

Adoption: 9 June 2023  
Publication: 13 June 2023

Public  
GrecoRC5(2023)3

# FIFTH EVALUATION ROUND

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

## SECOND COMPLIANCE REPORT

# ESTONIA



Adopted by GRECO  
at its 94<sup>th</sup> Plenary Meeting (Strasbourg, 5-9 June 2023)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## **I. INTRODUCTION**

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (persons entrusted with top executive functions - PTEFs) and law enforcement agencies (LEAs)".
2. This Second Compliance Report assesses the measures taken by the Estonian authorities to implement the recommendations issued in the Fifth Round Evaluation Report on Estonia, which was adopted at GRECO's 81st Plenary Meeting (3-7 December 2018) and made public on 7 December 2018, following authorisation by Estonia ([GrecoEval5Rep\(2018\)3](#)).
3. The Compliance Report adopted by GRECO at its 87th plenary meeting (22-25 March 2021) and made public on 30 March 2021 with the authorisation of Estonia ([GrecoRC5\(2021\)3](#)) concluded that further progress was necessary to demonstrate an acceptable level of compliance with the recommendations. Pursuant to Rule 31 revised bis, paragraph 8.2 of its Rules of Procedure, GRECO invited the Head of delegation of Estonia to submit a Situation Report regarding the implementation of the outstanding recommendations. This report, which was received on 2 January 2023, served, together with additional information subsequently provided, as a basis for this Second Compliance Report.
4. GRECO selected Switzerland and Armenia to appoint Rapporteurs for the compliance procedure. The rapporteurs appointed were Mr Olivier GONIN, on behalf of Switzerland, and Ms Hasmik TIGRANYAN, on behalf of Armenia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

## **II. ANALYSIS**

5. GRECO addressed 15 recommendations to Estonia in its Evaluation Report. In its Compliance Report, it concluded that recommendations i, ii, iv, v, viii, x, xii and xiv had been implemented satisfactorily or dealt with in a satisfactory manner and that recommendations iii, vi, vii, ix, xi, xiii and xv had been partly implemented. The paragraphs below therefore assess compliance with the outstanding recommendations.

*Preventing corruption and promoting integrity in central governments (top executive functions)*

### **Recommendation iii**

6. *GRECO recommended (i) that a Code of Conduct for persons with top executive functions be adopted in order to provide clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, ancillary activities, the handling of confidential information and post-employment restrictions), and (ii) to ensure proper monitoring and enforcement of the Code.*

7. It is recalled that, in the Compliance Report, this recommendation was partly implemented. More precisely, GRECO considered that the first part of the recommendation was implemented with the adoption of the Guidelines for avoiding conflicts of interest for ministers and their advisers and Good Practice for officials in communicating with lobbyists. As to the second part of the recommendation, GRECO noted that an appropriate mechanism for monitoring exhaustively the implementation of the above-mentioned rules as well as proper sanctions were lacking.
8. The Estonian authorities now indicate that, in order to ensure the proper monitoring and enforcement of the Guidelines for Ministers and their Advisers to Avoid Conflicts of Interest and the Good Practice in Communicating with Lobbyists, it has been established within the anti-corruption network (composed of the contact persons from all ministries and other stakeholders) that ministers and their advisers seek advice from corruption contacts in *ad hoc* matters related to conflicts of interest, gifts and other related topics. For instance, in 2022, the Minister of Work and Health was accused of breaching the integrity rules because he had been a lobbyist in his previous position of Head of the Estonian Trade Union Confederation. After having consulted the anticorruption contacts within the Ministry of Social Affairs and the Ministry of Justice, he was authorised to pursue his functions as a Minister, without participating in decisions related to his former employer.
9. In addition, the authorities indicate that the anti-corruption network agreed in November 2022 on a more pro-active procedure for enforcing the Guidelines. They are formally notified to the ministers within the framework of their induction package and the ministers' attention is drawn to the obligations arising therefrom (e.g. disclosure of meetings with lobbyists, the requirement to screen the ethical background of political advisers etc). Moreover, the Rules of Procedure of the Government are due to be amended to clarify the responsibilities of the ministers and their advisers as regards the implementation of the integrity rules. This will imply in particular advice on restrictions related to leaving office, as well as requirements arising from the anti-corruption law and instructions given to avoid conflicts of interest, and good practice in communication with lobbyists. The ministers and their advisers will have to follow an e-training on corruption and conflicts of interest, either only by watching videos or more thoroughly in modules including self-check tests. These obligations have been further detailed by the Ministry of Justice and have been sent to the network of Human Resources managers and to the anti-corruption contact points network - the latter has met in May 2023, including to discuss the implementation of these obligations and share best practices. Besides, the State Chancellery sent to the ministers an extra letter to remind them of the guidelines, specifically outlining the obligation to disclose meetings with lobbyists, and submitting the declarations of interest.
10. The authorities also report that, as regards the information on meetings with lobbyists, extensive guidance and support have been provided by the Ministry of Justice to the anti-corruption network. They indicate that, in practice, such meetings are well disclosed and regularly updated in the central dashboards, including information on the names of lobbyists, public officials concerned, dates and topics of the meetings.<sup>1</sup>

---

<sup>1</sup> <https://public.tableau.com/app/profile/kriminaalpoliitika/viz/Lobistidestatistika/Lobistidestatistika?publish=yes>

11. Finally, the authorities reiterate that the ministers' activity is monitored through parliamentary hearings and that their political responsibility is at stake in case of violation of the integrity rules.
12. GRECO takes note of the information provided in order to strengthen the PTEFs' awareness and improve their training on the integrity rules contained in the Guidelines for avoiding conflicts of interest for ministers and their advisers and Good Practice for officials in communicating with lobbyists. These complementary measures, including networking, advice on individual situations, e-learning, make it possible to improve the enforcement of the integrity rules and are in line with the first part of the recommendation. However, as it was already mentioned in the Compliance Report, such measures cannot replace a proper monitoring mechanism, covering all the measures of the above-mentioned documents, as well as subsequent forms of sanctions to be applied when violations of these integrity rules are found through this monitoring mechanism. The sanctions must depend on the breach and its severity. The risk of political sanctions in Parliament cannot replace such a mechanism. Therefore, the second part of the recommendation cannot be regarded as implemented.
13. GRECO concludes that recommendation iii remains partly implemented.

#### **Recommendation vi**

14. *GRECO recommended that rules be introduced concerning the employment of persons with top executive functions in the private sector after leaving government.*
15. It is recalled that, in the Compliance Report, this recommendation was partly implemented. GRECO welcomed rules on post-employment. However, it noted a few shortcomings on employment of PTEFs in the private sector after leaving government, as only ministers were forbidden to take up a job as a member of the management or supervisory body of a company or foundation for one year. In addition, PTEFs were only requested to refrain from being employed by a lobbyist or an interest group which directly influenced them while being in office or for whom they directly acted or made direct decisions.
16. The Estonian authorities now report that post-employment rules of the members of the government have been strengthened as a result of amendments to the Government Act adopted and entered into force in August 2022. Previously, there were only guidelines for avoiding conflicts of interest for ministers and their advisers. Now, a member of the Government cannot act as a member of the management or control body in a private legal entity that falls under the jurisdiction of the relevant ministry during the six months following the end of his/her mandate if the minister has made decisions with significant impact on the activities of this entity, or if the entity has contractual relations with the ministry. The previous rule from the lobbying guidelines still applies to ministers' advisers, who are still requested to refrain from being employed by a lobbyist or an interest group which directly influenced them while being in office or for whom they directly acted or made direct decisions. However, as they work with an employment

contract, the Government Act cannot set such a restriction for them. The employment contract can either refer to instructions or state this restriction explicitly.

17. GRECO notes that the law has been strengthened to address risks of conflicts of interest as regards post-employment of ministers having dealt with private legal entities during their mandates, which is in line with the recommendation, though a six-month cooling-off period after leaving government is a too short period which does not correspond to GRECO's expectations in this field. In addition, ministers' political advisers, who are also PTEFs (see paragraph 41 of the Evaluation Report), are still not systematically covered as such by the post-employment legislation. Therefore, the recommendation cannot be regarded as fully implemented.
18. GRECO concludes that recommendation vi remains partly implemented.

#### **Recommendation vii**

19. *GRECO recommended that the authorities (i) ensure that those political advisers who are associated with a minister's decision-making be required to fill in declarations of interests; (ii) consider widening the scope of declarations of interests to also include information on the spouses and dependent family members of ministers (it being understood that such information would not necessarily need to be made public).*
20. It is recalled that, in the Compliance Report, this recommendation was partly implemented. As regards the first part of the recommendation, GRECO expected the amendments to the Anti-Corruption Act, aimed at extending the requirement to submit declarations of interests to ministers' advisers, to be adopted by Parliament. The second part of the recommendation was considered implemented.
21. The Estonian authorities now indicate that according to the amendments to the Anti-Corruption Act adopted and entered into force in April 2021, ministers' political advisers must submit declarations of interests within four months after taking office and then annually. Moreover, the register of declarations of interests has been modified to make it easier to track the names of the officials concerned by such declarations.
22. GRECO welcomes the amendments to the legislation and to the register of declarations which oblige all PTEFs to submit declarations of interests and organise public information on such declarations. This complements the measures previously taken in respect of ministers in this field.
23. GRECO concludes that recommendation vii has been implemented satisfactorily.

*Preventing corruption and promoting integrity in law enforcement agencies*

#### **Recommendation ix**

24. *GRECO recommended that the procedure for selecting and appointing the Director General of the Police and Border Guard Board be revised in order to ensure that the formal, competitive and transparent process applies to all candidates.*
25. It is recalled that, in the Compliance Report, this recommendation was partly implemented. GRECO expected that the on-going reflection process on the procedure for selecting and appointing the Director General of the Police and Border Guard Board (PBGB) be finalised, in line with the Anti-Corruption Action Plan 2021-2025.
26. The Estonian authorities now confirm that a discussion on the procedure for selecting and appointing the Director General of the Police and Border Guard Board (PBGB) is still under discussion.
27. As the discussions on the procedure for selecting and appointing the Director General of the PBGB are still under way, GRECO concludes that recommendation ix remains partly implemented.

#### **Recommendation xi**

28. *GRECO recommended that the possibility of introducing the principle of rotation of staff of the Police and Border Guard Board be further explored, specifically for police officers in areas exposed to particular risks of corruption*
29. It is recalled that, in the Compliance Report, this recommendation was partly implemented. GRECO noted that the possibility of rotation had been explored further by the PBGB and that some measures had been taken to encourage it. The PBGB was invited to undertake a risk assessment to identify high corruption risk positions in a more analytical and structured way.
30. The Estonian authorities now report that since July 2022, the deputy directors general of the PBGB have been given a five-year term, as it is the case for the director general and the prefect. In addition, new measures regarding the rotation system have been introduced in December 2022. They make it possible for managers to direct officers towards rotation during the annual interview, including offering them specific alternative opportunities, and give the agents the possibility of defining their own personal goals, needs and wishes as regards rotation. PBGB managers rotate among themselves, officials and employees can be temporarily assigned to international organisations or to other national authorities, including the Estonian Academy of Security Sciences. In 2020-2022, 199 agents rotated from managers to specialists, and 242 from specialists to managers. The authorities also reiterate that the principles of rotation of officials, including police officers, is set out and regulated in the Public Service Act.
31. As regards the risks of corruption, the Estonian authorities indicate that positions with high risk have been evaluated within the PBGB, considering their opportunities to influence processes and access to sensitive information. This assessment has taken into consideration the structural placement of the position, the level of state secret

clearance required for the position and access to sensitive information, the opportunities tied to the position (access to sensitive information, management of processes in the structure, opportunities to influence) and the impact on the organisation and on the country. As a result of this assessment, fifteen positions of office managers have been targeted.

32. GRECO notes that further measures have been taken to encourage and facilitate rotation among the PBGB, which offer a wider spectrum of possibilities for rotation. It notes that rotations take place in practice. Furthermore, specific measures have been taken, aimed at identifying concretely within the PBGB high corruption risk positions in an analytical and structured way. This is in line with the requirements of the recommendation.
33. GRECO concludes that recommendation xi has been implemented satisfactorily.

#### **Recommendation xiii**

34. *GRECO recommended that a study be conducted concerning the activities of police officers after they leave the police and that, if necessary, in light of the findings of this study, rules be adopted to ensure transparency and limit the risks of conflicts of interest.*
35. It is recalled that, in the Compliance Report, this recommendation was partly implemented. GRECO expected the finalisation of the study on activities of former police officers after they leave the PBGB. The study was being conducted on the basis of data collected in 2019 and of interviews with staff leaving the PBGB and their immediate managers in order to determine their motives for leaving.
36. The Estonian authorities now report that the above-mentioned study on post-employment activities of the police officers has been completed with additional data collected during 2021 - 2022. Drawing from this information, the PBGB has decided that it is not necessary to impose post-employment restrictions to limit the movement of police officers to other positions. No cases of conflicts of interest have been noted in this field.
37. GRECO notes that, as requested by the recommendation, a study has been conducted on the activities of police officers after they leave the police. It takes note that, according to the results of this study, it has been decided that there is no need to adopt rules to ensure further transparency and limit the risks of conflicts of interest as regards post-employment of police staff.
38. GRECO concludes that recommendation xiii has been implemented satisfactorily.

#### **Recommendation xv**

39. *GRECO recommended that the protection of whistleblowers be strengthened and the awareness of staff of the Police and Border Guard Board of the protection afforded to whistleblowers be raised.*

40. It is recalled that, in the Compliance Report, this recommendation was partly implemented. GRECO noted that the PBGB's management decision of 8 January 2020 guaranteed the confidentiality and anonymity of exchanges with whistleblowers, and that a broader draft law on the protection of whistleblowers was under preparation. GRECO also expected that further measures be taken for greater awareness of whistleblower protection.
41. The Estonian authorities now indicate that the confidentiality principle within the framework of whistleblowing is established in the Covert Operations Order approved by the Director General of the PBGB in 2017 and amended in January and July 2022 to define confidential reporting and reporter and to explain the principles of securing the confidentiality.<sup>2</sup> Such directive is for internal use only. Furthermore, the PBGB has created a confidential e-mail address for reporting, widely known among the PBGB staff. Disciplinary sanctions can be applied if confidentiality is broken – the Whistleblower Law, to come into force, will also provide for administrative sanctions.
42. Two to three trainings and information days per month are conducted in the PBGB's units, including an introduction to the whistleblowing principles. Agents can report directly to the designated person within the Internal Control Bureau (ICB). 96 reports were submitted to the ICB in 2020, 83 in 2021 and 92 in 2022; about 50% of them came from the PBGB's agents and are considered whistleblowing reports.
43. GRECO notes that the rules governing whistleblowing mechanisms within the PBGB have been further detailed, but it has not been able to examine such rules. It also notes that awareness raising measures on whistleblowing are taken and training is organised for the PBGB staff, that concrete modalities for reporting are offered to the agents, and that whistleblowing reports are indeed submitted to the relevant authority. These measures complement the existing rules guaranteeing the confidentiality and anonymity of exchanges with whistleblowers and are in line with the recommendation. A draft law on the protection of whistleblowers is still under preparation and due to be adopted in the course of 2023. GRECO expects that such a law will further strengthen the protection of whistleblowers against any work-related retaliation and invites the authorities to finalise this legislative process. Meanwhile, it considers that the recommendation has not been fully addressed.
44. GRECO concludes that recommendation xv remains partly implemented.

### III. CONCLUSIONS

45. **In view of the foregoing, GRECO concludes that Estonia has satisfactorily implemented eleven of the fifteen recommendations contained in the Fifth Round Evaluation Report.** The four remaining recommendations have been partly implemented.

---

<sup>2</sup> This document is classified and cannot be provided.



46. More specifically, recommendations i, ii, iv, v, vii, viii, x, xi, xii, xiii and xiv have been implemented satisfactorily, and recommendations iii, vi, ix and xv have been partly implemented.
47. With respect to top executive functions, GRECO welcomes the on-going progress with the implementation of the “Guidelines on conflicts of interest for ministers and their advisers” and the “Good Practices for officials on communication with lobbyists”, which organise in particular advice on individual situations, e-trainings, extensive guidance and support for PTEFs, and the regular disclosure of meetings between PTEFs and lobbyists. GRECO welcomes the mapping of risks faced by ministers and their advisers, which has been carried out. The requirement to fill in declarations of interests has been extended to all PTEFs. That said, complementary efforts are still expected to address the setting-up of an effective mechanism to monitor compliance with integrity standards in respect of all PTEFs, and to strengthen post-employment rules and extend them to political advisers.
48. Regarding law enforcement agencies, steps have been taken to consolidate integrity standards in the Internal Rules of Procedure and the Corruption Prevention Guidelines. Regular controls of ancillary activities of policer officers have been introduced, with a view to avoiding possible conflicts of interest. Efforts have been made to improve gender equality in the Police and Border Guard Board, in particular as regards recruitment. The rotation of personnel is now encouraged wherever possible with a view to preventing corruption within high-risk positions. Discussions on the procedure for selecting and appointing the Director General of the Police and Border Guard Board have been initiated with a view to ensuring a transparent and fair process for all candidates. A study concerning the activities of police officers after they leave PBGB has concluded that no specific measure was needed in this area. Developments can be noted in taking awareness raising measures on whistleblowing, while the protection of whistleblowers has yet to be strengthened through the adoption of a new law. Regarding the management of complaints lodged against members of the PBGB, a position of auditor has been created, under the responsibility of the Ministry of the Interior, with a greater guarantee of autonomy and transparency concerning the monitoring of the police.
49. In accordance with Rule 31 revised bis, paragraph 10 of GRECO’s Rules of Procedure, the adoption of this Second Compliance Report terminates the Fifth Round compliance procedure with respect to Estonia. The Estonian authorities may, however, wish to inform GRECO of the developments concerning the implementation of recommendations iii, vi, ix and xv which remain incomplete.
50. Finally, GRECO invites the authorities of Estonia to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public.