



Strasbourg, 4 August 2014

Greco (2014) 9E

64th GRECO Plenary Meeting
(Strasbourg, 16-20 June 2014)

SUMMARY REPORT

I. Opening of the meeting

1. The 64th Plenary Meeting was chaired by Marin MRČELA, President of GRECO (Croatia) and for some items on the agenda by Christian MANQUET, Vice-President (Austria). Mr Mrčela 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

2. The agenda was adopted as it appears in [Appendix II](#). Due to a lack of time, Item 10 was postponed to a future plenary meeting.

III. Information from the President and the Executive Secretary

3. GRECO took note of information provided by the **President** and the **Executive Secretary**, who made particular reference to the discussions held at the 68th Meeting of the Bureau (cf. Bureau report, document Greco (2014) 7E).

4. The [President](#) had represented GRECO in a panel discussion on prevention of corruption at an international conference on Combating Corruption – Preventive and Repressive Measures at European, National and Regional Level (Innsbruck, 8-9 May 2014) co-organised by the Council of Europe. On 22 May 2014 he had made a presentation to the Judicial Academy in Skopje, followed by a TV interview in which he commented on the positive results of GRECO's 2nd Third Round Compliance Report on "the former Yugoslav Republic of Macedonia" and on future challenges. Finally, in Slovenia he had participated in a training panel on judicial ethics.

5. The President reported that Bureau 68 had agreed that measures could be taken to further stimulate the debate during the examination of compliance reports in the Plenary. Though it was clear that the plenary no longer had time to carry out an extensive reading of compliance reports – agendas are heavily charged as GRECO is now only able to hold four not five plenary meetings, with no reduction in workload - he might read larger sections and more frequently ask delegations to clarify contentious or particularly complex issues flagged by the Secretariat or the Rapporteurs.

6. He thanked the authorities of Austria, the International Anti-Corruption Academy (IACA) and GRECO's secretariat for the organisation of the **Conference on strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerging trends from two years of GRECO Round IV evaluations** that was held in Laxenburg (Austria) on 10-11 April 2014. The event had been a clear success. The Bureau had welcomed the conclusions drawn up by the General Rapporteur, which include some interesting reflections on possible future evaluation themes. It had been agreed by the Bureau that as a follow-up to the event, a closing conference should be organised at the end of the Fourth Round and it was in favour of organising a special event, for example during the March 2015 Plenary Meeting, on certain issues related to the round, such as lobbying.

7. The decision on the theme for **GRECO's Fifth Evaluation Round** would need to be taken by end 2015 as the Third Round would close some time in 2016. The Bureau had held a preliminary discussion, that would be continued at its 69th meeting (5 September 2014) on the basis of a comprehensive list of possible themes to be provided by the Secretariat. The President saw a need for identifying a strong topic of political relevance and the Executive Secretary recalled that previously a number of GRECO members had expressed the wish that particular emphasis be laid on the effectiveness of anti-corruption measures. The Bureau would need to carefully reflect on the feasibility and practicalities of any possible evaluation theme. The outcome of the Bureau's work would then be submitted to the Plenary.

8. The President reported on his traditional **exchange of views with the Committee of Ministers** (1203rd meeting of the Ministers' Deputies – 18 June 2014) at which GRECO's General Activity Report for 2013 was presented. The President's speech appears in Appendix III.

9. The Executive Secretary reported that he was not aware of any significant progress with regard to the formalities that needed to be completed by **Kazakhstan** before its membership of GRECO could become effective and referred to the information provided in relation to this matter at GRECO 63. It could also be noted that **Tunisia** had also recently expressed an interest in acceding to GRECO

10. All delegations had received **Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers**. The recommendation refers in its preamble to the Programme of Action against Corruption adopted by the Committee of Ministers in 1996 – a clear recognition by the Committee of Ministers of it originating (as far as it deals with corruption) from earlier work endorsed by it. No specific form of international monitoring of the recommendation is provided for in the text.

11. Delegations had also received a **study on the feasibility of a Council of Europe legal instrument on the regulation of lobbying activities**, commissioned by the European Committee on Legal Co-operation (CDCJ). Such an initiative would be a world premiere as no international body has so far developed a legal instrument which would provide guidance on developing national regulations on lobbying. The feasibility study also looks into the various forms such an instrument could take and points to a Committee of Ministers recommendation as possibly being the most practical option, and indicates that the instrument might enjoy monitoring by GRECO.

12. The Executive Secretary informed the plenary on the state of planning for 2015 – further information is available in paragraphs 18 and 27.

13. Finally, in 2014, **International Anti-Corruption Day** (9 December) falls during the last GRECO Plenary Meeting of the year, which could be a good opportunity to do something in terms of visibility – maybe a statement by the President, a roundtable discussion on a politically sensitive issue, statement by the SG or an encounter between SG and GRECO. The Bureau agreed that this opportunity should not be missed and would make a decision on this point at its next meeting.

IV. Fourth Evaluation Round

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

Evaluation procedures

14. The procedure for the detailed examination by the plenary of draft evaluation reports 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 carried out the on-site visit and contributed to the drawing up of the draft report. Delegations may also take the floor to open a discussion on any other section. A second reading of revisions made in light of the first is carried out by the plenary before formal adoption of the text.

15. GRECO adopted Fourth Round Evaluation Reports – including formal recommendations to the countries concerned - on **Croatia** (Greco Eval IV Rep (2013) 7E) and **Norway** (Greco Eval IV Rep (2013) 10E). The deadline of 31 December 2015 was set for the submission of Situation Reports on measures taken to implement the recommendations in both cases.

16. The authorities of Croatia and Norway released the reports for publication on 25 June 2014.

Rapporteurs

17. GRECO approved the list of rapporteur countries for the Fourth Round compliance procedures regarding Estonia, Latvia, Poland, Slovenia and the United Kingdom (Greco Eval IV (2014) 5 – Eng. Only).

Visit schedule

18. GRECO noted that in 2015 it was planned to organise on-site visits in the Fourth Round to Turkey, Portugal, Armenia, Romania, Bosnia and Herzegovina, the Czech Republic, Cyprus and the Republic of Moldova – as per the order followed in the Third Round.

V. Third Evaluation Round

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

19. 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

20. Third Round Compliance Reports on **Italy** (Greco RC-III (2014) 9E), **Monaco** (Greco RC-III (2014) 4E) and the **Russian Federation** (Greco RC-III (2014) 1E) were adopted. The deadline for submission of Situation Reports on further implementation of recommendations was fixed at 31 December 2015 in all three cases. The reports on Italy and Monaco were made public on 20 and 26 June 2014 respectively and the authorities of the Russian Federation were invited to do the same as soon as possible.

21. GRECO adopted the Second Third Round Compliance Report on **Hungary** (Greco RC-III (2014) 10E) and, in accordance with Rule 31, paragraph 9 of the Rules of Procedure, requested the Head of delegation to submit additional information regarding the implementation of recommendations by 31 March 2015. The authorities of Hungary were invited to release the report for publication as soon as possible.

Rule 32 procedures – non-compliance

22. In its *Interim* Third Round Compliance Reports on **Bosnia and Herzegovina** (Greco RC-III (2014) 11E) and **Switzerland** (Greco RC-III (2014) 14E) GRECO concluded that the level of compliance with its recommendations was still “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. The application of Rule 32 was therefore maintained and, pursuant to paragraph 2(i) of that rule, both member States were requested to provide a report on progress in implementing the pending recommendations by 31 March 2015.

23. Moreover, with reference to paragraph 2 (ii) a) of Rule 32, GRECO decided that letters would be sent by the President to the Heads of the Delegations of Bosnia and Herzegovina and of Switzerland – with a copy to the President of the Statutory Committee – underlining the need to take determined action with a view to achieving tangible progress as soon as possible.

24. In a 2nd *Interim* Third Round Compliance Report on **Greece** (Greco RC-III (2014) 10E) GRECO concluded that the level of compliance with its recommendations was still “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. The application of Rule 32 was therefore maintained and, pursuant to paragraph 2(i) of that rule, Greece was requested to provide a report on progress in implementing the pending recommendations by 31 March 2015.

25. Moreover, with reference to paragraph 2 (ii) c) of Rule 32, GRECO decided to invite the Secretary General of the Council of Europe to send a letter to the Minister of Foreign Affairs of Greece drawing attention to the ongoing application of the non-compliance procedure.

26. Switzerland released the above *interim* compliance report for publication on 4 July 2014 and Bosnia and Herzegovina and Greece were invited to do likewise as soon as possible.

Evaluation schedule

27. In addition to the Fourth Round visits to be scheduled in 2015 (cf. paragraph 18) the Third Round Evaluations (on-site visits) of GRECO's most recent member States – Liechtenstein, Belarus and San Marino – also needed to be planned, pursuant to a previous decision by the Bureau that they should undergo evaluation in the Third Round no later than four years after having undergone Joint First and Second Round evaluations. Third Round on-site visits to all three would therefore be grouped together and organised sometime in autumn 2015 – which would allow the resulting evaluation reports to be examined at the same plenary meeting. Delegations might wish to adjust their representation at that plenary meeting to the specific themes of the Third Round for that meeting.

VI. Joint First and Second Evaluation Rounds

Combined content of the first two evaluation rounds

Compliance procedure

28. GRECO adopted the Joint First and Second Round Compliance Report on **San Marino** (Greco RC-I/II (2014) 2E) and asked the authorities to provide additional information on the implementation of recommendations by 31 December 2015.

29. The authorities of San Marino were invited to release the above compliance report for publication as soon as possible.

Rule 32 procedure – non-compliance

30. In the Joint First and Second Round Compliance Report on **Belarus** (Greco RC-I/II (2014) 1E) GRECO concluded that the level of compliance with recommendations was “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Rule 32 was therefore applied and pursuant to paragraph 2(i) of that rule the authorities of Belarus have been requested to provide a report on progress in implementing outstanding recommendations by 31 December 2014 at the latest.

31. Recalling that the authorities of Belarus had stated, at GRECO 62 (December 2013) that they would prefer to maintain the confidentiality of the Joint First and Second Round Evaluation Report (adopted by GRECO in June 2012) until the adoption of the above compliance report, GRECO urged Belarus to now lift the confidentiality of both reports.¹

¹ In February 2014, GRECO exceptionally published a summary of the Joint First and Second Round Evaluation Report on Belarus in an effort to pave the way for publication of the full report which can only happen with the authorisation of the national authorities:
[http://www.coe.int/t/dghl/monitoring/greco/news/News\(20140203\)Eval1&2Belarus_en.asp](http://www.coe.int/t/dghl/monitoring/greco/news/News(20140203)Eval1&2Belarus_en.asp)

VII. Publication, translation and availability of adopted reports (www.coe.int/greco)

32. Following previous decisions aimed at greater visibility of GRECO's work, members were reminded of the action to be taken when publishing an adopted report.²

VIII. International Institute for Democracy and Electoral Assistance (International IDEA)

33. International IDEA is an intergovernmental organisation with 28 member States and a mission to support sustainable democracy worldwide. Regional offices are based around the world and the Headquarters are in Stockholm. In a presentation to the Plenary, Samuel JONES, Programme Officer at International IDEA, presented the main findings of International IDEA's Handbook on Funding of political parties and election campaigns due to be published in July 2014.

34. What can governments, politicians and policy makers do to improve their political finance regulatory frameworks and the role of money in politics in practice? International IDEA's Political Finance Database already provides a global comparative source of information with access to the regulations from 180 different countries that answers questions related to bans and limits on private income, public funding, spending regulations, reporting, oversight and sanctions. The Handbook also looks at the situation in practice, maps the gap between regulation and enforcement, identifies the main challenges and looks at what can be done to move forward in the future. The Handbook has a number of regional chapters, including one on western and northern Europe and one on eastern, south-eastern and central Europe and a thematic chapter on women and political finance. The main challenges identified and analysed are enforcement, dependency of parties on public funding, regulation of expenditure, gender inequality in political representation, abuse of state resources, the nexus between business and politics and illicit funding of parties and election candidates.

35. Two main observations made in respect of Europe are the disparity between regulation and practice and the extent to which funding regulations are political as well as technical. It goes without saying that any regulatory framework has to be specifically designed to the political and cultural context of the country concerned. On invitation, International IDEA can act as a facilitator by bringing interested parties together to discuss these issues and provide advice to support national initiatives. For access to the database and the forthcoming Handbook: <http://www.idea.int/political-finance/index.cfm>.

IX. Transparency International (TI) - The European Union Integrity System report

36. Mark PERERA and Carl DOLAN from the Transparency International EU Office in Brussels presented to the plenary the work that had gone into the preparation of the EU Integrity System Report (EUIS) published in April 2014³ and its principle findings. TI sees this study of 10 EU institutions – which is the first of its kind – as a complement to its 2012 National Integrity Studies (NIS) on 25 countries (23 EU member States as well as Norway and Switzerland) and to the EU's first Anti-corruption Report that was published in February 2014 – which in that edition does not deal with its own institutions.

37. The methodology for the preparation of the EUIS report was similar to that applied when preparing the NIS reports. A holistic assessment of corruption prevention systems (both in law and in practice) is carried out accompanied by evidence-based policy recommendations, the belief being that corruption is best fought/avoided by institutional safeguards and reforms. The EUIS report covers 10 EU institutions, bodies and agencies: the European Parliament, European Council, Council of Ministers and the European Commission and the Court of Justice of the European Union, the European Court of

² 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.

³ <http://www.transparencyinternational.eu/european-union-integrity-system-study/the-euis-report-latest-news/>

Auditors, the European Anti-Fraud Office (OLAF), Europol, Eurojust and the European Ombudsman. It assesses how they deal with internal corruption risks, foster public sector integrity and contribute to the fight against corruption in Europe. It does not make comparisons with the national level or with other international bodies, neither does it investigate specific corruption cases. A review of rules and practices on independence, transparency, accountability and integrity (internal ethics) was carried out through desk research and interviews with figures within the institutions over a nine-month period from mid-2013 to early 2014. An Advisory Group of experts was associated with the work to guide the research. It was composed of current/former members of the EU institutions and representatives from civil society, the media, academia and the private sector. The report provides the EU institutions with a template for future self-analysis and includes recommendations which can be used as a tool to close integrity gaps.

X. Topical anti-corruption developments/events in member States

38. In **Spain** a new draft Bill (legislative initiative concerning the rationalisation of the public sector) foresees providing public access via internet to information concerning public grants or any public funding provided to associations, legal persons or corporations – which would be a useful complement to the Transparency Law. Further information will be provided when there is progress to report.

39. The Head of the Delegation of **Latvia** and Director of the country's Corruption Prevention and Combating Bureau (KNAB) reported that even though, formally, Latvia has complied with a GRECO recommendation from the Third Round calling for measures to strengthen the independence and impartiality of the KNAB, there have recently been indications of political influence on and interference in its decision-making process.

40. On a more positive note, initiatives in response to Fourth Round recommendations in respect of the Prosecution Service, new information on the procedure for filing complaints concerning the actions and decisions of prosecutors has been published on-line by the Office of the Prosecutor General and a two-day training course on the prevention and fight against corruption will be conducted in the framework of a project funded by the European Commission in September 2014. The topics covered will include ethics, resolving conflicts of interest, lobbying and trading in influence and prosecutors, judges, lawyers and representatives of various law enforcement bodies, including KNAB staff will attend.

41. The full situation report on implementation of Fourth Round recommendations is due to be submitted by Latvia by end September 2014.

42. In **Luxembourg** a draft code of conduct dealing with conflicts of interest, financial declaration, rules on lobbying, and a prohibition on gifts and other advantages to be included in the Rules of Procedure of the Chamber of Deputies has been submitted to the parliamentary rules committee. It also foresees the setting up of a consultative committee on conduct as well as procedures for dealing with infringements. The text is due to be submitted to a vote in the Chamber of Deputies during its July plenary session and should enter into force at the opening of the 2014-2015 parliament. This initiative stems from GRECO's Fourth Round recommendations.

43. The government in place since the elections of October 2013 has decided to submit to direct popular vote proposals for constitutional reform in a number of areas of major importance to society (church funding, voting rights of citizens who do not have Luxembourg nationality, voting rights of 16 year olds and time limits on ministerial mandates). A first referendum will be held (first semester 2015), followed by a vote in the Chamber of Deputies on draft amendments to the Constitution based on the results from the first referendum and, finally, a second referendum on the full set of amendments will be held (first semester 2016). If a similarly lengthy process is applied in respect of the substantial work of the previous parliament on the preparation of constitutional amendments foreseeing the creation of a National Council of Justice and providing for a constitutional guarantee of the independence of the public prosecutor's office, some delay in achieving the objectives fixed by GRECO in the Fourth Round concerning the judiciary might be experienced.

44. It can also be noted that the new government has included in its programme the preparation of codes of ethics for members of the *Conseil d'Etat*, of the state public function and for elected local officials and it is also foreseen to propose draft legislation that will transpose the existing Code of Conduct for Ministers into legislation.

45. The Head of Delegation of **Turkey** first reported on two initiatives that stemmed from recommendations issued in the Third Round (Theme I). First, the law on the ratification of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) had been adopted by parliament on 7 May 2014. Second, a new Judicial Reform Law (17 June 2014) adds a provision to section 12 of the Penal Code abolishing the previous condition that the prosecution of corruption acts committed abroad by non-citizens, but involving Turkish public officials must be preceded by a request by the Minister of Justice.

46. 2014 amendments to the 2010 Law on the High Council of Judges and Prosecutors – reported on at GRECO 63 – had been challenged before the Constitutional Court. In its decision of 11 April 2014, the Constitutional Court annulled notably the provisions that provided additional powers to the Minister of Justice in his role as the President of the High Council. The main points found to be unconstitutional were:

- giving the responsibility of the Chair of the Inspection Board to the President of the HCJP instead of the Plenary;
- giving the power to the President of the High Council to appoint the Chair and Deputy Chair of the Inspection Board, to assign members to either of the three chambers and to initiate disciplinary investigations into High Council members;
- limiting the plenary's choice when appointing inspectors or rapporteur judges to two candidates proposed by the First Chamber;
- requiring 20 years' experience for membership of the High Council of Judges and Prosecutors;
- giving the legislature the right to dismiss the personnel of the High Council.

47. The government has acted on the Constitutional Court's decisions via the new Judicial Reform Law (17 June 2014) which provides for the restoration of relevant provisions of the Law on the High Council of Judges and Prosecutors.

48. In addition, information was provided on the reassignment (either to new duty stations or to new fields of duty) of 222 judges and prosecutors decided by the First Chamber of the High Council of Judges and Prosecutors early in the year, in some cases following the reassignment of some cases by the Istanbul Chief Public Prosecutor's Office. According to the authorities, in the case of 180 judges and prosecutors the reassignments had been effected bearing in mind the reasoned requests made by the individuals concerned. In 21 cases reassignments were made *ex officio* and in a further 21 cases reassignments were made to fill the resulting vacancies.

49. Decisions in relation to a few of these reassignments made by the Istanbul Chief Public Prosecutor's resulted from improper conduct (a corruption investigation was illegally hidden from the Chief Public Prosecutor, the holiday of a Deputy Chief Public Prosecutor was paid for by a businessman, details of an investigation were inappropriately revealed in a press release) by prosecutors in connection with the investigation of allegations of corruption and bribery involving the sons of government ministers and of another case involving several prominent businessmen given major public procurement contracts (the new airport and Bosphorus bridge in Istanbul). Moreover, as these cases required decisions to be taken on the seizure of significant assets it was essential for the prosecution to be seen to be conducted in a healthy manner.

50. In the week preceding the present meeting, the conviction of the former Prime Minister of **Croatia** for accepting bribes became final and was published. He had been sentenced to eight and a half years in prison and the 5 million euros taken in bribes were confiscated.

51. The working party entrusted with drafting and coordinating work on the country's anti-corruption strategy for the period 2015-2020 had recently met, its work was based on GRECO's Fourth Round Evaluation Report and on the first EU Anti-corruption Report. The main strategic focus would be on prevention. Other goals include the protection of whistleblowers, conflicts of interest and lobbying. Moreover, GRECO's Gender Equality Rapporteur had already been informed that the strategy would include a gender dimension.

52. The following measures were reported on by the Representative of the **United Kingdom**:

- the Lords Reform Act (May 2014) has introduced additional sanctions for members of the House of Lords whereby Peers cease being members if they are convicted in the UK and sentenced to a custodial sentence of more than 12 months, and if they do not attend the House during session without good reason - this measure is linked to a recommendation made by GRECO in the Third Round;
- a study of awareness and impact of the 2010 Bribery Act among small and medium-sized enterprises has been commissioned;
- the government's proposed legislative programme for 2014 includes a law on the register of beneficial interests aimed at removing the veil of secrecy over who owns private companies, and a new offence of participation in activities of an organised crime group carrying a sentence of up to five years in prison which – whilst not primarily related to bribery and corruption – could catch certain professionals who assist white collar criminals by helping them to hide assets;
- a UK Anti-corruption Plan will be published, setting out how the government will tackle the threat of corruption and take action to reduce corruption risks across a range of sectors both in the UK and overseas. A majority of the practical actions the government is committed to implementing are due to be achieved within the next two years. The plan will be reviewed on a regular basis as part of the UK's commitment to the Open Government Partnership process developed in partnership with civil society – GRECO will be provided with a copy via the Executive Secretary;
- new sentencing guidelines by the Sentencing Council will take effect from October 2014 in respect of fraud, bribery and money laundering – ensuring that the impact on victims is central to decisions and making clear the serious consequences for offenders, both individual and corporate;

53. In **Malta**, a Resolution was passed in Parliament in May approving ratification of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) and the necessary process for finalising ratification should be completed very shortly.

54. The consultation process on a white paper on party financing, launched in February 2014, has come to a close and the Government is currently working on the final amendments to be made to the Party Financing Bill. Its aim is that the new legislation will be in force by end June 2014.

55. A draft law prepared by the Ministry of Justice of **Germany** aimed at fulfilling all requirements of the Criminal Law Convention on Corruption (ETS 173) has been sent to all other government levels and the hope is that it will enter into force by mid-2015 which might mean that it will be possible to ratify the Convention within that period – this will respond to recommendations addressed to Germany in the Third Round.

56. The Head of Delegation of **Finland** reported that implementation of GRECO's Fourth Round recommendations has been a straightforward process in all sectors.

57. It was expected that legislation proposed by a parliamentary working group making the disclosure of outside ties by members of parliament mandatory will be enacted by the new parliament in spring 2015. Information on outside ties will be registered and made available to the public on the website of the parliament. The working group has also proposed that written guidance on the interpretation and application of article 32 of the Constitution as regards conflicts of interests should be

provided to MPs and that the rules applicable to the acceptance of gifts be expanded to cover all potential situations and that provision be made for gifts above a certain value to be included on the public register.

58. In-depth training on ethical principles and rules for judges is provided (programmes have been conducted in 2013 and 2014). A practical approach is taken and the observation of court hearings is for example included. Defence lawyers have also had an opportunity to participate. Moreover, inception training programmes that cover the ethical principles and rules are followed by new lay judges.

59. A working party set up by the Prosecutor General, composed of six prosecutors and headed by a State prosecutor prepared a report proposing a set of ethical rules for the prosecution service that was handed over to the Prosecutor General in December 2013. The 10 ethical rules identified by the working party were communicated throughout the prosecution service – allowing for example the district prosecutor offices to provide feedback - and now form part of the training programme for prosecutors.

60. In **Ukraine** the recently elected President has made the effective fight against corruption a top priority. A new anti-corruption strategy of the President of Ukraine is under preparation. It will provide a clear plan of actions and, in order to assess rapidly achievements made and outstanding issues, it will cover a two-year period. Practical steps to be undertaken to implement recommendations by GRECO and the European Union will be included in the plan. The representative of Ukraine would appreciate any feedback from GRECO members and would communicate the draft strategy to them for comments and suggestions via the Secretariat.

61. The Head of Delegation of Austria and **Vice-President of GRECO**, reported on his participation in a conference on “New challenges for anti-corruption measures and for the protection of EU financial interests” organised by the Austrian Association for European Criminal Law, the European Anti-Fraud Office (OLAF) and the International Anti-Corruption Academy (IACA) together with the University of Vienna (Laxenburg and Vienna, 15-16 May 2014). He had spoken on behalf of GRECO, presenting in particular the work underway in the Fourth Evaluation Round. Drago KOS, former President of GRECO and current President of the OECD Working Group on Bribery in International Business Transactions had participated in the same panel, and had asked for his best wishes to be conveyed to GRECO’s plenary.

62. The representative of **Slovenia**, referring to information provided previously to the plenary (cf. the summary report of GRECO 63, document Greco (2014) 5E) reported that on 16 June 2014 the two Deputy Commissioners took up their positions in the Commission for the Prevention of Corruption (CPC) – completing the senate of the CPC. The selection committee that proposes candidates for appointment to the President had significantly improved the transparency of the process.

63. With regard to the implementation of GRECO’s Third Round recommendations on the transparency of party funding, it was recalled that GRECO had closed the compliance procedure in respect of Slovenia in March 2014. Some changes that had occurred since then needed to be noted. First, a political party has requested a constitutional review of the prohibition on funding of political parties by legal entities, arguing that the prohibition discriminated against parties that don’t receive State funds by making it very difficult for them to finance election campaigns. The party does not oppose the ban as such but contests the fact that both the Political Parties Act and the Elections and Referendum Campaign Act do not provide for funding (apart from membership fees and contributions from individuals) that would enable political parties that do not receive State funding to carry out even a basic campaign. In its opinion this constitutes a violation of the constitutional right to be elected.

64. The CPC had warned that the ban on funding by legal entities might lead parties to seek to bypass the legislation. On 13 June 2014 the Political Parties Act was again amended to secure the right of a political party to receive funds from their MPs who can channel to their party – via contracts – funds provided to MPs by the National Assembly for financing administrative and expert services. The legislative service of the National Assembly, the CPC and the Ministry of the Interior have voiced criticism of this measure. Another bypass that has operated recently is the setting up of special funds to collect

funding from supporters – one example of a fund to support the cost of court proceedings was cited; the Court of Auditors and the CPC have voiced concern about such practices.

XI. Report by the Secretary General on the State of democracy, human rights and the Rule of Law in Europe

65. The Secretary General's Report on the state of democracy, human rights and the rule of law in Europe (April 2014) calls on monitoring bodies to amend their operational practices to allow the Council of Europe to respond faster and more effectively to emergency situations and urgent requests from member States. Bureau 68 had taken the view that GRECO was in a position to respond positively to this demand in several possible ways that were reported to the Plenary, while pointing out that "urgent requests from member States" would generally require technical assistance and could therefore not be satisfied by GRECO.

66. The Plenary welcomed the report and noted that key concerns emanating from over 15 years of monitoring by GRECO are reflected in it. It agreed that the main strategy for responding to "emergency situations" related to GRECO's mandate could involve an ad hoc focused dialogue with the authorities of the country concerned on controversial developments, or otherwise urgent issues, and asked the Bureau to report back to the plenary clarifying the conditions under which such a dialogue might take place, as well as the respective responsibilities of the Bureau and the Plenary.

XII. European Union (EU) participation in GRECO

67. The plenary had been provided with documentation submitted to the Bureau (cf. Bureau 68 - Greco (2014) 7E): the European Court of Auditors' View on the Commission's Report on Anti-Corruption Measures (9 April 2014); the Opinion of the Council of Europe's Directorate of Legal Advice and Public International Law on the modalities and possible legal basis of EU accession to GRECO (Greco (2014) 6) and the Council of the European Union Conclusions on the EU anti-corruption report, adopted on 5-6 June 2014. In the latter, the Council "calls for the full accession of the EU to GRECO as soon as possible and for the ensuing evaluation of the EU institutions under GRECO's evaluation mechanism while taking into account the different characteristics of the states and the EU institutions, and asks the Commission to speed up preparatory work to that effect" which was noted with satisfaction by GRECO.

XIII. Review of Council of Europe Conventions – response to the CDPC

68. In a decision on the "Review of Council of Europe conventions – Report by the Secretary General" (1168th meeting of the Ministers' Deputies – 10 April 2013) the Committee of Ministers instructs Council of Europe steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions.

69. With respect to the Conventions GRECO monitors, the CDPC has been given the task of conducting that review and has asked for concise written feedback from GRECO – this currently concerns the Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS 191).

70. The Plenary took note of the related exchange of letters between GRECO's President and the Chair of the CDPC (25 March 2014) and asked for the general approach taken by the President in his reply to be complemented by further elements raised during the debate at the present meeting, and entrusted the Bureau with preparing and transmitting a document reflecting these to the CDPC.

XIV. Conference (Baku, 30 June – 1 July 2014)

71. The Representative of Azerbaijan reported on the state of preparation of the Conference on “The fight against corruption: international standards and national experiences” (Baku, 30 June – 1 July 2014) that was being organised by the Chairmanship of Azerbaijan of the Committee of Ministers of the Council of Europe. An outline of the Programme of the Conference appears in Appendix IV.

XV. Adoption of decisions

72. The decisions of the 64th Plenary Meeting were adopted as they appear in document Greco (2014) 8E.

XVI. Forthcoming meetings

73. At the Swiss authorities' invitation, the Bureau will hold its 69th meeting in Bern on 5 September 2014. GRECO's 65th Plenary Meeting will be held in Strasbourg on 6-10 October 2014.

APPENDIX I
LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Ms Edlira NASI
Inspector/Coordinator, Unit for Internal Administrative Control and Anti-Corruption (UICA), General Directorate of Legal Issues,
Monitoring of Programmes and Anti-corruption, Prime Minister's Office

ANDORRA / ANDORRE

Apologised /excusée

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

AZERBAIJAN / AZERBAIDJAN

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

BELARUS

Mr Uladzimir KHOMICH (Head of delegation)
Director, Research and Practical Centre for Problems of Reinforcing Law and Order of the General Prosecutors Office

Mr Oleg GOLUBEV

Chargé d'Affaires a.i., Deputy Permanent Representative of Belarus to the Council of Europe

Mr Sergei GUTOVETS

Interpreter, First Secretary at the EU Unit, European Cooperation Department, Ministry of Foreign Affairs

Mr Vadzim AUSIANIK

Interpreter

BELGIUM / BELGIQUE

M. Frederik DECRUYENAERE (Chef de délégation)
Attaché au Service des Infractions et Procédures Particulières, Service Public Fédéral Justice (SPF Justice)

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)
Head of Criminal Law division, Directorate of International Cooperation and European Affairs, Ministry of Justice

CROATIA / CROATIE

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

Mr Dražen JELENIĆ (Head of delegation)

Deputy State Attorney General

Ms Dalia OREŠKOVIĆ

Commission for the Prevention of Conflict of Interest

Ms Andrea Sever KOREN

Secretariat of the Croatian Parliament

Ms Lana LETILOVIĆ

Organisation of Judiciary Directorate, Ministry of Justice

Ms Maja BARIČEVIĆ

Independent Anti-corruption Sector, Ministry of Justice

CYPRUS / CHYPRE

Ms Rena PAPAETI-HADJICOSTA
Senior Counsel of the Republic, Law Office of the Republic of Cyprus

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

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

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

DENMARK / DANEMARK

Ms Marie TULLIN (Head of delegation)
Senior Prosecutor, State Prosecutor for Serious Economic and International Crime

Mr Flemming DENKER (evaluator – Norway)
Former Deputy State Prosecutor

ESTONIA / ESTONIE

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

FINLAND / FINLANDE

Mr Mika AALTO (Head of delegation)
Ministerial Adviser, Ministry of Justice, Department of Criminal Policy

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

Ms Marja TUOKILA (evaluator – Croatia)
Counsel to the Legal Affairs Committee, Parliament

FRANCE

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

GEORGIA / GEORGIE

Ms Natalia BARATASHVILI
Coordinator of Anti-Corruption Issues, Analytical Department, Secretariat of the Anti-Corruption Council, Ministry of Justice

GERMANY / ALLEMAGNE

Mr Heino KIRCHNER
Deputy Head of Division, Economic Crime, Computer Crime, Corruption- related Crime and Environmental Crime, Federal Ministry of Justice and Consumer Protection

Mr Frank RAUE
Deputy Head of Division PM1, Remuneration of Members, Administration of the *Bundestag*

GREECE / GRECE

Mr Dimosthenis STINGAS
Chairman of the Court of First Instance of Serres

HUNGARY / HONGRIE

Mr Ákos KARA (Head of delegation)
Head of Department, Ministry of Justice

ICELAND / ISLANDE

Apologised / excusée

IRELAND / Irlande

Ms Claire MARTINEZ
Government Reform Unit, Department of Public Expenditure and Reform

Mr Martin SWITZER
Justice Attaché, Permanent Representation of Ireland to the Council of Europe

ITALY / ITALIE

Mr Giuseppe SANTALUCIA (Head of delegation)
Deputy Chief of the Legislative Office, Ministry of Justice

Mme Vania MAFFEO
Professeur de Droit à l'Université de Naples

Mr Joseph ABBATINO
National Anticorruption Authority for the Evaluation and Transparency of Public Administration (ANAC)

Ms Irene LINCESSO
National Anticorruption Authority for the Evaluation and Transparency of Public Administration (ANAC)

LATVIA / LETTONIE

Mr Jaroslavs STRELCEKOKS (Head of delegation)
Director, Corruption Prevention and Combating Bureau

Ms Diāna KURPNIECE (evaluator – Norway)
Head of the Corruption Prevention Division, Corruption Prevention and Combating Bureau

LIECHTENSTEIN

Mr Patrick RITTER (Chef de délégation)
Deputy Director, Office for Foreign Affairs

LITHUANIA / LITUANIE

Mr Paulius GRICIUNAS (Head of delegation)
Vice Minister, Ministry of Justice

LUXEMBOURG

M. Jean BOUR (Chef de délégation)
Procureur d'Etat (retired/retraité), Parquet du Tribunal d'Arrondissement de Diekirch

MALTA / MALTE

Ms Lara LANFRANCO
Senior Lawyer, Criminal Law Unit, Office of the Attorney General

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Mme Cornelia VICLEANSCHI (Chef de délégation)
Procureur, Chef de la Section Générale, Bureau du Procureur Général

MONACO

Mme Marie-Pascale BOISSON (Chef de délégation)
Directeur du SICCFIN, Service d'Information et de Contrôle sur les Circuits Financiers, Département des Finances et de l'Economie

M. Jean-Marc GUALANDI
Conseiller Technique, Service d'Information et de Contrôle sur les Circuits Financiers (SICCFIN), Département des Finances et de l'Economie

Mme Corinne LAFOREST DE MINOTTY
Chef de l'Inspection Générale de l'Administration

MONTENEGRO

Mr Dušan DRAKIC
Senior Advisor, Directorate for Anti-Corruption Initiative

NETHERLANDS / PAYS-BAS

Mr Don O'FLOINN (Head of delegation + evaluator - Norway)
Senior Policy Advisor, Ministry of Security and Justice, Law Enforcement Department

Mr Richard HAGEDOORN
Ministry of the Interior and Kingdom Relations

NORWAY / NORVEGE

Mr Atle ROALDSOY (Head of delegation)
Policy Director, Section for European and International Affairs, Ministry of Justice and Public Security

Mr Jens-Oscar NERGARD
Senior Adviser, Ministry of Local Government and Modernisation

Ms Brit BRENNO
Deputy Secretary General, Constitutional Department, Stortinget

Ms Ingrid SAND
Special Adviser, Constitutional Department, Stortinget

Mr Audun Hognes BERG
Head of International Secretariat of the Norwegian Courts Administration

Mr Anders S. WORREN
Adviser, Section for European and International Affairs, Ministry of Justice and Public Security

POLAND / POLOGNE

Ms Alicja KLAMCZYNSKA
Chief specialist, European Criminal Law Division, Criminal Law Department, Ministry of Justice

PORTUGAL

Mr Daniel MARINHO PIRES
Legal Adviser, Directorate General for Justice Policy, International Affairs Department, Ministry of Justice

ROMANIA / ROUMANIE

Mr Cornel Virgiliu CALINESCU (Head of delegation)
Head of the National Office for Crime Prevention and Asset Recovery, Ministry of Justice

Ms Anca JURMA (Member of delegation + evaluator – Croatia)
Chief Prosecutor, International Cooperation Service, National Anticorruption Directorate, Prosecutors' Office attached to the High Court of Cassation and Justice

Ms Oana Andrea SCHIMIDT HAINEALA
Prosecutor, Member of the Superior Council of Magistracy

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Aleksandr BUKSMAN (Head of delegation)
First Deputy Prosecutor General, Prosecutor General's Office

Mr Aslan YUSUFOV
Deputy Head of Directorate, Head of Section of supervision over implementation of anti-corruption legislation
Prosecutor General's Office

Mr Andrei ILIN
Advisor, Administration of the President

Mr Alexey KISIN
Deputy Head of Central Election Commission

Mr Ilya NERONOV
Head of department of the federal election and referendums law, Legal division, Central Election Commission

Ms Elena PEYSIKOVA
Judge, Supreme Court

Mr Sergey PLOKHOV
Prosecutor, Organisational and analytical division, Directorate for supervision on implementing anti-corruption practices law,
Prosecutor General's Office

Ms Tatyana POLYAKOVA
Deputy Director of the Department of constitutional legislation, Ministry of Justice

Mr Pavel VOLCHIKHIN
Third Secretary, Permanent Representation of the Russian Federation to the Council of Europe

Mr Dmitriy MAKAROV
Interpreter

Ms Kseniya CHIKINA
Interpreter

SAN MARINO / SAINT MARIN

M. Eros GASPERONI (Chef de délégation)
Premier Secrétaire, Ministère des affaires Etrangères

Mme Sabrina BERNARDI
Avocat d'Etat, Bureau de l'Avocat d'Etat

M. Stefano PALMUCCI
Official at the Ministry of Foreign Affairs

Mme Marina MARFORI
Expert de la Section d'études législatives, Bureau de l'Avocat d'Etat

Mr Manuel CANTI
Coordinator of the Department of Internal Affairs and Justice

Ms Elisa SERRA
Former Head of Personnel, Senior Official at the Directorate of Public Function

Ms Valentina BERTOZZI
Interpreter at the Ministry of Foreign Affairs

SERBIA / SERBIE

Mr Vladan JOKSIMOVIC
Deputy Director of Anti-Corruption Agency

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Ms Barbora BOWERS (Head of delegation)
Legal expert/adviser, International Public Law Division, International Relations Department, Ministry of Justice

SLOVENIA / SLOVENIE

Ms Vita HABJAN BARBORIČ (Head of delegation)
Chief Project Manager for Corruption Prevention, Commission for the Prevention of Corruption

Mr Matjaž MEŠNJAK
Adviser, Public Integrity and Prevention, Commission for the Prevention of Corruption

SPAIN / ESPAGNE

Mr Rafael VAILLO RAMOS
Technical Adviser, D.G. for International Cooperation, Ministry of Justice

SWEDEN / SUEDE

Apologised/excusée

SWITZERLAND / SUISSE

M. Ernst GNAEGI (Chef de délégation)
Chef de l'unité du droit pénal international, Office fédéral de la Justice

M. Olivier GONIN
Conseiller scientifique, Unité du droit pénal international, Office fédéral de la justice

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / « L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »

Ms Aneta ARNAUDOVSKA (Head of delegation)
Judge, Director of the Academy for Judges and Public Prosecutors

TURKEY / TURQUIE

Mr Harun MERT (Head of delegation)
Judge, Deputy General Director, General Directorate of International Law and Foreign Relations, Ministry of Justice

Mr Mete DEMIRCI
Chief Inspector, Prime Ministry Inspection Board

UKRAINE

Ms Olena TYSHCHENKO

Deputy Director, Directorate of control over the structures of maintenance of order and the fight against corruption, Presidential Administration

UNITED KINGDOM / ROYAUME-UNI

Ms Fiona SALEM

Senior Adviser, International Relations, Ministry of Justice

Mr Alastair BROWN (evaluator – Croatia)

Sheriff of Tayside Central and Fife

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

Mr Donald CABELL

Justice Attaché, U.S Embassy, Paris

Mr Kenneth KELLNER (evaluator – Croatia)

Attorney-Advisor, Office of Legislative Affairs, US Department of Justice

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) / COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)

Ms Helena LIŠUCHOVÁ (Head of delegation)

Acting Head, International Cooperation Department, Ministry of Justice

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

Apologised / excusée

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 (ONU DC)

Apologised / excusées

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) /

ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OCDE)

Apologised / excusée

INTERNATIONAL ANTI-CORRUPTION ACADEMY /

L'ACADEMIE INTERNATIONALE DE LUTTE CONTRE LA CORRUPTION (IACA)

Apologised / excusée

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

Apologised / excusée

**Fourth Round Evaluation report on Croatia /
Rapport d'Evaluation du Quatrième Cycle sur la Croatie**

Ms Marja TUOKILA

Counsel to the Legal Affairs Committee, Parliament

Mr Kenneth KELLNER

Attorney-Advisor, Office of Legislative Affairs, US Department of Justice

Mr Alastair BROWN

Sheriff of Tayside Central and Fife, Sheriffs' Chambers

Ms Anca JURMA

Chief Prosecutor, International Cooperation Service, National Anticorruption Directorate, Prosecutors' Office attached to the High Court of Cassation and Justice

**Fourth Round Evaluation report on Norway /
Rapport d'Évaluation du Quatrième Cycle sur la Norvège**

Ms Diāna KURPNIECE
Head of the Corruption Prevention Division, Corruption Prevention and Combating Bureau

Mr Don O'FLOINN
Senior Policy Advisor, Law Enforcement Department, Ministry of Security and Justice

Mr Flemming DENKER
Former Deputy State Prosecutor

Mr Alberto Augusto ANDRADE DE OLIVEIRA - **Apologised / Excusé**
Judge, Supreme Administrative Court

RAPPORTEURS

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

Italy / Italie

Mr Christian MANQUET – Austria / *Autriche*
Mr Dušan DRAKIC - Montenegro / *Monténégro*

Monaco

Mr Eros GASPERONI - San Marino / *Saint-Marin*
Mr Paul HIERNARD – France

Russian Federation / Fédération de Russie

Ms Helena LIŠUCHOVÁ – Czech Republic / *République Tchèque*
Ms Vita HABJAN BARBORIČ – Slovenia / *Slovénie*

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

Hungary / Hongrie

Ms Alicja KLAMCZYNSKA – Poland / *Pologne*
Mr Ernst GNAEGI – Switzerland / *Suisse*

**Third Round - Interim Compliance Reports /
Troisième Cycle - Rapports de conformité intérimaires**

Bosnia & Herzegovina / Bosnie-Herzégovine

Ms Lara LANFRANCO – Malta / *Malte*
Ms Vita HABJAN BARBORIČ – Slovenia / *Slovénie*

Greece / Grèce

Ms Natalia BARATASHVILI – Georgia / *Géorgie*
Mr Donald CABELL – United States of America / *Etats-Unis d'Amérique*

Switzerland / Suisse

Mme Cornelia VICLEANSCHI – Republic of Moldova / *République de Moldova*
M. Paul HIERNARD – France

**Joint First and Second Rounds – Compliance Reports /
Premier et Deuxième Cycles conjoints – Rapports de conformité**

Belarus / Bélarus

Mr Heino KIRCHNER – Germany / *Allemagne*
Ms Alicja KLAMCZYNSKA – Poland / *Pologne*

San Marino / Saint-Marin

Mr Dražen JELENIĆ – Croatia / *Croatie*
Mr Don O'FLOINN – Netherlands / *Pays-Bas*

Presentation by Transparency International / *Présentation de la part de Transparency International*

Mr Carl DOLAN
Director, Transparency International, Liaison Office to the EU

Mr Mark PERERA
Lead Researcher and Advocate, Transparency International, Liaison Office to the EU

**Presentation by International IDEA (International Institute for Democracy and Electoral Assistance) /
*Présentation de la part d'International IDEA (Institut international pour la démocratie et l'assistance électorale)***

Mr Samuel JONES
Programme Officer, International IDEA

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

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. Björn JANSON
M. Christophe SPECKBACHER
Ms Laura SANZ-LEVIA
Ms Sophie MEUDAL-LEENDERS
Mr Michael JANSSEN
Ms Liubov SAMOKHINA

Central Office / *Bureau Central*

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

Webmaster

Ms Simona GHITA, Directorate General 1 - Human Rights and Rule of Law / *Direction générale des droits de l'Homme et état de droit*
Mme Marie-Rose PREVOST, GRECO

Interpreters / *Interprètes*

Ms Sally BAILEY
Ms Chloé CHENETIER
Ms Isabelle MARCHINI
Ms Amanda LARIVIERE

APPENDIX II
AGENDA

64th GRECO PLENARY MEETING		64^{ème} REUNION PLENIERE DU GRECO	
Strasbourg, 16-20 June 2014 Council of Europe, Palais de l'Europe - room 9		Strasbourg, 16-20 juin Conseil de l'Europe, Palais de l'Europe - salle 9	
Draft AGENDA		Projet d'ORDRE DU JOUR	
1.	Opening of the meeting 9.30 am	Ouverture de la réunion	09h30
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 Evaluation Report - Fourth Round Norway Monday Croatia Tuesday	Première lecture Rapport d'Evaluation - Quatrième Cycle Norvège Lundi Croatie Mardi	
6.	Adoption Compliance Report – Third Round Italy Monaco Russian Federation	Adoption Rapport de Conformité - Troisième Cycle Italie Monaco Fédération de Russie	
7.	Adoption 2 nd Compliance Report - Third Round Hungary	Adoption 2 ^e Rapport de Conformité - Troisième Cycle Hongrie	
8.	Adoption <i>Interim</i> Compliance Report - Third Round Bosnia and Herzegovina Greece Switzerland	Adoption Rapport de Conformité <i>intérimaire</i> - Troisième Cycle Bosnie-Herzégovine Grèce Suisse	
9.	Adoption Compliance Report – Joint First and Second Rounds Belarus San Marino	Adoption Rapport de Conformité – Premier et Deuxième Cycles conjoints Bélarus Saint-Marin	
10.	Presentation Corruption Risks in the Judiciary Marin MRČELA and Vita HABJAN BARBORIČ Postponed	Présentation Risques de corruption au sein du pouvoir judiciaire Marin MRČELA and Vita HABJAN BARBORIČ Reporté	
11.	Presentation Handbook on "Funding of Political Parties and Election Campaigns" International IDEA (International Institute for Democracy and Electoral Assistance) Thursday	Présentation Manuel sur "Le financement des partis politiques et des campagnes électorales" <i>International IDEA</i> (Institut international pour la démocratie et l'assistance électorale) Jeudi	
12.	Presentation EU Integrity System report Mark PERERA and Carl DOLAN, Transparency International EU Office, Brussels Thursday	Présentation EU Integrity System report Mark PERERA et Carl DOLAN, <i>Transparency International EU Office</i> , Bruxelles Jeudi	

13. Report by the Secretary General on the state of democracy, human rights and the rule of law in Europe (released on 16 April 2014) Possible follow-up by GRECO (Bureau 68 proposals)	Rapport du Secrétaire général sur la situation de la démocratie, des droits de l'homme et de l'Etat de droit en Europe, Suites éventuelles à donner par le GRECO (propositions du Bureau 68)
14. European Union accession to GRECO Latest developments	Adhésion de l'Union européenne au GRECO Développement récents
15. Review of Council of Europe conventions (Bureau 68 proposals)	Passage en revue des conventions du Conseil de l'Europe (propositions du Bureau 68)
16. Conference "The fight against corruption: international standards and national experiences" Organised by the Chairmanship of Azerbaijan of the Committee of Ministers (Baku, 30 June – 1 July 2014) State of preparation	Conférence « La lutte contre la corruption : normes internationales et expériences nationales » Organisée par la Présidence de l'Azerbaïdjan du Comité des Ministres (Bakou, 30 juin au 1 ^{er} juillet 2014) Etat de préparation
17. Selection of rapporteur countries Fourth Round Compliance Procedures – Estonia, Latvia, Poland, Slovenia, United Kingdom (Bureau 68 proposals)	Sélection des pays rapporteurs Procédures de conformité du Quatrième Cycle – Estonie, Lettonie, Pologne, Slovénie, Royaume-Uni (propositions du Bureau 68)
18. Second reading and adoption Evaluation Reports - Fourth Round Norway Croatia Friday	Deuxième lecture et adoption Rapports d'évaluation - Quatrième Cycle Norvège Croatie Vendredi
19. Miscellaneous	Divers
20. Adoption of decisions	Adoption des décisions
21. Dates of next meetings	Dates des prochaines réunions
22. Close of the meeting <u>1 pm</u>	Fin de la réunion <u>13h00</u>

APPENDIX III

EXCHANGE OF VIEWS BETWEEN GRECO'S PRESIDENT AND THE COMMITTEE OF MINISTERS (1203rd meeting of the Ministers' Deputies – 18 June 2014)

Speech delivered by Marin MRČELA, President of GRECO

Distinguished Chairman⁴
Secretary General,
Ladies and Gentlemen,

I would like to thank you for this opportunity to present GRECO's latest General Activity Report. I will follow the example set in previous years and share with you a few thoughts about the work accomplished last year and current and future challenges.

I believe that most of you will agree that too many people in Europe still face corruption in their daily lives. Moreover, the financial and economic crisis has drawn attention to the pervasive effects of mismanagement, conflicts of interest and corruption in both public life and the private sector. Pollsters repeatedly point at citizens' dissatisfaction with their institutions and representatives. The constant flow of corruption allegations and scandals has eroded institutional credibility, breeding public disillusionment and causing significant social and political tensions across Europe and beyond.

In this context the Secretary General's report on the state of democracy, human rights and the rule of law merits particular attention as it makes a compelling case for continued engagement in the fight against corruption at all levels. I will return to this matter a little later.

Mr Chairman,

Since the accession of Belarus in January 2011 GRECO has 49 members.

In December 2013, a formal invitation to join GRECO was issued by your Committee to Kazakhstan.

Certain formalities, including the establishment of an agreement on privileges and immunities of GRECO representatives and evaluation teams will need to be completed before the country's membership becomes effective, but I expect – and hope – that all will be completed during the course of 2014. Let me mention here a recent press release by the Kazakh authorities which states that [and I quote] "entry in GRECO would improve the position of Kazakhstan in the international anti-corruption rankings". We in GRECO found that statement a little disconcerting. Participation in GRECO is not to be thought of as a public relations exercise, the aim is to secure effective improvements in anti-corruption legislation and practice.

Having that in mind, I am pleased to report that last year Kyrgyzstan also enquired about membership and Mexico has shown renewed interest in the work of GRECO.

As you are aware, GRECO's current Fourth Evaluation Round deals with corruption prevention in respect of members of Parliament, judges and prosecutors. The institutions and services they represent are of paramount importance for the functioning of - and trust in - a democracy. Hence the particular political relevance of this round.

By the end of 2013, a total of 14 Evaluation Reports had been adopted and published and can be consulted on GRECO's Homepage.

On 10 and 11 April this year, a major conference on strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks, looking into emerging trends from two years of GRECO Round IV evaluations was held at the Anti-Corruption Academy in Laxenburg, near Vienna. The event was organised under the auspices of the Austrian Chairmanship of the Committee of Ministers of the Council of Europe and the Federal Ministry of Justice of Austria. It was supported financially by Monaco. I would like to use this opportunity to express my gratitude to all those who made that event happen.

⁴ Mr Emin EYYUBOV, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Azerbaijan to the Council of Europe

The discussions held during the conference demonstrated how important these matters are both for democratic governance and the rule of law.

By the end of 2013, GRECO had more or less completed its Third Evaluation Round. Three countries will be evaluated next year as they joined GRECO at a relatively late stage. The focus of the round was a) the criminal law of corruption and b) the financing of political parties and election campaigns. Follow-up to it is still ongoing and I will comment on some of the challenges involved at the end of my presentation.

Let me now briefly refer to a theme which is rather new in GRECO's portfolio, namely gender and corruption – to which the feature article of the Annual Report for 2013 is devoted. It was in response to your invitation of January 2012 to all bodies of the Council of Europe to mainstream gender equality into their activities and policies that we have taken steps to reflect on whether, and how, a gender perspective could be incorporated into GRECO's work.

We were one of the first bodies to appoint a Gender Equality Rapporteur. One of her roles is to ensure that gender issues are highlighted at various stages of GRECO's monitoring procedure.

In order to provide a forum for stakeholders with whom we had entered into contact and whose research findings we considered to be particularly relevant, GRECO organised the first pan-European Conference on Gender Dimensions of Corruption. It was held under the auspices of the President of the Senate and the Ministry of Justice of the Czech Republic, in Prague, on 13 December 2013. Let me thank once again the Czech authorities for having hosted that event in their beautiful capital. The conference produced a wealth of ideas, research conclusions and hypotheses, some of which may constitute a viable basis for anti-corruption policy development.

We will continue this thought-provoking and innovative exercise and are hoping to be able to present a synthesis of basic observations around this issue towards the end of the current year.

Ladies and Gentlemen,

GRECO and its Bureau have taken note with great interest of the Report by the Secretary General on the state of democracy, human rights and the rule of law in Europe. We are very pleased that key concerns emanating from over 15 years of monitoring by GRECO are reflected in the report, and we welcome the guidance that the resulting four anti-corruption recommendations will provide to efforts in Europe. They aim at reinforcing integrity in the judiciary, law enforcement and prosecutorial bodies; furthering MPs' commitment to corruption prevention in their own ranks; setting up independent monitoring bodies for political financing and protecting whistle-blowers.

The Secretary General also stresses that monitoring is an essential tool for helping member States to identify and remedy shortcomings in their compliance with Council of Europe standards, but that its impact can be limited as, in some of the monitoring bodies, capacities for rapid reaction either do not exist or are rarely used. He concludes that the "operational practices of several monitoring mechanisms" need to be amended, so that the Council can "respond faster and more effectively to emergency situations and urgent requests from member States."

I strongly believe that GRECO is in a position to answer positively to this demand. It is true that urgent requests from member States will often require technical assistance and could therefore not be satisfied by GRECO itself. There are however possible ways of responding to "emergency situations", notably by engaging in an **ad hoc focused dialogue** on controversial developments or otherwise urgent issues with a given country. Such dialogue could, for example, imply a Plenary debate (resulting in a statement by the President or by GRECO), an intervention by the Secretary General and/or – in exceptional cases – the organisation of an ad hoc visit to the country concerned in order to further clarify the matter. This does not mean, of course, that we intend to 'investigate' corruption scandals that hit the headlines in our member States; that would clearly overstep our remit.

This leads me to raise some other serious challenges GRECO and its member States are facing. Sets of statistics, prepared in 2012, on the overall levels of member States' compliance with recommendations issued in the first two evaluation rounds were quite impressive. They demonstrated a strong commitment by member States to the process of reform advocated by GRECO.

The current picture is not as rosy. The prime area of concern is clearly still the funding of political life, which has been the focal point of our Third Evaluation Round. My impression persists: many politicians and other stakeholders have still not understood that political parties perform a vital democratic function but that their legitimacy strongly depends on the trust and confidence of citizens. They do not understand or do not want to accept that politicians are there to serve the citizen and not vice-versa. They seem reluctant to accept that the values and principles

underpinning democracies in Europe need to be reaffirmed on a continuous basis if we are to counteract low voter turnout and the rise of populist political movements and parties whose democratic credentials are highly questionable.

Bearing this in mind, it is disappointing that the action taken by a growing number of member States in response to GRECO's recommendations in this area has had to be categorised as "globally unsatisfactory". By the end of 2013, twelve of our member States belonged to this category. From my standpoint, that is clearly too many.

It is essential that more is done to generate the requisite political will to deal with this difficult issue and to build a culture of integrity. Political leaders must be prepared to take up this challenge. They should take inspiration from those member States that have indeed made significant efforts to properly act on GRECO recommendations.

Mr Chairman,

Coming to the end of my presentation, I will turn to what has become a standard item in this annual exchange of views between you and the President of GRECO – EU accession to GRECO. As you are aware, formal participation of the European Union in GRECO has been on the agenda since the adoption by the EU of the 2010 Stockholm Programme and the publication of the European Commission's "Anti-corruption package" in June 2011. This has been strongly welcomed by GRECO whose statute has provided for such participation from the outset.

Although quite some time has since passed – and without any real breakthrough – I remain convinced that EU participation in GRECO will help strengthen the impact of our respective anti-corruption activities; it would also have the benefit of minimising the risk of generating conflicting standards and performance benchmarks.

On 3 February last, the European Commission presented the first EU Anti-Corruption Report. It extensively reflects and references GRECO's findings, which is a clear tribute to our work. It highlights both the importance of further synergies with GRECO and the Commission's current measures to allow full accession of the EU to GRECO.

The Secretary General has discussed these matters with President Barroso and Commissioner Malmström. GRECO's plenary also had a fruitful exchange of views with representatives of the Commission in March and we expressed our willingness to pursue ad hoc cooperation with the Commission pending formal accession.

At its meeting of 5 and 6 June, the Justice and Home Affairs Council urged the Commission to include in its next anti-corruption report a review of the integrity policies put in place in the EU institutions. The Council also expressly called for the full accession of the EU to GRECO as soon as possible and for the ensuing evaluation of the EU institutions by GRECO. The Commission was asked to speed up preparatory work to that effect.

By joining GRECO as a full member, the EU will add credibility to its Anti-Corruption Report and efforts to address corruption, including within the institutions of the European Union I very much hope that the process of accession will not be delayed as a consequence of the forthcoming changes in the European Commission.

In conclusion, corruption and infringements of integrity will not go away any time soon, nor will citizens' growing intolerance towards such behaviour fade. We still do not have medicine that can cure that cancer of society for good. In this context GRECO's role and that of the political bodies of the Council of Europe becomes increasingly relevant: it is essential to stimulate political commitment to fighting corruption wherever it occurs and whoever it implies; to build up, recast and maintain confidence in systems, institutions and decision-makers.

I am confident that your committee will continue to fully support this objective.

Thank you very much for your attention.

APPENDIX IV
THE FIGHT AGAINST CORRUPTION: INTERNATIONAL STANDARDS AND NATIONAL EXPERIENCES
(Baku, 30 June – 1 July 2014)
OUTLINE OF THE PROGRAMME OF THE CONFERENCE

Monday, 30 June 2014

Opening Ceremony

➤ **Chairman**

Mr Zakir GARALOV, Prosecutor General, Republic of Azerbaijan

Opening Adresses:

- **Mr Ramiz MEHDIYEV**, Head of the Presidential Administration, Chairman, Commission on Combating Corruption, Republic of Azerbaijan to present the Address of the President of the Republic of Azerbaijan
- **Mr Philippe BOILLAT**, Director General, Directorate General of Human Rights and the Rule of Law, Council of Europe
- **Mr Marin MRČELA**, President, GRECO / Council of Europe
- **Mr Martin KREUTNER**, Dean and Executive Secretary, International Anti-Corruption Academy (IACA)
- **Mr Fuad ALASGAROV**, Director, Law-Enforcement Agencies Affairs Department, Presidential Administration, Republic of Azerbaijan

Plenary Session I – The Implementation of Anticorruption Laws: Key Issues

- **Moderator: Mr Martin KREUTNER**, Dean and Executive Secretary, International Anti-Corruption Academy (IACA)
- **Panelists:**
 - **Mr Fikrat MAMMADOV**, Minister of Justice, Chairman of the Judicial-Legal Council, Republic of Azerbaijan, Vice-President, International Association of Anti-Corruption Authorities (IAACA)
Theme: Enforcement of the Anticorruption Legislation in Azerbaijan and its role in Increasing of the Efficiency of the Judicial-Legal System
 - **Mr Roderick MACAULEY**, Head of International, EU Corporate Law, Ministry of Justice, United Kingdom
Theme: The Criminal Law of Corruption (Incriminations): Key areas identified during Third Evaluation Round
 - **Mr Patrick MOULETTE**, Head of the Anti-Corruption Division, OECD
Theme: The Development of Anticorruption Legislation in Member States of the Istanbul Anticorruption Action Plan
 - **Mr Orsat MILJENIC**, Minister of Justice, Republic of Croatia
Theme: Croatian Anti-corruption Legislation: EU Accession Experiences
 - **Ms Olga ZUDOVA**, Senior Legal Advisor, Regional Program, UNODC
Theme: Challenges and Good Practices in Implementation of Chapter II of the United Nations Convention against Corruption
 - **Ms Elisabeth TÄUBL**, Deputy, Staff Policy, International Anti-Corruption Academy (IACA)
Theme: Fighting corruption through education: Best Practice

Plenary Session II – Making the Prevention of Corruption More Effective

- **Moderator:** Mr Ivan KOEDJIKOV, Head of Action against Crime Department, Council of Europe
- **Panelists:**
 - **Mr Inam KARIMOV**, Chairman, State Agency for Public Services and Social Innovations under the President (ASAN Service), Republic of Azerbaijan
Theme: Preventive measures against corruption: ASAN Service – The Azerbaijani Model
 - **Mr Sahib MAMMADOV**, Deputy Minister of Economy and Industry, Republic of Azerbaijan
Theme: Economic development and fight against corruption
 - **Mr Janos BERTOK**, Head, Public Sector Integrity Division, OECD
Theme: New Approaches to Building Culture of Integrity
 - **Mr François BADIE**, Head, Central Service for the Prevention of Corruption, Ministry of Justice, France, Member of Executive Committee, International Association of Anti-Corruption Authorities (IAACA)
Theme: Prevention, essential tool of a global policy for combating corruption
 - **Mr Vusal HUSEYNOV**, Secretary, Commission on Combating Corruption, Republic of Azerbaijan, Head of the delegation of Azerbaijan in GRECO
Theme: Corruption prevention activities: Azerbaijani experience
 - **Mr Ahmad KHUSAIRI BIN YAHAYA**, Director, Policy Planning and Research Division, Malaysian Anti-Corruption Commission (MACC)
Theme: Prevention of Corruption in Public Institutions

Tuesday, 01 July 2014

Plenary Session III – Law Enforcement Measures in Combating Corruption

- **Moderator:** Mr Gerhard JAROSCH, Deputy Prosecutor-General, Austria; President, International Association of Prosecutors (IAP)
- **Panelists:**
 - **Mr Hasan ERBIL**, Chief Prosecutor, Republic of Turkey
Theme: Effective investigation of corruption
 - **Mr Robert WALLNER**, Prosecutor-General, Principality of Liechtenstein
Theme: UNCAC Chapter V: How does asset recovery work in practice?
 - **Mr Saulius URBANAVIČIUS**, Director, Special Investigation Service (STT), Republic of Lithuania
Theme: International cooperation between Specialized Anticorruption Agencies
 - **Mr Kamran ALIYEV**, Director, Anti-corruption Directorate, General Prosecutor's Office, Republic of Azerbaijan, National Coordinator at the OECD, Member of delegation of Azerbaijan in GRECO, Executive Committee Member, International Association of Prosecutors (IAP)
Theme: Specialized Agencies in Combating Corruption: Azerbaijani Experience
 - **Mr Azam bin Baki**, Director, Intelligence Division, Malaysian Anti-Corruption Commission (MACC)
Theme: The protection of participants of the criminal process during the investigation of corruption crimes
 - **Mr Raymond NG**, Secretary to Commissioner, Independent Commission Against Corruption (ICAC) of Hong Kong Special Administrative Region (HKSAR), People's Republic of China
Theme: The Fight against Corruption: Hong Kong Experience

Summing up by the General Rapporteur:

- **Mr Kamran ALIYEV**, ACD Director
- **Ms Fiona SALEM**, Senior policy adviser, Ministry of Justice, United Kingdom, UK's delegate to GRECO