



Strasbourg, 22 January 2016

Greco (2015) 23E

**70<sup>th</sup> GRECO Plenary Meeting**  
(Strasbourg, 30 November – 4 December 2015)

**SUMMARY REPORT**

## **I. Opening of the meeting**

1. The 70<sup>th</sup> Plenary Meeting was chaired by Mr Marin MRČELA, President of GRECO (Croatia) who opened the meeting by welcoming all participants, referring in particular to newly nominated representatives.

2. 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 Items**

### *Director, Information Society and Action against Crime Directorate*

4. Mr Jan KLEIJSEN informed the Plenary that just a few weeks before the terrible events in Paris on 13 November, the Protocol (CETS No. 217) to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) had been opened for signature in Riga. The Protocol criminalises travel for the purposes of terrorism and the financing of such travel and is specifically geared to combatting the phenomenon of foreign terrorist fighters. Seven member States and the European Union immediately signed the treaty<sup>1</sup>. The Director encouraged all GRECO representatives, to the extent that they have contacts with their national authorities on those issues, to stress the importance of speedy ratification of this new legal instrument.

5. During the week of GRECO's Plenary Meeting, the European Committee on Crime Problems (CDPC) and the Cybercrime Convention Committee (T-CY) were also meeting, providing a good opportunity for GRECO representatives to meet up with their colleagues to discuss issues of mutual interest.

6. GRECO's decision to devote the Fifth Evaluation Round to preventing corruption and promoting integrity both in law enforcement agencies and central government has been noticed with great interest in the Organisation where, through the work of other bodies, the necessity to deal with instances of corrupt and other criminal dealings in law enforcement has already been highlighted. Moreover, the inclusion of central government is felt to be a very judicious choice. A logical continuation of the current Fourth Evaluation Round, the findings in the new round will again be very helpful in the long term, notably for the design of targeted anti-corruption technical assistance activities for which GRECO reports provide the framework.

7. The Director thanked the authorities of Turkey for their decision to become a major contributor to the Organisation's budgets which provides additional resources for 2016-2017. As a result and as already discussed by GRECO's Bureau, it will be possible to reinforce a number of activities as well as better publicise GRECO's work internationally and within individual member States in order to encourage implementation. Acknowledging the concomitant need to reinforce GRECO's Secretariat, the Statutory Committee has agreed to the creation of an additional post.

8. GRECO's President had on 23 November 2015 attended a working lunch with fellow Presidents of the Organisation's monitoring and advisory bodies and the Secretary General of the Council of Europe who refers to the results of these bodies in his high-level official contacts. Moreover, in the context of budgetary discussions with the Committee of Ministers, the fight against corruption remains one of the Secretary General's top priorities.

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<sup>1</sup> Full text and number of signatures/ratifications: <http://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/217>

9. The above efforts all contribute to the push for implementation of GRECO's recommendations. Nevertheless, in a number of cases from all geographical areas of the Council of Europe's membership non-compliance with GRECO recommendations has triggered the non-compliance procedures foreseen in the Rules of Procedure entailing additional work for the Plenary – and of course for the Secretariat. Those procedures have helped to accelerate reform in a number of countries – at least some 10 over the past 3 years – and it is hoped that those examples will be followed by others. These demonstrations of the collective will of the GRECO Plenary to see such progress achieved are good examples of how seriously GRECO takes its work and its recommendations.

#### ***President***

10. During its most recent discussions – report of the **74<sup>th</sup> Meeting of the Bureau** (Greco (2015) 21E) – the Bureau had decided that it is not in a position to grant a request by the authorities of the Kyrgyz Republic to be invited to observe a plenary meeting. A similar request from another non-member country had previously been refused. However, it is in favour of inviting a delegation from the Kyrgyz Republic to GRECO 71 (March 2015) to discuss matters of mutual interest and to hear an up-date on anti-corruption measures implemented since the exchange of views held in June 2015 (GRECO 68).

11. With regard to possibly providing in the Rules of Procedure for the automatic publication (within a fixed timeframe) of reports adopted by GRECO, the Bureau concluded that there is no urgent need to do so, given that in practice most member States authorise publication within a reasonable period of time. The Bureau decided that formal reminders will be given, where necessary, by the President during plenary meetings and recorded in GRECO's decisions (see paragraph 35 below). The effectiveness of this approach will be tracked and, if necessary, the Bureau will reconsider the need to change the Rules of Procedure.

12. The President informed the Plenary of his most recent ***speaking and other engagements***.

- Lecture on ethical matters based on GRECO experience in the framework of the Fourth Evaluation Round at the Judicial Academy of Slovenia (Brdo pri Kranju, 22 October 2015).
- Annual meeting between the Secretary General of the Council of Europe and the Presidents of the Organisation's monitoring mechanisms at a working lunch held in Strasbourg on 23 November 2015) – cf. information provided by the Director of the Information Society and Action and Crime Directorate (paragraph 8 above). The President reported on the framework for *ad hoc* focused dialogue established by GRECO in response to the Secretary General's request to make the mechanisms more responsive to urgent events. The Secretary General agrees to do even more to raise pressing issues that come to light in the context of GRECO monitoring at the highest political level in member States and to add his voice to communication efforts when reports are published, including for example in cases of persistent non-compliance. Exchanging views in the framework of this annual meeting is highly constructive and, among other things, highlights the complementarity of aspects of the work of GRECO and other monitoring bodies.

#### ***Vice-President***

13. Mr Christian MANQUET (Austria) reported on his most recent ***speaking and other engagements*** as Vice-President of GRECO.

- UNODC Open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the United Nations Convention on Transnational Organized Crime and its Protocols (Vienna, 29 September 2015) – he presented GRECO's modus

operandi and answered a number of questions concerning predominantly budget, NGO involvement, publication of reports and on-site visits.

- 7th Prague Forum (Prague, 1-2 October 2015) at which the Council of Europe's Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED) was launched. In his opinion it would be fitting to invite those responsible for that very interesting initiative to present it to a future plenary meeting. The fifty States that are parties to the European Cultural Convention of the Council of Europe (ETS 018) – the 47 members of the Council of Europe as well as Belarus, Kazakhstan and the Holy See participate in the Platform.
- International Conference "Developing trends in combating corruption, money laundering and recovering criminal assets in Europe (Prague, 19-20 October 2015) organised by the Council of Europe in the framework of the EAA and Norway Grants in partnership with the authorities of the Czech Republic. He spoke on the theme "Preventing and combating corruption in the prosecution and judiciary – what GRECO recommends". Other GRECO experts who addressed the conference with respect to the corruption component included Ms Nina BETETTO, GRECO Evaluator (Slovenia) – on "Law v. ethics: standards and examples"; Mr Yves Marie DOUBLET, GRECO Evaluator (France) on "Transparency and supervision of political financing/GRECO's perspective". Mr Christophe SPECKBACHER, GRECO Secretariat spoke on "Integrity in parliaments".

#### ***Gender Equality Rapporteur***

14. Ms Helena LISUCHOVA, Bureau member (Czech Republic) and GRECO's Gender Equality Rapporteur took part in a training session and exchange of views organised by the Council of Europe's Gender Equality Commission (GEC) on 17-18 November 2015. On that occasion GRECO was complimented for setting and pursuing specific goals related to the Organisation's policy on gender mainstreaming in all activities.

#### ***Delegations***

15. Ms Elena KONCEVICIUTE, *representative of Lithuania*, had continued to participate on behalf of GRECO in the work of the European Committee on Crime Problems (CDPC) on an Action Plan to provide the framework for follow-up to be given to the White Paper on Transnational Organised Crime endorsed by the CDPC in 2014. At the second meeting of the Working Party on the Action Plan on Transnational Organised Crime (Paris, 17-18 September 2015) great care was taken to clearly identify where added value could be achieved in activities under the Action Plan. The identification of synergies was greatly facilitated by involving a number of Council of Europe bodies in the working party. There is in her opinion very clear potential for achieving concrete results. The Action Plan is to be implemented over a relatively short period of time (2016-2018) and at the time of the meeting the question of funding remained to be settled.

16. Ms KONCEVICIUTE also represented GRECO at a Roundtable organised by the Venice Commission of the Council of Europe (European Commission for Democracy through Law) in cooperation with the Institute of International Relations Prague on "Past and present-day lustration: similarities, differences, applicable standards" (Prague, 7 September 2015). The question of whether classic lustration standards for preventing former communist regime members from coming to power might be applied to prevent, for example, those involved in corruption from coming to power was discussed. The national experience shared by other countries was extremely interesting and the conclusion reached was that combining the two issues in one piece of legislation was best avoided.

17. Finally, she informed the Plenary that in preparation for a planned new edition of the European Commission's Anti-corruption Report, statistics from EU member States were being collected. Their analysis is likely to be extremely challenging. GRECO has already had to acknowledge how difficult it is

to produce a meaningful individual or horizontal analysis of statistics that are collated in the framework of different national institutional and legal structures, often diverse legal provisions and offences, and according to different criteria.

18. Mr Aslan YUSUFOV, *Bureau Member - Russian Federation* reported on the highly productive and successful Sixth Session of the Conference of the States Parties to the United Nations Convention against Corruption hosted by the Russian Federation (St. Petersburg, 2-6 November 2015). Some 3000 delegates from around the world, including the Heads of several delegations in GRECO as well as over eighty NGOs participated in the session which adopted twelve resolutions.

19. Ms Aneta ARNAUDOVSKA, *Head of delegation - "the former Yugoslav Republic of Macedonia"* who is also a member of the Council of Europe Consultative Council of European Judges (CCJE), informed the Plenary in connection with the Fourth Evaluation Round of Opinion No. 18: The position of the judiciary and its relations with other powers of state in a modern democracy, adopted by the CCJE on 16 October 2015. The opinion addresses the issues of the relationship between the judicial powers of a state and the legislative and executive powers, the bases on which judicial power is established and demonstrated, to what extent and how the judiciary is to be accountable, and achieving a proper balance between the three powers of the state while also acting in the interests of society. Under the heading "punitive accountability", the CCJE emphasises the importance of principles of professional conduct (ethics and integrity) in the prevention of corruption in the judiciary and recognises GRECO's work in that field.

#### *Executive Secretary*

20. On 26 November 2015, GRECO's budget for 2016 was adopted and the budget for 2017 was provisionally approved by the Statutory Committee which is composed of the Permanent Representatives of Council of Europe member States which are all members of GRECO and representatives appointed by GRECO member States that are not members of the Council of Europe (Belarus and the United States of America). On that occasion no technical issues were raised, GRECO was complimented for its work and interest in the question of EU accession to GRECO was again voiced.

21. Bureau 74 had decided that in relation to the Fifth Evaluation Round INTERPOL and EUROPOL should be invited for an exchange of views with the Plenary. Further exchanges of views will be considered depending on the specific focus of GRECO's work at any given time. The Bureau encourages delegations to let the Secretariat know if they have any suggestions to make in that respect.

22. In the context of the 2015 edition of the World Forum for Democracy (Strasbourg, 18-20 November), on 20 November, the Executive Secretary met with Mr Yves LETERME, Secretary General of the International Institute for Democracy and Electoral Assistance (International IDEA). The focus of discussions was cooperation and the considerable use made of GRECO reports, including in the context of technical assistance delivered principally outside of Europe. International IDEA plans to produce a documentary on dirty money and politics to raise awareness of a number of issues around political financing.

23. He had also met, on 19 November, with Mr Jean Pierre CHABOT, Programme Director with the Global Organization of Parliamentarians against Corruption (GOPAC) which made a very useful contribution to the preparation of GRECO's Fourth Evaluation Round. Efforts will be made by GOPAC to spread information about GRECO's work more widely among its numerous national chapters, and their contacts in a number of European countries could serve as useful interlocutors for the gathering of information with respect to the Fifth Evaluation Round.

24. No issues were raised by the Plenary with respect to the above items.

#### IV. Fourth Evaluation Round

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

##### *Evaluation procedures*

25. The delegations of all GRECO member States that make up the Plenary review the draft evaluation reports in a first reading that involves the participation of a delegation from the country concerned and the Evaluation Teams that carried out the on-site evaluation visits and contributed to the drawing up of the draft report. A second reading of revisions made in light of the first is carried out before the formal adoption of the texts.

26. GRECO adopted Fourth Round Evaluation Reports – including formal recommendations – on **Bosnia and Herzegovina** (Greco Eval IV Rep (2015) 2E – publication pending), **Portugal** (Greco Eval IV Rep (2015) 5E – publication pending) and **Romania** (Greco Eval IV Rep (2015) 4E – published on 22 January 2016). The deadline of 30 June 2017 was set for the submission of Situation Reports on measures taken to implement the recommendations in the three cases.

#### V. Third Evaluation Round

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

27. In its compliance reports and *interim* compliance reports, GRECO pronounces itself on the level of compliance of member States with its recommendations. A Situation Report submitted by the authorities of a member State provides the basis for the assessments made. Rapporteurs designated by two member States are associated with the preparation of each draft compliance or *interim* compliance report tabled.

##### *Compliance procedures*

28. The 2<sup>nd</sup> Third Round Compliance Report on **Ukraine** (Greco RC-III (2015) 22E – published on 14 December 2015) and the Addendum to the 2<sup>nd</sup> Third Round Compliance Report on **Azerbaijan** (Greco RC-III (2015) 20E – publication pending) were adopted and, in accordance with Rule 31, paragraph 9 of the Rules of Procedure, the authorities are in both cases asked to provide additional information regarding the implementation of certain recommendations by 30 September 2016.

29. With the adoption of Addendums to the 2<sup>nd</sup> Third Round Compliance Reports on **Bulgaria** (Greco RC-III (2015) 10E – publication pending), the **Republic of Moldova** (Greco RC-III (2015) 8E) – published on 9 December 2015) and **Spain** (Greco RC-III (2015) 16E: 2<sup>nd</sup> Addendum – publication pending) GRECO terminates the Third Round compliance procedure in respect of those three members.

##### *Rule 32 procedures – non-compliance*

30. In the *Interim* Third Round Compliance Report on **Cyprus** (Greco RC-III (2015) 21E – publication pending) GRECO concludes that the level of compliance with its recommendations remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Therefore, the application of Rule 32 is maintained and, pursuant to paragraph 2(i) of that rule, the authorities are asked to provide a report on progress in implementing the pending recommendations by 30 September 2016. Moreover, pursuant to paragraph 2 (ii) a) of Rule 32, a letter will be sent by the President of GRECO to the Head of delegation of Cyprus – with a copy to the President of GRECO’s Statutory Committee – on the need for the authorities to take determined action with a view to achieving tangible progress as soon as possible.

31. In its 2<sup>nd</sup> *Interim* Third Round Compliance Report on **Turkey** (Greco RC-III (2015) 17E – publication pending) GRECO concludes that the level of compliance with its recommendations remains “globally

unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Therefore, the application of Rule 32 is maintained and, pursuant to paragraph 2(i) of that rule, the authorities are asked to provide a report on progress in implementing the pending recommendations by 30 September 2016. Moreover, pursuant to paragraph 2 (ii) b) of Rule 32, the President of GRECO’s Statutory Committee is invited to send a letter to the Permanent Representative of Turkey to the Council of Europe on the level of non-compliance with GRECO’s recommendations.

32. In its 3<sup>rd</sup> *Interim* Third Round Compliance Report on the **Czech Republic** (Greco RC-III (2015) 18E – publication pending) GRECO concludes that the level of compliance with its recommendations remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Therefore, the application of Rule 32 is maintained and, pursuant to paragraph 2(i) of that rule, the authorities are asked to provide a report on progress in implementing the pending recommendations by 30 September 2016. Moreover, pursuant to paragraph 2 (ii) c) of Rule 32, the Secretary General of the Council of Europe is invited to send a letter to the Minister of Foreign Affairs of the Czech Republic on the level of non-compliance with GRECO’s recommendations and the need to take firm action to achieve tangible progress as soon as possible.

33. With the adoption of the 3<sup>rd</sup> *Interim* Third Round Compliance Report on **France** (Greco RC-III (2015) 19E – publication pending) GRECO discontinues the application of Rule 32 and asks the authorities to submit, pursuant to Rule 31, paragraph 9 of the Rules of Procedure, additional information regarding action taken to implement certain recommendations by 30 September 2016.

#### **VI. Publication, translation and availability of adopted reports ([www.coe.int/greco](http://www.coe.int/greco))**

34. The authorities of the members concerned are invited to authorise the publication of the reports adopted at the present meeting as soon as possible and, in that context, to adhere to the agreed action to be taken when publishing a report (GRECO 58, decision 26), in particular setting the publication date in consultation with the Secretariat.<sup>2</sup>

35. Moreover, the President calls on the following authorities to authorise, with no further delay, the publication of the reports indicated, placing a particular stress on the need for Belarus to follow GRECO practice with regard to the reports addressed to the authorities, the first of which dates as far back as June 2012:

- Belarus: Joint First and Second Round Evaluation Report (adopted June 2012), Compliance Report (adopted June 2014) and *Interim* Compliance Report (adopted June 2015)
- Armenia and Turkey: Fourth Round Evaluation Reports (adopted October 2015)
- Malta<sup>3</sup> and Romania: *Interim* Third Round Compliance Reports (adopted October 2015)
- Sweden: Fourth Round Compliance Report (adopted October 2015)
- Slovenia *Interim* Fourth Round Compliance Report (adopted October 2015)

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<sup>2</sup> 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.

<sup>3</sup> Authorisation was given to publish the report on 3 December 2015

## **VII. Fifth Evaluation Round – Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies**

36. GRECO adopted the Terms of Reference (Greco (2015) 19E-fin) of the working party WP-Eval V tasked with preparing the draft questionnaire and other proposals related to the Fifth Evaluation Round which is due to be launched in 2017. The way the working party is to be composed and the extent to which the related expenses will be borne by GRECO's budget are also detailed in the document. It was noted that for the preparation of the Fourth Evaluation Round, most member States represented on the working party had chosen to nominate delegation members, an approach which can be advantageous due to their familiarity with GRECO's work. Nominations to WP-Eval V are to be addressed to the secretariat by the Heads of delegation of member States. As and when the profile of the scientific expert(s) to be associated with WP-Eval V is defined by the working party, the relevant nomination(s) will be arranged in consultation with the Bureau.

37. WP-Eval V will meet in 2016 – probably twice in the first half of the year initially. Its principle tasks are to identify the precise matters to be covered under the two sub-themes, and the relevant standards and texts to be referred to by GRECO, to draw up a focused evaluation questionnaire clearly setting out the information required from member States, and to advise on the desirable composition of GRECO delegations during the new evaluation round, the selection of evaluation teams, the training of evaluators, the organisation of on-site visits – including the key interlocutors to be met, etc.

38. WP-Eval V is to report regularly to the Plenary on its progress. Moreover, the Plenary wishes to be given the opportunity to voice an opinion on certain key issues early in the preparatory work. It therefore decided that WP-Eval V will report to the Plenary on what should be the approach with respect to the following, before proceeding further with its work:

- the law enforcement agencies and top executive functions to be included in the scope of the evaluations
- the standards and texts of reference
- the extent to which the questionnaires from previous evaluation rounds might serve as the basis for the draft questionnaire to be drawn up by WP-Eval V.

It was agreed that this gradual approach to the preparatory work will facilitate the final endorsement of the texts prepared by the working party (notably the draft evaluation questionnaire) to be obtained from the Plenary before the launch of the Fifth Evaluation Round.

## **VIII. Programme of Activities - 2016**

39. GRECO adopted its Programme of Activities for 2016 (Greco (2015) 20E-fin) noting in particular that due to the incidence of non-compliance (Rule 32) procedures and the additional reporting obligations they trigger, decisions have been taken by the Bureau to ensure a manageable schedule for the Plenary and the Secretariat.

40. First, a special measure regarding non-compliance procedures exclusively in the Fourth Evaluation Round to slightly extend the stringent timelines for the preparation and adoption of *interim* compliance reports - from 1 January 2016 all deadlines for the submission of situation reports under those specific procedures will be extended to 12 months.

41. Second, annual schedules will include a maximum of around 40 reports. That will be achieved by postponing the examination of compliance reports as necessary, and in such cases the Secretariat will agree – with the members concerned – appropriate new deadlines for the submission of the related situation reports. Meetings of the working party for the preparation of the Fifth Evaluation Round, and possibly a training workshop will need to be added to the provisional schedule appended to the



Programme of Activities, and the conclusions of compliance reports tabled for adoption at the current Plenary might lead to the addition of some *interim* compliance reports in December 2016.

#### **IX. Item 4 - Topical anti-corruption developments/events in member States**

42. Under Item 4 of the Plenary's agendas, delegations are invited to share information outside of the statutory evaluation and compliance reporting cycles. The information reported by delegations is summarised below.

##### ***Georgia***

43. Based on the new Law on Civil Service, the Government decided to set up a system for the electronic monitoring of asset declarations primarily to increase transparency and citizen's trust in public administration by monitoring disclosed information on assets of public officials, as well as to prevent conflicts of interest and promote integrity within public institutions. The system is in place since 2010 and the electronic monitoring process will be operational from 1 January 2017. The monitoring of declarations will be carried out as follows:

- first, constant verification of the declarations of top-level officials exposed to high risks of corruption;
- second, by random selection of declarations in a transparent manner through the electronic system based on specific risk-criteria by the Independent Commission (the list of selected declarations will be published at the beginning of each year by the CSB);
- third, on the basis of well-grounded written complaints/information submitted to the CSB.

44. In order to contribute to further overhauling whistleblower protection and bring it into compliance with international standards, the legal definition of whistleblowers which used to cover only former and active public officials has been revised to include *any person* willing to inform an application reviewing body, the police, prosecutor and/or public defender about infractions of the law or, if applicable, of the Code of Ethics by the civil servants (exposed), which cause or may cause harm to public interests or the reputation of public institutions.

45. A comprehensive reform of the Prosecution Service was initiated by the government at the beginning of 2015 to strengthen the institutional independence of the Prosecution Service, to ensure complete non-interference in the activities of the prosecutors and to provide a legal basis for prosecutors to carry out their professional functions impartially and objectively. Within the framework of the reform amendments to the Law on Prosecution Service were made to introduce three brand new institutes: the Prosecutorial Council, the Conference of Prosecutors and the Special (ad hoc) prosecutor. Moreover, the processes for appointment to and dismissal from the office of the Chief Prosecutor have been substantially revised.

46. The third stage of the reform of the judiciary - focused on enhancing disciplinary proceedings and increasing and strengthening the individual role of judges - is underway. The first wave of the reform concentrated on institutional change, and the second on life-time appointment and evaluation procedures.

47. Based on the new Methodology for Monitoring and Evaluation Methodology of Anticorruption Strategic Documents adopted by the Anti-Corruption Council of Georgia in February 2015, the Secretariat of the Council elaborated the first Progress Report and Monitoring Tool on the implementation of the 2015-2016 Anti-Corruption Action Plan. Both documents were publicly discussed and finally adopted by the Anti-Corruption Council in July 2015. The Second Progress Report and Monitoring Tool as well as the Monitoring Report are to be adopted in February 2016.

### ***Latvia***

48. GRECO is due to examine a Fourth Round *Interim* Compliance Report on Latvia at its March 2016 Plenary Meeting. In that context, implementation of GRECO's recommendation "to take measures to strengthen the independence of the Corruption Prevention and Combating Bureau (KNAB), thus ensuring that it can exercise its functions in an independent and impartial manner" will again be assessed.

49. On 1 December 2015, the government adopted urgent draft amendments to the Law on the Corruption Prevention and Combating Bureau. The KNAB, during prior discussions, and the 1 December government session, had disapproved of the proposed amendments which aim to re-define the framework for relations between the KNAB and the Prime Minister and the conditions pertaining to dismissal of the Director of the KNAB.

50. The KNAB is concerned that as the amendments do not prohibit the Prime Minister from overruling decisions taken by the Director of KNAB in the context of the Bureau's principal functions such as supervision of political party funding, they are likely to weaken anti-corruption policy in Latvia rather than strengthen the KNAB's independence from political interference. Equally contentious is the issue of the conditions for dismissal of the Director of KNAB. The amendments include a number of broad criteria for dismissal, for example a lack of loyalty. Loyalty to whom is not defined however, and could well be interpreted as implying loyalty to a political party or the Prime Minister for example.

51. The KNAB itself will therefore not support the amendments. In addition, the Public Consultative Council of the KNAB which is composed of 15 NGOs has called an urgent meeting in order to prepare a statement against the pushing through of draft amendments without it being consulted. Further updates will be provided to GRECO and the OECD which have both addressed recommendations to Latvia related to these issues.

### ***Romania***

52. The Law establishing an assets recovery and assets management agency reported on at GRECO 68 (June 2015) has been adopted by parliament and is in the process of being promulgated by the President. A dedicated body will be established to deal with the exchange of data and information among similar agencies in Europe, international cooperation, as well as the management of seized assets. The agency will apply measures to manage seized assets before a final court decision and measures for the social re-use of seized and confiscated assets, and will establish a national register of those assets. Furthermore, as is the case in such agencies across the world, it will also play a role in the dissemination of best practices in this field.

53. The support and sharing of expertise and know-how for the development of an efficient agency that was provided by partners and colleagues from France, the Netherlands, Belgium and the United States of America and also the European Commission was highly appreciated.

54. Once translated, the above-mentioned law will be forwarded to GRECO for information – it has already served as the basis for a similar project in Ukraine, and Romania will now join the group of countries that are working together to further disseminate this style of initiative in the fight against corruption and organised crime.

55. A new draft law extending the attributes of the National Integrity Agency (NIA) – mentioned in the Fourth Round Evaluation Report on Romania adopted at the present meeting – will establish an electronic system (PREVENT) to allow the NIA to play an active role in the screening of public tender procedures – which are worth some 15 billion Euros in Romania. Under the PREVENT system various databases, including the assets and interest database, will be integrated into an environment that performs cross-referencing which will allow NIA inspectors to issue a red flag integrity alert to contracting authorities when there is a risk of a conflict of interests, and to initiate investigations as appropriate.

56. The related draft legislation has been approved by the Government and is currently with the first Chamber of Parliament. Once the law is adopted and the mechanism has started to produce the first data and information, the Delegation of Romania will present the new IT system to the GRECO Plenary.

#### ***Slovak Republic***

57. The new Law on Criminal Liability of Legal Persons was adopted by parliament on 13 November 2015 and will enter into force on 1 July 2016. It is a *lex specialis* in relation to the Criminal Code. With regard to the scope of the law, in Section 3 the crimes for which legal persons can be held liable are listed, they include corruption – active and passive, trading in influence and money laundering.

58. The new law stipulates the entities that cannot be held liable for criminal offences such as the State and its bodies, other States, international organisations, municipalities, etc. However, such immunity does not apply to legal persons in which the State holds a majority of shares if the offence is committed through an intermediary, in which case both the intermediary and the relevant legal person are held liable. It also regulates situations of succession and the liability of the legal successor of the legal person.

59. An effective regret defence can be invoked by legal persons, but is explicitly excluded in corruption cases. Section 10 of the new law provides a list of the penalties that can be imposed on legal persons, for example, they can be banned from receiving subsidies and subventions, or aid and support from EU funds, banned from participating in public procurement, or the publication of the conviction can be ordered.

60. The last part of the new law contains the procedural rules to be applied in proceedings against legal persons. In Section 24, it allows common proceedings against the legal person and natural person if the criminal offences they are charged with relate to each other as long as common proceedings would not hinder closing the proceedings in due time.

61. Section 34 provides for the granting of mutual legal assistance in cases against legal persons.

62. The new law reflects mainly requirements of international organisations, particularly the OECD. It repeals the current regulation in the Criminal Code. The main distinction between the old and new provisions regards the position of the legal person in the relevant proceedings. While, under the old provisions the legal person was considered as a participant in the proceedings with certain rights, under the new provisions the legal person is considered as the accused party with the full range of procedural rights pertaining to criminal proceedings. Practice will show what the implications of that strengthened position might be.

Note: A copy of extracts from the new legislation translated into English was sent to all GRECO delegations by the Secretariat on 08/01/2016.

#### ***Spain***

63. A recent Royal Decree (948/2015) on the rules on the Office dealing with the proceeds of corruption demonstrates the continued resolve of the government to tackle corruption.

#### ***“The former Yugoslav Republic of Macedonia”***

64. An agreement, facilitated by the international community, has been concluded between all political parties to schedule parliamentary elections in April 2016 and to establish a special prosecutor and team – equipped with a dedicated budget, human resources and premises - to deal with prosecutions in the context of allegations of involvement of high-level politicians in corruption that come from wiretapped conversations illegally obtained and made public by the main opposition political party, according to the *Law on the Public Prosecution Office for prosecuting cases surrounding and arising from the content of the unauthorized interception of communications*.

65. Amendments to legislation on the media are planned in order to minimise the risk of corruption by the media during parliamentary election periods. Moreover, a new law providing protection to whistleblowers has recently been adopted.

**X. Adoption of decisions**

66. The decisions of the 70<sup>th</sup> Plenary Meeting were adopted as they appear in document Greco (2015) 22E.

**XI. Forthcoming meetings**

67. The Bureau will hold its 75<sup>th</sup> meeting in Prague on 12 February 2016. GRECO's 71<sup>st</sup> Plenary Meeting will be held in Strasbourg on 14-18 March 2016.

**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS****ALBANIA / ALBANIE**

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**Apologised / excusée**

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*Apologised / excusée*

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*Apologised / excusée*

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Mr Robert SIVERS  
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Executive Director, Judicial College

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Ms Jane LEY  
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**EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) / COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)**  
Ms Helena LIŠUCHOVÁ, Head of the International Cooperation Department, Ministry of Justice (Czech Republic)

**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**  
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**COUNCIL OF EUROPE DEVELOPMENT BANK / BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE**  
Ms Katherine DELIKOURA, Chief Compliance Officer of the Council of Europe Development Bank

#### **OBSERVERS / OBSERVATEURS**

**UNITED NATIONS – UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC) /  
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**Apologised / excusée**

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

#### **EVALUATION TEAMS / EQUIPES D'EVALUATION**

**Fourth Round Evaluation report - Bosnia and Herzegovina/Rapport d'Evaluation du Quatrième Cycle - Bosnie-Herzégovine**  
Mr Íñigo ORTIZ DE URBINA  
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**Fourth Round Evaluation report - Portugal/Rapport d'Evaluation du Quatrième Cycle - Portugal**  
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**Fourth Round Evaluation report - Romania/Rapport d'Evaluation du Quatrième Cycle - Roumanie**

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**RAPPORTEURS**

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

**Second Compliance Report / Deuxième rapport de conformité**

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Mr Jouko HUHTAMÄKI (Finland / Finlande)

**ADDENDA to Second Compliance Reports / ADDENDA aux Deuxièmes rapports de conformité**

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**Interim Compliance Reports / Rapports de conformité intérimaires**

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70 <sup>th</sup> GRECO PLENARY MEETING		70 <sup>ème</sup> REUNION PLENIERE DU GRECO	
AGENDA		ORDRE DU JOUR	
1.	Opening of the meeting <b>9.30 am</b>	Ouverture de la réunion	<b>09h30</b>
2.	Adoption of the agenda	Adoption de l'ordre du jour	
3.	Information items	Points d'information	
4.	Topical anti-corruption developments/events in member States	Développements/événements anti-corruption d'actualité dans les Etats membres	
5.	<b>First reading</b> Evaluation Report – Fourth Round <b>Portugal</b> .....Monday <b>Bosnia and Herzegovina</b> .....Tuesday <b>Romania</b> .....Wednesday	<b>Première lecture</b> Rapport d'Evaluation – Quatrième Cycle <b>Portugal</b> .....lundi <b>Bosnie-Herzégovine</b> ..... mardi <b>Roumanie</b> ..... mercredi	
6.	<b>Adoption</b> 2 <sup>nd</sup> Compliance Report – Third Round <b>Ukraine</b>	<b>Adoption</b> 2 <sup>e</sup> Rapport de Conformité – Troisième Cycle <b>Ukraine</b>	
7.	<b>Adoption</b> Addendum to the 2 <sup>nd</sup> Compliance Report – Third Round <b>Azerbaijan</b> <b>Bulgaria</b> <b>Moldova</b> <b>Spain</b> (2 <sup>nd</sup> Addendum)	<b>Adoption</b> Addendum au 2 <sup>e</sup> Rapport de Conformité – Troisième Cycle <b>Azerbaïdjan</b> <b>Bulgarie</b> <b>Moldova</b> <b>Espagne</b> (2 <sup>e</sup> Addendum)	
8.	<b>Adoption</b> <i>Interim</i> Compliance Report – Third Round <b>Cyprus</b> <b>Czech Republic</b> <b>France</b> <b>Turkey</b>	<b>Adoption</b> Rapport de Conformité <i>intérimaire</i> – Troisième Cycle <b>Chypre</b> <b>République Tchèque</b> <b>France</b> <b>Turquie</b>	
9.	<b>Fifth Evaluation Round</b> Decision on the mandate and composition of the working party to prepare the draft questionnaire and other proposals related to the evaluation round (proposals by Bureau 74) <b>Thursday morning</b>	<b>Cinquième Cycle d'Evaluation</b> Décision sur le mandat et composition du groupe de travail pour la préparation du projet de questionnaire et d'autres propositions relatives au cycle d'évaluation (propositions par le Bureau 74) <b>jeudi matin</b>	
10.	<b>Programme of Activities 2016</b> Adoption (draft approved by Bureau 74)	<b>Programme d'activités 2016</b> Adoption (projet approuvé par le Bureau 74)	
11.	<b>Second reading and adoption</b> Evaluation Report – Fourth Round <b>Portugal</b> <b>Bosnia and Herzegovina</b> <b>Romania</b> <b>Friday</b>	<b>Deuxième lecture et adoption</b> Rapport d'évaluation – Quatrième Cycle <b>Portugal</b> <b>Bosnie-Herzégovine</b> <b>Roumanie</b> <b>vendredi</b>	
12.	Miscellaneous	Divers	
13.	Adoption of decisions	Adoption des décisions	
14.	Dates of next meetings	Dates des prochaines réunions	
15.	Close of the meeting <b>Friday, 12 noon</b>	Fin de la réunion	<b>vendredi, 12h00</b>