

Adoption: 21 June 2024
Publication: 24 July 2024

Public
GrecoEval5Rep(2023)8

FIFTH EVALUATION ROUND

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

EVALUATION REPORT

MONACO



Adopted by GRECO
at its 97th Plenary Meeting (Strasbourg, 17-21 June 2024)



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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

TABLE OF CONTENTS

I. SUMMARY	4
II. INTRODUCTION AND METHODOLOGY	5
III. CONTEXT.....	6
IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS).....	8
SYSTEM OF GOVERNMENT AND TOP EXECUTIVE FUNCTIONS.....	8
<i>System of government</i>	8
ANTICORRUPTION AND INTEGRITY POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK	19
<i>Anticorruption and integrity policy</i>	19
<i>Legal framework and ethical principles</i>	19
TRANSPARENCY AND OVERSIGHT OF EXECUTIVE ACTIVITIES OF GOVERNMENT.....	23
<i>Access to information</i>	23
<i>Third parties and lobbyists</i>	28
<i>Control mechanisms</i>	28
CONFLICTS OF INTEREST	29
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES	32
<i>Incompatibilities, outside activities and financial interests</i>	32
<i>Gifts</i> 33	
<i>Misuse of public resources</i>	34
<i>Misuse of confidential information</i>	34
<i>Post-employment restrictions</i>	34
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	35
<i>Declaration requirements and review mechanisms</i>	35
ACCOUNTABILITY AND ENFORCEMENT MECHANISMS	38
<i>Criminal proceedings and immunities</i>	38
<i>Non-criminal enforcement mechanisms</i>	38
V. PREVENTING CORRUPTION AND PROMOTING INTEGRITY IN LAW ENFORCEMENT AGENCIES	41
ORGANISATION AND ACCOUNTABILITY OF THE LAW ENFORCEMENT/POLICE AUTHORITIES.....	41
<i>Overview of the law enforcement authorities</i>	41
<i>Access to information</i>	42
<i>Public confidence in the law enforcement authorities</i>	43
<i>Trade unions and professional associations</i>	43
ANTICORRUPTION AND INTEGRITY POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK	43
<i>Anticorruption policy within the police</i>	44
<i>Handling undercover operations and contact with informants and witnesses</i>	46
<i>Advice, training and awareness</i>	46
RECRUITMENT AND CAREER ADVANCEMENT.....	47
<i>Performance evaluation</i>	49
<i>Rotation and mobility</i>	50
<i>Termination of duties and dismissal</i>	50
<i>Salaries and benefits</i>	50
CONFLICTS OF INTEREST	51
PROHIBITION OR LIMITATION OF CERTAIN ACTIVITIES	52
<i>Incompatibilities, outside activities and financial interests</i>	52
<i>Gifts</i> 52	
<i>Misuse of public resources</i>	52
<i>Post-employment restrictions</i>	53
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	53
<i>Declaration requirements</i>	53
<i>Control mechanisms</i>	54
OVERSIGHT AND ENFORCEMENT	54
<i>Internal oversight and control</i>	54
<i>External oversight and control</i>	56
<i>Reporting obligations and whistleblower protection</i>	57

I. SUMMARY

1. This report evaluates the effectiveness of the framework in place in the Principality of Monaco to prevent corruption among persons with top executive functions (PTEFs – head of state, ministers and senior civil servants) and members of law enforcement agencies. It aims to encourage analysis within the country of ways of strengthening transparency, integrity and accountability in public life.

2. While the hereditary monarchy and the cramped nature of the country's territory explain certain aspects of its system of government, Monaco began putting an integrity and anticorruption system in place only recently. At present, it is only aimed at members of the Government, and the State Minister is even exempt from some measures. This system, which includes rules of ethics and an obligation to declare interests and assets, needs to be supplemented with better assessment of the integrity of the persons appointed, greater transparency of their activity and more monitoring of compliance with the rules, as well as a system of sanctions. The rules on outside activities and employments taken after leaving office also need to be made clearer. This new system needs to be compared with practice and extended to other PTEFs – persons working for ministers, the State Secretary for Justice and the Prince's collaborators. Some of the transparency and integrity rules should be made applicable to the Sovereign Prince, Head of State, who performs key executive functions. At the very least, they should apply to contact between him and third parties and gifts received in the course of his executive functions, prevention of conflicts of interest and the use of public funds allocated to the running of the Sovereign Household.

3. The rules in which the executive operates are not sufficiently elaborated to provide all of the guarantees of integrity expected by GRECO. While a risk map has been created, it has not resulted in an overall anticorruption strategy. An Ethics Committee was recently established to aid the system's implementation and ministers can now obtain advice from an ethics officer. However, this system should cover all PTEFs concerned, be subject to a boosted training, and be supplemented by practical guidance to facilitate its implementation. Access to information must be improved in a country where a culture of discretion prevails. There are no rules governing dealings between PTEFs and lobbyists, nor is there a system to facilitate the intervention and protection of whistleblowers. Greater transparency should be provided within the framework of the public procurement regime.

4. The main purpose of the Directorate of Public Safety (police) is to prevent crime and preserve Monaco's reputation for safety. It is well organised and enjoys a good reputation among the public. Transparency in the appointment of its senior officers and scrutiny of the integrity of appointees still need to be strengthened. A Code of ethics has been adopted, which would benefit from being supplemented by practical guidance and from more training. An overall strategy for tackling corruption within the police would make the system more consistent and effective. The asset and interest declaration system for persons holding at-risk posts still needs to be supplemented so that effective and substantial scrutiny of these declarations can happen. Particular attention should be paid to the Directorate of Public Safety's powers in relation to issuing residence permits, which give entitlement to an advantageous tax status and pose a risk in terms of staff integrity. Rules on whistleblowers and their protection should be put in place for the police. A campaign to raise public awareness of the integrity rules applicable to the police would make the entire system for preventing and tackling corruption more credible.

II. INTRODUCTION AND METHODOLOGY

5. After joining GRECO in 2007, Monaco was evaluated during the First and Second Joint Evaluation Rounds (October 2008) and the Third (March 2012) and Fourth (June 2017) Evaluation Rounds. The Evaluation Reports and the corresponding Compliance Reports are available on the GRECO website (www.coe.int/greco). This Fifth Evaluation Round commenced on 1 January 2017.¹

6. The objective of this report is to evaluate the effectiveness of the measures taken by the Monegasque authorities to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the players concerned and the outcomes achieved. It also identifies shortcomings and makes recommendations for improvements. As per GRECO practice, the recommendations are addressed, via the head of the delegation to GRECO, to the Monegasque authorities, which decide which national institutions or bodies must take the required action. Monaco will have to report back within 18 months after this report is adopted on the action taken in response to GRECO's recommendations.

7. In order to draw up this report, a GRECO evaluation team (hereinafter "GET") made a visit to Monaco from 20 to 24 November 2023 and GRECO made use of Monaco's responses to the Evaluation Questionnaire and other information received, including from civil society and through the media. The GET was made up of Mr Michel CLAISE, financial investigating judge, Brussels Court of First Instance (Belgium), Mrs Cristina LESNIĆ, former Deputy Prime Minister, UNEP project co-ordinator (Republic of Moldova) and Mrs Silvia THALLER, prosecutor, Central Prosecutor's Office for Economic Crime and Corruption (Austria). The GET was supported by Mr Stéphane Leyenberger from the GRECO Secretariat.

8. The GET talked to:

- on several occasions, the State Minister and all members of the Council of Government (ministers), as well as the Head of the State Minister's office, the Secretary General of the Government, his deputy and their staff, and all directors general of ministries,
- the State Secretary for Justice, the Secretary General of the Directorate of Judicial Services and the advisers to the State Secretary for Justice,
- four members of the Prince's Office (Head of Office and three Advisors), the Property Administrator and one Private Adviser,
- the President of the High Board of Auditors, the Auditor General of Expenses, and the Financial Auditor,
- the Auditor General of the Directorate of Public Safety and his deputy,
- the Head of the Inspectorate General of the Police Services and his deputy,
- the Head of the Inspectorate General of Administration, the representatives of the Department of Human Resources and Training of the Civil Service and the Directorate of Legal Affairs,
- the High Commissioner for the Protection of Rights, Freedoms and Mediation, and journalists from Monegasque and foreign media outlets.

¹ For more details of the methodology, see the evaluation questionnaire, which is available on [GRECO's website](http://www.coe.int/greco).

III. CONTEXT

9. Monaco is a specific member state within the Council of Europe and has a unique history that goes back to the 13th century. The Principality, which has an unelected Head of State descended from a hereditary dynasty, has an area limited to 2 km² and counts around 10 000 citizens, 38 000 inhabitants and 65 000 workers (80% of whom are commuters who live mainly in France). Surrounded by France, Monaco has special ties with this country by virtue of treaties and agreements. These factors influence the governance of the country in terms of both its laws and its effective practice. The way in which its institutions are organised and operate in practice is geared towards maximising stability, which is essential to the country's very existence. Within this small area where "everyone knows everyone else", a culture of discretion prevails.

10. Monaco has a very high GDP and the State has a substantial budget, in line with the prevailing standard of living, which is bound up with its image and makes it appealing. As well as Monegasque nationals, a large number of foreign entrepreneurs live and work there.

11. Monaco is one of the very small countries that are not covered by the indices published periodically by the NGO *Transparency International* and the country has no NGOs active in the field of integrity/corruption. There has been limited interest in corruption cases within the country, where there is media self-censorship and where the authorities strive to protect the Principality's image. However, increasing importance has been attached to these issues in recent years, prompting the Sovereign Prince to include tackling corruption and integrity among his stated priorities for guiding public policies.

12. The role and powers of the Prince have come under particular scrutiny, especially in terms of his law-making powers and his power to make appointments to key State positions, including within the judiciary.² The function of being a member of Parliament holds limited appeal and potential candidates prefer to prioritise their professional lives. There is currently no opposition group within the National Council³. This gives rise to an institutional imbalance between the executive and the legislature. Several top executive and judicial functions are held by foreign nationals, most of them French.

13. Several scandals have rocked and are continuing to rock the Principality, having been reported by the international media, especially in France. An ongoing case involving former Monegasque police chiefs to do with residence permits has been pending since 2016. Some more recent cases to do with property development projects involving persons that hold or held key executive and judicial functions are the subject of judicial proceedings in Monaco and other countries.⁴

14. The Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) has written a report on

² See, in particular, the GRECO Fourth Round evaluation and compliance reports: GrecoEval4Rep(2017)1 and GrecoRC4(2023)5.

³ The current Parliamentary majority comes from a coalition between three political parties which merged in 2022 to form the Monegasque National Union.

⁴ See, in particular, Mediapart, 16 November 2018; L'Obs, 9 April 2022; Le Monde, 28 July 2023; Libération, 23 January 2024; Le Monde, 25, 26, 27 and 28 January 2024.

Monaco.⁵ It calls on the country to strengthen anti-money laundering measures, particularly with regard to investigations and prosecutions, confiscation and recovery of proceeds of crime, and its supervisory system. It also highlights the need to make major improvements with regard to the transparency of legal persons, and investigations and prosecutions related to financing of terrorism. Closer international cooperation is expected. As such, the enhanced follow-up procedure has been implemented in relation to Monaco. On 29 September 2023, the Financial Channels Supervisory and Monitoring Service of Monaco (SICCFIN) became the Monegasque Financial Security Authority (AMSF), an independent administrative authority that seeks to improve the security and compliance of the Monegasque financial system. During the field visit, the GET was told that this report was viewed by the Monegasque authorities as a warning shot which was being taken very seriously.

15. In this context, there is real awareness of the need to make progress in establishing systems to prevent and tackle corruption. In June 2023, an important law boosted the anticorruption measures put in place on the back of the recommendations made by GRECO during the previous rounds, putting principles and rules concerning ethics and the compliance of members of the Government on a legal footing. An ethics officer has been appointed and an Ethics Committee has been set up. In relation to policing, the Police Code of Ethics was strengthened in 2023. Other rules and practical guides are being developed in order to prevent corruption within the executive and the police. GRECO hopes that the recommendations made in this report will serve as a roadmap for the reforms yet to be implemented.

⁵ MONEYVAL(2022)19.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

16. The Principality of Monaco (hereinafter “Monaco”) is a hereditary and constitutional monarchy whose principles are enshrined in the Constitution of 17 December 1962 as revised in 2002. The Constitution sets out the powers of State authorities, makes provision for the separation of administrative, legislative and judicial functions, organises the public authorities and guarantees personal freedom and safety. Article 2 provides that “the Principality is a state under the rule of law committed to respect for fundamental freedoms and rights.” The Constitution is at the top of the hierarchy of norms and states the fields that are covered by legislation and the fields that constitutional law and practice see as legislative by nature. Other fields are covered by regulations.

17. Executive power lies with the Prince. The Government is run by a State Minister who is assisted by the Council of Government composed of Government Councillors-Ministers (hereinafter “ministers”). The State Minister and ministers are accountable to the Prince for the running of the Principality.⁶ Legislative power is exercised jointly by the Head of State, who has the right of legislative initiative, and the National Council (Parliament), which alone can vote on laws⁷ and has total control over the agenda – so it can refuse to consider a draft law. The amendments made to the Constitution in 2002 allow a legislative proposal (Parliamentary initiative) to be turned into a draft law (governmental initiative). Judicial power rests with the Prince, who delegates the full exercise of it to the courts and tribunals.⁸ The State Secretary for Justice, who is also the Director of Judicial Services, is not a member of Council of Government.

Status of persons with top executive functions

Head of State

18. Monaco is governed by the Sovereign Prince, whose authority derives from the hereditary nature of the monarchy as defined in Article 10 of the Constitution: “Succession to the Throne, which becomes possible in the event of death or abdication, takes place by direct and legitimate descent from the reigning Prince, in order of primogeniture with priority given

⁶ In this country where the government and the Municipality have authority over the same geographical area, there is a separation of powers. The Municipality has then powers in relation to civil status and nationality, early childhood, care for elderly persons in the home, city events, billposting on public roads, paid parking enforcement, the regulation of traffic on squares and roads allocated for public use, private occupation agreements for outbuildings in the public domain, the distribution of subsidies in the recreational and cultural field, creation, development or translation of cemeteries or their dependencies, the cultural and artistic action of municipal establishments, the naming of public roads, authorisations for private occupation without the right of way of public roads, authorisations for private occupation of catering establishments and businesses with right of way of public roads, concessions and building authorisations in the cemetery. Other powers are assigned to the Government.

⁷ Article 66 of the Constitution: “Laws require the agreement of both the Prince and the National Council.”

⁸ The independence of judges is guaranteed by the Constitution and Law No. 1.364 of 16 November 2009 on the regulations applicable to judges and prosecutors as amended. See GRECO’s Fourth Round evaluation reports, particularly GrecoEvalIVRep(2017)1.

to males within the same degree of kinship.” The State based on an hereditary monarchy acknowledges the principle of inviolability of the person of the Prince, which gives him, personally, total legal immunity.

19. The Prince exercises his powers within the limits set by the Constitution.⁹ He appoints and dismisses the most senior figures within the executive at his discretion, including the State Minister, the ministers and civil servants of similar rank, the members of the Sovereign Household, and the State Secretary for Justice.¹⁰ He is actively involved in the appointment of judges, especially those of the Supreme Court.¹¹ He signs (and gives binding force to) sovereign orders. He can expressly object to ministerial orders within ten days after they have been communicated by the State Minister (right of opposition). He approves draft laws put forward by the Council of Government before they are laid before the National Council by the State Minister. He can dissolve the National Council by order, after having consulted the Crown Council. Furthermore, the Prince represents the Principality in its dealings with other countries and signs and ratifies international treaties and agreements.¹² He has the right to grant pardons, amnesties, naturalisation and reinstatement of Monegasque citizenship. He confers membership of orders, titles and other honours.

20. As agreed by GRECO, a head of State would be covered in the 5th evaluation round under “central governments (top executive functions)” when he/she actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure and taking decisions on the appointment of individuals to top executive functions.

21. The GET was told during the evaluation visit that, in practice, executive power was exercised by the Government on the basis of guidance given by the Prince, and that the latter was not directly involved in the day-to-day operation of the executive services of the State. It was also told that, in fact, within the framework of the legislative process, the Prince had always promulgated the laws which had been voted. However, the GET notes that the Prince constitutionally and actually holds a significant amount of executive - and even legislative - power.

22. The fact that he appoints and dismisses members of the Government on a discretionary basis despite having no ties with the governing party¹³ gives him a unique

⁹ Article 12 of the Constitution.

¹⁰ Appointments are made to some of these posts (State Minister, Government Councillor-Minister of the Interior, State Secretary for Justice) by agreement with the French authorities under bilateral agreements between the two countries.

¹¹ “GRECO notes that there is a legal framework on the appointment of members of the Supreme Court but it is not able to ensure that these appointments are based on a transparent procedure, particularly with regard to the Prince’s power of appointment. This power should be further legally regulated in order to guarantee the transparency and independence of appointments not only in practice, but also in law.” (GRECO RCIV(2023)5).

¹² However, some treaties require a ratifying law: treaties affecting the organisation of the Constitution, or whose ratification results in amendments to current statutory provisions, or treaties entailing membership of an international organisation whose operation involves the participation of members of Parliament, or treaties entailing budget expenditure not provided for by a budgetary law.

¹³ However, it should be noted that due to the limited number of Monegasque nationals (10 000), finding candidates for the 24 National Councillor posts is not easy. This means that opposition within Parliament is

executive power. He can dissolve Parliament at his sole discretion, after having consulted the Crown Council. He makes appointments at his own discretion to key posts in areas of sovereign prerogatives such as justice, policing, diplomacy and economic governance. He also passes, without consulting the Government, sovereign orders concerning the Sovereign Family and justice (as proposed by the State Secretary for Justice).¹⁴ Moreover, although he does not appear to be involved in day-to-day executive matters, he does set the agenda for the Government's work and regularly meets members of it – the State Minister stated that he met the Prince at least once a week and ministers very regularly. The measures envisaged by the Government on public policies or on specific issues are submitted in the form of presentation notes for validation by the Prince.

23. The Prince's "right of opposition" is still merely formal as it is not exercised in practice. However, the GET notes that in its stead, there is an informal right of veto. Indeed, the GET was told that the sharing of executive power between the Prince and the Government and the sharing of legislative powers between the Prince and Parliament are based, in concrete terms, on a culture of dialogue and consensus. Prior discussions prevent institutional deadlock so that the Prince never has to express a view formally on a law he opposes. The GET notes that in the event of a disagreement, laws are withdrawn or reworked. In this context, it notes that draft laws have been withdrawn - even though the reasons for these withdrawals are not, for a major part of them, related to this informal princely veto.¹⁵ So the Prince has the final say in legislative and regulatory matters.

24. Although it is an exceptional occurrence, the Prince can choose to address Parliament so as to order it to act in a particular way, as demonstrated by, for instance, the Declaration of 20 October 2023¹⁶ addressed to National Councillors in relation to budgetary debates, in which the Prince points out that it is his "responsibility to ensure that the way in which budgets are managed is appropriate to the realities of the world around [them]" and that he "has a duty (...) to take decisions" and in which he "calls upon National Councillors to display responsibility and realism, and to work together with [his] government".

25. The GET concludes from this that the Prince holds some key executive powers and therefore plays a fundamental role in the executive, both under the Constitution and in practice. In light of the foregoing, the Prince must be regarded as a person with top executive functions for the purposes of this report.

26. The GET is, however, aware of the specific nature of Monaco's political system, in which the unelected Sovereign Prince, who wields significant executive power, enjoys total personal legal immunity which is extended during his existence because of the principle of hereditary power. The GET is thus unable to make a relevant recommendations for measures in relation to the commencement or cessation of functions of the head of State, including with

limited or even non-existent. For the current Parliamentary term, there was only one full list of candidates for the electorate to vote for.

¹⁴ In execution of laws on the administration and organisation of justice, on the status of the judiciary or on the organisation of other judicial professions.

¹⁵ Since the 2002 revision, the Government has resorted to withdrawal 40 times, which compared to the 350 bills it has tabled, represents approximately 11% of the projects. Practice shows that withdrawals justified by fundamental political disagreement are rare, the majority of withdrawals resulting from the obsolete nature of the text or the need to recalibrate the text without necessarily characterizing a disagreement on the objectives or purposes of the reform.

¹⁶ Declaration of 20 October 2023 of H.S.H Prince Albert II.

regard to checks on integrity or assets. At the same time, this situation effectively reduces the impact of rules concerning ethics or integrity, insofar as the Prince could not be held liable for breaches of such rules or incur disciplinary or criminal-law penalties for them, nor could he be held to account for them even politically at the ballot box. For this reason, the GET deems it appropriate to make a distinction in this report between measures recommended in relation to the Sovereign Prince and measures recommended in relation to other PTEFs (see below).¹⁷

The Crown Council

27. The Prince takes advice from the Crown Council, which has seven members who are Monegasque nationals and who are appointed for a three-year term by the Prince. The chair and three other members are freely appointed by the Prince, and the other three members are appointed as proposed by the National Council, from outside it. The powers, make-up and rules of operation of this advisory body are stated in the Constitution. The Prince has a duty to consult it in relation to international treaties, dissolution of the National Council, applications for naturalisation and reinstatement of citizenship, pardons and amnesties. Consultation is optional for matters relating to overriding interests of the State. The Crown Council has no decision-making authority, and its opinions are not binding on the Prince. It can also put forward suggestions to the Prince. It is not involved in the day-to-day activity of the executive. In view of the nature of the powers held by this Council, whose opinions are not binding on the Head of State, the GET considers that its members are not PTEFs for the purposes of this report.

The Sovereign Household

28. Within the Sovereign Household, the Prince's Office is made up of the Office Director and four Advisers. The State Secretary, the Prince's Property Administrator and his Private Advisers (currently the Chief Private Adviser and two Private Advisers) are also members of the Sovereign Household.¹⁸ All of these members of the Sovereign Household, who are directly attached to the Prince, are appointed and dismissed by the Prince at his discretion. Sovereign orders for appointment purposes are exempt from being deliberated on by the Council of Government.¹⁹ The make-up of the Sovereign Household is stated publicly on the official websites.

29. The Sovereign Household has 203 members of staff (excluding Carabiniers responsible for Palace security). The Sovereign Household's budget is voted on by the National Council as part of the annual budget of the State of Monaco (see below). The amount of the sovereignty expenditure budget amounts to 56.4 million euros.²⁰ The operating expenses of the Sovereign Household are managed by the accountants of the Sovereign Household, under the responsibility of the Prince's Office.

30. The role of the members of the Office is to advise the Prince. Neither the members of the Prince's Office, nor the other members of the Sovereign Household, have decision-making

¹⁷ In the recommendations below, the Sovereign Prince is not concerned by the formula: "all persons with top executive functions". The Prince is explicitly mentioned, where applicable.

¹⁸ Sovereign Order No. 5.344 of 2 June 2015 defines the "Sovereign Household".

¹⁹ Article 46 of the Constitution.

²⁰ Law No. 1557 of 22 December 2023 establishing the initial general budget for the 2024 financial year.

authority in relation to constitutional powers of the Prince. They can seek advice from external consultants. When they met the GET, they said that they met ministers occasionally.

31. The Property Administrator, who heads a twenty-strong department, manages the Crown's real and movable property and assets privately owned by the Prince. He is at liberty to perform transactions involving funds or securities held in bank accounts or financial portfolios especially assigned to the Crown's assets by the Prince, and also artworks and/or collectors' items, which include collections of stamps and coins, for management purposes. He represents the interests of the Palace in two consultative bodies.²¹

32. Unlike the Prince, the members of staff of the Sovereign Household have no immunity. Their status still require clarification. Other than the functions of the Property Administrator, their individual functions are not precisely defined, but sovereign decisions can state particular duties that are assigned to them. It is foreseen that a sovereign decision will soon regulate their activity along with that of all staff of the Sovereign Household (Article 35 of the aforementioned Sovereign Order). These announced reforms should establish an ethics and integrity framework for these advisers (see below).

33. The Monegasque authorities told the GET that they regard the State Secretary, the members of the Prince's Office, the Property Administrator and the Prince's Private Advisers (hereinafter "the Prince's collaborators") as PTEFs because of how closely they work together with the Prince and because they give advice on the exercise of the executive power held by the Head of State. They are thus regarded as PTEFs in this report.

34. A few months before the GET's evaluation visit, the Prince dismissed the Head of his Office and the Property Administrator. These decisions were taken in a situation where suspicions of illegal practices in relation to property development projects had been intensifying for months following the disclosure on a website of email correspondence between several figures who had worked for institutions and had been involved in Monegasque scandals.²² The Prince filed a complaint against his former Property Administrator and claimed damages in this case. When they talked to the GET, the members of the Sovereign Household, including in particular the new Head of Office and the new Property Administrator, distanced themselves emphatically from their predecessors' practices. They said an audit had been requested by the Prince and carried out by two Swiss experts, whose report had brought failings to light. The new Property Administrator highlighted the desire to increase transparency and build "on new foundations". Remedial action has been taken to prevent the Property Administrator from exceeding his powers: a risk map has been set up, procurement committees have been formed and annual audits have been carried out. In the absence of any legal rules applicable to the Sovereign Household, the new Property Administrator has himself proposed to the Prince that he declare his own assets to him every two years.

35. The GET takes note of this stated desire to change and more tightly control the practices of the members of the Sovereign Household. In addition to the immediate remedial measures, it urges the authorities to take the appropriate steps to put a clear legal framework for integrity in place for these PTEFs as soon as possible (see below).

²¹ Consultative Commission for the Philatelic and Numismatic Collection of H.S.H. the Sovereign Prince and Consultative Commission for the Collections and Artistic Heritage of the Palace of H.S.H. the Prince of Monaco.

²² See, in particular, *Le Monde*, 28 July 2023.

The Government

36. The Government is run by a *State Minister* assisted by a *Council of Government*²³ made up of five ministers, currently three men and two women, who hold the following portfolios: the interior; finance and the economy; social affairs and health; public works, the environment and urban development; and foreign affairs and cooperation.

37. Government is not based on an electoral system. The State Minister and the ministers are appointed and dismissed on a discretionary basis by the Prince, independently of the group holding a majority of Parliamentary seats. The appointment of the State Minister and the Minister of the Interior is the subject of consultation between the French and Monegasque authorities. The latter, like the other members of the Government, may be French citizens. Sovereign orders on the appointment of members of the Government are exempt from being deliberated on by the Council of Government.²⁴

38. The State Minister presides over meetings of the Council of Government every week and holds a casting vote. The Constitution gives ministers voting rights which enable them to express their opinion freely and eliminate any hierarchical subordination. However, decisions on acts of the executive (sovereign orders, ministerial orders) and legislation are taken solely by the Government on a collective basis. Sovereign orders mention the deliberations to which they relate. They are signed by the Prince, and this makes them enforceable. Some sovereign orders are exempt from deliberations by the Council of Government, and are then passed solely by the Prince (see above). Ministerial orders mention the deliberations to which they relate and are signed by the State Minister; they are sent to the Prince within 24 hours after being signed and only come into effect if the Prince does not explicitly object to them within 10 days after they have been sent. However, the Prince can inform the State Minister that he does not intend to exercise his right of objection in relation to certain orders or categories of orders. In practice, the Prince informs the Government for which categories of orders he does not intend to use this right (for example trading licences). Therefore, cases falling into these categories are systematically subject to immediate execution after deliberation by the Council of Government. Some categories of orders, such as trading licences, take effect as soon as they are signed by the State Minister. In addition, the State Minister and ministers can promulgate administrative decisions which enter into force as soon as they are signed (e.g. for the regulation of health measures; for targeted financial sanction measures taken following a decision by a sanctions committee – freezing of funds in connection with terrorism, violation of human rights, etc.; for permits issued by the Department of the Interior for large-scale demonstrations).

39. The *State Minister* represents the Prince and runs the executive departments.²⁵ He has the power on public force.²⁶ He also has direct authority over “cross-cutting” departments, including the General Secretariat of the Government, the Expenditure Control Authority, the Cell for Attractiveness and the Inter-ministerial Delegation for Digital Transition, the Inspectorate General of Administration, the Monegasque Institute for Statistics and Economic

²³ Article 43 of the Constitution.

²⁴ Article 46 of the Constitution.

²⁵ In the exercise of their administrative functions as departmental heads, ministers are subject to the State Minister’s hierarchical authority.

²⁶ Article 44 of the Constitution.

Studies, the High Commission for European Affairs, the Government Communication Directorate, the Directorate of Human Resources and Training of the Civil Service, and the Directorate of Legal Affairs. The State Minister can issue decrees granting signing authority without delegating any powers (e.g. issue of passports, freezing of funds in order to combat terrorism, or economic sanctions). Such grants of authority cannot concern ministerial orders or acts/measures in relation to which the State Minister's authority is based directly on provisions of the Constitution or arises out of international agreements.

40. The *Secretary General of the Government* and the *Deputy Secretary General* are selected by the State Minister and appointed by sovereign order. Their powers²⁷ include acting as secretaries during meetings of the Council of the Government and sitting in on its deliberations; preparing and keeping track of ministerial orders and all decisions of the State Minister; preparing for the State Minister's assumption of office; co-ordinating the work of the various departments of the Government in relation to interdepartmental matters; leading and co-ordinating the work of entities that are under the direct authority of the State Minister or that play interdepartmental roles; performing administrative follow-up of correspondence sent to the State Minister; planning and monitoring procedures and administrative methods for improvement of the quality of public service; monitoring the State Minister's and the government's relations with the Directorate of Legal Services, the Assemblies and the Institutional Bodies, and with independent administrative authorities; issuing passports and other travel documents; carrying out administrative processing of proposals for honours; issuing legalisations of documents and certified true copies; and publishing and disseminating official texts, including managing the *Journal de Monaco*. The State Minister also has an *Head of Office* who is selected by him and appointed by sovereign order, and who assists him in the implementation of his decisions and represents him where appropriate. These powers make the Secretary General of the Government and his deputy, as well as the State Minister's Head of Office, PTEFs for the purposes of this report, and the Monegasque authorities are clearly in agreement with this. The State Minister's staff also include three technical advisers who deal solely with specific cross-cutting issues that concern all departments and directorates: women's rights, the comprehensive budgetary reform embarked upon by the Prince's government in 2017, and the social fund of the Monegasque Civil Service, which enables civil servants, contract workers and retirees from the civil service to benefit from competitive offers and discounts on leisure activities. These three advisers, who are subject to the civil service regulations or the regulations applicable to contract workers within the civil service, have no political or decision-making powers.

41. Every *minister* has authority over a ministerial department that runs several directorates or "technical" services.²⁸ The *director general* is the person who works most closely together with the minister, appointed following a deliberation by the Council of Government, approved by the Prince. The director general assists the minister by preparing, among other things, administrative decisions and ensuring that they are implemented.²⁹ If the minister is absent or unable to act, the director general replaces him/her – except at meetings of the Council of Government, where departmental matters are raised by another minister, designated by the State Minister. In the light of these powers, directors general are regarded as PTEFs for the purposes of this report, and the Monegasque authorities are clearly in agreement with this. A ministry's staff is made up of a general secretary, technical advisers

²⁷ Sovereign Order No. 5.840 of 13 May 2016.

²⁸ Sovereign Order No. 16.605 of 10 January 2005 on the organisation of ministerial departments, as amended.

²⁹ Sovereign Order No. 7.779 of 11 August 1983.

and *chargés de mission* who have no political or decision-making power. Ministers have no “behind-the-scenes” advisers. They can, however, consult external advisers who are experts in their fields. The work of these advisers is governed by contracts.

42. The various ministerial departments make up the government, which accounts for approximately 3 900 of the 5 000 posts in the civil service, 44% of which are held by women. Secretariats of ministerial departments are administrative entities which are responsible for ensuring that decisions taken by the Council of Government are implemented. They play no political role.

43. The rules applicable to PTEFs who work for ministers (Secretary General of the Government and his/her deputy, the head of the State Minister’s office, directors general) depend on whether they are:

- civil servants; occupying a higher position, their appointment as well as the termination of their functions are left to the sole discretion of the competent authority, without prejudice to the revocation which may be pronounced by sovereign order, after opinion of the disciplinary council³⁰;
- contract workers employed by the government; they access these posts following a deliberation by the Council of Government, approved by the Prince, by decision of the State Minister under a three-year contract renewable once at the end of this period, or an open-ended contract can be entered into; they are dismissed by the State Minister, following an opinion by the disciplinary council, upon deliberation of the Council of Government approved by the Prince.

The State Secretary for Justice

44. The State Secretary for Justice³¹, Director of Judicial Services³², is not a member of the Council of Government. He/she is the responsible for the proper administration of justice, and has authority over the Remand Prison, as well as the seized or confiscated assets management service. He/she is accountable solely to the Prince, who appoints him/her on a discretionary basis, in consultation with the French authorities. He/she function is set up by the law.³³

45. In relation to the running of the judiciary, the State Secretary for Justice has powers comparable to those assigned to the State Minister in relation to the general running of the country. He/she has supervisory and disciplinary authority over the staff of the Directorate of Judicial Services (DSJ), which includes 90 government officers, 12 civil servants and 24 clerks. He/she can refer disciplinary matters concerning judges or prosecutors to the High Council of Judges and Prosecutors.

46. Sovereign orders concerning judicial services are not deliberated on by the Council of Government, and are instead issued by the Prince on the basis of a report by the State Secretary for Justice.³⁴ In order to exercise his/her administrative powers, the latter issues regulatory or individual orders. He/she can also take other regulatory decisions (the lawfulness of which can be disputed in the High Court). In addition, he/she submits reports

³⁰ Law No. 975 of 12 July 1975 relating to the status of state civil servants, amended.

³¹ This post is currently held by a woman.

³² Sovereign Order N° 8.155 of 14 July 2020 on the title of the State Secretary for Justice.

³³ Law No. 1.398 of 24 June 2013 on judicial administration and organisation, as amended.

³⁴ Article 46 of the Constitution.

and proposals to the Prince with a view to the appointment by sovereign order of all judges and prosecutors (after the High Council of Judges and Prosecutors has expressed its opinion). He/she also proposes to the Prince a report on the appointment of defending lawyers, notaries, bailiffs, and court clerks. The State civil servants assigned to the DSJ are appointed by a sovereign order, following a report by the State Secretary for Justice, while contractual agents are recruited in accordance with the provisions of the Sovereign Order.³⁵ The DSJ is also the central authority for the implementation of international agreements on mutual assistance in criminal matters, extradition and civil matters (e.g. unlawful removal of children). Lastly, the State Secretary for Justice's opinion can be obtained by the Prince on any matter concerning justice, and this power is also exercised by the High Council of Judges and Prosecutors.

47. Although he/she is the *de facto* sponsor of draft laws (such as the Law of 9 December 2022 on preliminary investigations and alternative measures to prosecution), the State Secretary for Justice is not subject to a formal procedure for this; draft laws formally pass through the government so that they can be put forward in Parliament. For operational purposes, there is, however, a working group between the DSJ and the relevant services of the Government, which enables them to discuss draft laws. Moreover, there is a Contact Group, chaired by the Secretary of State for Justice, including the DSJ, the Directorate of Public Safety, the Directorate of Tax Services and the Monegasque Financial Security Agency, with an operational vocation, aimed at cooperation and coordination, which makes it possible in particular to define the priority areas of a criminal policy in the fight against money laundering and the financing of terrorism.

48. The State Secretary for Justice has judicial powers relating in particular to the management of public prosecutions, which he/she cannot conduct personally or halt or suspend. In this regard, he/she can give instructions to prosecute to the prosecutors. He/she can also, by order, grant parole to persons with final convictions.

49. If he/she is absent or unable to act, he/she can appoint a replacement by decree delegating authority to the Prosecutor General or, if the latter is absent or unable to act, a member of the Council of State.

50. Although he/she is not a member of the Government, the State Secretary for Justice has *de facto* powers similar to those exercised in other countries by ministers of justice. The GET thus believes that the State Secretary for Justice must be regarded as a PTEF for the purposes of this report, and the Monegasque authorities are clearly in agreement with this.

51. The State Secretary for Justice, Director of Judicial Services, is assisted by a Secretary General in all aspects of the administration of justice.³⁶ Since his/her role is less political than that of the Secretary General of the Government, he/she need not be regarded as a PTEF for the purposes of this report.

³⁵ Sovereign Order N° 9640 of 23 December 2022.

³⁶ Article 9 of Law No. 1.398 of 24 June 2013 on judicial administration and organisation.

52. Therefore, other than the Sovereign Prince, who is considered specifically because of the monarchical and hereditary nature of the Monegasque regime, the following are regarded as PTEFs in this report:

- the State Minister,
- ministers,
- the State Secretary for Justice,
- the ministers' collaborators (the Head of the State Minister's Office, the Secretary General of the Government and his/her Deputy, the directors general of ministries),
- the Prince's collaborators within the Sovereign Household (the State Secretary, the members of the Prince's Office, the Prince's Property Administrator, the Prince's Private Advisers).

Criteria for the appointment of persons with top executive functions

53. PTEF posts cannot be held concurrently with the posts of National Councillor (member of Parliament) or Councillor at Monaco City Council.

54. The ministers' collaborators and the Prince's collaborators (civil servants and contract workers) can be subject to criteria that govern their appointment by virtue of the rules that apply to them and their "national security secret" clearance, which entails *de facto* integrity checks. These prior checks cover their criminal record, morality and integrity. They are carried out by the Directorate of Public Safety (DSP). Since their clearance is regularly renewed³⁷, these checks are also carried out while they are in post. The GET is, however, of the opinion that such an integrity check should be applied to all PTEFs, whether or not they are authorised for national security secrecy.

55. Furthermore, there are no criteria governing appointments to the most political posts (ministers, State Secretary for Justice, Director of the Prince's Office). The GET is aware that the small number of Monegasque nationals limits the size of the pool from which PTEFs can be selected, even if some can be appointed from outside this group of nationals. However, it believes that there should be guidelines for the appointment of all of them. It is convinced that while it is understandable that the flexibility of their recruitment and working conditions needs to be maintained, this flexibility should, at the very least, be counterbalanced by a formalised procedure for checks at the time of recruitment including unambiguous integrity criteria (concerning in particular potential conflicts with their interests and/or those of close family members, their previous jobs, liabilities, outside activities, links to lobbyists or third parties who may wish to influence decision-making, etc.). These integrity checks would help to avert risks of conflicts of interest and corruption and boost public confidence in these high-level government posts. Therefore, **GRECO recommends that appointments of all the persons entrusted with top executive functions be made subject to eligibility rules making it mandatory to carry out integrity checks prior to appointment in order to detect and manage risks of conflicts of interest.**

Remuneration for persons with top executive functions

56. The salaries of the State Minister, ministers, advisers of the Sovereign Household entrusted with top executive functions and the State Secretary for Justice are calculated with

³⁷ The Agreement is renewed every five years for clearances at the "top secret national security" level and every seven years for clearances at the "secret national security" level.

reference to pay scales. The Prince's Estate Controller receives a flat-rate salary. The current Secretary of State and Director of the Prince's Office (Sovereign Household) receive a retirement pension which is paid by the State by virtue of their professional careers within the civil service and a flat-rate salary.

57. The minimum net salary amount on 1 January 2024 and the maximum net salary amount per year for each function are as follows:

Government

• State Minister:	€282 000
• Member of the Council of Government – Minister:	€250 000 - 283 750
• Secretary General of the Government:	€125 700 - 243 000
• Head of the State Minister's office:	€74 880 - 202 040
• Deputy Secretary General:	€74 880 - 168 000
• Director general:	€114 070 - 202 040

Sovereign Household

• Director of Office:	€125 700 – 283 750
• Secretary of State:	€170 400 – 209 040
• Advisers to the Office:	€40 300 – 243 000
• Prince's Private Advisers:	€125 500 – 243 000
• Prince's Property Administrator:	€54 000 – 245 280

Directorate of Judicial Services

• State Secretary for Justice:	€235 000 – 283 750
--------------------------------	--------------------

58. In addition, civil servants and government officers receive a holiday allowance and an end-of-year allowance. The holiday allowance is 40% of the average of the amounts of pay received between 1 January and 30 June of the current year, and the end-of-year allowance is 70% of the average of the amounts of pay received between 1 July and 31 December of the current year.

59. The State Minister also has a residence and two official cars. Ministers are not given any official residences or official vehicles, other than a vehicle provided to the Minister of the Interior for work-related travel. However, the cost of renting a personal apartment for the duration of their term of office is covered by the State. For ministers who own their own homes, only expenses are covered. Entertainment expense allowances, the purpose of which is to cover expenses linked to the function, are paid to all ministers in quarterly instalments in the annual amounts of €31 000 for ministers and €80 000 for the State Minister; these amounts have not been revised since 2017. The State Minister also receives an amount intended to cover hospitality expenses which comes to €72 000 per year. This amount is no longer paid directly to him monthly since 1 November 2023, but is managed by an official from its Secretariat. The budget of each ministerial department includes a head for this item of expenditure. The State Secretary for Justice, who has no official vehicle, has an official residence and pays the associated expenses and parking fees. He/she also receives an entertainment expense allowance which is paid in quarterly instalments in the total annual amount of €31 000. These benefits are not retained after leaving office. The other PTEFs within the Government and the Sovereign Household do not receive any special benefits.

60. With regard to taxation, PTEFs who are French nationals (including the State Minister) pay income tax to the French tax authority.

Anticorruption and integrity policy, regulatory and institutional framework

Anticorruption and integrity policy

61. There is no strategic plan to tackle corruption and no general anticorruption law. However, the government drew up an initial map of corruption risks in January 2023. This map and the accompanying report were drawn up by two French ethics experts on the basis of individual discussions with the ministers. The aforementioned Sovereign Order No. 9.931 was adopted in order to address certain recommendations that arose out of this analysis. Other enactments more specifically concerning ethics in relation to civil servants and government officers are being prepared.

62. The GET welcomes the awareness recently shown by the Monegasque authorities as to the need to formalise the policy intended to prevent corruption risks within the Government, and encourages them to continue with this work in order to clarify the formal organisation of this policy, which is still incomplete. The recently created risk map covering members of the Government should be extended to the remits of other PTEFs both within and outside the machinery of Government in order to establish an overall anticorruption strategy for integrity at the highest level of Government, as well as an action plan. At present, only ministers are subject to certain integrity measures. Their collaborators are not expressly covered. The Prince's collaborators stated during the country visit that this issue was being considered. The State Secretary for Justice stated that she had not been consulted and was not covered by a risk map. Given the executive powers that these persons hold, or their closeness to the exercise of these powers, and the particular corruption risks to which they are exposed, adopting a guideline document and an action plan covering all PTEFs based on this risk map would be helpful.

63. The GET underlines that the lack of an anticorruption strategy could signal a lack of determination to address this issue. A specific strategy, on the other hand, would send out a strong message and reflect the authorities' vision of how corruption risks at the highest level of government can be detected, assessed and reduced. In addition, since the responsibility of PTEFs is a sensitive issue for the public in the member states of GRECO, it is important for the measures put in place to prevent corruption to be known to the public and hence published, including on official websites. In the light of the foregoing, **GRECO recommends that i) an overall anticorruption strategy be put in place, aimed at all persons with top executive functions, on the basis of a risk map extended to include the State Secretary for Justice and the Prince's collaborators, and that ii) an operational action plan including special measures to mitigate the corruption risks identified in relation to persons entrusted with top executive functions be adopted on this basis and made public.**

Legal framework and ethical principles

64. The GET notes that there is no framework nor any rules in relation to integrity applicable to the Sovereign Prince other than the general principles mentioned in the Constitution. Since the Prince is a PTEF for the purposes of this report (see above), he must be, at the very least, explicitly covered by measures demonstrating that his executive activity

is transparent and enabling his subjects, the media and Monaco's international partners to check that he is exercising his power with integrity and to prevent and, where appropriate, detect conflicts of interest, or even situations of corruption that he may encounter. Although such measures would not lead to any penalties for him as he enjoys total immunity, they could guide him in his activity as Head of State, or even enable him independently to draw conclusions from an inappropriate situation that is thus brought to light.

65. The GET is convinced that the culture of confidentiality that prevails in Monaco and the pressure exerted by some media on the governance of the Principality have an impact on the implementation of Monegasque public policy and are detrimental to the work of decision-makers. Introducing measures applicable to the Head of State to make his activity (and that of his administration, see below) more transparent would lend greater credibility to the activity of the executive as a whole. Through specific integrity measures, the Prince could thus, within the framework of the Constitution and his executive functions, undertake to ensure that his contact with public or private figures he meets who have particular interests in Monaco and gifts or other advantages that he receives from third parties with such interests are transparent. For this reason, **GRECO recommends that, within the Monegasque constitutional system, measures to make the Sovereign Prince's activity more transparent be taken and published, particularly with regard to contact with representatives of interests and gifts received.**

66. The Criminal Code includes provisions intended to prevent and punish corruption and guarantee the integrity of other PTEFs. It defines bribe-taking as requesting, accepting or receiving, directly or indirectly, any undue advantage, for oneself or for another person, or accepting an offer or promise thereof, in exchange for undertaking an act or refraining from undertaking an act, or for having undertaken or having refrained from undertaking an act, in the exercise of one's role or facilitated by one's role. Bribery is where anyone offers, gives or grants, directly or indirectly, any undue advantage, for themselves or for another person, so as to induce an individual or corporation to undertake or refrain from undertaking an act in the exercise of their role or facilitated by their role, or to undertake or refrain from undertaking an act in the exercise of their role or facilitated by their role.³⁸ The GET was told by the State Secretary for Justice that there is a Guide defining priorities for addressing criminal.³⁹

67. The policy for the prevention of corruption and the promotion of integrity among PTEFs is based on rules concerning the terms of employment of these members of staff, particularly the statutory obligations of the personnel concerned who are subject to the hierarchical authority of the Head of Government.⁴⁰ Law No. 975 of 12 July 1975 formally bans civil servants from having, directly or through an intermediary, any interests that could compromise their independence. A civil servant cannot have any interests in a company which is subject to the scrutiny of an administrative department to which he/she belongs or which has a direct relationship with it (Article 7-1). In addition, a civil servant cannot pursue a gainful professional activity unless he/she is granted dispensation by the State Minister (Article 8).

³⁸ Article 113-2 of the Criminal Code.

³⁹ Guide for a policy for prioritising cases in investigations into money laundering, corruption, terrorist financing and proliferation financing which places corruption cases in a priority position.

⁴⁰ 1975 rules applicable to civil servants, Sovereign Order No. 9.640 of 23 December 2023 on contract workers.

The same rules are set out in the general regulations applicable to contract workers employed by the Government.⁴¹

68. Specifically, ethics-related obligations have also been applicable to members of the Government since the recent adoption of Sovereign Order No. 9.931 of 15 June 2023. This regulatory instrument obliges the State Minister to file a declaration of assets and obliges ministers to file declarations of assets and interests. It also sets out the rules regarding the prevention of conflicts of interest and the risk of corruption on the one hand, and the acceptance of gifts on the other hand. Lastly, it describes the procedure for monitoring the pursuit of private activities by former members of the Government (see below). The order is supplemented by a Good Practice Guide for the Prevention of Conflicts of Interest and Promotion of Integrity aimed at members of the government (October 2023).

69. The Sovereign Order was published in the *Journal de Monaco* (the official gazette) on 21 July 2023. It is available on the public websites. The public can thus find out what anticorruption obligations members of the Government have. A press release was published on 24 July 2023 and a press article welcoming this development appeared in the local newspaper.

70. The GET welcomes this new integrity measure which is applicable to the State Minister and ministers. At this stage, it is a framework which exists on paper and needs to be tested in practice, and it should be supplemented in order to satisfy GRECO's expectations fully (see below). In addition, the members of the Government are currently the only PTEFs who are subject to an integrity measure of this kind and a Code of ethics. The GET was told that a measure similar to the one that applies to ministers and an accompanying good practice guide applicable to other PTEFs within the government (Head of the State Minister's Office, Secretary General of the Government and his/her Deputy, directors general) are being developed. Furthermore, measures setting out principles and rules of ethics and compliance for the State Secretary for Justice are being developed and should also be accompanied by a good practice guide. The State Secretary for Justice's decree⁴² which is intended to boost public confidence in the integrity, impartiality and efficiency of the staff of the judicial services and which outlines, among other things, the behaviours expected of staff of judicial services, the integrity principles relating to the acceptance of gifts and incompatibilities of office cannot be regarded as adequate. With regard to the Sovereign Household, a sovereign decision should soon lay down the rules applicable to staff working at the Palace. This instrument should, in essence, lay down the same general ethical obligations and prohibitions that apply to State civil servants and employees. In addition, a special instrument which will set out the ethical and compliance principles and rules for PTEFs within the Sovereign Household is being developed. It should be accompanied by a good practice guide.

71. The GET notes the Monegasque authorities' stated intentions to make PTEFs who work for ministers, the State Secretary for Justice, and the Prince's collaborators, subject to an ethics and integrity framework similar to the one now applicable to ministers. It invites the authorities to turn these intentions into a reality and supplement the measure from the outset with the essential things that are missing from the framework applicable to ministers, including in terms of transparency of activity, oversight and sanctions (see below). Thus, **GRECO recommends that rules of conduct accompanied by practical guidance be adopted**

⁴¹ Articles 5 and 7 of Sovereign Order No. 9.640 of 23 December 2022.

⁴² Decree No. 2013-17 of 12 July 2013.

for all persons with top executive functions, which would cover all relevant integrity matters (conflicts of interest, dealings with lobbyists and third parties, outside activities, gifts and invitations, confidential information, post-employment restrictions, etc.).

Ethical framework

72. In relation to members of the Government, it is foreseen that persons with expertise in the field of ethics and compliance are involved.⁴³ Firstly, there is an “Ethics Committee”, directly subordinated to the State Minister. It consists of three members from outside the Government, nominated by the Council of Government and appointed by sovereign order for their skills in the field of ethics and compliance for a non-renewable term of five years. The sovereign appointment order also appoints the President of the Ethics Committee. The first committee was appointed recently.⁴⁴ It is envisaged that it will act on the basis of referrals from the State Minister where a minister’s personal situation poses a recognised and serious risk of a breach of ethical principles and rules. It will also act when a former member of the Government leaves office and intends to pursue a gainful activity, with or without a salary, within a company or private organisation or to work as an independent professional, with the aim of preventing any situations incompatible with the previous holding of Government offices. Since it has been installed, the Ethics Committee has already been consulted twice on such issues. Secondly, an “ethics officer” will give advice on an individual and day-to-day basis to members of the Government to assist them with their work, and will be able to respond to any specific integrity-related requests or questions that may arise. This ethics officer has been appointed by the State Minister from outside the Government for his/her skills in the field of ethics and compliance for a renewable one-year term (five years maximum). His/her advice are confidential and he/she has a professional duty of discretion. Since its appointment, he has already been consulted three times. In addition, when he/she feels it necessary, he/she can ask the Ethics Committee to consider any matter concerning the personal situation of a member of the Government so that the situation can be assessed in greater depth.

73. With regard to PTEFs working for members of the Government, ethics-related texts are being prepared and will allow access to an ethics officer. The latter will be responsible for giving them any advice helpful for the purposes of implementing the established ethical principles and obligations.

74. The GET notes, here again, that a framework for overseeing and policing the implementation of rules of ethics and integrity has been created for ministers, and comprises an “Ethics Committee” responsible for oversight and an “ethics officer” who can provide confidential and personalised advice on the subject to ministers. This framework has been put into effect and is operational. However, the GET notes that this framework has not yet been extended to PTEFs who work for ministers, the State Secretary for Justice or the relevant members of the Sovereign Household. It also notes that oversight is not accompanied by sanctions where rules are broken. This weakens the system. A system incorporating sanctions proportionate to breaches of the rules can encourage PTEFs to comply with them and can make the system more credible in the public’s eyes. In addition, specific guidance for those targeted by these rules as to their implementation in practice will make it easier for them to be understood and applied. For this reason, **GRECO recommends that i) an institutional framework be put in place for all persons with top executive functions to ensure that rules**

⁴³ Sovereign Order No. 9.931 of 15 June 2023.

⁴⁴ Sovereign Order No. 10.249 of 7 December 2023.

of ethics and integrity are applied and that adequate sanctions for breaches of these rules are provided, where appropriate, that ii) this framework be accompanied by practical guidance to facilitate its implementation in practice by persons with top executive functions, and that iii) all of these persons have access to personalised confidential advice on ethics and compliance.

Awareness and training

75. From now on, when they take office, all members of the Government are made aware by the ethics officer of the ethical and compliance principles and rules that apply to them. At the same time, the Secretary General of the Government provides a good practice guide.

76. With regard to PTEFs who work for ministers, the GET was told that the Government intends to hold awareness-raising seminars regularly and that a good practice guide will also be produced for these PTEFs. In addition, a few years ago, the government launched a digital academy called the “Monaco Digital Academy”. It offers civil servants an online training platform which enables them to develop essential anticorruption skills.

77. The GET was informed that ministers have been trained on the new ethics and integrity framework and that this training will be provided annually, which is in line with GRECO’s expectations. However, it is not currently mandatory or provided systematically to all PTEFs, including members of the Sovereign Household. Furthermore, one or more good practice guides are still in preparation, and it would be beneficial if they were provided to PTEFs to facilitate the application of rules on ethics and integrity. For this reason, **GRECO recommends that systematic and regular ethics and integrity training be provided to all persons with top executive functions and that guidance and good practice guides be given to them.**

Transparency and oversight of executive activities of government

Access to information

78. Minutes of the Council of Government’s deliberations and preparatory documents are not published. Minutes are taken in a special register and signed, following votes, by the members present.⁴⁵ They can only be accessed for the purposes of the internal functioning of the executive. Regulatory instruments deliberated on by the Council are published when they appear each week in the *Journal de Monaco*. Non-regulatory instruments (instruments relating to individuals) taking the form of sovereign orders or ministerial decrees (appointment of civil servants) are either communicated to the person concerned or published in the *Journal de Monaco*, or both. Laws and sovereign orders are only binding on third parties from the day after they are published in the *Journal de Monaco*.⁴⁶

79. In general, the authorities have four months in which to provide information requested by subjects. In the event of a dispute, subjects can file a prior administrative appeal with the State Minister, who may, in this context, refer the matter to the High Commissioner for the Protection of Rights, Freedoms and Mediation. The latter may, for mediation purposes, propose to the petitioner to carry out checks, decided by mutual agreement, on the administrative document and to report thereon, without prejudice to a contentious appeal

⁴⁵ Article 49 of the Constitution.

⁴⁶ Article 69 of the Constitution.

filed directly with the Supreme Court. Requests for access to administrative documents are dismissed where such access would undermine the secrecy of Government deliberations.⁴⁷

Transparency of the law-making process

80. It is the responsibility of the ministerial departments concerned, with support from the Directorate of Judicial Services (Legislative Affairs Department), which are directly subject to the State Minister's authority, or of this Directorate itself, to draft legislation and regulations. Draft laws are confidential until they are submitted to the National Council. A consultation body which monitors law-making processes has been established between the government and the National Council, like the confidentiality attached to legislative proposals until their adoption in public session and their official transmission to the Government. However, for draft laws, the confidentiality of their development can be lifted by mutual agreement between the Government and the National Council by the creation of a joint working group composed of representatives of each of the two institutions. This is particularly the case in the event of resumption of the legislative process, either after the interruption of a bill or following the withdrawal of a draft. In addition, the Government may, before the text is deliberated in the Government Council, communicate it to institutional representatives and major players in a specific sector to obtain their opinion (see below).

81. A consultation body dedicated to monitoring legislative procedures has been set up between the Government and the National Council to improve the effectiveness of exchanges between these two institutional partners, achieve a coherent legislative calendar and optimally prepare the study of the bills deposited on the desk of this assembly. The draft laws are accompanied by an explanatory statement which traces the development of the draft (initiative, consultation of social partners, explanations of the legislative provisions, etc.). The Council of State is responsible for giving its opinion on the draft laws and ordinances submitted for examination by the Prince.⁴⁸ It can also be consulted on all other projects. The opinions of the Council of State are intended for the Prince but can be published with his authorisation. The Higher Committee for Legal Studies is responsible, at the request of the Minister of State or the Director of Legal Affairs⁴⁹, for issuing an opinion to it. The opinions of the Higher Committee for Legal Studies are returned to the Minister of State and may be published with his authorisation. The conclusions of the Council of State on draft Law No. 1.054 relating to the protection of personal data were thus published.

82. Although there is no legal obligation in this regard, depending on their subject, draft laws can be discussed in consultations with groups of various kinds. This happened during the drafting of Law No. 1.505 of 24 June 2021 on the organisation of working time, in relation to which the Union of Trade Unions of Monaco, the Federation of Monegasque Businesses and the Monaco Federation of Employees' Trade Unions were consulted. Likewise, the text of the draft law on sport, deposited on the desk of the National Council on 19 December 2023, was communicated for opinion, before its presentation to the Council of Government, to the main institutional and private actors (sports associations and federations, Monegasque Olympic Committee, Monegasque Anti-Doping Committee, public actors). In addition, the Government consults professional associations and certain external bodies such as the Personal Data

⁴⁷ Article 24 of Sovereign Order No. 3.413 of 29 August 2011 on various measures in relation to the relationship between the Civil Service and subjects, as amended.

⁴⁸ Article 52 of the Constitution.

⁴⁹ Sovereign Order N° 6.824 of 8 March 2018.

Regulatory Commission, the Financial Activities Regulatory Commission, the Office of the High Commissioner for the Protection of Rights, Freedoms and Mediation or the Economic, Social and Environmental Council. For instance, the Office of the High Commissioner for the Protection of Rights, Freedoms and Mediation was consulted over the drafting of Law No. 1.477 of 11 November 2019 on the decriminalisation of abortion and Law No. 1.523 of 16 May 2022 on the promotion and protection of women’s rights through the amendment and repeal of obsolete and anti-egalitarian provisions. Its opinion can be published with the consent of the authority that sought it. Where institutional and business partners are consulted for the purposes of preparing draft laws, they are mentioned in the rationale.

83. Since 2008, the “Legimonaco” website has been the gateway through which the Government has implemented its policy of disseminating Monegasque laws. A revamped version of the website which went online in March 2023 was designed to improve access for the public to the law. A section of it concerns legislative work and includes official documents arising out of the various stages of drafting instruments, from preparation to tabling in the National Council to enactment. This section includes draft laws prepared by the Government and legislative proposals drafted by the National Council, whether they have been submitted, rejected or withdrawn, as well as the correspondence and official documents exchanged between the two institutions in the course of the legislative process. Draft laws are posted online on the “Legimonaco” website after being tabled in the National Council.

84. In general, the GET notes that while significant progress has been made in terms of transparency of the law-making process,⁵⁰ a culture of exacerbated confidentiality in relation to the work of the executive persists in Monaco.

85. Firstly, the GET is concerned about the fact that administrative decisions, including decisions concerning individuals, are not all published. Publication of such decisions in the *Journal de Monaco*, at least those likely to constitute harm to third parties, and therefore subject to appeal by third parties (appointments, promotions, etc.), would ensure transparency which is highly desirable in a democratic state and would address suspicions of nepotism or favouritism. It would also be desirable, for the purposes of informing the public, for opinions given by the Supreme Committee for Legal Studies to be published as a matter of course, without such publication being conditional upon permission from the Prince or the State Minister.

86. Secondly, the GET notes that press releases are published and press conferences are held regularly by the State Minister and members of the Government on topical issues, and that social media⁵¹ and the government’s website⁵² disseminate information about what the Government is doing. However, this cannot in itself constitute a complete policy of access to information about the activity of the most senior figures in the executive. This government communication policy is still primarily top-down according to the media representatives whom the GET met, and it is heavily based on the Government’s communications office rather than on regular discussions with members of the executive. A systematic procedure enabling

⁵⁰ See, in particular, the GRECO Fourth Round evaluation concerning Parliamentary work – GrecoEval4Rep(2017)1 and GrecoRC4(2023)5.

⁵¹ www.facebook.com/GvtMonaco (French only); <https://en.gouv.mc/Portail-du-Gouvernement/Policy-Practice/A-Modern-State/Modernising-the-Administration/The-Government-on-Twitter>

⁵² <https://en.gouv.mc/Portail-du-Gouvernement>

people to gain an adequate understanding of policies on which the government is working should be developed.

87. The GET was told that discretion and respect for privacy were predominant characteristics of Monegasque society and that they explained a certain duty of discretion with regard to government business. However, it believes that this characteristic cannot justify the level of opaqueness, which runs counter to rules of transparency that prevent inappropriate behaviours by top politicians. For this reason, **GRECO recommends that access for the public to information about the executive's activity be strengthened, in relation to both regulatory or individual decisions and also the government's activity.**

Budgetary transparency

88. The National Council votes during public sessions (which are televised and streamed on the National Council's website) on the general state budget presented by the State Minister by 30 September in the previous year.⁵³ The draft budget is published in the *Journal de Monaco* and on the "Legimonaco.mc" website when the text is tabled in the National Council. It is accompanied by a government programme of action which sets out the strategic targets linked to the various public policies for the coming year. Once adopted, the budget is enacted during the autumn session of the National Council.⁵⁴ If the National Council does not vote in favour of the budgetary law, only amounts corresponding to "voted services" of the previous year can be opened by sovereign order.⁵⁵ The budget is corrected during the financial year, which in practice involves "monitoring" the main public policies implemented by the Government. The National Council and the Government meet regularly in private to discuss important topical issues (the economy, major works, public health, negotiations with the European Union, etc.) throughout the year.

89. Budget and financial control is conducted *ex ante* by the Expenditure Control Authority (commitment, payment orders and payment) and *ex post* by the Board of Auditors, whose report is published.

90. The GET was told by the members of the Government and the members of the Sovereign Household that PTEFs were not given any public funds to use at their own discretion. In particular, it was explained to it that there were no conflicts of interest between the public budget of Monaco and the Prince's private assets and that, on the contrary, the private assets of the Prince's family, which were managed by a Property Administrator, were kept strictly separate from the use of public money.

91. However, the Prince's former Property Administrator told the media that part of the budget allocated to the running of the Sovereign Household could be used for confidential special purposes.⁵⁶ He also said that funds had been transferred to accounts overseas, without stating whether these funds had come from the private assets of the Prince's family or could have been supplemented by part of the budget allocated by the State to the running of the Sovereign Household. The GET was told that legal proceedings were ongoing.

⁵³ Law No. 841 of 1 March 1968 on budget laws, as amended.

⁵⁴ Article 71 of the Constitution.

⁵⁵ Article 73 of the Constitution and Article 19 of the Law n°841 of 1 March 1968 on the budgetary laws, as modified.

⁵⁶ See *Le Monde*, 25 January 2024, p. 20.

92. The GET points out that implementing strengthened and effective transparency and control procedures is a good way of making the management and use of public money more credible and hence boosting public confidence in institutions. These measures should not only make it mandatory to report on the use of public funds allocated to the running of the Sovereign Household, but also aim to keep the Sovereign Household's use of public funds strictly separate from the private property and assets of the Prince's family, and to eliminate any suspicions of secret use of these public funds. As such, **GRECO recommends that appropriate financial rules and procedures be put in place to strengthen the transparency and control of the use of the public funds allocated by the State to the running of the Sovereign Household.**

Public procurement

93. Sovereign Order No. 7.264 of 20 December 2018 on the regulation of public procurement, as amended, governs the awarding of public procurement contracts and specifies which contracts can be awarded by private agreement and which ones must be awarded by competitive tender procedure. It sets the threshold above which procurements must be given an opinion by the State Consultative Procurement Commission, presided over by the Minister of Finances and Economy, at €200 000. Envelopes are opened in the presence of the Expenditure Controller General and the companies concerned. The opinion of the Expenditure Controller General and the report of the State Consultative Procurement Commission on the deliberations are passed on to the State Minister. The Council of Government takes decisions on the biggest contracts. No threshold is formally provided for to define such markets. However, the authorities indicated to the GET that the contracts for structuring operations of the Principality are the subject of deliberation in the Council of Government and have consequences on the execution of the budget. They also recall that contract projects for which the State Consultative Procurement Commission gives an unfavourable opinion can only be signed after deliberation by the Council of Government, whatever the amount of the contract. Opinions given during the course of a procedure are not public and are not accessible to tenderers. However, companies are informed of the results of the various consultations carried out within the framework of award or non-award decisions relating to the award of State contracts.

94. The GET was told that the companies in which the State is a majority shareholder (such as the *Société des Bains de Mer*, which is 66% state-owned) are not subject to the rules on public calls for tenders for contracts. They are regarded as private companies. In addition, there are no specific rules applicable to PTEFs who are involved in the governance of private companies on the state's behalf, even though this situation is included in the risk map. Furthermore, media articles voice suspicions in relation to decisions taken outside the legal framework on public procurement contracts or privatisation of public property with no competitive tendering or adequate explanations justifying decisions.⁵⁷ The Monegasque authorities, however, indicate to the GET that a law has recently been introduced to strengthen the information of the National Council in the context of decommissioning laws, which implies better publicity of the decommissionings themselves, with the debates and exchanges being made public.⁵⁸

⁵⁷ See, in particular, *Le Monde*, 26 January 2024.

⁵⁸ Law n°1.554 of 14 December 2023 relating to the information of the National Council prior to the alienation of a property requiring its removal from the public domain.

95. The GET underlines that, in general, the lack of transparency in the awarding of certain public procurement contracts and the lack of strictly supervised procedures for the awarding of private contracts in which PTEFs are involved in the decision-making process as representatives of the State pose a risk that fundamental rules with regard to integrity could be violated, that conflicts of interest could arise and that situations of corruption could emerge. This is especially relevant in the Monegasque context, where business actors and political leaders are close to each other and where maintaining the integrity and appearance of integrity of public decision-makers is vital. The Monegasque authorities could thus usefully draw inspiration from and implement the standards developed by the OECD in this regard. As such, **GRECO recommends that i) the rules to make public procurement transparent be strengthened, especially in order to ensure that all tenderers for public procurement contracts are properly informed of decisions taken by the executive within this process, and that ii) companies in which the State has the majority be made subject to clearly defined and transparent rules on public procurement and that specific provisions be put in place to prevent conflicts of interest concerning persons with top executive functions who act on the shareholding State's behalf in such procedures.**

Third parties and lobbyists

96. The GET was told that the State Minister and ministers share their agendas with the persons concerned (Prince's Office, members of the Government and close collaborators) each week in the Government's internal messaging system. However, these agendas are not published.

97. The GET finds that this system cannot, in itself, constitute a policy governing contact and dealings between political leaders and third parties and lobbyists who represent private interests, particularly in the business domain. So there are currently no appropriate rules in this regard. GRECO has consistently called for proper guidance to be provided to PTEFs so as to clearly differentiate what qualifies as strictly private exchanges from meetings that may influence, or may be seen as seeking to influence, the decision-making process. The latter should be duly reported and accessible to the public. Therefore, **GRECO recommends that i) rules be put in place on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence governmental legislative and other work, that ii) sufficient information about the purpose of these contacts be disclosed, including the identity of the persons with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussions, and that iii) these rules be supplemented by guidelines to make it easier for them to be understood and implemented.**

Control mechanisms

98. In general, the judicial system organises the legal means of annulling or suspending public or private decisions which are contrary to the law and, where appropriate, obtaining redress for detrimental consequences of them. An administrative appeal can be lodged against any administrative decision taken by an executive authority. Appeals requesting reconsideration are submitted to the entity that took the decision. Appeals to a higher administrative authority are submitted to the authority above the one that took the decision, or even to the State Minister. An authority to which a preliminary administrative appeal is submitted can change the wording of the disputed decision, withdraw or repeal it, or dismiss

the appeal. Appeals requesting that administrative decisions be set aside due to exceedance of authority are submitted to the Supreme Court within two months after notice of the impugned decision was given or after the decision was published.

99. Since 2011, there has been an Inspectorate General of Administration subordinate to the State Minister, whose staff is appointed by a sovereign order. It oversees and audits the operation of State services, carries out studies, *ad hoc* investigations and inspections, and gives opinions and makes proposals intended to improve the running of services.⁵⁹ An activity report of this body is published annually. It is made up of a Chief of staff, two inspector generals, an inspector and two *chargés de mission*. It must carry out its duties objectively, impartially and neutrally. In carrying out its duties, it does not receive instructions from any authority other than the State Minister. It can also intervene with respect to public corporations and private corporations which play a public service role or receive financial advantages from the State.

100. The constitutional monarchy system is not compatible with the possibility of entrusting Parliamentary inquiries to the National Council.⁶⁰ The Government is not formed from a majority of members of Parliament, so it is not accountable to the National Council.

101. Individuals and corporations can refer situations to the *High Commissioner for the Protection of Rights, Freedoms and Mediation* (Ombudsman)⁶¹ if they feel their rights or freedoms have been infringed by an administrative decision. Although he/she has no investigatory powers, subjects can refer matters to the High Commissioner in order to defend their rights against government authorities. The High Commissioner can then act as a mediator and make recommendations to the Government. An adviser within the Secretariat General of the Government is responsible for implementing these recommendations. At this stage, the High Commissioner cannot look into matters on his/her own initiative, but he/she may soon be given this power. Like other members of government institutions, he/she must report any criminal offences of which he/she becomes aware to the Prosecutor's Office. The High Commissioner presents a report to the Prince annually, which is made public, and can refer specific matters to him. The High Commissioner told the GET that no corruption cases have been referred to her to date even though this is legally possible.

Conflicts of interest

102. The GET notes that, as is the case with the other fundamental means of preventing, scrutinising and penalising behaviours contrary to the principles of integrity, there are currently no measures applicable to the Sovereign Prince for the purposes of preventing and detecting conflicts of interest that directly or indirectly concern him. The Prince is exposed to such situations through his executive powers and the particularly great attention paid by the public to what he and his family do. For instance, during its visit, questions were raised with the GET with regard to the role played by the Sovereign Household in the awarding of public procurement contracts to companies of which members of the Prince's family were shareholders.⁶² In addition, the Prince's former Property Administrator hinted in the media

⁵⁹ Sovereign Order No. 3.410 of 16 August 2011.

⁶⁰ Title VII of the Constitution and Law No. 771 of 25 July 1964 on the organisation and functioning of the National Council, as amended.

⁶¹ The position is currently fulfilled by a woman.

⁶² Bloomberg.com, 1 March 2024.

that the Palace had intervened so that a former president of the National Council and a former minister would be appointed to run the 66% state-owned *Société des Bains de Mer*.⁶³ While it is not the place of the GET to express a view on this matter, it notes that situations such as these can damage public confidence in leaders. In general, the Prince is directly or indirectly involved in certain executive decisions. Although he is not necessarily formally involved in decision-making, some senior figures in the executive who were appointed by him, are accountable to him and act on his behalf are involved in it. He also holds an official or unofficial veto in relation to many government decisions (see above). For this reason, the GET believes that a measure inviting the Prince to remove himself formally from decisions in which he or his family have a private interest would boost public confidence in the functioning of the executive. To make them more effective, these measures should be known to the public. For this reason, **GRECO recommends that measures to prevent conflicts of interest in situations directly or indirectly concerning the Sovereign Prince be adopted and published.**

103. Other PTEFs are subject to the Criminal Code,⁶⁴ which defines unlawful acquisition of interests as a situation where a public official obtains, receives or retains, directly or indirectly, a personal interest in a transaction or business which he/she is responsible, at the time of the act, in whole or in part, for supervising, managing, liquidating or paying. This extends to such acts which occur within two years after the public official leaves office in a sector in which he/she previously held responsibility. Being a domestic public official is a constituent element of the offence of unlawful acquisition of an interest. A domestic public official is a person of any nationality who exercises public authority or carries out public service duties or is vested with an elected public office. Unlawful acquisition of interests is punishable by one to five years' imprisonment and a fine. All PTEFs except the Prince are therefore concerned by these provisions of the Criminal Code.

104. Furthermore, the aforementioned Sovereign Order No. 9.931 of 15 June 2023 clarifies the definition of conflicts of interest in relation to members of the Government and covers any interference between a public interest and a private interest which influences, or appears to influence, the independent, impartial and objective performance of their duties.

105. Ministers' prior declarations of assets are submitted to the State Minister within two months after they take office. The State Minister acknowledges receipt of them and checks them formally. They are kept at the Secretariat General of the Government in a dedicated safe. New declarations must be submitted while the minister is in office if there is any substantial change in their interests. Professional activities undertaken by spouses must be mentioned in declaration forms. Where it is found that a declaration of interests has not been submitted or is incomplete, a letter setting a deadline by which the situation must be rectified is sent by the State Minister to the member of the government concerned. If the deadline is not met, the Secretariat General of the Government publishes a remark in the *Journal de Monaco* stating that the provisions of the Sovereign Order have been breached. To date, the ministers' declarations have been fulfilled in the relevant timing, as mentioned in the *Journal de Monaco*.⁶⁵

⁶³ Le Monde, 27 January 2024.

⁶⁴ Article 113-1 of the Criminal Code.

⁶⁵ Communiqués from the General Secretariat of the Government relating to the deontological reporting obligations of members of the Government published in the *Journal de Monaco* on 29 September 2023.

106. The State Minister does not complete a declaration of interests. The authorities, however, indicated to the GET that, as part of the trust and political loyalty which unites him with the Sovereign Prince, he informs him of any conflict of interest. This is a political approach and not a legal act, which does not require any particular form or publicity measure.

107. While in office, every minister has a duty to avoid being in any actual, potential or apparent conflict of interest or to remove himself/herself from any actual, potential or apparent conflict of interest that he/she is in. Removal occurs by sovereign order.⁶⁶ A minister who believes he/she is in a conflict of interest informs the State Minister in writing. A ministerial decree published in the *Journal de Monaco* specifies the powers that the State Minister or the minister appointed by him/her will exercise in the relevant minister's stead. The latter then refrains from giving instructions to directorates and departments over which he/she has authority (which receive instructions directly from the State Minister or the designated minister) to sit and deliberate on the matter. The removal is recorded in the minutes of the Council of Government's deliberations and in a register kept by the Secretary General of the Government which identifies the private interest in question and the powers exercised by the State Minister or the minister designated in the relevant minister's stead. This register is not accessible to the public. Abstention has been practised for a number of years. In the recent past, there have been three abstentions (2022-2023) and one deport (2024) by ministers.

108. The removal procedure cannot legally be applied to the State Minister. When presiding over meetings of the Council of Government, the State Minister exercises a power which is assigned solely to him/her, with no possibility of delegation, so this power cannot be transferred. This applies to matters forming the scope of a draft sovereign order or ministerial decree which are deliberated on by the Council of Government and signed by the State Minister. In a situation where the deliberation does not concern a ministerial order or a draft sovereign order, the State Minister must abstain.⁶⁷ He/she informs the Council of Government that he/she cannot participate in the deliberations on a matter and refrains from sitting and considering it.

109. In relation to ministers' collaborators, Law No. 975 of 12 July 1975 on the rules applicable to civil servants, as amended, and Sovereign Order No. 9.640 of 23 December 2022 setting out general provisions applicable to contract workers employed by the Government give identical definitions of conflicts of interest. Any appointment to a post entailing duties that warrant it is subject to a prior ethics check in order to ensure that the envisaged duties are compatible with the previous activities or the private interests held. However, the legislative framework does not yet lay down any specific procedure or rules to prevent conflicts of interest. A sovereign order and a ministerial decree which are currently being drafted should establish the implementing arrangements for civil servants' and contract workers' obligations.

110. The general rules and procedures concerning the prevention and resolution of conflicts of interest involving members of the Sovereign Household and the Directorate of Judicial

⁶⁶ Removal is governed by Article 15 of Sovereign Order No. 9.931 of 15 June 2023 and the removal procedure was introduced by Sovereign Order No. 16.605 of 10 January 2005 on the organisation of ministerial departments, as amended.

⁶⁷ Articles 16 to 18 of Sovereign Order No. 9.931 of 15 June 2023 establishing the ethical and compliance principles and rules applicable to members of the Government.

Services will be laid down in instruments establishing the ethical and compliance principles and rules that apply to them, which are in the process of being drafted.

111. The GET notes that the rules on removal and abstention that apply to members of the Government can prevent conflicts of interest that could arise during the Government's decision-making process. However, the interest declaration system needs to be supplemented.

112. Indeed, although ministers are subject to an appropriate framework for declaring their interests, both when they take office and while they are in office, the same is not true of the State Minister or ministers' collaborators, or for the State Secretary for Justice, or for the Prince's collaborators. With regard to the State Minister, the GET was told that he was referred to his personal ethics and he was supposed to act on a case-by-case basis when he deemed it appropriate to do so. This situation does not meet GRECO's expectations. Nothing justifies a distinction within the executive between the Head of Government and his ministers in this regard. On the contrary, this dissociation is likely to undermine the credibility of the public in its institutions. The GET is of the opinion that the State Minister must then be subject to appropriate rules enabling him/her to prevent conflicts of interest, including when taking office. As for other PTEFs, the GET invites the authorities to make them subject to the rules that were recently adopted for ministers.

113. In addition, where rules on conflicts of interest do exist, the GET notes that checks – which are carried out by the State Minister in the case of ministers – remain formal ones. GRECO has consistently stated that in order to prevent conflicts of interest effectively, such checks should also cover the substance of declarations and be accompanied by an appropriate penalty mechanism.

114. Furthermore, declarations of interests should be made available to the public in order to make checks more effective and boost public confidence in institutions.

115. For this reason, **GRECO recommends that i) declarations of interests required from ministers be published and made subject to checks as to their substance and to appropriate sanctions, and that ii) all of the rules on the declaration of conflicts of interest be extended to the State Minister and the other persons with top executive functions.**

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

116. Civil servants and contract workers must work solely on the tasks that are assigned to them.⁶⁸ They are forbidden to engage in any gainful activity, with or without a salary, within a private company or private organisation or any independent professional activity unless given special dispensation by the State Minister where this activity is compatible with the normal operation, independence or neutrality of the department and does not conflict with ethical principles (e.g. teaching or writing). These rules apply to PTEFs who have civil servant or contract worker status.

⁶⁸ Article 8 of Law No. 975 of 12 July 1975 on the rules applicable to civil servants, as amended, and Article 7 of Sovereign Order No. 9.640 of 23 December 2022 setting out general provisions applicable to contract workers employed by the Government.

117. The GET was told during its visit that the State Minister, ministers and the State Secretary for Justice did not pursue any parallel or outside activities, other than, potentially, traditionally permitted teaching, cultural or writing activities. However, it was not given any information about a legal framework imposing restrictions on these PTEFs. To prevent conflicts of interest, it is important for clear rules to forbid PTEFs to pursue, in parallel with their duties, other jobs or activities which could come into conflict with their public service role. To ensure that they are effective, such limiting measures should be accompanied by a system of authorisation to pursue a parallel or outside activity. The GET believes that a consistent approach and strict delimitation of permitted activities from activities that are forbidden for members of the Government and the State Secretary for Justice, governed by an authorisation system, are necessary. **GRECO recommends that clear rules on incompatibilities and parallel activities be developed in relation to members of the Government and the State Secretary for Justice.**

Gifts

118. The terms on which members of the Government can accept gifts are established by sovereign order.⁶⁹ Ministers must not solicit or accept gifts, favours, invitations or other advantages intended for them or their family or organisations with which they have (or have had) business or political relationships, which could influence (or appear to influence) the objectiveness with which they carry out their duties, or which could constitute (or appear to constitute) a reward relating to their duties. Gifts must be returned with a formal refusal. However, gifts received by virtue of diplomatic customs and rules of courtesy with a value not exceeding €200, or invitations to an event, including a sporting or cultural event, which members attend or participate in as representatives of the Government can be accepted, though not solicited. Before being given to the State Property Authority, potentially after the ethics officer has given an opinion, gifts or advantages are recorded in a numbered inventory book kept by the Secretariat General of the Government or the ministerial department's secretariat general. The following are recorded: the date of receipt, the name and position of the person or the name of the company that gave the gift, the name of the recipient, the nature of the gift, its purpose, its estimated value, and the recipient's signature. This inventory book is reviewed annually by the Inspectorate General of Administration.

119. Similar principles which forbid the acceptance of gifts or other advantages, with certain exceptions, apply to persons who work for ministers, whether they are civil servants⁷⁰ or contract workers.⁷¹ A sovereign order and an implementing ministerial decree are being drafted in order to lay down the rules on acceptance and the information to be mentioned in the register of gifts. These pieces of legislation have not yet been finalised.

120. The GET welcomes the rules on the acceptance of gifts and other advantages by ministers. While such rules also exist for persons working for them, it would be worth supplementing them in order to regulate more strictly the exceptional acceptance of certain gifts and the recording of them. In addition, the system as a whole lacks rules to ensure appropriate transparency in relation to gifts received. Furthermore, putting practical

⁶⁹ Sovereign Order No. 9.931 of 15 June 2023 establishing the ethical and compliance principles and rules applicable to members of the government.

⁷⁰ Article 11bis of the aforementioned Law No. 975.

⁷¹ Article 12 of the aforementioned Sovereign Order No. 9.640.

guidelines in place to supplement this system would make it easier for PTEFs to implement it in practice. The GET therefore believes that a more complete approach and more effort to ensure transparency and provide guidance are necessary in relation to gifts and other advantages. In addition, the existing framework has not yet been extended to PTEFs who are not attached to the Government. **GRECO thus recommends that i) rules in relation to the acceptance of gifts and other advantages applicable to ministers and their collaborators be supplemented by a set of stricter provisions in order to guarantee that declaration procedures are clear, that information is published and that practical guidance to facilitate their implementation is given, and that ii) these supplemented rules also be applied to the relevant members of the Sovereign Household and to the State Secretary for Justice.**

Misuse of public resources

121. Embezzlement or misappropriation of public money is an offence under the Criminal Code.⁷² Any public custodian or accountant who embezzles or misappropriates public money or documents, deeds, certificates or movable property faces a sentence of 10 to 20 years' imprisonment if the value of the embezzled or misappropriated property exceeds € 15 246.

Misuse of confidential information

122. The Criminal Code⁷³ applies to "all persons who are custodians, by virtue of their trade or profession, of secrets entrusted to them, who, except in situations where the law requires or allows reporting, disclose these secrets" and provides for a sentence of six months' to one year's imprisonment and/or a fine in this situation.

123. In addition, the law states that persons working for ministers who are civil servants⁷⁴ have a duty of professional discretion regarding any facts and information that come to their attention in, or in connection with, the performance of their duties. Unless such communication occurs in accordance with the legislation governing access to administrative documents, the civil servant can only be released from this duty of discretion with permission from the State Minister. Contract workers are subject to the same rules. The State Information Systems Policy also aims to protect the confidentiality of data and the use thereof.

124. The law⁷⁵ also criminalises behaviours that can constitute breaches of terms of access and use of confidential data where such data originates from automated processing of personal information.

Post-employment restrictions

125. The new rules of ethics applicable to ministers provide that a member of the Government who, within two years after leaving office, intends to pursue a gainful activity, with or without a salary, must submit a declaration to the Ethics Committee (see above) giving a detailed description of the envisaged activity.⁷⁶ The Ethics Committee, which was formed

⁷² Article 106 of the Criminal Code.

⁷³ Article 308 of the Criminal Code.

⁷⁴ Article 10 of Law No. 975.

⁷⁵ Law No. 1.165 of 23 December 1993 on the protection of personal information, as amended.

⁷⁶ Article 24 of Sovereign Order No. 9.931 of 15 June 2023 establishing the ethical and compliance principles and rules applicable to members of the government.

recently, obtain the comments of the person concerned and give an opinion within two months. If it deems that the envisaged activity conflicts with the current or previous duties of the member of the Government concerned, it may recommend that the activity be supervised for up to two years after the conflicting duties are given up. If it believes that the envisaged activity manifestly conflicts with the current or previous duties of the member of the Government concerned and that supervision of the activity cannot prevent a conflict of interests, it may recommend that the member refrains from pursuing the envisaged activity for up to two years after the conflicting duties end. The Ethics Committee's opinion remains confidential, unless the opinion of the Committee has not been respected. In which case, mention is made in the Official Journal. It is made known to the Prince, the State Minister where appropriate, and the person concerned.

126. In relation to the ministers' collaborators who are civil servants, the law⁷⁷ provides that temporary or permanent cessation of employment entailing duties of a kind that warrant it is subject to a prior ethics check in order to ensure that any gainful activity, with or without a salary, is compatible with the duties performed over the two years preceding the commencement of this activity. Any change in activity that occurs within two years after a civil servant leaves office must be reported by the civil servant to his/her department before the new activity begins. A sovereign order explaining how this measure will work in practice is currently being drafted. Similar measures apply to contract workers,⁷⁸ in relation to whom a ministerial decree laying down the implementing arrangements is being drafted.

127. The GET notes that measures governing post-employment activities pursued by ministers and their PTEF collaborators are in place. The implementing arrangements for these measures need to be supplemented in relation to ministers' collaborators. A waiting period of two years is applicable to ministers, and could serve as a basis for determining the duration applicable to the other PTEFs concerned depending on the situations. The GET notes that the Ethics Committee, which came into being recently, plays a supervisory and advisory role in this field. In any case, it is limited to giving non-binding opinions which is not published (except in the event of non-compliance; see above) or reviewed. So, for both ministers and their collaborators, there is no formal ban on pursuing an activity not compatible with their previous executive functions for a significant period. The system is limited to advice and the pressure that the Prince, the State Minister or the minister could potentially put on their subordinates.

128. The GET believes that this system is too weak to limit effectively the risks of conflicts of interest and situations of corruption when executive functions come to an end. It does not provide sufficient guarantees to prevent conflicts of interest. In addition, the Prince's collaborators and the State Secretary for Justice are not currently subject to any measures in this regard. For this reason, **GRECO recommends that binding rules on post-employment restrictions be established for all persons with top executive functions, coupled by an effective mechanism to ensure transparency and oversight of these rules.**

Declaration of assets, income, liabilities and interests

Declaration requirements and review mechanisms

⁷⁷ Article 8-II of Law No. 97587.

⁷⁸ Article 7-II of Sovereign Order No. 9.640.

129. Within two months after being appointed, the State Minister and ministers draw up a declaration stating, on the basis of a set list, the interests that they hold on the date of the declaration, their sources of income and any debts exceeding €100 000 that they owe.⁷⁹ While they are in office, members of the Government whose assets or interests change substantially declare the change personally. If they have doubts about the substantial nature of the modification, the ministers concerned may, as provided for in the Good Practice Guide, contact the ethics officer in order to seek his/her opinion. Lastly, they submit a new asset declaration within two months after they leave office; this declaration gives a summary of all income obtained since they took office. Declarations include assets owned jointly with spouses.

130. Members of the Government give their asset declarations directly to the President of the High Board of Auditors, who acknowledges receipt of them, reads them and formally checks that they have been filled in correctly. This submission is recorded in a handwritten register which is jointly signed by the minister concerned. These documents are kept for the duration of the minister's term and three years after the end of the term in a dedicated safe on the premises of the Board of Auditors. This procedure was followed for the first time after the Sovereign Order of 15 June 2023 entered into force.

131. Asset declarations are not published. The authorities state that this is justified by the unique characteristics of the Principality, some of whose population is involved in the administrative, economic, political and social affairs of the country simultaneously. This means that they must not disclose details of assets in order to respect the privacy of members of the Government.

132. Where it is found that an asset declaration has not been submitted or is incomplete, a letter setting a deadline by which the situation must be rectified is sent by the President of the Board of Auditors to the member of the government concerned. If the deadline is not met, the Secretariat General of the Government publishes a remark in the *Journal de Monaco* stating that the provisions of the Sovereign Order have been breached. There is no penalty mechanism for failure to comply with the declaration rules. To date, this measure has not been applied in practice.

133. With regard to the ministers' collaborators, any appointment to a post entailing duties that warrant it is subject to a prior ethics check in order to ensure that the envisaged duties are compatible with the previous activities or the private interests held. A sovereign order and a ministerial decree which are currently being drafted will establish the implementing arrangements for civil servants' and contract workers' obligations.

134. The GET notes that ministers' asset declarations do not include personal property of spouses or that of children living in the same household, which limits the scope and relevance of declarations. It underlines that such declaration should not necessarily be published in the case of persons who have not chosen to take on a public service role, having regard to the rules on privacy.

135. Furthermore, the substance of these declarations is not checked, and the President of the High Board of Auditors, who receives them, only has the power to check them from a

⁷⁹ Article 5, paragraph 1, of Sovereign Order No. 9.931 of 15 June 2023 establishing the ethical and compliance principles and rules applicable to members of the government.

clerical point of view. The same applies to substantial changes in assets while in office, and the concept of “substantial changes” in assets is left to the sole discretion of the person concerned – who can take the initiative of consulting the ethics officer. In this regard, the authorities told the GET that checks on substance by the President of the High Board of Auditors would pose a legal problem, as the chairperson has no investigatory powers. The GET underlines that it is not for it to decide how these checks could be carried out, and points out that GRECO expects checks to cover aspects of substance so that they are effective and credible.

136. As for review, the GET also notes the difficulty of reviewing changes in assets in a country where Monegasque citizens’ and some residents’ income is not taxable⁸⁰ and where there are thus no tax authorities that can pass on the information necessary for such checks. While it is not for it to decide how taxation works in Monaco, the GET highlights this difficulty related to the country’s tax system.

137. The GET also notes that these declarations are not published. The transparency of public affairs and citizens’ trust in institutions can only be increased by publishing such declarations. The GET understands the difficulties inherent in the realities of a country with a small number of inhabitants where the fact that everyone knows everyone else makes respecting privacy difficult in practice. However, it believes that, as in the case of members of Parliament,⁸¹ public involvement in the executive entails the acceptance of a number of constraints which are not disproportionate to the obligation to maintain transparency and public confidence in the activity of those who hold this power. The introduction of the obligation for PTEFs to declare their interests is not, in itself, sufficient to achieve these aims and needs to be accompanied by appropriate publication measures to ensure that the measure is credible and effective.

138. Furthermore, failure to comply with the rules on declarations is not punishable, as the only consequence of breaking the rule is a remark in the *Journal de Monaco* about failure to submit a declaration. The GET believes that this “pillorying” is too soft a measure in view of what is at stake, especially since it relates to documents which are kept secret. The effectiveness of the measure depends in particular on the fact that those targeted by integrity measures are aware that they face penalties if they break the rules, and the credibility of the system in the public’s eyes depends on the very existence of such a measure.

139. It should also be pointed out that although it was confirmed to the GET that the Monegasque authorities intend to take measures in this regard, to date, neither the ministers’ collaborators, nor the Prince’s collaborators, nor the State Secretary for Justice have a duty to declare their assets.

140. With regard to declaring assets, the GET notes that a duty to declare assets was recently imposed on ministers, which is a step towards the level of corruption prevention that GRECO wishes to see. However, laudable though this measure is, it is still very incomplete and needs to be strengthened considerably in order for it to be regarded as effective in preventing and tackling possible attempts at corrupt behaviour on the part of senior figures within the executive. The asset declarations do not include the own assets of their spouses / partners, do not undergo checks as to their substance, are not published and are not accompanied by an effective sanction mechanism. Corruption risk management requires immediate measures

⁸⁰ French PTEFs are required to pay income tax in France.

⁸¹ See the Fourth Round evaluation report – GrecoEval4Rep(2017)1.

to deter people from having recourse to sources of wealth that are banned or problematic in relation to senior state duties. Criminal law and the judicial authorities cannot be the only means of countering these risks due to the inevitably lengthy and cumbersome proceedings, the need to rely on international co-operation, etc. For this reason, **GRECO recommends that i) the asset declaration system that is applicable to ministers be supplemented by making provision for publication, effective checks as to substance over time and appropriate sanctions for failure to comply with the rules, that ii) consideration be given to the idea of including information concerning spouses, partners and dependent family members in these asset declarations (without this information necessarily being published), and that iii) the supplemented system be extended to cover the other persons with top executive functions.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

141. Unlike the Prince, from whom they derive their authority, members of the Government and their collaborators have no immunity. The same applies to the Prince's collaborators and the State Secretary for Justice.

142. However, a number of special procedural measures in relation to members of the Government and other PTEFs should be noted. Statements are taken from the State Minister by the President of the Court of First Instance, who travels to his/her residence together with a clerk.⁸² In addition, procedures amounting to house searches, which are usually carried out by police officers after being authorised by the Prosecutor General, are ordered by the freedoms judge where they must take place in the office of the State Minister or a minister, or in their home, and neither the Secretary General of the Government nor the State Minister are present.⁸³ In relation to the office or home of the State Secretary for Justice, these investigative measures cannot take place without a member of the Council of State being present. Real-time tracking cannot be carried out in relation to the office, home or vehicle of the State Minister, ministers or the State Secretary for Justice unless this is essential for the purposes of a judicial investigation, and this exemption is granted by the Court of Appeal sitting in chambers.⁸⁴

143. Following the publication of press articles, a judicial investigation was initiated in 2017 in relation to offences of bribery and bribe-taking, influence peddling, unlawful acquisition of interests and breaching the secrecy of an investigation in respect of two PTEFs who have since left their posts. The proceedings are still ongoing. The Sovereign Household was recently rocked by suspicions of illegal practices that resulted in a complaint being filed by the Prince against his former Property Administrator (see above).

Non-criminal enforcement mechanisms

144. In the work of the executive, where a minister's personal situation poses a serious risk of a breach of integrity rules and principles, he/she must refer the matter to the State Minister. The latter can obtain the opinion of the Ethics Committee with a view to taking, if the situation warrants it, measures to address the risk in order to prevent or end it. If he/she feels that a

⁸² Article 590 of the Code of Criminal Procedure.

⁸³ Article 81-7-1 of the Code of Criminal Procedure.

⁸⁴ Article 106-16-2 of the Code of Criminal Procedure.

minister's personal situation poses a serious risk of a breach of these principles, the State Minister can also obtain the opinion of the Ethics Committee for the same purposes. However, the GET notes that the State Minister is not subject to any form of internal controls other than his/her responsibility vis-à-vis the Sovereign Prince, who can dismiss him/her on a discretionary basis.

145. In relation to ministers' collaborators,⁸⁵ where there is a real conflict of interest, the higher authority takes all measures necessary to put an end to it and, where necessary, orders the civil servant to rectify the situation by a deadline set by it. Where the conflict of interest is apparent or potential, it takes the measures necessary to prevent an actual conflict of interest from arising. In any case, the higher authority can, in order to assess the reality, apparentness or potentiality of the conflict of interest, refer the matter to the State Minister in order to decide how the situation will be dealt with. Penalties can be imposed where the higher authority finds that a conflict of interest exists and the civil servant did not contact it beforehand. A civil servant who contacts the higher authority cannot incur any disciplinary sanctions or be subject to any measures with the purpose or effect of adversely affecting his/her career. Similar measures apply to contract workers employed by the government.⁸⁶

146. In relation to ministers' collaborators, disciplinary procedures and sanctions are applicable in the event of an infringement. The State Minister can ask the Inspectorate General of Administration to carry out an administrative investigation. Depending on the outcomes of this investigation, it can recommend to the State Minister that he/she take disciplinary action against the member of staff concerned. Legislation making explicit reference to integrity and corruption prevention is being drafted. GRECO makes reference here to its above-mentioned recommendations in order to ensure that all persons with top executive functions are subject to appropriate rules of ethics and integrity whose implementation is overseen and that infringements are punished, where appropriate.

147. Over the last five years, no non-contentious proceedings have been initiated against PTEFs.

Whistleblowers

148. The Code of Criminal Procedure provides that any authority, civil servant or public official who, in the course of his/her/its duties, becomes aware of a crime or misdemeanour must inform the Prosecutor General of it immediately and pass on any information or documents in his/her/its possession. The Code has been supplemented in order to give greater protection to persons who report illegal practices and prevent complaints from being made against them by the reported individuals.⁸⁷

149. However, there are currently no rules establishing a proper whistleblowing system which would allow, or even compel, people to report breaches of integrity principles or corrupt practices in relation to PTEFs within a precise framework. The State Secretary for Justice informed the GET that a draft law was drafted to this end in 2018 but has been shelved since then.

⁸⁵ Article 7, paragraphs 6 to 8, of Law No. 975 of 12 July 1975 on the rules applicable to civil servants, as amended.

⁸⁶ Article 4, paragraphs 6 to 10, of Sovereign Order No. 9.640 of 23 December 2022 setting out general provisions applicable to contract workers employed by the government.

⁸⁷ Articles 61 et seq. of the Code of Criminal Procedure.

150. The GET points out that a proper whistleblower protection system is an effective means of preventing and tackling corruption. Corruption prevention facilitated by obtaining reports from persons close to potentially illegal situations is a trust-based system which can only exist in a safe environment, especially where senior executive figures are implicated. Whistleblower protection is all the more important in the context of Monaco, where close links exist between the political and business realms and where very large amounts of money change hands. In this context, the GET can only encourage the authorities to finish the process that they themselves started by initiating the drafting of a draft law on whistleblowers. As such, **GRECO recommends that a law which establishes an adequate system of reporting and protection for persons signalling suspicions of corruption and other malpractice be adopted.**

V. PREVENTING CORRUPTION AND PROMOTING INTEGRITY IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of the law enforcement/police authorities

Overview of the law enforcement authorities

151. The Directorate of Public Safety (hereinafter DSP) is Monaco's only law enforcement agency and is an executive department.⁸⁸ Its organisation is governed by Sovereign Order No. 765 of 13 November 2006, as amended. The Monegasque Police is a civilian force which is subject to the general rules applicable to civil servants⁸⁹ and the associated implementing sovereign orders.

152. Although the Sovereign Prince sets the main law enforcement policy objectives, the GET was told that he is not involved in the implementation of this policy. For this reason, it is under the authority of the State Minister and the Minister of the Interior⁹⁰ that the DSP performs all policing duties ordinarily assigned to a government, whether they be keeping law and order, keeping the peace, maintaining road safety, investigating crime, gathering intelligence or protecting public figures. In administrative terms (organisation, administration, discipline, etc.), the DSP is subordinate to the Minister of the Interior. The Government sets the general objectives in relation to security policy and follows up and monitors efforts to achieve them. In its criminal investigation role, the DSP is directly subordinate to the competent judicial authorities, particularly prosecutors at the Prosecutor General's Office and investigating judges. It receives no political instructions in this field.

153. It has uniformed staff, plain-clothes officers, and administrative, technical and scientific personnel who work within the following divisions and entities: the Administration and Training Division; the Administrative Police Division; the Urban Policing Division; the Criminal Investigation Division; the Marine and Airport Police Division; the Events and Preservation of Quality of Life Division; the General Intelligence Division; the Sovereign Family Protection Division; the Monitoring and Operational Command Centre; the General Inspectorate of Police Services; the Department's Secretariat; and the Situational Prevention and Partnerships Unit. It also includes a civilian reserve organised as provided by ministerial decree.

154. The DSP has a hierarchical structure and is subject to the authority of a Controller General as its departmental head, who is assisted by a Deputy Director and heads of division and branch managers who make up the senior management. Instructions are given in writing in most cases, via a "descending" chain of command (office circulars in particular). The divisions and branches are themselves subdivided into sections, groups, brigades and units, which themselves have hierarchical structures.

155. Police personnel are divided into three corps:

- the commissioner and management corps, which includes the ranks of controller general, divisional commissioner, chief commissioner and commissioner of police,
- the senior officer corps, which includes the ranks of police lieutenant, police captain, police commander, police chief commander and police commissioner,

⁸⁸ Article 44 of the Constitution.

⁸⁹ Law No. 975 of 12 July 1975.

⁹⁰ The Department of the Interior alone accounts for more than 50% of civil service staff.

- the officer and constable corps, which includes the ranks of police officer, police under-brigadier, police brigadier, chief police brigadier and police major.

156. At the beginning of 2024, the DSP employed 627 civil servants and government officers (83,5% men and 16,5% women) broken down as follows:

- 427 constables and officers, making up 68% of the personnel (90.5% men and 9.5% women);
- 113 senior officers, making up 18% of the personnel (70% men and 30% women);
- 67 administrative staff members, making up 10,5% of the personnel (60% men and 40% women);
- 20 reservists, making up 3.2% of the personnel (90% men and 10% women).

157. The DSP's powers stem from laws and regulations, particularly the Code of Criminal Procedure in relation to judicial activities, and Law No. 1.430 of 13 July 2016 on various measures in relation to the protection of national security, in relation to administrative policing. A body of legislative and regulatory enactments establishes the legal framework of the DSP's activity in fields as diverse as immigration, prior authorisation, marine and airport policing, etc.

158. As for its resources and financial management, these form part of the budget process (see above). Its budget is debated during budget sessions of the National Council, which are public and broadcast on television and the Internet. Budget execution is monitored by the Government. All budgetary transactions undergo *ex post* checks carried out by the Expenditure Control Authority. Like all other government departments, the DSP can also be scrutinised by the High Board of Auditors.

159. The DSP produces annual activity reports for the Department of the Interior. Crime statistics are released once a year during a special ceremony attended by the Prince, the most senior government authorities and the media. Periodically, depending on current events and requests, statistics on the DSP's activity can be provided through the Department of the Interior to other entities and the media.

Access to information

160. The most important details of the DSP's activity are released to the media annually during the New Year address ceremony. This information is generally published in the local media. On subjects of special interest, the DSP provides the media and various international organisations with details of its activity and appropriate statistical data in relation to day-to-day policing, cybercrime, money laundering, domestic violence and so on. This information is released to the public through the media or reports by international organisations, as well as through the DSP's website and the Situational Prevention Unit, which are mainly aimed at private actors as part of continuous information-sharing.

161. A sovereign order⁹¹ enables users to view, subject to certain conditions,⁹² documents concerning them which are archived on the Department's premises. Failing this, a disclosure

⁹¹ Sovereign Order No. 3.413 of 29 August 2011 and its implementing ministerial decrees setting out various measures in relation to the Civil Service and subjects.

⁹² Requests that are too general or too imprecise, nor requests that are excessive due to their number or repetitive nature, will not be granted. Requests relating to administrative documents the consultation of which

order given by the President of the Court of First Instance allows the person in respect of whom it is given to access all documents on file. In addition, in relation to judicial matters, anyone who can demonstrate that they are an interested party can ask the Prosecutor General or investigating judge to disclose to them the documents pertaining to the proceedings to which they are a party. Lastly, the law⁹³ gives data subjects a right of access and correction in relation to personal information that undergoes automated processing. Some “historical” archives are also accessible in situations specified in the regulations.

Public confidence in the law enforcement authorities

162. The media representatives whom the GET met stated that the Monegasque public generally had a favourable opinion of the police. It should be noted that public safety is one of the cornerstones on which the Monegasque state built its reputation and which still explains the country’s attractiveness nowadays.

163. The “Your Monaco” website enables the public to pass on comments on the running of the civil service to government departments, including the DSP. The people whom the GET met also stressed that due to the country’s size, policing takes place “under the watchful eye of the population”, which regularly expresses its appreciation directly to police officers and their superiors.

Trade unions and professional associations

164. Employees of the DSP can join the *Association Syndicale Autonome du Personnel de la Police d’Etat de Monaco* (ASAPPEM) and the *Amicale d’Entraide et de Prévoyance des Fonctionnaires de la Sûreté Publique de Monaco* (AEPFSP). A total of 83.3% of its staff are members.

165. The ASAPPEM is a trade union association which defends the professional interests of civil servants and officers within the department and persons who have retired from it. It makes proposals to improve the quality of work of all staff and justifies them to the department. It can interact with senior management in relation to any issues that are raised with it. If staff members appear before the Disciplinary Committee, once the members of its Bureau have given their agreement, it can appoint a solicitor to defend the staff members concerned.

166. The aims of the AEPFSP are to support civil servants and officers within the department and their family members, to represent them in dealings with supplemental health insurance organisations, and to organise activities associated with a works council (holidays, leisure, etc.).

Anticorruption and integrity policy, regulatory and institutional framework

would compromise the secrecy of the deliberations of the Government and the authorities are also rejected; the conduct of the Principality’s foreign policy; to state security or the security of people or property; to money and public credit; the conduct of proceedings brought before courts; to research or pursue facts likely to give rise to administrative or criminal sanctions; to the secrecy of private life; secrecy in commercial, industrial or professional matters; any other legally protected secret or legitimate interest.

⁹³ Law No. 1.165 of 23 December 1993 on the protection of personal information, as amended.

Anticorruption policy within the police

167. The activity of the DSP is governed by the Constitution, international conventions, legislation⁹⁴ and a number of decrees⁹⁵ and office circulars. The desire to prevent corruption and promote integrity among the staff of the DSP is embodied in a coherent strategy to prevent breaches of integrity which is implemented at the Government's request and at the instigation of the Director and Deputy Director of the DSP. This strategy goes further than the obligations laid down by the general legal framework applicable to civil servants and government officers. It includes various long-term activities arising out of a risk assessment.

168. A risk map has been created by the department's management and will be updated as often as necessary. The outcomes of this mapping have been communicated to the Government and are intended to guide the department in implementing the internal anticorruption and integrity promotion policy aimed at the DSP's staff. Some particular risks have been identified:

- in relation to administrative activities: processing of applications for residence permits, residence certificates; processing and checking of administrative permits;
- in relation to public procurement: setting of specifications and selection of tenderers; consideration of tenders; awarding of contracts;
- in relation to judicial activities: the way in which human intelligence sources are dealt with; handling of sensitive cases.
- in relation to Public Prosecution Service activities: arrangements for discontinuing proceedings; handling of cash.

169. Based on the gross risks, various risk mitigation measures have been adopted in order to minimise the net risks in all of the four areas identified. The general mitigation measures that are being implemented in these four areas include:

- introducing obligations to submit declarations for the most exposed positions (asset declarations and declarations of interests);
- appointing an ethics officer;
- tightening up the rules on second jobs;
- creating a register of removals from conflict of interest situations;
- boosting continuing training;
- creating a document space accessible to all staff so that they can view all rules of ethics and good practice in the form of quick-reference sheets;
- computerising and managing the business process to do with management review during the processing of applications.

170. The effectiveness of this system is assessed by comparison with anticorruption and integrity promotion systems in other European countries. With regard to factual data, the number of administrative sanctions imposed each year and the capacity to investigate criminal offences in this field are relevant indicators of the effectiveness of this system. Conversely, outcomes in the area of prevention are harder to quantify.

⁹⁴ Criminal Code and Code of Criminal Procedure; Law No. 975 of 12 July 1975 setting out the rules applicable to civil servants, as amended, and the associated implementing Sovereign Order No. 6.365 of 17 August 1978.

⁹⁵ Ministerial decrees No. 2011-468 of 29 August 2011 and No. 2015-703 of 26 November 2015 on the implementation of Order No. 3.413 of 29 August 2011 setting out various measures in relation to the relationship between the Civil Service and subjects.

171. During the on-site visit, the GET was made aware in particular of the corruption risks associated with the DSP's powers to issue residence permits. Since residents of Monaco are not taxed on their income,⁹⁶ these permits are highly sought after, especially by persons with very high income levels. Several criteria must be met in order to obtain a residence permit, including being of good character, owning a home in Monaco and living in it for a significant amount of time, and being able to prove means of subsistence. Within the DSP, the Administrative Police Division processes applications for residence permits and renewals, and it also includes a review unit. Issuing residence permits is the job of the Director of Safety. Since 2016, the courts have been dealing with a corruption case involving a police commissioner to do with the issuing of residence permits. It appears to have prompted the Monegasque authorities to modernise their system to prevent corruption within the police force.

172. The GET welcomes the efforts recently made by the Monegasque authorities to analyse risks in relation to corruption and breaches of integrity, which have led to priority actions being identified. This risk map is a live document which will change regularly in line with the DSP's activity. However, there is no framework document setting out a mission statement in the strict sense, nor are there any general aims applicable to the staff of the DSP in particular. The GET believes that the outcomes of the current analysis could be incorporated into a coherent strategy document of this kind which could be communicated to officers and published. A specific strategy would send out a strong message and reflect the Government's vision of how to detect, assess and reduce corruption risks within the police. To be effective, such a strategy would require efforts to raise the awareness of all DSP officers, which could give the latter a valuable opportunity to begin to discuss integrity and ethics challenges among themselves. For this reason, **GRECO recommends that the police make use of the existing risk map and the data collected in order actively to devise a tailor-made integrity and anticorruption strategy, which should be distributed and made known to all officers of the Directorate of Public Safety to ensure that it is understood by all of them.**

Ethical principles and codes of conduct

173. The existing legislative and regulatory provisions form a legal basis which requires rules of ethics to be applied in relation to DSP personnel. However, in light of the recent rule changes brought about by the amendments made to Law No. 975 on 7 July 2022, it appeared to be desirable to clarify the legal framework applicable to DSP personnel in relation to ethics and make it more readable and specific by means of a binding standard. In the context of GRECO's evaluation, the DSP thus devised a master plan to strengthen the ethical obligations of DSP personnel. The 2017 Code of Ethics of the Directorate of Public Safety was thus updated in 2023. Among other things, it defines the hierarchical principles, the behaviours expected of police personnel and their obligations, including in relation to professional discretion, not taking second jobs and public relations.

174. The GET welcomes the ethics and integrity principles set out in the DSP's Code of Ethics. However, it notes that this code merely states the main principles applicable to DSP officers in this regard and would benefit from being supplemented with practical guidance, such as a good practice guide, which would help all officers to apply them in their day-to-day work. This practical guidance should be incorporated into police training (see below). **GRECO**

⁹⁶ This tax exemption does not apply to residents who are nationals of France or the United States of America, who must pay income tax in their country of origin.

recommends that the police Code of Ethics be supplemented with specific guidance and good practices which are accessible to all police officers and incorporated into initial and in-service training.

Handling undercover operations and contact with informants and witnesses

175. Undercover operations are strictly regulated by the law.⁹⁷ The DSP has never conducted any such operations to date. Contact with third parties such as informants and witnesses is governed by the law, the Code of Ethics and an office circular which formally establishes a number of requirements in this regard.

Advice, training and awareness

176. The DSP's Code of Ethics is provided to all civil servants and officers, who sign it. It is communicated by way of an office circular and can be accessed at any time on the DSP's intranet. It aims to present their ethical obligations in a simple and easy-to-understand manner.

177. The Training Section of the police is run by a police commander and is staffed by six police officers who themselves regularly receive training and refresher training. Ethics training is given directly by trainers from the Police School. Specialised training is given by external service providers. A mandatory module on rules of police ethics lasting 10 hours (including two hours on combating corruption) is taught during initial training for cadets and police lieutenants. In addition, there is input from persons from outside the DSP who are authorities on the subject (law tutors, High Commissioner's Office, judges and prosecutors, lawyers, etc.).

178. During continuing training, personnel are reminded and made aware of good practices. In addition, the DSP's intranet features a dedicated space where DSP field officers can access legislation and practical guides.

179. The GET notes that DSP officers are trained on the rules of ethics and integrity. It was told during the on-site visit that this training was mandatory but not systematic or regular. The stated intention is that all police personnel will have access to this mandatory training every three years, which the GET feels is appropriate for a living framework that has to adapt to challenges on the ground. **GRECO recommends that all police personnel undergo mandatory ethics and integrity training regularly.**

180. If they have questions about ethical and professional rules, DSP personnel can ask their direct managers, and the latter must give them the necessary answers or the best possible advice. Since the summer of 2023, the Head of the Administration and Training Division has also been an ethics officer within the DSP. He can be asked by any officer for advice on how to behave or act in the light of the ethics and integrity rules. During other evaluations, GRECO recommended that such an officer be appointed independently of the management within the law enforcement agencies in order to facilitate contact and prevent interference with any disciplinary action. However, the GET believes that the system recently put in place for obtaining advice confidentially is appropriate to the way in which the DSP is organised and the

⁹⁷ Articles 106-19 to 106-23 of the Code of Criminal Procedure.

Monegasque context. Personnel can also seek assistance from the AEPFSP and/or the ASAPPEM.

Recruitment and career advancement

181. All police personnel are permanent employees of the Government⁹⁸ and benefit from the protection rules set out in Article 51 of the Constitution, which provides that *“the obligations, rights and fundamental guarantees applicable to civil servants, and their liability under civil and criminal law, shall be laid down by law”*.

Appointment procedure and promotion

182. The Director of Public Safety, the Deputy Director and police commissioners are chosen by the State Minister and the Minister of the Interior and are appointed by sovereign order.⁹⁹ Personnel can be seconded from the French civil service and are selected on the basis of their qualifications as proposed by the French civil service for three-year contracts which can be renewed once.

183. The GET notes that there are no formal criteria for appointments to the most senior police posts. These appointments are left to the discretion of the executive, vacancies are not advertised publicly, and there is no right of appeal against these appointment decisions other than the action for annulment before the Supreme Court. The GET is aware that the pool of skills from which Monegasque police chiefs can be recruited is limited in practice, and that the alternative is for the authorities to reach agreement with the French authorities on recruitments from within the French civil service. However, it is concerned that current legislation and practice do not lay down, for appointments to senior police posts, sufficiently transparent procedures ensuring that these appointments are and appear to be objective. In addition, the appointment procedure should take account of unambiguous integrity criteria (relating in particular to potential conflicts with appointees’ interests and/or those of close family members, their previous posts, debts, second jobs, ties with lobbyists or third parties who may wish to influence decision-making, etc.) which help to prevent risks of conflicts of interest and corruption and boost public confidence in these sensitive posts.

184. The GET therefore considers that while it is understandable that the basis on which senior police officers are recruited and work needs to remain flexible, it should nonetheless be counterbalanced by indications of the criteria for the appointment of these officers. For this reason, **GRECO recommends that i) appointments to the posts of Director of Public Safety, Deputy Director and police commissioners be governed by rules ensuring that the process is transparent and that decisions are objective and merit-based, and that ii) measures requiring pre-appointment integrity checks be adopted in order to detect and address any risks of conflicts of interest.**

⁹⁸ Articles 1 and 2 of the aforementioned Law No. 975.

⁹⁹ Pursuant to Articles 2 et seq. of the aforementioned Law No. 975, in accordance with Sovereign Order No. 6.364 of 17 August 1978 establishing the senior posts referred to in Article 4 of Law No. 975 of 12 July 1975 setting out the rules applicable to civil servants, as amended, and Article 6 of the Franco-Monegasque Agreement of 8 November 2005 intended to adapt and deepen administrative co-operation between the French Republic and the Principality of Monaco.

185. Other DSP employees are also appointed by sovereign order.¹⁰⁰ Non-tenured officers are subject to the rules applicable to contract workers employed by the Government.¹⁰¹ Police personnel are recruited through external competitive processes to the corps of officers and constables and the senior officer corps. The rank to which they are recruited is police officer in the former case and police lieutenant in the latter. Appointments are made by a selection board following eligibility and admission tests (physical, written and oral tests). As well as heads of department, selection boards include representatives of staff, the Department of the Interior, the Department of Human Resources and Training of the Civil Service, and judges and prosecutors. Selection boards rank participating candidates in order of merit. The selection criteria are merit-based and are designed to give women and men equal opportunities. The chair of the board cannot reject a candidate without giving reasons. Each candidate is given his/her personal ranking and results by the Director of Human Resources and Training of the Civil Service. Appointments must be made in the ranking order decided upon by the board.

186. Candidates are recruited in two stages:

- as contract officers during their 10 months of theory training following the publication of a recruitment notice in the Journal de Monaco which sets out the eligibility requirements for candidates and the eligibility and admission tests for competitions;
- as probationary civil servants for a period of 14 months following the publication of a ministerial decree opening the recruitment competition in the Journal de Monaco which sets out the eligibility requirements for candidates and the eligibility and admission tests for competitions.

Integrity checks

187. The good character requirement for the recruitment of police personnel is laid down in the law,¹⁰² which states that no one can be appointment to a permanent state post “if they do not have the right to enjoy their civil and political rights” and “if they are not of good character”. This good character requirement is also mentioned in recruitment notices and ministerial decrees concerning recruitment.

188. DSP managers have “national security secret” clearance and therefore undergo prior criminal record checks, plus checks on their character and integrity. Control of Monegasque nationals is exercised by a national security officer designated by ministerial decree, upon proposal from the Minister of the Interior and appointed by ministerial decree. Control of French nationals is exercised by the General Secretariat of Defense and National Security (French institution). Since clearance at the “top national security secret” level is renewed every 5 years, and at the “national security secret” level every 7 years, this control is also exercised during their functions.

189. Checks are carried out in relation to other DSP officers for the purposes of this good character, integrity and fitness for employment requirement at several stages of the recruitment and training stage:

¹⁰⁰ Articles 2 et seq. of the aforementioned Law No. 975.

¹⁰¹ Sovereign Order No. 9.640 of 23 December 2022 setting out general provisions on the rules applicable to contract workers employed by the government.

¹⁰² Article 18 of the aforementioned Law No. 975.

- when applications are submitted, checks are carried out in Monegasque and French criminal records; in addition, candidates must provide criminal record certificates from countries in which they have lived;
- during recruitment tests, candidates undergo psychometric tests including questions about integrity and various medical examinations including drug tests;
- during recruitment interviews, candidates are systematically questioned about ethics-related topics.

190. During the two-year training process, police cadets undergo regular assessments on all of the subjects taught, including ethics-related aspects.

191. Police personnel go through an annual assessment procedure based on a set of assessment criteria, some of which relate to ethics. In line with the obligation concerning integrity and checks on good character, the Code of Ethics¹⁰³ requires that: “Staff within the Directorate of Public Safety shall immediately inform their direct manager of anything that happens in or outside the context of their work which may cause them to be summoned by a police or judicial authority, or which may damage the credibility or image of the Directorate of Public Safety.” There is no automatic mechanism for checking the conduct and integrity of civil servants within the DSP. However, the closeness of neighbouring police and gendarmerie departments tends to help the DSP to detect or be informed of any wrongdoing by staff.

Promotion

192. According to the rules laid down by the Government, police personnel are promoted through competitions for 75% of police brigadier and police captain posts. Promotions to the other 25% of these posts, and other promotions, are decided by the persons with authority to make them, subject to the rules laid down by the Government on the length of service required to access higher ranks. Proposals to promote officers to a higher rank or grade are made by the head of division and decided upon by the head of department.

Performance evaluation

193. Police personnel are required to go through an annual evaluation process based on a set of assessment criteria.¹⁰⁴ It includes a personal evaluation interview which gives rise to a record which is drawn up jointly and given to the civil servant, who can add comments to it. The record is added to the civil servant’s file. These evaluations enable all members of staff of the DSP to meet their direct manager formally at least once a year and to find out about their annual evaluation and discuss factual matters with their direct manager, with the opportunity to prepare for their evaluation and consider the arguments that they wish to put to their manager (in the form of a self-evaluation). The annual interview record is thus the basis and the guideline for the interview, allows for the discussion of a large number of topics based on specific situations, is the basis on which goals and areas of improvement are formally decided upon, and lists the necessary or requested types of training. Interviews between police personnel and their direct managers include a review of the previous year and an action plan for the following year. They also cover duties, goals, achievements and training. Criteria and qualities are assessed at the following levels: very satisfactory, satisfactory, needs improvement.

¹⁰³ Article 3.10.

¹⁰⁴ Article 35-1 of the aforementioned Law No. 975.

194. Staff members can make written comments at different stages of the assessment process and can also refuse to endorse the record at the end of it. They can ask the head of department or the competent authority to review their professional evaluation.

195. The law¹⁰⁵ establishes a link between professional evaluation and the situation of staff members who are evaluated by providing that, in order to encourage internal mobility and promotion, civil servants who have served for a sufficient period or who have sufficient experience can, if they meet the aptitude requirements, be appointed to a post in the same category or a higher one, either following a professional evaluation or by selection after an opinion has been given by the competent joint commission, where appropriate, subject to evidence of professional training.

Rotation and mobility

196. Decisions on transfers and rotation are taken by the head of department as proposed by the head of division. A policy on mobility, including promotional mobility, has been implemented for a number of years:

	Number and deciles of mutation between 2013 and 2022											
	0	1	2	3	4	5	6	7	8	9	More than 9	TT
Agents / ranked agents	60	101	105	79	59	32	19	9	3	2	0	468
	12.8%	21.6%	22.4%	16.9%	12.6%	6.8%	4.1%	1.7%	0.6%	0.4%	0	100
Officers	12	26	18	25	13	13	11	6	3	1	9	137
	8.8%	19%	13.1%	18.2%	9.5%	9.5%	8%	4.4%	2.2%	0.7%	6.6%	100

197. No statistics are kept with regard to the link between mobility and annual evaluations. However, in their managerial approach, managers must take expressions of interest in mobility into account.

Termination of duties and dismissal

198. Normally, duties terminate when officers reach retirement age or resign. Disciplinary decisions can also end them. Dismissal is the most serious form of disciplinary action and can only happen at the end of a disciplinary process involving both parties, as stipulated by law. These decisions can be appealed against to the employer or in court. No dismissal has been decided in the last years.

Salaries and benefits

199. As from 1 January 2024, at the beginning of his/her career, a police officer earns a net average monthly wage of €2 353.50, as compared with €2 735.50 for a police lieutenant. This wage changes periodically as length of service increases. The Director of Public Safety receives annually a minimum net salary of €148,100 and a maximum net salary of €286,300. The Deputy Director of Public Safety receives a minimum net annual salary of €80,900 and a maximum of €131,700.

¹⁰⁵ Article 20-2 of the aforementioned Law No. 975.

200. In addition, some posts carry a “duty-based” premium equal to 20, 30 or 40 index points, which is generally given to employees who are subject to special obligations in terms of responsibility and availability or especially hazardous working conditions (bomb disposal experts, divers, etc.).

201. All DSP employees receive holiday pay and an end-of-year bonus equal to an extra month’s wages. If they meet the requirements, they can also be granted family benefits (family allowances and pre-birth maternity allowances) and welfare benefits such as school allowance, holiday allowance, exceptional new school year allowance, family support allowance, crèche allowance, orphan allowance and pre-adoption allowance. These benefits are awarded on the basis of legislation and regulations. The DSP’s intranet, which is accessible to all employees, includes all circulars issued by the civil service stating the eligibility requirements and also the application forms.

202. DSP officers retire at the age of 55 as a rule, and can choose to go on working until the age of 58. Police commissioners can continue to work until the age of 61. When their duties end, employees continue to receive their holiday and end-of-year (extra month) allowances. They can continue to receive family allowances if they still have a dependent child who is a minor when they leave their post. However, they lose their welfare benefits.

203. In general, the GET notes that DSP officers can access welfare benefits which mitigate corruption risks.

Conflicts of interest

204. The rules on the definition and types of conflicts of interest are identical to those applicable to other civil servants (see above). The obligation to inform one’s direct manager of any real or potential conflict of interest applies to all police personnel, regardless of rank and assignment.

205. This legal obligation has been strengthened by the DSP Code of Ethics adopted in 2023, which provides that interests must be declared by the managers, executives and officers identified in the risk map – a total of 21 civil servants and officers. These declarations must be submitted to the Director of Public Safety, who must submit his/her own declaration to the Minister of the Interior.

206. Like other public servants, police personnel have a duty to refrain from acting when they have a private interest according to the existing provisions, including those of the Code of Ethics, which state that DSP personnel must declare any actual or potential conflict of interest to the Director of Public Safety through the chain of command before it arises. They must ensure that actual or potential conflicts of interest cease immediately.

207. On a formal level, police officers’ declarations of interests include spouses’ interests. However, the obligations to declare conflicts of interest and the rules on the prevention of actual or potential conflicts of interest apply to relationships of any kind which may put police personnel in such a situation. Declarations of interests are checked and kept on file by the Director of Public Safety and the management office. Examples have included the director’s withdrawal from competitions or designation or appointment processes in relation to his son, the withdrawal of the Deputy Head of the Administration and Training Division from a

competition in which his wife participated, and the withdrawal of an officer responsible for processing residence permit applications who was married to an interpreter for Russian-speakers.

Prohibition or limitation of certain activities

Incompatibilities, outside activities and financial interests

208. The rules that apply to other public servants also apply to police personnel in relation to incompatibilities, outside activities and financial interests (see above).

209. The Code of Ethics states that DSP personnel must devote themselves solely to their duties and cannot engage in any gainful private activity except in the situations permitted by law. A memorandum states that an activity is regarded as gainful if the civil servant receives remuneration (volunteer firefighters, sports referees, artists, trainers, etc.). The personnel concerned by these obligations must therefore submit annual requests for dispensation through the chain of command together with evidence of hours worked each month and remuneration received over the past year.

210. Police personnel are forbidden to have financial interests which could compromise their independence. This prohibition continues to apply for two years to civil servants who are appointed within a department which does not carry out these checks or who have left their post.

Gifts

211. The rules applicable to other public servants also apply to police personnel in relation to gifts (see above). However, the Code of Ethics, which also mentions the prohibitions, states that: "During end-of-year holidays, personnel of the Directorate of Public Safety may, in the course of their duties, receive customary gifts given out of courtesy or hospitality, the list and maximum values of which shall be decided upon by the competent authority." In this event, and in situations where gifts cannot be refused, they must be recorded immediately in an inventory book kept by the Director of Public Safety. The following things must be recorded: the date on which the gift was given, the name of the giver and the recipient, a description of the gift, a rough estimate of its value where possible, the recipient's signature, and the context in which the gift was given. Internal memoranda add to these regulatory obligations, and a methodological guide has been distributed in order to explain the procedure. A register is kept in the management office. Specimen refusal and forwarding forms are also provided to staff.

Misuse of public resources

212. The rules applicable to other public servants also apply to police personnel in relation to the use of public resources (see above).

Misuse of information

213. The rules applicable to other public servants also apply to police personnel in relation to the use of information (see above).

214. The applicable rules derive from the Code of Criminal Procedure (with regard to secrecy of investigations) and the Criminal Code, without prejudice to the rules on professional discretion which are obligations that arise out of the staff regulations, or the need-to-know principle. These provisions are supplemented by the Code of Ethics,¹⁰⁶ which states that police personnel have an enhanced obligation to maintain professional secrecy and a strict duty of discretion.

215. In addition, the law on personal data that applies to police personnel derives from international commitments¹⁰⁷ and also provisions of domestic law.¹⁰⁸ Collecting personal information by using, or causing to be used, means which are fraudulent, underhand or unlawful and communicating information whose disclosure may harm the reputation or private and family life of an individual to persons who are not authorised to receive it are punishable by imprisonment for between three months and a year and/or a fine.

216. These legislative provisions are supplemented by a government information systems policy¹⁰⁹ which lays down a set of rules on the use of files and digital resources belonging to the government. In addition, the current Code of Ethics states in a simple and easy-to-understand manner the obligations of police personnel, who must respect the purposes and terms of access to personal data and refrain from communicating personal information to persons who have no right or need to know it.

217. Monitoring measures are taken by the manager and by the Personal Information Control Commission. The Inspectorate General of the Police Services has computer access rights which enable it to monitor the computer activity of police personnel.

Post-employment restrictions

218. The rules applicable to other public servants also apply to police personnel in relation to post-employment activity (see above).

Declaration of assets, income, liabilities and interests

Declaration requirements

219. The Code of Ethics¹¹⁰ now requires assets and interests to be declared by police personnel who, following the creation of a risk map, are on a list drawn up by the Director of Public Safety. This list and the risk map should be updated whenever necessary and at least once a year.

220. These staff members are required to submit, within two months after taking up and leaving their posts, an asset declaration in a sealed envelope to an authority yet to be designated. These sealed envelopes will be retained until this authority responsible for

¹⁰⁶ Article 3.3.

¹⁰⁷ Council of Europe Convention N° ETS 108 on personal data protection.

¹⁰⁸ Law No. 1.165 of 23 December 1993 on the protection of personal information, as amended, and a set of regulatory instruments adopted in implementation of Article 6 of Law No. 1.430 of 14 July 2016 setting out various measures to protect national security.

¹⁰⁹ Appendix to Ministerial Decree No. 2015-703 of 26 November 2015 implementing Sovereign Order No. 3.413 of 29 August 2011 on various measures in relation to the relationship between the Civil Service and subjects.

¹¹⁰ Article 3.7.

receiving and retaining these declarations is operational. However, its verification role will be limited to formal checks on declarations. These declarations concern all assets and financial interests of the declaring person, including all items of movable property with a value exceeding €10 000. This measure also covers the spouses of declaring individuals and includes (by contrast with the declarations required of ministers) their personal property. These declarations are not published.

221. The GET welcomes the Monegasque authorities' recent desire to turn rules intended to prevent behaviours contrary to integrity on the part of senior police officers into formal procedures and thereby tackle corruption. These rules must now be compared with the reality of their application in practice and supplemented in order to ensure that they are truly effective.

222. The GET firstly notes that declarations must be submitted at the beginning and at the end of employment within the police. However, it feels it would be helpful for senior police officers to be asked to update their declarations while they are in post, either at regular intervals during their employment or when significant changes in their assets occur.

Control mechanisms

223. The GET also notes that if the authority responsible for receiving and keeping declarations, which has yet to be designated, does not have the power to carry out checks on the substance of declarations, this measure will only have a limited impact and will not strengthen the prevention of corrupt behaviours convincingly. There is even a risk that the authorities will use the measure as a cover to justify behaviour which would release them from their obligation to be vigilant with regard to such behaviours. The GET therefore believes that to be credible, such a system must involve enhanced checks on these declarations, including checks on their substance. To ensure that the system acts as a deterrent and is credible, breaches of declaration obligations must incur sanctions, and there must also be appropriate procedures to safeguard the rights of persons whose conduct is called into question. For this reason, **GRECO recommends that the asset declaration system applicable to senior police officers be supplemented by making provision for substantive checks over time and appropriate sanctions for infringements of the rules.**

Oversight and enforcement

Internal oversight and control

224. Responsibility for oversight and control in relation to the activity of police personnel lies with their direct managers in the first instance, and this is inherent in the overall organisational structure of the DSP. The pyramidal hierarchy is constructed in such a way as to allow for a high level of internal oversight and control, with each division of the DSP being headed by a police commissioner or police chief commander. The corps of commanders, which is made up of three ranks, is also responsible for internal oversight and control of the activity of police personnel. This task is also the duty of officers within the management and enforcement corps.

225. The Inspectorate General of the Police Services (IGSP) is made up of two civil servants who hold the highest rank within the corps of senior officers. They are appointed on the basis

of their personal qualities, their length of service and their professional track record (they have served for 30 years and 20 years in the corps of senior officers respectively). These civil servants have a perfect knowledge of police operations and solid experience of the various areas of policing, including the command, criminal investigation, urban policing and public order functions. They have the same obligations under the staff regulations as all police officers, but particular attention is paid to their conduct and their integrity, independence and selflessness – qualities which are essential to their duties. These criteria are assessed continuously by the administrative and judicial authorities and in annual assessments of these civil servants' performance. They receive the training on preventing corruption and promoting integrity among police personnel that is given to heads of department.

226. The IGSP is directly subordinate to the Minister of the Interior. It acts on instructions from the State Minister or the Minister of the Interior or, with the latter's agreement, at the request of the Director of Public Safety. The head of the IGSP, a police chief commander, is responsible for administrative matters. The deputy head, who is also a police chief commander, more specifically performs criminal investigation duties. The basis on which matters are referred to the IGSP, its position in the hierarchy, its management arrangements and the oversight of its judicial activity ensure that it is functionally independent. The IGSP reports to the head of department in relation to administrative matters and to the competent judicial authority in relation to criminal matters.

227. As part of its administrative duties, the IGSP produces reports and studies which evaluate or help to improve the organisation and operation of police departments. It also writes congratulatory or warning letters in relation to officers' conduct.

228. In relation to discipline, the IGSP is responsible for carrying out internal inquiries in order to ensure that police ethics are respected. The purpose of these inquiries is to gather the information necessary to draw up the head of department's report, which is also endorsed by the Minister of the Interior.¹¹¹ They can lead¹¹² to a warning or a reprimand given by the head of department after the civil servant in question has been given a chance to explain his/her actions or, failing this, duly put on notice to do so. A decision to exclude him/her temporarily for up to three months, move him/her down to a lower rank or grade or demote him/her is taken – where these measures do not entail an amendment to the sovereign order that appointed him/her – by the State Minister following consultation of the disciplinary committee,¹¹³ which is made up of equal numbers of representatives of the civil service and employees within the employment category, and the DSP is not involved. The most serious sanctions (dismissal or compulsory retirement) are imposed by sovereign order after the disciplinary committee has been consulted. The disciplinary committee's opinion is not binding on the person with authority to make the decision. All processes involve both parties and accused parties have appeal rights. Administrative sanctions are recorded in the employee's file. Only sanctions in relation to which a sovereign order is issued are announced publicly. Within this framework, the IGSP is specifically responsible for investigating cases of internal corruption or other related misconduct.¹¹⁴ These reports can be written in the context of administrative or disciplinary processes.

¹¹¹ Article 4 of the aforementioned Sovereign Order No. 6.365.

¹¹² Articles 42 et seq. of the aforementioned Law No. 975.

¹¹³ Article 45 of the aforementioned Law No. 975.

¹¹⁴ Sovereign Order No. 765 of 13 November 2006 as amended on the organisation and operation of the Directorate of Public Safety.

229. In addition, the IGSP can be called upon in accordance with the law, by prosecutors from the Principal State Prosecutor's Office or investigating judges, to carry out judicial investigations in respect of DSP personnel. Less frequently, matters are referred to the IGSP by the president of the Court of Appeal by virtue of their disciplinary duties under the Code of Criminal Procedure.

230. The IGSP compiles comparative statistics covering three-year periods which are included in the DSP's annual reports. There are no annual reports concerning the Inspectorate specifically. Over the last five years (2018-2023), 49 warnings and 11 reprimands were given to police personnel, and the disciplinary committee, which was asked to act on five occasions, imposed 2 temporary exclusions, one suspension lasting three months, one downgrading and one exclusion.

231. The GET believes that although it has a staff of just two persons, this inspection department is adequate given the size of the DSP.

External oversight and control

232. The government authorities oversee the activity of the police through the duties assigned to the Department of the Interior.¹¹⁵

233. The DSP's activity is subject to oversight by independent authorities such as the Personal Information Control Commission¹¹⁶ and the Office of the High Commissioner for Rights, Freedoms and Mediation,¹¹⁷ which publish annual activity reports that concern the DSP in part. Where appropriate, in accordance with existing laws and regulations, external control bodies can ask the State Minister to refer a matter to the IGSP in order to obtain helpful information. These external control mechanisms operate freely and are not subject to any particular restrictions. They can be triggered by any means, including directly by users or members of the public, police personnel themselves, the media, not-for-profit associations, trade unions, etc.

234. There is no formal co-operation between these authorities.

Public and civil-society monitoring

235. During its on-site visit, the GET did not notice a culture of public monitoring of police activity. It appears to it that the fact that the system generally works satisfactorily does not encourage the public to take an interest in such monitoring.

236. No particular efforts are made to raise public awareness of the need to manage risks of corruption and conflicts of interest among police personnel, even though the duties of civil servants are specified by law and accessible to all. There are no public annual reports on the IGSP's activity, nor are any public opinion polls carried out. The IGSP reports on its activity by means of a summary table which appears in the DSP's annual reports. These reports are sent to government authorities.

¹¹⁵ Sovereign Order No. 16.605 of 10 January 2005 on the organisation of ministerial departments, as amended.

¹¹⁶ Articles 15 et seq. of the aforementioned Law No. 1.165.

¹¹⁷ Sovereign Order No. 4.524 of 30 October 2013.

237. There is no specific procedure through which members of the public can complain about misconduct or wrongdoing by police personnel. Public monitoring of the DSP is mainly based on direct contact between members of the public and the management of the DSP. The country's small size and the closeness between police personnel and the public are conducive to such monitoring. In addition, where appropriate, matters can be referred to the High Commissioner for Rights, Freedoms and Mediation. Since 2019, the DSP has received 14 appeals from the High Commissioner's Office: 8 appeals linked to residence in the Principality; 3 appeals related to work permit refusals; 1 appeal in connection with a refoulement measure; 2 appeals linked to refusals of accreditation / exercise of activity).

238. None of the people the GET spoke to appeared to feel that a specific system for recording complaints about police conduct was necessary in view of the Monegasque context.

239. However, the GET is of the view that raising public awareness would enable the public to gain a better understanding of the rules and measures applicable to police officers, which would in fact encourage officers to be more careful to obey the ethics and integrity rules that apply to them. For this reason, **GRECO recommends that consideration be given to putting in place a programme to raise awareness and inform the public about the integrity rules applicable to the police.**

Reporting obligations and whistleblower protection

240. The Code of Criminal Procedure¹¹⁸ provides that: "Any authority and any civil servant or officer who, in the course of his/her/its duties, becomes aware of a crime or misdemeanour must inform the Principal State Prosecutor of it immediately [...]." The law¹¹⁹ supplements this provision by stipulating that notwithstanding the duty of professional discretion and professional secrecy, a civil servant who becomes aware, through or during the course of his/her duties, of facts, practices, actions or behaviours that may constitute a crime or misdemeanour must report them to his/her manager or the judicial authorities. For this reason, the person concerned cannot incur any disciplinary sanctions or be subject to any measures imposed by his/her manager which have the purpose or effect of adversely affecting his/her career. The GET was also informed by the IGSP during the on-site visit that the latter did not conduct disciplinary inquiries in relation to whistleblowers.

241. Despite the existing criminal legislation that obliges all public servants to report offences under the Criminal Code, the GET finds that it is not clearly mandatory to report other types of infringements within police departments. Furthermore, there is no protection for persons who report improper practices within these departments, even though the IGSP says it is committed to not investigating whistleblowers. A proper system which enables people to blow the whistle within law enforcement agencies and which protects them is an effective means of detecting conduct that is potentially contrary to integrity and developing a policy of proactively preventing and tackling corruption. **GRECO recommends that i) an obligation be introduced for officers within the Directorate of Public Safety to report corruption in office, that ii) measures to protect whistleblowers within the police be developed and implemented, and that iii) dedicated training and awareness raising activities on whistleblower protection measures be conducted for all police ranks.**

¹¹⁸ Article 61.

¹¹⁹ Article 10-1 of the aforementioned Law No. 975.

Criminal proceedings and immunities

242. Police personnel have no immunity. Criminal investigations can be conducted under the direction and supervision of the judicial authorities by the means of investigation specified in the Code of Criminal Procedure. The rules of general law, including those concerning special investigative methods, apply to police personnel in this regard. The judicial authorities can also be asked by any individual to scrutinise police activity. In judicial matters, the IGSP can be asked by the judicial authorities to conduct judicial investigations in relation to DSP personnel. With regard to discipline among judicial police officers during their criminal investigation activity, the information gathered by the IGSP is also used for disciplinary inquiries conducted by the competent judicial authority, namely the Prosecutor General's Office or the first president of the Court of Appeal, as applicable. The authority that imposes sanctions is the Court of Appeal, which may, without prejudice to any administrative sanctions imposed on the judicial police officer by his/her managers, make remarks to the officer or temporarily or permanently forbid him/her to carry out his/her duties as a judicial police officer.

243. A judicial investigation was initiated in 2016 (CC/MP case) in relation to bribery and bribe-taking, influence peddling and unlawful acquisition of interests in a case against former employees of the Administrative Police Division and the Residents Section who were suspected of having issued residence permits improperly in exchange for money. The case led to a radical overhaul of the department and a reform of the procedure for issuing residence permits and residence certificates and the associated security rules following an audit carried out jointly by the Inspectorate General of Administration and the IGSP (see above). In addition, a judicial investigation was launched in 2017 (DR/YB case) in relation to two employees of the Criminal Investigation Division, with regard to bribery and bribe-taking, influence peddling, unlawful acquisition of interests and breaching the secrecy of an investigation. The employees concerned were moved to posts which did not involve any criminal investigation duties or contact with the staff of this department pursuant to a judicial supervision measure.

VI. RECOMMENDATIONS AND FOLLOW-UP

244. In view of the findings of the present report, GRECO addresses the following recommendations to Monaco:

Regarding central governments (top executive functions)

- i. **that appointments of all the persons entrusted with top executive functions be made subject to eligibility rules making it mandatory to carry out integrity checks prior to appointment in order to detect and manage risks of conflicts of interest (paragraph 55);**
- ii. **that i) an overall anticorruption strategy be put in place, aimed at all persons with top executive functions, on the basis of a risk map extended to include the State Secretary for Justice and the Prince's collaborators, and that ii) an operational action plan including special measures to mitigate the corruption risks identified in relation to persons entrusted with top executive functions be adopted on this basis and made public (paragraph 63);**
- iii. **that, within the Monegasque constitutional system, measures to make the Sovereign Prince's activity more transparent be taken and published, particularly with regard to contact with representatives of interests and gifts received (paragraph 65);**
- iv. **that rules of conduct accompanied by practical guidance be adopted for all persons with top executive functions, which would cover all relevant integrity matters (conflicts of interest, dealings with lobbyists and third parties, outside activities, gifts and invitations, confidential information, post-employment restrictions, etc.) (paragraph 71);**
- v. **that i) an institutional framework be put in place for all persons with top executive functions to ensure that rules of ethics and integrity are applied and that adequate sanctions for breaches of these rules are provided, where appropriate, that ii) this framework be accompanied by practical guidance to facilitate its implementation in practice by persons with top executive functions, and that iii) all of these persons have access to personalised confidential advice on ethics and compliance (paragraph 74);**
- vi. **that systematic and regular ethics and integrity training be provided to all persons with top executive functions and that guidance and good practice guides be given to them (paragraph 77);**
- vii. **that access for the public to information about the executive's activity be strengthened, in relation to both regulatory or individual decisions and also the government's activity (paragraph 87);**
- viii. **that appropriate financial rules and procedures be put in place to strengthen the transparency and control of the use of the public funds allocated by the State to the running of the Sovereign Household (paragraph 92);**

- ix. that i) the rules to make public procurement transparent be strengthened, especially in order to ensure that all tenderers for public procurement contracts are properly informed of decisions taken by the executive within this process, and that ii) companies in which the State has the majority be made subject to clearly defined and transparent rules on public procurement and that specific provisions be put in place to prevent conflicts of interest concerning persons with top executive functions who act on the shareholding State's behalf in such procedures (paragraph 95);
- x. that i) rules be put in place on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence governmental legislative and other work, that ii) sufficient information about the purpose of these contacts be disclosed, including the identity of the persons with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussions, and that iii) these rules be supplemented by guidelines to make it easier for them to be understood and implemented (paragraph 97);
- xi. that measures to prevent conflicts of interest in situations directly or indirectly concerning the Sovereign Prince be adopted and published (paragraph 102);
- xii. that i) declarations of interests required from ministers be published and made subject to checks as to their substance and to appropriate sanctions, and that ii) all of the rules on the declaration of conflicts of interest be extended to the State Minister and the other persons with top executive functions (paragraph 115);
- xiii. that clear rules on incompatibilities and parallel activities be developed in relation to members of the Government and the State Secretary for Justice (paragraph 117);
- xiv. that i) rules in relation to the acceptance of gifts and other advantages applicable to ministers and their collaborators be supplemented by a set of stricter provisions in order to guarantee that declaration procedures are clear, that information is published and that practical guidance to facilitate their implementation is given, and that ii) these supplemented rules also be applied to the relevant members of the Sovereign Household and to the State Secretary for Justice (paragraph 120);
- xv. that binding rules on post-employment restrictions be established for all persons with top executive functions, coupled by an effective mechanism to ensure transparency and oversight of these rules (paragraph 128);
- xvi. that i) the asset declaration system that is applicable to ministers be supplemented by making provision for publication, effective checks as to substance over time and appropriate sanctions for failure to comply with the rules, that ii) consideration be given to the idea of including information concerning spouses, partners and dependent family members in these asset declarations (without this information necessarily being published), and that iii)

the supplemented system be extended to cover the other persons with top executive functions (paragraph 140);

- xvii. that a law which establishes an adequate system of reporting and protection for persons signalling suspicions of corruption and other malpractice be adopted (paragraph 150);**

Regarding law enforcement agencies

- xviii. that the police make use of the existing risk map and the data collected in order actively to devise a tailor-made integrity and anticorruption strategy, which should be distributed and made known to all officers of the Directorate of Public Safety to ensure that it is understood by all of them (paragraph 172);**

- xix. that the police Code of Ethics be supplemented with specific guidance and good practices which are accessible to all police officers and incorporated into initial and in-service training (paragraph 174);**

- xx. that all police personnel undergo mandatory ethics and integrity training regularly (paragraph 179);**

- xxi. that i) appointments to the posts of Director of Public Safety, Deputy Director and police commissioners be governed by rules ensuring that the process is transparent and that decisions are objective and merit-based, and that ii) measures requiring pre-appointment integrity checks be adopted in order to detect and address any risks of conflicts of interest (paragraph 184);**

- xxii. that the asset declaration system applicable to senior police officers be supplemented by making provision for substantive checks over time and appropriate sanctions for infringements of the rules (paragraph 223);**

- xxiii. that consideration be given to putting in place a programme to raise awareness and inform the public about the integrity rules applicable to the police (paragraph 239);**

- xxiv. that i) an obligation be introduced for officers within the Directorate of Public Safety to report corruption in office, that ii) measures to protect whistleblowers within the police be developed and implemented, and that iii) dedicated training and awareness raising activities on whistleblower protection measures be conducted for all police ranks (paragraph 241);**

245. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Monaco to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2025. The measures will be assessed by GRECO through its specific compliance procedure.

246. GRECO invites the authorities of Monaco to authorise, at their earliest convenience, the publication of this report.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.
