

Strasbourg, 1 December 2023

Greco(2023)14

95th GRECO Plenary Meeting
Strasbourg, 27 November – 1 December 2023

DECISIONS

At its 95th Plenary Meeting (Strasbourg, 20 November – 1 December 2023) which was chaired by Marin Mrčela (President of GRECO, Croatia), and by Monika OLSSON (Vice-President of GRECO, Sweden) for part of the meeting, the Group of States against Corruption (GRECO):

1. noted the President's welcome message to newly nominated Heads of delegation and Representatives, thanking them for their contribution to GRECO's work where their input and coordination at national level facilitate the results achieved by GRECO's monitoring, and for their expertise which is important in the mutual evaluation process during the examination of reports addressed to other member States;
2. adopted the agenda of the meeting;

Information

3. took note of the items discussed and decisions taken by the Bureau at its 103rd meeting (Greco(2023)13);
4. took note of information provided as follows:

Marin Mrčela, President of GRECO

- the President had spoken at the European Network of Public Ethics (ENPE) high-level conference *Strengthening Public Integrity and Countering Undue Influence in Democracies*, hosted by the Commission for the Prevention of Corruption of Slovenia (Ljubljana, 4-5 October); and on the same occasion had given an interview to TSmedia;
- he would take part with the Deputy Executive Secretary in the *10th session of the Conference of the States Parties to the United Nations Convention against Corruption – COSP-10* (Atlanta, 11-15 December 2023); in the margins of COSP-10, a high-level joint event would be held aimed at improving, broadening and deepening synergies between anti-corruption review mechanisms, organisations and networks;
- Panagiota Vatikidou, Bureau member (Greece) had spoken at the *Cyprus Forum* on the role of the Attorney General and the balance of powers (Nicosia, 29 September);
- the President thanked the Delegations of Finland, Monaco, Norway, Romania and the United States of America for the in-kind contributions made by covering costs related to their participation in the present meeting;
- pursuant to the invitation by the Committee of Ministers to Morocco to accede to the Criminal and Civil Law Conventions on Corruption (ETS Nos. 173 and 174) on 20 October 2021, the Council of Ministers of Morocco, chaired by the King, had approved both Conventions on 19 October 2023;
- Delegations were reminded that GRECO is a technical rather than a political body, composed of professional experts, and that Heads of Delegation are called upon to communicate to governments and other competent national authorities why it is important to implement GRECO's recommendations;
- Delegations were invited to take steps to help ensure that reports adopted by GRECO are published within a reasonable timeframe (cf. item 46 below);

Hanne Juncher, Director, Information Society and Action against Crime Directorate

- as Executive Secretary it had been a privilege to work with the President, Delegations and the Secretariat;
- she welcomed Livia Stoica Becht as the new Executive Secretary who had a long background in monitoring and in the fight against economic crime;
- she congratulated Laura Sanz-Levia on her appointment in June as the new Deputy Executive Secretary; and welcomed Victoria Cherniyuchuk, previously from the office of the Jurisconsult in the Registry of the Court of Human Rights, as a new Senior Legal Adviser, Irma Dzankovic-Arslan as the new Personal Assistant to the Executive Secretary, and Hayarpi Arshakyan as a new administrative Assistant, all in the GRECO Secretariat;
- on 4 October, GRECO's Statutory Committee had approved GRECO's programme and budget for 2024 and the provisional budget for 2025 which includes a much needed increase of €130,000 for operational costs from 2025;

Laura Sanz-Levia, Deputy Executive Secretary of GRECO

- the Deputy Executive Secretary had presented lessons learned from GRECO's operation, compliance procedure and transition to new evaluation rounds at the *Resumed 14th Session of the Implementation Review Group (IRG) of the United Nations Convention against Corruption (UNCAC)*, (Vienna, 4 September);
- she had presented GRECO's findings in the Fourth Evaluation Round (focused on integrity in the judiciary and judicial independence) and in the Fifth Evaluation Round (focused on whistleblower protection) at the *Third Thematic Discussion of the UN Commission on Crime Prevention and Criminal Justice (CCPCJ)* (online, 13 September);
- the Secretariat had also taken part in: the *Panel on preventing and managing conflicts of interest* during the plenary of the OAS Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) (online, 13 September); the First meeting of the *EU network against corruption* (Brussels, 20 September); a *Whistleblowers Protection Workshop* organised by Politico (Brussels, 21 September); the *OECD-ACN Plenary* (Paris, 3-5 October) and the *EPAC/EACN Annual Professional Conference and General Assembly* (Dublin, 2-3 November);

Evaluation procedures

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

5. adopted the Fifth Round Evaluation Reports on:
 - the **Republic of Moldova** (GrecoEval5Rep(2023)4)
 - **Türkiye** (GrecoEval5Rep(2022)10)
 - the **United States of America** (GrecoEval5Rep(2023)1)

and set the deadline of 30 June 2025 for the submission of situation reports on measures taken to implement GRECO's recommendations;

6. noted with satisfaction that the authorities of the United States of America authorise the publication of the report mentioned in decision 5 above;
7. invited the authorities of the Republic of Moldova and Türkiye to authorise, as soon as possible, the publication of the reports mentioned in decision 5 above;
8. noted that all eight Fifth Round visits scheduled in 2023 had been carried: Andorra, Armenia, Georgia, Italy, Republic of Moldova, Monaco, Switzerland and the United States of America;
9. approved the composition of the teams responsible for the Fifth Round evaluations of San Marino and Ukraine (GrecoEval5(2023)2);

Third Round – – Incriminations; Transparency of party funding

10. approved the composition of the team for the Third Round evaluation of Kazakhstan (GrecoEval3(2023)1);

Compliance procedures

11. noted the President's call on all Heads of delegation to strictly respect the submission deadlines fixed by GRECO in each adopted report; this was essential to ensure the proper conduct of the compliance procedures;

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

12. adopted the 1st *Interim* Fourth Round Compliance Report on:

- **Liechtenstein** (GrecoRC4(2023)16)

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

13. pursuant to Rule 31 revised, paragraph 8.2, asked the Head of delegation to submit additional information on action taken to implement certain recommendations by 31 December 2024;

14. adopted the 3rd *Interim* Fourth Round Compliance Report on:

- **Portugal** (GrecoRC4(2023)17)

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;

15. pursuant to Rule 32, paragraph 2 (i) asked the Head of delegation to provide a report on progress in implementing the outstanding recommendations by 31 December 2024 at the latest;

16. pursuant to Rule 32, paragraph 2 (ii) a), invited the President of GRECO to send a letter to the Head of delegation – 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;

17. adopted the Addendum to the 2nd Fourth Round Compliance report on:

- **Ireland** (GrecoRC4(2023)18)

and pursuant to Rule 31 revised, paragraph 9, asked the Head of delegation to submit additional information on the implementation of certain recommendations by 31 December 2024;

18. adopted the Addenda to the 2nd Fourth Round Compliance Reports on

- **Luxembourg** (GrecoRC4(2023)14)
- **Serbia** (GrecoRC4(2023)13)

and closed the Fourth Round compliance procedure in respect of these members;

19. adopted the 2nd Addenda to the 2nd Fourth Round Compliance Reports on

- **Cyprus** (GrecoRC4(2023)15)
- **France** (GrecoRC4(2023)20)
- **Greece** (GrecoRC4(2023)19)
- **North Macedonia** (GrecoRC4(2023)21)

and closed the Fourth Round compliance procedure in respect of these members;

20. noted with satisfaction that the authorities of France and Luxembourg authorise the publication of the reports mentioned in decisions 18 and 19 above;

21. invited the authorities of Cyprus, Greece, Ireland, Liechtenstein, North Macedonia, Portugal and Serbia to authorise, as soon as possible, the publication of the reports mentioned in decisions 12, 14, 17, 18, and 19 above;

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

22. agreed that - in addition to the step provided for in Rule 32 revised, paragraph 2 (i) - Rule 32 revised, paragraph 2 (ii) b) would also be applied when a member State entered the Fifth Round non-compliance procedure at the stage of the adoption of the 2nd Fifth Round Compliance Report;

23. if more than 60% of the recommendations had not been implemented at the same stage, Rule 32 revised, paragraph 2 (iii) (high-level visit) may be applied;

24. in application of this criteria, the following members are subject to Rule 32 revised, paragraph 2 (iii) (high-level visit): Denmark, Poland (2nd Fifth Round Compliance Report adopted in June 2023) and the Slovak Republic;

25. adopted the 2nd Fifth Round Compliance Reports on:

- **Denmark** (GrecoRC5(2023)10)
- the **Slovak Republic** (GrecoRC5(2023)9)

and within the meaning of Rule 31 revised bis, paragraph 10, concluded that these members were **not in sufficient compliance** with the Fifth Round recommendations;

26. pursuant to Rule 32 revised, paragraph 2 (i) asked the respective Heads of delegation to provide a report on progress in implementing the outstanding recommendations by 31 December 2024 at the latest;
27. in accordance with Rule 32 revised, paragraph 2 (ii) b), invited the President of the Statutory Committee to send a letter to the Permanent Representatives of Denmark and the Slovak Republic to the Council of Europe – with a copy to the Heads of delegation concerned – on the need for determined action to be taken with a view to achieving tangible progress as soon as possible;
28. in accordance with Rule 32 revised, paragraph 2 (iii), requested the authorities of Denmark and the Slovak Republic to receive a high-level mission with a view to reinforcing the importance of complying with the relevant recommendations;
29. adopted the 2nd Fifth Round Compliance Reports on:
 - **Malta** (GrecoRC5(2023)7)
 - **Spain** (GrecoRC5(2023)8)

and within the meaning of Rule 31 revised bis, paragraph 10, concluded that these members were **not in sufficient compliance** with the Fifth Round recommendations;

30. pursuant to Rule 32 revised, paragraph 2 (i) asked the respective Heads of delegation to provide a report on progress in implementing the outstanding recommendations by 31 December 2024 at the latest;
31. in accordance with Rule 32 revised, paragraph 2 (ii) b), invited the President of the Statutory Committee to send a letter to the Permanent Representatives of Malta and Spain to the Council of Europe – with a copy to the Head of delegation concerned – on the need for determined action to be taken with a view to achieving tangible progress as soon as possible;
32. invited the authorities of Denmark, Malta, the Slovak Republic and Spain to authorise, as soon as possible, the publication of the reports mentioned in decisions 25 and 29 above;
33. approved the list of rapporteur countries for the Fifth Round compliance procedures in respect of the following countries: Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Cyprus, the Czech Republic, Italy, the Republic of Moldova, Portugal and Türkiye (GrecoEval5(2023)1);

Programme of Activities 2024

34. adopted its Programme of Activities for 2024 (Greco(2023)11-fin) which outlines the main objectives and actions for GRECO's core monitoring work, as well as its institutional role and the contacts and synergies that it pursues;
35. noted the need to maintain some degree of flexibility in the planning to respond to scheduling requirements that could not be anticipated at this stage, and that if the examination of compliance reports needed to be postponed to ensure a feasible agenda for plenary meetings, the Secretariat would communicate appropriate new deadlines for situation reports to the members concerned;

Exchange of views – Tromsø Convention Access Info Group (AIG)

36. held an exchange of views with Helena Jäderblom, President of the Access Info Group – one of the two monitoring bodies established by the Council of Europe Convention on Access to Official Documents, known as the [Tromsø Convention](#) (CETS No. 205);

37. welcomed with interest the information provided on the ongoing work of the AIG and the first baseline evaluation of implementation by the Parties to the Convention; the Convention is referred to in most of GRECO's Fifth Round reports on preventing corruption and promoting integrity among persons with top executive functions (central government) where the issue of access to official documents features prominently;

Sixth Evaluation Round - Preventing corruption and promoting integrity at the sub-national level

38. welcomed the concrete proposals made by the Working Party for this new round, chaired by Monika OLSSON, Vice-President of GRECO, in the report of its 1st meeting (GrecoWP6(2023)REP1) as well as the contribution made to this preparatory work by the two scientific experts designated by the working party, Fernando JIMENEZ SANCHEZ (University of Murcia, Spain) and Staffan ANDERSSON (Linnaeus University, Sweden);
39. approved the proposals made by the Working Party in the report of its 1st meeting;
40. the Working Party would hold its next meeting in Paris in February 2024 to examine the preliminary draft Questionnaire for the Sixth Round and other issues, including possible changes to the Rules of Procedure regarding the compliance procedure for the new Round;

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

41. took note of information provided by the Delegation of the United States of America;

Information from observer organisations and Council of Europe bodies

42. took note of information provided by the representative of the European Union on the launching of the EU Anti-Corruption Network, the first meeting of the Network, and two side events to be held during COSP-10;
43. discussed the recent initiative of the European Commission gathering several GRECO members of EU member States; underlined that any discussion of its confidential reports and recommendations takes place in GRECO, where all representatives of member States and Non-member States of the Council of Europe, including EU member States, participate on an equal footing and contribute with their technical expertise in the spirit of respect, co-operation, transparency and mutual trust;
44. with respect to the European Commission's participation modalities, recalled that the 2023 roadmap for anti-corruption policy in the EU envisages a possible move towards full participation of the EU in GRECO – a long-awaited development that would represent a unique opportunity to reinforce the coherence and efficiency of action against corruption in the European Union and its institutions;
45. took note of information provided by the delegation of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on ongoing work and initiatives planned in the area of anti-corruption, including in relation to judicial independence and accountability;

Publication of Reports¹

46. called on the authorities of the member States concerned to authorise without further delay the publication of reports previously adopted by GRECO;²

Any other business

47. noted that for the 2023 General Activity Report (which would be on the agenda of the March 2024 Plenary Meeting), only the compliance reports that were published by **Friday 15 December 2023** would be taken into account in the statistics on compliance levels in the Fourth and Fifth Rounds; the cut-off date for informing the Secretariat of any publications still to take place in 2023 was **Friday 8 December 2023**;

Future meetings

48. took note of the following dates (meetings **in person only**):

- 2nd Meeting of the Working Party for the 6th Evaluation Round: Paris, 20-21 February 2024
- 104th Bureau Meeting: Paris, 21 February 2024
- 96th Plenary Meeting: Strasbourg, 18-22 March 2024
- 97th Plenary Meeting: Strasbourg, 17-21 June 2024
- 98th Plenary Meeting: Strasbourg, 18-22 November 2024.

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 **Adopted in March 2023:** Fifth Round Evaluation Reports on Azerbaijan and Portugal; **adopted in June 2023:** Fifth Round Evaluation Report on the Czech Republic, 4th *Interim* Fourth Round Compliance Report on Türkiye.