



Strasbourg, 2 June 2005

Greco (2005) 9E

23rd Plenary Meeting of GRECO
(Strasbourg, 17-20 May 2005)

SUMMARY MEETING REPORT

I. Opening of the meeting

1. The 23rd Plenary Meeting of GRECO was chaired by the President, Mr Drago KOS (Slovenia) and by the Vice-President, Ms Isabelle VAN HEERS (Belgium) - for several items of the Agenda. The list of participants appears in Appendix I to this report.
2. The Vice-President opened the meeting and welcomed all representatives, referring in particular to those who had been newly nominated.

II. Adoption of the agenda

3. The draft agenda was adopted as it appears in Appendix II to this report.

III. Information provided by the President

4. The President reported on his participation in a ministerial conference of the Stability Pact for South Eastern Europe – Anti-Corruption Initiative (SPAI) on “Joint Measures to Curb Corruption in South East Europe” (Brussels, 11 May 2005).

IV. Information provided by the Executive Secretary

5. The Executive Secretary reported on the following developments since GRECO’s 22nd Plenary Meeting (March 2005), referring in particular to information provided in the Summary Report of Bureau 29 (Greco (2005) 7E):
 - the Ukrainian Law ratifying the Civil Law Convention on Corruption (ETS No. 174) was awaiting signature by the President of Ukraine. Once the instrument of ratification had been deposited with the Council of Europe, Ukraine would become the 40th member of GRECO;
 - indications had been received from Austria that ratification of the Civil Law Convention on Corruption (ETS No. 174) would take place before end 2005. Following Austria’s accession to GRECO, Italy would be the only European Union member not to have joined GRECO;
 - it seemed highly likely that by the end of 2006 GRECO would have 43 members;
 - he had participated in a consultation meeting between the Council of Europe and the Troika of the Article 36 Committee of the European Union (Presidency, Incoming Presidency, European Commission and the Secretariat General of the Council of the European Union), at which he stressed GRECO’s interest in the comprehensive EU policy against corruption and outlined current concerns regarding the multiplication of monitoring mechanisms and the need to avoid duplication. These concerns were shared by the Luxembourg Presidency. Accession of the European Community to GRECO did not appear to be on the European Union’s agenda, pending the entry into force of the EU Constitution;
 - the list of participants appended to GRECO Plenary Meeting Reports (which are always published on GRECO’s Homepage) would in future only contain the following details : name, title, organisation/service;
 - “news flashes” would systematically be released by the Secretariat on GRECO’s Homepage following the publication of Evaluation Reports (including a link to the Council of Europe’s Homepage); the Press Service of the Council of Europe could prepare a notification to national and international editors concerning the

- publication of an Evaluation Report ("note to editors") upon request by the country concerned;
- when accessing the Criminal Law Convention on Corruption on the Web site of the Treaty Office of the Council of Europe (<http://conventions.coe.int>), a direct link was now available to the list of declarations, reservations and other communications;
 - Latvia had signed the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191); Serbia and Montenegro had signed the Civil Law Convention on Corruption (ETS No. 174) and Spain had signed the Criminal and Civil Law Conventions on Corruption (ETS Nos. 173 and 174);
 - Croatia had ratified the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191) which would enter into force in respect of Croatia on 1 September 2005;
 - Latvia had ratified the Civil Law Convention on Corruption (ETS No. 174) which would enter into force in respect of Latvia on 1 August 2005;
 - the Slovak Republic had ratified the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191) which would enter into force in respect of the Slovak Republic on 1 August 2005;
 - the Second Round evaluation of Georgia had been re-scheduled by Bureau 29; replies to the questionnaire should be submitted to the Executive Secretary by 15 December 2005 and a Second Round evaluation visit should be held during the first half of 2006 (cf. GRECO's Evaluation Schedule, Greco Eval II (2004) 3 bil. of 11 May 2005);
 - copies of the reworked and newly designed GRECO leaflet "Monitoring compliance with Council of Europe anti-corruption standards" were made available;
 - a Council of the European Union Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Property was circulated for information (Greco Inf (2005) 4E) as well as a Press Release on the 2652nd meeting of the Council of the European Union – Justice and Home Affairs (Greco Inf (2005) 3E); the latter contained a summary of the main aims of the comprehensive EU policy against corruption and of the relevant Council Resolution which urges Member States which have not yet done so to ratify the Council of Europe's Criminal and Civil Law Conventions on Corruption.

V. Second Round Evaluation procedure

Draft Evaluation Reports on Lithuania and Spain

6. GRECO examined the draft (P3) Second Round Evaluation Report on Lithuania, with the Vice-President in the Chair.
7. Members of the Evaluation Team (cf. list of participants) made introductory presentations. The representatives of Lithuania presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
8. GRECO adopted the Second Round Evaluation Report on Lithuania as it appears in Greco Eval II Rep (2004) 12E, following a second reading.

9. GRECO examined the draft (P3) Second Round Evaluation Report on Spain, with the Vice-President in the Chair.
10. Members of the Evaluation Team made introductory presentations. The representatives of Spain presented their authorities' comments, which were followed by a first reading of the draft report (paragraph by paragraph).
11. GRECO adopted the Second Round Evaluation Report on Spain as it appears in Greco Eval II Rep (2004) 7E, following a second reading.
12. GRECO invited the authorities of Lithuania and Spain to authorise, as soon as possible, the publication of their respective Evaluation Reports.
13. GRECO approved the composition of Evaluation Teams in charge of the Second Round evaluation of Moldova and the United States of America and the Joint First and Second Round evaluation of Azerbaijan (Greco Eval II (2003) 1bil of 20 May 2005).

VI. First Round Compliance procedure

Draft Compliance Reports on Bosnia and Herzegovina and Malta

14. GRECO examined the draft (P4) First Round Compliance Report on Bosnia and Herzegovina. It was based on the Situation Report forwarded by the authorities of Bosnia and Herzegovina (Greco RS-I (2005) 1E) and additional information provided by the country. GRECO adopted the First Round Compliance Report on Bosnia and Herzegovina as it appears in Greco RC-I (2005) 1E.
15. GRECO examined the draft (P3) First Round Compliance Report on Malta. It was based on the Situation Report forwarded by the Maltese authorities (Greco RS-I (2005) 3E) and additional information provided by the country. GRECO adopted the First Round Compliance Report on Malta as it appears in Greco RC-I (2005) 3E.
16. GRECO noted with satisfaction that the authorities of Malta authorised publication of the First Round Compliance Report on Malta.
17. GRECO invited the authorities of Bosnia and Herzegovina to authorise, as soon as possible, the publication of the First Round Compliance Report on Bosnia and Herzegovina.

Draft Addenda to the First Round Compliance Reports on Finland and Slovenia

18. Pursuant to Rule 31, paragraphs 9.1 to 9.2 of its revised Rules of Procedure, GRECO examined the first in a series of Addenda to First Round Compliance Reports.
19. GRECO examined the draft Addendum to the First Round Compliance Report on Finland. It was based on additional information provided by the Finnish authorities as required by the conclusions of GRECO's First Round Compliance Report. GRECO adopted the Addendum to the First Round Compliance Report on Finland as it appears in Greco RC-I (2003) 3E Addendum and thus terminated the First Round compliance procedure in respect of that country.
20. GRECO noted with satisfaction that the authorities of Finland authorised publication of the Addendum to the First Round Compliance Report on Finland.

21. GRECO examined the draft Addendum to the First Round Compliance Report on Slovenia (RC-I (2003) 1E Addendum), with the Vice-President in the Chair. It was based on additional information provided by the Slovenian authorities as required by the conclusions of GRECO's First Round Compliance Report.
22. In this context, GRECO was informed by the Slovenian delegation of the proposed dismantling of the Slovenian Commission for the Prevention of Corruption which had been operational only since 1 October 2004.
23. In the light of the new information provided, which was of particular relevance with regard to the implementation of GRECO's First Round Recommendation viii, GRECO decided to postpone examination of the Addendum to a forthcoming Plenary Meeting. The Slovenian authorities were requested to keep GRECO informed about developments in this respect.

VII. Third Evaluation Round

24. The President opened the second round table discussion on possible topics for GRECO's Third Evaluation Round, drawing attention to the substantive issues discussed by Bureau 29 as outlined in its Summary Report (Greco (2005) 7E).
25. In this connection, the Executive Secretary informed GRECO that the Secretariat had submitted a working paper to Bureau 29 concerning the aim and scope of GRECO's monitoring mandate and the feasibility of evaluating the implementation of *Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (in conjunction with GPC 15)*. The document had been prepared following the first *tour de table* held at GRECO 22 (cf. Greco (2005) 5, paragraphs 28-37).
26. The main conclusion drawn by the Secretariat was that monitoring of Recommendation Rec(2003)4 was feasible on the condition that the scope of the evaluation be limited to the key provisions of the Recommendation, and that the questions to be designed be closely linked to the provisions under examination.
27. After a detailed discussion of the Secretariat's proposals, the Bureau had reached the conclusion that it was premature for it to take a final position on the content of the Third Evaluation Round. In the light of its discussions and of the results of the *tour de table* held at GRECO 22, the Bureau had then identified three possible topics for the Third Evaluation Round as a basis for deliberation at the present Plenary, namely:
 - a) the implementation of Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (in conjunction with GPC 15)
 - b) the incriminations provided for by Articles 2 - 12 of the Criminal Law Convention on Corruption (in conjunction with GPC 2)
 - c) "corruption in the private sector" which would cover certain provisions contained in the Criminal and the Civil Law Conventions on corruption.
28. The President gave the floor to each delegation in turn. The 36 delegations participating in the discussions were almost evenly divided into proponents of topic a) and proponents of topic b) which could be complemented by including Article 19, paragraph 1 of the Criminal Law Convention. Regarding option c) which was supported by some 3 to 4 delegations, it was generally felt that it

would prove difficult to apply the same level of scrutiny to all members due to the limited number of ratifications of the Civil Law Convention on Corruption.

29. With regard to the methodology to be applied during the Third Evaluation Round, there was general support for the proposals outlined in the Summary Report of Bureau 29. Furthermore, several delegations specifically stressed the need for preparing clear, objective monitoring standards and criteria. This could be achieved through the preparation of precise key questions as proposed. It was agreed that commending members on their achievements should rather be avoided and that a classification or grading of countries would be inadvisable.
30. The President thanked delegations for their contributions to the debate and instructed the Secretariat to prepare, in the light of the discussions, proposals for examination by Bureau 30 in view of a decision to be taken by GRECO 24.

VIII. Adoption of decisions

31. GRECO adopted the decisions of the 23rd Plenary Meeting, as they appear in Greco (2005) 8E.

IX. Dates of forthcoming meetings

32. GRECO's 24th Plenary Meeting would be held in Strasbourg on 27 June – 1 July 2005. GRECO noted that its Bureau would meet on 1 June 2005 in Brussels.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Mr Edmond DUNGA
Director of Anti-Corruption Unit, Council of Ministers

ANDORRA/ANDORRE

M. Frédéric GUTIERREZ LE SAUX
Commissaire de Police, Unitat de Prevenció de Blanqueig (UPB)

M. Jordi PONS LLUELLES
Directeur de la UPB, Unitat de Prevenció de Blanqueig (UPB)

ARMENIA / ARMENIE

Mr Ashot GALOYAN
Adviser to the Minister of Foreign Affairs, Ministry of Foreign Affairs

AZERBAIJAN / AZERBAIDJAN

Mr Inam KARIMOV
Chief Adviser, Department of Coordination of Law Enforcement Bodies, Executive Office of the President of the Republic of Azerbaijan

BELGIUM / BELGIQUE

Mme Isabelle VAN HEERS
Vice-Présidente du GRECO – Vice-President of GRECO
Magistrat Fédéral, Parquet Fédéral

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC
Assistant Minister of Security of Bosnia and Herzegovina, Council of Ministers of Bosnia and Herzegovina, Ministry of Security

Mr Sead TEMIM
Prosecutor, Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina

BULGARIA / BULGARIE

Mr Georgi RUPCHEV
Head of Department of International Legal Cooperation, Ministry of Justice

CROATIA / CROATIE

Mr Marin MRČELA
Judge at the County Court in Zagreb

Mr Dražen JELENIĆ
Deputy Head of USKOK, Office for Prevention of Corruption and Organised Crime

CYPRUS / CHYPRE

Mr Philippos KOMODROMOS
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CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Karel BLAHA
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Ms Karin BINDEROVA
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DENMARK / DANEMARK

Mr Svend LARSEN – Apologised/Excusé
Public Prosecutor, The Office of the Director of Public Prosecutions

Mr Flemming DENKER
Deputy Director, The Public Prosecutor for Serious Economic Crime

ESTONIA / ESTONIE

Ms Mari-Liis LIIV
Adviser, Corruption Specialist, Department of Crime Policy, Ministry of Justice

Ms Ülle RAIG
Legal adviser, Rural Development Foundation

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS
Inspector General of the Police, Ministry of the Interior, Police Department

Ms Helinä LEHTINEN
Ministerial Advisor, Ministry of Justice, Crime Policy Department

FRANCE

Mme Claire MORICE-WHITE
Chargée de Mission, Direction des Affaires juridiques, Ministère des Affaires étrangères

M. Claude MATHON
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Mr Artem TOGONIDZE
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Mr Levan KHETSURIANI
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GERMANY / ALLEMAGNE

Mr Matthias KORTE
Head of Division, Ministry of Justice

GREECE / GRECE

Ms Maria GAVOUNELI, Lecturer in International Law, Advisor to the Minister of Justice, University of Athens

Mr Dimitrios GIZIS, Vice Prosecutor, Athens Court of 1st Instance, Hellenic Ministry of Justice

HUNGARY / HONGRIE

Mr Ákos KARA – Apologised/Excusé
Head of Division, Ministry of Justice

Mr Peter STAUBER, Counsellor, Office of EU Co-operation, Ministry of the Interior

ICELAND / ISLANDE

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Director of Legal Affairs, Ministry of Justice

IRELAND / IRLANDE

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LUXEMBOURG

M. Jean BOUR
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MALTA / MALTE

Mr Silvio CAMILLERI
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Ms Anca JURMA
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Ms Ana NIKOLIC
Senior Advisor, Directorate for Anti-Corruption Initiative, PODGORICA

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Jaroslav PAL'OV
Director of Bureau of International Police Co-operation, Presidium of Police Forces, Head of National Central Bureau of INTERPOL

SLOVENIA / SLOVENIE

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

Mr Roman PRAH
Senior Advisor, Commission for the Prevention of Corruption

SPAIN / ESPAGNE

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Deputy Director General for Justice in the European Union and other International Bodies, Ministry of Justice

Mrs Rosalía SERRANO
Legal Adviser, Ministry of Justice

Ms Flor LOPEZ LAGUNA, Sous-directrice de gestion de régime des incompatibilités

Ms Elsa GARCIA MALTRÁS DE BLAS
Conseillère de l'unité d'appui de la Direction Générale des Relations avec l'Administration de la Justice

SWEDEN / SUEDE

Mr Kazimir ÅBERG
Director of International Affairs, Head of Director-General's Office, Economic Crimes Bureau

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

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Mr Richard M. ROGERS
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SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

Mr Albin ESER - Apologised/Excusé
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GRECO EVALUATION TEAMS / EQUIPES D'EVALUATION DU GRECO

**Second Round Evaluation of Lithuania /
Evaluation du Deuxième Cycle de la Lituanie**

Mr Henry MATTHEWS (Ireland / Irlande)
Professional Officer, Office of the Director of Public Prosecutions

Ms Ülle RAIG (Estonia / Estonie)
Legal adviser, Rural Development Foundation

Mr Anton BARTOLO (Malta / Malte) – Apologised/Excusé
Registrar of Companies and Director of the Company Compliance Unit, Malta Financial Services Authority

**Second Round Evaluation of Spain /
Evaluation du Deuxième Cycle de l'Espagne**

Ms Anca JURMA (Romania / Roumanie)
Head Prosecutor, International Cooperation Service, National Anticorruption Prosecutor's Office

Ms Jane LEY (United States of America / Etats-Unis d'Amérique)
Deputy Director, Government Relations and Special Projects, U.S. Office of Government Ethics

Mr Jacek GARSTKA (Poland / Pologne)
Judge, Department of International Co-operation and European Law, Ministry of Justice
(Temporarily : Advisor in Justice and Home Affairs, Representation of the Republic of Poland to the EU)

RAPPORTEURS : Compliance Procedure/Procédure de Conformité

RC-I BOSNIA and HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Levan KHETSURIANI – Georgia / Géorgie

Mr Henrik HORN - Norway/Norvège

RC-I MALTA / MALTE

Mr Philippos KOMODROMOS – Cyprus / Chypre

M. Jean BOUR - Luxembourg

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

Mme Anna LAMPEROVA - Apologised/Excusée
Ambassadeur Extraordinaire et Plénipotentiaire, Représentation Permanente de la Slovaquie auprès
du Conseil de l'Europe

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

Mr Jaume BARTUMEU CASSANY - Apologised/Excusé
Membre du Conseil Général

REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

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REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

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Mr Wolfgang RAU, Executive Secretary of GRECO, Directorate General I – Legal Affairs

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Mr Björn JANSON, Administrative Officer, Directorate General I – Legal Affairs

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Ms Liubov SAMOKHINA, Administrative Officer, Directorate General I – Legal Affairs

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Ms Penelope PREBENSEN, Administrative Assistant (Evaluation rounds), Directorate General I – Legal Affairs

Mme Laure HEIM, Assistante, (Evaluation rounds), Directorate General I – Legal Affairs

Mme Marie-Rose PREVOST, Assistante, (Evaluation rounds), Directorate General I – Legal Affairs

Ms Simona GHITA, Webmaster, Direction Générale I - Affaires Juridiques

INTERPRETERS / INTERPRETES

Mme Sally BAILEY

Mme Isabelle MARCHINI

Mme Julia TANNER

APPENDIX II

AGENDA / ORDRE DU JOUR

1. Opening of the meeting at **09h30** / *Ouverture de la réunion à 09h30*
2. Adoption of the draft agenda / *Adoption de l'ordre du jour*
3. Information by the President / *Information par le Président*
4. Information by the Executive Secretary / *Information par le Secrétaire Exécutif*
5. **First reading** of the draft Second Round Evaluation Reports on: / **Première lecture** des projets de Rapport d'Évaluation du Deuxième Cycle sur :
 - **Lithuania / Lituanie** : Tuesday / *mardi*
 - **Spain / Espagne** : Wednesday / *mercredi*

The evaluators and the national delegations concerned are, nevertheless, requested to be available during the following periods: / Les évaluateurs et les délégations nationales concernés sont, toutefois, invités à être disponibles pendant les périodes suivantes :

 - **Lithuania / Lituanie** : Tuesday all day and Wednesday morning / *mardi toute la journée et mercredi matin*
 - **Spain / Espagne** : Wednesday all day and Thursday morning / *mercredi toute la journée et jeudi matin*
6. Examination and adoption of the draft First Round **Compliance Reports** on : **Bosnia and Herzegovina and Malta (Thursday)** / *Examen et adoption des projets de Rapport de Conformité du Premier Cycle sur la Bosnie-Herzégovine et Malte (jeudi)*
7. **Second reading** and adoption of the draft Second Round Evaluation Reports on **Lithuania and Spain (Vendredi)** / **Deuxième lecture** et adoption des projets de Rapport d'Évaluation du Deuxième Cycle sur **la Lituanie et l'Espagne (vendredi)**
8. Examination and adoption of Additional Reports required by First Round Compliance Reports : RC-I Addenda on **Finland and Slovenia** / *Examen et adoption de Rapports supplémentaires requis par les Rapports de Conformité du Premier Cycle : RC-I Addenda sur la Finlande et la Slovénie*
9. Composition of Evaluation Teams in charge of the Second Round evaluation of Moldova and the United States of America and the Joint First and Second Round evaluation of Azerbaijan / *Composition des Equipes d'Évaluation chargées de l'évaluation du Deuxième Cycle de la Moldova et des Etats-Unis d'Amérique et de l'Évaluation conjointe des Premier et Deuxième Cycles de l'Azerbaïdjan* (propositions du Bureau 29)

10. Third Evaluation Round : Second *tour de table* on possible topics and methodology (cf **Summary Report of Bureau 29, Greco (2005) 7E and Summary Report of GRECO 22, Greco (2005) 5E**) / *Troisième Cycle d'Evaluation : Deuxième tour de table sur les thèmes et la méthodologie éventuels* (cf **Rapport Sommaire du Bureau 29, Greco (2005) 7F et Rapport Sommaire du GRECO 22, Greco (2005) 5F**)
11. Miscellaneous / *Divers*
12. Adoption of decisions / *Adoption des décisions*
13. Dates of next meetings / *Dates des prochaines réunions*