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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND INTERIM COMPLIANCE REPORT LATVIA

Adopted by GRECO at its 76th Plenary Meeting
(Strasbourg, 19-23 June 2017)

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I. INTRODUCTION

1. The [Fourth Round Evaluation Report](#) on Latvia was adopted at GRECO's 58th Plenary Meeting (7 December 2012) and made public on 17 December 2012, following authorisation by Latvia. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of members of parliament, judges and prosecutors".
2. In the [Compliance Report](#), which was adopted by GRECO at its 67th Plenary Meeting (23-27 March 2015), it was concluded that Latvia had implemented satisfactorily or dealt with in a satisfactory manner only two of the 14 recommendations contained in the Fourth Round Evaluation Report. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the evaluation report, and asked the Head of Delegation of Latvia to provide a report on the progress in implementing the pending recommendations.
3. In the [Interim Compliance Report](#), adopted at its 71st Plenary Meeting (14-18 March 2016), GRECO concluded that only some minor positive steps had been made by Latvia. More specifically, only two of the 14 recommendations remained fully complied with. GRECO therefore reiterated its conclusion that the level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. In accordance with Article 32, paragraph 2, sub-paragraph (ii.a), GRECO had drawn the Head of the Latvian delegation's attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving further progress as soon as possible. In addition, in accordance with Rule 31 para. 8.2, as revised, of its Rules of Procedure, GRECO asked the Head of the Latvian delegation to submit, by 31 March 2017, a report on the action taken to implement the pending recommendations.
4. The current [Second Interim Compliance Report](#) evaluates the progress made in implementing the pending recommendations since the previous Interim Report (recommendations i to iii, v to vii and ix to xiv) and provides an overall appraisal of the level of Latvian compliance with these recommendations.
5. GRECO selected the Netherlands and Estonia to appoint rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Anneloes van der ZIJDE, on behalf of the Netherlands, and Ms Kätlin-Chris KRUUSMAA, on behalf of Estonia. They were assisted by GRECO's Secretariat in drawing up the Report.

II. ANALYSIS

General

Recommendation i.

6. *GRECO recommended that measures be taken to strengthen the independence of the Corruption Prevention and Combating Bureau KNAB, thus ensuring that it can exercise its functions in an independent and impartial manner.*
7. It is recalled that this recommendation was partly implemented in the Interim Report. GRECO took the view that the draft amendments to the Law on the Corruption Prevention and Combating Bureau (KNAB) included several features to minimise risks of political interference in the KNAB's decision-making structures; however, the proposals were still pending.

8. The authorities of Latvia indicate that amendments to the Law on Corruption Prevention and Combating Bureau (Law on the KNAB) were adopted on 5 April 2016 to strengthen KNAB's functional independence. The amendments now clarify the status of the KNAB stating that it is a direct management institution. Institutional supervision of the KNAB lies with the Cabinet of Ministers, with the intermediation of the Prime Minister; supervision entails the right of the latter to verify the lawfulness of the decisions (and failure to act) of the Director of the KNAB. Supervision does not extend to specific cases, or to any other of the decisions the KNAB makes regarding its anticorruption functional responsibilities.
9. KNAB's personnel (including its Director) now fall under the State Administration Structure Law and are thus subject to the qualifications, rights and obligations in place for other public officials. Such a move is reportedly aimed at better assuring the political neutrality of KNAB's officials and independence in the performance of their duties.
10. Further provisions are introduced to hold the Director of the KNAB duly accountable, including regarding his/her appointment and dismissal. In particular, the full mandate of the Director cannot last more than two consecutive terms (i.e. 5+5 years in total). The State Chancellery, under the *aegis* of the Cabinet of Ministers, is responsible for organising public advertisement of the post; selection criteria are fixed by law (e.g. reputation, clean criminal records, anti-corruption experience, managerial experience). A Special Commission (Selection Committee) managed by the Director of the State Chancellery, and composed of the Prosecutor General, the Director of the Constitution Protection Bureau, the Chief of Security Police and no more than three representatives of the Public Advisory Council¹ (the latter acting in an advisory capacity) is responsible for carrying out relevant interviews and proposing a candidate for subsequent appointment by Parliament (*Saeima*). The post of KNAB Director has been vacant since 17 November 2016. The recruitment process launched in late 2016 did not find any of the candidates suitable for the position. The Saeima then passed legislative amendments easing the work experience related requirement - the latter being now that candidates have appropriate work experience, including that of working in a senior post in public administration or law enforcement. A new recruitment process was launched in 2017; the Selection Committee reached a decision on appointment of the new Director of the KNAB on 15 June 2017.
11. As for dismissal-related procedures, as already mentioned, both the Director of the KNAB and its personnel fall under the regulations on State employees; consequently, it would not be possible to end work relations without consent from the trade union. Regarding the sensitive issue of dismissal of the Director of the KNAB, such a decision needs to be taken by a Special Commission managed by the Prosecutor General and composed of the Director of the State Chancellery, the Director of the Constitution Protection Bureau, the Chief of Security Police and no more than three representatives of the Public Advisory Council (the latter acting in an advisory capacity). Dismissal of the Director of the KNAB can only take place pursuant to the reasons exhaustively listed by law (e.g. intentional violation of law, political involvement) and after justification by the Special Commission. The decision of the latter can be appealed before the Administrative Regional Court. The *Saeima* is the ultimate authority which takes a decision on dismissal of the Director of the KNAB; this decision is not appealable.

¹ The [Public Consultative Council](#) is constituted from non-governmental organisations (e.g. the Journalists' Union, Transparency International DELNA, *Providus*, professional associations). It was established in 2004 to foster public oversight of the KNAB's activity. The main task of the Council is to make assessments and give recommendations; since 2016, it is also entrusted to act on an advisory capacity in appointment and dismissal processes of the Director of the KNAB.

12. The budget of the KNAB has remained stable over the years despite the severe economic crisis hitting the country in recent times. The authorities claim that this evidences that the allocation of funds to the KNAB has never been used as a political weapon of the Saeima versus effective operability of the anticorruption fight. The KNAB's core budget, increased from 4 773 811 EUR in 2015 to 4 932 713 EUR in 2016 (3.3% increase). The KNAB received an additional financial envelope of 168 386 EUR in 2017 to reinforce its investigative and operational capacity. The Director of the KNAB is responsible for managing the financial, personnel and other resources of the institution, submitting budgetary proposals and ensuring adequate implementation of the corresponding annual operational plan.
13. Finally, the authorities report that the Plan for Combating and Prevention of Organised Crime for 2014-2016 includes an on-going evaluation of the KNAB's performance and a capacity needs assessment process. An Information Analysis Division has been established within the KNAB to identify corruption trends, long-term challenges and anticorruption enforcement short and long-term priorities. The Division will further analyse relevant indicators of the KNAB's results, data from preliminary investigations, criminal proceedings initiated and the outcome of operational activities.
14. GRECO has repeatedly acknowledged the central role played to date by the KNAB in the anticorruption framework of Latvia. The factual autonomy and accountability of the KNAB are thus issues of primary concern impinging on the effectiveness of the entire system under review (as well as on other areas already reviewed by GRECO in former evaluation rounds, e.g. political funding system). For this reason, GRECO was concerned when it was made aware of signs of progressive decline of public confidence in the KNAB and the overall effectiveness of its operation due to internal tensions within the Bureau.
15. GRECO, therefore, welcomes today the improvements made since the adoption of the Fourth Evaluation Round Report; it is only natural that, as an institution matures, ways are sought to improve its working protocols and to formalise them properly. In particular, GRECO takes note of the additional regulatory safeguards put in place aimed at strengthening functional independence of the KNAB, without creating impunity or compromising the accountability of the institution and its Director. With particular reference to the Director's position, GRECO notes that the recruitment process has now been concluded; GRECO underscores the key role that the KNAB's Director has in ensuring the effective operation of the Bureau and guarding against any real or perceived political influence.
16. Further, GRECO can certainly see merits in the additional protection of the KNAB's personnel by putting them under the subject scope of the Law of State Employees. With reference to the latter, GRECO reiterates the considerations it already made in the Second Evaluation Round, and the ensuing compliance process, regarding outstanding shortcomings of the aforementioned system, e.g. regarding whistleblower protection² (drafting of specific rules on this particular matter is under way).
17. GRECO also accepts the evidence provided throughout the years regarding the consistent level of support of State funds to the KNAB's budget. These are all positive signs showing the commitment of the authorities to the KNAB's independence.
18. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

² [Addendum to the Compliance Report on Latvia, Second Evaluation Round \(2009\)](#)

Corruption prevention in respect of members of Parliament

Recommendation ii.

19. *GRECO recommended the introduction of rules on how Members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.*
20. GRECO recalls that this recommendation was not implemented in the Interim Compliance Report. The initial draft law on lobbying had been abandoned and it was decided to introduce amendments to the State Administration Structure Law and the Rules of Procedure of Saeima and Code of Ethics for MPs. GRECO deplored that more than two years after the Evaluation Report no regulation was yet in place on MPs' relations with lobbyists.
21. The authorities report that, in the framework of an inter-institutional working group, the KNAB had drafted amendments on MPs' engagement with lobbyists and other third parties who seek to influence the legislative process. In September 2016, the KNAB sent these amendments to the Saeima Judicial Committee. The draft amendments provide for the disclosure of all consultations with lobbyists and other third parties regarding draft legislation, including individual MPs' proposals for draft laws; the publication of information on Saeima committee meetings (incl. letters, proposals and persons invited) on the Parliament's website. The amendment to the Code of Ethics requires MPs to ensure equality and transparency in communication with third parties (including lobbyists), and in particular requires disclosure of information regarding consultations with lobbyists and other third parties in accordance with the Rules of Procedure of Saeima. A working group of the Saeima Judicial Committee drafted amendments to the Rules of Procedure of the Saeima and should discuss them again after feedback from Saeima's political groups. On 16 March 2017, the Legal Environment Development Commission, established by the President of Latvia, dedicated a specific session to the issue of regulation of MPs' engagement with lobbyists and other third parties and will submit its proposals in this regard to the Saeima.
22. GRECO takes note of the KNAB's commitment and its leading role in pushing for change. Nonetheless, while the draft amendments to several legal acts on MPs' engagement with lobbyists and other third parties represent a positive move, no further tangible results have been achieved in practice. The Fourth Round Evaluation Report already referred to discussions and draft legislative proposals regarding lobbying; more than four years have elapsed since then, with no concrete results.
23. GRECO concludes that recommendation ii remains not implemented.

Recommendations iii and v.

24. *GRECO recommended that the Code of Ethics be (i) revised and updated and (ii) complemented with practical measures in order to provide adequate guidance and counselling to members of the Saeima regarding ethical and corruption-prevention related provisions (recommendation iii).*

GRECO recommends that the mechanisms internal to the Saeima for assuring application of the Code of Ethics, as well as for preventing conflicts of interest, be further developed and articulated with a view to ensuring their proactivity and effectiveness (recommendation v).

25. GRECO recalls that these recommendations were not implemented in the Interim Compliance Report. The intentions to reinforce the parliamentary ethos inscribed in the "Guidelines on the Programme for Preventing and Combating Corruption (2014-2020)", and the draft amendments to the Saeima's Rules of Procedure empowering the Mandate, Ethics and Submissions Committee to inquire into MPs' misconduct *ex officio* represented positive steps in the right direction. Nonetheless, GRECO considered that these measures were at an early stage of drafting - "subject to further extensive discussions" - and that no tangible steps had been made to comply with the recommendations.
26. The authorities refer to the elaboration of amendments to the Saeima's Rules of Procedure providing the members of the Saeima's Mandate, Ethics and Submissions Committee with proactive powers to decide (without a written submission) on opening a case of alleged violations of the Saeima's Code of Ethics and the Saeima's Rules of Procedure³. The KNAB discussed the issue of preventing and reporting conflicts of interests with the Saeima's Mandate, Ethics and Submissions Committee and the Saeima Corruption Prevention Subcommittee. Moreover, the KNAB drafted amendments to the Law on Prevention of Conflict of Interest in Activities of Public Officials in order to ensure that MPs do not issue individual administrative acts in case they involve the interests of their relatives or business partners. These draft amendments are currently under consideration by government institutions and NGOs.
27. GRECO takes note of the draft amendments to the Law on Prevention of Conflict of Interest in Activities of Public Officials, the finalisation of the draft amendments to the Saeima's Rules of Procedure and on-going inter-institutional discussions on conflicts of interest in the Saeima. It notes that the above amendments will be subject to further discussions and still have to go through the legislative process. GRECO regrets the lack of tangible progress in revising and amending the Code of Ethics and ensuring its application regarding prevention of conflicts of interest and other ethical and corruption prevention related issues, as required by recommendations iii and v. Therefore these recommendations cannot be considered even partly implemented.
28. GRECO concludes that recommendations iii and v remain not implemented.

Recommendation vi.
29. *GRECO recommended that the system of administrative immunities for members of the Saeima is abolished.*
30. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report. In January 2016, the Saeima adopted in the second reading the amendments to the Constitution suppressing administrative immunity for MPs.
31. The authorities indicate that, on 14 June 2016, the amendments to the Constitution of the Republic of Latvia entered into force abolishing the system of administrative immunities for MPs. The authorities specify that, following these amendments, MPs can be held administratively liable without the consent of Parliament. In addition, the amendments foresee that the Saeima's Mandate, Ethics and Submissions Committee announces the names of the MPs who have been punished administratively.

³ The draft amendments to the Rules of Procedure underwent first reading in the *Saeima* on 8 June 2017. A translation of the draft in English was not available at the time of adoption of this report for due perusal.

32. GRECO welcomes the entrance into force of the constitutional amendments abolishing the system of administrative immunities as required by the recommendation.
33. GRECO concludes that recommendation vi has been implemented satisfactorily.

Corruption prevention in respect of judges and prosecutors

Recommendation vii.

34. *GRECO recommended (i) strengthening the decisive influence of the relevant self-governing judicial bodies (e.g. the Judicial Council and Judicial Qualification Board) in the appointment, reappointment and career progression of the judiciary; and (ii) reconsidering the scope of powers held by the Saeima in this area, notably, by restricting it to the confirmation of judicial appointments as recommended by the relevant judicial bodies, with a view to better dispelling the risks of political influence.*
35. It is recalled that in the Interim Compliance Report, both elements of this recommendation were partly addressed. GRECO took note of the gradual extension of powers of the Judicial Council, notably in relation to decisions on rotation and transfers, the dismissal procedure of the Chief Justice of the Supreme Court, the determination of professional examination contents and career progression. Moreover, GRECO welcomed the draft amendments to the Law on Judicial Power submitted to the Saeima, which provided for the key role of the Judicial Council in the appointment and dismissal of presidents of district and regional courts, in judicial transfers (at all levels), in the selection and training of candidate judges, and in the internal review system within the judiciary (together with Judicial Qualification Board). Still the issue of the decisive influence of the Council in respect of the appointment, re-appointment and dismissal of all categories of judges remained to be addressed. GRECO also reiterated its misgivings about the risks of political interference in judicial appointments and re-appointments.
36. The authorities report that, in October 2015, the Cabinet of Ministers supported the draft amendments to the Law on Judicial Power reducing the involvement of the executive in the judiciary and submitted them to the Saeima. The draft is currently undergoing review by the Judicial Policy Subcommittee of the Saeima. The authorities further underscore that the draft amendments give a key role to the Judicial Council in the following areas: appointing and dismissing the Chief Judge of a district court; nominating candidates for the position of judge of a district or a regional court (based on the considerations of the Judicial Qualification Board); reappointing judges (due to unsatisfactory performance); dismissing judges of district courts, regional courts, the Supreme Court, as well as the Chief Judge of the Supreme Court; determining the procedure for selection, traineeship and qualification exams; confirming divisions of regional courts; taking decisions on the re-organisation plans of courts. That said, the Saeima will continue to be responsible for the appointment of judges sitting at district and regional courts, on the basis of the proposal made by the Judicial Council. The proposal of the Judicial Council is not binding on the Saeima. The Saeima's decision is considered to be a political decision, not requiring justification (including in the cases when it deviates from the Judicial Council's recommendation).
37. The authorities also report on the plans to make the Judicial Council responsible for preparing and submitting budget requests, regarding its functioning (and the remuneration of its members), to the Ministry of Finance. The draft Strategy for the Judicial Council, presented in September 2016, defines the following priorities: to secure and protect the independence of judges, to promote effectiveness and

quality of judicial power, to strengthen society's trust in the judicial power. The Judicial Council gathered and presented the opinions of its members on the Report of the Commission for Legal Environment Improvement, established by the President of Latvia. The Supreme Court proposed strengthening the Judicial Council as a matter of priority in 2017. The 2017 Law on Budget provides for the establishment of a Secretariat for the Judicial Council.

38. Finally, the authorities indicate that it is planned to carry out an assessment of the judicial system in Latvia, by the end of 2018, in order to issue a comprehensive development plan and long-term policy planning documents. The initial assessment will be conducted in cooperation with international experts from the OECD, the International Monetary Fund, the Council of Europe's Commission for the Efficiency of Justice (CEPEJ) and will contain an independent analysis of the judicial system with recommendations for improvement.
39. GRECO welcomes the draft amendments to the Law on Judicial Power, which are now undergoing consultation in the Saeima. The draft appears to address the concerns of the recommendation. GRECO also notes the authorities' long-term commitment to reassess the judicial system, with the assistance of international expertise.
40. GRECO concludes that recommendation vii remains partly implemented.

Recommendation ix.

41. *GRECO recommended that the role and resources of the Commission of Judicial Ethics be strengthened in order to further develop its work, and in particular, to ensure that the Judicial Code of Ethics is updated and that regular guidance on its provisions is dispensed.*
42. It is recalled that this recommendation was partly implemented in the Interim Compliance Report. The supervisory role and resources of the Commission of Judicial Ethics still had to be strengthened and the Judicial Code of Ethics reviewed and updated.
43. The authorities now indicate that, on the initiative of the Judicial Council, the University of Latvia has prepared a report evaluating the work of the Commission of Judicial Ethics. The report focuses on the recommendations issued by international organisations and on judges' awareness of the Judicial Ethics Commission's mandate. On 13 May 2016, the report was presented at the Conference of Judges. The publication *Compilation of quotes of the Commission of Ethics: explanations, conclusions, decisions 2008-2016* covers the period of eight years of the Commission's activities. Information on the report and the publication, as well as on advice and decisions taken by the Commission, is publicly available on line at the website of the Supreme Court of Latvia.
44. Moreover the authorities indicate that, in the framework of the European Social Fund Project's "*Justice for Growth*" (01.01.2016-31.12.2022), it is planned to review and update the Judicial Code of Ethics and to strengthen capacities through training of persons working in the judicial system (including on matters of raising trust in the judiciary and law enforcement). In the framework of the plan "*Strengthening the human resources capacity and development of competencies of persons employed in the judiciary and law enforcement for 2015-2020*", it is foreseen to carry out training on ethical standards for judiciary officials. The Cabinet of Ministers adopted the Plan, which entered into force on 9 March 2015.

45. Finally, the authorities indicate that, on 4 May 2016, the amendments to the Law on Remuneration of Officials and Employees of State and Local Government Authorities (Article 14, Section 11) came into force. The amendments specify that judges elected as members of the Commission of Judicial Ethics (as well as members of the Council for the Judiciary, Disciplinary Committee of Judges or the Judicial Qualification Committee) and their chairs receive an extra 3% and 5%, respectively, of the monthly salary of a district court judge for every session attended.
46. GRECO notes that some more efforts have been undertaken to analyse and raise awareness of the work of the Commission of Judicial Ethics. In particular, GRECO welcomes the enactment of legal provisions for an additional remuneration for the Judicial Ethics Commission's members. GRECO already acknowledged, in its Fourth Round Evaluation Report, the positive role played by the Commission of Judicial Ethics in increasing confidence and knowledge-base on ethical matters within the profession. GRECO is pleased to note that the Commission has persevered in its proactive advisory approach on integrity-related issues; GRECO understands that this is an on-going process.
47. GRECO concludes that recommendations ix has been implemented satisfactorily.
- Recommendations x and xiii.
48. *GRECO recommended that:*
- *the system of administrative immunities for judges is abolished. (recommendation x)*
 - *the system of administrative immunities for prosecutors is abolished. (recommendation xiii)*
49. GRECO recalls that, due to the lack of action on the authorities' part, both recommendations remained not implemented in the Interim Compliance Report.
50. The authorities now report that, on 21 March 2017, the Judicial Policy Subcommittee of the Saeima's Judicial Committee discussed possible wording for amendments to the Judicial Disciplinary Liability Law regarding the abolishment of administrative immunities for judges and prosecutors and referred the matter to the Judicial Council. The authorities specify that the majority of judges support the abolishment of administrative immunities and that the only outstanding concern relates to the administrative punishments entailing arrest; amendments to administrative violations procedure law are in the pipeline to remove this obstacle. It is expected that these amendments are enacted in 2020; the authorities are of the view that it should then be possible, in principle, for Latvia to provide for the abolishment of administrative immunity for both judges and prosecutors.
51. The authorities add that the system of administrative immunities does not lead to impunity of judges or prosecutors as they are subject to appropriate and proportionate disciplinary sanctions.
52. GRECO notes with concern the absence of any tangible progress in the implementation of these recommendations. The administrative immunity is a remnant of the past - which goes far beyond the necessary functional immunity. GRECO calls for urgent measures to deal with this matter.
53. GRECO concludes that recommendations x and xiii remain not implemented.

Recommendation xi.

54. *GRECO recommended that measures be taken to ensure that disciplinary cases concerning improper conduct by judges are decided before the expiry of the statute of limitations, such as extending the time period for imposing sanctions from the date of detection, reassessing the adequacy of the limitation period as a whole, and providing for the interruption or suspension of the period of limitation under specified circumstances.*
55. GRECO recalls that this recommendation was not implemented in the Interim Compliance Report. Even if draft amendments to the Law on Disciplinary Liability of Judges appeared to be in line with the recommendation, the legislative process was at a very early stage. The authorities had also referred to an agreement of the Judicial Council to the proposed reform, which was still pending.
56. The authorities indicate that the amendments to the Law on Disciplinary Liability of Judges provide that the statute of limitation for disciplinary sanctions is calculated three months after the day of detection of an offence or initiation of disciplinary procedures. The absolute limitation term (2 years) and the special limitation term (3 months) remain the same (as mentioned in the evaluation report). But these amendments determine additional grounds for interruption or suspension of the statute of limitation. In particular, they provide that the temporary absence of the judge (holidays, temporary work disability or other justifiable grounds) is not counted in the three-month period. On 23 March 2017, the Saeima approved these amendments in the first reading. They still have to undergo the second and the third reading in Parliament. The authorities recall that the Disciplinary Court detected only one case, back in 2015, concerning the violation of the limitation period.
57. GRECO notes the adoption in the first reading of the amendments to the Law on Disciplinary Liability of Judges. GRECO appreciates that the draft amendments provide grounds for interruption or suspension of the statute of limitation. However, GRECO reiterates that the three month time limit for imposing a sanction from the date of detection of a disciplinary offence appears too short. GRECO calls the authorities to complete the reform in line with this recommendation.
58. GRECO concludes that recommendation xi has been partly implemented.

Recommendation xii.

59. *GRECO recommended (i) that professional training on corruption prevention, ethics and integrity is given higher priority within the judiciary, that it is properly funded, and that it forms part of a regular rolling programme for all judges; and (ii) that specific on-going training is developed for court chairs, to better equip them to provide a lead on matters of ethics, conflicts of interest and other integrity and anti-corruption matters within their courts.*
60. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report. GRECO welcomed the prospective launch of a comprehensive training programme within the judiciary as from the second half of 2016. However, the programme remained to be designed and delivered in practice.
61. The authorities state that on in the framework of the plan "Strengthening the human resources capacity and development of competencies of persons employed in the judiciary and law enforcement for 2015-2010" it is foreseen to carry out training on ethical standards for judiciary officials.

62. The Latvian Judicial Training Centre provides regular training for judges and employees of courts, funded by the State, EU and other international partners. In the framework of the agreement between the Latvian Judicial Training Centre and the Court Administration, concluded in 2014, the Judicial Training Centre dispenses training for chairs of courts, judges, candidate judges and employees of courts during a period of ten years.
63. The annual training budget in 2016 was 167 757 Euro. It is recalled that, since 2014, the induction programme for new judges includes training sessions on ethics and prevention of corruption. In 2016, out of the 28 day long training programme for candidate judges and newly appointed judges one day was devoted to the issues of ethics, role of judges and prevention of corruption. On 22 August 2016, six candidate judges attended three training sessions on the role of a judge and ethics.
64. In the framework of the European Social Fund Project "*Justice for Growth*" training for judges, court chairs, court employees, prosecutors, court experts, officials of law enforcement and bailiffs has been provided. Special training focusing on judicial ethics is planned as well as a tailored training session for court chairs. Based on needs, some regular and mandatory training sessions on ethics and prevention of corruption will be defined.
65. The authorities add that by virtue of the Law on Judicial Power a judge has the duty to continuously enhance his/her knowledge throughout his/her career; knowledge on corruption, conflicts of interest, ethics and integrity and the participation in relevant training events are assessed in the framework of regular assessment of judges.
66. GRECO appreciates that corruption prevention, ethics and integrity training have been duly prioritised and funded. Overall, these seem to be included in the regular training programme for judges and candidate judges. Therefore, the first part of the recommendation has been addressed. GRECO welcomes the elaboration of the tailored training session for court chairs and considers that the second part of the recommendation has been implemented.
67. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiv.

68. *GRECO recommended that training on corruption prevention (including issues of confidentiality and reporting concerns about wrongdoing), ethics and integrity, tailored to prosecutors is given a greater priority and resources such that it forms part of a regular rolling programme.*
69. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report. As the reported initiatives (attendance of a certain number of training events) did not fully meet the requirement of this recommendation, i.e. the introduction in practice of a regular comprehensive training programme for all prosecutors on ethics and corruption prevention. GRECO looked forward to the envisaged launch of a dedicated training programme in the second half of 2016.
70. The authorities now report that, in 2016, prosecutors and candidate prosecutors participated in a series of lectures, training events, conferences (domestic as well as international), dealing with issues such as ethics and corruption fighting. In the framework of the European Social Fund Project's "*Justice for Growth*" (2016-2022), funding is secured for training courses of law enforcement agencies; training for prosecutors on ethics and integrity matters is planned starting from 2018.

71. The authorities add that in accordance with the amendments to the Law on the Prosecutor's Office of 1 January 2013 (Article 5, Section 3), each prosecutor must regularly improve his/her knowledge and professional skills required for the performance of his/her duties, including regarding prevention of corruption, conflicts of interest, ethics and integrity. Since 1 January 2014, the Prosecutor's Office regularly assesses the fulfilment of professional duties by the prosecutors. The participation in training events is taken into account.
72. GRECO takes note of the information provided. It notes that prosecutors have attended a series of lectures, training events and conferences (domestic and international) on various issues, including ethics and corruption related matters. Additional training on ethics and integrity is to be developed from 2018 in the framework of an EU project. GRECO looks forward to receiving additional updates on this. Further, GRECO stresses the importance of ensuring that training on corruption prevention forms part of a regular rolling programme for all prosecutors, rather than on an ad-hoc or project basis.
73. GRECO concludes that recommendation xiv remains partly implemented.

III. CONCLUSIONS

74. In view of the above, GRECO concludes that Latvia has made some progress as regards the implementation of the recommendations found to be not implemented or partly implemented in the Fourth Round Interim Compliance Report. In total, six of the 14 recommendations contained in the Fourth Round Evaluation Report have now been implemented satisfactorily. Of the remaining recommendations, three have been partly implemented and five remain not implemented.
75. More specifically, recommendations i, iv, vi, viii, ix and xii have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations vii, xi and xiv have been partly implemented and recommendations ii, iii, v, x and xiii remain not implemented.
76. GRECO acknowledges the steps taken throughout the years to strengthen the functional independence of the Corruption Prevention and Combating Bureau (KNAB). The latest amendments to the Law on the KNAB, adopted in April 2016, are geared towards reconciling both the autonomy and accountability of the KNAB and its management structures. Time and experience will show whether the amended legislative framework is sufficient to ensure proper independence and the effectiveness of the KNAB. The institution has played an essential role in leading the reforms recommended by GRECO to date, including in respect of the Fourth Evaluation Round. However, GRECO underscores that, notwithstanding the primary role entrusted to the KNAB in the fight against corruption, the particular categories of officials targeted under this report, i.e. parliamentarians, judges and prosecutors must themselves take responsibility for compliance.
77. It is particularly disappointing that the Saeima has not upgraded its anti-corruption and integrity framework (e.g. guidance on ethical standards, conflict of interest prevention, and regulation on lobbying). Promising action has been taken by the judiciary, which has engaged with international organisations in a self-assessment to ameliorate its independence and efficiency records. GRECO welcomed the deployment of additional resources to support the valuable role that the Commission of Judicial Ethics has been playing since its establishment to enhance integrity and independence of the judiciary. Tangible measures have also been taken to ensure regular rolling training programmes on ethics and integrity matters

for judges, but a regular comprehensive training programme for all prosecutors on ethics and corruption prevention remains to be introduced.

78. While the Constitution has been amended to abolish administrative immunity for parliamentarians, this sort of immunity is still possible for judges and prosecutors. GRECO reiterates its view that the system of administrative immunities is no longer serving the purpose for which it was intended – to protect judges and prosecutors from undue interference – and that with so little support for it within the profession, the time is right to abolish it.
79. In view of the above, GRECO concludes that the current level of compliance with the recommendations is no longer “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides not to continue applying Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report.
80. Pursuant to paragraph 8.2 of Rule 31 of the Rules of Procedure, GRECO requests the Head of Delegation of Latvia to provide a report regarding the action taken to implement the pending recommendations (i.e. ii, iii, v, vii, x, xi, xiii and xiv by 30 June 2018).
81. Finally, GRECO invites the authorities of Latvia to translate the report into the national language and to make this translation public.