



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



Strasbourg, 19 April 2013

Greco (2013) 6E

59th GRECO Plenary Meeting
(Strasbourg, 18 – 22 March 2013)

SUMMARY REPORT

I. Opening of the meeting

1. The 59th Plenary Meeting was chaired by Marin MRČELA, President of GRECO (Croatia). Christian MANQUET, Vice-President (Austria) took the chair during the President's participation in another event on Thursday morning.
2. The President opened the meeting by welcoming all participants, referring in particular to newly nominated heads of delegation and representatives. 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

4. The **President** provided the plenary with the information outlined below.
 - i. As part of his drive for visibility of GRECO's work, the President had given interviews to television or print journalists from Montenegro, "the former Yugoslav Republic of Macedonia" and China; media from around the world, including Canada, Portugal, Romania and Malta, had recently picked up on GRECO's work – especially published compliance reports. Most importantly, giving priority to the fight against corruption had been highlighted in the speech given by the Secretary General of the Council of Europe to the Parliamentary Assembly on 22 January 2013. The President warmly welcomed this focus, especially as participation of the European Union in GRECO was currently being discussed.
 - ii. He would participate in a debate, during the 24th Session of the Congress of Local and Regional Authorities (21 March 2013) on how to promote ethical conduct and combat corruption at local and regional level.
 - iii. A separate item had been included on the agenda of the present meeting, item 4: topical anti-corruption developments/events in member States, to give sufficient time to delegations for better communication of domestic issues with specific relevance to their anti-corruption efforts and potentially important in the context of GRECO's work. Any delegation would be given a chance to take the floor and in some cases delegations had been contacted in advance by the secretariat and asked whether they would be in a position to report on certain issues.
 - iv. The Bureau (Bureau 63, February 2013) hoped GRECO would have an opportunity in 2013 to organise exchanges of views with Nils MUIŽNIEKS, Council of Europe Human Rights Commissioner and Kitty NOOY, Dutch National Programme Manager for Integrity Matters concerning prosecutors, as well as with representatives from the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE), depending on the work undertaken by the latter two bodies.
 - v. Delegations were invited to submit candidates for election to the vacant seat in the Bureau by the close of the meeting on Tuesday 19 March. Bureau 63 had stressed, in line with the Council of Europe's policy as regards balanced participation of women and men, that female candidatures were particularly welcome.

5. The floor was handed to **Helena LIŠUCHOVA, Bureau member** (Czech Republic) and GRECO's **Gender Rapporteur** who briefed the plenary on her involvement in the following work underway within the Organisation:

- i. She had represented GRECO at a meeting of the Drafting group focusing on law-enforcement aspects of a ***draft international convention to combat the manipulation of sports results***, organised by the Enlarged Partial Agreement on Sport (EPAS) in Paris on 15 January 2013. Representatives of EPAS member and non-member States, the European Committee on Crime Problems (CDPC) and GRECO had participated. A revised draft and an individual alternative drafting proposal had been submitted to the full drafting group scheduled to meet during the same week as the current GRECO plenary meeting.
- ii. She thanked GRECO colleagues for their responses to the short ***Gender Equality*** questionnaire/other information forwarded on studies and events on the issues of gender and corruption. José MENDES BOTA, Vice-Chair of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe (PACE) whom she had met in December 2012 had written to thank GRECO for opening his eyes to an approach to corruption from a gender perspective. He was considering issuing a motion for a resolution within the PACE. She had also met with the Secretariat of the Group of Experts on Action against the Trafficking of Human Beings (GRETA) and was hoping to schedule a meeting with UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. (Please refer also to paragraph 58 below.)

6. The floor was handed to the **Executive Secretary**.

- i. Work was underway within the CDPC to establish the ***feasibility of developing an additional protocol to the Criminal Law Convention (ETS 173)*** to expand the convention's scope to include the non-profit sector, notably sport as the private sector provisions of ETS 173 might not be directly applicable to areas outside the world of business. Copies of replies provided to a brief questionnaire concerning such feasibility and an analysis of the conclusions that might be drawn produced by the Secretariat of the CDPC had been provided to the Plenary. The CDPC and GRECO would at some stage be asked to form an opinion on the importance of preparing a protocol. In the meantime, it seemed advisable to wait for a decision regarding the text of the draft convention to combat the manipulation of sports results (cf. paragraph 5.i above) as it might have an impact on the shape of any future protocol.
- ii. In advance of the Secretary General's appearance before GRECO later in the week, it could be noted that he actively followed GRECO's work, notably when evaluation and compliance reports were released for publication and he expected the Directorate of Communication to systematically inform the media of the main conclusions of both even though the publication of compliance reports was not accompanied by a press release. He also regularly raised anti-corruption issues during his high-level meetings with national authorities. Copies were provided of the Secretary General's proposal to the Committee of Ministers on strengthening compliance with obligations aimed at enhancing the effectiveness of the results of Council of Europe monitoring (document SG/INF(2013)6).
- iii. Recent changes to the Rules of Procedure (Rule 32) allowed GRECO to decide which of a set of measures to apply to a non-complying state in order to enhance prospects for implementation of GRECO recommendations and, ultimately, to contemplate terminating a non-compliance procedure after due consideration of the effect of the measures taken. The Bureau had not yet concluded that a specific time limit should be placed on non-compliance procedures before GRECO considered terminating them, and had felt that the situation in

each individual case – including planned action – needed to be borne in mind before considering termination, even though some countries would be entering the 6th or 7th year of a protracted implementation period due to non-compliance procedures. The Executive Secretary reminded the plenary of the impact of non-compliance procedures on GRECO's work programme which was considerable – the 2013 programme adopted in December 2012 included 9 evaluation reports and 28 compliance reports. Already, that last number had increased to 31 due to the need to examine additional reports generated by non-compliance procedures. It would be very difficult to further overstretch the plenary and the secretariat. Discussions on how to deal with this issue would therefore need to be continued.

- iv. He had participated as a speaker in a workshop organised by the European Parliament's Committee on Budgetary Control on the theme of "Better avoidance of conflict of interest, the EU agencies and other bodies moving forward". The Committee's website provided extensive documentation on the issue, which could also be of relevance to GRECO's work in the Fourth Round (<http://www.europarl.europa.eu/committees/en/cont/home.html>). The context of the debate was the specific annual discharge procedures within the European Commission and EU agencies, many of which have close links with industry. The European Court of Auditors had found that appropriate systems for the management of conflicts of interest were lacking and there was now a strong move for regulating that area.
- v. Finally, Anna MYERS reported on her participation, on behalf of GRECO's Secretariat, in an enlarged meeting of the Bureau of the European Committee on Legal Co-operation (CDCJ) tasked with examining a ***draft recommendation on whistleblowing***. The draft recommendation was heavily based on a feasibility study prepared by a former GRECO delegate, Paul STEPHENSON (United Kingdom) and Professor Michael LEVI, Cardiff University. A Conference would be hosted by the CDCJ (20-21 May 2013) to bring together experts and practitioners from member States to discuss the key issues under debate. The aim was that a draft recommendation would be scheduled for adoption by the Committee of Ministers (Ministers' Deputies) sometime in the autumn.

IV. Fourth Evaluation Round

Prevention of corruption in respect of members of parliament, judges and prosecutors

Evaluation procedures

7. The procedure for the detailed examination by the plenary of draft evaluation reports scheduled for adoption consists in paragraphs previously flagged by the evaluation team, the authorities or the secretariat being read in full by the President and discussed with the participation of the evaluation team that has carried out the on-site visit preceding the drawing up of the draft report. Delegations may also take the floor to open a discussion on any other section. Executive Summaries are dealt with once the body of the text has been looked at. A second reading and discussion by the plenary of revisions made in light of the first is carried out before formal adoption of the final text.

8. GRECO adopted Fourth Round Evaluation Reports – including formal recommendations - on **Finland** (Greco Eval IV Rep (2012) 6E) and **Iceland** (Greco Eval IV Rep (2012) 8E). The deadline of 30 September 2014 was set for the submission of Situation Reports on measures taken to implement the recommendations in both cases.

9. The decision by the authorities of Finland and Iceland to release the evaluation reports for publication on 27 and 28 March 2013 respectively (www.coe.int/greco) was welcomed by the plenary.

V. Third Evaluation Round

Theme I “Incriminations” / Theme II “Transparency of party funding”

10. In a set of compliance reports examined by the plenary, GRECO pronounced itself on the level of compliance with GRECO recommendations reached by member States. Situation Reports submitted by the authorities of each member State provide the basis for the assessments made. Rapporteurs designated by other member States are associated with the preparation of the draft compliance reports tabled.

Compliance procedures

11. The rapporteur countries for the future Third Round compliance procedures in respect of Andorra, Bosnia and Herzegovina, Switzerland and Ukraine were selected (Greco Eval III (2013) 1 – Eng. Only).

12. The Third Round Compliance Reports on **Cyprus** (Greco RC-III (2012) 24E) and the **Republic of Moldova** (Greco RC-III (2013) 2E) were adopted. The deadline for submission of Situation Reports on further implementation of recommendations was fixed at 30 September 2014 in both cases.

13. The adoption of the Second Third Round Compliance Report on **Norway** (Greco RC-III (2013) 5E) terminated the procedure in respect of that member.

14. The President commended the Norwegian authorities for their exemplary performance in implementing GRECO's recommendations, especially as most of them had required legislative amendments. He was particularly proud that it had been a GRECO representative who had been the principle driving force behind the reforms.

Rule 32 procedures – non-compliance

15. In the Third Round Compliance Report on the **Czech Republic** (Greco RC-III (2013) 1E) and the Second Third Round Compliance Report on **France** (Greco RC-III (2013) 3E) adopted, GRECO concluded that the level of compliance with recommendations was “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3. Both Heads of Delegation have been asked to submit a report on progress in implementing GRECO's recommendations by 30 September 2013, pursuant to Rule 32, paragraph 2(i).

16. The Third Round *Interim* Compliance Report on **Slovenia** (Greco RC-III (2013) 4E) was adopted and concluded that the level of compliance with GRECO's recommendations remained “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3. The Head of Delegation was asked to report again on progress in implementing GRECO's recommendations by 31 December 2013, pursuant to Rule 32, paragraph 2(i). Pursuant to paragraph 2 (ii) c) of the same Rule, the Secretary General would be invited to send a letter to the Minister of Foreign Affairs drawing attention to the level of non-compliance and the need for determined action with a view to achieving tangible progress as soon as possible¹.

17. The decision by the authorities of the Czech Republic, the Republic of Moldova and Norway to release the above compliance reports for publication (www.coe.int/greco) was welcomed and the authorities of Cyprus², France and Slovenia were urged to do likewise as soon as possible.

¹ The letter was sent on 10 April 2013.

² The Third Round Compliance Report on Cyprus was made public on 5 April 2013.

VI. Joint First and Second Evaluation Rounds

Combined content of the first two evaluation rounds

Compliance procedures

18. The rapporteur countries for the future Joint First and Second Round compliance procedures in respect of Belarus, Liechtenstein and San Marino were selected (Greco Eval I/II (2013) 1 – Eng. Only).

19. GRECO adopted a 3rd Addendum to the Joint First and Second Round Compliance Report on Ukraine (Greco RC-I/II (2009) 1E – 3rd Addendum) and, having urged the authorities to take determined action with a view to addressing outstanding recommendations, it was requested that, in accordance with Rule 31, paragraph 9.1 of the Rules of Procedure, additional information on implementation be submitted by 31 December 2013 at the latest.

20. The authorities of Ukraine were invited to release the above compliance report for publication as soon as possible.

VII. Publication, translation and availability of adopted reports

21. Following recent decisions aimed at greater visibility of GRECO's work, members were reminded of the action to be taken when publishing an adopted report.³

VIII. Exchanges of views

22. Thorbjørn JAGLAND, **Secretary General of the Council of Europe**, addressed the plenary reiterating his message to the Parliamentary Assembly in January that the first political priority of the Organisation should be the fight against corruption and other forms of misuse of. He congratulated GRECO on the quality of its work, the relevance to society of the areas under scrutiny and the clear strengths and benefits of its methodology and its ability to generate a strong sense of ownership among its members. Attaching great importance to the effectiveness of the Council of Europe's monitoring bodies, the Secretary General also outlined proposals made to the Committee of Ministers aimed at strengthening the impact of the results of the Organisation's monitoring. Avoiding duplication of effort, prospects for European Union participation in GRECO, fostering positive values in society and increased political will, were some of the issues raised during the ensuing exchange of views. GRECO welcomed the Secretary General's commitment to place the fight against corruption among the top priorities of the Organisation.

23. The plenary held an exchange of views with Elin FALGUERA, Programme Officer, Political Parties Team of the **International Institute for Democracy and Electoral Assistance (International IDEA)**, an intergovernmental organisation composed of 28 States from around the world whose stated mission was "to support sustainable democratic change by providing comparative knowledge, and assisting in democratic reform, and influencing policies and politics". It produced comparative knowledge in the following areas: electoral processes, constitution building, political participation and representation, and democracy and development, as well as on democracy as it relates to gender, diversity, and conflict and security. The organisation's Political Finance Database (www.idea.int/political-finance), a source of global comparative information on political finance regulations

³ GRECO asks its members to:

- agree a same-day publication date with the Secretariat
- clearly mark both the date of adoption and date of publication on the cover page
- make the national language version available and easily accessible on a domestic website
- notify the Secretariat of the location of the report by communicating the internet link to it
- include a link on the domestic website to the official language versions on GRECO's website.

in 180 countries, was presented to the plenary. The answers to 43 questions within four broad categories could be accessed – bans and limits on private income; public funding; regulations of spending; reporting, oversight and sanctions and regional or country to country comparisons generated. A brief outline of findings as regards the funding of parties as compared to candidates; donation limits; finance and gender as well as levels of public funding was provided. The publication “Political Finance Regulations Around the World: An Overview of the International IDEA Database” was available to download free of charge at the following address: <http://www.idea.int/publications/political-finance-regulations/index.cfm>. Current work included the preparation of a handbook on the gap between theory and regulations on the one hand and practice on the other.

24. An exchange of views was also held with Alfonso ZARDI, **Head of Democratic Institutions and Governance Department**, Democratic Governance Directorate, Directorate General of Democracy of the **Council of Europe**. An outline of the history of Council of Europe action in the area of democracy, and local democracy in particular, was provided. Having reflected on how to influence the quality of local government structures and systems of its members, the Organisation had designed a strategy on innovation in which a set of twelve principles of good democratic governance at local level had been identified. The strategy was complemented by a mechanism entitled the European Label of Governance Excellence (ELoGE) – a reward intended for local authorities that achieve a high level of governance, as measured against benchmarks set in relation to the twelve Principles. ELoGE had been conceived as a learning tool for local authorities to evaluate their strengths and weaknesses in the provision of public services and the exercise of public authority, to improve the quality of local governance and take inspiration from best practices identified on the way to attainment of the award by their counterparts in other municipalities. ELoGE was steered by the Council of Europe Stakeholders’ Platform (composed of representatives of the following Council of Europe bodies: the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities, the European Committee on Local and Regional Democracy (CDLR) and the Conference of International Non-Governmental Organisations as well as the Commissioner for Human Rights as observer to the platform) which accredits national/regional stakeholders’ platforms. The latter manage and take responsibility for the procedure for granting the Label to individual local authorities. A set of tools was at their disposal (an evaluation matrix including benchmarks and questionnaires for surveying the satisfaction of elected officials and citizens).

25. Belgium, Bulgaria, the Netherlands, Norway and Ukraine had joined and were already implementing the Strategy and interest had been expressed by a number of other countries. Complete information is available at: http://www.coe.int/t/dgap/localdemocracy/strategy_innovation/.

IX. Topical anti-corruption developments/events

26. Delegations reported as follows.

27. In **Slovenia**, the Commission for the Prevention of Corruption had published its first report on supervision of assets of officials – in this case, assets of the leaders of the country’s seven political parties. The legal obligation on Members of Parliament (MPs) to declare their assets had been in place since 1992, it was extended to judges and prosecutors with the entry into force of the Corruption Prevention Act in 2004, and in 2010 with the adoption of the Integrity and Corruption Prevention Act the electronic submission of asset declarations was introduced.

28. In two cases, that of a Prime Minister and that of a leader of the main opposition party, a number of anomalies or failures– some of them significant - had been detected and obligations to report assets had on several occasions been violated. Important sums remained unaccounted for, despite opportunities during the process to provide oral and written explanations.

29. The Commission's investigations had been hindered by a breach of secrecy rules by a state owned company that had been required to provide information for the purposes of the investigation and, since the publication of the report the Commission had been under fire from both parliamentary parties. Attempts at undermining the work of the Commission had included an investigation by a parliamentary committee before which the Chief Commissioner was called to account despite the lack of a legal basis for such an investigation. Anonymous claims addressed to the same parliamentary committee had led to various administrative inspections. Both party leaders had filed law suits against the Commission to remove the report from the public domain. Motions to the Constitutional Court had been filed calling for changes to the 2010 Integrity and Corruption Prevention Act (which had enlarged the scope of action of the Commission) and the suspension of the Commission's work until the law was changed. So far the claims made had been dismissed by the courts and the Administrative and Supreme Courts were of the opinion that the final report was a very important corruption prevention tool and ruled that it did not infringe the rights of the persons investigated as they were public officials. Public support was also high – one poll showed 92% support for the Commission's supervision and the publication of its findings. The Prime Minister and opposition party leader concerned had both since stepped down, the latter maintaining however his position as Major of Ljubljana.

30. Some weaknesses of the current law had come to light during the supervision of asset declarations. First, assets held by family members cannot be examined, unless there are sufficient grounds to suspect that assets have been transferred to a family member in order to avoid supervision by the Commission. Secondly, only assets held in Slovenia are looked into.

31. Despite calls by the Commission for the Prevention of Corruption and the Judicial Council to release GRECO's Fourth Round Evaluation Report on Slovenia for publication, the Government had regrettably not yet done so and had not responded to the requests or provided any explanation.

32. In **Croatia** legislative developments of relevance to GRECO evaluation themes included a new Criminal Code in force since 1 January 2013 which complied with pending Third Round recommendations in the area of incriminations, the related Situation Report would be submitted to the Secretariat within the given deadline.

33. Two new laws, the Law on Courts and the Law Amending the Law on the State Council of the Judiciary, introduced an obligation on the President of the Supreme Court to make an annual report to Parliament and increased the influence of the Ministry of Justice in the appointment of Court Presidents. The general session of the Supreme Court and the Association of Judges were acutely opposed to those two elements of the new legislation. The new legislation also ruled that asset declarations by judges were to be made public and narrowed the scope of immunity of judges.

34. In **Germany** only a few technical points (i.e. bribery of parliamentarians – though a crime - was currently limited to cases of buying/selling votes and a bribe paid or received in exchange for backroom activities for introducing a bill or for preventing a vote on a bill would not be covered) were an obstacle to ratification of the United Nations Convention against Corruption (UNCAC) and the Council of Europe's Criminal Law Convention on Corruption (ETS 173).

35. Whether and how to broaden the criminalisation of bribery of members of parliament (MPs) had been under discussion for quite some time – in the Third Round, Germany had already reported to GRECO on three separate bills tabled by the three opposition parties in the Federal Parliament in 2010, 2011 and 2012. The Parliament's Legal Committee conducted an expert hearing on the bills in October 2012, but had postponed its deliberations. In recent weeks, three new drafts had been presented, the first drawn up by the Administration of the Federal Parliament; the second,

sponsored by individual MPs, had been made public in early March. A third draft had been tabled in the upper house of Parliament by a *Land* government and if it received majority approval that week it would be sent to the lower house of the Federal Parliament.

36. All six draft proposals bore in mind the specific status and functions of parliamentarians i.e. that they are allowed and even expected to back certain interests and rely to a certain extent on outside support from their constituency or from donors for example. Because of this, there was a concern that criminal law might be instrumentalised for the purpose of making false allegations of bribery, for example during election campaigns. To fully understand that concern, one needed to note that in Germany immunity affords very little protection to MPs.

37. Moreover, all six drafts provided for a notion of “advantage” in line with the notion of “undue advantage” in UNCAC and ETS 173 and all excluded donations to political parties provided the donation is in line with the legal requirements in place. Most of the drafts provide for some qualification as regards the conduct of an MP in return for a briber. There were reasons to accept that such a qualification could be justified – due to the different functions of MPs as compared to public officials which were underlined in the explanatory report of ETS 173.

38. Parliamentary elections were scheduled for September 2013 and parliament would go into recess early July, leaving three months to adopt a bill, which was feasible if agreement could be reached.

39. In **Luxembourg**, in the more general context of a proposed reform of the Constitution, a draft bill had been tabled with a view to preliminary consultation of all the judicial authorities and the *Conseil d'Etat*. It proposed that two new institutions be established: a National Judicial Council (CNJ) and a Supreme Court (CS). The CNJ would be competent *inter alia* for the recruitment, appointment and promotion of all judges and prosecutors. This would have a direct impact on the prosecution service's independence, as prosecutors would not be under the authority of the Government or the Minister of Justice. The CNJ would also be responsible for all disciplinary investigations and proceedings against judges and prosecutors and for drawing up a code of ethics. It would have 15 members, two-thirds of whom would be the leading members of the judiciary (judges and prosecutors) and one-third representatives of civil society.

40. The draft bill also proposed that the Superior Court of Justice and the Constitutional Court should be replaced with a Supreme Court, to which the competences of these two courts would be transferred. The Court of Appeal would become an autonomous court with new competences, including for cases concerning social security (which would be heard solely by professional judges) and military matters. The possibility of appealing on points of law in administrative cases would also be introduced.

41. A code of ethics for ministers, primarily concerning conflicts of interest, had been adopted by the Government Council on 1 March 2013 and would enter into force on 1 January 2014. The code prohibited participation in decisions on matters in which ministers or their relatives by blood or marriage to the third degree had a direct interest. Under this code, before swearing the oath, future ministers were required to submit to the Prime Minister a list, covering the last ten years, of all their paid activities, all kinds of individual financial interests held (shares, securities and business holdings) and the professional activities of their spouse or partner. This list was published. During their term of office ministers could not have any other paid activity or accept payments for speeches they gave before various bodies, including business undertakings and associations. After leaving office ministers were permitted to resume their former functions, but if they took up new duties within two years of the end of their term of office they must inform the Prime Minister, who referred the matter to the Ethics Committee. If the new activity was linked to the minister's former department,

the Ethics Committee's opinion would be published and the former minister would be free to act upon it or not – the media reaction would also then come into play. Concerning the acceptance of gifts and hospitality, account would be taken of the customs and rules of diplomatic courtesy, and cases which were not clear-cut would be referred to the Ethics Committee for an opinion.

42. A draft Code of Conduct for MPs had been drawn up within Parliament. It was in three parts: i) definition of a conflict of interest whereby it sufficed that there be a possible conflict – or clash – between private interests (whether pecuniary or non-pecuniary or involving any other personal advantage) and public interests; ii) the introduction of a warning system with the onus mainly on members of parliament to take steps as soon as they perceived a possible difficulty or conflict of interest; iii) gifts or other advantages or donations - any amount in excess of 150 euros would be subject to the scrutiny and opinion of an advisory committee whose members would be drawn from outside the Chamber of Deputies. The draft also provided that the public register of parliamentarians' professional activities should be supplemented with a declaration of interests (professional activities, other outside activities, financial support received, business holdings, etc.).

43. The Parliament of **Romania** had, in January 2013, adopted a legislative proposal to amend the Statute of Deputies and Senators. The President had sent it back to Parliament requesting that certain provisions be re-examined. Once harmonised with the President's requests, it was challenged before the Constitutional Court (CC) which ruled that some provisions were unconstitutional. Parliament harmonised it with the CC decision on 20 March 2013, in the following respects:

- *reducing from 45 to 15 days the period during which a deputy or senator may appeal before the administrative court a finding by the National Integrity Agency (ANI) ascertaining a conflict of interest or incompatibility*. The CC had found 45 days to be discriminatory as 15 days applied to other categories of public officials;
- *changing the period of suspension of a deputy or a senator from six months to 30 days, when a conflict of interest is ascertained*. The CC had noted that an MP's mandate is to be exercised without interruption and any restriction of the State's functions is not constitutional. Moreover, 30 days' suspension was provided for among the disciplinary sanctions for MPs in the Law.

44. The Law simplified the procedure for approval/rejection of requests to search, detain or arrest MPs, providing clear deadlines. The immunity of MPs is not immunity *per se*. Deputies and Senators can be subject to criminal investigation, or criminally prosecuted for acts not connected with votes or political opinions expressed in the exercise of their office, but cannot be searched, detained or arrested without the consent of the Chamber they belong to, after being heard. The Law also imposes an obligation on Parliament to adopt a Code of conduct.

45. Judges and prosecutors enjoy a similar level of immunity to MPs. They can be investigated, prosecuted or convicted without any special procedures. Consent for search, detention or arrest has to be given by the Superior Counsel of the Magistracy.

46. Platforms for monitoring implementation of the National Anti-corruption Strategy 2012-2015 had been organised for: central and local public administration, independent institutions and anticorruption authorities, business and civil society. In 2013 evaluation missions (access to information, conflicts of interests and assets declarations) would be conducted in 10 institutions and more than 800 city halls and county councils by teams of at least 3 persons from the platforms. The design of evaluation missions was based on the GRECO model (questionnaire, a visit of up to 5 days and the drawing up of an evaluation report to be published on the website dedicated to the strategy).

47. The Senate of the **Netherlands** had, at the beginning of March, passed a piece of draft legislation concerning the transparency of political party funding. The details would be looked at in the context of GRECO's Third Round compliance procedure. The media had picked up on references made by the Senate to GRECO – a motion had been handed in by the Christian Democratic Party asking the Minister of the Interior to report very precisely on each recommendation issued to the Netherlands.

48. In **Spain** Parliament had enacted two new pieces of legislation in 2012. One, a law amending the party funding law, would be reviewed at the next plenary meeting in the context of GRECO's Third Round compliance procedure. Another, amending the Criminal Code, would have the effect of tightening controls on the expenditure of public funds by political parties and unions related to obligations imposed with respect to social security payments.

49. In response to a pending recommendation concerning immunities from the 2003 First Evaluation Round, the Senate of the **Czech Republic** had, that week, passed an amendment to the Constitution proposed by the Chamber of Deputies, whereby unless the Chamber allowed the prosecution of one of its members immediately, proceedings would be continued at the end of a Deputy's or Senator's mandate. Only one final step, the President's signature, was awaited before the amendment entered into force.

50. The **International Anti-Corruption Academy (IACA)** would hold the second meeting of its Assembly of Parties on 9-11 December 2013 in Bangkok. The first module of the Academy's two-year post graduate Master in Anti-Corruption Studies (MACS) had been underway since February with a focus on concepts and theories of corruption (sociological, criminological, ethical, cultural aspects as well as the psychology of corrupt behaviour). A second module "Corruption and Economics" would run in May. A further five modules would address politics and business and corruption, legal considerations, enforcement and prevention. The class was composed of mature students holding management/leadership positions in the public and private sectors, civil society, academia, business and international organisations from countries around the world, creating a dynamic study environment. The plenary was invited to note the dates of the next Anti-Corruption Summer Academy - IACSA (4-14 July 2013) and a Seminar in the "Best of" Series (10-11 July 2013) to be given by Robert KLITGAARD, Professor at Claremont Graduate University, former Yale and Harvard professor, with extensive experience in providing guidance on institutional reform to governments around the world.

51. The **United Nations Office on Drugs and Crime (UNODC)** provided an up-date on activities of the review mechanism for the United Nations Convention against Corruption (UNCAC) which had attained almost universal adherence with 166 States Parties – the most recent Saudi Arabia – and would celebrate its 10th Anniversary in 2013. The Fifth Conference of the States Parties would take place in Panama in November. The mechanism was a peer review process where one state is reviewed by two others, one coming from the same region/group, the other from any country in the world. UNCAC's main substantive chapters were Chapters II on Prevention, III on Criminalisation and law enforcement, IV on International Cooperation and V on Asset recovery. The first phase of the review had been divided into 2 cycles of 5 years each. During the first, each State Party would undergo review of implementation of Chapters III and IV. Later, during a second 5 year cycle, Chapters II and V would be reviewed.

52. Reviews comprised: completion of the comprehensive self-assessment checklist; a desk review of the checklist by the two reviewing countries; an active/direct dialogue between the State Party under review and the reviewing countries during a country visit or sometimes a joint meeting in Vienna; the final outcome was a full report and an executive summary, the latter always

published. Publication of the entire report depended on the discretion of the State party under review.

53. At the next meeting of the Implementation Review Group (IRG) to be held in Vienna on 27-31 May 2013, reviewing countries for forthcoming reviews would be selected among the States parties by a drawing of lots. Countries selected would then be asked to designate a focal point, training of focal points and experts would follow. The review mechanism was in the hands of the States parties, with guidance and precedent being provided by the secretariat in order to ensure a coherent approach. There was no forum – like the GRECO plenary – that participated and ensured a level playing field.

X. General Activity Report - 2012

54. GRECO adopted its Thirteenth General Activity Report - 2012 (Greco (2013) 1E Final) in which it presented for the first time a set of data – in the form of charts – on the level of compliance of its member States with recommendations issued in the First and Second Evaluation Rounds. It also highlighted some of the substance from the first evaluation reports adopted in the Fourth Evaluation Round and included a thematic article on Lobbying and Corruption by Yves-Marie DOUBLET, Deputy Director, National Assembly (France) as well as a mention of GRECO's approach to identifying the gender dimensions of corruption.

55. The report would be forwarded to GRECO's Statutory Committee and the Committee of Ministers of the Council of Europe, in accordance with Article 8, paragraph 1, iii of GRECO's Statute and GRECO's President would be invited to present it to the 1173rd meeting of the Ministers' Deputies on 12 June 2013. It could be made publicly available after that date on GRECO's web site and in a print edition. It was hoped that members would maximise its distribution by translating it – or at least the thematic article - into their national languages and making it available to a broad readership.

XI. Election for the Fourth Evaluation Round – Bureau

56. Under Rule 9 of GRECO's Rules of Procedure, GRECO elected by secret ballot Vita HABJAN (Slovenia) to fill the seat that had become vacant in the Bureau.

XII. Cooperation with the European Union

57. GRECO heard information provided on behalf of the Irish Presidency of the European Union, by the Head of the Delegation of Ireland in GRECO on internal EU discussions as regards the participation of the European Union in GRECO, following the release, on 19 October 2012, of the European Commission Communication on the same subject (COM(2012)604 final). GRECO expressed the hope that the European Commission and the European Council would soon agree on the way forward.

XIII. Miscellaneous

58. The representative of "the Former Yugoslav Republic of Macedonia" expressed her support for the Gender Rapporteur's work on the question of the gender dimension of corruption which she felt could be further developed within GRECO's membership. She would present GRECO's approach to the question at a roundtable to be organised in cooperation with the Ambassador of France in Skopje. It was, in her opinion, appropriate to coordinate with other Council of Europe Committees to see what they were doing in the field. She hoped that the Council of Europe might consider organising a conference to allow for an exchange of experience.

59. The Secretariat informed delegations that the Financial Action Task Force (FATF) was seeking information related to the laundering or final uses made of the proceeds of corruption to feed into sets of best practices under preparation on the general contribution of anti-money laundering/countering financing of terrorism (AML/CFT) standards to the fight against corruption and on how to implement in domestic policies the international requirements on “politically exposed persons”. The idea was to identify, also in the light of the experience of bodies dealing with corruption-related cases other than Financial Intelligence Units (FIUs), sets of criteria for the recognition of suspicious financial/business transactions that might be of use to FIUs and the international AML/CFT community. It was proposed that once the FATF had sent a more specific description of their needs, GRECO’s Secretariat would invite delegations for their input in the form of bullet points.

60. On behalf of the plenary, the President wished Kaarle J. LEHMUS, Head of Delegation of Finland, a happy retirement. Mr Lehmus had been among those present at the very first GRECO Plenary Meeting in October 1999 and since then, commitment and strength in meeting the challenges of the GRECO process had characterised his personal contribution and that of Finland within the mechanism.

XIV. Adoption of decisions

61. The decisions of the 59th Plenary Meeting were adopted as they appear in document Greco (2013) 5E.

XV. Forthcoming meetings

62. The Bureau had accepted an invitation from the authorities of the Russian Federation to hold its 64th meeting in Moscow on 17 May 2013. GRECO’s 60th Plenary Meeting would be held in Strasbourg on 17 - 21 June 2013.

APPENDIX I

LIST OF PARTICIPANTS

ALBANIA / ALBANIE

Ms Helena PAPA

Inspector/Coordinator, 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

Ms Anna MARGARYAN

Chair of Criminal Law and Criminology, Yerevan State University

AUSTRIA / AUTRICHE

Mr Christian MANQUET (Head of delegation)

Vice-President of GRECO / Vice-président du GRECO

Head of Department, Directorate for Penal Legislation, Ministry of Justice

Ms Teute KRASNIQI

Legal Adviser, Department for Int^{al} Cooperation and Projects, Bureau of Anti-Corruption, Ministry of the Interior

AZERBAIJAN / AZERBAIDJAN

Mr Elnur MUSAYEV

Apologised / excusé

Senior Prosecutor, Anticorruption Department, General Prosecutor's Office

BELARUS

Ms Nadzeya SHAKEL

Assistant Director, Research and Practical Centre for Problems of Reinforcing Law and Order
General Prosecutor's Office

BELGIUM / BELGIQUE

M. Frederik DECROYENAERE (Chef de délégation)

Attaché au Service des Infractions et Procédures Particulières, Service Public Fédéral Justice (SPF Justice),

M. Guido HOSTYN

Premier conseiller de direction - Secrétaire de la Commission de contrôle des dépenses électorales

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC (Head of delegation)

Assistant Minister, Sector for Fight against Terrorism, Organised Crime and Drugs Abuse, Ministry of Security,

BULGARIA / BULGARIE

Mr Georgi RUPCHEV (Head of delegation + evaluator – Finland)

State Expert, Directorate of International Cooperation and European Affairs, Ministry of Justice

CROATIA / CROATIE

Mr Marin MRČELA (**President of GRECO**)

Justice at the Supreme Court

Mr Dražen JELENIĆ (Head of delegation)
Deputy State Attorney General

CYPRUS / CHYPRE

Mr Philippou KOMODROMOS (Head of delegation)
Counsel of the Republic, Law Office of the Republic of Cyprus

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Helena LIŠUCHOVÁ (Head of delegation)
Acting Head, International Cooperation Department, Ministry of Justice

Mr Václav MLYNAŘÍK
Security Expert, Security policy department, Ministry of the Interior

DENMARK / DANEMARK

Mr Henrik Helmer STEEN (Head of delegation)
Deputy State Prosecutor, State Prosecutor for Serious Economic Crime

ESTONIA / ESTONIE

Mrs Mari-Liis SÖÖT (Head of delegation)
Head of Analysis Division, Criminal Policy Department, Ministry of Justice

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS (Head of delegation)
Inspector General of the Police, National Police Board

Mr Juha KERÄNEN
Ministerial Counsellor, Ministry of Justice, Department of Criminal Policy

Mr Jouko HUHTAMÄKI
Ministerial Adviser, Police department, Ministry of the Interior

Ms Marja TUOKILA
Counsel to the Legal Affairs Committee, Parliament of Finland

Ms Anne HALLAVAINIO
Senior Adviser, Legal Affairs, Ministry of Justice

Ms Elina RUUSKANEN
Planning Officer, Ministry of Justice

FRANCE

M. Paul HIERNARD (Chef de délégation)
Magistrat, Chargé de mission auprès du Directeur des affaires juridiques, Ministère des Affaires étrangères et européennes

M. François BADIE
Chef du Service Central de Prévention de la Corruption (SCPC), Ministère de la Justice et des Libertés

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GREECE / GRECE

Mr Demosthenis STIGGAS
Chairman of the Court of First Instance of Serres, Presiding Judge of the District Court of Serres

HUNGARY / HONGRIE

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Mr Aidan MOORE
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ITALY / ITALIE

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Chef de Division, Service d'Information et de Contrôle sur les Circuits Financiers (SICCFIN)
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Senior Adviser, Ministry of Government Administration, Reform and Church Affairs

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« L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »
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Chief Inspector, Prime Ministry Inspection Board

Mrs Ayben İYİSOY
Judge, General Directorate of International Law and Foreign Relations , Ministry of Justice

Mr Bülent TÜRKMEN
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Deputy Head of Legal Department, Secretariat of Cabinet of Ministers

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International Relations Policy lead, Ministry of Justice

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Deputy Director, US Office of Government Ethics

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

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE /
ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L’EUROPE
Mr Robert NEILL (United Kingdom)
Member of the Committee on Legal Affairs and Human Rights

COUNCIL OF EUROPE DEVELOPMENT BANK /
BANQUE DE DEVELOPPEMENT DU CONSEIL DE L’EUROPE
Apologised / excusée

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)**

Mr Oliver LANDWEHR

Crime Prevention & Criminal Justice Officer, Corruption and Economic Crime Branch, Division for Treaty Affairs

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ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES (OCDE)**

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Anti-Corruption Division, Directorate for Financial and Enterprise Affairs

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

Ms Franziska KANDOLF

Executive Assistant to the Dean, External Relations & Protocol, IACA - International Anti-Corruption Academy

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

Apologised / excusée

EVALUATION TEAMS / EQUIPES D'EVALUATION

Fourth Round Evaluation report on Finland/

Rapport d'évaluation du Quatrième Cycle sur la Finlande

Mr. Jean-Christophe GEISER

Conseiller scientifique, Unité Projets et méthode législatifs, Office fédéral de la justice

Mr Frank RAUE

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Mr Atle ROALDSØY

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Mr Georgi RUPCHEV

State Expert, Directorate of International Cooperation and European Affairs, Ministry of Justice

Fourth Round Evaluation report on Iceland /

Rapport d'évaluation du Quatrième Cycle sur l'Islande

Mr Eriks TAMASAUSKAS

Apologised / excusé

Former Member of the Seimas Committee, VILNIUS

Mr Jens-Oscar NERGÅRD

Senior Adviser, Ministry of Government Administration, Reform and Church Affairs

Mr Kazimir ÅBERG

Judge, Svea Court of Appeal

Ms Vesna RATKOVIC

Director, Directorate for AntiCorruption Initiative

RAPPORTEURS

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

Cyprus / Chypre

Mr Dražen JELENIĆ - Croatia / *Croatie*
Mr Aidan MOORE - Ireland / *Irlande*

Czech Republic / République Tchèque

Ms Anna PAGOTTO - Italy / *Italie*
Mr Akos KARA - Hungary / *Hongrie*

Republic of Moldova / République de Moldova

M. Frederik DECRUYENAERE - Belgium / *Belgique*
Mme Doris WOLTZ - Luxembourg

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

France

Ms Helena PAPA - Albania / *Albanie*
M. Guido HOSTYN - Belgium / *Belgique*

Norway / Norvège

Ms Anca Luminita STROE (Chelaru) - Romania / *Roumanie*
(Theme II only / Thème II uniquement)

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

Slovenia / Slovénie

Mr Markus BUSCH - Germany / *Allemagne*
Mr Kaarle J. LEHMUS - Finland / *Finlande*

EXCHANGES OF VIEWS / ECHANGES DE VUES

- Mr Thorbjørn JAGLAND, **Secretary General of the Council of Europe / Secrétaire Général du Conseil de l'Europe**
- Ms Elin FALGUERA, Programme Officer - Political parties team, **International Institute for Democracy and Electoral Assistance (International IDEA)**
- Mr Alfonso ZARDI, **Head of Democratic Institutions and Governance Department**, Democratic Governance Directorate, Directorate General of Democracy (DG II), **Council of Europe / Chef du service des institutions et de la gouvernance démocratiques**, Direction de la gouvernance démocratique, Direction générale de la Démocratie (DG II), **Conseil de l'Europe**

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

Mr Jan KLEIJSEN, Director of Information Society and Action against Crime, Directorate General Human Rights and Rule of Law (DG I) / *Directeur de la Société de l'information et de la lutte contre la criminalité, Direction générale Droits de l'Homme et Etat de Droit (DG I)*

Mr Wolfgang RAU, Executive Secretary of GRECO / Secrétaire Exécutif du GRECO

Ms Elspeth REILLY, Personal Assistant to the Executive Secretary / Assistante Particulière du Secrétaire Exécutif,

Administrative Officers / Administrateurs

M. Christophe SPECKBACHER
Ms Sophie MEUDAL-LEENDERS
Mr Michael JANSSEN
Ms Lioubov SAMOKHINA
Mr Yüksel YILMAZ
Mr Suranga SOYSA
Ms Anna MYERS

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Ms Penelope PREBENSEN, Administrative Assistant / Assistante Administrative
Mme Laure PINCEMAILLE, Assistant / Assistante
Mme Marie-Rose PREVOST, Assistant / Assistante

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Ms Simona GHITA, Directorate General Human Rights and Rule of Law (DG I) / Direction générale Droits de l'Homme et Etat de Droit (DG I)
Mme Marie-Rose PREVOST, GRECO

Interpreters / Interprètes

Ms Sally BAILEY
Ms Julia TANNER (18-19/03)
Ms Amanda BEDDOWS (20-21-22/03)
Ms Isabelle MARCHINI

APPENDIX II

59th GRECO PLENARY MEETING

Strasbourg, 18-22 March 2013
Council of Europe, Agora - room G03

59^{ème} REUNION PLENIERE DU GRECO

Strasbourg, 18-22 mars 2013
Conseil de l'Europe, Agora - salle G03

AGENDA

ORDRE DU JOUR

1.	Opening of the meeting	<u>9.30 am</u>	Ouverture de la réunion	<u>09h30</u>
2.	Adoption of the agenda		Adoption de l'ordre du jour	
3.	Information from the President and the Executive Secretary		Communication du Président et du Secrétaire Exécutif	
4.	Topical anti-corruption developments/events in member States		Développements/événements anti-corruption d'actualité dans les Etats membres	
5.	First reading Fourth Round Evaluation Report Iceland	Monday	Première lecture Rapport d'Evaluation du Quatrième Cycle Islande	Lundi
6.	Exchange of views Thorbjørn JAGLAND, Secretary General of the Council of Europe	Monday 2.30 pm	Echange de vues Thorbjørn JAGLAND, Secrétaire Général du Conseil de l'Europe	Lundi 14h30
7.	First reading Fourth Round Evaluation Report Finland	Tuesday	Première lecture Rapport d'Evaluation du Quatrième Cycle Finlande	Mardi
8.	Adoption 3 rd Addendum to the Joint First and Second Round Compliance Report Ukraine		Adoption 3 ^e Addendum au Rapport de Conformité des Premier et Deuxième Cycles conjoints Ukraine	
9.	Adoption Third Round Compliance Reports Cyprus Czech Republic Republic of Moldova		Adoption Rapports de Conformité du Troisième Cycle Chypre République Tchèque République de Moldova	
10.	Adoption 2 nd Third Round Compliance Reports France Norway		Adoption 2 ^e Rapports de Conformité du Troisième Cycle France Norvège	
11.	Adoption Third Round <i>Interim</i> Compliance Report Slovenia		Adoption Rapport de Conformité <i>intérimaire</i> du Troisième Cycle - Slovénie	
12.	Exchange of views Elin FALGUERA, Programme Officer, Political parties team, International Institute for Democracy and Electoral Assistance (International IDEA)	Wednesday, 11.30	Echange de vues Elin FALGUERA, <i>Programme Officer, Political parties team, International Institute for Democracy and Electoral Assistance (International IDEA)</i>	Mercredi, 11h30
13.	Adoption Thirteenth General Activity Report (2012) (approved by Bureau 63)		Adoption Treizième Rapport général d'activités (2012) (approuvé par le Bureau 63)	

14.	Selection of rapporteur countries Joint First and Second Round Compliance Procedures - Belarus, Liechtenstein, San Marino (Bureau 63 proposals)	Sélection des pays rapporteurs Procédures de conformité des Premier et Deuxième Cycles conjoints - Bélarus, Liechtenstein, Saint Marin (propositions du Bureau 63)
15.	Selection of rapporteur countries Third Round Compliance Procedures - Andorra, Bosnia and Herzegovina, Switzerland, Ukraine (Bureau 63 proposals)	Sélection des pays rapporteurs Procédures de conformité du Troisième Cycle - Andorre, Bosnie-Herzégovine, Suisse, Ukraine (propositions du Bureau 63)
16.	Election of a Bureau member	Election d'un membre du Bureau
17.	European Commission Communication on Participation of the European Union in GRECO [COM(2012)604 final] Follow up	Communication de la Commission européenne sur la Participation de l'Union européenne au GRECO [COM(2012)604 final] Suites
18.	Exchange of views Alfonso ZARDI, Head of Democracy, Institution-building and Governance Department, Directorate of Democratic Governance, Culture and Diversity	Echange de vues Alfonso ZARDI, Chef du Service de la Démocratie, du Renforcement institutionnel et de la Gouvernance, Direction de la Gouvernance démocratique, de la Culture et de la Diversité
		Thursday, <u>11.30</u>
19.	Parliamentary Assembly Recommendation 2011(2013) on Trafficking of migrant workers for forced labour Adoption of comments	Recommandation de l'Assemblée parlementaire 2011(2013) sur la traite des travailleurs migrants à des fins de travail forcé Adoption d'observations
20.	Second reading and adoption Fourth Round Evaluation Reports Iceland Tuesday Finland Friday	Deuxième lecture et adoption Rapports d'évaluation du Quatrième Cycle Islande Mardi Finlande Vendredi
21.	Miscellaneous	Divers
22.	Adoption of decisions	Adoption des décisions
23.	Dates of next meetings	Dates des prochaines réunions
24.	Close of the meeting	<u>1 pm</u> Fin de la réunion <u>13h00</u>