



Strasbourg, 6 December 2019

Greco(2019)15

84th GRECO Plenary Meeting
(Strasbourg, 2-6 December 2019)

DECISIONS

At its 84th Plenary Meeting (Strasbourg, 2-6 December 2019), the Group of States against Corruption (GRECO):

1. adopted the agenda of the meeting, noting that the Exchange of views with FIFA is postponed to the March 2020 meeting due to the general strike in France; the meeting was chaired by Marin MRČELA (President of GRECO, Croatia), and by Ernst GNAEGI (Bureau member, Switzerland) for the examination of the Fifth Round Evaluation Report on Croatia;
2. noted the President's welcome message to newly nominated Heads of delegation and representatives, thanking them for the contribution they make to the collective work in GRECO where their technical input and coordination at national level maximises, in their own countries, the concrete results that can be drawn from GRECO monitoring, and for their essential participation in the mutual evaluation process where they are called on to feed their expertise and experience into the plenary examination of reports addressed to the other member states;

Information

3. took note of information provided by Marin MRČELA, President of GRECO, Jan KLEIJSEN, Director, Information Society – Action against Crime, and Gianluca ESPOSITO, Executive Secretary of GRECO;
4. took note of the list of items discussed and decisions taken by Bureau 88 (Greco(2019)13);
5. noted that since 1 July 2019, the Executive Secretary of GRECO and Ethics Officer of the Organisation, is acting as the head of the Action against Crime Department (AACD), and that combining these complementary roles creates further opportunities for synergies; and welcomed Heather ROSCOW SCHMITT as the Executive Secretary's personal assistant for the GRECO and AACD work, replacing Elspeth REILLY who had retired; as a result there had been a reassignment of tasks within the GRECO team;

Evaluation procedures

Fifth Round

6. adopted the Fifth Round Evaluation Reports on:
 - **Belgium** (GrecoEval5Rep(2019)3)
 - **Croatia** (GrecoEval5Rep(2019)1)
 - **France** (GrecoEval5Rep(2019)2)and set the deadline of 30 June 2021 for the submission of situation reports on measures taken to implement GRECO's recommendations;
7. invites the authorities of Belgium, Croatia and France to authorise, as soon as possible, the publication of the reports mentioned in decision 6 above;

Compliance procedures

Third Round

8. adopted the 2nd Addendum to the 2nd Third Round Compliance Report on:
 - **Italy** (GrecoRC3(2019)7)and terminated the compliance procedure in respect of this member in this round;

9. noted with satisfaction that the authorities of Italy authorise the publication of the report mentioned in decision 8 above;

Fourth Round

10. adopted the *Interim* Fourth Round Compliance Reports on:

- **the Czech Republic** (GrecoRC4(2019)29)
- **Denmark** (GrecoRC4(2019)30)

and concluded, in both cases, 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;

11. pursuant to Rule 32, paragraph 2 (i), requests the Heads of delegation of the Czech Republic and Denmark to provide reports on progress in implementing the outstanding recommendations by 31 December 2020 at the latest, noting with regret that the authorities of Denmark had no new information to report on several recommendations for the report adopted at the present meeting;

12. adopted the Fourth Round Compliance Reports on:

- **the Russian Federation** (GrecoRC4(2019)19)
- **Ukraine** (GrecoRC4(2019)28)

and in both cases set the deadline of 30 June 2021 for the submission of a situation report on additional measures taken to implement the recommendations;

13. adopted the Fourth Round Compliance Report on:

- **Monaco** (GrecoRC4(2019)20)

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;

14. pursuant to Rule 32, paragraph 2 (i), requested the Head of Delegation of Monaco to provide a report on progress in implementing the outstanding recommendations by 31 December 2020;

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

- **Armenia** (GrecoRC4(2019)21)

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;

16. pursuant to Rule 32, paragraph 2 (i), requests the Head of delegation of Armenia to provide a report on progress in implementing the outstanding recommendations by 31 December 2020;

17. postponed the examination of the 2nd Fourth Round Compliance Report on **Greece** (GrecoRC4(2019)25) to the March 2020 Plenary meeting;

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

- **Bulgaria** (GrecoRC4(2019)24)
- **Montenegro** (GrecoRC4(2019)27)

and terminated the compliance procedure in respect of both these members in this round;

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

- the **Netherlands** (GrecoRC4(2019)22)

and, in accordance with Rule 31 revised, paragraph 9 of the Rules of Procedure, requests the Head of delegation of the Netherlands to submit additional information regarding the implementation of certain recommendations by 31 December 2020;

20. adopted the 2nd Addendum to the 2nd Fourth Round Compliance Report including follow-up to the Addendum to the Fourth Round Evaluation Report (**Rule 34**) on:

- **Poland** (GrecoRC4(2019)23)

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;

21. pursuant to Rule 32, paragraph 2 (i), requests the Head of delegation of Poland to provide a report on progress in implementing the outstanding recommendations by 31 December 2020;

22. noted with satisfaction that the authorities of, Armenia and Poland authorise the publication of the reports mentioned in decisions 15 and 20 above;

23. invites the authorities of the Czech Republic, Denmark, the Russian Federation, Ukraine, Monaco, Bulgaria, Montenegro and the Netherlands to authorise, as soon as possible, the publication of the reports mentioned in decisions 10, 12, 13, 18 and 19 above;

Fifth Round

24. approved the composition of the teams responsible for the Fifth Round evaluations of Azerbaijan, Bulgaria, Greece, Hungary, Ireland, Lithuania, Montenegro and Serbia (GrecoEval5(2019)2-rev3);

Rule 34 – Ad hoc procedure

25. concerning **Poland**, see Decision 20 above;

26. adopted an Ad hoc Report (Rule 34) on **Greece** (Greco-AdHocRep(2019)2) on the legislative and other measures taken in the context of the 2019 criminal law reform and expressed concern about some aspects of the current legislation in relation to compliance with the Council of Europe anti-corruption standards and benchmarks developed by GRECO;

27. requests the Head of delegation of Greece to submit, by 30 June 2020, a report on the measures taken to implement the recommendations contained in the Ad hoc Report;

28. adopted an Ad hoc Report (Rule 34) on **Slovenia** (Greco-AdHocRep(2019)3) on developments that raise questions in relation to the separation of powers between the various branches of the state which are pertinent to GRECO's Fourth Evaluation Round;
29. decided that further information is required to assess fully whether recent developments may amount to or result from, a breach of the standards expected in the Fourth Round and requests the Head of delegation of Slovenia to submit, by 1 March 2020, a report on further developments in the specific situation;
30. invites the authorities of Greece and Slovenia to authorise, as soon as possible, the publication of the reports mentioned in decisions 26 and 28 above;

Budgetary situation - update

31. noted with concern that:
 - in order to implement the core work programme in 2019, it had been necessary to rely on additional funding in the form of voluntary contributions amounting to €126 345, and in-kind contributions (e.g. member states covering the cost of participation of their representatives, interpretation for evaluation visits) estimated at €39 440;
 - the 2020 budget adopted by GRECO's Statutory Committee (26th meeting, 22 November 2019) is even more fragile than the 2019 budget;
32. welcomed:
 - the very generous support provided in 2018/2019 by numerous member states in the form of financial and/or in-kind voluntary contributions (Albania, Armenia, Austria, Bulgaria, Croatia, the Czech Republic, Estonia, Finland, Georgia, Germany, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Monaco, Montenegro, the Netherlands, Norway, Poland, Romania, the Russian Federation, San Marino, Serbia, the Slovak Republic, Sweden, Switzerland, Ukraine and the United States);
 - the Statutory Committee's decision (26th meeting, 22 November 2019) to meet early in 2020 with a view to re-examining the necessary resources for carrying out GRECO's core work programme, which is a matter of priority;
33. and noted that the Statutory Committee refers again to voluntary contributions for 2020/2021 in its decisions of 22 November;

GRECO's advisory function

34. decided to develop its advisory function as described in document Greco(2019)11-fin adopted at the present meeting;
35. took note that carrying out this work will be subject to the necessary financial resources being made available in GRECO's budget or through voluntary contributions (see decisions 31 - 33);

Election for the Fifth Evaluation Round - Vice-President

36. elected, by secret ballot, Monika OLSSON (Sweden) as Vice-President of GRECO;

Election for the Fifth Evaluation Round - Bureau

37. elected, by secret ballot, Panagiota VATIKALOU (Greece) to the vacant seat in the Bureau;

Gender, corruption and fraud (in response to the Council of Europe's Gender Equality Strategy)¹

38. noted that there is a lack of gender-sensitive data in this area and that due to the very low response rate to the research questions asked by the team of the Department of Criminology, *Vrije Universiteit Amsterdam*, only a very summary analysis had been possible; GRECO called on those delegations that had not provided data to do so as soon as possible;

Programme of Activities 2020

39. adopted its Programme of Activities for 2020 (Greco(2019)12-fin);
40. noted however that implementation of the full work programme will depend on the outcome of the meeting of GRECO's Statutory Committee to be held early in 2020 (see decisions 31 - 33) ;

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

41. took note of the information provided by the Delegations of Bulgaria, the Republic of Moldova, Montenegro, North Macedonia, Romania and the United States of America;
42. considering that developments in the **Republic of Moldova** appear to be at odds with GRECO recommendations on corruption prevention in respect of MPs, judges and prosecutors, decided to bring forward the examination of the 2nd Fourth Round Compliance Report from the October to the March 2020 plenary meeting (new deadline for the related situation report from the authorities: 1 February 2020);
43. regretted that the delegation of Ukraine declined to provide information under this item, despite the Bureau's request;
44. took note of the Russian Federation's invitation to the side-event organised in the margins of the upcoming Eighth Session of the Conference of the States Parties to the UN Convention against corruption, on "International cooperation in detecting corruption offences with non-criminal tools" (Abu Dhabi, 19 December 2019);

Publication of Reports²

45. reiterated its call on the national authorities to authorise without further delay the publication of all the reports addressed to Belarus³, noting that the first of those reports dates back to 2012;
46. noted with satisfaction that the authorities of Malta authorise the publication of the 2nd Fourth Round Compliance Report, adopted by GRECO in June 2019;

¹ See also decisions 7 and 8 adopted by GRECO 81 (<https://rm.coe.int/decisions-greco-81/16809005a3>)

² *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.

³ All reports from the Joint First and Second Rounds; Third Round Evaluation Report; Third Round Compliance Report.

Information from observer organisations and Council of Europe bodies

47. took note of the information provided by the representative of the European Union – speaking for the first time in GRECO since they became an observer in June 2019, and by the representative of the OSCE-ODIHR;

Any other business

48. noted that the President **insists on the need for members to supply all information relevant to compliance procedures** - including their comments on draft compliance or interim compliance reports - **to the secretariat within the deadlines set** as the last minute presentation of new information makes a sound assessment of its merits very complicated for the rapporteurs and secretariat and can lead to a significant waste of plenary time;

Forthcoming meetings

49. took note of the following dates:

- GRECO's Statutory Committee (Strasbourg, 14 February 2020)
- 89th Bureau Meeting (Strasbourg, 21 February 2020)
- Conference organised in the framework of Georgia's Presidency of the Committee of Ministers *Impact of GRECO anti-corruption reforms: from theory to practice* (Strasbourg, 24-25 February 2020)
- 85th Plenary Meeting (Strasbourg, 16-20 March 2020)
- 86th Plenary Meeting (Strasbourg, 25-29 May 2020)
- 87th Plenary Meeting (Strasbourg, 26-30 October 2020).