
 - v. As a follow-up to discussions he had held with the European Network of Councils for the Judiciary – ENCJ (Brussels, 23 January) the Bureau had agreed that the prospect of future cooperation with the ENCJ was promising in view of the Fourth Evaluation Round and could, *inter alia*, consist in regular exchanges of views – the ENCJ could also be a useful source of information in the run up to evaluation visits.

5. The President reminded the delegations of Andorra, Austria, Liechtenstein and Monaco to inform the secretariat of their lists of evaluators for the Fourth Evaluation Round and those of the Netherlands and the United Kingdom to complete their lists.
6. He announced that following the appointment of a new Head of Delegation for “the former Yugoslav Republic of Macedonia”, an election would be held – during GRECO 55 – to fill the position in the Bureau held by the previous Head of Delegation of that country.
7. Finally, he conveyed to the plenary the best regards of the former President, Drago KOS, who wished GRECO every success in its work within the Fourth Evaluation Round.
8. The President handed the floor to delegations:
 - i. **Montenegro** reported on the imminent completion of measures aimed at the implementation of GRECO’s Third Round recommendations, including the adoption of amendments to the Penal Code and a new law on party funding. The relevant situation report would be submitted to the secretariat within the deadline set at end June 2012. On 9 December 2011 the European Council had granted to Montenegro the conditional opening of accession negotiations in June 2012. It would be the first country to start with the most challenging chapters (which were also those most closely concerned with the fight against corruption): 23 - Judiciary and Fundamental Rights and 24 – Justice, Freedom and Security. The European Commission had established the action plan for monitoring results and – if necessary - corrective measures. In preparation, a Chief negotiator for EU accession had been appointed and two working groups had been established and the additional assistance provided by experts from Croatia and Slovenia had been warmly welcomed.
 - ii. The **Republic of Moldova** reported that Parliament had approved an Action Plan 2012-2013 for the implementation of the country’s new Anti-Corruption Strategy. Following the adoption by GRECO 48 of the Addendum to the Second Round Compliance Report on the country, further efforts had been made to ensure full implementation of recommendations ix. and x. Thus, in response to recommendation ix. new legislation setting up the National Integrity Commission (Law 180) and amending and complementing other legislative texts (Law 181) would enter into force on 1 March 2012. The Commission, an autonomous public body, would be tasked with effecting supervision of declarations of interest and assets and identifying infringements, on its own initiative or in response to reports made by natural or legal persons. Law 1264 on the declaration and verification of incomes and assets had been amended to extend the list of persons obliged to submit declarations and the categories of incomes and assets to be declared. The concepts of conflict of interest and personal interest had been redefined in amendments to Law 16-XVI on conflicts of interest which also extended the list of persons obliged to make declarations and provided for more detailed declarations.

In response to recommendation x. Law 277 had been adopted, it amended Law 90 on the prevention and fight against corruption, Law 25 on the Code of conduct for public officials and the Infringements Code. As a result, any public official would have the right to report cases of corruption or infringements of the rules pertaining to the declaration of income and interests both to his/her superior and to the head of the public body in which he/she is employed. Such reports could also be made to the body responsible for the supervision of declarations of income and assets and personal interests, to the prosecution services, to NGOs and the media. Protection measures had been provided for ensuring that the person who reports is deemed to have done so in good faith, personal details are considered confidential, transfer to another position or public body is possible and no disciplinary measures can be

brought against him/her. Failure on the part of the management of a public body to provide this protection to whistleblowers constitutes an offence, punished by a fine.

iii. The **Russian Federation** reported on the establishment of a new Anti-corruption Plan 2012-2013 and the related National Anti-corruption Strategy. A number of new goals had been set including provision of a mandate to the Supreme Court to analyse court practice, taking international obligations (Council of Europe, UNCAC and the OECD convention) into account and to provide the courts with any necessary clarification as to these obligations. Moreover, a draft law prepared by the presidential administration would be sent to Parliament by end March 2012. It provides for declarations of any expenditure by public officials equal to three years' salary.

iv. In **Serbia** regular parliamentary (as well as local elections) would be held on 6 May 2012. The campaigns were subject to the new law on political parties adopted in 2010 and the Law on the financing of political activities adopted in response to GRECO's Third Round recommendations on the theme. The Situation Report on implementation of Third Round recommendations would be submitted to the secretariat by end April 2012. Further amendments, notably to criminal law would be examined by the new parliament. A new five-year Anti-corruption Strategy was before the European Commission for an initial review, a broad public discussion would ensue and the strategy would be sent to parliament for adoption by September 2012 at the latest.

v. Mr **Martin KREUTNER**, Chair of the International Transition Team of the International Anti-Corruption Academy (**IACA**) and President of the European Partners Against Corruption and the European anti-corruption contact point network (**EPAC/EACN**) provided information and documentation concerning the activities (including the Summer Academy for practitioners) and academic programme of the IACA. Further details at: www.iaca.int. He also distributed a recent publication: Handbook on EPAC/EACN anti-corruption authority standards and police oversight principles, which contained a set of guidelines developed specifically to assist anti-corruption authorities and police oversight bodies in developing and preserving effective systems of oversight and accountability, it can be accessed at: www.epac.at.

9. The floor was handed to the **Executive Secretary** who provided the plenary with information as follows:

i. Three publications would soon be available in English and French both on the website and in print : a compilation of the thematic articles included in GRECO's General Activity Reports and two horizontal studies of the results of the two themes of GRECO's Third Evaluation Round, one an up-date of Mr Yves-Marie DOUBLET's study on party funding including more recent evaluations, and, the second one, drawn up by Mr Roderick MACAULEY, on incriminations.

ii. Potential for further cooperation with the Congress of Local and Regional Authorities of the Council of Europe had come to light at an expert meeting on ethics and the fight against corruption at local and regional level organised jointly by the Congress and the EU Committee of the Regions (Brussels, 29 November 2011).

iii. Following receipt of a draft letter of understanding drawn up by EUROJUST in a format that differed too significantly from the draft exchange of letters originally proposed by the Bureau in 2009, a letter had been sent to EUROJUST indicating that even though the prospect of co-operation between the two bodies was welcome, concrete modalities for co-operation with the EU as a whole should be clarified before possibly formalising co-operation with EUROJUST as a specific EU body.

iv. The OSCE was showing more interest in GRECO's work, mainly in the field of political funding but also the Fourth Evaluation Round. OSCE/ODIHR had set up a Core group of experts on political parties – an advisory and consultative body to which GRECO was invited to send a representative to take part in its annual meetings, accompanied by a member of the Secretariat. The Bureau would like Mr Yves-Marie DOUBLET, Director at the National Assembly (France) to take on that responsibility. The 20th OSCE Economic and Environmental Forum (promoting security and stability through good governance) would be held in September. Two preparatory meetings would be organised, one dealing more specifically with good governance (Dublin, 23-24 April 2012) to which the Secretariat had been invited. The forum would adopt a political document stressing the importance of good governance and a set of future activities would be designed. It had been suggested that the secretariat might contribute to work on an OSCE review report on participating States' implementation of their OSCE commitments related to good governance and anti-corruption but the resources were not available within GRECO's secretariat for accepting that type of assignment.

v. The plenary had received for information the comments adopted by the Bureau on behalf of GRECO (cf. decision 26 by GRECO 53) on Recommendation 1988 (2011) of the Parliamentary Assembly of the Council of Europe on "the underground economy : a threat to democracy, development and the rule of law". It could be noted that the Parliamentary Assembly intended to organise during its sessions "free debates" allowing parliamentarians the possibility to speak on any subject of their choice and to ask questions and request information relating to any field of activity of the Organisation. GRECO's President had been asked if, and under what conditions, he would be willing to contribute to such debates. It had been agreed by the Bureau that the President would respond in writing as regards questions within GRECO's responsibility only, he would not make comments on individual cases in a country, refer to internal GRECO debates or to unpublished reports. It was felt that this initiative would allow for more intense cooperation between GRECO and the Parliamentary Assembly in line with the Organisation's policy of increasing synergies and it might help to secure further support from members of parliament for the implementation of the recommendations addressed to their respective countries by GRECO.

vi. The plenary had already been informed about the gender mainstreaming policies of the Council of Europe and the Bureau would again discuss their possible implications for GRECO's work as all bodies of the Council of Europe were expected to examine whether there was a gender perspective that could or should be included in their work. One proposal was that a gender rapporteur could be appointed by the various bodies and committees of the Organisation. Copies of the texts pertaining to the Council of Europe policy issued by the Committee of Ministers were made available (the Decision adopted by the Ministers' Deputies at their 1040th meeting in November 2008 on Council of Europe action to foster gender equality and the Committee of Ministers' Madrid Declaration: Making gender equality a reality, adopted in May 2009). On this point, the President added an invitation to all representatives to forward to the Secretariat any thoughts they might have on this issue.

vii. Bearing in mind the sustained interest of Kazakhstan in acceding to GRECO and the related objectives that were being built into the Council of Europe Neighbourhood Cooperation Priorities for Kazakhstan, Mr Rashid TUSUPBEKOV, Chairman of the country's Agency for Combating Economic Crimes and Corruption (financial police), had accepted an invitation to take part in an exchange of views with GRECO 55.

viii. Finally, he informed the plenary of changes within the Secretariat – Christophe SPECKBACHER would temporarily work for MONEYVAL for four months

and then return to GRECO, Anna MYERS had joined GRECO's Secretariat for that period, she had previously acted as a GRECO evaluator on behalf of the United Kingdom and had been Deputy Director of Public Concern at Work, an influential NGO active in the field of whistle blower protection. Björn JANSON (Deputy to the Executive Secretary) had been appointed Head *ad interim* of the Media and Information Society Division and would leave GRECO in May 2012.

IV. Joint First and Second Evaluation Rounds

10. GRECO examined the draft Addendum to the Joint First and Second Round Compliance Report on **Switzerland**. It was based on information provided by the authorities, as required by the conclusions of the previously adopted compliance report. Following a detailed reading, GRECO adopted the Addendum (Greco RC-I/II (2009) 2E Addendum) which concludes the Joint First and Second Round compliance procedure in respect of the country. Switzerland was invited to authorise its publication as soon as possible.
11. Furthermore, GRECO examined the draft 2nd Addendum to the Joint First and Second Round Compliance Report on **Ukraine**. It was based on information provided by the authorities, as required by the conclusions of the previously adopted addendum. Following a detailed reading, GRECO adopted the 2nd Addendum (Greco RC-I/II (2009) 1E - 2nd Addendum) and invited Ukraine to authorise its publication as soon as possible¹. In its Conclusion, GRECO urges the authorities to take determined action with a view to addressing the pending issues and, in accordance with Rule 31 paragraph 9.1 of the Rules of Procedure, requests the authorities of Ukraine to submit, by 31 December 2012, additional information on the further implementation of recommendations, to be examined by GRECO in a 3rd Addendum to the Joint First and Second Round Compliance Report.

V. Third Evaluation Round

12. A detailed first 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.
13. Following a second reading, GRECO adopted the Third Round Evaluation Reports on **Italy** (Greco Eval III Rep (2011) 7E – Themes I and II), **Monaco** (Greco Eval III Rep (2011) 5E – Themes I and II) and the **Russian Federation** (Greco Eval III Rep (2011) 6E – Themes I and II). Moreover, GRECO noted with satisfaction that Monaco authorised publication and invited Italy² and the Russian Federation to do so as soon as possible.
14. In all three cases, the deadline of 30 September 2013 was fixed for submission of Situation Reports on the implementation of the recommendations addressed to the above three member States.
15. The plenary also examined the draft Third Round Compliance Reports on "**the former Yugoslav Republic of Macedonia**" (Greco RC-III (2012) 2E) and **Turkey** (Greco RC-III (2012) 4E). They had been prepared, on the basis of Situation Reports submitted by the national authorities, in consultation with rapporteurs designated on behalf of Lithuania and Serbia for the report on "the former Yugoslav Republic of Macedonia" and on behalf of Bulgaria and Norway for Turkey.

¹ The 2nd Addendum to the Joint First and Second Round Compliance Report on Ukraine was made public on 20 April 2012.

² The Third Round Compliance Report on Italy was made public on 11 April 2012.

16. GRECO invited both countries to authorise, as soon as possible, the publication of the compliance reports adopted. The deadline fixed for providing information on the further implementation of recommendations was fixed at 30 September 2013.
17. Finally, as regards Third Round procedures, GRECO approved the list of rapporteur countries for forthcoming compliance procedures (Greco Eval III (2012) 1 – Eng. only). Thus, Liechtenstein and Spain would designate rapporteurs to participate in the assessment of measures taken by Azerbaijan to implement GRECO’s recommendations, Ukraine and Sweden would designate rapporteurs for Bulgaria, and Germany and Armenia for Serbia.
18. It is recalled that GRECO invites all members concerned to authorise the publication of evaluation and compliance reports and to provide a translation of them into any relevant national languages so that they can be made available to the public.

VI. Fourth Evaluation Round

19. GRECO noted that the first Fourth Round evaluation reports would be examined at its 57th Plenary Meeting (Strasbourg, 15 – 19 October). The President stressed the need for the highest standards to be set, bearing in mind the particularities of each member State. A high degree of precision and clarity in the recommendations issued would be called for.
20. As regards Fourth Round procedures, GRECO approved the composition of the teams that would be in charge of the evaluations of Luxembourg, the Netherlands and Iceland (Greco Eval IV (2011) 1 bil. of 12 March 2012).

VII. Round Table – Prevention of corruption in respect of members of parliament

21. A Round Table was held to provide background and guidance for GRECO delegates on issues pertaining to this theme of the Fourth Evaluation Round.
22. Three keynote speakers drew on their specific professional background, knowledge and experience to illustrate the characteristics of the mechanisms in place in their own countries, bearing in mind the focus as regards prevention measures for members of parliament contained in GRECO’s Fourth Evaluation Round Questionnaire (ethical principles and rules of conduct; conflicts of interest; prohibition or restriction of certain activities ; declaration of assets, income, liabilities and interests; enforcement of the rules regarding conflicts of interest and declarations of assets, income, liabilities and interests).
23. The first speaker, **Mr Oliver HEALD**, First Vice-Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Parliamentary Assembly of the Council of Europe, Member of Parliament – United Kingdom, spoke more specifically of the House of Commons, one of the two chambers of Parliament in the United Kingdom, the other being the House of Lords. Each new member of the House of Commons takes part in induction sessions organised by the Parliamentary Commissioner for Standards (an independent commissioner, appointed by the House authorities after an open contest) at which they are introduced the Code of Conduct and a detailed Guide to the Rules of Conduct. The Code sets out general principles and aspirations, e.g. one is to be selfless, act with integrity, and the Rules lay down what one must not do, e.g. one must not bring the parliament into disrepute, not spend the funds provided for parliamentary work in an improper way, etc. The Code and Rules are up-dated in each parliament. Allegations of misconduct are investigated by the Commissioner for Standards who produces a memorandum that goes to the Standards and Privileges Committee which can hear evidence from the MP concerned and proposes a penalty. The Rules are enforced by resolutions of the

House of Commons that lay down the penalties to be imposed – they are part of parliamentary law not statute law.

24. Following recent scandals on allowances in the House of Commons, the Independent Parliamentary Standards Authority (IPSA) had been set up to deal with pay and allowances, in contrast to the House of Lords where complaints about misbehaviour with parliamentary money were still dealt with by the House authorities.
25. The Code of Conduct requires members of parliament (MPs) to consider how to reconcile public and private interests which must always be resolved in favour of the public interest. Paid advocacy (advocating legislative changes in return for payment) is not allowed but MPs can hold a remunerated outside interest as a director, consultant or adviser whether or not such interests are related to membership of the House. They are also entitled to be sponsored by a trade union. As regards the declaration of assets, income, liabilities and interests, only those financial interests that might be thought to effect their behaviour in the House are concerned.
26. All interests are to be registered in the Register of Members Interests under the following categories: directorships, remunerated employment, clients, sponsorship, gifts and hospitality, overseas visits, overseas benefits and gifts, land and property, share holdings, controlled transactions (i.e. loans), miscellaneous and employment of family members. It was now possible for only one family member to work for an MP at any given time. The registration of clients and remuneration had caused some problems for MPs who are lawyers (involved in divorce cases for example), as had the rule that other salaries or payments have to be declared within 28 days as it was a frequency that was difficult to keep to. Registers were also in place for staff and relatives who work for MPs and for journalists. The Government had announced plans to create a register of all lobbyists.
27. **Ms Ülle MADISE**, Legal adviser to the President, Professor of public law, Tallinn University of Technology – Estonia, first complemented GRECO on the questionnaire it had adopted as a basis for its work in the Fourth Evaluation Round. Estonia belongs to the continental European law family and so the system in place was different to those in common law States. A number of legal acts regulate the work of MPs: the Anti-corruption Act which applies to all citizens, the Status of Member of *Riigikogu* (parliament) Act which restricts certain activities of MPs and the Penal Code which also applies to MPs.
28. All principles of honest behaviour expected of MPs, all restrictions and rules of conduct were regulated by the above acts and no code of ethics/conduct existed. Following a number of scandals, some NGOs had proposed that such a code should be developed, emphasising that it was very important that it should be done by MPs themselves. At present, the predominant view of MPs and parliamentary groups was that the current legal framework was sufficient.
29. With respect to conflicts of interest she pointed out that there were two types of regimes in place in Europe as regards employment of MPs, each requiring slightly different rules. In Estonia and many other countries, parliament is to be the exclusive place of employment of MPs. In Estonia all working contracts and other working relations are to be terminated on election to the parliament, (the exceptions are creative and academic work). It could be noted that only members of the armed forces are obliged to resign from their positions during the campaign period if they are standing for election to the parliament. MPs can own and receive income from their own private business. Working for a state owned company is prohibited, but an MP can be a member of the board of the supervisory board of a private company with state participation – debates had been initiated as to whether this should be allowed as it was potentially a source of conflicts of interest and influence peddling. The

issue of whether MPs can be found to have peddled influence is the theme of an ongoing debate in Estonia.

30. There are no rules on lobbying, but the current Minister of Justice had started an initiative to develop such rules and a register of lobbyists; many questions remained unanswered as to their potential usefulness. A small number of private companies state themselves as being active in the area of "political communication", they were already known to the public and culturally it was not easy to obtain acceptance that it might be appropriate for such companies to register themselves.
31. As regards the declaration of assets, income, liabilities and interests, strict rules were laid down in the legal framework – requiring that all economic interests of MPs are declared and disclosed on the *Riigikogu* website and in the State Gazette, the list of categories of information required was very detailed and mirrored to a large extent those in the United Kingdom. The *Riigikogu* Committee on the Application of the Anti-corruption Act was responsible for verifying declarations, it is headed by the leader of the opposition in parliament which helps to guarantee its impartiality and to motivate proper investigations. Some weaknesses can persist however, particularly in a small parliament and such a system relied on verification and investigation body with sufficient power and authority being in place.
32. Important questions in the context of the Fourth Evaluation Round were whether one should (and how to) differentiate between corruption of MPs and undue party financing; whether the role of an MP is compatible with other employment; the question of how to prevent and investigate influence peddling when an MP is involved, bearing in mind the need to guarantee MPs some degree of immunity; transparency, recognising in particular the importance of investigative journalism picking up on corrupt activities and finally the question of the power vested in internal parliamentary control mechanisms.
33. **Mr Richard GHEVONTIAN**, Deputy vice-chancellor, University Paul Cézanne (Aix-Marseille III), Professor of law and political science – France, spoke of the situation in France as regards conflicts of interest and MPs. The law provided no precise definition of a conflict of interest for MPs. The notion itself was not widely recognised in law. However, a working group of a Senate commission (*Commission des lois*) proposes, in an information report prepared in 2010, a definition : A conflict of interest arises when a parliamentarian holds private interests that can unduly influence the way in which s/he carries out the duties linked to his/her mandate and lead him/her to favour his personal interests above public interests (*l'intérêt général*) – a fundamental notion in French law is that an elected representative is presumed to first represent public interests above any others. The Parliamentary Code of Ethics adopted by the National Assembly (which provides for the office of *déontologue* responsible for ensuring respect of the Code and for advising parliamentarians on its application) therefore stipulates that parliamentarians must act solely in the interests of the nation and its citizens, excluding the satisfaction of any personal interest or the acquisition of any financial or material benefit for themselves or their relations.
34. Despite some difficulty in establishing definitions, France had a system that was quite close to those in place in the United Kingdom and Estonia, even if penalties differed quite significantly. MPs are required to file declarations of assets within two months after election, to declare any significant changes during their mandate and to file a new declaration at the end of their mandate. An independent commission verifies the sincerity of the declarations. Penalties are foreseen only for failure to file a declaration (suspension for 1 year). If a criminal offence is suspected the file can be forwarded to the judicial authorities. MPs are also required to file declarations of their activities and the *Bureau* of the Assembly decides on any incompatibilities, the matter can be resolved amicably by a member choosing to relinquish an activity, otherwise it is referred to the Constitutional Court for decision.

35. The question of incompatibilities was an essential one when dealing with the notion of conflicts of interest and though it was clear that there can be a clash of public and private interests, a clash of public interests was also an issue. In France, there is a recognised incompatibility between a parliamentary mandate and civil service activities. The only exceptions being university professors as their independence is guaranteed and recognised in law and church ministers in Alsace-Moselle (the latter are assimilated civil servants by virtue of a concordat from 1801 but they can hold a parliamentary mandate like the rest of the clergy).
36. As regards private interests, parliamentary law looks at compatibilities rather than incompatibilities. MPs can continue private sector activities, in most cases these will be professionals (doctors, lawyers, notaries, ...). The Director of a company can combine both mandates, but there are obvious exceptions in the case of state ownership or participation, involvement in public works, etc. Since 1995, MPs cannot start a career as a lawyer and those who are already lawyers cannot practice in any matter that would put them in a situation of conflict with the public interest.
37. As regards lobbying, under the Constitution the right of an MP to represent his/her electors cannot depend on his/her compliance with their instructions (nullity of any *mandat impératif*). Moreover, the setting up of interest groups (*groupes d'intérêts*) is prohibited, but this stringent regulation is to be seen in context as, in the National Assembly, there are around eighty "study" groups (on subjects such as hunting, cattle breeding, viticulture, various trades, ...) composed of parliamentarians from all political groups. The situation is similar in the Senate. Measures had been taken to facilitate some form of moral standard by registering all external participants, limiting access to the Assembly solely to those who are registered and subscribing them to a code of conduct.
38. Any sanctions are disciplinary in nature (not criminal) and specific to Parliament.
39. In the ensuing discussions, participants sought reassurance that parliaments would welcome and give due consideration to the advice addressed to them in recommendations issued by GRECO as its aim was to be constructive and it was sensitive to the importance of parliamentarians themselves debating and setting their own ethical rules. Further issues raised included the extent to which rigid conditions such as the obligation to break one's career path when elected might possibly make parliamentarians over-dependent on their parties, whereas easing such restrictions and accompanying them by proper public registration of interests might reduce the risk of corruption. The question of time management – when other functions could be held – and the recording of time given to other interests (including, for example, cumulated local government mandates in the case of France) was also raised.

VIII. General Activity Report (2011)

40. The plenary adopted GRECO's Twelfth General Activity Report – 2011 (Greco (2012) 1E Final). The format of the report had been revised to include more substance drawn from the conclusions reached by GRECO in its monitoring work. The Executive Secretary aimed to maintain that element in future editions. A thought-provoking thematic article entitled "Corruption erodes Human Rights protection", by Thomas HAMMARBERG, Council of Europe Commissioner for Human Rights from 1 April 2006 to 31 March 2012 was also included.
41. The report would be presented to the Committee of Ministers during an exchange of views between GRECO's President and the Ministers' Deputies on 9 May 2012 and would be published after that date, following further graphic improvements. GRECO's members were invited to make the report available to the public, and to

translate at least the thematic article, which would be of interest to a broad public, into their national languages.

IX. Cooperation with the European Union

42. GRECO noted with concern that more than nine months after the release by the European Commission of its "Anti-corruption package" in June 2011, the Commission's declared intention to request the Council of the European Union to authorise the opening of negotiations for EU participation in GRECO had still not materialised. It therefore asked the secretariat to request that the Commission provide some information on the matter, including the envisaged timetable and the possible content of a negotiating mandate.

X. Miscellaneous

43. The President took the floor, to request that, throughout the Fourth Evaluation Round, delegations remind their evaluators of the need to make their written contributions available to the secretariat rapidly after evaluation visits, that evaluators and member states submit their comments during the drafting stages in accordance with the deadlines communicated by the secretariat in order to provide sufficient time for proper assessment as well as for translation and prior availability of the draft evaluation reports before they are examined by the plenary.
44. Moreover, he insisted on the need for GRECO members to supply all information relevant to compliance procedures - including their comments on draft compliance or interim compliance reports - to the secretariat within the deadlines set as the last minute presentation of new information made a sound assessment of its merits extremely burdensome for the plenary, rapporteurs and secretariat and could only lead to a significant waste of plenary time.

XI. Adoption of decisions

45. The decisions of the 54th Plenary Meeting were adopted, as they appear in document Greco (2012) 5E.

XII. Forthcoming meetings

46. The Bureau would meet in Strasbourg on 13 April 2012 and GRECO's 55th Plenary Meeting would be held in Strasbourg on 14 – 16 May 2012 (three day meeting).

APPENDIX I

LIST OF PARTICIPANTS

ALBANIA / ALBANIE

Mr Ivi KASO (Head of delegation)
Director, Department of Internal Administrative, Control and Anti-Corruption (DIACA), Council of Ministers

ANDORRA / ANDORRE

Mrs Clàudia CORNELLA DURANY (Head of delegation)
Head of International Relations, Ministry of Finance

Ms Meritxell SALVAT PERARNAU
Specialist in International Relations, Ministry of Finance

ARMENIA / ARMENIE

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

AUSTRIA / AUTRICHE

Mr Christian MANQUET - **Vice-President of GRECO / Vice-Président du GRECO**
Head of Department, Directorate for Penal Legislation, Ministry of Justice

Ms Teute KRASNIQI
Legal Adviser, AntiCorruption Bureau, Ministry of the Interior

Mr Hubert SICKINGER (evaluator – Russian Federation)
Research fellow, Institute of Conflict Research

AZERBAIJAN / AZERBAIDJAN

Mr Inam KARIMOV (Head of delegation)
Chief Adviser, Law Enforcement Coordination Department, Administration of the President of the Republic, Secretary of the Commission for Combating Corruption

Mr Kamran ALIYEV
Director, Anti-Corruption Department, General Prosecutor's Office

BELARUS

Mr Pavel SASCHEKO (Head of delegation)
Head of criminological forecasting, Division of key trends, dynamics and structure of organized crime and corruption of Scientific and Practical center of problems of the rule of law and order to the General Prosecutor

BELGIUM / BELGIQUE

M. Frederik DECRUYENAERE (Chef de délégation)
Attaché au Service du droit pénal spécial, Service Public Fédéral Justice (SPF Justice)

M. Guido HOSTYN (Représentant et évaluateur – Monaco)
Premier conseiller de direction, Secrétaire de la Commission de contrôle des dépenses électorales, Sénat

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC (Head of delegation)
Assistant Minister, Sector for Fight against Terrorism, Organized Crime and Drugs Abuse, Ministry of Security

BULGARIA / BULGARIE

Mr Georgi RUPCHEV (Head of delegation and evaluator – Russian Federation)
State Expert, Directorate of International Cooperation and European Affairs, Ministry of Justice

Mr Dimitar KUMURDJIEV (evaluator – Russian Federation)
Legal Adviser to the National Assembly

CROATIA / CROATIE

Mr Marin MRČELA - **President of GRECO / Président du GRECO**
Justice at the Supreme Court

Mr Dražen JELENIĆ
Deputy State Attorney General, State Attorney's Office

CYPRUS / CHYPRE

Mr Philippos KOMODROMOS (Head of delegation)
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Investigative Judge, Court of First Instance of Chania

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Mr Andrei ILIN
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Judge and Presidium Member of the Supreme Court

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Head of the Legal Department of the Central Electoral Commission

Mr Aleksandr MAGUZA
Leading Consultant of the Division for organisation of anti-corruption expertise and accreditation of
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Referent of the State Legal Directorate of the President

Mr Valentin PIROZHKOV
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Mr Dmitry MAKAROV
Interpreter

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Permanent Representation of the Russian Federation to the Council of Europe

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M. Tiziano BALMELLI (évaluateur – Monaco)
Conseiller d'ambassade, Département fédéral des affaires étrangères

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

Ms Aneta ARNAUDOVSKA
Judge, Director of the Academy for Judges and Public Prosecutors

Ms Zagorka TNOKOVSKA
Judge, Higher Administrative Court

Mr Todor VITLAROV
Public Prosecutor, Higher Public Prosecutor Office- Stip

TURKEY / TURQUIE

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Mr Mete DEMIRCI
Inspector, Prime Ministry Inspection Board

Mr Ilyas PEHLIVAN
Judge, Directorate General for International Law and Foreign Affairs, Ministry of Justice

Mr Harun MERT
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Mr Okan ŞANLI
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President of the Institute of Applied and Humanitarian Research

UNITED KINGDOM / ROYAUME-UNI

Ms Hannah STENNINGS (Head of delegation)
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UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

Ms Jane LEY (Head of delegation)
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**EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) /
COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)**

Apologised / Excusé

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ) /
COMITE EUROPEEN DE COOPERATION JURIDIQUE (CDCJ)**

Apologised / Excusé

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

Mr Oliver HEALD (United Kingdom)
First Vice-Chairperson of the Committee on Rules of Procedure, Immunities and
Institutional Affairs

**COUNCIL OF EUROPE DEVELOPMENT BANK /
BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE**

Mr Roberto BUQUICCHIO
Office of the Chief Compliance Officer a.i.

OBSERVERS / OBSERVATEURS**UNITED NATIONS – UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC) /
NATIONS UNIES – OFFICE DES NATIONS UNIES CONTRE LA DROGUE ET LE CRIME (ONUDC)**

Apologised / Excusé

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) /
ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OCDE)**

Apologised / Excusé

**INTERNATIONAL ANTI-CORRUPTION ACADEMY /
L'ACADEMIE INTERNATIONALE DE LUTTE CONTRE LA CORRUPTION (IACA)**

Mr Martin KREUTNER
Chair International Transition Team

Mr Ernst SCHMID
Head of External Relations & Protocol

**ORGANIZATION OF AMERICAN STATES (OAS) /
ORGANISATION DES ETATS AMERICAINS (OEA)**

Apologised / Excusé

GRECO EVALUATION TEAMS / EQUIPES D'ÉVALUATION DU GRECO

Third Round Evaluation report on ITALY / Rapport d'Évaluation du Troisième Cycle sur l'ITALIE

Theme I – Incriminations

Ms Despina KYPRIANOU – **Apologised / Excusée**
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Mr Atle ROALDSØY
Senior Adviser, Section for European and International Affairs, Ministry of Justice and Public Security

Theme II - Party Funding / Financement des partis politiques

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Ms Zorana MARKOVIC
Director, Anti-Corruption Agency

Mr Marcin WALECKI
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Third Round Evaluation report on Monaco/ Rapport d'Évaluation du Troisième Cycle sur Monaco

Theme I – Incriminations

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Third Round Evaluation report on the Russian Federation/ Rapport d'Évaluation du Troisième Cycle sur la Fédération de Russie

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Mr Remco NEHMELMAN (evaluator – Russian Federation)
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RAPPORTEURS

Third Round Compliance Reports / Rapports de Conformité du Troisième Cycle

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE"

Ms Zorana MARKOVIC (Serbia / *Serbie*)

Ms Elena KONCEVIČIŪTĖ (Lithuania / *Lituanie*)

TURKEY/TURQUIE

Mr Georgi RUPCHEV (Bulgaria / *Bulgarie*)

Mr Christian Fredrik HORST (Norway / *Norvège*)

ROUND TABLE ON PREVENTION OF CORRUPTION IN PARLIAMENTS / TABLE RONDE SUR LA PREVENTION DE LA CORRUPTION AU SEIN DES PARLEMENTS

Mr Oliver HEALD

Member of the Committee on Legal Affairs and Human Rights, Member of Parliament – United Kingdom

Ms Ülle MADISE, Legal adviser to the President, Professor of public law, Tallinn University of Technology - Estonia

M. Richard GHEVONTIAN

Vice-président de l'Université Paul Cézanne (Aix-Marseille III), Professeur à la Faculté de droit et de science politique - France

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

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Mme Marie-Rose PREVOST, GRECO

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M. Didier JUNGLING

Mme Nadine KIEFFER

Mme Isabelle MARCHINI

M. Christopher TYCZKA

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
Informations du Président, des Délégués et du Secrétaire Exécutif
4. **First reading** of draft Third Round Evaluation Reports
Première lecture des projets de Rapports d'Evaluation du Troisième Cycle :
 - **Russian Federation / Fédération de Russie** (Tuesday / mardi)
 - **Italy / Italie** (Wednesday / mercredi)
 - **Monaco** (Thursday / jeudi)
5. Examination and adoption of the Addenda to the Joint First and Second Round Compliance Reports on **Switzerland** (Wednesday) and **Ukraine** 2nd Addendum (Thursday)
Examen et adoption des Addenda aux Rapports de Conformité des Premier et Deuxième Cycles Conjointes sur la Suisse (mercredi) et l'Ukraine 2^{ème} Addendum (jeudi)
6. Examination and adoption of the Third Round Compliance Reports on "the former **Yugoslav Republic of Macedonia**" (Wednesday) and **Turkey** (Tuesday)
Examen et adoption des Rapports de Conformité du Troisième Cycle sur « l'ex-République yougoslave de Macédoine » (mercredi) et la Turquie (mardi)
7. Round Table on the prevention of corruption in parliaments – keynote speakers: Oliver HEALD (Parliamentary Assembly of the Council of Europe), Ülle MADISE (Estonia), Richard GHEVONTIAN (France)
Table ronde sur la prévention de la corruption au sein des parlements – intervenants principaux : Oliver HEALD (Assemblée parlementaire du Conseil de l'Europe), Ülle MADISE (Estonie), Richard GHEVONTIAN (France)
(Friday / vendredi, 09h30 – 11h00)
8. Adoption of the Twelfth General Activity Report - 2011 (approved by Bureau 58)
Adoption du Douzième rapport général d'activités – 2011 (approuvé par le Bureau 58)
9. Co-operation with the European Union – latest developments
Co-opération avec l'Union Européenne – derniers développements
10. Third Round Compliance Procedure regarding Azerbaijan, Bulgaria and Serbia – selection of rapporteur countries (Bureau 58 proposals)
Procédure de conformité du Troisième Cycle à l'égard de l'Azerbaïdjan, la Bulgarie et la Serbie – sélection des pays rapporteurs (propositions du Bureau 58)
11. Fourth Evaluation Round – composition of the Teams in charge of the evaluation of Luxembourg, the Netherlands and Iceland (Bureau 58 proposals)
Quatrième Cycle d'Evaluation – composition des équipes chargées de l'évaluation du Luxembourg, des Pays-Bas et de l'Islande (propositions du Bureau 58)

12. **Second reading** and adoption of the draft Third Round Evaluation Reports on the Russian Federation (**Thursday**), Italy and Monaco (**Friday, 09h00**)
Deuxième lecture et adoption des projets de Rapport d'Evaluation du Troisième Cycle sur la Fédération de Russie (**jeudi**), l'Italie et Monaco (**vendredi, 09h00**)
13. Miscellaneous / *Divers*
14. Adoption of decisions / *Adoption des décisions*
15. Dates of next meetings / *Dates des prochaines réunions*