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STRENGTHENING ANTI-CORRUPTION POLICIES AND PRACTICES IN TURKEY (TYSAP)

TECHNICAL PAPER

Turkish Law and International Conventions: Coverage of GRECO, OECD, and UNCAC-Monitoring

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1 SCOPE OF ASSIGNMENT

This Technical Paper serves the purpose of identifying areas of regulations in Turkey that have not yet been covered by previous monitoring exercises in the framework of the Council of Europe, OECD, and UN Conventions against corruption. This Paper will be followed by a compliance analysis in the areas identified as not (fully) monitored until now. It is part of TYSAP Project Activity 3.

2 METHODOLOGY

This Paper takes the United Nations Convention against Corruption (UNCAC) as a starting point as it is the most comprehensive of all anti-corruption conventions. A table called “UNCAC-Matrix” relates all available monitoring reports to the respective UNCAC provision. It also relates the UNCAC articles to the respective provisions in the three other conventions (Council of Europe Criminal Law Convention on Corruption (CoE Crim Conv) and Council of Europe Civil Law Convention on Corruption (CoE Civ Conv); OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Conv)). A second chapter covers areas not addressed by the UNCAC, but by the other three conventions.

According to the Workplan, TYSAP-Activity 3 reviews “compliance of domestic **regulation**”, not compliance of domestic non-regulatory measures. Thus, articles of the UNCAC and other conventions that do not aim at or entail regulatory changes are marked by “no regulatory obligation”. This concerns either articles where the nature of the measure does not necessarily require regulation (for example “shall publish statistical information on corruption”) or where the wording of the article itself only calls upon the State Parties “to consider” a regulation, or to introduce it only “as appropriate”.¹

The following monitoring reports have been taken into account for this Paper:

GRECO

Joint 1st and 2nd Evaluation Round

- Evaluation Report, 10 March 2006, 46 pages
- Compliance Report, 4 April 2008, 15 pages
- Addendum, 11 June 2010, 12 pages

3rd Evaluation Round

- Evaluation Report Theme I, 26 March 2010, 28 pages
- Evaluation Report Theme II, 26 March 2010, 25 pages
- Compliance Report Theme I and II, 23 March 2012, 18 pages

The evaluation of Turkey in the 4th Evaluation Round is not yet scheduled.²

The topics covered by the four Evaluations are listed in Annex 4a.

¹ See the distinction in the UNODC, Legislative guide for the implementation of the United Nations Convention against Corruption 2006 (English), page 1, www.unodc.org/unodc/en/treaties/CAC/technical-guide.html: “Mandatory requirements: obligation to take legislative or other measures; Optional requirements: obligation to consider; Optional measures: measures States parties may wish to consider.”

² According to publicly available information, http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp.

In addition, the GRECO study on “Lessons learnt from the three Evaluation Rounds (2000-2010), Thematic Articles” (2012),³ 76 pages, has been consulted for this Paper.

OECD

- Phase 1 report, November 2004, 27 pages
- Phase 2 report, December 2007, 79 pages
- Phase 2bis report, June 2009, 34 pages
- Follow-up on Phase 2 & Phase 2bis report, March 2010, 39 pages
- Steps taken by Turkey to implement and enforce the OECD Convention, September 2008, 2 pages

The OECD country monitoring focuses on the whole Convention. Phase 1 evaluates the adequacy of a country’s legislation to implement the Convention, whereas Phases 2 and 3 focus on application of the legislation and enforcement of the Convention.⁴ One should keep in mind that large parts of the compliance analysis only refer to bribery of foreign officials. However, general principles of Turkish criminal law such as for example attempt and participation in a crime apply not only to bribery of foreign officials, but also to other corruption offences as foreseen in the CoE Crim and UN Convention.

OECD SIGMA

- Assessment Report on Turkey 2004, 78 pages
- Assessment Report on Turkey 2005, 80 pages
- Assessment Report on Turkey 2006, 47 pages
- Assessment Report on Turkey 2008, 70 pages
- Assessment Report on Turkey 2009, 65 pages
- Assessment Report on Turkey 2010, 21 pages
- Assessment Report on Turkey 2011, 29 pages
- Assessment Report on Turkey 2012, 36 pages

There was no assessment in 2007. The Reports cover the following areas: Democracy and the Rule of Law, Legal Framework and Civil Service Management, Civil Service and Administrative Law, Integrity, Public Finance Management, Public Expenditure Management and Control, Public Procurement, Policy Making.⁵ The SIGMA Reports do not explicitly analyse compliance with international conventions and apparently there exists no questionnaire for the assessments; however, the Reports cover in detail and based on diverse and thorough expertise many subjects of the Conventions by CoE, OECD and UN, and include all good practices and international standards related to these subjects. They are therefore included in this Paper.

UNCAC

³ http://www.coe.int/t/dghl/monitoring/greco/general/Compendium_Thematic_Articles_EN.pdf.

⁴ <http://www.oecd.org/daf/anti-bribery/turkey-oecdanti-briberyconvention.htm>.

⁵ <http://www.oecd.org/site/sigma/publicationsdocuments/assessmentreportsturkey.htm>.

An assessment of Turkey within the first review cycle of the Mechanism for the Review of Implementation is scheduled for the 4th year of the cycle (2013-2014).⁶ The first review cycle covers Chapters III and IV of the UNCAC (Articles 15-50). The length of country review reports has ranged so far from approximately 100 pages to over 500 pages, depending on the language and number of annexes.⁷

Anti-Money Laundering Standards

- FATF, Third Mutual Evaluation of Turkey, 23 Feb 2007, 231 pages⁸
- MONEYVAL: Turkey is not a member.⁹
- IMF: There is no “Detailed Assessment Report on Anti-Money Laundering and Combating the Financing of Terrorism” available on Turkey, as is the case for other countries.¹⁰
- EAG: Turkey is an observing member.¹¹

It goes without saying that different evaluation teams will reach different conclusions on compliance, all the more, when different conventions and standards are involved, even if the wording of the conventions is identical. This Paper is based on the assumption, though, that monitoring of the same provision under one convention covers also compliance under the respective provision of another convention.

3 FINDINGS

UNCAC

Chapters I (General provisions) and II (Preventive measures) are covered by previous monitoring (GRECO 1st, 2nd and 3rd Round; OECD SIGMA; FATF).

Chapters III (Criminalization) and IV (International cooperation) are covered to some extent by previous monitoring (GRECO 1st, 2nd and 3rd Round; OECD; OECD SIGMA; FATF). Whereas previous monitoring does not cover all aspects of Chapters III and IV, both Chapters will be subject in Turkey to the UNCAC first review cycle scheduled for 2013-2014. It seems therefore preferable to not review their compliance by end of 2013/beginning of 2014, and thus double efforts.

Chapter V (Asset recovery) is partly covered by previous monitoring (GRECO 2nd Round; OECD SIGMA; FATF). The GRECO Joint 1st and 2nd Evaluation Round Evaluation Report of 10 March 2006 (according to the defined scope of the evaluation) dedicates about 1 page to describing the confiscation framework in Turkey, another page to interim measures, and very briefly touches on international asset recovery.¹² The FATF Evaluation takes the FATF Recommendation 3 (non-revised version 2004)¹³ as a starting point. Recommendation 3 in turn mainly refers to the

⁶ Implementation Review Group of the United Nations Convention against Corruption, Background paper prepared by the Secretariat, “Country reviews: organization and schedule of reviews”, 26 November 2010, CAC/COSP/IRG/2010/CRP, <http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/10-58040e.pdf>.

⁷ Implementation Review Group, Note by the Secretariat, “Progress report on the implementation of the mandates of the Implementation Review Group”, 25 March 2013, CAC/COSP/IRG/2013/4, at par. 44, <http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382063e.pdf>.

⁸ <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/MER%20Turkey%20full.pdf>.

⁹ http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Country_profiles_en.asp.

¹⁰ <http://www.imf.org/external/country/tur/index.htm?type=9998>.

¹¹ <http://www.eurasiangroup.org/observers.php>.

¹² At par. 103 f., 121.

¹³ <http://www.fatf-gafi.org/topics/fatfrecommendations/documents/the40recommendationspublishedoctober2004.html>.

confiscation regime foreseen in the Vienna¹⁴ and Palermo¹⁵ Conventions. Provisions in both Conventions go into much more detail than the Council of Europe Criminal Law Convention but are to a large extent similar to those in the UNCAC. However, the UNCAC takes asset recovery further in several aspects, in particular by making repatriation of assets obligatory (Articles 53-55).¹⁶ In addition, Turkey started adapting its legislation in 2009 to EU Council Decision 2007/845/JHA¹⁷ “concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime”,¹⁸ which might be an additional reason to make a compliance analysis worth while. Thus, it is recommended to review the provisions on international asset recovery. In addition, the FATF Evaluation stated (in 2007):

“While the confiscation framework in Turkey appears to meet most of the standards, it has produced limited results. Despite the concerns that the requirement of ‘strong suspicion’ could potentially limit use of powers of seizure, statistics on seized property demonstrate the effectiveness of Turkey’s precautionary measures as a whole. However, it is not possible to determine the effectiveness of the confiscation system vis-à-vis the money laundering offence due to the low number of confiscation cases. The new legal grounds for confiscation, introduced in June 2005, may produce better results in the future. It is nevertheless necessary for Turkey to examine its approach to confiscation as related to ML cases to increase the number of successful confiscation actions.”¹⁹

The finding probably not only applies money laundering but also to corruption offences. It seems hence a good time for reviewing the asset recovery framework as a whole, not only in relation to international aspects.

Chapters VI-VIII contain only provisions that do not entail regulatory obligations.

CoE Criminal Law Convention

A few aspects of Article 30 (Direct Communication) divert from the UNCAC and have not yet been monitored.

CoE Civil Law Convention

With the exception of Articles 9 and 10 of the Convention, all other Articles require monitoring.

4 RECOMMENDATION

In view of the above findings, it is recommended to review compliance of:

- UNCAC
 - o Article 32 “Protection of witnesses, experts and victims”

¹⁴ United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (Vienna Convention), www.unodc.org/pdf/convention_1988_en.pdf.

¹⁵ United Nations Convention against Transnational Organised Crime, 2000 (Palermo Convention or UNTOC), www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf.

¹⁶ Cf. Daniel Thelesklaf, Asset Recovery, UNAFEI Resource Material Series No. 83 (March 2011), page 4, http://www.unafei.or.jp/english/pdf/RS_No83/No83_05VE_Thelesklaf.pdf; Jean B. Weld, International Co-Operation in the Recovery of Criminal Assets, UNAFEI Resource Material Series No. 83 (March 2011), page 31, http://www.unafei.or.jp/english/pdf/RS_No83/No83_07VE_Weld2.pdf.

¹⁷ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/confiscation-and-asset-recovery/index_en.htm.

¹⁸ www.abgs.gov.tr/files/EMPB/murat_bey_ok.ppt.

¹⁹ At page 38, par. 153.

- Article 37 “Cooperation with law enforcement authorities”, par. 5 – international transfer of crown witnesses
- Chapter V “Asset recovery”
- CoE Criminal Law Convention
 - Article 30 “Direct Communication”, par. 2-5 (only partly covered by Article 46 UNCAC)
- Council of Europe Civil Law Convention
 - All Articles except for 9 and 10

5 UNCAC MATRIX

UNCAC-Article	Coverage by previous monitoring
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a. Chapter I General provisions

Article 1. Statement of purpose	
The purposes of this Convention are:	No regulatory obligation
(a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;	No regulatory obligation
(b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;	No regulatory obligation
(c) To promote integrity, accountability and proper management of public affairs and public property.	No regulatory obligation
Article 2. Use of terms	CoE Crim Conv Article 1 – Use of terms; OECD Conv Article 1
For the purposes of this Convention:	No regulatory obligation
(a) “Public official” shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party; (iii) any other person defined as a “public official” in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of this Convention, “public official” may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party;	GRECO 3 rd Round
(b) “Foreign public official” shall mean any person holding a legislative, executive, administrative or judicial office of a foreign country, whether appointed or elected; and any person exercising a public function for a foreign country, including for a public agency or public enterprise;	GRECO 3 rd Round

(c) "Official of a public international organization" shall mean an international civil servant or any person who is authorized by such an organization to act on behalf of that organization;	GRECO 3 rd Round
(d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets;	GRECO 2 nd Round
(e) "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;	GRECO 2 nd Round
(f) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;	GRECO 2 nd Round
(g) "Confiscation", which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;	GRECO 2 nd Round
(h) "Predicate offence" shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 23 of this Convention;	GRECO 2 nd Round
(i) "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.	GRECO 2 nd Round
Article 3. Scope of application	
1. This Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution of corruption and to the freezing, seizure, confiscation and return of the proceeds of offences established in accordance with this Convention.	No regulatory obligation
2. For the purposes of implementing this Convention, it shall not be necessary, except as otherwise stated herein, for the offences set forth in it to result in damage or harm to state property.	No regulatory obligation
Article 4. Protection of sovereignty	
1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.	No regulatory obligation
2. Nothing in this Convention shall entitle a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.	No regulatory obligation

b. Chapter II Preventive measures

Article 5. Preventive anti-corruption policies and practices	
1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.	No regulatory obligation; GRECO 1 st Round
2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.	No regulatory obligation
3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.	No regulatory obligation
4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.	No regulatory obligation
Article 6. Preventive anti-corruption body or bodies	
1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:	No regulatory obligation; GRECO 1 st Round
(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;	No regulatory obligation; GRECO 1 st Round
(b) Increasing and disseminating knowledge about the prevention of corruption.	No regulatory obligation; GRECO 1 st Round
2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.	No regulatory obligation; GRECO 1 st Round
3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.	No regulatory obligation
Article 7. Public sector	
1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its	No regulatory obligation; OECD SIGMA

legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:	
(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;	GRECO 2 nd Round; OECD SIGMA
(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;	GRECO 2 nd Round; OECD SIGMA
(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;	GRECO 2 nd Round; OECD SIGMA
(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.	GRECO 2 nd Round; OECD SIGMA
2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.	No regulatory obligation
3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.	Covered by GRECO 3 rd Round Theme II (Council of Europe Recommendation No. R (2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns); OECD SIGMA
4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.	GRECO 2 nd Round; OECD SIGMA
Article 8. Codes of conduct for public officials	
1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.	GRECO 2 nd Round; OECD SIGMA
2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.	GRECO 2 nd Round; OECD SIGMA
3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral	GRECO 2 nd Round; OECD SIGMA; no regulatory obligation

organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.	
4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.	GRECO 2 nd Round; OECD SIGMA; OECD Phase 2 at par. 37; no regulatory obligation
5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.	GRECO 2 nd Round; OECD SIGMA; no regulatory obligation
6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.	GRECO 2 nd Round; OECD SIGMA; no regulatory obligation
Article 9. Public procurement and management of public finances	
1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:	OECD SIGMA
(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;	OECD SIGMA
(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;	OECD SIGMA
(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;	OECD SIGMA
(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;	OECD SIGMA
(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures	OECD SIGMA

and training requirements.	
2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:	OECD SIGMA
(a) Procedures for the adoption of the national budget;	OECD SIGMA
(b) Timely reporting on revenue and expenditure;	OECD SIGMA
(c) A system of accounting and auditing standards and related oversight;	OECD SIGMA
(d) Effective and efficient systems of risk management and internal control; and	OECD SIGMA
(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.	OECD SIGMA
3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.	OECD SIGMA
Article 10. Public reporting	
Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:	GRECO 2 nd Round; OECD SIGMA
(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;	GRECO 2 nd Round; OECD SIGMA
(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and	GRECO 2 nd Round; OECD SIGMA
(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.	GRECO 2 nd Round; OECD SIGMA
Article 11. Measures relating to the judiciary and prosecution services	
1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the	GRECO 1 st Round, GRECO 2 nd Round, 4 th Round; OECD SIGMA

conduct of members of the judiciary.	
2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.	GRECO 1 st Round, GRECO 2 nd Round, 4 th Round; OECD SIGMA
Article 12. Private sector	
1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.	No regulatory obligation, OECD SIGMA (partly) GRECO 2 nd Round, OECD Phase 1; OECD SIGMA GRECO 2 nd Round, OECD Phase 1; OECD SIGMA
2. Measures to achieve these ends may include, inter alia:	No regulatory obligation
(a) Promoting cooperation between law enforcement agencies and relevant private entities;	No regulatory obligation
(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;	No regulatory obligation; OECD Phase 2bis (on voluntarily drawn up codes of conducts, at par. 83)
(c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;	GRECO 2 nd Round; OECD Phase 1
(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;	GRECO 2 nd Round; OECD Phase 1
(e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;	GRECO 2 nd Round (see also GRECO Study 2000-2010, page 23)
(f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.	GRECO 2 nd Round; OECD Phase 1
3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in	GRECO 2 nd Round; OECD Phase 1 (CoE Crim Conv Article 14 – Account offences; OECD Conv

accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:	Article 8)
(a) The establishment of off-the-books accounts;	GRECO 2 nd Round; OECD Phase 1
(b) The making of off-the-books or inadequately identified transactions;	GRECO 2 nd Round; OECD Phase 1
(c) The recording of non-existent expenditure;	GRECO 2 nd Round; OECD Phase 1
(d) The entry of liabilities with incorrect identification of their objects;	GRECO 2 nd Round; OECD Phase 1
(e) The use of false documents; and	GRECO 2 nd Round; OECD Phase 1
(f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.	GRECO 2 nd Round; OECD Phase 1
4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.	GRECO 2 nd Round; OECD Phase 1
Article 13. Participation of society	
1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:	No regulatory obligation
(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;	No regulatory obligation
(b) Ensuring that the public has effective access to information;	No regulatory obligation; GRECO 2 nd Round
(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;	No regulatory obligation
(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:	No regulatory obligation; 2 nd Round
(i) For respect of the rights or reputations of others;	No regulatory obligation; GRECO 2 nd Round
(ii) For the protection of national security or ordre public or of public health or morals.	No regulatory obligation; GRECO 2 nd Round
2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the	GRECO 2 nd Round

public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.	
Article 14. Measures to prevent money-laundering	
1. Each State Party shall:	GRECO 2 nd Round; FATF
(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;	GRECO 2 nd Round; FATF
(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.	GRECO 2 nd Round; FATF
2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.	GRECO 2 nd Round; FATF
3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:	GRECO 2 nd Round; FATF
(a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;	GRECO 2 nd Round; FATF
(b) To maintain such information throughout the payment chain; and	GRECO 2 nd Round; FATF
(c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.	GRECO 2 nd Round; FATF
4. In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a	GRECO 2 nd Round; FATF

guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.	
5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.	No regulatory obligation; GRECO 2 nd Round

c. Chapter III Criminalization and law enforcement

Article 15. Bribery of national public officials	CoE Crim Conv Article 2 – Active bribery of domestic public officials; Article 4 – Bribery of members of domestic public assemblies; bribery of jurors and arbitrators according to the Additional Protocol ETS 191
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:	GRECO 3 rd Round Theme I
(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;	GRECO 3 rd Round Theme I (CoE Crim Conv Article 2 – Active bribery of domestic public officials)
(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.	GRECO 3 rd Round Theme I (CoE Crim Conv Article 3 – Passive bribery of domestic public officials, Article 4 – Bribery of members of domestic public assemblies)
Article 16. Bribery of foreign public officials and officials of public international organizations	CoE Crim Conv Article 5 – Bribery of foreign public officials, Article 6 – Bribery of members of foreign public assemblies, Article 9 – Bribery of officials of international organisations, Article 10 – Bribery of members of international parliamentary assemblies, Article 11 – Bribery of judges and officials of international courts; bribery of foreign jurors and arbitrators according to the Additional Protocol ETS 191; OECD Conv Article 1
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.	GRECO 3 rd Round Theme I, OECD Phase 1
2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue	GRECO 3 rd Round Theme I, OECD Phase 1

advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.	
Article 17. Embezzlement, misappropriation or other diversion of property by a public official	
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.	Not covered by previous monitoring, but UNCAC 1 st Cycle
Article 18. Trading in influence	CoE Crim Conv Article 12 – Trading in influence
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:	GRECO 3 rd Round Theme I
(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;	GRECO 3 rd Round Theme I
(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.	GRECO 3 rd Round Theme I
Article 19. Abuse of functions	
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.	No regulatory obligation; not covered by previous monitoring, but UNCAC 1 st Cycle
Article 20. Illicit enrichment	
Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.	No regulatory obligation; not covered by previous monitoring, but UNCAC 1 st Cycle
Article 21. Bribery in the private sector	CoE Crim Conv Article 7 – Active bribery in the private sector, Article 8 – Passive bribery in the private sector

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:	GRECO 3 rd Round Theme I
(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;	GRECO 3 rd Round Theme I
(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.	GRECO 3 rd Round Theme I
Article 22. Embezzlement of property in the private sector	Not covered by previous monitoring, but UNCAC 1 st Cycle
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.	Not covered by previous monitoring, but UNCAC 1 st Cycle
Article 23. Laundering of proceeds of crime	CoE Conv Article 13 Money laundering of proceeds from corruption offences; OECD Conv Article 7
1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(a)	
(i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(b) Subject to the basic concepts of its legal system:	
(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF

2. For purposes of implementing or applying paragraph 1 of this article:	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;	GRECO 2 nd Round; UNCAC 1 st Cycle; FATF
(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;	No regulatory obligation
(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.	No regulatory obligation
Article 24. Concealment	
Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.	No regulatory obligation; not covered by previous monitoring, but UNCAC 1 st Cycle
Article 25. Obstruction of justice	
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:	Not covered by previous monitoring, but UNCAC 1 st Cycle
(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;	Not covered by previous monitoring, but UNCAC 1 st Cycle
(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation	Not covered by previous monitoring, but UNCAC 1 st Cycle

that protects other categories of public official.	
Article 26. Liability of legal persons	CoE Crim Conv Article 18; OECD Conv Article 2
1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.	GRECO 2 nd Round; OECD Phase 1
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.	GRECO 2 nd Round; OECD Phase 1
3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.	GRECO 2 nd Round; OECD Phase 1
4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.	GRECO 2 nd Round; OECD Phase 1
Article 27. Participation and attempt	CoE Crim Conv Article 15 – Participatory acts
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.	GRECO 2 nd Round; OECD Phase 1
2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.	OECD Phase 1; Not covered by previous monitoring, but UNCAC 1 st Cycle
3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.	OECD Phase 1; Not covered by previous monitoring, but UNCAC 1 st Cycle
Article 28. Knowledge, intent and purpose as elements of an offence	CoE Conv Articles 2 f.
Knowledge, intent or purpose required as an element of an offence established in accordance with this Convention may be inferred from objective factual circumstances.	GRECO 3 rd Round Theme I; UNCAC 1 st Cycle
Article 29. Statute of limitations	OECD Conv Article 6 (not covered by CoE Crim Conv)
Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.	GRECO 3 rd Round Theme I (see Questionnaire); UNCAC 1 st Cycle
Article 30. Prosecution, adjudication and sanctions	CoE Crim Conv Article 19; OECD Conv Article 3
1. Each State Party shall make the commission of	GRECO 2 nd Round; 3 rd Round Theme I; OECD

an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.	Phase 1
2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.	GRECO 1 st Round; GRECO 2 nd Round; OECD Phase 1 (CoE Crim Conv Article 16)
3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.	No regulatory obligation; GRECO 1 st Round, GRECO 2 nd Round; OECD Phase 1
4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.	No regulatory obligation (may be implemented by courts): UNODC Technical Guide to the UNCAC (2009), page 130 par. 379: "This relates to decisions on the defendants' release before trial or appeal."
5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.	GRECO 2 nd Round; 3 rd Round Theme I; OECD Phase 1
6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.	No regulatory obligation; GRECO 2 nd Round; 3 rd Round Theme I at par. 30
7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:	No regulatory obligation; GRECO 2 nd Round; 3 rd Round Theme I at par. 30
(a) Holding public office; and	GRECO 2 nd Round; 3 rd Round Theme I at par. 30
(b) Holding office in an enterprise owned in whole or in part by the State.	GRECO 2 nd Round; 3 rd Round Theme I at par. 30
8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.	GRECO 2 nd Round; 3 rd Round Theme I
9. Nothing contained in this Convention shall affect the principle that the description of the offences	No regulatory obligation

established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law.	
10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.	No regulatory obligation (regulation possible, but not necessary; reintegration could be promoted by budget allocation or policies)
Article 31. Freezing, seizure and confiscation	CoE Crim Conv Article 23 – Measures to facilitate the gathering of evidence and the confiscation of proceeds; OECD Conv Article 3 par. 3
1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:	GRECO 2 nd Round (Article 23 of CoE Conv is less elaborate than Article 31 UNCAC; however, the GRECO Reports covered all issues under Article 31 UNCAC)
(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;	GRECO 2 nd Round; OECD Phase 1; FATF
(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.	GRECO 2 nd Round; OECD Phase 1; FATF
2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.	GRECO 2 nd Round; OECD Phase 1; FATF
3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.	GRECO 2 nd Round; OECD Phase 1; FATF
4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.	GRECO 2 nd Round; OECD Phase 1; FATF
5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.	GRECO 2 nd Round; OECD Phase 1; FATF
6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.	GRECO 2 nd Round; OECD Phase 1; FATF
7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank	GRECO 2 nd Round; OECD Phase 1; FATF (CoE Crim Conv Article 26 par. 3; OECD Article 9 par. 3)

secrecy.	
8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.	GRECO 2 nd Round; OECD Phase 1; FATF
9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.	GRECO 2 nd Round; OECD Phase 1; FATF
10. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party.	No regulatory obligation
Article 32. Protection of witnesses, experts and victims	CoE Crim Conv Article 22 – Protection of collaborators of justice and witnesses
1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.	CoE Joint 1 st and 2 nd Round (at par. 70); CoE Joint 1 st and 2 nd Round Add (at par. 54); OECD SIGMA 2011; this monitoring has been only brief and could benefit from a deeper analysis.
2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:	Above monitoring has been only brief and could benefit from a deeper analysis.
(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;	Above monitoring has been only brief and could benefit from a deeper analysis.
(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.	Above monitoring has been only brief and could benefit from a deeper analysis.
3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.	Above monitoring has been only brief and could benefit from a deeper analysis.
4. The provisions of this article shall also apply to victims insofar as they are witnesses.	Above monitoring has been only brief and could benefit from a deeper analysis.
5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.	Above monitoring has been only brief and could benefit from a deeper analysis.
Article 33. Protection of reporting persons	CoE Crim Conv Article 22 a
Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide	GRECO 2 nd Round; OECD Phase 2 par. 42

protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.	
Article 34. Consequences of acts of corruption	CoE Crim Conv Article 18
With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.	GRECO 2 nd Round; 3 rd Round Theme I
Article 35. Compensation for damage	CoE Civ Conv Article 3 – Compensation for damage
Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.	UNCAC 1 st Cycle
Article 36. Specialized authorities	CoE Crim Conv Article 20
Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.	GRECO 1 st Round
Article 37. Cooperation with law enforcement authorities	CoE Crim Conv Article 21
1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.	OECD Phase 2 par. 38 and 42 – this monitoring has been only brief and could benefit from a deeper analysis; UNCAC 1 st Cycle
2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.	OECD Phase 2 par. 38 and 42 – this monitoring has been only brief and could benefit from a deeper analysis; UNCAC 1 st Cycle
3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an	OECD Phase 2 par. 38 and 42 – this monitoring has been only brief and could benefit from a deeper analysis; UNCAC 1 st Cycle

offence established in accordance with this Convention.	
4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.	OECD Phase 2 par. 38 and 42 – this monitoring has been only brief and could benefit from a deeper analysis; UNCAC 1 st Cycle
5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.	Probably no regulatory obligation (could be decided on a case-by-case basis), but need for regulation within Turkey framework should be reviewed; UNCAC 1 st Cycle
Article 38. Cooperation between national authorities	CoE Crim Conv Article 21
Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:	No regulatory obligation, could be implemented by non-regulatory means
(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or	Probably no regulatory obligation; advantage of and need for regulation will be reviewed within TYSAP-Project; UNCAC 1 st Cycle
(b) Providing, upon request, to the latter authorities all necessary information.	Probably no regulatory obligation; advantage of and need for regulation will be reviewed within TYSAP-Project; UNCAC 1 st Cycle
Article 39. Cooperation between national authorities and the private sector	
1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.	No regulatory obligation
2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.	No regulatory obligation
Article 40. Bank secrecy	CoE Crim Conv Article 23 par. 2 (partly)
Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.	OECD Phase 1 par. 9.3
Article 41. Criminal record	
Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in	No regulatory obligation

another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.	
Article 42. Jurisdiction	CoE Crim Conv Article 17; OECD Conv Article 4
1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:	GRECO 3 rd Round Theme I
(a) The offence is committed in the territory of that State Party; or	GRECO 3 rd Round Theme I
(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.	GRECO 3 rd Round Theme I
2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:	No regulatory obligation; GRECO 3 rd Round Theme I
(a) The offence is committed against a national of that State Party;	No regulatory obligation; GRECO 3 rd Round Theme I
or (b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or	No regulatory obligation; GRECO 3 rd Round Theme I
(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory; or	No regulatory obligation; GRECO 3 rd Round Theme I
(d) The offence is committed against the State Party.	No regulatory obligation; GRECO 3 rd Round Theme I
3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.	GRECO 3 rd Round Theme I (CoE Crim Conv Article 17 par. 3)
4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.	GRECO 3 rd Round Theme I (CoE Crim Conv Article 17 par. 3)
5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.	No regulatory obligation
6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.	No regulatory obligation; GRECO 3 rd Round Theme I

d. Chapter IV International cooperation

	<p>Chapter IV CoE Conv Chapter IV of CoE Crim Conv is relatively short compared to Chapter IV of UNCAC. Whereas the UNCAC Chapter comprises of about 4,700 words, the CoE Crim Conv comprises of only about 970 words. This briefness reflects that certain issues addressed by UNCAC are not touched upon by the CoE Conv (such as Article 50 UNCAC – Special Investigative Means). A compliance analysis under UNCAC will cover all issues required under CoE Crim Conv.</p>
Article 43. International cooperation	CoE Crim Conv Article 25
1. States Parties shall cooperate in criminal matters in accordance with articles 44 to 50 of this Convention. Where appropriate and consistent with their domestic legal system, States Parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption.	No regulatory obligation
2. In matters of international cooperation, whenever dual criminality is considered a requirement, it shall be deemed fulfilled irrespective of whether the laws of the requested State Party place the offence within the same category of offence or denominate the offence by the same terminology as the requesting State Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both States Parties.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
Article 44. Extradition	CoE Crim Conv Article 27; OECD Conv Article 10
1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.	No regulatory obligation; Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.	No regulatory obligation; Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle; except for last sentence no regulatory obligation

whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.	
5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.	No regulatory obligation; Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
6. A State Party that makes extradition conditional on the existence of a treaty shall:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and	No regulatory obligation
(b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.	No regulatory obligation
7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.	No regulatory obligation
10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.	No regulatory obligation
11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.	
12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.	Only partly regulatory obligation; UNCAC 1 st Cycle
13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.	No regulatory obligation
16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.	No regulatory obligation
18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.	No regulatory obligation
Article 45. Transfer of sentenced persons	
States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.	No regulatory obligation; Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
Article 46. Mutual legal assistance	CoE Crim Conv Article 26; OECD Conv Article 10

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.	No regulatory obligation
2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) Taking evidence or statements from persons; (b) Effecting service of judicial documents; (c) Executing searches and seizures, and freezing;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(d) Examining objects and sites;	
(e) Providing information, evidentiary items and expert evaluations; (f) Providing originals or certified copies of relevant documents and	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
records, including government, bank, financial, corporate or business records;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(h) Facilitating the voluntary appearance of persons in the requesting State Party;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.	No regulatory obligation; CoE Crim Conv Article 28
5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.	
6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.	No regulatory obligation
7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply those paragraphs if they facilitate cooperation.	No regulatory obligation
8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;	No regulatory obligation
(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.	No regulatory obligation
10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) The person freely gives his or her informed consent;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
11. For the purposes of paragraph 10 of this article:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

requested or authorized by the State Party from which the person was transferred;	
(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle (CoE Crim Conv Article 29)
14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.	
15. A request for mutual legal assistance shall contain:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) The identity of the authority making the request;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(e) Where possible, the identity, location and nationality of any person concerned; and	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(f) The purpose for which the evidence, information or action is sought.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.	No regulatory obligation
17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.	No regulatory obligation
18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.	No regulatory obligation
19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.	
20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.	No regulatory obligation
21. Mutual legal assistance may be refused:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) If the request is not made in conformity with the provisions of this article;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
23. Reasons shall be given for any refusal of mutual legal assistance.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.	No regulatory obligation
26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.	
27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
29. The requested State Party:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.	No regulatory obligation
30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.	No regulatory obligation; only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
Article 47. Transfer of criminal proceedings	
States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.	No regulatory obligation

Article 48. Law enforcement cooperation	CoE Crim Conv Articles 25 and 30 (partly)
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:	No regulatory obligation
(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;	No regulatory obligation
(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:	No regulatory obligation
(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;	No regulatory obligation
(ii) The movement of proceeds of crime or property derived from the commission of such offences;	No regulatory obligation
(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;	No regulatory obligation
(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;	No regulatory obligation
(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;	No regulatory obligation
(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;	No regulatory obligation
(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.	No regulatory obligation
2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including	No regulatory obligation

international or regional organizations, to enhance the cooperation between their law enforcement agencies.	
3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.	No regulatory obligation
Article 49. Joint investigations	
States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.	No regulatory obligation
Article 50. Special investigative techniques	
1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.	UNCAC 1 st Cycle
2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.	UNCAC 1 st Cycle
3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.	UNCAC 1 st Cycle
4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.	No regulatory obligation

e. Chapter V Asset recovery

Article 51. General provision	
The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.	No regulatory obligation
Article 52. Prevention and detection of transfers of proceeds of crime	
1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.	GRECO 2 nd Round; FATF
2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:	GRECO 2 nd Round; FATF
(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and recordkeeping measures to take concerning such accounts; and	GRECO 2 nd Round; FATF
(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.	GRECO 2 nd Round; FATF
3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.	GRECO 2 nd Round; FATF
4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight	GRECO 2 nd Round; FATF

bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.	
5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.	GRECO 2 nd Round; FATF
6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.	GRECO 2 nd Round; FATF
Article 53. Measures for direct recovery of property	CoE Crim Conv Article 23 (partly)
Each State Party shall, in accordance with its domestic law:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
Article 54. Mechanisms for recovery of property through international cooperation in confiscation	
1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:	
(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.	No regulatory obligation
2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.	No regulatory obligation
Article 55. International cooperation for purposes of confiscation	
1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

<p>(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.</p>	<p>Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1st Cycle</p>
<p>4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.</p>	<p>No regulatory obligation</p>
<p>5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a</p>	<p>No regulatory obligation</p>

description thereof to the Secretary-General of the United Nations.	
6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.	No regulatory obligation
7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a de minimis value.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.	No regulatory obligation
Article 56. Special cooperation	
Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
Article 57. Return and disposal of assets	
1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle

requesting State Party;	
(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.	Only partly/generally covered by OECD Phase 1 and FATF; UNCAC 1 st Cycle
5. Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by- case basis, for the final disposal of confiscated property.	No regulatory obligation
Article 58. Financial intelligence unit	
States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.	OECD Phase 1, FATF; UNCAC 1 st Cycle
Article 59. Bilateral and multilateral agreements and arrangements	
States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.	No regulatory obligation

f. Chapter VI Technical assistance and information exchange

Article 60. Training and technical assistance	
1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its personnel responsible for preventing and combating corruption. Such training programmes could deal, inter alia, with the following areas:	No regulatory obligation
(a) Effective measures to prevent, detect, investigate, punish and control corruption, including the use of evidence-gathering and investigative methods;	No regulatory obligation
(b) Building capacity in the development and	No regulatory obligation

planning of strategic anticorruption policy;	
(c) Training competent authorities in the preparation of requests for mutual legal assistance that meet the requirements of this Convention;	No regulatory obligation
(d) Evaluation and strengthening of institutions, public service management and the management of public finances, including public procurement, and the private sector;	No regulatory obligation
(e) Preventing and combating the transfer of proceeds of offences established in accordance with this Convention and recovering such proceeds;	No regulatory obligation
(f) Detecting and freezing of the transfer of proceeds of offences established in accordance with this Convention;	No regulatory obligation
(g) Surveillance of the movement of proceeds of offences established in accordance with this Convention and of the methods used to transfer, conceal or disguise such proceeds;	No regulatory obligation
(h) Appropriate and efficient legal and administrative mechanisms and methods for facilitating the return of proceeds of offences established in accordance with this Convention;	No regulatory obligation
(i) Methods used in protecting victims and witnesses who cooperate with judicial authorities; and	No regulatory obligation
(j) Training in national and international regulations and in languages.	No regulatory obligation
2. States Parties shall, according to their capacity, consider affording one another the widest measure of technical assistance, especially for the benefit of developing countries, in their respective plans and programmes to combat corruption, including material support and training in the areas referred to in paragraph 1 of this article, and training and assistance and the mutual exchange of relevant experience and specialized knowledge, which will facilitate international cooperation between States Parties in the areas of extradition and mutual legal assistance.	No regulatory obligation
3. States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities in international and regional organizations and in the framework of relevant bilateral and multilateral agreements or arrangements.	No regulatory obligation
4. States Parties shall consider assisting one another, upon request, in conducting evaluations, studies and research relating to the types, causes, effects and costs of corruption in their respective countries, with a view to developing, with the participation of competent authorities and society, strategies and action plans to combat corruption.	No regulatory obligation
5. In order to facilitate the recovery of proceeds of offences established in accordance with this Convention, States Parties may cooperate in providing each other with the names of experts who could assist in achieving that objective.	No regulatory obligation
6. States Parties shall consider using subregional,	No regulatory obligation

regional and international conferences and seminars to promote cooperation and technical assistance and to stimulate discussion on problems of mutual concern, including the special problems and needs of developing countries and countries with economies in transition.	
7. States Parties shall consider establishing voluntary mechanisms with a view to contributing financially to the efforts of developing countries and countries with economies in transition to apply this Convention through technical assistance programmes and projects.	No regulatory obligation
8. Each State Party shall consider making voluntary contributions to the United Nations Office on Drugs and Crime for the purpose of fostering, through the Office, programmes and projects in developing countries with a view to implementing this Convention.	No regulatory obligation
Article 61. Collection, exchange and analysis of information on corruption	
1. Each State Party shall consider analysing, in consultation with experts, trends in corruption in its territory, as well as the circumstances in which corruption offences are committed.	No regulatory obligation
2. States Parties shall consider developing and sharing with each other and through international and regional organizations statistics, analytical expertise concerning corruption and information with a view to developing, insofar as possible, common definitions, standards and methodologies, as well as information on best practices to prevent and combat corruption.	No regulatory obligation
3. Each State Party shall consider monitoring its policies and actual measures to combat corruption and making assessments of their effectiveness and efficiency.	No regulatory obligation
Article 62. Other measures: implementation of the Convention through economic development and technical assistance	
1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of corruption on society in general, in particular on sustainable development.	No regulatory obligation
2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:	No regulatory obligation
(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat corruption;	No regulatory obligation
(b) To enhance financial and material assistance to support the efforts of developing countries to prevent and fight corruption effectively and to help them implement this Convention successfully;	No regulatory obligation
(c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the	No regulatory obligation

implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to that account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of this Convention;	
(d) To encourage and persuade other States and financial institutions as appropriate to join them in efforts in accordance with this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.	No regulatory obligation
3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.	No regulatory obligation
4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of corruption.	No regulatory obligation

g. Chapter VII Mechanisms for implementation

Article 63. Conference of the States Parties to the Convention	
1. A Conference of the States Parties to the Convention is hereby established to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation.	No regulatory obligation
2. The Secretary-General of the United Nations shall convene the Conference of the States Parties not later than one year following the entry into force of this Convention. Thereafter, regular meetings of the Conference of the States Parties shall be held in accordance with the rules of procedure adopted by the Conference.	No regulatory obligation
3. The Conference of the States Parties shall adopt rules of procedure and rules governing the functioning of the activities set forth in this article, including rules concerning the admission and participation of observers, and the payment of expenses incurred in carrying out those activities.	No regulatory obligation
4. The Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including:	No regulatory obligation
(a) Facilitating activities by States Parties under articles	No regulatory obligation

60 and 62 and chapters II to V of this Convention, including by encouraging the mobilization of voluntary contributions;	
(b) Facilitating the exchange of information among States Parties on patterns and trends in corruption and on successful practices for preventing and combating it and for the return of proceeds of crime, through, inter alia, the publication of relevant information as mentioned in this article;	No regulatory obligation
(c) Cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations;	No regulatory obligation
(d) Making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;	No regulatory obligation
(e) Reviewing periodically the implementation of this Convention by its States Parties;	No regulatory obligation
(f) Making recommendations to improve this Convention and its implementation;	No regulatory obligation
(g) Taking note of the technical assistance requirements of States Parties with regard to the implementation of this Convention and recommending any action it may deem necessary in that respect.	No regulatory obligation
5. For the purpose of paragraph 4 of this article, the Conference of the States Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the States Parties.	No regulatory obligation
6. Each State Party shall provide the Conference of the States Parties with information on its programmes, plans and practices, as well as on legislative and administrative measures to implement this Convention, as required by the Conference of the States Parties. The Conference of the States Parties shall examine the most effective way of receiving and acting upon information, including, inter alia, information received from States Parties and from competent international organizations. Inputs received from relevant non-governmental organizations duly accredited in accordance with procedures to be decided upon by the Conference of the States Parties may also be considered.	No regulatory obligation
7. Pursuant to paragraphs 4 to 6 of this article, the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.	No regulatory obligation
Article 64. Secretariat	
1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the States Parties to the Convention.	No regulatory obligation
2. The secretariat shall:	No regulatory obligation

(a) Assist the Conference of the States Parties in carrying out the activities set forth in article 63 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the States Parties;	No regulatory obligation
(b) Upon request, assist States Parties in providing information to the Conference of the States Parties as envisaged in article 63, paragraphs 5 and 6, of this Convention; and	No regulatory obligation
(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.	No regulatory obligation

h. Chapter VIII Final provisions

Article 65. Implementation of the Convention	
1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.	No regulatory obligation
2. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating corruption.	No regulatory obligation
Article 66. Settlement of disputes	
1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.	No regulatory obligation
2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.	No regulatory obligation
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.	No regulatory obligation
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.	No regulatory obligation
Article 67. Signature, ratification, acceptance, approval and accession	No regulatory obligation
1. This Convention shall be open to all States for signature from 9 to 11 December 2003 in Merida, Mexico, and thereafter at United Nations Headquarters in New York until 9 December 2005.	No regulatory obligation

<p>2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Convention in accordance with paragraph 1 of this article.</p>	<p>No regulatory obligation</p>
<p>3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.</p>	<p>No regulatory obligation</p>
<p>4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.</p>	<p>No regulatory obligation</p>
<p>Article 68. Entry into force</p>	
<p>1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.</p>	<p>No regulatory obligation</p>
<p>2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the thirtieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Convention enters into force pursuant to paragraph 1 of this article, whichever is later.</p>	<p>No regulatory obligation</p>
<p>Article 69. Amendment</p>	
<p>1. After the expiry of five years from the entry into force of this Convention, a State Party may propose an amendment and transmit it to the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the States Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the States Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the States Parties.</p>	<p>No regulatory obligation</p>

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.	No regulatory obligation
3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.	No regulatory obligation
5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.	No regulatory obligation
Article 70. Denunciation	
1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.	No regulatory obligation
2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.	No regulatory obligation
Article 71. Depositary and languages	
1. The Secretary-General of the United Nations is designated depositary of this Convention.	
2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.	No regulatory obligation
IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.	No regulatory obligation
4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.	No regulatory obligation

6 AREAS NOT COVERED BY UNCAC

a. OECD Convention

Article 5 – Enforcement	
Investigation and prosecution of the bribery of a foreign public official shall be subject to the applicable rules and principles of each Party. They shall not be influenced by considerations of national economic interest, the potential effect upon relations with another State or the identity of the natural or legal persons involved.	No regulatory obligation OECD Phase 2

b. CoE Criminal Law Convention

Article 30 – Direct communication	
1 The central authorities shall communicate directly with one another.	UNCAC Article 46 par. 13
2 In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by the judicial authorities, including public prosecutors, of the requesting Party to such authorities of the requested Party. In such cases a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.	Not covered by UNCAC
3 Any request or communication under paragraphs 1 and 2 of this article may be made through the International Criminal Police Organisation (Interpol).	UNCAC Article 46 par. 13 last sentence, which is less restrictive
4 Where a request is made pursuant to paragraph 2 of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.	Not covered by UNCAC
5 Requests or communications under paragraph 2 of this article, which do not involve coercive action, may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.	Not covered by UNCAC
6 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this chapter are to be addressed to its central authority.	No regulatory obligation
Article 31 – Information	
The requested Party shall promptly inform the requesting Party of the action taken on a request under this chapter and the final result of that action. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.	UNCAC Art. 46 par. 24 (with a less strict wording)

c. CoE Civil Law Convention

Chapter I – Measures to be taken at national level	
Article 1 – Purpose	
Each Party shall provide in its internal law for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage.	No regulatory obligation
Article 2 – Definition of corruption	
For the purpose of this Convention, "corruption" means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.	No regulatory obligation
Article 3 – Compensation for damage	
1 Each Party shall provide in its internal law for persons who have suffered damage as a result of corruption to have the right to initiate an action in order to obtain full compensation for such damage.	UNCAC Article 35. Compensation for damage – however limited to criminal acts (as from the systematic position of this Article in Chapter III); not covered by previous monitoring
2 Such compensation may cover material damage, loss of profits and non-pecuniary loss.	
Article 4 – Liability	
1 Each Party shall provide in its internal law for the following conditions to be fulfilled in order for the damage to be compensated:	UNCAC Article 35. Compensation for damage – however limited to criminal acts (as from the systematic position of this Article in Chapter III) – and only very generally without civil law dogmatic as in the CoE Conv; not covered by previous monitoring
i the defendant has committed or authorised the act of corruption, or failed to take reasonable steps to prevent the act of corruption;	Not covered by previous monitoring
ii the plaintiff has suffered damage; and	Not covered by previous monitoring
iii there is a causal link between the act of corruption and the damage.	Not covered by previous monitoring
2 Each Party shall provide in its internal law that, if several defendants are liable for damage for the same corrupt activity, they shall be jointly and severally liable.	Not covered by previous monitoring
Article 5 – State responsibility	
Each Party shall provide in its internal law for appropriate procedures for persons who have suffered damage as a result of an act of corruption by its public officials in the exercise of their functions to claim for compensation from the State or, in the case of a non-state Party, from that Party's appropriate authorities.	Not covered by previous monitoring
Article 6 – Contributory negligence	
Each Party shall provide in its internal law for the compensation to be reduced or disallowed having regard to all the circumstances, if the plaintiff has by his or her own fault contributed to the damage or to its aggravation.	Not covered by previous monitoring
Article 7 – Limitation periods	
1 Each Party shall provide in its internal law for	Not covered by previous monitoring

proceedings for the recovery of damages to be subject to a limitation period of not less than three years from the day the person who has suffered damage became aware or should reasonably have been aware, that damage has occurred or that an act of corruption has taken place, and of the identity of the responsible person. However, such proceedings shall not be commenced after the end of a limitation period of not less than ten years from the date of the act of corruption.	
2 The laws of the Parties regulating suspension or interruption of limitation periods shall, if appropriate, apply to the periods prescribed in paragraph 1.	Not covered by previous monitoring
Article 8 – Validity of contracts	
1 Each Party shall provide in its internal law for any contract or clause of a contract providing for corruption to be null and void.	UNCAC Article 34. Consequences of acts of corruption (however being non-binding)
2 Each Party shall provide in its internal law for the possibility for all parties to a contract whose consent has been undermined by an act of corruption to be able to apply to the court for the contract to be declared void, notwithstanding their right to claim for damages.	Not covered by previous monitoring
Article 9 – Protection of employees	
Each Party shall provide in its internal law for appropriate protection against any unjustified sanction for employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities.	UNCAC Article 33. Protection of reporting persons
Article 10 – Accounts and audits	
1 Each Party shall, in its internal law, take any necessary measures for the annual accounts of companies to be drawn up clearly and give a true and fair view of the company's financial position.	UNCAC Article 12. Private sector
2 With a view to preventing acts of corruption, each Party shall provide in its internal law for auditors to confirm that the annual accounts present a true and fair view of the company's financial position.	UNCAC Article 12. Private sector
Article 11 – Acquisition of evidence	
Each Party shall provide in its internal law for effective procedures for the acquisition of evidence in civil proceedings arising from an act of corruption.	Not covered by previous monitoring
Article 12 – Interim measures	
Each Party shall provide in its internal law for such court orders as are necessary to preserve the rights and interests of the parties during civil proceedings arising from an act of corruption.	Not covered by previous monitoring
Chapter II – International co-operation and monitoring of implementation	
Article 13 – International co-operation	
The Parties shall co-operate effectively in matters relating to civil proceedings in cases of corruption, especially concerning the service of documents, obtaining evidence abroad, jurisdiction, recognition and enforcement of foreign judgements and litigation costs,	Not covered by previous monitoring

in accordance with the provisions of relevant international instruments on international co-operation in civil and commercial matters to which they are Party, as well as with their internal law.	
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7 ANNEX

Themes of GRECO Evaluations

The first three Evaluation Rounds of GRECO cover in particular the following provisions:

1st Round:²⁰

Guiding principle 3

"to ensure that those in charge of the prevention, investigation, prosecution and adjudication of corruption offences enjoy the independence and autonomy appropriate to their functions, are free from improper influence and have effective means for gathering evidence, protecting the persons who help the authorities in combating corruption and preserving the confidentiality of investigations"

Guiding principle 6

"to limit immunity from investigation, prosecution or adjudication of corruption offences to the degree necessary in a democratic society"

Guiding principle 7

"to promote the specialisation of persons or bodies in charge of fighting corruption and to provide them with appropriate means and training to perform their tasks"

2nd Round:²¹

Guiding Principle 4

"to provide appropriate measures for the seizure and deprivation of the proceeds of corruption offences"

Guiding Principle 5

"to provide appropriate measures to prevent legal persons being used to shield corruption offences"

Guiding Principle 8

"to ensure that the fiscal legislation and the authorities in charge of implementing it contribute to combating corruption in an effective and co-ordinated manner, in particular by denying tax deductibility, under the law or in practice, for bribes or other expenses linked to corruption offences"

Guiding Principle 9

"to ensure that the organisation, functioning and decision-making processes of public administrations take into account the need to combat corruption, in particular by ensuring as much transparency as is consistent with the need to achieve effectiveness"

Guiding Principle 10

²⁰ http://www.coe.int/t/dghl/monitoring/greco/evaluations/round1/procedure%28round1%29_en.asp.

²¹ http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/procedure%28round2%29_en.asp.

"to ensure that the rules relating to the rights and duties of public officials take into account the requirements of the fight against corruption and provide for appropriate and effective disciplinary measures; promote further specification of the behaviour expected from public officials by appropriate means, such as codes of conduct"

Guiding Principle 19

"to ensure that in every aspect of the fight against corruption, the possible connections with organised crime and money laundering are taken into account"

The Articles of the Criminal Law Convention selected

Article 13 – Money laundering of proceeds from corruption offences

Article 14 – Account offences

Article 18 – Corporate liability

Article 19 – Sanctions and measures

Article 23 – Measures to facilitate the gathering of evidence and the confiscation of proceeds

3rd Round:

Incriminations provided for in the Criminal Law Convention on Corruption (ETS 173), its Additional Protocol (ETS 191) and Guiding Principle 2 (GPC 2)

Transparency of Party Funding with reference to the Recommendation of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns (Rec (2003) 4)

Further details are available in the Guidelines for the 3rd Round.²²

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http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/Greco%20Eval%20III%20_2007_%207E%20Rev4%20Guidelines%20for%20Evaluators.pdf.

Abbreviations

Add	Addendum
AML	Anti-money laundering
CoE	Council of Europe
CoE Crim Conv	Council of Europe Criminal Law Convention on Corruption, 1999
CoE Civ Conv	Council of Europe Civil Law Convention on Corruption, 1999
EAG	Eurasian Group on Combating Money Laundering and Financing of Terrorism
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
GRECO	Group of States against Corruption
IMF	International Monetary Fund
OECD	Organisation for Economic Co-operation and Development
OECD Conv	OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 1997
SIGMA	Support for Improvement in Governance and Management
UNCAC	United Nations Convention against Corruption