

Strasbourg, 25 March 2021

Greco(2021)3

87th GRECO Plenary Meeting
Strasbourg | KUDO (online), 22-25 March 2021

DECISIONS

At its 87th Plenary Meeting (Strasbourg | KUDO (online), 22-25 March 2021) which was chaired by Marin MRČELA (President of GRECO, Croatia), the Group of States against Corruption (GRECO):

1. adopted the agenda of the meeting;

Information

2. took note of the items discussed and decisions taken by the Bureau since the last Plenary Meeting (Bureau 93: Greco(2020)14 and Bureau 94: Greco(2021)2);
3. took note of the information provided by the President of GRECO on:
 - his participation in an OECD Anti-Corruption Network (ACN) webinar *Anti-corruption reforms in Eastern Europe and Central Asia: Focus on High Level Corruption and Independence of Prosecutors* (15 February 2021) at which European Prosecutor Laura Kovessi and GRECO's former President Drago Kos had also spoken;
 - his [statement](#) on international anti-corruption day (9 December 2020) and participation in national events on that occasion in Croatia, Hungary and Serbia;
 - the ratification by Estonia of the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191) in December 2020;
4. took note of the information provided by the Director Jan KLEIJSEN, Information Society – Action against Crime Directorate on:
 - the preparation of the framework for the Council of Europe's programme and budget for the next four years and the related biennial budgets, and the Secretary General's 4-year Strategic Framework that forms the basis of the Organisation's programming and in which the fight against corruption and the implementation of GRECO's recommendations feature explicitly;
 - ongoing transversal work in the field of artificial intelligence across all sectors of the Organisation, and work related to the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention) which has gained significant importance in the context of the pandemic;
5. took note of the information provided by Hanne JUNCHER, Executive Secretary of GRECO on:
 - her video message to the 14th United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, 7-12 March 2021) presenting relevant Council of Europe work, including that of GRECO;
 - the initiative of Bureau 94 about the possible preparation by the Secretariat of publications for a wider audience on topics from previous evaluation rounds, covering GRECO findings, best practice, etc; the Secretariat would look into that and keep GRECO informed; the texts would be of a general informative, awareness-raising nature only, and would not necessarily be for adoption by GRECO;

Evaluation procedures

Joint First and Second Rounds

6. approved the composition of the team for the Joint First and Second Round evaluation of Kazakhstan (GrecoEval1-2(2020)1);

Fifth Round

7. approved the composition of the team for the Fifth Round evaluation of Turkey (GrecoEval5(2020)3);

Compliance procedures

Third Round – Incriminations; Transparency of party funding

8. adopted the Addendum to the 2nd Third Round Compliance Report on:

- **Denmark** (GrecoRC3(2021)2)

and, pursuant to Rule 31 revised, paragraph 9 of the Rules of Procedure, asked the Head of delegation of Denmark to submit additional information regarding the implementation of certain recommendations by 31 March 2022;

9. adopted the 2nd Third Round Compliance Report on:

- **Switzerland** (GrecoRC3(2021)1)

and, pursuant to Rule 31 revised, paragraph 9 of the Rules of Procedure, asked the Head of Delegation of Switzerland to submit additional information regarding the implementation of certain recommendations by 31 March 2022;

10. invited the authorities of Denmark and Switzerland to authorise, as soon as possible, the publication of the reports mentioned in decisions 8 and 9 above;

Fourth Round – Corruption prevention in respect of members of parliament, judges and prosecutors

11. adopted the 2nd *Interim* Fourth Round Compliance Report on:

- **Portugal** (GrecoRC4(2021)6)

and decided not to continue applying Rule 32 in the case of this member;

12. pursuant to Rule 31 revised, paragraph 8.2 of the Rules of Procedure, asked the Head of delegation of Portugal to submit additional information regarding action taken to implement certain recommendations by 31 March 2022;

13. adopted the 2nd *Interim* Fourth Round Compliance Report - including follow-up to the Ad hoc (Rule 34) report - on:

- **Romania** (GrecoRC4(2021)1)

and concluded that the level of compliance with the recommendations remains “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;

14. pursuant to Rule 32, paragraph 2 (i), asked the Head of delegation of Romania to provide a report on progress in implementing the outstanding recommendations by 31 March 2022 at the latest;

15. pursuant to Rule 32, paragraph 2 (ii) b), invited the President of the Statutory Committee to send a letter to the Permanent Representative of Romania to the Council of Europe on the level of non-compliance with GRECO’s recommendations;

16. adopted the *Interim* Fourth Round Compliance Report on:

- **Germany** (GrecoRC4(2021)11)

and concluded that the level of compliance with the recommendations remains “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;

17. pursuant to Rule 32, paragraph 2 (i), asked the Head of delegation of Germany to provide a report on progress in implementing the outstanding recommendations by 31 March 2022 at the latest;

18. pursuant to Rule 32, paragraph 2 (ii) a), invited the President of GRECO to send a letter to the Head of delegation of Germany - with a copy to the President of the Statutory Committee - on the need to take determined action with a view to achieving tangible progress as soon as possible;

19. adopted the 2nd Fourth Round Compliance Report on:

- **Belgium** (GrecoRC4(2021)15)

and concluded that the level of compliance with the recommendations is “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;

20. pursuant to Rule 32, paragraph 2 (i), asked the Head of delegation of Belgium to provide a report on progress in implementing the outstanding recommendations by 31 March 2022 at the latest;

21. adopted the 2nd Fourth Round Compliance Reports on:

- **Georgia** (GrecoRC4(2021)9)
- **Italy** (GrecoRC4(2021)4)
- **Spain** (GrecoRC4(2021)3)
- **Switzerland** (GrecoRC4(2021)7)

and, pursuant to Rule 31 revised, paragraph 9 of the Rules of Procedure, in the four cases, asked the respective Heads of delegation to submit additional information regarding the implementation of certain recommendations by 31 March 2022;

22. adopted the 2nd Fourth Round Compliance Report on:

- the **United States of America** (GrecoRC4(2021)12)

and terminated the compliance procedure in respect of this member in this round;

23. adopted the Addendum to the 2nd Fourth Round Compliance Report on:

- **Lithuania** (GrecoRC4(2021)2)

and terminated the compliance procedure in respect of this member in this round;

24. adopted the Addendum to the 2nd Fourth Round Compliance Report on:

- **Malta** (GrecoRC4(2021)10)

and, pursuant to Rule 31 revised, paragraph 9 of the Rules of Procedure, asked the Head of delegation of Malta to submit additional information regarding the implementation of certain recommendations by 31 March 2022;

25. adopted the 2nd Addendum to the 2nd Fourth Round Compliance Report on:

- **Iceland** (GrecoRC4(2021)8)

and terminated the compliance procedure in respect of this member in this round;

26. noted with satisfaction that the authorities of Portugal, Georgia, Italy, the United States of America and Iceland authorise the publication of the reports mentioned in decisions 11, 21, 22 and 25 above;

27. invited the authorities of Romania, Germany, Belgium, Spain, Switzerland, Lithuania and Malta to authorise, as soon as possible, the publication of the reports mentioned in decisions 13, 16, 19, 21, 23 and 24 above;

Fifth Round – Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies

28. noted that prior to the present meeting, the President had decided to postpone the examination of the draft Fifth Round Compliance Report on **Malta** (GrecoRC5(2021)5) to the 88th Plenary Meeting owing to the very late submission of information by the authorities;

29. asked the Head of delegation of Malta to send to the secretariat final information on the situation regarding the implementation of GRECO's Fifth Round recommendations by **30 May 2021** at the latest;

30. adopted, in the framework of Rule 31 revised bis of the Rules of Procedure the Fifth Round Compliance Reports on:

- **Estonia** (GrecoRC5(2021)3)
- the **Netherlands** (GrecoRC5(2021)6)
- **North Macedonia** (GrecoRC5(2021)2)
- **Poland** (GrecoRC5(2021)4)
- **Sweden** (GrecoRC5(2021)1)
- the **United Kingdom** (GrecoRC5(2020)4)

and noted in the six cases that further progress is necessary to demonstrate an acceptable level of compliance within the next 18 months, and set the deadline of 30 September 2022 for the submission by the respective Heads of delegation of a situation report on additional measures taken to implement the recommendations;

31. noted with satisfaction that the authorities of Estonia authorise the publication of the report mentioned in decision 30 above;

32. invited the authorities of the Netherlands, North Macedonia, Poland, Sweden and the United Kingdom to authorise, as soon as possible, the publication of the reports mentioned in decision 30 above;

33. approved the list of rapporteur countries for the Fifth Round compliance procedures in respect of the following countries: Belgium, Denmark, Croatia, France, Slovak Republic and Spain, (GrecoEval5(2020)2);

GRECO evaluation visits - discussion

34. took note of the discussion among delegations concerning the organisation of GRECO evaluation visits in the context of the COVID-19 pandemic restrictions and agreed with the Bureau's firm stance that on-site visits to member States are crucial for the quality and credibility of the Evaluation reports, and that equal treatment amongst member States already evaluated and those not yet evaluated should be ensured;

General Activity Report (2020)

35. noted the adoption by written procedure on 5 March 2021, for reasons of timing, of GRECO's General Activity Report 2020 (Greco(2021)1-fin);
36. noted that it will be presented by GRECO's President at the 1401st meeting of the Ministers' Deputies (14 April 2021) and made public at an online press launch on 15 April 2021;

Topical anti-corruption developments/events in member States (Item 4)

37. took note of the information provided by delegations as follows: **Croatia** on the Commission for the Prevention of Conflicts of Interest, and the election of a new president of the Supreme Court; the **Russian Federation** on the approval in a first reading by the Douma of a bill to exempt public officials from liability for failing to fulfil obligations under corruption prevention legislation due to force major circumstances; **Ukraine** on a bill before parliament which foresees a possible re-distribution of cases managed by the National Anti-Corruption Bureau (NABU); **Greece** and **Slovenia** on current developments related to Rule 34 procedures in respect of their countries; **Cyprus** on the approval and publication by parliament of a Code of Ethics for members of parliament;

Publication of Reports¹

38. called on the authorities of the member States concerned (Azerbaijan,² Belarus,³ Slovenia⁴) to authorise without further delay the publication of the reports adopted previously by GRECO, noting that the first report on Belarus dates from 2012 and Belarus is the only member State that has not authorised publication;

Information from observer organisations and Council of Europe bodies

39. took note of information provided by the EU delegation on the European Commission's 2020 Rule of Law Report and welcomed the extensive references made in the reports to GRECO's work;
40. took note of information provided by the UNODC delegation on preparations for the Special Session of the UN General Assembly against Corruption – UNGASS 2021 (2-4 June 2021);
41. took note of information provided by the OSCE/ODIHR delegation on ongoing work;

¹ Action to be taken when publishing adopted reports (decision 26, GRECO 58):

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

² Addendum to the 2nd Fourth Round Compliance Report.

³ All Evaluation and Compliance reports from the Joint First and Second Rounds, Third Round and Fourth Round.

⁴ Fifth Round Compliance Report.

Any other business

42. noted that the President **insists on the need for members to provide the Secretariat with all information relevant to compliance procedures** - and their comments on draft reports - **within the deadlines set**, as the last minute submission of new information makes a sound assessment of its merits very complicated for the rapporteurs and secretariat, makes it difficult for delegations to prepare their positions prior to the plenary, and risks resulting in a significant waste of plenary time;

Future meetings

43. took note of the following dates:
- 95th Bureau Meeting (22 April 2021)
 - 88th Plenary Meeting (20-24 September 2021)
 - 89th Plenary Meeting (29 November – 3 December 2021).