

# ZERO CORRUPTION MORE INTEGRITY

Central Governments (Top Executive Functions)  
and Law Enforcement Agencies

## KEY PRINCIPLES, TRENDS AND CHALLENGES



**GRECO**  
Anti-Corruption Body  
of the Council of Europe

**GROUP OF STATES  
AGAINST CORRUPTION**  
5th Evaluation Round

# GRECO'S FIFTH EVALUATION ROUND

Top Executive Functions  
in Central Governments and  
Law Enforcement Agencies

KEY PRINCIPLES,  
TRENDS AND CHALLENGES

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# FOREWORD

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**G**RECO is the Council of Europe's flagship anti-corruption monitoring body. It comprises all 46 Council of Europe member states, plus the United States of America and Kazakhstan. It fulfils its mandate by assessing these states' compliance with the Council of Europe's anti-corruption standards and the extent to which they are incorporated into laws and regulations and effectively implemented in practice.

Corruption is a pervasive challenge to the rule of law, democracy, and social justice. It undermines public trust in institutions, distorts fair competition, and hampers economic and social development. As corruption becomes more sophisticated, the need for robust, transparent, and accountable institutions is more crucial than ever.

It is with great satisfaction that we present this study dedicated to the Fifth Evaluation Round. This round, focused on the examination of central governments (top executive functions) and law enforcement agencies, marks a significant milestone in GRECO's continuous effort to support its member states in enhancing the effectiveness, transparency, and accountability of their public sector frameworks. The actions of central government and law enforcement are crucial in either strengthening or undermining public trust and the foundations of a fair society; a thorough assessment of how these institutions uphold integrity and prevent corruption is therefore of the greatest importance. By shedding light on key governance practices, the Fifth Evaluation Round highlights two core pillars of public service and seeks to ensure that Government Ministers, high-ranking officials and law enforcement agents act with integrity, apply and enforce the law fairly, and operate in full accordance with international anti-corruption norms.

This study provides a comprehensive analysis of the progress made, the challenges encountered, and areas requiring further attention. It highlights both successes and shortcomings in the implementation of anti-corruption measures, offering valuable insights for policymakers, practitioners, and civil society. The findings of this study are not merely a reflection of past efforts but a roadmap for future action.

We would like to extend our gratitude to all those who have contributed to this valuable work: the authors of the study, Elena Koncevičiūtė and Laura Ștefan, as well as the GRECO Secretariat, which oversaw the preparation of the study and guided the drafting process – specifically, Laura Sanz-Levia, Deputy Executive Secretary of GRECO, and Victoria Cherniychuk, Senior Legal Adviser.

**David MEYER**  
President of GRECO

**Marin MRČELA**  
Former President of GRECO  
(2011-2024)

Strasbourg, June 2025



# INTRODUCTION

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**G**RECO launched its Fifth Evaluation Round in March 2017. This round deals with two categories: central governments, including persons with top executive functions (PTEFs), and law enforcement agencies (LEAs). The two groups are different in scope and power, but their ability to manage internal corruption risks is key to the functioning of our democracies and the protection of human rights.

In choosing this focus, GRECO member states have recognised the importance of preventing corruption at the highest level, where integrity and political will to fight corruption effectively should be clearly demonstrated in every aspect of leadership behaviour in order to maintain and/or regain public trust for democracies to function. Furthermore, while law enforcement agencies are a cornerstone of the fight against corruption, they should be aware of and address the specific risk factors associated with their work that may arise if their powers to deal with crime are abused or their integrity is compromised.

While GRECO broke new ground by extending its monitoring to two pillars of the executive branch of state power, the Fifth Evaluation Round is a logical continuation of the previous Fourth Evaluation Round, which examined corruption prevention issues in relation to members of parliament, judges and prosecutors. The Fifth Evaluation Round also builds on all GRECO's previous work, in particular, the early emphasis in the First Evaluation Round on the independence and resources of national bodies involved in preventing and fighting corruption, the examination of public administration and corruption in the Second Evaluation Round, and the focus on corruption and political financing in the Third Evaluation Round.

## Methodology and approach

For the Fifth Evaluation Round GRECO has followed its standard approach. Countries to be evaluated filled in a thematic questionnaire.<sup>1</sup> GRECO Evaluation Teams (GETs), comprising experts appointed by GRECO and assisted by the GRECO Secretariat, conducted on-site visits to examine the situation and prepare a report with recommendations. The GETs assessed each country on its own merits, taking into account its national legal, political and constitutional systems, as well as the context in which it operates, with regard being had to the country's particular experience with and exposure to corruption risks. The GETs took into account a range of surveys, both international and local, as a useful indicator of areas that might require closer attention.

Each country report describes the structure and function of each group under review, providing the context and basis for the recommendations. The recommendations, drawn up on the strength of the international instruments and standards relevant to GRECO's anti-corruption remit, are tailored to the real needs and the

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1. A detailed list of GRECO's reference texts, standards and questionnaire used for the Fifth Evaluation Round is available on GRECO's website: <https://www.coe.int/en/web/greco/round5/reference-texts>.

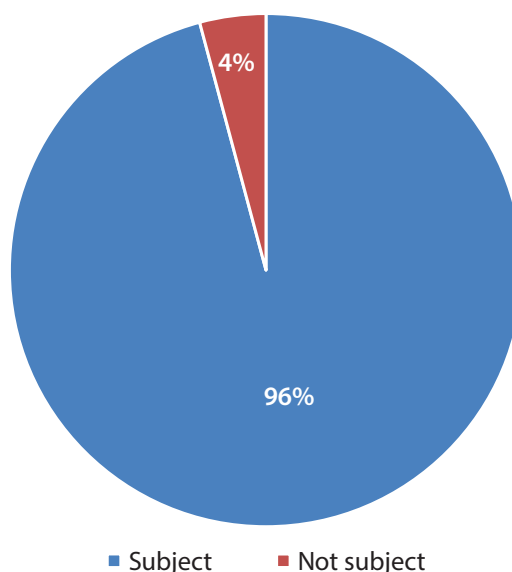


overall situation in the country concerned, on the basis of the information provided and gathered on the spot. In other words, as stated in the questionnaire, the absence of an element (e.g. a concrete body to verify conflicts of interest) does not necessarily lead to a recommendation to fill the “gap”.

Each report was examined and discussed in detail by the GRECO plenary before being adopted. The plenary is a decision-making body which must be satisfied, both by the input provided by the country under review and by the evaluators, that the report is fair, meritorious, consistent and fully in line with the standards, in every detail and as a whole. This is the final quality check in the peer evaluation process.

Between March 2017 and December 2024, GRECO examined and adopted Fifth Round evaluation reports on 46 of its 48 member states.<sup>2</sup> The two countries that have not yet been subject to an evaluation under the Fifth Evaluation Round are Ukraine and Kazakhstan.

Percentage of member states that have been subject to the Fifth Evaluation Round



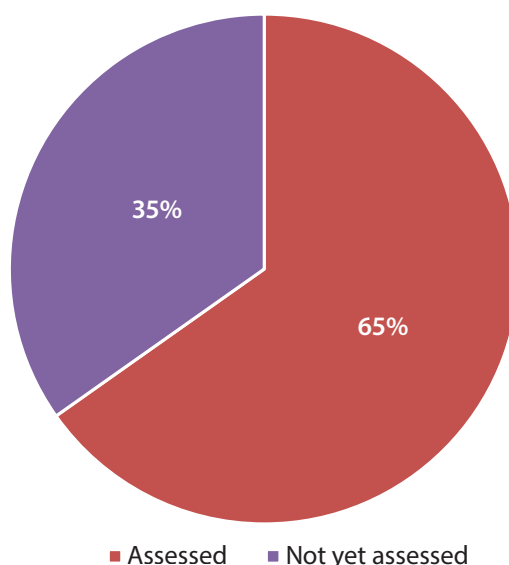
The quality of the reports results to a large extent from the professionalism of the experts, the commitment of the GRECO Secretariat, the guidance of the plenary discussions by the GRECO President, the vigilance of the plenary and, most importantly, the openness of the country under review and the degree of its commitment to pursuing the necessary changes. The ultimate impact of GRECO is undoubtedly the actual implementation of recommendations in each of its member states.

In keeping with the practice of GRECO, recommendations are addressed to the authorities of the country, which determine the relevant institutions/bodies responsible for taking the requisite action. Within 18 months following the adoption of an evaluation report, the countries report back on the measures taken to implement GRECO's recommendations. Their respective progress is then assessed by GRECO in a separate compliance procedure.

By December 2024, of the 46 countries that have been subject to a Fifth Round evaluation, 30 had been assessed under the compliance procedure.

2. GRECO members (48) by date of accession: Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, the Slovak Republic, Slovenia, Spain, Sweden (founding states – 1 May 1999). Poland (date of accession: 20 May 1999), Hungary (9 July 1999), Georgia (16 September 1999), the United Kingdom (18 September 1999), Bosnia and Herzegovina (25 February 2000), Latvia (27 July 2000), Denmark (3 August 2000), the United States of America (20 September 2000), North Macedonia (7 October 2000), Croatia (2 December 2000), Norway (6 January 2001), Albania (27 April 2001), Malta (11 May 2001), the Republic of Moldova (28 June 2001), the Netherlands (18 December 2001), Portugal (1 January 2002), Czechia (9 February 2002), Serbia (1 April 2003), Türkiye (1 January 2004), Armenia (20 January 2004), Azerbaijan (1 June 2004), Andorra (28 January 2005), Ukraine (1 January 2006), Montenegro (6 June 2006), Switzerland (1 July 2006), Austria (1 December 2006), Italy (30 June 2007), Monaco (1 July 2007), Liechtenstein (1 January 2010), San Marino (13 August 2010), and Kazakhstan (16 January 2020). The Russian Federation and Belarus ceased to be members of GRECO with effect from 1 July 2023 and 1 May 2024 respectively.

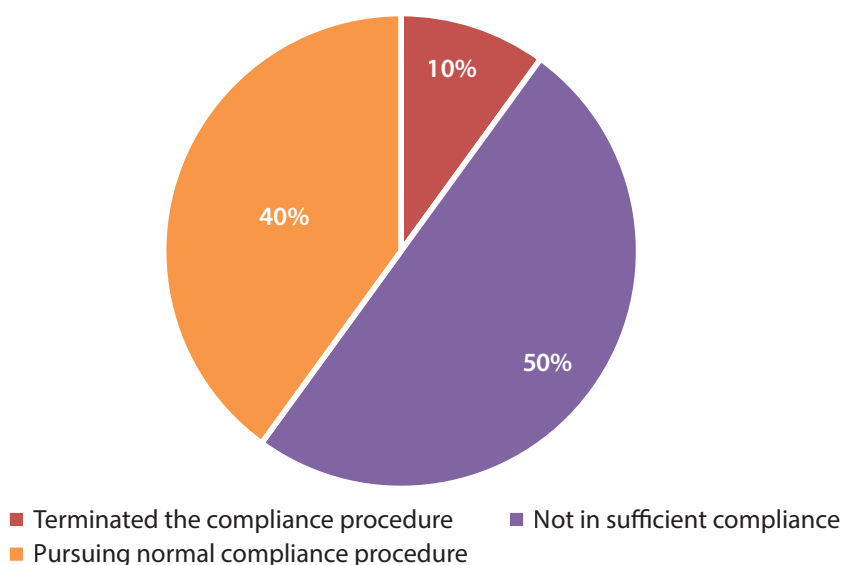
### Percentage of member states that have been assessed under the Compliance Procedure



The assessment of whether a recommendation has been satisfactorily implemented, partly implemented or not implemented is based on a situation report, accompanied by supporting documents, submitted by the member state under review. In cases where not all recommendations have been implemented, GRECO has re-examined the implementation status within a further 18 months. The compliance reports adopted by GRECO also contain an overall conclusion on the implementation of all recommendations, the purpose of which is to decide whether to close the compliance procedure for a particular member state. If GRECO considers that further action is needed, it may request additional information within 12 months twice. GRECO's rules of procedure also allow for escalating measures beyond more frequent reporting for members deemed not sufficiently compliant. These measures range from official letters to high-level authorities and, ultimately, a public declaration of non-compliance. Any action in respect of non-complying members shall be guided by the following principles: equality of treatment between GRECO members; a proportionate approach for dealing with non-complying members; approval by the plenary of the measures to be taken, whilst allowing for some flexibility regarding their application and timing.

The compliance process under the Fifth Evaluation Round is ongoing. The first compliance reports were adopted by GRECO in October 2020. By December 2024, of the 30 member states that had started the compliance procedure, only three had completed it and fifteen had been found "not in sufficient compliance". This illustrates the challenging nature of the recommendations made to member states in this round.

### Progress of member states in the Fifth Round Compliance Procedure



The GRECO peer evaluation process - review, recommend, report (compliance) - is dynamic and encourages member states to deepen their commitment to shared standards ensuring they are authoritative and capable of evolving over time. This is particularly important in the area of corruption prevention which relies on instilling and maintaining a culture of integrity throughout the functions and activities of government and which cannot be accomplished by repressive measures alone.

Similar to the Fourth Evaluation Round, the Fifth Evaluation Round addressed corruption prevention and integrity issues with regard to the two groups (top executives in central governments and law enforcement agencies) by examining the following priority themes:

- ▶ anti-corruption and integrity policy based on risk assessment;
- ▶ ethical principles and rules of conduct;
- ▶ awareness raising (including training and confidential counselling);
- ▶ conflicts of interest;
- ▶ prohibition or restriction of certain activities (including incompatibilities, secondary activities, gifts and post-employment restrictions);
- ▶ declaration of assets, income, liabilities and interests;
- ▶ enforcement of the applicable rules.

This framing of the evaluation allowed the GETs to reflect on the efforts made by the actors concerned and the results achieved, as well as to identify possible shortcomings and make recommendations for further improvement. The recommendations focus on steps to encourage self-regulation, to clarify rules and limits, to improve supervision and to ensure that sanctions are effectively applied when necessary.

### About this study

Following the structure of the evaluation process itself, this study provides an overview of the results of the Fifth Evaluation Round. Each of the two groups is examined in relation to its place in a wider country and democratic context, bearing in mind the necessary balance that must be struck between fundamental principles: between promoting transparency and protecting privacy; between earning trust and taking responsibility; and between encouraging good conduct and enforcing rules.

The purpose of this study is to systematise and analyse the wealth of information contained in the Fifth Round Evaluation and Compliance Reports. In particular, it will use this information to

- ▶ identify and outline the guiding principles and key issues developed by GRECO in the areas under review;
- ▶ describe trends and patterns in the implementation of GRECO recommendations;
- ▶ provide examples of good practice;
- ▶ highlight the main challenges and issues of concern.

This study is also intended to contribute to GRECO's knowledge base and to encourage all those interested in the prevention of corruption to learn more about the ways and means by which key actors within important democratic institutions should work to maintain the integrity of the public services they provide. It also aims to assist key actors themselves by identifying trends and practices that will strengthen their capacity to prevent corruption within their ranks. GRECO member states are encouraged to provide the necessary resources to do this effectively.

**Section One** provides an overview of the evaluation as it relates to both groups under examination.

**Section Two** reviews the key trends and conclusions with respect to top executive functions in central governments.

**Section Three** reviews the conclusions drawn, and recommendations made for law enforcement agencies.

The study concludes with a summary of the main trends, an interim stocktaking and some final remarks.

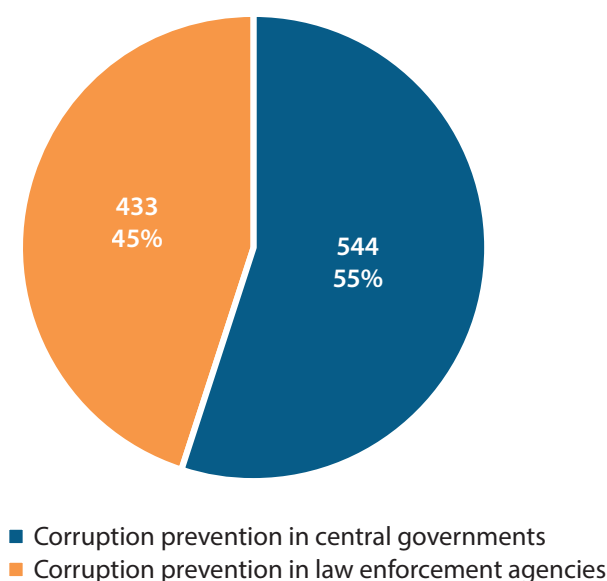
# SECTION ONE: OVERVIEW OF THE FIFTH EVALUATION ROUND

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**A**s a continuation of the Fourth Evaluation Round, which was built around the leitmotif of integrity that needs to be internalised and seen to be internalised by MPs, judges and prosecutors, the Fifth Evaluation Round deals with the same theme. This time the focus is on two groups: top executives, who should demonstrate impeccable conduct and leadership, and law enforcement personnel, who are expected to hold themselves to the highest anti-corruption standards while at the same time having the authority to compel others to obey or comply with the law.

Throughout the Fifth Evaluation Round, independent perception-based surveys indicate that public trust in politicians is low in many GRECO members. A majority believe that the giving and taking of bribes and the abuse of power for personal gain are widespread among politicians, and that too close a link between business and politics leads to corruption. Many Europeans are pessimistic regarding their governments' efforts to effectively combat corruption. At the same time, the police remain the most trusted institution to deal with corruption cases.<sup>3</sup> While perceptions do not always align with any evidence of widespread corruption, public trust can be an indicator of the public's willingness to cooperate and work with their leaders and institutions to tackle and prevent corruption.

Recommendations per category



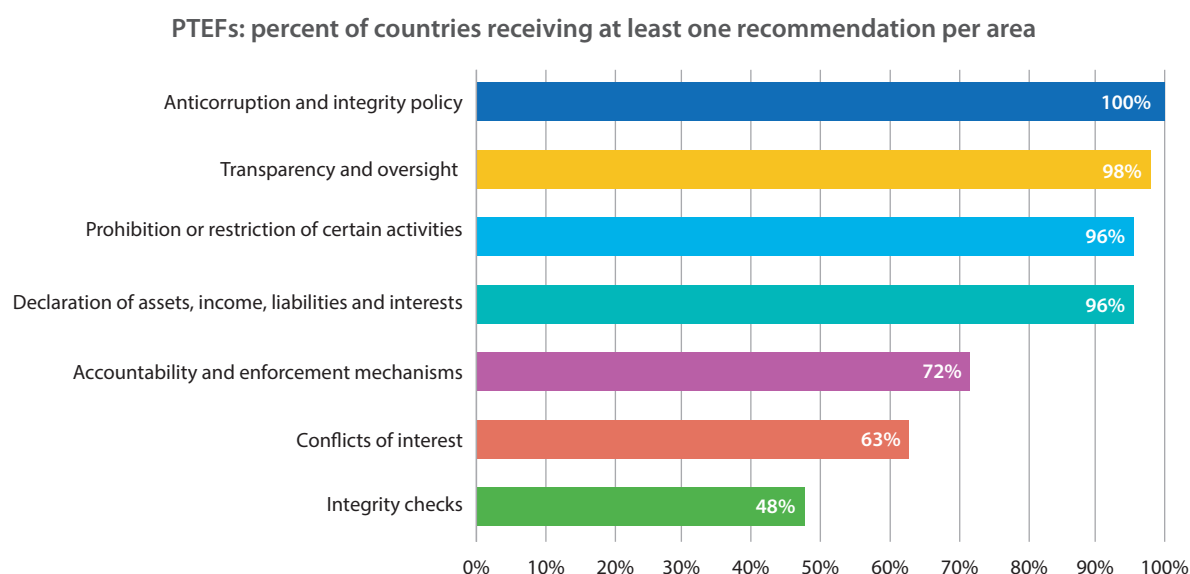
GRECO's role in relation to the two groups assessed in the countries is to see what the countries have and what they should put in place in order to strengthen existing systems or to make them more durable so that they are better equipped to withstand both perceived and real corruption in the long term.

Similar to the previous Fourth Evaluation Round, the aim of the Fifth Evaluation Round is to get countries to be more proactive and strategic in their thinking about the two selected groups. The approach is to raise awareness among them so that they can take a closer look at themselves in order to maintain their good practices or get used to healthy preventive routines in order to avoid negative developments in the future.

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3. See, for example, Special Eurobarometer 548. Citizens' attitude towards corruption in the EU in 2024. [Summary Report](#), pages 14, 17, 19 and 31.

As regards top executives in central governments, almost all countries evaluated received recommendations calling for action with regard to anti-corruption and integrity policy, transparency and oversight of the activities of central governments, prohibition or restriction of certain activities and declarations of assets, interests and liabilities.



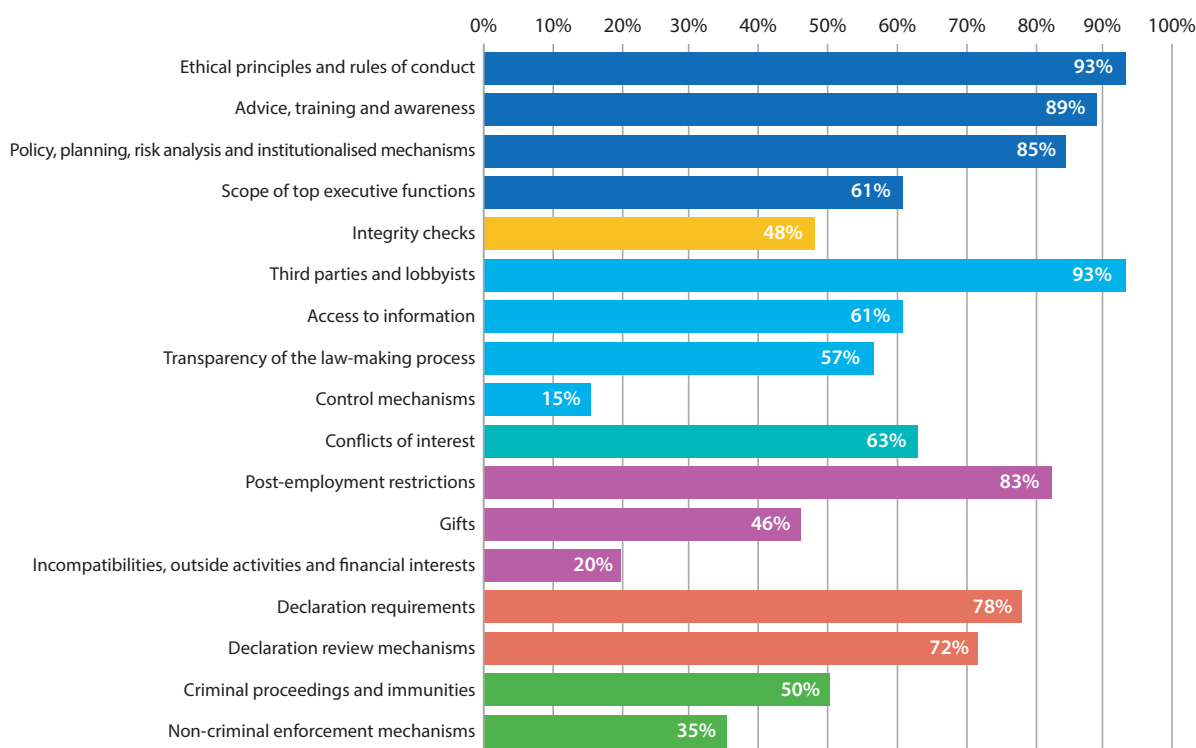
More specifically, while many countries already had some anti-corruption policies in place, most of them needed to specifically target top executives. The overwhelming majority of countries were therefore asked to carry out a comprehensive assessment of the risks faced by this group of officials and to adopt a specific policy document (e.g. a strategy or action plan) containing concrete steps to mitigate these risks (e.g. risks of nepotism, favouritism or those arising from the interface between business and political actors; risks related to lobbying, asset ownership or post-governmental employment). Almost all the countries under review were also urged to take a closer look at codes of conduct for top executive officials: the most common recommendation was to adopt or consolidate in a single document detailed and practical guidance on all integrity issues. Much emphasis was placed on the monitoring and enforcement of such codes, together with confidential counselling on ethics matters and regular and systematic training. In some of the countries evaluated, the scope of top public officials subject to the provisions of the code of conduct had to be extended to include, for example, political advisors or senior civil servants appointed to political positions. Almost half of the countries were advised to introduce vetting procedures based on integrity criteria (integrity checks) as part of the recruitment process.

In the area of transparency, almost all countries were warned that there were no rules or guidelines on how persons in top executive positions should interact with lobbyists seeking to influence public decision-making. GRECO invited them to ensure transparency in this area by requiring disclosure of such contacts and the subjects discussed, with a sufficient level of detail. More than half of the countries were invited to strengthen their efforts in the area of access to information, minimising any restrictions, and to ensure meaningful public consultations on draft government legislation and to make the results public.

More than half of the countries were also asked to improve the management of conflicts of interest. Furthermore, a large majority of countries were urged to address the “revolving door” phenomenon - i.e. the mobility of top public officials into the private sector after their service in the government - by strengthening post-employment restrictions and related oversight. The issue of asset declarations also received much attention from GRECO, resulting in a number of recommendations to most of the countries evaluated. A number of shortcomings were identified with regard to the scope of persons covered by this requirement, the timely publication of declarations and, most importantly, their thorough, independent and systematic verification.

Finally, in the area of accountability and enforcement, GRECO examined the obstacles in relation to criminal and administrative proceedings and immunities to hold top executives accountable. It made a number of recommendations to many countries to strengthen their public integrity bodies and law enforcement agencies with adequate means and capacities to conduct inquiries and investigations in respect of top officials.

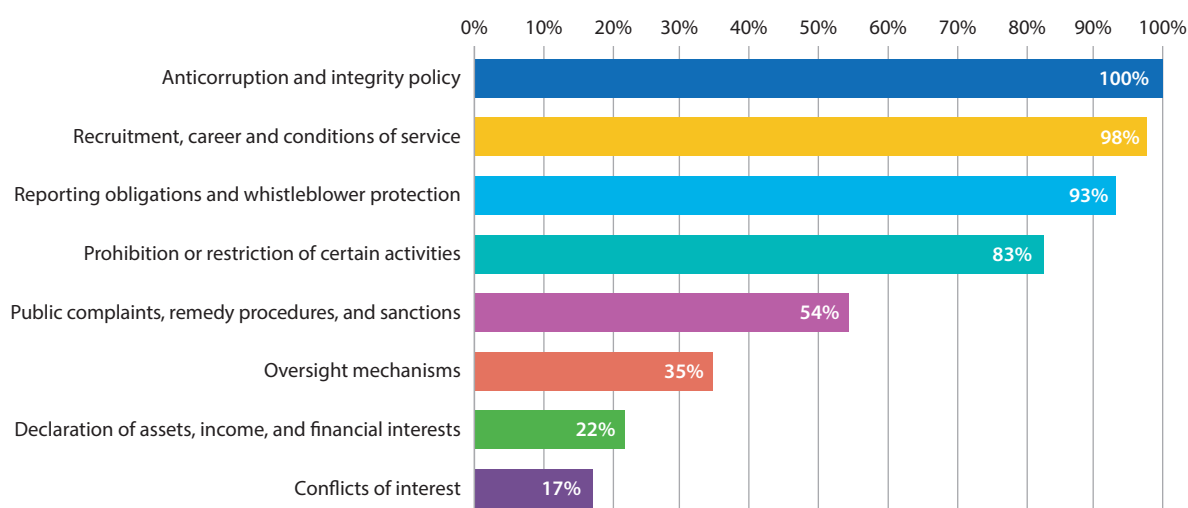
### PTEFs: percent of countries receiving at least one recommendation per topic



Note: The area of "Scope of top executive functions" includes recommendations calling for clarification of the legal status of certain categories of top executives (for example, political advisors).

With regard to law enforcement agencies, all or almost all of the countries evaluated received recommendations in the areas of anti-corruption and integrity policy, recruitment, career and conditions of service, as well as reporting obligations and whistleblower protection. A large majority of countries were asked by GRECO to focus on the prohibition or restriction of certain activities.

### LEAs: percent of countries receiving at least one recommendation per area



In particular, and similar to the recommendations made in relation to PTEFs, the vast majority of countries were urged to pay attention to the codes of conduct of their police forces, in particular to develop them where they do not exist, or to revise and supplement them where necessary, adapting them to the specific needs and corruption risks of their addressees. The same countries were advised that regular, practice-oriented integrity training linked to day-to-day activities and the establishment of confidential counselling channels by trained and trusted persons outside the chain of command are key to the successful enforcement of codes of conduct. In this context, a significant number of countries were asked to conduct a "health check" of their

law enforcement agencies, looking carefully at the risks they might be exposed to, focusing on vulnerabilities and areas prone to corruption, and to develop their countermeasures accordingly and set them out in specific strategies.

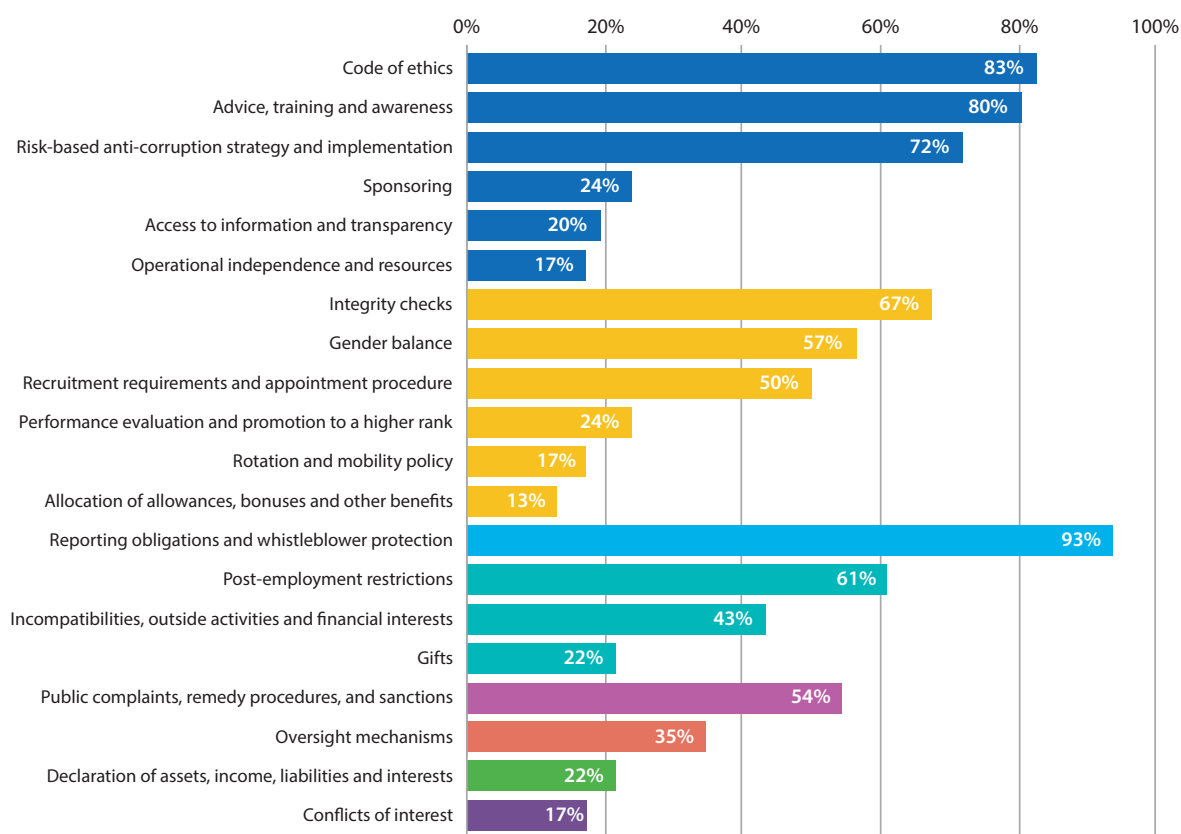
Almost all of the countries reviewed were recommended to have clear rules and enforcement for the protection of whistleblowers in the police, with a particular focus on dedicated guidance and training for all levels of hierarchy. They were also reminded of the obligation for their police to report not only corruption but also integrity related misconduct.

More than half of the countries were advised to conduct integrity checks and vetting of police officers on a regular basis and not only in connection with recruitment, to ensure merit-based and more transparent recruitment procedures and to increase the representation of women at all levels.

Similarly to PTEFs, the issue of “revolving doors” in LEAs has received much attention. More than half of the countries evaluated were asked by GRECO to consider or introduce specific mechanisms to prevent and manage conflicts of interest after police officers have left the service, given the risks to integrity posed by post-employment moves to the private sector (offers of jobs as a reward, use of communication channels with former police colleagues for the benefit of new employers, etc.).

Another prominent issue: GRECO recommended that more than half of the countries improve their systems for handling public complaints against law enforcement officials.

**LEAs: percent of countries receiving at least one recommendation per topic**



It is undoubtedly very important for both groups to maintain high ethical standards and take active steps to eliminate risks, not only because it is the right thing to do, but also because they themselves depend on public trust for their legitimacy, credibility and effectiveness. If government officials do not show leadership in striving for integrity, pursuing anti-corruption policies and minimising their own conflicts of interest, they will be vulnerable to failure. Similarly, if law enforcement agencies hide their own risks behind the blue wall of silence and fail to protect those who warn them about bad practices, they will soon become victims of their own actions and lose allies in the fight against crime.

# SECTION TWO: TOP EXECUTIVE FUNCTIONS IN CENTRAL GOVERNMENTS

## Central Governments

For the purpose of the Fifth Evaluation Round, the term ‘central governments’ includes persons who are entrusted with top executive functions at national level (hereafter referred to as PTEF). Bearing in mind each country’s constitutional set-up, these functions might include those of heads of state, heads of central government, members of central government (e.g. ministers), as well as other political appointees who exercise top executive functions such as deputy ministers, state secretaries, heads/members of a minister’s private office (‘cabinet ministériel’) and senior political officials. This might also include political advisors, depending on the system.

## Persons with top executive functions and the impact of top-level integrity

**A**fter addressing anti-corruption and integrity policies in the public administration at large, in the judiciary, in the parliament and in the financing of political parties in the previous rounds, in the Fifth Evaluation Round GRECO decided to focus on the persons entrusted with top executive functions (PTEFs) in central government. The underpinning reasoning behind this decision is that the conduct of PTEFs brings to bear significant impact on the way in which the institutions they lead operate in practice. PTEFs should uphold the highest integrity standards and should lead by example, including in the area of integrity and anti-corruption. Indeed, a sound and comprehensive integrity and anti-corruption policy must necessarily include positions that enjoy the most significant decision-making power. This is essential to strengthen the credibility of the system and thus to ensure that principles and standards are adhered to by the entire administration.

In general, countries have developed legal and institutional systems to enforce integrity and anti-corruption rules in the civil service or in the judiciary. Through its previous evaluation rounds GRECO has been able to support reforms in these fields and capture the results of these reforms through the compliance procedure. However, these general rules are only seldom and partially applicable to top executive positions in the central government. This happens either because the rules were designed to apply only to professional civil servants or magistrates, and not to politicians or political appointees, or because derogations have been instituted to create a special legal environment for such functions. Either way, the result is that the integrity and anti-corruption system for PTEFs was lagging behind.

The first challenge in addressing this problem was to determine the scope of the concept: which functions should be considered top executive functions. To add to the complexity, each jurisdiction has specific constitutional arrangements that must be taken into account when determining the scope of this concept. “Bearing in mind each country’s constitutional set-up, these functions might include those of heads of state, heads of central government, members of central government (e.g. ministers), as well as other political appointees who exercise top executive functions such as deputy ministers, state secretaries, heads/members of a minister’s private office (‘cabinet ministériel’) and senior political officials. This might include political advisors, depending on the system of the country”.<sup>4</sup>

The most undisputed functions that fall within the concept of PTEFs are **ministers, as well as their deputies or state secretaries**. They are political figures that serve at the top of the executive structures and decide – either alone or together with the rest of the government – on the design and implementation of public policies. They are exercising leadership functions in their ministries and should uphold the highest integrity standards. GRECO explored the functioning mechanisms of the government and has gathered and published information about the income and other salary benefits of ministers in various jurisdictions.

4. Questionnaire for the Fifth Evaluation Round as amended during the 78th GRECO plenary.



In the evaluation reports GRECO stressed the need to adapt the integrity rules to the political nature of ministerial functions, as well as the importance of setting up efficient systems of guidance and advice that are available to politicians since they often do not have prior experience in public positions. The enforcement and sanctioning policy also needs adaptation to ensure that it effectively achieves its deterrent effect and that it fits within the broader constitutional arrangements.

For the **heads of state**, GRECO has decided in the 78<sup>th</sup> Plenary that this position will be covered only “when s/ he 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, taking decisions on the appointment of individuals to top executive functions.” Other elements that were deemed important in the process of determining if the head of state should be covered or not by the Fifth Round evaluation are the mechanism for electing the head of state, the right to initiate or to veto legislation and the capacity to autonomously exercise certain executive powers. These considerations applied equally to presidents of republics and to monarchs. Each member state was invited to submit prior to the on-site visit a list of functions exercised by the head of state and by the head of the central government.

During the evaluations GRECO looked not only at the functions of the head of state as described by the constitution or relevant applicable legislation, but also at the way in which these functions and powers are exercised in practice. Not only the direct use of the prerogatives was assessed, but also whether the head of state influenced governmental action in practice through the possibility of using his/her constitutional powers. The stance of GRECO has also been that when the seemingly executive powers of the head of state are confined to restricted areas such as, for example, defence and security, the head of state will not be considered to fall within the scope of PTEFs. During the evaluations GRECO has reached out to various stakeholders and their submissions were comprehensively assessed to determine the inclusion or exclusion of the head of state from this category. Another element that was factored into the evaluation was the suitability of the structure of the head of state’s administration that potentially assists him or her in the performance of executive functions. If the functions of the head of state were primarily ceremonial, formal or of a representational nature the head of state was not included in the scope of PTEFs.

The **heads of cabinets and other senior political advisors** fall within the category of PTEFs when they help their political leaders to perform their functions and make political decisions. Unlike civil servants, they do not enjoy stability in their functions and are not bound by political neutrality rules. When heads of state are covered by the concept of PTEF, their respective administrations are also covered.

Good governance implies the ability to make good decisions and communicate them effectively. In that sense, political advisors are essential to assist government leaders in making informed decisions and stay aware of the issues surrounding different stakeholders, all the while maintaining a certain coherence of government actions. However, due to the responsibilities of decision-makers and their advisors, and their frequent contacts with the private sector, inherent corruption-related and integrity-related risks arise. While most top government officials are public figures and generally known to the public, the way their advisors are selected and operate requires more transparency and better regulation.

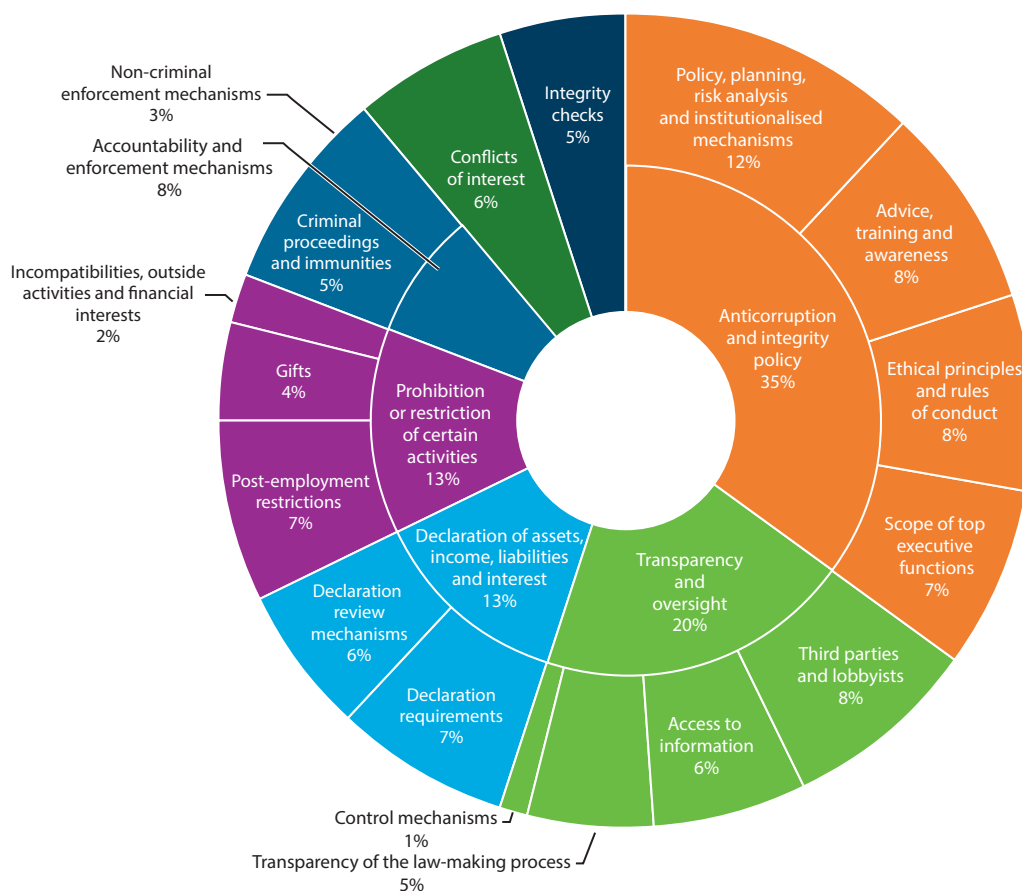
While countries often argued that no independent executive function is exercised per se by political advisors, GRECO has included political advisors in the scope of PTEFs for almost all jurisdictions. Only in very limited cases, GRECO has exempted certain advisors/experts from the notion of PTEF, i.e. external consultants working on projects (advising the ministry, not the minister him/herself) and subject to normal procurement rules within a ministry, and technical experts in advisory councils.

All GRECO reports open with an explanatory section describing in detail the system of government and the top executive functions. This section includes an in-depth analysis of all the elements referred to above and based on this analysis a decision is made in respect of each country as to the scope of the concept of top executive functions. Once this determination is made, GRECO goes on to describe the essentials of policy making, the key interactions between state powers, the process of adoption of legislation and the different roles the government, the parliament and the head of state play in this process. Reports also include an analysis of the liability mechanisms for ministers and the inter-relation between them and their deputies on one side and their cabinets on the other, with particular reference to constitutional arrangements. A brief, but very informative section, covers the salaries and other benefits that PTEFs enjoy. All these elements constitute the cornerstone on which tailored recommendations are built further on in the evaluation reports.

The fifth round builds on the practice of the fourth round when recommendations covered the following topics:

- ▶ ethical standards and the general conduct expected (usually in the form of a code of conduct);
- ▶ advice (including confidential counselling), training and awareness;
- ▶ incompatibilities, prohibitions or restrictions of certain (accessory) activities;
- ▶ management of conflicts of interest (including when they arise on an ad hoc basis);
- ▶ how to deal with gifts and other benefits/offers;
- ▶ relations with lobbyists and other third parties who seek to influence the work (especially for elected officials);
- ▶ revolving doors/post-employment restrictions;<sup>5</sup>
- ▶ misuse of public resources, benefits and allowances, administrative facilities and personnel;
- ▶ prohibitions on entering into business and other contracts with state authorities
- ▶ misuse of confidential information;
- ▶ declaration of interests, income, assets and liabilities, with an appropriate level of detail and possibly addressing the situation of spouses/partners and dependent relatives (especially for holders of a political mandate);
- ▶ mechanisms to supervise compliance with the declaration requirements and examine the content of declarations;
- ▶ appropriate sanctions in case of non-compliance;
- ▶ immunities and special procedures relating to the categories of officials considered.

**Distribution of recommendations issued for PTEFs per topic**



5. The focus of integrity policies also at the exit stage appears to be increasingly relevant in relation to mandate-holders becoming lobbyists, consultants etc. (see Guidelines for GRECO Evaluation Teams (GETs) - <https://rm.coe.int/guidelines-get-eval5/16809005cd>)

The bulk of recommendations in respect of PTEFs concerns four main areas: anti-corruption and integrity policy; transparency and oversight; prohibition or restriction of certain activities and declarations of assets, interests and liabilities; and finally, accountability and enforcement mechanisms.

### Anti-corruption and integrity policy

The overarching anti-corruption and integrity policy in top executive functions has been an area of intense scrutiny for GRECO in the Fifth Evaluation Round. GRECO emphasised the need for a unified and systemic approach to policies in this field and criticised the tendency of designing distinct rules for particular categories of PTEFs, as well as the practices of effectively exempting some of them from the application of integrity rules. Throughout the reports GRECO stressed the importance of a values-based approach in designing policies and underlined that PTEFs should lead by example, including in the field of anti-corruption and integrity. Most countries received recommendations in this field.

### Legal framework

During the evaluation process, GRECO noted that in some countries the legislative framework was composed of a multitude of laws and regulations setting different standards for different categories of public sector employees thus generating uneven and sometimes contradictory interpretation in practice. In other jurisdictions, PTEFs were not comprehensively covered by legal requirements in a manner that was appropriate for their positions. Several countries received recommendations on improving their legal environment. The relevant recommendations aimed at harmonising, ensuring coherence and comprehensiveness of the legal and institutional framework on integrity of PTEFs. Countries were asked to review and refine legislation to address inconsistencies in separate laws and to ensure that dispersed norms were consolidated and made accessible to PTEFs in practical terms. This could be achieved through guidelines or handbooks that would inform them of their rights and obligations at the start of their term and throughout their mandate.

#### Promoting PTEFs integrity in Croatia

In Croatia, measures have been taken to promote the integrity of persons with top executive functions (PTEFs). The Prevention of Conflicts of Interest Act 2021 has introduced an obligation on public officeholders, including PTEFs, to disclose ad hoc conflicts of interest when they occur. The said Act now requires PTEFs to submit annual declarations of assets to the Commission for the Resolution of Conflicts of Interest (the Commission). The Commission has been empowered to request officials to furnish evidentiary documents in support of declarations of assets, failing which the Commission will institute proceedings for breaches of the applicable statutory provisions. In addition, the Commission has been vested with the power to request the competent authorities to submit any information or evidence without delay. Furthermore, the Law on the Government has been amended to remove the immunity enjoyed by members of the government against the ex officio prosecution of corruption-related offences.

### Political advisors

Apart from the traditional positions that fall within the scope of PTEFs (members of government and other political appointees such as deputy ministers, state secretaries and other senior political officials), GRECO advised countries to establish clear ethical standards for political advisors. All reports include a dedicated in-depth discussion of this category. This concept was understood by GRECO to include all paid or unpaid, full time or short time, regular or ad-hoc appointees that help PTEFs to perform their duties. Several denominations are used to refer to political advisors: persons of trust, political and personal advisors, individual advisors, counsellors or advisors on substantive issues. While GRECO acknowledges that political advisors do not take decisions on public policies themselves, it underlines that they leverage substantial influence vis-à-vis their political leaders in decision-making processes. GRECO employs a relevance test composed of three cumulative conditions to determine if political advisors fall or not in the category of PTEFs:

- ▶ they participate in the decision-making process;
- ▶ they have relationships with the ministries' administration on day-to-day activities and issues of particular importance;
- ▶ they have an influence in weighing up initiatives and convey ideas to their ministers.

The recommendations in this chapter can be split into several categories. Firstly, some jurisdictions were advised to clarify the concept of political advisors and the applicable integrity legislation. To implement this recommendation some jurisdictions revised their legal framework and introduced additional integrity rules for political advisors or extended the scope of existing provisions to this category. Some of these amendments included clearer definitions for “political advisors” or “persons of trust”. Other jurisdictions operated amendments at infra-legislative level, to by-laws or other secondary legislation. In the compliance procedure, GRECO underscored the importance of introducing clear integrity rules applicable to political advisors in the primary legislation which enjoys stronger implementation leverage.

Another set of recommendations referred to the need to ensure that the highest integrity standards are applied to political advisors as PTEFs given their important advisory role to key decision-makers. In practice, this translates into introducing specific incompatibilities for political advisors, covering them by financial disclosure requirements, establishing rules about the prevention and management of potential and actual conflicts of interest, as well as into the establishment of a clear regime regarding their access to, and use of, confidential information. To implement this complex recommendation jurisdictions introduced amendments to the anti-corruption legislation to:

- ▶ include the verification of the compliance of political advisors with ethics rules under the mandate of Ethics Commissioners;
- ▶ introduce cooling-off periods or special permission mechanisms for political advisors with oversight or inspection duties wishing to transition to the private sector;
- ▶ introduce ineligibility rules: individuals within the close family of members of the government cannot be appointed as political advisors.

Some jurisdictions also adopted stand-alone codes of conduct for political advisors with examples of ethical dilemmas and self-assessment guidelines.

A typical recommendation regarded the obligation to publish online the name, areas of competence, salary or paygrade, as well as ancillary activities of political advisors – almost half of GRECO members received this recommendation. Some countries were advised to publish and keep up to date this information on all PTEFs, not just political advisors.

#### **Publication of information on PTEFs**

##### **Andorra**

Appointments of all senior government officials and their names, functions, remunerations and CVs are publicly announced on Andorra’s Transparency Portal and easily accessible, which increases accountability and confidence in the running of public affairs.

##### **Czechia**

The names, the remuneration (hourly rate and total amount paid over the reporting period) of PTEFs’ advisers and the subject of the advice provided are published online by the government and the ministries in an easily accessible manner.

##### **Italy**

Information on PTEFs’ remuneration and benefits is published on the websites of the Presidency of the Council of Ministers and of the respective ministries, in a section called “Transparent Administration”. This obligation stems from the principle of administrative transparency, as governed by Legislative Decree no. 33/2013, which foresees that public administrations have to publish the documents of appointment of the holders of political offices, even if not of an elective nature, at the state, regional and local level. They must also indicate the remuneration of any nature related to the assumption of office, the amounts pertaining to business travel and missions paid with public funds and any other appointments with charges borne by public finance, with an indication of the remuneration due.

During the compliance procedure, GRECO has identified some good practices:

- ▶ some jurisdictions started publishing full lists of advisors – names and position – on a regularly updated website, while others publish this information in the Official Gazette. GRECO favoured online publication that allows for swift updating and more efficient search functions.

- ▶ other jurisdictions publish the information (names, job description, ancillary activities) on the website of the respective institution where the political advisors work and update it regularly. Partial implementation has been recognised where such lists were publicly available but lacked some of the elements, for example ancillary activities or particular areas of competence.

Political advisors operate not only at the level of the government, but also within the office of the head of state. Where GRECO determined that the head of state falls within the category of PTEFs (as explained before), it has also stated that the staff working in the office of the head of state should follow the highest standards of integrity.

## **Policy, planning, risk analysis and institutionalised mechanisms for implementation**

A vast number of recommendations were adopted by GRECO under this domain, as the practice of using risk assessments as a basis for the development of targeted strategic documents and for policies was generally scarce. GRECO has emphasised the importance of going beyond the mere adoption of strategic documents and stressed that they need to be designed in such a way as to address the concrete risks that are present in the respective jurisdiction for the PTEFs. Most jurisdictions were invited to introduce regular risk assessment to identify specific integrity-related risks pertaining to PTEFs. The focus of the integrity risk assessment should be the overall improvement of integrity levels and the proper management of conflicts of interest. Based on such risk assessments strategic documents should be adopted proposing appropriate remedial actions. The strategy and specific action plan should be publicly available, and regular monitoring should be in place to generate public implementation reports. Methodologies for performing integrity risk assessments should also be developed. GRECO stressed the importance of designing an overarching plan to encompass the entire government, building upon the integrity plans adopted at ministerial level. In countries where the head of state was included in the category of PTEFs, these recommendations equally applied to the office of the head of state.

One jurisdiction established high level groups to perform a detailed risk assessment and present recommendations reflecting proposed remedial measures. In some instances, these groups benefited from the assistance of academia. Based on the assessment reports bills were adopted to address issues pertaining to integrity of the PTEFs, such as management of post-employment restrictions, submission of declarations of assets, relations with lobbyists, management of conflicts of interest and outside activities.

### **Preventing conflicts of interest of PTEFs in Iceland: a new holistic approach**

A working group was set-up to produce a report on trust in politics and the government and to formulate recommendations for improvement. A new law was approved covering conflicts of interest of PTEFs - ministers, permanent secretaries and ministerial advisors, addressing the prevention and management of conflicts of interest, contacts with lobbyists, outside activities, asset declarations, liabilities and gifts, as well as some post-employment restrictions. The monitoring and advisory functions were placed with the Prime Minister's Office. GRECO appreciated the holistic approach taken and the fact that the report of the working group was the basis for further strategic measures to improve the integrity of PTEFs.

In another country the risk assessment was conducted by the chancellery of the government in partnership with the anti-corruption body and was published online. The study identified six concrete risk areas and proposed remedial actions. Academia was also invited to contribute by creating e-learning tools for PTEFs – both at the level of the induction training and for continuous training purposes. In another jurisdiction the Ministry of Justice, in partnership with the National Audit Office, were the catalysts of the efforts to produce a comprehensive mapping of integrity risks for PTEFs, as well as remedial actions.

### **Mapping and mitigating integrity risks of political officials in Latvia**

An assessment of integrity risks faced by political officials was carried out by the State Chancellery, with the involvement of the Corruption Prevention and Combating Bureau (KNAB) covering 1) analysis of groups of political officials facing integrity risks; 2) ascertainment of the functions, competences and scope of action of political officials which give rise to integrity risks specific to each group; 3) mapping integrity risks (corruption, conflicts of interest, gifts, lobbying, information disclosure, etc.); 4) identification of remedial measures for each risk; and 5) calculation of the probability and scale of each risk (high/low, "gross risk"). It may serve as a basis for measures such as the revision of regulations, a brochure on standards of conduct, an online ethics course and the setting up of a monitoring mechanism.



Some jurisdictions struggled to ensure that the integrity strategic documents are overarching and include the entire executive. Though some jurisdictions argued that training efforts and the publication of explanatory guidelines could serve as an alternative to overarching integrity plans, in such cases GRECO deemed the recommendation not implemented.

Some countries argued that the risk assessment is part of the mechanism for the formation of the government and that it relies on self-assessments of particular candidates for the ministerial positions. While the results are not made public, they are being used in the interaction between the government and the parliament. GRECO deemed this approach to amount to partial implementation and stressed that it lacked transparency and a mechanism to ensure implementation measurement.

#### **A strategic approach to risk prevention in North Macedonia**

The State Commission for the Prevention of Corruption (SCPC) prepared a new five-year National Strategy for the Prevention of Corruption and Conflict of Interest, with an Action Plan for its implementation 2021-2025, based on corruption risk assessment, with an analysis of the sectors with the highest risks for corruption and prioritisation of these sectors for future action. In addition, an integrity system for central government and local self-government units has also been developed. By the end of July 2022, 68 entities at central level (out of 97) had adopted risk management strategies and 58 had risk registers in place. Risk management strategies are updated every three years, but they are subject to continuous monitoring and where risks change significantly, inspections to minimise risks are carried out, and an update of the strategy takes place at least once a year. Annual plans for corruption risk assessment must be published online. The SCPC has developed a methodology that is intended to serve as a model for all institutions to prepare the aforementioned annual plans. A dedicated Working Group for Corruption Risk Management has been established within the SCPC. The annual plans for corruption risk assessment also include the risks related to all functionaries and personal advisers and external associates. The Public Internal Financial Control Department of the Ministry of Finance also conducted targeted training on risk management in 2021-2022. It also prepared, in cooperation with international experts, a set of simplified guidelines on risk management, analysis of training needs and a training plan.

Some jurisdictions received recommendations focusing on strengthening the capacities of their anti-corruption bodies and the cooperation between various institutions that share a mandate of ensuring integrity of PTEFs. This is a constant call from GRECO to its member States: to ensure that whenever the mandate of anti-corruption bodies is expanded, the resources allocated to these specialised institutions are also increased. To avoid the risk of overwhelming these institutions with an ever-growing mandate, GRECO adopted recommendations to member States on the need to ensure sufficient resources for the anti-corruption bodies, to clarify the roles and missions of anti-corruption bodies, as well as to strengthen their functional and administrative independence, including in matters of personnel recruitment and management. Also, GRECO stressed the importance of establishing an advisory function to address specific integrity related risks of PTEFs. The guidance and advisory functions are seen as paramount in any effort to ensure an appropriate level of integrity at the top of the government. In a few cases, recommendations also extended to internal control units, compliance departments and officers performing corruption prevention tasks which should be empowered to also address integrity risks specific to PTEFs.

To comply with the recommendations on strengthening the capacity and resources of the anti-corruption bodies, countries pointed towards budgetary increases and new positions created within these specialised agencies. GRECO welcomed these steps and deferred to the national authorities in terms of establishing the exact needs of the anti-corruption bodies.

### **Ethical principles and rules of conduct**

GRECO stressed that Codes of Conduct should be comprehensive and should cover all the categories identified as PTEFs, recognising that the content of particular provisions may differ for various categories of subjects reflecting the different nature of their positions. Beyond these variations, setting clear rules and standards of conduct for all PTEFs reinforces the countries' commitment to anti-corruption as a key policy and combats the perception which exists in some societies that top executive officials benefit from a special treatment. GRECO stressed that it is problematic to exempt ministers or political advisors from the remit of a code of conduct applicable to all the other PTEFs. Such exemptions would undermine trust in anti-corruption policies and would foster the perception of top officials as being vulnerable to corruption. PTEFs should lead by example, and they need to be perceived as having the moral authority to demand high integrity standards in the rest

of the public sector. Most GRECO members received recommendations under this chapter; the wording of the recommendations is very consistent across jurisdictions.

In terms of temporal application of the Codes of Conduct, GRECO underlined that they need to cover the entire term in office of a PTEF, but that some provisions may come into play before the appointment is made (such as those referring to vetting and prior checks), while others may continue to apply after the end of the mandate (such as those referring to revolving doors). GRECO criticised the revocation of ethics pledges and recommended that integrity rules be permanent in nature.

Consistently GRECO recommended that the code of conduct for PTEFs should cover at least the following topics:

- ▶ prevention and management of conflicts of interest;
- ▶ disclosure of financial and non-financial interests;
- ▶ incompatibilities and ancillary activities;
- ▶ gifts;
- ▶ post-employment restrictions;
- ▶ contacts with third parties and lobbying;
- ▶ handling of confidential information.

Where codes of conduct for PTEFs were available, GRECO recommended that they be revised and consolidated in order to ensure that harmonised rules are in place for all subjects and that the codes are comprehensive covering all matters of integrity (conflicts of interest, gifts, third party contacts, ancillary activities, the handling of confidential information and post-employment restrictions). Where codes of conduct for PTEFs did not exist, GRECO has recommended that they be adopted and made available to the general public.

Where the head of state was included in the scope of PTEFs the recommendation covered also his/her office. Specific recommendations were also issued regarding the application of integrity rules to the office of the monarch. For example, the focus of the recommendations was to increase transparency with regard to the activity of the monarch, interaction with third parties and gifts received, the way in which public resources are being used, as well as to take measures to prevent conflicts of interest.

GRECO's approach to harmonisation does not imply that identical rules should be applicable to all PTEFs. On the contrary, GRECO's reports consistently stress that apart from the general rules that apply to all PTEFs, it is important to include also specific ones distinguishing between various categories of PTEFs. This approach was recommended when countries decided to develop sectoral codes of conduct. When drafting rules due consideration should be given to the specific corruption risks that each category may face, as well as to the nature of each function. Extending the application of codes of conduct adopted for civil servants to PTEFs carrying out political functions would not be entirely suitable: for example, the requirement of political neutrality which is at the centre of the codes of conduct for civil servants would not be applicable to PTEFs.

Some countries have opted to develop a unique code of conduct covering all PTEFs, while others have adopted separate codes for ministers and for other types of PTEFs or have opted for separate, yet coherent codes for specific line ministries. GRECO stressed that, while codification may help in terms of clarity, what is important is not so much the form the instrument imposing rules of conduct takes, but its functionality and transparency features. The concept of functional equivalence was used, whereby if the rules of conduct are comprehensive and contain detailed guidance irrespective of the nature of the instrument through which they were adopted, this was considered sufficient to meet the recommendation of adopting a unique code of conduct. Where codes of conduct were operational, GRECO assessed whether there are gaps and consistently stressed the merits of consolidating rules: putting rules in one place would make them less likely to be ignored and would close the possible knowledge gaps PTEFs may invoke in case of non-compliance. Also, the process of consolidation may help to identify and address inconsistencies between various applicable legal provisions and in turn eliminate divergent practices. Multiplicity of applicable codes should be avoided.

#### **A new code of conduct for members of government in Belgium**

A code of conduct for members of the government was adopted by the Council of Ministers, which clarifies and completes the fundamental ethical principles and the rules of conduct for government members, lays down rules on integrity, accountability and transparency, defines and addresses conflicts of interest, limits and regulates the holding of multiple posts, governs the acceptance of gifts, sets out obligations that apply upon leaving office and lays down arrangements for supervision by the Prime Minister and the Federal Ethics Committee of compliance with the rules. In addition, the code of conduct for public office holders has been extended to members of ministerial private offices, which helps to promote their integrity among these PTEFs.

GRECO also appreciates the inclusiveness and transparency of the drafting process for such codes of conduct. The adoption process should be conducted in such a way that it ensures in-depth internal ethical discussions, thus building ownership and support of the addressees. The integrity risk assessments recommended in the previous sub-chapter proved to be a key instrument that informed the formation of the codes of conduct and the refinement of rules so that they reflect correctly the nature of the various functions of particular categories of PTEFs. Comprehensive risk assessments help in the identification of corruption risks and integrity vulnerabilities of each category and shed light on possible ways to contain and address them. In some cases, this intrinsic correlation between the two measures led to delays in the fulfilment of the recommendations but overall contributed to the quality of the final product. In general, countries were able to meet all these requirements and adopted comprehensive codes of conduct to cover all integrity issues and all categories of PTEFs.

Once adopted, usually through an open drafting process, the codes were published online. GRECO views publication as a tool to increase accountability towards the public as it gives the citizens clarity in terms of what they should expect from the PTEFs. In addition to mere publication, GRECO underlines that active steps should be taken by the states to ensure broad publicity for the code and easy accessibility for the public and the addressees.

GRECO has also recommended that codes of conduct are complemented by clear and appropriate guidance which includes explanatory comments and concrete examples. Codes of conduct should be user-friendly and accompanied by consolidated explanatory material and practical examples. These examples should be based on previous problematic situations encountered in the country and offer ethical alternatives to conducts that amounted to integrity breaches in the past. In terms of guidance, some countries have opted for the development of guidelines/handbooks focused on specific areas – such as hospitality, benefits, ancillary activities and gifts – while others issued a unique guideline covering all the topics in the code of conduct. GRECO's approach to guidance is that it should cover the relevant integrity issues, paying attention to risk areas. The Code should be illustrative of the complex situations that may arise in practice and should present a clear path for addressees to follow in order to avoid or defuse corruption risks. The guidance should be clear and internally consistent. Rules unrelated to integrity should preferably not be included in such instruments. Some jurisdictions have split the guidelines for ministers and the prime minister from those designed for the rest of the PTEFs. In these cases, GRECO underlined that the guidance should clearly state its personal and material scope of application. Where the guidelines remained fairly general, GRECO voiced concern and reiterated the need for practical examples.

The regular revision of codes of conduct and guidance is seen by GRECO as a crucial exercise to ensure that codes of conduct continue to remain relevant and cover challenges that the PTEFs face in their daily work. This process should be based on sound evaluations of the impact of ethical rules and on regular risk assessments in order to ensure that the ethical legal infrastructure remains a living tool, that it is consistent with other pieces of legislation, and it remains socially relevant.

Essential for the codes of conduct to meet the standards is their enforceability: ethical rules need to be binding, as appropriate. GRECO stressed that this element is important not only in terms of practical efficiency of the integrity system, but that it also sends an important message of political commitment to the society at large. Closely connected with the concept of enforceability is the setting up and implementation of a monitoring and supervision mechanism and of a sanctions regime, including for the highest level of PTEFs. GRECO has accepted that these rules may be set in the code itself or in other pieces of domestic legislation. Sanctions should not be the only way to foster compliance with integrity standards: equally important is to recognise good behaviour. A system of public acknowledgements may be an efficient tool to promote good behaviour and to set role models. With regard to monitoring and supervision mechanisms, countries have employed a mix of internal and external action, in most cases relying upon existing integrity or anti-corruption bodies. GRECO has stressed the importance of independence of oversight bodies and that it is preferable to have a single administrative body responsible for implementing, reviewing and updating the applicable rules.

In some instances, the recommendations make reference to disciplinary sanctions, but in most cases the exact qualification of sanctions is left to the determination of the country in question. Difficulties arose in numerous jurisdictions in relation to sanctions applicable to ministers. Some jurisdictions argued that while sanctions are not included in the code of conduct as such, breaches would entail administrative or disciplinary liability based on other pieces of legislation. GRECO was satisfied with the explanation, provided that evidence was given to show that compliance with the code is systematically checked in practice and proportionate sanctions apply for misconduct.

In other cases, countries have explained that introducing a mechanism for sanctioning ministers on the basis of the codes of conduct may be at odds with the constitutional principles that set the relations between the



parliament and the government on two pillars: the ministerial responsibility and the trust principle. Should the enforcement mechanism and the sanctioning regime amount to the possibility of dismissing ministers for misconduct related to the code of conduct, this would need to be reflected in the constitution. Even fines applied to ministers by an external control body for misconduct related to the code of conduct were seen as interfering with the parliament's autonomy to judge the work of ministers. In these cases, GRECO considered the relevant part of the recommendation not implemented and emphasised the importance of introducing non-criminal, proportionate and public sanctions that would not interfere with the principle of constitutional autonomy. For the other PTEFs, a sanctioning mechanism for non-compliance with codes of conduct was set in place combining disciplinary liability for less serious misconduct with criminal liability for gross breaches.

## Advice, training and awareness

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As PTEFs are placed at the top managerial level of the executive, often GRECO member States were missing a comprehensive policy for providing them with advice and training regarding integrity matters. Indeed, traditional training mechanisms that may be appropriate for civil servants are likely not to fit the needs and availability of PTEFs. Political appointment processes only seldom allow for the prior preparation of PTEFs to ensure that they are up to date with what is expected of them in terms of integrity. Also, integrity-related obligations may come into play early in the mandate, while some, such as those relating to the need to disclose potential conflicts of interest, may even be a pre-requisite for the public function. The advisory function for PTEFs also poses specific challenges as in many cultures top leaders are reluctant to systematically use and trust advisory mechanisms that were primarily designed for the regular civil service. In terms of awareness-raising tools, those designed for the use of PTEFs need to be easy to use by people who are not highly trained integrity professionals and to be sensitive to the time constraints faced by these officials.

Almost all jurisdictions received recommendations in the areas of advice, training and awareness raising. Where the head of state qualified as a PTEF, the recommendations in this section also applied to the office of the head of state. The wording of the recommendations is consistent across reports emphasising the need to establish efficient internal mechanisms to promote and regularly raise awareness about integrity matters.

Awareness-raising efforts should be proactive and comprehensive in that they are covering all relevant integrity standards and reflect all categories of PTEFs. To ensure effectiveness, the information should be clear, accessible and sufficiently detailed. These efforts need to be practical in that they reflect good and unacceptable behaviour to cement integrity standards and reinforce ethical values. Awareness raising may include internal ethical discussions in particular institutions, a regular communication strategy, training and individual counselling.

Countries have developed training tools and performed induction training for new PTEFs and continuous training for those already in service. Induction training and continuous training at regular intervals were core to the recommendation with a view to increasing the capacity of all the PTEFs to understand fully the requirements they need to comply with. GRECO stressed the importance of a systematic approach to training and awareness raising on integrity.

In some countries, the office of the prime minister was given the driving seat in promoting this policy, while the training materials were developed with the assistance of academia and the anti-corruption institutions. The universities also organised regular mandatory training for new staff joining the government, including PTEFs. Some jurisdictions reported the use of self-assessment questionnaires to identify integrity issues by PTEFs. Irrespective of the format, training should be specifically tailored to reflect the duties, corruption risks and vulnerabilities of each type of PTEF, with special ethics leadership courses offered to senior managers. The practical orientation of the trainings could be ensured by using scenario-based approaches.

Another element of the recommendation was the need to provide individual and confidential counselling for all PTEFs through an institutionalised, dedicated mechanism. Countries have developed counselling mechanisms either by establishing new structures or functions to perform this task or by using already existent mechanisms to also serve this purpose. Irrespective of whether this counselling is done by internal advisors (persons of trust) or by an expert body, GRECO underlined the importance of ensuring that they have the necessary expertise, and thus of regular training on integrity issues for the advisors too. Some jurisdictions reported the creation of a network of ethics advisors that receive support from the integrity or anti-corruption institution, including by jointly developing guidelines on particular topics, such as conflicts of interest. GRECO recognised this as a good practice.

GRECO stressed the importance of neutrality and independence in providing integrity counselling. Those providing advice should not have daily contact with, be inside the chain of command of, or supervise the

addressees. These elements ensure that ethical counsellors are not applying self-censorship and that PTEFs are not inhibited from seeking advice. The most sensitive and difficult part of the counselling regime was to ensure that it works effectively also for ministers who might be reluctant to use internal counselling, even when it is confidential. The reluctance of ministers to use counselling mechanisms may be motivated by fear of leaks that may hurt their political profile. In some jurisdictions, the general perception that PTEFs should be all-knowledgeable of public sector operations, including in relation to integrity standards, may further inhibit the efficient use of counselling mechanisms. When countries stated that confidential counselling for ministers is provided by the permanent secretary or the legal department, GRECO insisted that integrity confidential counselling should be more clearly defined and that an institutional memory is needed, including statistical data.

Consistency of counselling across government for similar issues is considered by GRECO a key feature, thus value is found in the implementation of a single mechanism with interpretation and counselling roles. Where these competences are split into multiple agencies, GRECO has seen a risk of inconsistency and inefficiency in the application of integrity rules and has recommended the development of a tool to overcome these risks. Knowledge sharing may take the form of a database of questions received from each institution which later could be used for communication and training purposes in addition to the unification of counselling functions.

Where the confidential advisory function was placed within the institution that also handles the enforcement of the code of conduct, GRECO insisted that the two functions be separated internally to avoid cross-contamination. In general, GRECO identified a potential chilling effect when the enforcement and counselling functions are placed within the same entity. A few jurisdictions received recommendations to strengthen the financial and human capacity and independence of their ethics bodies and to ensure that their mandate covers PTEFs.

### **Recruitment, integrity checks and conditions of service**

GRECO has reflected on risks of political appointees “colonising” public administration. In some jurisdictions there is a growing practice of political appointees staying in the public sector, including by occupying senior positions (particularly in state-run corporations) through “fast track” appointment procedures. In some countries, cabinets can be the entrance gate for politics in public administration. The problem being that this type of political appointment or/and recruitment procedure lacks genuine transparency and integrity safeguards, offering fewer guarantees of an impartial and merit-based selection (as compared to civil service open competitions).

A sensitive domain is that of recruitment of political advisors. Political advisors can come from the civil service (seconded officials) or the private sector. The process of recruitment could be structured by regulation, publicly advertised, or merely left to the full discretion of the responsible minister. The possible number of advisors that can be hired could be undetermined or there could be a cap, which is generally fixed in regulation (and sometimes subject to derogation following liberal practice or a stricter approach).

Political advisors can work full or part-time. As to their remuneration, advisors can be paid or work on a pro-bono basis. When they are paid, their salaries could be fixed at the discretion of the hiring entity or determined by regulation (e.g. equated to the salary scale of other public officials).

It is clear from the aforementioned description that there is a broad range of situations depending on the country. However, as a baseline, and independently from the above-mentioned differences, GRECO has considered that the status of political advisors should be clarified, their legal status and obligations regulated, and even that their number be restricted to a minimum.

While GRECO understands the need for some flexibility and the right of key decision-makers to employ persons of trust capable of implementing their political agenda, it has also emphasised that measures must be in place to guarantee the transparency of the appointment procedure, showcasing the quality and merit of the persons appointed and encompassing a prior integrity vetting to ensure that risks of conflicts of interest are identified early on.

In general, as regards integrity vetting, about half of GRECO members received recommendations on the need to ensure that all individuals appointed as PTEFs undergo appropriate verifications to ensure that conflicts of interest are avoided. The wording of the recommendations is consistent: a vetting procedure - based on clear rules and focused on integrity criteria - is recommended prior or right upon appointment to a PTEF position. The goal of this procedure is to identify and properly manage conflicts of interest. In a few cases, GRECO advised that the information be cross-checked, and the results of the prior vetting be published online.

#### **Prior vetting of private office/cabinet staff in France**

Appointments of members of ministers' private offices and staff of the President of the Republic who have worked in the private sector over the previous three years are now subject to prior vetting by the High Authority for Transparency in Public Life (HATVP) of the relevant candidates' integrity. The HATVP's opinion must be complied with, otherwise the appointment is cancelled.

GRECO identified some good practices in addressing this recommendation, with some countries opting to recruit political advisors through the mechanism available for recruitment to the civil service which has a built-in prior assessment of potential conflicts of interest. One jurisdiction received a recommendation to extend the register of withdrawals available for ministers to persons in their private office and to make the information public. The scope of the register was enlarged, but the publicity aspect was not covered by the amendments brought to the legislation, thus leading GRECO to conclude that the recommendation was partly implemented.

#### **Ensuring transparency: financial and conflicts of interest disclosures for senior officials in Finland**

In Finland, senior government officials are required, prior to appointment, to give an account of their business activities, of holdings in companies and other property, of duties not related to the office concerned, of part time jobs and of other relations and commitments that may be relevant for the assessment of whether they qualify for performing the tasks required in the relevant office. These individuals are advised to file the disclosure directly with the official preparing the appointment. Once they take up their duties, the hiring ministry sends only the part of the disclosure which is public to the Ministry of Finance. The information is posted on the Ministry of Finance's website. When a government official resigns, the relevant ministry asks the Ministry of Finance to delete the aforementioned data from the public information network. Each ministry is responsible for ensuring that the information related to its administrative sector and posted in a public information network is up to date. The system of disclosure of financial and other outside interests for other persons entrusted with top executive functions has a very positive potential for helping prevent conflicts of interest and other violations of law; candidates for these positions are required to file this disclosure prior to appointment, and therefore, someone from the ministry in which this person is being considered for a position does have the opportunity at least to review the information and advise the candidate of steps they are required to take.

Another country received a recommendation addressing the need to establish a framework for direct employment of senior civil servants to be appointed to political positions with a view to tackling the risks of lack of impartiality and independence. During the compliance procedure the country replied that when making the appointments, the prime minister is bound by the opinion issued on the matter by the ethics committee and that, when potential conflicts of interest arise, the prime minister will not appoint candidates who do not end the situation that generates the respective conflicts of interest. GRECO welcomed this approach and considered the recommendation implemented.

Most jurisdictions struggled with the introduction of prior integrity vetting for political advisors and with the establishment of transparent mechanisms for them to withdraw in case of conflicts of interest. One country argued that the risk of potential conflicts of interest exists primarily in the case of political advisors that come from the private sector, while for the ones coming from the public sector this risk is virtually non-existent. It thus concentrated all its prior vetting capacity on political advisors coming from the private sector. GRECO was not convinced by this argument and stressed the importance of introducing prior vetting rules that apply to all political advisors.

#### **Integrity checks for political advisors in Montenegro**

In December 2023, the government introduced a mandatory check for the advisors to the Prime Minister, the Chief of the Cabinet of the Prime Minister, the Deputy Chief of the Cabinet of the Prime Minister, and advisor to the Deputy Prime Minister as part of their employment procedure. This check is conducted pursuant to a request from the Secretary-General of the Government to the Agency for the Prevention of Corruption to verify any proceedings against candidates to these positions for violations of the Law on Prevention of Corruption.

GRECO has also paid attention to the issue of the interaction between political advisors and civil servants in central government. In particular, GRECO has been firm about abolishing the practice of political advisors giving instructions to civil servants and professional staff. Recommendations here have focused on ensuring that

advisory officials offer advice only with proper entitlement together with proper guidance and clarifications provided where necessary, and that institutional awareness is raised regarding the specific rights and obligations. A country receiving this recommendation reported that a guideline was developed in an inclusive and transparent manner to clarify the interaction between political and professional staff in central government. GRECO welcomed the clarification as to the mandate of political staff in their interaction with professional staff and considered the recommendation satisfactorily implemented.

Finally, although refraining from issuing a formal recommendation on salary scales of PTEFs, GRECO has flagged that some systems of remuneration of PTEFs are not logical and not always transparent, particularly with reference to advisors and political appointees in public enterprises/entities/regulatory agencies. GRECO has considered that such an imbalance could well give rise to non-negligible risks of misconduct and has the potential to lead to attempts to compensate for comparatively low remuneration through perks and the promise of future jobs in the private sector.

## **Transparency and oversight of executive activities of central government**

While access to information held by the government is essential to ensure governmental transparency, in modern times it is equally important to give citizens and other interested parties a voice in the decision-making process. The recommendations issued by GRECO under this chapter aim to improve the openness of governmental records, irrespective of the format, to encourage pro-active disclosure, and to facilitate the establishment of an institutional eco-system that ensures independent oversight bodies and effective complaint mechanisms in cases of unjustified refusals to provide information.

GRECO also aimed to ensure the openness of the decision-making processes within the government and to allow for a structured and effective dialogue between the government and society in the context of policy formulation or legislation drafting. Recommendations focused on improving the legislative framework that allows the public to submit comments within a reasonable deadline by demanding that these proposals are properly assessed by the initiators and that explanations are given as to why some are accepted, and others are not. GRECO also encouraged countries to seek new ways to reach out to various stakeholders.

Recommendations were also made to improve the legal and institutional framework related to the interaction between PTEFs and lobbyists and other third parties who seek to influence the government's legislative and other activities, with an emphasis on the need to provide sufficient public information on such interactions. Lastly, GRECO also formulated recommendations to improve audit and control mechanisms within the government which add to the similar efforts promoted in the previous evaluation rounds.

## **Access to information of administrative documents**

Access to information has featured in GRECO evaluations since the Second Round, evolving from recommendations to adopt legislation and implementing norms to ensure that citizens and the media can access official records, to the recommendations made in the Fifth Round which aim at fine-tuning the processes and eliminating the challenges that have become evident in practice. As a result, most GRECO member states have a well-developed legal framework on access to information, including dedicated access to information laws. Where specific legislation on access to information was not in force, GRECO encouraged countries to adopt it by incorporating the standards of the Council of Europe Convention on Access to Official Documents (CETS No. 205, also known as the Tromsø Convention).

However, shortcomings were identified in the practice of multiple jurisdictions. The most frequent issues identified as problematic in the evaluation reports regarded:

- ▶ delays by the authorities in providing information or handling access-to-information requests;
- ▶ lack of proactive transparency to publish public interest information;
- ▶ overly broad definition of exemptions or frequent application of exceptions/restrictions to withhold the disclosure of public interest information;
- ▶ excessive fees;
- ▶ absence of a specific complaints mechanism;
- ▶ inadequate resources, independence or authority of the information watchdog body;
- ▶ existence of cumbersome appeal procedures, including lengthy court proceedings;

- ▶ absence of press/media officers;
- ▶ lack of statistics on requests for public interest information and lack of awareness of the public as regards the exercise of their rights under freedom of information legislation.

GRECO has emphasised that “access to information must be timely; this is particularly true for corruption prevention purposes. When the information comes late, it may serve little purpose.” GRECO has also referred to the case-law of the European Court of Human Rights, according to which “news is a perishable commodity and to delay its publication, even for a short period, might well deprive it of all its value and interest”.<sup>6</sup> GRECO has identified shortcomings both when statutory deadlines were too long and when compliance with reasonable statutory deadlines was not ensured in practice.

The typical recommendation in this chapter was to perform an independent and in-depth impact assessment of the implementation of the legislation focusing primarily on the shortcomings listed above and, on the basis of this assessment, to propose legislative or institutional measures to improve access to information. Most of the countries that have received this recommendation are still undergoing the compliance procedure, while the ones that have finalised the procedure did not manage to implement it.

Another set of recommendations focused on the strengthening of the independent oversight mechanism. In some countries such an administrative oversight function was completely lacking, while in others it was placed in other independent institutions, such as with the Ombudsman who had only limited capacity to properly perform the oversight given an already cumbersome mandate. In some jurisdictions, this function is placed in the institution that also deals with the protection of personal data. When an independent oversight authority existed, GRECO recommended that it is vested with proper independence, authority and resources to mirror its important task. While for most of the jurisdictions the compliance procedure is ongoing, the compliance reports that have already been concluded do not show progress on these matters.

GRECO has recommended that strategy units and private offices are on the one hand covered by the access to information law and that documents produced by these entities are properly kept and made available to successors on the other.

On the substance of the relevant legislation, countries received recommendations to ensure that:

- ▶ the same rules apply to paper documents and to electronic documents;
- ▶ the scope and the practical application of exemptions is limited;
- ▶ deadlines for answering requests for information are introduced and/or shortened;
- ▶ the scope of proactive publication of information online is enlarged;
- ▶ the records regarding the access to information requests are properly kept;
- ▶ complaint mechanisms are introduced or strengthened.

As one of the most common grounds to restrict access to information is personal data protection, GRECO has advised member states to find a fair balance between the privacy of individuals on the one hand and the right to information on the other, and to limit the use of restrictions under the applicable law governing access to official information. GRECO has acknowledged that limited restrictions on access to information should be provided for by law, and that they should be interpreted and applied narrowly.

GRECO has also called upon some jurisdictions to conduct training on access to information for PTEFs and individuals responsible for the application of the law at governmental level and, at times, at the level of the head of state.

## **Open government**

### **Luxembourg**

The law on transparent and open administration adopted in 2018 sets the principle that all information held by entities falling within the scope of the act is automatically public. Everyone is guaranteed access to those documents. The coverage of the law is broad including central and local institutions, public services, independent authorities such as the court of accounts and professional chambers. The supervision function is placed within an independent administrative authority established under the prime minister/minister of state.

6. See, for example, *Observer and Guardian v. the United Kingdom*, § 60, 26 November 1991, and *Stoll v. Switzerland* [GC], no. 69698/01, § 131, 10 December 2007.



## **Lithuania**

The legislation is clear, provides for wide-ranging access to information and is solidly grounded in article 25 of the Constitution which has been further developed by the jurisprudence of the Constitutional Court. The country also ratified the Council of Europe Convention on Access to Official Documents in 2012. The law on public information covers both central and local entities and it enshrines the principles of publicity, transparency and openness. The governmental meetings are livestreamed on the government's website and on social networks and all documents submitted, as well as audio records and minutes are published online. There are clear provisions regarding replies to the media and press conferences are held on crucial matters, shortly after relevant decisions are taken.

Natural and legal persons have a right to access information, and exemptions are clearly stated in the legislation. The definition of "information": all that is recorded in the activity of an institution, irrespective of its presentation mode, form and medium, including register data, register information, documents and/or their copy provided to the register, data of the state information system. Information should be provided free of charge.

Institutions should proactively publish information on their operations in line with accessibility requirements on their websites or mobile applications. Websites have to contain information on the functions performed by every employee and related special requirements for their office; information on the implementation of corruption measures binding for the agency; on violations of legal acts, i.e. anonymised reports of the Seimas Ombudsmen on investigations conducted pursuant to complaints, decisions of the Auditor General on the institution, effective court decisions stating violations in the institutions, information about disciplinary misconduct detected in the institution and the disciplinary penalties imposed; information about incentives and rewards received by civil servants of the institution; salaries of civil servants of the institution, state politicians, state officials and employees working under employment contract; as well as other information defined by the government.

## **Transparency of the law-making process**

Inclusive and transparent decision-making processes rely essentially on sound rules about citizens' engagement in the policy formulation process and in the adoption of laws and regulations. Many recommendations were issued in this domain aiming at improving the transparency of public meetings and decision-making processes.

GRECO called upon countries to ensure that draft legislation and regulations are systematically published in advance of their adoption, that the public is allowed to submit comments within a reasonable deadline and that the initiator provides explanations as to why some inputs were accepted and others rejected. These key elements should be enshrined in primary legislation and information regarding the practical implementation be publicly available, published in a timely manner and easily trackable. Some of the efforts to implement this recommendation led to the establishment or the designation of a website where draft legislative initiatives are to be published.

### **Public participation and impact assessments in Latvia's legislative process**

Latvia introduced a practice of publishing online the evaluation of the inputs collected from citizens, together with the initial impact assessment of each act. A guideline for public participation was also elaborated in close cooperation with civil society. The portal that hosts the consultation processes for draft legislation is constantly and systematically updated.

Another standard recommendation was to ensure that a legislative footprint tracks all inputs received during the drafting process. In addition, early inputs received before the formal start of the consultation process should be clearly documented. Countries that received this recommendation struggled in the process of implementation.

Several jurisdictions received recommendations to boost the usage of decisional transparency mechanisms in practice, including by proactively identifying and engaging with potential stakeholders. One jurisdiction introduced an automatic system to notify potential interested stakeholders. Also a few countries were invited to perform assessments of the effectiveness of their public consultations legal and institutional infrastructure and take remedial measures where shortcomings were identified.

When the decisional transparency legislation allowed for exemptions, GRECO called upon member states to limit their application in practice. Where there were indications that exemptions are used to a large extent,

or where the constitution allowed for the adoption of particular acts in emergency procedure or outside the transparency procedures, GRECO recommended that in-depth studies are conducted to evaluate the relevant legal framework and practice and identify methods to address the lack of transparency. Most of the countries that received this recommendation are still undergoing the compliance procedure. One country limited the use of emergency legislation by requiring the initiators to substantiate the need for an emergency procedure and the risks that may arise if the respective piece of legislation is not adopted urgently; it also ensured annual monitoring of public consultations by a dedicated open government unit.

One jurisdiction received a recommendation to publish online the names of all participants in cabinet meetings, its committees and state secretaries' meetings. Amendments were made to the rules of procedure for the cabinet, and a list of persons participating in various meetings is now compiled and made publicly available, leading GRECO to conclude that the recommendation was implemented satisfactorily.

## **Transparency of the law-making process**

### **Slovenia**

Transparency of the law-making process is enshrined in a series of acts, including the government's Rules of Procedure. A work programme including all planned legislative initiatives, along with the deadlines and procedures of deliberation is made publicly available. Most draft legislation and other acts are published on the E-democracy portal. The minimum standards for public participation regarding primary and secondary legislation are:

- ▶ a period of 30 to 60 days calculated from the date of online publication of the draft should be allowed for the public to comment on the draft (with the exception of urgent procedures or those regarding the national budget);
- ▶ a summary of the draft supported by background documents, key questions and objectives for the consultation should also be prepared;
- ▶ a call for participation should be issued to ensure the participation of target groups, experts and the general public;
- ▶ a consultation report should be completed covering the impact of the consultations on the draft regulation. A template for this report is available and the consultation report should accompany the draft when it is sent to the Secretariat General of the government;
- ▶ materials sent to the Secretariat General should also include a list of experts consulted on the draft, and if they were remunerated, the amount - GRECO has welcomed the strict adherence to this rule;
- ▶ the ministry that initiated the draft should within 15 days of its adoption inform the expert circles consulted and the public about the essential proposals and opinions that were not taken on board, and the relevant reasoning.

Public debates may also be organised, and extensive training was done for regulatory drafters and external stakeholders on these matters. An online tool is available to members of the public wishing to propose the adoption of a measure to the government. Proposals that receive sufficient support are sent for scrutiny to the competent ministry.

### **Spain**

The law on legislative drafting dates from 1997 and includes ex ante consultation mechanisms and ex post impact assessment tools, and a new preliminary phase of public consultations was introduced in 2015. This public consultation phase means that the drafts are published on the website of the ministerial departments for at least 15 days before their adoption. For bills that have an impact on rights or legitimate interests of citizens a 15 working day period to comment should be provided for. An Impact Assessment report summarises the result of the consultations and the impact of the proposed legislation. Annual plans for draft laws and regulations are published on the Transparency Portal.

The Constitution also allows an emergency procedure (different from the ordinary legislative procedure), letting the government quickly pass decree laws in urgent cases. However, these decree laws must be approved by the Congress of Deputies within 30 days. The emergency process may not affect basic institutions of the state, rights, duties and liberties of the citizen, the system of the Autonomous Communities or the general electoral law.

The Office on Regulatory Coordination and Quality was established in 2017 and began its activities in 2018. At the time of the evaluation visit, GRECO was positively impressed by the proactive role of the Office on Regulatory Coordination and Quality and the level of expertise and commitment of its staff.

## Third parties and lobbyists

The vast majority of the recommendations issued in this area use the same wording inviting countries to:

- ▶ adopt detailed rules on the way in which PTEFs interact with lobbyists and other third parties seeking to influence the government's legislative and other activities;
- ▶ disclose sufficient information about the purpose of these contacts such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.

One jurisdiction reported that it implemented awareness-raising activities aimed at the regular and detailed reporting of contacts between PTEFs and lobbyists and that the anti-corruption body is tasked to cross-check information reported by lobbyists with that reported by PTEFs to spot irregularities. Statistics were provided regarding the requests sent to lobbyists to submit information required by the legislation. GRECO identified a good practice in a jurisdiction which reported that the prime minister issued detailed guidelines on lobbying, covering the transparency requirements, the establishment of a legislative footprint, and the duty to report misconduct. Another jurisdiction introduced a public register of interviews between PTEFs and lobbyists and other third parties. The definitions of lobbyists and interest groups were also revised to ensure they cover all possible entities that may seek to influence legislative or regulatory activities. Another jurisdiction reported that it has included the required rules and disclosure requirements in a good practice manual for officials on communicating with lobbyists. Others have amended the rules on the publication of public agendas for members of the government to ensure that they include the required information.

### Contacts between PTEFs and lobbyists – transparency and guidance

#### Iceland

In December 2023, the Prime Minister's office issued guidelines on the legal and ethical standards that govern communication between public officials and lobbyists and emphasise the obligation of lobbyists to report their activities and the duty of public officials to guide lobbyists on this requirement. They include examples of expected behaviour and stress the duty of officials to uphold principles of equal and objective treatment, ensuring transparency, and taking all decisions on the basis of objective criteria. GRECO welcomed the adoption of these guidelines which cover in a comprehensive manner interaction between third parties and lobbyists, thus promoting transparency in this regard, including the duty to report illegal behaviour and the obligation to make information on the legislative footprint of draft legal acts public, disclosing the involvement of private persons and entities in their preparation.

#### Luxembourg

The Grand Ducal Orders provide for a public register which covers most interviews between ministers and their advisors on one side and representatives of interest groups or third parties on the other. The types of interviews that are exempted from publication do not pose a problem from GRECO's perspective. The register provides sufficient detail and there are clear provisions on responsibilities for collecting and publishing this information. After the legislative upgrade, GRECO has also noted that the definition of representatives of interest groups or third parties is now broad enough to cover all those persons liable to seek to influence the decisions of ministers or advisors in the course of their legislative or regulatory activities.

Additional recommendations refer to the need to ensure that the definition of lobbyists cover also in-house lobbyists so that they are all subject to the applicable standards. Similarly, some jurisdictions received recommendations to ensure that the definition of lobbying covers all contacts between lobbyists and other third parties and PTEFs, irrespective of whether they were formalised or not. GRECO evaluated positively one jurisdiction which produced a comprehensive piece of legislation through an inclusive process, commending the choice of a broad definition for lobbying activities, generous transparency requirements and a clear mandate of the anti-corruption institution to oversee the process and apply sanctions for non-compliance.

In a few cases, GRECO recommended that an independent assessment be conducted on the implementation of lobbying legislation and that amendments be made based on this analysis to improve the process. Some countries initiated such reviews upon their own initiative before proceeding with legislative amendments. Also, a few jurisdictions received recommendations to ensure that their anti-corruption bodies issue comprehensive practical guidance on lobbying and expand their mandate to cover misconduct related to lobbying.



### **A regulatory framework for lobbying in Cyprus**

Contacts between PTEFs and lobbyists in Cyprus are regulated by the Law on Transparency in Public Decision-Making (Law 20(I)/2022), supplemented by regulations adopted in April 2023. The Anti-Corruption Authority oversees the implementation of this law and is also responsible for publishing guidelines on its application. Lobbyists must register with the Authority and submit a bi-annual report detailing their involvement in public decision-making, including the nature and purpose of their engagements. Public officials must also report their meetings with lobbyists within two months. While the law's adoption is seen as positive, its effectiveness will depend on practical implementation. Stakeholders expect challenges related to defining lobbyists and the scope of consultations, but they view the law as a confidence-building step. Further adjustments may be needed over time.

## **Control mechanisms**

Under this subchapter, GRECO has adopted recommendations aimed at improving the control function within the ministries, the government and, where relevant, the office of the head of state. In one case, the recommendation referred to the need to ensure that each ministry has a fully functioning internal control unit, while in another case emphasis was placed on the need to ensure that internal inspectorates enjoy sufficient functional independence and resources to be able to prevent and detect integrity breaches, including when committed by PTEFs. In another case, the recommendation focused on the need to increase the budgetary allocations to the Supreme Auditing Institution so that it can also audit compliance with the National Anti-corruption Plan.

### **Reinforced internal control - Greece**

The upgraded system for internal control serves in the prevention of corruption for high officials at central level. The National Transparency Authority – established in 2019 to streamline anti-corruption policy and strengthen the national integrity and accountability framework – is involved in establishing Internal Audit Units (IAUs) in each ministry to advise ministers on improving the effectiveness of management processes and internal control procedures. The IAUs monitor systems of governance and their practical operation, ensure proper and efficient risk management processes, assure sound financial management and identify and investigate cases of misconduct.

### **Strengthening the capacity, authority and accountability of regulatory and control institutions in public resource management – Malta**

From 2015 to 2023, Malta consistently increased the budgets of main external and oversight bodies, such as the Office of the Ombudsman, the National Audit Office, the Commissioner on Standards in Public Life and the Government's Internal Audit and Investigations Department (IAID), for instance by 20% (Ombudsman) and by 75% (IAID).

In other countries, the recommendations focused on the transparency of public procurement procedures and on the need to ensure that access to information regarding such procedures is restricted only in cases fully justified and reasoned on grounds of national security.

### **The proactive role of the Court of Audit in promoting transparency and preventing corruption - Austria**

Economic and fiscal control in Austria is primarily exercised by the Austrian Court of Audit (ACA), an independent Supreme Audit Institution. The ACA audits the financial management of the federal government, provinces, municipalities, and public entities, assessing public spending from the point of view of economy, efficiency, and effectiveness. It also ensures compliance with regulations and the accuracy of financial data. The ACA employs around 310 staff members, 76% of whom are public auditors. It publishes audit reports, with a significant focus on corruption prevention and compliance. The ACA also helps parliament scrutinise government policies and carries out special audits on issues like media transparency and party financing. Its role in anti-corruption audits is notable, with targeted audits on areas such as corruption prevention systems, lobbyists, and disciplinary systems. The ACA's mandate has been strengthened with increased resources, further enhancing its capacity to monitor public sector integrity.

## Conflicts of interest

The recommendations made under this chapter complement those made by GRECO in the previous evaluation cycles and aim to provide a coherent legal and procedural framework for the prevention and management of conflicts of interest in the public sector. While rules have been introduced for civil servants and members of the judiciaries, the coverage of PTEFs by clear provisions and mechanisms to address perceived, potential and real conflicts of interest was lagging behind.

One type of recommendation is that countries should adopt clear definitions of what would constitute a perceived, potential or real conflict of interest. Jurisdictions were advised to introduce such a provision in their legislation. One jurisdiction reported a positive development acknowledged by GRECO: the definition was reviewed and in the new guidance adopted for PTEFs a chapter was dedicated to conflicts of interest consolidating all requirements applicable for PTEFs.

Closely connected with this requirement are the recommendations urging countries to adopt clear rules and guidance for all PTEFs, paid or unpaid, including at the top level (ministers, parliamentary state secretaries). One jurisdiction also received a recommendation focusing on the obligations of the head of state to divest from all private interests that would potentially generate a conflict of interest before taking office. Apart from the above-mentioned comprehensive guidance, GRECO also considered the recommendation implemented satisfactorily when the relevant legislation regarding conflicts of interest had been amended to unequivocally cover all paid and unpaid advisors.

### Self-assessment questionnaire on conflicts of interest for members of government - France

The French High Authority for Transparency in Public Life (HATVP) sends a questionnaire to members of government when they take office. The questionnaire is designed to help them identify any potential conflicts of interest that could interfere with the performance of their duties. It includes a reminder of what constitutes a conflict of interest and tips on how to prevent such situations from arising. Once appointed, government members have seven days to send the questionnaire back to the HATVP.

Another set of recommendations refers to the importance of providing counselling on matters related to the prevention and management of conflicts of interest, as well as of ensuring monitoring and compliance mechanisms complemented with effective, proportionate and dissuasive sanctions. GRECO stressed that registers of declarations of conflicts of interest should be public and, that when sanctions are applied, this information should also be publicly available.

In essence, to ensure that the policy in this field is effective, there needs to be an overall organizational strategy at the level of the executive which ensures that decisions regarding conflicts of interest for key political decision-makers are taken based on merit and detached, to the extent possible, from political considerations. The jurisdictions that received these overarching recommendations faced difficulties in their implementation.

GRECO also recommended to strengthen practical guidance for PTEFs, to conduct induction and training and awareness programmes, and to ensure the availability of counselling. GRECO highlighted as good practice the involvement of anti-corruption bodies in preparing practical guidelines and developing e-learning tools. The participation of top officials in training sessions on conflicts of interest was noted as a sign of political commitment to improving the prevention and management of such conflicts for PTEFs.

## Recusal or abstention

Here, recommendations focus primarily on the need to introduce rules and procedures for PTEFs to abstain or recuse themselves when found to be in a conflict of interest. In some cases, this recommendation also incorporates a call to review the definition of conflict of interest to ensure it covers marital or family relationships. To address this recommendation satisfactorily, the jurisdiction concerned has amended the applicable legal instrument to include marital and family ties in the definition of conflict of interest. In other cases, GRECO has insisted that the rules applicable to ministers when acting as heads of their ministries also apply when they act as members of the government. To satisfactorily implement this recommendation, the country has unified the provisions applicable to ministers, so that the same rules apply regardless of whether the PTEF acts as the head of their institution or as a member of the government.

The other recommendations focus on the need to take preliminary actions before taking up office to limit the risks of conflicts of interest, and on the importance of publishing information on withdrawals, as well as declarations of interests.

## Ad-hoc disclosure

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Most of the recommendations issued in this regard call on countries to introduce a legal provision requiring PTEFs to submit an ad-hoc disclosure report to the competent authorities when conflicts of interest appear in their regular activities. The ad-hoc disclosure should be followed by a public withdrawal from the decision-making process and, when this obligation is breached, proportionate sanctions should be applied. In some cases, the anti-corruption body was given additional powers to also cover the situation when conflicts of interest occur ad-hoc, while in other cases countries opted for an intra-governmental or parliamentary mechanism (for ministers) to deal with ad-hoc conflicts of interest of PTEFs. One element of the recommendations countries struggled with was the publicity of the abstention or withdrawal.

### **Transparency in the exercise of power - France**

A public register listing areas where ministers are removed from the decision-making process for reasons of a risk of conflict of interest has been set up. This register, operational since 2018, can be consulted on the government's website.

To fulfil these recommendations one jurisdiction has included the ad-hoc disclosure obligation in the code of conduct of ministers (for ministers and state secretaries), stressing that for the rest of the PTEFs the rules are already included in their respective codes of conduct. The new provision requires ministers and state secretaries to take remedial measures and also inform the parliament. In another jurisdiction, rules were adopted requiring ministers to report such ad-hoc conflicts of interest to the prime minister and abstain from taking part in decisions affected by a conflict of interest. Another positive approach was the adoption of clear guidelines covering the obligation of PTEFs to handle ad-hoc conflicts of interest. The respective guidelines have also been published online.

This standard recommendation is complemented, in some jurisdictions, by the need to enlarge the scope of individuals that are subjected to this requirement to ensure that the members of the private offices of PTEFs are covered. Several jurisdictions expanded the scope of the legal obligation to include private office staff, and GRECO acknowledged this as a good practice.

## Prohibition or restriction of certain activities

### **Incompatibilities, outside activities and financial interests**

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Where absent, countries were encouraged to introduce clear rules on incompatibilities for individuals occupying PTEF positions.

The recommendations issued in this area also aimed at clarifying the limits within which PTEFs can exercise additional activities or functions. Indeed, it is concerning to see that in some instances, top executives are suspected of operating on two fronts, both in the public and private sectors, running their business operations through offshore schemes.

In order to ensure a fair and consistent approach across the board regarding ancillary activities and their authorisation, countries were asked to introduce a mechanism for prior authorisation of PTEFs to perform ancillary activities, underlining that such activities should not generate a conflict of interest. One jurisdiction reported that it has amended the legislation to clarify that PTEFs, including ministerial advisors, are considered to hold full-time jobs, and that the prime minister may grant authorisation for office holders to perform humanitarian, academic, scientific, artistic or sporadic work that does not impact their official functions and generates moderate income. Records about these permissions are to be kept up-to-date and published online. Other jurisdictions introduced prior approval rules in the anti-corruption legislation, or the applicable handbook for state personnel, to ensure that PTEFs may not accept ancillary activities before obtaining permission from their hierarchical superiors.

Another recommendation focused on the need to revisit the legal framework in order to amend the rules for PTEFs and set clearer and more coherent standards on the ancillary activities which they can undertake.

### **A revised Handbook for PTEFs on managing conflicts of interest in Norway**

The revised Handbook for PTEFs includes guidelines regarding disqualification from dealing with a matter, including possible conflicts of interest arising from former private activities. Under the rules PTEFs have primary responsibility to assess their own impartiality and in case of doubt to provide information to the

administration to assess any lack of impartiality, competence and disqualification. When there is doubt as to whether a PTEF is to be disqualified, the administration/civil service may request a legal opinion from the Ministry of Justice's legal department. The handbook also describes how a matter should be handled after a PTEF has been disqualified from dealing with a matter. In addition, the "welcome email" sent to PTEFs on the day of appointment also contains information about the quarantine (post-employment restrictions) that applies when leaving office. A similar email is sent before the PTEF leaves office.

## Gifts

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In relation to gifts and other benefits, GRECO reiterated the importance of strict limitations, highlighting the danger of exchange of favours in situations where there are too close relations between politicians and the business community.

Recommendations aimed at clarifying, strengthening and making more transparent the regime of gifts received by PTEFs. The typical recommendations covered the following essential elements: rules on gifts to PTEFs were to be strengthened; when applicable, thresholds for acceptable gifts were to be significantly lowered; and information about the receipt of gifts, including invitations, hospitality and other advantages, was to be reported by the recipients, recorded in a central register and published in a timely manner.

Additional recommendations suggested the adoption of practical guidelines to explain in a clear manner how the rules should be applied in the daily activity of PTEFs. GRECO has emphasised the need to provide appropriate guidance on the type of items to be considered gifts, covering various forms of benefits (hospitality, invitations, etc.). The relevant framework accompanied by such guidance should give a clear indication on which gifts or hospitality can be accepted depending on the context, the donor, the value, or the occasion. In some cases, GRECO has stressed the need to provide advice for PTEFs, coherent with recommendations formulated under the previous chapters.

As an example of the implementation process, one jurisdiction adopted amendments to the code of conduct for ministers to clarify the regime on gifts. Another country was invited to clarify the concept of "protocol and appropriate gifts", and it has reported that it included the additional elements in the draft law on the prevention of corruption. One jurisdiction reported that the anti-corruption body adopted guidelines on gifts, favours and hospitality in the public sector, published them online and additionally started work on an electronic register of gifts.

## Post-employment restrictions

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Many of the countries evaluated were asked to improve the situation with regard to the mobility of top executive officials to the private sector (so-called "revolving doors"). Post-employment related recommendations targeted the need to ensure a comprehensive, clear and enforceable legal framework for post-employment restrictions applied to PTEFs. From the compliance reports adopted so far, it appears that the effective sanctioning policy for non-compliance was the most difficult part of the recommendations to implement by member States.

The typical recommendation in this area reads that rules should be adopted to deal with the employment of former PTEFs. Such rules should be enshrined in legislation and include cooling-off periods for all PTEFs, though often of different durations depending on the seniority of the category of PTEFs, and an effective mechanism to prevent improper moves to the private sector, including through the application of sanctions. Systems based primarily on self-regulation and missing the enforceability element have not been considered to meet the standard set by the recommendation. GRECO considered the adoption of primary legislation on revolving doors to be the right approach to the implementation of this set of recommendations and encouraged member States to cover all the relevant aspects of a post-employment policy. Some jurisdictions have also received an additional recommendation to adopt practical guidance available to PTEFs on how to comply with their obligation. Ad-hoc mechanisms, such as the possibility of addressing requests for clarification to the ministry of justice, have not been considered sufficient for meeting this requirement.

In some of the reports, reference is made to the obligation to obtain a prior approval before starting negotiations for a position in the private sector – irrespective of whether these negotiations commence while the PTEF is still performing the public function, or after. Some jurisdictions also received a recommendation to oblige PTEFs to inform the appropriate body of any new employment. With regard to prior approval, some jurisdictions opted for it being issued by the institution where the PTEF was employed or by the prime minister in the case of ministers, with or without input from an independent ethics body. In some countries, the ethics

body issues an opinion addressed to the individual in question and to the authorising body. The opinion of the ethics body also includes suggestions, if needed, on how to tailor the post-employment elements so that a situation of conflict of interest is avoided. GRECO has insisted that these opinions should be publicly available, though countries argued that full transparency may be fit for ministers, but excessive for senior officials. With respect to the information obligation, this is often correlated with the oversight and monitoring aspect of the post-employment policy. Some countries have opted for the information to be sent to the independent oversight body, such as an ethics committee or the supreme auditing institution, and mandated the PTEF to make a complete and detailed submission which includes a clear description of the activity envisaged.

In terms of the duration of post-employment restrictions, GRECO has found that a six-month period is too short to qualify as an effective tool for preventing the risk of corruption and conflicts of interest. GRECO has underscored that in terms of the cooling-off period, length is less important than whether the limits are effective in preventing and managing conflicts of interest. The right balance must be sought between fostering public integrity and supporting a flexible labour market. A period of two years for ministers and one year for other senior officials was generally considered to meet the standard.

Some countries were recommended to also include an express prohibition on former PTEFs conducting lobbying activities towards the government for a period of time. In the compliance procedure, GRECO acknowledged that a two-year prohibition on lobbying activities would satisfactorily meet the requirements of the recommendation. GRECO has also criticised the possibility of waiving the lobbying restrictions that existed in some jurisdictions.

Where rules on post-employment existed, GRECO recommended that they are reviewed in terms of effectiveness and that appropriate amendments are adopted to address the shortcomings identified. Some countries have reported that an independent commission of inquiry was set-up to perform this assessment.

## **Declaration of assets, income, liabilities and interest**

### **Declaration requirements**

In this chapter GRECO builds on and extends its practice from previous evaluation rounds in the area of financial disclosure and controls. GRECO's recommendations on financial disclosure aim to create a coherent and fair legal and institutional framework where public sector employees are subject to reporting and control requirements proportionate to their risk exposure. While this round focuses on PTEFs and the police forces, previous rounds covered parliaments, public administrations and judiciaries. The underlying assumption is that PTEFs need to lead by example, and that a policy imposing reporting requirements only on civil servants, but not PTEFs, would not serve as a credible instrument to prevent corruption and promote a culture of integrity.

#### **A comprehensive financial disclosure framework in Armenia**

Armenia has a rather comprehensive financial disclosure system. Some important steps have been taken in recent years to strengthen financial disclosure monitoring and enforcement. The proactiveness of the Corruption Prevention Commission in this area is commendable. It has been granted with powers and tools to verify declarations and the possibility to impose administrative sanctions (and to refer cases to law enforcement when elements of a criminal offence are detected). The verification process is based on checking technical compliance, consistency of data, cross-checks with external databases, mathematical analysis of declared data, and analysis of high-level functions. In order to provide for greater effectiveness of the system, an automated process for declaring and analysing financial declarations is being introduced, criteria for random checks depending on a risk-prone assessment are being developed, and a system of red flags was yet to become fully operational. Further, Armenia has been among the first countries publishing data online on beneficial ownership which started with an initial focus on extractive industries but has gradually extended to other sectors. From 1 January 2023, the requirement to declare beneficial ownership applies to all companies, including those with state ownership.

The wording of the recommendations is fairly similar across countries, with GRECO insisting that a harmonised regime is set up or upgraded to ensure that all PTEFs are required to regularly submit financial disclosure forms which should be publicly available. The same rules that apply to ministers should cover state secretaries, deputy ministers, political advisors and, where the head of state is covered by the definition of PTEF, the staff of the office of the head of state. To implement this recommendation, countries have amended their legislation on financial disclosure to cover all PTEFs with similar reporting rules.



### **Political advisors subject to financial disclosure obligations - Estonia**

In April 2021 the law was amended to ensure that ministers' political advisors are required to submit declarations of interests within four months after taking office and then annually. The register of declarations of interests has been improved and it is now easier to track the names of the officials to whom this requirement applies.

In some cases, GRECO recommended that countries review and reconsider the periodicity of financial disclosure submissions to ensure that the relevant information is made available in a timely manner. Building on the technological progress achieved in the recent years and on the best practices in the field, GRECO adopted some recommendations on electronic submission for financial disclosure or on the importance of using machine readable formats and the proper itemisation of information provided. The electronic filing of financial disclosures would reduce the risks of transcription errors by the registrar.

Where electronic platforms for submitting declarations of assets were under development, GRECO encouraged the government to make them operational as soon as possible. One country reported that the legislation was upgraded and that as a result the itemisation of the template allows for the inclusion of real estate, bank deposits, capital stock and equity shares, life insurances and retirement plans, other financial assets and property rights and liabilities, and that the filling in of the form can be done via an online dedicated portal. The information is automatically extracted from the portal and published online and in the Official Journal. Another country reported that an electronic platform had become operational for all public officials who submit financial disclosures and that significant training efforts were made to familiarise the declarants with the features of the new e-declaration system.

### **E-declarations in Albania – enhancing accuracy and cross-checks in financial disclosure**

In November 2021, after testing the e-platform, the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest approved the template and the guidance for e-declarations on assets and private interests. Extensive trainings were carried out in 2021 and 2022 for the personnel designated to manage the process of collecting these declarations. Since 1 January 2022, the declarations on assets and private interests are submitted only electronically on the fully operationalised system through: <https://deklarimi.ildkpi.al/Account/Login?ReturnUrl=%2F>

The content of the forms should include assets, incomes, outside employment, previous positions and agreements with previous employers, as well as liabilities and financial interests. The value threshold for including these items in the disclosure form should not be excessive. In other recommendations, GRECO refers to the need to include the quantitative data on all significant economic or financial involvement or the need to clarify what qualifies as a "relevant interest" that should be disclosed. To address the issue of a "relevant interest", the country in question updated the template to clarify what elements need to be included and also broadened the scope of the disclosure to cover not just interests relevant for the specific personal portfolio, but also interests of "a collective character" that may impact on the overall activity of the government (the disclosure of which may generate the recusal of the minister in question when that specific issue is discussed).

### **Broadening financial disclosure requirements for ministers in the United Kingdom**

The declaration of interests was updated to clarify what interests need to be disclosed. Interests that are relevant to a minister's portfolio were duly covered. Also, when an additional interest might lead to a conflict during a collective decision-making process of the Cabinet the minister in question should disclose it at the beginning of a Cabinet meeting. This practice addresses the previous concern with regard to the narrow disclosure of interests of ministers assessed through the lens of their respective portfolios. GRECO commended the practice of publicly disclosing conflicts of interest that have a "collective character" before Cabinet sessions, thus allowing the minister concerned to be excluded from the decision-making process.

It is extremely concerning to see the schemes that some government members resort to in order to keep assets out of reach of disclosure, for example, by transferring them to spouses or relatives, using offshore accounts, or having their dependents take loans to control business groups. GRECO has therefore adopted a typical recommendation "to consider" the disclosure of information regarding spouses, partners and dependent family members, qualifying this requirement with the mention that the information does not necessarily need to be public. This type of recommendation opens the door for reflection on the benefits and costs of enlarging the

coverage of the declaration to additional subjects, a practice that is already implemented in several countries with sound financial disclosure systems. While GRECO allows flexibility for countries to decide if the additional information should be made publicly available, the recommendation recognises the benefits of this additional data in the verification process. By doing so, GRECO acknowledged the considerations of personal data protection that need to be weighed against the benefit of meaningful financial transparency. GRECO has accepted that the recommendation was dealt with in a satisfactory manner when countries demonstrated that the proposal to include additional persons under the reporting requirements had been widely discussed, not only within the government but more broadly (at times also including private stakeholders) regardless of the conclusion of the discussions. However, the recommendation was not considered met when the government simply decided unilaterally not to enlarge the scope of financial disclosure to spouses, partners and dependent family members. A more straightforward approach was taken by some jurisdictions that have amended the legislation on financial disclosure to cover spouses and dependent children.

## Review mechanisms

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GRECO has emphasised the need to establish an adequate verification system that benefits from sufficient resources and a clear mandate and that can generate dissuasive sanctions in case of breaches. Most countries received recommendations in this regard.

The verification of financial disclosures comprises a check on the timeliness of submission and a substantive check of the veracity of the information submitted by the declarant. While the timeliness of submission is easier to assess, as it consists of a check primarily based on publicly available information - such as the start or end date of a public function or compliance with the deadline of yearly submission - the control of veracity is a more complex endeavour.

On the one hand, data in the declaration need to be cross-checked with the data held by other institutions or entities about the declarant. On the other hand, information held primarily by the declarant is sometimes needed to perform a proper verification. Often control authorities, such as independent anti-corruption bodies, face difficulties in accessing this information either because they lack a clear legal mandate or because interinstitutional cooperation between state agencies is far from optimal. GRECO adopted recommendations for multiple jurisdictions addressing these challenges of substantive verifications and urged member states to find solutions to the problems identified in practice. Good inter-institutional cooperation to further the verification efforts was acknowledged by GRECO as good practice. GRECO has also recognised as an element of good practice the adoption of yearly verification plans by the responsible institution.

An additional challenge identified in the evaluation reports is the insufficient capacity of anti-corruption bodies compared to their legal mandate, as well as concerns regarding their independence from PTEFs. GRECO has made numerous recommendations to member States to increase legal, human, financial, and other resources and to ensure the independence of these entities as a prerequisite for their ability to efficiently perform their functions. Verifications of financial disclosures should be done proactively and in a systematic manner to ensure the credibility of the system. Information about the outcomes of the controls, along with relevant statistics, should be published regularly. GRECO commended jurisdictions that were able to show proactiveness in the verification process, as well as efforts to increase the capacity of the independent anti-corruption institutions charged with these verifications. Some jurisdictions have reported an enhanced cooperation between the body performing the verifications of the financial disclosures submitted by PTEFs and audit (and other relevant) institutions, in addition to the employment of IT tools that facilitate verifications.

### Upgrading verification of financial disclosure

#### North Macedonia

GRECO has acknowledged the increased capacity of the State Commission for the Prevention of Corruption to proactively verify declarations of assets and interests. Electronic tools are now used in the verification processes to interconnect databases from other state bodies; this is an ongoing process, and further improvements are still expected in this domain.

#### Albania

GRECO has welcomed the steady increase in the budget of the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest and the constant investment in the development of staff through training and expertise exchanges.



## Accountability and enforcement mechanisms

GRECO has insisted that countries develop a dissuasive sanctioning regime that enables the application of proportionate sanctions for breaches of the legislation. A sanctioning mechanism that relies solely on political responsibility has not been considered sufficient to meet the standards. The relevant recommendations issued in this area have proven to be among the most challenging to implement so far.

### Criminal proceedings and immunities

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This chapter includes recommendations that aim at introducing objective standards that allow for the investigation and prosecution of PTEFs suspected of having committed corruption offences by the judiciary without undue or excessive political influence being exerted.

Traditionally members of governments are protected in the performance of their functions by a system of immunities. While this system is compatible with the rule of law standards in a democratic society, it is important that immunities are not misused to protect office holders against investigation and prosecution of corruption offences, including abuse in office. GRECO has recommended to some jurisdictions that corruption offences be expressly excluded from the scope of immunities, while in other cases it has demanded that in practice immunities are lifted based on objective and fair criteria.

Where individual political figures had the final say in approving the conduct of criminal investigations, GRECO has made recommendations to revise this practice. In particular, it has expressed strong concerns regarding the powers of heads of state to quash ongoing criminal proceedings, as this poses a clear threat to the independence and impartiality of the criminal justice system – both of which are essential prerequisites for combating corruption in all its forms, including cases involving members of the executive, their relatives, or political supporters. Such powers may undermine the ability of law enforcement and investigative authorities to effectively prosecute corruption-related offences, including those committed by PTEFs. Consequently, GRECO has recommended revising the powers of political figures (typically heads of state) to block or discontinue criminal investigations and proceedings against PTEFs suspected of having committed corruption related offences.

Countries were also asked to ensure that the evidentiary standard required from investigators to commence an investigation should be “a reasonable suspicion” and that in the early stages it is not required from the investigators to provide “evidence”. When countries provided examples showing that this standard is implemented in practice, GRECO found that the recommendation had been complied with.

The common final goal of these recommendations is that immunities do not hamper the conduct of investigations and the prosecution of corruption by the justice system. Where this allocation of tasks has been provided in the constitution, GRECO acknowledged progress in the implementation when constitutional amendments were in the process of being adopted. Also, gradual transfer of competences to independent prosecutorial bodies was accepted as partial implementation.

Another set of recommendations focus on increasing the independence and capacity of investigation and prosecutorial bodies charged with pursuing cases of corruption committed by PTEFs. Requirements of ensuring additional independence guarantees, of providing proper technical capacities, the recruitment and training of specialised personnel have featured in the points GRECO has raised in the evaluation reports. Where additional resources were allocated to investigative and prosecutorial bodies, GRECO has acknowledged partial implementation in the case of complex recommendations. Satisfactory implementation was recognised when the recommendation was centred on this element and information was also provided regarding good cooperation with other relevant bodies.

GRECO has also insisted on the need to ensure the autonomy of the prosecution service (a key issue already examined in the Fourth Evaluation Round). It warned against reporting to political authorities regarding the investigation of individual cases. GRECO considered that when the person under investigation is a member of the government, reporting to a political authority could severely compromise the confidentiality of the investigation and the independence of the responsible prosecutor. Regardless of the system chosen by a state for the organisation of the prosecution office - whether prosecutors are functionally independent or hierarchically subordinated to the executive – GRECO’s long-standing position, based on international standards, is that safeguards must be in place to ensure that corruption investigations are conducted without any political or other undue influence.

Lastly, GRECO recommended to a few jurisdictions to publish information regarding the violations committed by PTEFs. To address this recommendation, one country has amended its legislation to require the publication of such violations and corresponding sanctions, keeping the information online for five years.

## Non-criminal enforcement mechanisms

Non-criminal enforcement mechanisms are often better suited to address breaches of codes of conduct and of ethical rules. In the Fifth Evaluation Round, GRECO continues the practice of previous rounds by focusing not only on criminal enforcement mechanisms but also on strengthening non-criminal ones.

In jurisdictions where such mechanisms and responsible entities existed, but shortcomings have been identified in practice, GRECO recommended to address them either through the amendment of relevant legislation or through improving the administrative practices and the strategic approaches employed to foster integrity of PTEFs through a combined effort of awareness raising, advice and oversight. To address this recommendation, some countries have boosted the human resources and IT capabilities of relevant bodies, thus improving the capacity to provide advice and to perform supervision. Others took steps to strengthen the mandate of the responsible institutions and to improve the tools they have at their disposal to implement their mandate.

Independent mechanisms should be allowed to exercise their discretion unimpeded when deciding which officials should undergo investigation. Such decisions should be insulated from undue political influence.

### Independent investigations in the United Kingdom

GRECO welcomed the newly introduced possibility for the Independent Adviser on Ministers' Interests to initiate investigations upon his/her own initiative, after having consulted the Prime Minister, who will normally give consent. Even though consent is still required, it can be obtained later, once the investigation has been initiated. If the consent of the Prime Minister is not given, this information is made public, except in special circumstances.

For countries that did not yet have such tools, GRECO has recommended that a sound mechanism for supervision, enforcement and sanctioning is implemented. One of the countries concerned has established an Ethics Committee which acts independently from the government in analysing breaches and publishes its findings online.

### Ensuring integrity: the independent role of the Ethics Committee in Luxembourg

The Ethics Committee composed of three persons, assisted by a secretariat of three lawyers, handles matters regarding deontology, integrity and ethics. It uses a secure computer platform specially designed and dedicated to the processing of declarations and opinions, and its members have been trained in the use of this application and provided with the necessary computer equipment. Neither the government, nor any minister may oppose the publication of an opinion of the Ethics Committee reporting breaches of the rules of conduct, and the government's website now includes sections dealing with the Ethics Committee and deontology, providing public access to all relevant information.

# SECTION THREE: LAW ENFORCEMENT AGENCIES

## Law Enforcement Agencies (LEAs)

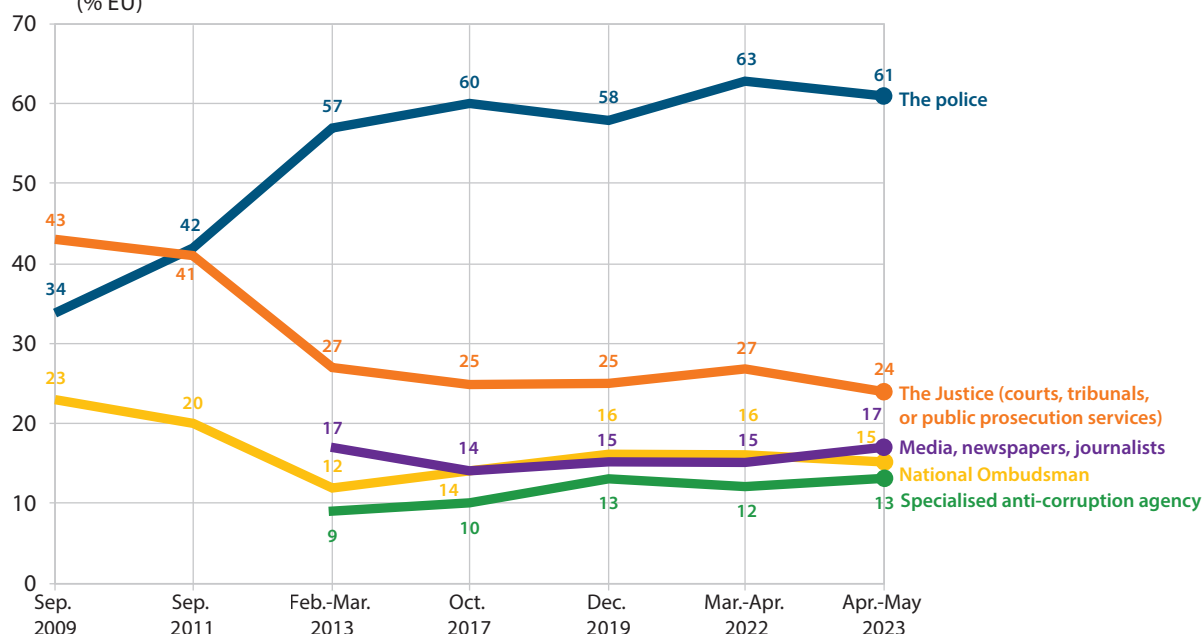
The evaluation focuses on officials of selected bodies performing core law enforcement functions who are subject to national laws and regulations – namely police services at national level which may include agencies responsible for border control.

## Public trust in law enforcement

**T**rust in law enforcement is a crucial indicator of a country's governance and social stability. A high level of trust requires that people know that when an injustice is detected or reported it will be dealt with effectively. During the Fifth Evaluation Round, to get an initial understanding of how law enforcement is perceived in different countries, GRECO looked at different national surveys, the 2023 Eurobarometer on Corruption and other surveys commissioned by other international organisations wherever available. No recommendations were given to countries in this regard, as the purpose of looking at the surveys was to feel the dynamics that form a backdrop for shaping other recommendations for law enforcement during this round.

GRECO was pleased to see that the overall trust in law enforcement in all the countries has been improving. Based on national and international surveys, the police in many countries are among the top-rated public institutions. The 2023 Eurobarometer on Corruption, covering only EU countries, reports that the police are the most trusted institution in all 27 EU member states. In 2023, the EU average of the police as the most trusted institution to deal with corruption was 61%, which is higher than it was in 2013 (57%), and much higher than in 2009 (34%).<sup>7</sup>

**QA11** And if you wanted to complain about this case of corruption, who would you trust most to deal with it?  
(MULTIPLE ANSWER POSSIBLE)  
(% EU)

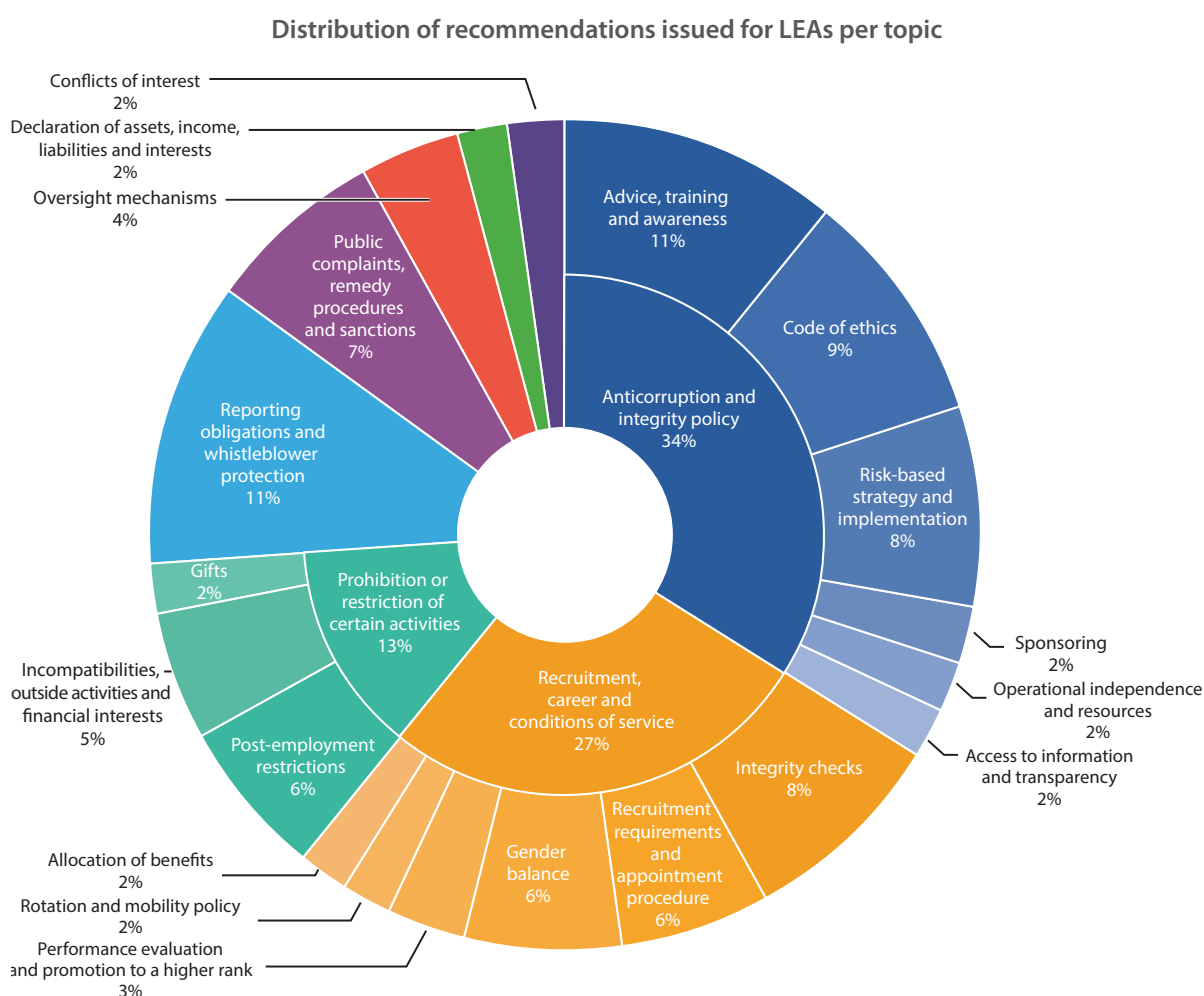


Source: European Commission. Special Eurobarometer on Corruption 534

7. European Commission. Special Eurobarometer 534. Citizens' attitudes towards corruption in the EU in 2023, page 86, accessed on 4 August 2024, <https://europa.eu/eurobarometer/surveys/detail/2968>.

This positive trend was observed not only by the Eurobarometer, covering only the EU member states, but also by individual national and international surveys conducted in other GRECO members that are not part of the EU. However, GRECO has remained cautious about the findings of some surveys which reported high public trust in law enforcement, given that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) or the European Court of Human Rights have highlighted serious concerns, such as police violations, torture, and abuse.

On the downside, several countries showed controversial survey results, where national polls would provide positive evidence, while the Eurobarometer on Corruption from different years revealed negative figures - either regarding the perception of widespread corruption within law enforcement or the unwillingness to report corruption to the police. In cases of such discrepancies, GRECO encouraged countries to remain vigilant about these perceptions and address them without complacency. If a decline in a positive trend occurs or perceptions fail to improve, GRECO urged countries to explore ways to be more proactive in public communication, capitalising on various reforms and achievements.



The main areas targeted by GRECO's recommendations in respect of LEAs are: anti-corruption and integrity policy; recruitment, career and conditions of service, prohibition or restriction of certain activities, as well as reporting obligations and whistleblower protection.

## Anti-corruption and integrity policy

### Risk-based anti-corruption strategy and implementation

The topic of anti-corruption policy in law enforcement has attracted significant attention from GRECO during the Fifth Evaluation Round, which called on the majority of countries to take action. Overall, developing and implementing anti-corruption strategies that target the specific risks faced by law enforcement helps it better understand its own challenges and address them. By identifying potential areas and scenarios where

corruption is likely to occur, law enforcement can take specific risk mitigation measures, effectively prioritising resources and efforts.

Most frequently, countries were given a standard recommendation to conduct a comprehensive risk assessment of corruption in law enforcement and use the findings to design and implement an integrity and anti-corruption strategy. In many instances, the purpose of identifying emerging trends and concrete issues that would need to be addressed as a matter of priority was highlighted.

#### **Adoption of the Integrity Plan for the Ministry of the Interior of Montenegro**

On 14 May 2024, Montenegro adopted a new Integrity Plan for the Ministry of the Interior, which aims to strengthen accountability, streamline procedures, increase transparency in decision-making, control discretionary powers, uphold ethical values, eliminate inefficient practices and inappropriate regulations, and introduce an effective system of supervision and control over the work and behaviour of officials. The Integrity Plan also sets out various integrity risk levels and probabilities faced by various administrative entities, including the Police, and proposes measures to address them.

In addition to the standard recommendation that the majority of the countries received, GRECO issued a series of more heterogeneous, tailor-made recommendations to various countries, addressing specific challenges and risks faced by law enforcement in those countries.

In one case, a country was advised to expand its corruption risk analysis to include senior and top management levels. Another country was urged to pay particular attention to the risk of political interference in investigations, promotions, and appointments to higher posts in law enforcement. Other key recommendations included involving top leadership in endorsing and overseeing anti-corruption strategies, improving coordination between departments and units, enhancing public reporting on integrity and corruption prevention measures, and modernising IT systems to better support risk assessments. Two countries were advised to abandon the practice of paying fines directly in cash to police officers, which they successfully complied with in the compliance procedure.

In a different case, a country that permitted police officers to offer additional services to citizens for a fee was instructed to reassess the conflict-of-interest risks associated with these activities. These services ranged from organising cultural and sports events to using police uniforms, weapons, and vehicles for film productions, escorting hazardous materials, and temporarily protecting strategic entities. Another country was asked to enhance control measures regarding access to and use of confidential information in order to prevent unauthorised access to law enforcement registers and leaks of information. Furthermore, two countries were specifically asked to implement regular, specialised training on risk management for law enforcement officers.

The implementation of GRECO recommendations regarding risk-based anti-corruption policies has led to a big variety of good initiatives and improvements in countries.

- ▶ Dedicated risk-based anti-corruption policies for law enforcement. Several countries have adopted strategies based on risk assessment, while others are in the process of doing so.
- ▶ Integrated policies. Developing separate anti-corruption policies for the police, or having them integrated in the overall anti-corruption strategy or a strategy developed and implemented by all the bodies subordinate to the Ministry of the Interior.
- ▶ Internal Audit Office. Creating a separate internal audit office within the police in charge of devising a detailed database of perceived risks in the entire police and their inclusion in the annual audit plans.
- ▶ Risk prioritisation. Identifying and grouping risk areas according to priorities for a more structured approach to corruption.
- ▶ ISO 9001-2015 Standard. Adopting a risk management procedure according to the ISO 9001-2015 standard for a more unified approach.
- ▶ Improved communication, coordination and training. Using an anti-corruption policy for improving communication and coordination in the police and conducting comprehensive training programmes.
- ▶ Impact monitoring. Having anti-corruption implementation plans for law enforcement regularly revisited and coupled with indicators of achievement.
- ▶ Increased budget. Increasing significantly the police budget and allocating resources for integrity training.
- ▶ Police surveys. Regularly assessing the policy for ethics and anti-corruption within the police on the basis of risks which are also collected through regular surveys.

- ▶ Predictive model. The application of a 'predictive' model, developed jointly with a university, of approaching different forms of corruption by anticipating their probability and strategies to be applied.
- ▶ Specific studies. Conducting specific studies to identify corruption patterns and trends by geographical area, hierarchy level and job descriptions.
- ▶ Cash fines eliminated. Fully abandoning the practice of paying fines in cash to the police.
- ▶ Information leaks prevented. Putting in place electronic control measures which include authorisation, logging in to the system and monitoring procedures.

### **Risk analyses in Germany**

The Federal Government Directive concerning the Prevention of Corruption in the Federal Administration requires all federal agencies (953 agencies and offices in total) to identify at regular intervals areas of activity that are especially vulnerable to corruption and to report back on this to the Federal Ministry of the Interior, Building and Community. If a brief examination points to a need for action, this process of identifying areas of especially vulnerable activity is to be followed by a risk analysis of those areas to determine whether existing safeguards (for example, staff rotation and the "multiple eyes" principle) are sufficiently effective to counter the risks of corruption, and if any further changes are to be made to the organisation, procedures and/or staff assignments in the federal agency in question. This requirement of the Directive is complemented by an obligation to apply further internal corruption prevention measures and to appoint a contact person for the prevention of corruption in each federal agency.

The adoption and implementation of risk-based anti-corruption policies in law enforcement demonstrates innovative ways and the potential to significantly reduce corruption in law enforcement or border police. However, the varied levels of implementation across countries highlight the ongoing need for commitment and resources to address this broad issue effectively.

## **Operational independence, sponsoring and trade unions**

The operational independence of law enforcement, the risks associated with police sponsorship, and the role of trade unions are critical areas that impact the integrity, effectiveness, and public trust in law enforcement agencies. Operational independence ensures that police forces can perform their duties without political interference, safeguarding justice and democracy. Sponsorship, while potentially beneficial, can pose significant risks if not managed transparently. Trade unions in law enforcement play an important role in protecting the rights of officers and could help promote integrity of the whole police, a potential that has not been fully used by all countries, as found by GRECO.

### **Operational independence**

A key role of law enforcement is to ensure that all individuals are treated equally under the law, regardless of their political affiliations or status. If the law is broken by those in power, law enforcement should hold them accountable and not above the law. The independence of the police is also vital to prevent its misuse for targeting opponents and shielding allies.

For GRECO, these are fundamental principles which it kept under scrutiny during its Fifth Evaluation Round. It requested several countries to ensure sufficient operational independence of the police from the Ministry of the Interior, both in law and in practice, especially during the pre-investigation and investigation phases. Additionally, GRECO recommended to several countries that the police should not be subject to any instructions in criminal cases outside those envisaged under criminal procedural legislation. If any individual instructions are given, they should be properly documented. In one case, GRECO was particularly concerned about party affiliation affecting the promotion of police officers.

### **Sponsoring**

Non-transparent police sponsorship can create significant risks of conflicts of interest and financial dependence damaging public trust in the impartiality and independence of law enforcement. GRECO recommended to a number of countries which allow police sponsorship and wish to maintain such arrangements for support, to adopt a two-step approach to protect the integrity of law enforcement. First, they should take safeguards against any real, potential or perceived conflicts of interest in police sponsorship. Second, they should make



such support fully transparent by regularly publishing information about donations and sponsorship online, indicating the value, donor's identity and how the donated assets were used.

So far, some countries have conducted analyses of their police sponsorship practices. While they have retained the opportunity to fund the police using private funds, they minimised corruption risks by adopting stricter regulations. Additionally, these countries have published donations and sponsorship online. The remaining countries are yet to report their progress on this matter. Countries that have already adopted these measures demonstrate that it is possible to allow sponsorship while minimising corruption risks.

## Trade unions

Trade unions play an important role in advocating for the labour and social rights of law enforcement personnel. The majority of GRECO members have trade unions for law enforcement and border guards. Those countries that do not have them have either abandoned them as they gave no benefits or have prohibited them by law. In the latter case, law enforcement can then voluntarily join professional associations. The number of police trade unions in each country varies, ranging from one to 50. Several countries have trade unions for women police officers who are actively engaged in protecting their rights. Participation rates in trade unions vary, with membership ranging from 15 to almost 90 per cent of all police officers. In one country, participation in a professional police body is mandatory.

In countries where the police service has a military structure or ranks, participation in trade unions is often limited to prevent law enforcement from becoming involved in political and social conflicts. In some cases, to avoid instability, police officers' right to strike is prohibited. In one country, only the head and deputy heads of the statutory authorities are barred from joining trade unions by law. However, in several EU member states, recent legal actions or constitutional claims have overruled the prohibition on police officers joining trade unions. This has led to the establishment of national professional military associations that help protect service conditions and labour relations.

GRECO raised critical concerns regarding one country that prohibits law enforcement personnel from being members of trade unions despite the change of their status from military to regular civil servants, recommending reconsideration of this prohibition.

In most cases, trade unions focus on the labour and social rights of their members, sometimes getting engaged in disciplinary cases. In some instances, trade unions act as a key counterpart of the government in law enforcement policy-making or reforms. However, GRECO found that only in a few countries do trade unions significantly contribute to fostering integrity in the police and play an active role in the recruitment, promotion and dismissal of police officers. GRECO regretted that other countries do not take advantage of this opportunity.

GRECO observed that trade unions should play a more significant role in contributing to transparency, fairness and accountability processes within the police. As a key safeguard protecting the police from external risks, they could be more actively engaged in upholding the integrity of law enforcement from within.

## Access to information and communication

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Law enforcement agencies face a complex dilemma in balancing transparency with the imperative to protect the confidentiality of ongoing investigations. Freedom of information acts are designed to promote openness, allowing citizens access to records and insights into governmental decision-making processes. This transparency is crucial for fostering trust, holding officials accountable, and preventing abuses of power. At the same time, law enforcement must protect the confidentiality of sensitive information and maintain the integrity of investigations, which becomes particularly challenging with high-profile cases that attract significant media and political attention.

Most GRECO countries have made strides in navigating this balance by enhancing transparency through accessible law enforcement reports, budgets, administrative proceedings, and other relevant information. They have improved communication strategies and skills to proactively inform the public and media about their results.

Despite these efforts, GRECO has highlighted areas that several countries need to improve. Regarding communication, it urged a few countries to set up a clear policy to ensure that the police regularly communicate through authorised channels, particularly regarding cases of public interest or those involving victims of crime. Additionally, GRECO recommended to have a comprehensive review of internal and external media messaging, with a focus on improving response times to public inquiries and implementing proactive rather



than reactive messaging strategies. Furthermore, it recommended enhancing the capacity of communication staff to better inform the public and media.

Regarding access to information, GRECO advocated for increased transparency of law enforcement by making reports on police activities, decision-making processes, budgets, administrative procedures, statistics, and regulations easily accessible to the public, preferably through online platforms. In one instance it asked a country to review the existing framework on access to policing information.

While reporting on performance results, budgets, procurement, and statistics has been manageable, the challenge remains of refining the legal framework to improve access to policing information without jeopardising sensitive data. GRECO urged countries to continue reflection in this delicate domain, hoping that the right balance between the public's right to know and the necessity of protecting crucial restricted information will be found.

## Code of conduct

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Well-developed, tailor-made and internalised codes of conduct are necessary for law enforcement to uphold high professional standards and performance. Well spelt out provisions with concrete examples and guidance can help prevent misconduct, abuse of power and foster confidence in proper actions.

GRECO has been paying substantial attention to the topic of codes of conduct throughout several evaluation rounds. During the Fifth Evaluation Round, it recommended two-thirds of all GRECO members to take substantial steps for law enforcement in this domain.

## Adoption and publication

Several countries, which did not have dedicated codes of conduct for law enforcement or border guards, were advised to adopt and publish them, ensuring public access to integrity rules. Some countries have fully complied with the requirement, while others are making progress.

## Updating and consolidating existing codes

Although many countries had rules on integrity or codes of ethics for law enforcement, they needed revision and additional provisions. GRECO asked those countries to update their codes of conduct with provisions on:

- ▶ handling confidential information;
- ▶ gifts/benefits;
- ▶ third-party contacts;
- ▶ accessory/outside activities;
- ▶ conflicts of interest;
- ▶ use of public resources;
- ▶ political neutrality.

Few countries have satisfactorily addressed the recommendation, and others are still progressing. Several countries were also asked to ensure consistency between different rules and procedures for different law enforcement bodies which the majority of them have successfully addressed.

## Practical guidance with concrete examples

GRECO emphasised the need for codes to be internalised by including concrete examples and explanations illustrating risk-prone areas. Many countries were advised to incorporate these elements or take other measures to make the codes practical. Some countries have supplemented their codes of conduct with manuals, detailed commentaries and illustrative examples that can be updated as necessary.

## Credible and effective oversight and enforcement

GRECO highlighted the need for a credible and effective oversight and enforcement mechanism to ensure codes are mandatory, enforceable, and subject to sanctions. Several countries were advised to establish such mechanisms, with only very few having successfully implemented them, and others still working on it. A proper

oversight mechanism put in place by countries includes learning from past violations, promoting integrity and developing preventing actions. If prevention fails, then violations are followed up by an internal investigation.

## Advice, training and awareness raising

Effective enforcement of integrity rules and codes of conduct requires that these principles are well understood and internalised by all police personnel. Acknowledging this, GRECO recommended that most countries assessed implement regular training on corruption prevention, integrity, and conflicts of interest, delivered by qualified trainers. This training should particularly include police supervisors and be practice-oriented, linking to their daily activities. To better equip police to handle ethical dilemmas, GRECO often suggested introducing a mechanism for confidential counselling provided by trained individuals. GRECO also advocated for transparency in prevention tools used by the police to foster public trust and support by making integrity standards clear.

## Practical training tailored to law enforcement

Several countries received a standard recommendation, asking them to conduct training with one or more of the following characteristics:

- ▶ training should be regular and mandatory, covering conflicts of interest and other integrity matters;
- ▶ training should include all personnel, from new recruits to senior management;
- ▶ training should offer practical guidance specific to different law enforcement duties and vulnerabilities.

Most countries which have undergone the compliance procedure so far had minimum challenges addressing this recommendation. They have included provisions on integrity matters and ethics in compulsory initial and in-service training of all police employees, including managers, made training more practical and regular and included it in annual training plans. Some have introduced training that is more structured and tailored to vulnerabilities faced by various categories of staff.

As positive examples, in particular the United Kingdom, Ireland and Sweden described below, comprehensive training mechanisms, encouraging openness about mistakes without fear of punishment have been developed. Other countries have introduced interactive e-learning tools.

### Raising awareness in professional deontology

#### United Kingdom

The Code of Ethics addresses key ethical challenges faced by officers and is regularly updated to reflect current issues. The Metropolitan Police Service (MPS) Professional Standards Unit customises similar guidance for various career stages of officers, including promotion courses and training days, impacting around 4,000 officers annually. Awareness is also maintained informally through intranet articles, forums, and videos, such as those on social media principles. Currently, the MPS is developing immersive scenario-based training on ethical dilemmas to explore the link between emotional intelligence and policing.

In February 2020, reforms introduced Reflective Practice to handle minor conduct and performance issues outside of formal disciplinary procedures. This approach encourages officers to be open about mistakes without fear of punishment, fostering an environment focused on learning and improvement.

The launch of the Code of Ethics includes mandatory online training for all officers, alongside planned supervisor and manager workshops. These workshops aim to reinforce the Code's objectives and highlight the role of leadership in promoting integrity.

Each of the 12 Borough Command Units, which replaced the previous 32 police boroughs, has a Professional Standards Unit that provides guidance on ethical and integrity matters. These units ensure confidential advice within the National Crime Agency (NCA) and the MPS, addressing recommendations on ethical standards.

#### Ireland

In 2023, the "Learning the Lessons" initiative was launched through a collaborative effort by an editorial board with members from the Ethics and Culture Bureau, Professional Standards Unit, Internal Affairs, and the Anti-Corruption Unit of the Irish national police service, Garda Síochána (Garda). This initiative includes a quarterly, evidence-based newsletter distributed to the Garda organization. The newsletter summarizes investigations related to criminal activities, disciplinary actions, and complaints involving Garda personnel. In 2023, four editions were published, covering topics such as the inappropriate use of Garda systems, abuse

of authority, criminal conduct, and the Garda policy on accepting gifts, hospitality, and sponsorship. The newsletter aims to raise awareness of the consequences of policy violations and failure to uphold ethical standards. Each edition focuses on a specific theme to improve policing practices and enhance the professional conduct and ethical behaviour of all personnel.

#### **Sweden**

An interactive e-learning tool was developed as part of both the basic training and in-service training for all police employees, with mandatory participation. It is accessible on the Police Authority's intranet, it includes information on relevant legislation, core values, and integrity matters. The tool is partly interactive, prompting the employee to reflect on different dilemmas and choose the correct responses. It also features several short videos, knowledge test, and certificates of completion.

### **Confidential advice and counselling**

GRECO recommended to more than half of its members to have a mechanism put in place for providing confidential advice to police officers with ethical dilemmas, with trained people of trust appointed in law enforcement. There are several good examples in place, in the framework of the ongoing compliance procedure for this round, with countries putting in place mechanisms with designated points of contact or structural units, accumulating practices, providing overviews and ensuring full confidentiality (anonymity) of persons asking for advice, or adopting internal rules and decrees to ensure full confidentiality of counselling by law. However, others faced difficulties in addressing this recommendation and need to deliver tangible results (beyond merely reporting declared intentions) on various fronts, such as establishing a network of integrity coordinators who are expected to provide confidential counselling, the creation of a Commission for Police Ethics, or setting-up a centralised mechanism for offering confidential advice on ethical and integrity matters.

### **Knowledge database**

Some countries were encouraged by GRECO to put in place or further develop a database covering topics related to integrity and ethical matters in law enforcement, making it fully available to all staff as a preventive and awareness-raising measure. The progress on these initiatives is still pending.

#### **Ethical Standards in the Federal Bureau of Investigations – the United States**

Employees of the Federal Bureau of Investigations (FBI) are subject to a broad range of ethical standards, including those applicable to all federal employees and those outlined in the FBI Ethics and Integrity Programme Policy Guide. A well-established ethics and integrity programme has a culture of learning embedded throughout the organisation, with all FBI employees repeating their motto: «Doing the right thing, in the right way, at all times». A robust system of institutionalised advice is available, alongside a compliance helpline and regular ethics reminders sent via email, especially during key moments, such as before elections (recalling the prohibition on political activities while on duty) or prior to holidays (on rules for accepting gifts). In 2012, an “ethics tracker” was established—a database of cases and queries managed by the Office of Integrity and Compliance.

To effectively foster integrity and ethical behaviour in law enforcement, countries must prioritise practical, regular training and provide confidential support mechanisms for ethical dilemmas. While many countries have made significant progress in implementing GRECO's recommendations, challenges remain, particularly in establishing proper confidential counselling mechanisms. Further efforts to develop resources like knowledge databases can enhance awareness and prevention measures across police organisations.

#### **Ethics and compliance team within the National Police Department - Norway**

An ethics and compliance team set up within the National Police Department meets every month to collect and analyse information from various sources to provide guidance and assistance on ethics and corruption prevention to local police units. A blueprint has been implemented to ensure learning from experience derived from the work of the Norwegian Bureau for the Investigation of Police Affairs. All cases reviewed by the Bureau are sent to the ethics and compliance team, and cases of national interest for the police are forwarded to contact persons in the local units for follow-up. Three new questions related to ethics and anticorruption have been included in the survey of all police force employees which is carried out every two years.

## Recruitment, career and conditions of service

### Recruitment, appointment, promotion and dismissal

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The effectiveness and integrity of law enforcement agencies is deeply connected to the strength of the processes that govern the entire career lifecycle of officers—from recruitment and appointment to promotion and dismissal. Ultimately, law enforcement and border guard agencies should ensure that each staff member perceives their organisation as fair, transparent and just. To achieve this, GRECO recommended that agencies should implement competitive selection, merit-based appointment and promotions, and justified dismissals. These measures are the cornerstone of strong and reliable institutions.

#### Recruitment

GRECO has highlighted the importance of a robust recruitment process in law enforcement, giving recommendations to some countries to strengthen their systems. In particular, it reminded them that vacancies in the police should be publicly advertised and filled through a selection process based on transparent, clear and objective criteria. These standards should apply to all ranks and recruitment processes, including transfers from other institutions. GRECO has also advised that competence assessment committees should play a stronger role in candidate selection, especially where their use has been inconsistent and contingent on a police chief's discretionary decision to appoint them on a case-by-case basis. Moreover, recruitment should strictly follow merit-based principles, explicitly discouraging favouritism based on political connections or offering entry quotas for the children of police officers.

The recommendation on the publication of vacancies has been properly complied with. Several countries have also improved their systems to ensure that police vacancies are filled through fair, impartial, and non-discriminatory processes, with clear criteria consistently applied. However, some countries still need to provide further evidence that they have fully enacted competitive, objective, and transparent recruitment processes, as recommended.

#### Appointment

GRECO expressed greater concerns regarding appointments to managerial positions in law enforcement, issuing recommendations to a number of countries on this issue. GRECO advised that appointments to senior roles, including the Director General of Police and Border Guard, should be governed by formal, competitive procedures that are insulated from political influence and changes in political leadership. The selection criteria for these positions must be objective and based on professional merit, ensuring that the chosen senior officials possess the necessary capabilities and integrity. GRECO also recommended that measures be taken to promote the stability of senior staff and avoid excessive reliance on interim appointments, though it acknowledged that fixed-term limits for chief commanders are suitable.

Despite some limited progress reported by some countries, the overall compliance with these recommendations remains low. GRECO clarified that its primary concern is not the subordination of police and border guard heads to the minister but the discretionary nature of their appointments, which often lack objective criteria, proper vetting, and transparent procedures.

#### Promotion

Promotions in law enforcement should be merit-based and conducted transparently to avoid bias, discrimination, or undue influence. Meritocracy ensures that opportunities are based on skills and performance, motivating employees to strive for excellence. GRECO gave recommendations advocating for open competitions and clear rules for promotions, particularly for senior positions in the police and gendarmerie. It also advised introducing periodic appraisal systems to inform career progression decisions and cautioned against annual performance evaluations conducted solely by superiors without safeguards which could lead to arbitrary decisions.

While some progress has been made, GRECO needs more evidence from countries before it can positively assess the measures taken regarding promotion procedures.

#### Dismissal

GRECO believes that the dismissal of law enforcement officers should be governed by clear, fair, and transparent criteria. GRECO expressed concern over instances where dismissal decisions can be made unilaterally by

superiors, or where police officers are employed on temporary contracts for which there are no clear criteria for non-renewal. GRECO also recommended that countries provide clear avenues for officers to appeal dismissal decisions, ensuring the process remains just and equitable. These concerns have not yet been fully addressed.

## Integrity checks and rotation

Integrity checks and rotation are essential tools recognised by GRECO for mitigating corruption risks within law enforcement and border guard services. These measures play a crucial role in maintaining high ethical standards, ensuring public trust, and enhancing the resilience and effectiveness of these institutions.

### Integrity checks

The saying “you are only as strong as your weakest link,” attributed to 18th-century Scottish philosopher Thomas Reid, aptly captures the importance of integrity within any community, particularly in law enforcement and border guard services. GRECO emphasises that public trust and confidence in law enforcement depend on police officers upholding high ethical standards throughout their careers, starting from the recruitment process. By conducting thorough vetting of candidates before they are hired, law enforcement agencies can identify and exclude individuals who may be vulnerable to corrupt practices. Regular integrity checks are not only vital for individual officers but also strengthen the police force as a whole, enabling early detection and resolution of unethical behaviour or misconduct. These checks reduce the risk of incidents that could cause significant reputational damage and financial losses. However, integrity checks must be implemented carefully to avoid potential downsides, such as invasion of privacy, stress, morale issues, and the risk of fostering a punitive work culture.

#### **Vetting and re-vetting in the Federal Bureau of Investigation (FBI) of the United States**

The FBI has a strict hiring policy. All FBI employees must undergo an FBI background investigation to receive an FBI Top Secret security clearance. Once an applicant receives and accepts a conditional job offer, the FBI will initiate an intensive background investigation. The preliminary employment requirements include a polygraph examination; a test for illegal drug use; credit and records checks; and extensive interviews with former and current colleagues, neighbours, friends, and professors. As for regular vetting, employees are subject to ongoing suitability checks and background investigations to maintain their FBI Top Secret security clearance. This process may include polygraph examinations and random drug tests. Credit checks and interviews of associates, family members, and co-workers, and neighbours may be part of these background investigations. Foreign travel for work and leisure is documented as are regular and ongoing foreign contacts. Financial disclosures are required. Regular ethics training is provided to ensure an understanding of any potential conflict of interest.

The FBI's vetting model has moved from periodic vetting (every five years) to continuous vetting (every year) and the implementation of this model strongly leverages technology and data in support of a risk assessment process. The FBI's Insider Threat Office is positioned as an important element of the FBI's efforts to deter, detect, and mitigate against insider threats. Its work not only supports a policy of early intervention, but also contributes to an evidence-based approach to identifying, understanding, and responding strategically to corruption risks. Automation has been central in recent years to be able to identify red flags.

GRECO recommended that the majority of its members conduct integrity checks in law enforcement regularly, not only during recruitment but also at key career stages such as position changes or promotions, with a focus on roles most exposed to integrity risks. GRECO also advised several countries to establish objective and transparent criteria for reviewing the integrity of police personnel, incorporating these into periodic performance evaluations. Additionally, it has urged one country to allocate resources specifically for vetting, another to be more proactive in conducting integrity checks rather than merely reacting to damage already done, and a third to extend vetting procedures to candidates for an integrity manager position.

#### **Regular and risk-based screening of police officers in the Netherlands**

The Screening of Police Officers and External Police Staff Decree came into effect on 1 January 2023. Under this decree, screenings are conducted before individuals begin working at the National Police of Netherlands (NPN) and at regular intervals thereafter. The type of screening varies based on the associated risks of the role. Nearly all NPN employees are subject to some form of screening, with the minimum requirement being



a certificate of good conduct, which must be renewed every two years. External employees undergo a trustworthiness assessment every five to eight years, depending on the risk level of their work, or immediately upon new circumstances arising. For roles that pose a higher risk to police integrity, both a trustworthiness assessment (at least every five years) and an environmental investigation are conducted. Certain designated confidential functions require a separate safety/security investigation, carried out every five years by the General Intelligence and Security Service rather than the NPN. Authorities have reported that the new rules have been widely disseminated, and NPN employees responsible for conducting screenings have been trained. As of 2023, approximately 2,500 screenings have been completed.

In response to GRECO's recommendations, several countries have taken measures to accelerate vetting procedures by making them more regular and risk-based, particularly by linking them to future promotions or conducting random, unannounced checks on individuals in sensitive positions. Few countries have successfully integrated integrity checks into periodic staff performance evaluations. Some have initiated legislative processes to ensure regular security checks, developed plans to interconnect databases on terrorism and radicalisation with those used in screening, or considered employing artificial intelligence to flag potential links between a police officer and a person under investigation.

### **Comprehensive system for verifying integrity of staff in Switzerland**

The federal law introducing internal security measures has instituted personal security clearance (PSC), which also covers the integrity of individuals and the risk of corruption. PSC checks consist in the gathering of relevant security information on an individual's lifestyle, including close personal connections and family relations, their financial position, contacts abroad and any illegal activities threatening internal or external security. The checks verify in particular whether the individual is in debt or the subject of legal action to obtain payment of debt and whether there are any past or current criminal proceedings concerning them. There are two levels for checks: basic and enhanced, the latter of which may include an interview. PSC checks are carried out by a specialised service of the State Secretariat for Security Policy (SEPOS), attached to the Federal Department of Defence, Civil Protection and Sport (DDPS). PSC checks result in a statement of no risk, conditional security, risk or findings (if there is insufficient information for an assessment). The result is sent to the employer. The latter can choose to take responsibility for the risk, but in practice the PSC result is almost always accepted. It is also sent to the individual concerned and is open to challenge before the Federal Administrative Court.

Despite these efforts, GRECO has noted that progress remains insufficient in some countries and stressed that integrity checks must be tailored to risk exposure and applied systematically rather than as a mere formality.

## **Rotation**

Rotation within law enforcement and border guard services is another effective strategy for mitigating corruption risks. It helps prevent the development of unethical relationships, reduces local influence and intimidation, and counters complacency. By regularly moving officers, rotation disrupts potential collusion with criminal networks and avoids conflicts of interest that may arise from prolonged assignments in familiar environments. Thus, no officer remains in one position long enough to engage in corrupt practices, thereby maintaining integrity and reducing the risk of misconduct.

GRECO has recommended to some countries that an institutional system of rotation be established within law enforcement and border guard services, particularly in areas deemed highly susceptible to corruption risks. With regard to a few other countries that have no system of regular or periodic rotation in the police force, GRECO encouraged them to give consideration to introducing such a measure for certain high-risk posts to improve their overall risk management. As with integrity checks, GRECO emphasises that rotation should be implemented systematically rather than as a mere formality, following a thorough analysis of the areas and sectors most vulnerable to corruption.

## **Resources, staff salaries and bonuses**

To be able to perform, adequate resources are necessary. In some instances, GRECO had to emphasise to countries that their law enforcement agencies require additional resources and adequate pay for their police officers. It was also concerned that, in some cases, police reforms were not accompanied by the allocation of necessary resources and expertise.

## Resources

GRECO has recommended to a number of countries that they should provide more resources, tools and better employment conditions for their law enforcement officers and border guards to perform their regular functions and duties. Furthermore, GRECO emphasised the need for integrity units to have sufficient resources to conduct regular vetting of staff. All of these recommendations have been implemented with one exception which would require a legislative amendment to ensure that the use of special investigative techniques by the law enforcement authority is granted by the judiciary rather than the executive branch. GRECO believes that the current practice, which relies on the executive branch, hinders effective investigation of corruption by public officials by using this tool and represents a significant deficiency.

## Staff allowances and bonuses

GRECO recommended to a few countries that they should enhance transparency, consistency, and fairness in their allocation and management of allowances, bonuses, and other benefits within law enforcement. It advocated for reviewing and improving criteria and procedures for these financial aspects, ensuring adequate controls and monitoring. Additionally, the recommendations emphasise establishing a fair financial reward system for overtime, developing clear and objective criteria for bonus allocation, and increasing wages for lower ranks. Progress has been made in improving salary increases, overtime pay, full salary compensation during pregnancy, and remuneration for staff attending authorised courses. However, GRECO remains concerned about the unpredictability of last-minute work schedule changes in the police in some countries which hampers planning, and has requested more evidence on the consistency of bonus allocation and the effectiveness of control and monitoring measures.

## Gender balance

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Corruption often thrives in homogenous groups where trust and collusion are strong. Gender imbalance disrupts these dynamics. During the Fifth Evaluation Round, GRECO reiterated that the police should reflect the diversity of society as much as possible. Improving gender balance is not only an international legal requirement but also helps promote diversity and prevent corruption in law enforcement. When decision-making involves input from both men and women, it is harder for corrupt practices to go unnoticed because diverse teams are more likely to notice them. Gender balance can also break the “code of silence” driven by a “brotherhood” mentality which can shield fellow officers’ misconduct. Furthermore, diverse teams reduce groupthink—where members conform to a dominant viewpoint—and lessen opportunities for favouritism and cronyism, thereby promoting fairness and meritocracy. This, in turn, strengthens public trust in law enforcement as being fair and inclusive.

Recognising these benefits, GRECO recommended to many countries that they strengthen their gender balance efforts and increase representation of women and other underrepresented groups. It called for measures to attract more women to all levels of law enforcement, particularly in senior and managerial positions. GRECO also urged improvements in promotion processes to ensure fairness, transparency, and objectivity. It cautioned that unpredictable schedules and shift work could exacerbate gender segregation in police work. Additionally, it advised countries to embed gender balance initiatives into the culture and operations of law enforcement agencies and to be more proactive in fostering an inclusive working environment.

GRECO was pleased to see the majority of the countries make efforts to implement the recommendations, applying many good practices and tools to improve women’s representation and gender balance in the police forces.

- ▶ Gender mainstreaming strategies and action plans that include concrete measures for recruitment, retention, and prevention of harassment in the Ministry of the Interior and Police and focus on monitoring gender balance in decision-making roles.
- ▶ The establishment of gender mainstreaming consultative bodies, networks, coordinators and trade unions to ensure better gender representation and inclusivity within the force.
- ▶ Legislative changes removing physical barriers to women, such as reduction of height requirements and adapting physical tests.
- ▶ Conducting targeted recruitment campaigns using data analysis and micro-segmentation to attract more women and candidates from ethnic minorities.
- ▶ Having gender-balanced selection committees during recruitment processes.



- ▶ Introducing measures to help women balance work and family life, such as flexible working arrangements, remote work, career breaks and leave policies for pregnancy, adoption, and fostering.
- ▶ Promoting women in leadership by increasing the number of women officers in managerial roles and setting an example through visible female leadership.
- ▶ Developing specific protocols to prevent sexual harassment and gender-based violence within the police force, offering support through confidential counsellors and special conciliation procedures for victims.
- ▶ Organising workshops, events, and celebrations to promote the role of women in policing and encourage recruitment.

### **Gender mainstreaming and increased representation, including at top level**

#### **Denmark**

In recent years, the Danish National Police has intensified efforts to recruit more qualified candidates, focusing on increasing women and ethnic minority applicants. Recruitment campaigns, using both printed and digital media, have been tailored to appeal to these groups, including featuring women cadets and officers with non-Danish backgrounds. Employer branding and data analysis have guided these campaigns, with micro-segmentation used to target specific audiences.

As a result, women applicants to the police academy rose to 26.1% in 2020, up from 20.2% in 2015, and admitted women students increased to 27.7%. Women officers in the Danish police reached 17.3% of the force. Similarly, applicants and admitted candidates with a non-Danish background also increased. Despite these improvements, the Danish National Police emphasizes that they hire the most qualified applicants without discriminating based on gender or ethnicity.

#### **Spain**

Historically, Spain had a very low percentage of women in law enforcement. However, over the past 40 years their numbers have surged—from just 42 women in the police force in 1979 to 9,082 today. In the last four years alone, representation increased exponentially from 4% to 14%, with two of the four highest ranks now held by women.

Spain's Police, led by the Department of Human Rights and Equality, have made gender equality a priority. Since 2018, the number of women in senior police ranks has steadily grown. The proportion of women in the top rank of Chief Commissioner increased from 5.88% in 2018 to 14.29% in 2023. The number of women Chief Superintendents grew by 143%, Superintendents by 36%, and Chief Inspectors by 53%. Reforms like eliminating height requirements and introducing work-life balance measures have supported the recruitment and retention of women.

In February 2023, Spain launched its First Equality Plan (2023-2026), overseen by a commission of administration and union representatives. This plan includes protocols to prevent sexual and gender-based harassment, offering confidential advisors and special victim protection procedures. The plan emphasizes zero tolerance, equality, prevention, and victim protection.

#### **Ireland**

Efforts had been made to increase gender balance in the police force in Ireland notably with the introduction of a Remote Working Policy and a Menopause Guidance Document, which may attract more women to the An Garda Síochána.

Overall, while the statistical improvements in female representation (especially in senior roles) have not been significant in most countries, the increase is steady. GRECO believes that the combination of measures implemented by countries—such as removing entry barriers, supporting work-life balance, facilitating career advancement, preventing harassment, and promoting representation in leadership roles—are likely to drive sustainable changes in law enforcement, ultimately contributing to a more equitable and inclusive police force.

### **Conflicts of interest, secondary activities and post-employment restrictions**

Although extensively addressed during the Second Evaluation Round on public administration, GRECO identified conflicts of interest, secondary employment and post-employment as issues requiring special attention within law enforcement. Fairness and impartiality are crucial for anyone in public service, but they are especially vital for LEAs due to their powers and discretion in exercising those powers. As a closed organisation,

the police must proactively manage its own conflicts of interest and be vigilant about any potential risks that can be posed by secondary employment or post-employment opportunities to both individual police officers and law enforcement as a whole.

## Conflicts of interest

As noted in the section dealing with codes of conduct in law enforcement, GRECO asked many countries to update their codes of conduct to address issues like conflicts of interest. Additionally, GRECO requested that some countries pay more attention to conflicts of interest in law enforcement by emphasising the identification, management and monitoring of these risks. This includes enhancing disclosure procedures, recusal, record-keeping, follow-up and enforcement mechanisms, as well as conducting training for all ranks. To address some gaps, countries have improved their codes of conduct, making provisions binding and enforceable through disciplinary sanctions. They have also added commentaries to their codes with practical situations. Several countries shared their plans to incorporate necessary measures into their national anti-corruption strategies, while others are still seeking ways to address the recommendations.

## Secondary employment

Secondary employment for police officers can pose several risks to the integrity of the police force and public trust. These risks can involve conflicts of interest where secondary jobs influence decisions or actions in the officer's primary role, leading to impaired judgment and effectiveness. In extreme cases, officers might use their authority to benefit their secondary employment, such as accessing privileged information, offering preferential treatment, or leaking sensitive information, especially if they work in private security or consulting. In some countries, GRECO noticed financial dependency of police officers on income from secondary employment or the informal economy, an issue that does not receive enough attention.

Some countries are more stringent than others in prohibiting police officers from performing any functions other than their work. A few explicitly deny opportunities for law enforcement officials to perform supervisory or control functions in relation to the contracts in which themselves or their relatives may have a personal or financial interest. As per Recommendation No. R(2000)10 of the Committee of Ministers to member States on codes of conduct for public officials, Article 15, which deals with incompatible outside interests, "(t)he public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official" and that "the public official should be required to notify and seek the approval of his or her public service employer to carry out certain activities."<sup>8</sup>

Aware of the risks linked to parallel jobs, GRECO issued recommendations to many of the countries assessed. In most instances, it asked countries where secondary employment is permissible to develop a streamlined system for authorisation of secondary activities. This system should include a reporting obligation and the registration of all parallel occupations, apply clear criteria for granting or denying authorisations, and require effective and regular follow-ups. Where law enforcement officers are underpaid and seek parallel employment, GRECO asked countries to implement a realistic and practical authorisation mechanism that addresses conflict of interest vulnerabilities. In several instances, GRECO advised law enforcement to make the rules more consistent and provide clear guidance to officers.

### Guiding integrity: a unified approach to police outside activities in Czechia

The possibility of engaging in outside activities is described in detail in a methodological manual for granting consent to the performance of other remunerated activities drafted by the Internal Control Department and the Human Resources Department of the Police Presidium to guide the decision process. This manual was prepared in response to discrepancies detected between different Police departments in the scope and conditions for granting consent to remunerated outside activities. It also takes account of GRECO recommendations in this area. The manual explains and illustrates the applicable legal provisions and gives examples of activities that may or may not cause a conflict of interest or the perception of one. The difficulties of carrying out outside activities in parallel to official functions is also addressed by way of examples, as are possible activities that could be damaging to the reputation of the Police. It also covers the holding of financial interests, the procedure for granting consent and requires immediate superiors to follow up

8. Recommendation of the Committee of Ministers to member States on Codes of Conduct for Public Officials, Adopted by the Committee of Ministers at its 106th Session. Strasbourg, 11 May 2000.

on the granting of authorisations and to assess whether the normal duties are carried out satisfactorily. According to information provided to GRECO, the Police received 1,972 requests for engaging in outside activities between July 2019 and February 2023. Consent was granted in 1,849 cases, refused in 110 cases and withdrawn in 13 cases.

A number of the countries that received a recommendation in this area have addressed it comprehensively. In particular, they have implemented mandatory reporting and registration of secondary activities, increased managerial responsibility for overseeing the ancillary activities carried out by subordinate staff, and incorporated discussions about secondary activities into the annual manager-subordinate dialogues. Additionally, they introduced regular inspections of ancillary activities by internal control units to identify any possible conflicts of interest. Several countries have made a thorough review of their current systems, making them more uniform, transparent and practical, by ensuring all decisions on authorisation or refusal of the secondary activity are provided in writing. Some issued a handbook to clarify rules, routines and processes. One country reported introducing a new digital tool for applying and handling applications for secondary activities, along with guidelines for applicants. The tool has been integrated with the archive system and makes it possible to provide reports and statistics, nationally and per unit.

Other countries, where progress is still underway, have increased awareness of the need to regulate police officers' outside activities more effectively. They started developing legislative changes and made inquiries to other countries to identify best practices and to develop the domestic legal framework accordingly. Several GRECO members considered their current authorisation system to be adequate and that secondary activities in the vast majority of cases are unproblematic, thus declining to take further measures. However, GRECO believes the system requires regular checks to ensure it is up-to-date and emphasises that relying solely on self-reporting regarding compatibility with police duties is insufficient.

## Post-employment restrictions

The lack of rules on revolving doors in the public sector of some countries was already noted by GRECO in the Second Evaluation Round. In this round, regarding the police, GRECO underlined the risks to integrity, including job offers as rewards, and the use of communication channels with former colleagues or specialised knowledge on police procedures for the benefit of new employers. GRECO referred to Recommendation No. R(2000)10 on codes of conduct for public officials, Article 26. In particular, it states that "the public official should not take improper advantage of his or her public office to obtain the opportunity of employment outside the public service" and that "the public official should immediately disclose to his or her supervisor any concrete offer of employment that could create a conflict of interest and should also disclose to his or her superior his or her acceptance of any offer of employment."<sup>9</sup>

The rules regarding post-employment restrictions in law enforcement vary. In nearly half of the countries there are no legislative provisions limiting post-employment for law enforcement officers. Several countries have limitations for chiefs of police or other high-level officials, while others apply the limitations for civil servants to police staff. In most cases, these restrictions concern participation or holding stock in a legal entity under the officer's direct or ongoing supervision during their employment. A few countries prohibit police officers from working as private detectives or providing private security services for a period of time after leaving their police duties. Professional confidentiality usually continues after termination of functions. In one country, the names of procurement managers subject to the ban on engaging with the private recipients of the administrative activity are published online. Former officers and inspectors of the financial police require an authorisation of the Ministry of Economy and Finance to exercise tax-related activities. The cooling-off period, where it applies, lasts from six months to three years.

### Post-employment restriction for the Federal Bureau of Investigation – United States

The post-employment restrictions for FBI employees do not prohibit working for any entity but limit certain communications intended to influence government processes. These restrictions aim to prevent misuse of former government positions and apply to all Executive Branch officers.

Key rules are found in 18 United States Code (U.S.C) § 207 and § 208, with additional regulations in 5 Code of Federal Regulations Part 2641. Under 18 U.S.C. § 208, employees cannot participate in government matters

9. Recommendation of the Committee of Ministers to member States on Codes of Conduct for Public Officials, Adopted by the Committee of Ministers at its 106th Session. Strasbourg, 11 May 2000.

where they are negotiating employment with parties having a financial interest. Section 207(a)(1) imposes a lifetime ban on representing others in specific matters where the employee was personally involved.

A two-year restriction also exists for former employees on matters pending within their official responsibility during the year before leaving. Intelligence employees face a 30-month ban on working for foreign governments without approval of the Office of the Director of National Intelligence and must report employment activities for five years if working for or advising a foreign government or related entity.

All former employees must undergo prepublication review of «FBI Information» and adhere to laws prohibiting the disclosure of classified or employment-acquired information.

The majority of GRECO members received recommendations regarding post-employment restrictions in law enforcement. Many of them were asked to conduct a study on the practice of post-employment activities and, based on the findings, adopt rules and create a stricter mechanism to limit the risks of conflicts of interest if necessary. This recommendation implies that the country's post-employment risks and abuses in law enforcement were unclear and needed thorough analysis. Fortunately, many countries engaged in such examinations, either by studying other countries' practices or by analysing their own. In several instances, they collected findings from surveys and questionnaires filled out by former police officers or engaged in a country-wide discussion involving various police bodies and officials of different ministries. They questioned the proportionality and impact of such measures which would require additional resources to conduct post-employment monitoring. In the majority of countries where the study was conducted, it was found that post-employment activities do not pose a significant risk of conflicts of interest, so no stricter rules were introduced. One country, however, revised its conflict-of-interest law, establishing post-employment restrictions to broad categories of public officials, including police officers. These provisions were adopted despite the statistics collected by the ministry of the interior revealing no movement of its staff to the private sector.

Some countries were asked by GRECO to develop explicit rules on post-employment restrictions. In countries with existing rules, GRECO required effective supervision mechanisms with powers to impose sanctions in case of breaches. Additionally, GRECO advised for certain police functions to put stricter post-employment regulations in place. For example, when personnel from the financial intelligence unit move to financial institutions as compliance officers.

Notably, several countries strongly opposed recommendations to impose post-employment restrictions in law enforcement, citing constitutional employment rights and concerns about violating fundamental rights if officers who have left the police are monitored. Others noted that the implementation of the whistleblower regulations might be more suitable for addressing impartiality concerns. However, it is positive that countries acknowledged the risks and vulnerabilities relating to post-employment of police officers and implemented changes. These include the conduction of "exit interviews" with staff deciding to leave the police corps. This tool helps to determine the intentions of departing officers. In other cases, a requirement was introduced to provide notification of any post-service employment for a period of 12 months after leaving the police service.

To sum up, the evaluation of conflicts of interest, secondary employment, and post-employment restrictions within law enforcement highlights significant challenges and variations across countries in maintaining police integrity and public trust. While some progress has been made, continuous attention is needed to effectively manage potential vulnerabilities. Regarding conflicts of interest, countries have improved their codes of conduct, making provisions binding and enforceable through disciplinary sanctions, and offered practical guidelines. Secondary employment can pose risks of conflicts of interest and impaired judgment, which have been well understood by the majority of countries and they have taken comprehensive measures to address them. Post-employment restrictions remain contentious, with varying levels of regulation and enforcement. Despite resistance in some countries, GRECO's recommendations for thorough analysis and supervision mechanisms are generally well addressed. Ultimately, it is crucial to have a balanced approach that respects individual rights while protecting the integrity of law enforcement institutions.

### **Gifts and declaration of assets, income, and financial interests**

The issue of gifts was previously addressed by GRECO in its Second Evaluation Round dealing with public administration. It was revisited in this round regarding law enforcement. As with conflicts of interest, GRECO asked many countries to update their codes of conduct to include provisions on gifts and benefits. Additionally, it had more tailored recommendations on this topic which are discussed below. Regarding declaration of assets, income and financial interests by police officers, GRECO's approach was more flexible, reminding of their usefulness for officers working in corruption-prone areas, as well as top level officials.

## Gifts

During this evaluation round, GRECO reminded some of its members to either enhance their law enforcement codes of conduct with provisions on gifts or develop comprehensive rules regulating the matter. For example, it recommended that one country have a written ban on accepting gifts and advised another to reduce the value of occasional gifts that police officers can retain, which was successfully done. Several countries were asked for their law enforcement to establish a gift register, requiring each officer to report any received benefits. A few other countries were advised to implement proper supervision and enforcement mechanisms, and one country successfully set up a dedicated body responsible for recording and evaluating gifts as per GRECO's recommendation.

### **Recording and evaluating gifts in the Ministry of the Interior of Serbia**

In November 2021, Serbia established the Commission for the Registration of Gifts in the Ministry of the Interior, whose members are to be appointed by the minister for a period of three years. The Commission is responsible, in particular, for keeping records of gifts received and of their disposal. In January 2022, an instruction by the Minister of the Interior lowered the threshold of admissible gifts to not more than 10% of the average monthly salary in Serbia, which is a very significant reduction from the previously existing permissible threshold, as recommended by GRECO.

While GRECO members generally understand that public officials, including police officers, should not accept any benefits that could impair their impartiality, some countries resist implementing formal systems to report and centrally register accepted gifts. They argue that establishing such systems involves a time-consuming legislative process with limited practical impact. Instead, these countries prefer to focus on fostering ethically responsible behaviour within the police force.

### **Gift Policy in the Police and Border Guard Service in Lithuania**

On 20 February 2023, the Police Commissioner General approved the Gifts Policy for the Lithuanian Police, and it was published online. Alongside this, a Gifts Register and an Illegal Remuneration Register were established in the police department management system. The gifts policy outlines the process for handling, valuing, registering, storing, and displaying gifts received in the context of international diplomacy and traditions, as well as the expected conduct of police employees, trainees, interns, and others affiliated with the Police.

The policy defines «gifts» as any property or property rights that can be valued monetarily, including payments for meals, accommodation, and transport. It prohibits police officers from accepting or giving gifts in the course of their duties, except when their value is under EUR 150 or they are received in the context of international diplomacy, traditions, or representation. All acceptable gifts must be assessed and logged in the Gifts Register, with anonymised information made public every six months.

Unauthorised gifts should generally be refused. If received (and not considered a bribe), they must be declared within one working day and either transferred to the Police or returned. The Appendix to the Gifts Policy provides criteria for evaluating gift acceptability. Additionally, on 17 June 2021, the State Border Guard Service (SBGS) approved its Gift Policy and established the SBGS Gift Register.

## Declaration of assets, income and financial interests

GRECO adopted a more flexible approach regarding the declaration of assets, income, and financial interests. Countries with high levels of trust in law enforcement and little evidence of compromised integrity were not required to build declaration systems if they did not already exist. However, for countries with systems, GRECO recommended introducing robust and effective verification processes. It emphasised the need for such systems to apply to senior police officers and certain at-risk positions, such as those involved in public procurement. GRECO also stressed that the obligation to declare financial interests should be enforced when taking up duties and at regular intervals, rather than solely relying on the security vetting procedure.

Progress in implementing these recommendations has been reported in several countries which have enhanced their financial disclosure regimes by ensuring officers of all ranks have the duty to report. These countries have expanded the reporting duty to all Ministry of Interior staff and established units and financial compliance officers to oversee the process. However, other countries still need to make significant progress to meet GRECO's requirements, beyond just establishing a working group to explore ways forward and issuing a concept note for the development of an IT system to support the process of receiving, recording, and analysing asset declarations.



## Internal oversight mechanisms

Implementing robust internal oversight mechanisms is crucial for law enforcement's resilience. Effective internal oversight not only safeguards against abuse of power but also fosters a culture of ethical conduct within law enforcement which should be both ensured and seen to be ensured. By establishing clear oversight structures and providing them with adequate resources and independence, law enforcement agencies can enhance accountability and build public trust.

The internal oversight system in law enforcement should ideally operate through a structured framework often described as the "three lines of defence," with each line playing a crucial role in maintaining accountability, transparency, and integrity within law enforcement agencies. The first line of defence should ensure day-to-day compliance, verifying that policies, procedures and laws are duly followed during routine operations, with corrective actions taken as an immediate response to deviations. The second line of defence should include risk management that typically encompasses both external and internal audits, assessing the overall effectiveness of the first line of defence. The third line of defence provides an unbiased evaluation of the law enforcement agency's operations, fostering public trust and ensuring that oversight mechanisms are robust and effective.

GRECO recommended to improve internal oversight in law enforcement on all three levels of defence.

1. For operational management, implementing stricter internal control with regular cross-checks, audits and proactive monitoring.
2. For better risk management and compliance, increasing effectiveness of internal control structures by providing them with appropriate resources, mandate and expertise.
3. For independent assurance, improving external oversight of police misconduct, free from political interference, and ensuring transparency and accountability of actions through annual reports.

Thematically, the common strategies highlighted by GRECO as requiring further attention across various countries are described below.

### Stricter and more systemic internal oversight

Several countries were advised to implement stricter and more proactive internal oversight in law enforcement, particularly where addressing internal misconduct relies heavily on supervisors, i.e. the "first line of defence". GRECO emphasised the importance of acting proactively and in several instances insisted on putting in place a new organisational structure with the responsibility for the active detection of offences committed by law enforcement. One country was asked to clarify the lines of responsibility among different bodies dealing with integrity and oversight, which was successfully addressed through ordinances. Another country was asked to have more regular cross-checks and audits of registers, which was properly addressed. To improve the oversight of police misconduct, another country was requested to simplify its referral and appeals procedures, which is still underway. Additionally, a more systematic approach to oversight was advised through the use of the multiple-eye principle in police work.

### Resources and independence for designated internal oversight structures

The majority of the countries who received a recommendation in this domain were asked to ensure more resources and independence for internal oversight functions. Some countries were asked to set up a designated structure in law enforcement tasked with internal oversight and investigations. A few other countries were asked to ensure that such structures have adequate material, financial and personnel resources to perform their tasks properly. In addition to ensuring proper resources for internal oversight, some countries were also urged to guarantee independence and autonomy from undue interference and influence, which has not yet been addressed.

#### Independent internal investigations – Denmark

The Independent Police Complaints Authority is an autonomous government agency that is independent from the police, prosecution service and Ministry of Justice and which investigates ex officio or following a complaint, criminal offences or misconduct committed by police staff, using the same investigative tools as in ordinary criminal investigations. Mandatory investigation is required in case of the death or serious injury of persons arrested by the police or in their custody. Investigations by this authority may lead to criminal prosecution or disciplinary proceedings. This practice is notable for the importance given to complaints about misconduct thus fostering ethical and good conduct by the police, and for the independence of this authority, which enhances public trust in the outcome of these investigations.

## Transparency and accountability

Effective internal oversight should not only be ensured but also seen to be ensured. GRECO recommended to one country to have its internal oversight body inform the public about its activities through annual reports. Another country was advised to require police members to reveal their status during criminal investigations or convictions. This was properly addressed by amending an internal procedure, making it possible for judges and prosecutors to quickly obtain information about whether a person subject to criminal proceedings is a police officer, enabling them to notify the relevant internal department of the police.

With some progress by countries achieved, there is still a lot to be done to ensure a comprehensive three lines of defence system, equipped with adequate resources and protected from undue interference.

### Reporting obligations and whistleblower protection

Law enforcement officers operate within a hierarchical structure in a tight-knit community where loyalty and solidarity are prevalent. Officers may sometimes be tempted to protect each other along the lines of an informal 'code of silence', often at the expense of transparency and accountability. When confronted with misconduct by peer officers they might refuse to report, fearing social ostracism and the stress of being labelled as a 'snitch'. When law enforcement officers face or believe there is corruption among higher ranks they may hesitate to come forward, fearing that their reports will not be taken seriously or may even be actively suppressed.

In extreme cases, officers may fear for their personal or family safety and worry about negative impacts on their careers, such as demotion, denial of promotions or even termination. These reprisals might happen openly, or discretely over time by denying interesting assignments, business trips or security clearances which can eventually lead to demotivation and resignation.

To address these challenges, GRECO recommended several measures to ensure whistleblower protection in law enforcement. Almost all GRECO members were asked to improve their systems. The only two countries which were not asked to take further steps in this area are Ireland and Belgium.

#### Whistleblower policy and practical arrangements in law enforcement

##### Ireland

Members of the Irish police force, An Garda Síochána or Garda, are required to account for their actions and can be dismissed for failing to do so. The Garda Code of Ethics emphasises speaking up against wrongdoing to prevent harm and corruption. In 2019, a new Garda Decision-Making Model was introduced to support ethical behaviour, and training on this model has been mandatory since 2021. Garda personnel can report suspected corruption through various channels and are protected under the Protected Disclosures Act 2014. The legal protection offered includes immunity from civil liability and safeguards against retaliation. Transparency International (Ireland) is designated to receive protected disclosures, providing support and legal advice. Additionally, Ireland has an independent body, Garda Síochána Ombudsman Commission (GSOC), prescribed for handling protected disclosures from Garda members. GSOC assesses anonymous reports and conducts investigations if necessary. They have seen an increase in disclosures over the years, with 86 total disclosures by the end of 2020.

##### Belgium

Prior to the adoption of its evaluation report, Belgium introduced legal amendments, providing for a new procedure for integrated police personnel to report suspected integrity breaches. This system includes an external committee for police officers to refer to. Other changes include extending the period of protection for whistle blowers from two years to three, making the procedure available to former personnel who left the service within the previous two years and allowing temporary reassignment to other departments or federal organizations for whistleblowers and those involved in inquiries.

It is worth noting that already in the Second Evaluation Round GRECO had addressed recommendations regarding a duty to report suspicions of misconduct, and whistleblower protection in public administration to the lion's share of the countries, as many as 40 out of 50 of those evaluated at the time. These recommendations included:

- ▶ putting in place an obligation and clear rules/guidelines for employees and officials of public administration to report instances or suspicions of corruption that they come across in the course of their duties;



- ▶ establishing adequate protection of employees and officials of public administration who report situations of suspected corruption in good faith (“whistleblowers”);
- ▶ promoting awareness of these measures widely amongst public administration employees and officials.

### **Coupling legislative changes with operational implementation - Norway**

Significant amendments were introduced to the Working Environment Act to better develop reporting and protection procedures for whistleblowers. By virtue of these provisions, all employees in the public and private sectors have the right to raise suspicions of misconduct in their respective organisation. Misconduct need not amount to a breach of the law but is broader and targets any censurable activity. There are both internal and external channels for whistleblowing, and anonymous reporting is possible. Whistleblowers are protected from retaliation (onus of burden of proof on the employer, right of the whistleblower to claim compensation – including for financial losses) and there is an employer’s duty of care to the whistleblower. Further, if the whistleblower is subject to retaliation by his/her employer, the individual can claim redress irrespective of the employer’s culpability. The Police issued detailed guidance on whistleblowing within the corps: Thanks for Speaking Out. The Police Directorate and the Chief Safety Officer also toured all police districts and special bodies in 2017-2018 to promote whistleblowing and to make employees aware of the available rules/guidance and reporting channels. Procedures and organisational arrangements to support whistleblowers are under further development, notably through the appointment of Health and Safety Managers (HSE) and the setting up of assessment groups in whistleblowing cases.

Several countries were criticised for not addressing the recommendations properly during the previous evaluation rounds and were asked to revisit them, now focusing on a specific group of officials.

A significant motivator for implementing general whistleblower recommendations was the adoption of the EU Whistleblower Directive of 2019,<sup>10</sup> which insisted on the transposition of its provisions into national legislation for the EU member states and candidate countries.<sup>11</sup>

The measures GRECO advised taking during the Fifth Evaluation Round include:

- ▶ an explicit obligation on law enforcement to report misconduct of their peers and superiors;
- ▶ availability and awareness of internal/external channels to report;
- ▶ strengthening legislation, procedures and enforcement;
- ▶ dedicated regular training for all ranks;
- ▶ measures against retaliation and ensuring anonymity/confidentiality;
- ▶ independent oversight and impartial investigations;
- ▶ collection and monitoring of data.

The different elements of whistleblower protection in law enforcement addressed by GRECO are described below.

## **Reporting obligation**

GRECO recommended that several countries establish or reaffirm an explicit obligation on law enforcement officials and border guards (where appropriate) to report any integrity or corruption-related misconduct, disciplinary violations, or crimes they come across during their service, and to raise awareness about this requirement. Very few countries were able to fulfil this requirement swiftly during the first compliance period of 18 months, by amending the applicable internal rules and procedures.

Regrettably, some countries with a duty for law enforcement officers to report corruption failed to provide evidence of it in practice. In such cases, the evaluators found that non-reporting was part of a deeply rooted culture, not only within the police but also in the general public, necessitating ongoing efforts to change such behaviour.

10. Directive 2019/1937 of the European Parliament and the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

11. For more information about the status of transposition of the EU directive in the Member States, please refer to the EU whistleblowing monitor, created by Whistleblowing Internal Network, following this link: <https://www.whistleblowingmonitor.eu/>.

In some instances, GRECO urged countries to break the 'code of silence' within the police, encouraging law enforcement to motivate and support employees in reporting misconduct, and implementing awareness-raising initiatives.

### **Internal/external channels to report**

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To ensure effective reporting, GRECO made recommendations for establishing dedicated reporting and advisory channels, both internal and external. In instances where it did not mention the requirement to establish such channels explicitly during evaluation, it welcomed the practice of building them during the compliance phase. Countries were also asked to disseminate this information to law enforcement through additional training and other awareness-raising efforts.

### **Strengthening protection of whistleblowers**

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A record number of countries were asked to strengthen the overall protection of whistleblowers in law enforcement. Only a minority of GRECO members were required to develop and adopt such measures from scratch. The open-ended recommendation to strengthen and improve whistleblower protection mechanisms was well received, with countries exploring various improvements. Some adopted separate laws on whistleblowing with internal systems and rules for the police, while others simplified the procedures to increase accessibility, introducing clear internal and external reporting channels. Key changes included more frequent training and awareness raising on whistleblower protection. Several countries went further by creating independent structures with the authority to conduct whistleblowing investigations without police referral, reducing identity disclosure risks and enhancing investigation effectiveness.

### **Dedicated guidance and training for all levels of hierarchy and chains of command**

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More than half of the evaluated countries were asked to conduct training and awareness-raising activities about whistleblower protection measures. These should take the form of dedicated training modules, integrated into the training curricula of law enforcement or conducted separately, be regular and include guidance. In several instances dedicated guidance and training were explicitly required for all hierarchy levels and chains of command.

To address the recommendation, countries included whistleblower protection training in both inception and in-service police training, introduced e-learning activities to cover more participants, and ensured managerial participation. They also added sections on their websites with training materials and FAQs on whistleblower protection. In several instances, some efforts to provide training were made but the overall number of law enforcement officers trained remained low. Regarding the actual engagement of all chains of command and levels of hierarchy in such training, little evidence has been presented. Additionally, the impact of the training on the quality and volume of misconduct reporting by law enforcement officials against their peers or superiors remains to be seen.

### **Measures against retaliation**

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GRECO asked several countries to take measures to prevent retaliation against whistleblowers in the police, prohibiting reprisals and ensuring protection of whistleblower confidentiality and anonymity. So far, none of the countries requested to take action in that domain have had positive outcomes to report.

### **Independent oversight body**

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To encourage whistleblower protection in all domains and anticipate subsequent changes of protection measures within the police, GRECO asked one country to strengthen the role of the Ombudsperson responsible for whistleblower protection. Several other countries took the initiative to build structures independent from the police to ensure more impartial investigation of reports from police officers, protecting them against reprisals.

### **Statistics on reports and examples of successful/unsuccessful protection patterns**

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A few countries were asked by GRECO to collect information about the number of whistleblower reports in law enforcement, the consultations and protection provided, and to monitor concrete examples of both successful

and unsuccessful whistleblower protection patterns. These measures aim to help evaluate the impact of efforts to strengthen protection and identify what works best.

It remains to be seen in the long run how successful the implementation of these measures will be in fostering a culture where ethical behaviour is upheld from the top down, reporting mechanisms are trusted, and whistleblowers receive genuine protection and support. Through this comprehensive approach, GRECO aimed to break the culture of codes of silence and promote integrity within law enforcement agencies. This is vital for law enforcement to build public trust and effectively address complaints and reports from the community.

## **Public complaints, remedy procedures, and sanctions**

A well-functioning public complaints system is vital for ensuring public trust in law enforcement. It should hold law enforcement officers accountable for their actions, identify areas needing improvement, and discourage misconduct by making officers aware of potential repercussions. Sanctions, both disciplinary and criminal, need to be enforced. Additionally, the system should be perceived by the public as effective and independent by transparently disclosing actions taken in response to police misconduct or abuses.

### **Mechanisms for public complaints in the Netherlands**

This is a three-stage process:

- i. the possibility of mediation is provided for;
- ii. under the responsibility of the Police Commissioner, the advice of an independent committee of the region (composed typically of a mix of trusted persons, lawyers, civil servants – appointed by the minister) is sought;
- iii. the complaint is submitted to the National Ombudsman.

The complaints mechanism of the National Police Corps (NPN) is well structured, and a number of complaints are dealt with and resolved in an efficient manner through the mediation phase.

GRECO recommended that the majority of countries improve their systems for handling public complaints against law enforcement. GRECO's recommendations emphasise the need for independent investigations and express concern about the practice in some countries of allowing supervisors in law enforcement to decide on disciplinary cases involving their staff single-handedly. Tracking and publishing complaint information is key to transparency and public reassurance, though concerns about privacy and the presumption of innocence need careful handling. Establishing a single entry point for complaints, ensuring uniformed officers are identifiable, and raising public awareness about police integrity rules are essential for making the process accessible and credible.

The measures GRECO advised taking are discussed in more detail below.

## **Autonomous investigations of complaints**

In response to this recommendation, a few countries have successfully implemented measures to create an autonomous level of control for handling complaints against the police. They have ensured higher transparency by keeping complainants informed of the progress of their complaints, publishing information on official registries and annual reports. One country granted the oversight body responsible for police complaint investigations greater financial autonomy and merged criminal and non-criminal investigations into a single procedure to reduce resolution times. Another country has set up and operationalised a police disciplinary appeals board outside the police to deal with disciplinary appeals. Another country expanded the mandate of the ombudsman to handle police complaints, but did not make its findings binding. After careful consideration, one country maintained the practice of one of its law enforcement agencies handling criminal proceedings against its own staff for non-violent criminal offences, despite GRECO's concerns. Several countries have yet to address the recommendation properly.

## **Reviewing the disciplinary regime, excluding any possibility for a supervisor to decide single-handedly**

GRECO asked some countries to review their disciplinary regimes, preventing supervisors from deciding cases single-handedly. So far, none of the countries receiving this recommendation have reported tangible progress in this area.

## Tracking and publishing information on complaints against police

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GRECO advised several countries to track and publish information on complaints against the police. It emphasised the importance of transparency in the actions taken and sanctions applied in respect of police employees, including the possible dissemination of relevant case law while respecting the anonymity of the individuals involved. Many countries have properly addressed the recommendation by publishing statistics, relevant case law, and sanctions online. Several others are developing IT systems to have a systematic register of such data. One country raised concerns about the publication of such information, citing the presumption of innocence and the privacy of the individuals involved. However, GRECO insisted on the importance of transparency as an essential tool for upholding trust in police agencies, reassuring the public that corrective actions are taken, and dispelling potential preconceptions as regards protecting the agencies' image.

### **Public access to police case law and disciplinary decisions in Sweden**

In addition to the case law published in the internal monthly publication "Svensk Polis", case law and statistics on complaints received and action taken have also been made available on the external website of the Police. On the website of the Police Authority, the Special Investigations Department continuously publishes summaries of judgments. These summaries include an overview of the incident, the court's reasoning, the criminal sanction in the event of a conviction and, when applicable, a statement from the Staff Disciplinary Board regarding the labour law consequences of the conviction for the employee. The relevant webpage also provides a link to the Staff Disciplinary Board's annual activity report which includes accounts of cases examined by the Board, any imposed labour law sanctions, and statistics on incoming matters. The Special Investigations Department also publishes information on how reports are handled, statistics on the number of incoming matters, their distribution across various offence categories, and a breakdown of the officials concerned.

## One entry point for complaints, police identification and publicity of police integrity rules

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Some countries were asked to improve their systems for reporting complaints about the police by establishing a single-entry point, making it easier for the public. Specifically, GRECO mentioned that having multiple entry points and different processes at each institution may lead to inconsistency and makes transparency more challenging. Additionally, they were urged to ensure uniformed police officers are identifiable through at least a number, removing complete anonymity, and to make police integrity rules known to the public, which was successfully done.

### **Transparency of disciplinary decisions regarding law enforcement – Portugal**

The Inspectorate General for Home Affairs started in 2022 to publish online the decisions in disciplinary cases regarding law enforcement officers that were investigated and dealt with by its staff. For the period 2016-2022, this publicity includes duly anonymised abstracts, reports and decisions rendered in disciplinary cases. This measure aims to increase awareness of expected behaviour among law enforcement officers and the public.

## Clear definition of breaches and coherent disciplinary approach

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One country was asked by GRECO to have a clear definition of breaches to prevent possible misuse of disciplinary proceedings but has not achieved headway in this area yet. Another country was asked to streamline its disciplinary approach by clarifying responsibilities for conducting disciplinary proceedings in the police, which was accomplished through legislative amendments.



# CONCLUSIONS

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**A**s a follow-up to its Fourth Evaluation Round, which focused on the prevention of corruption in relation to members of parliament, judges and prosecutors, GRECO's Fifth Evaluation Round turned its attention to the other two key groups exercising power: persons entrusted with top executive functions in central governments, and law enforcement. Convinced that the prevention of corruption depends to a large extent on the establishment and maintenance of a culture of integrity, as well as a strong will and commitment to promote it, GRECO opened a dialogue with each of its members to see what is working and what is still lacking to ensure that their citizens feel safe and protected against the manifestation of corruption in these two areas.

Top executives are the elite of society who are entrusted with the power to lead and make decisions. They are ideally placed to demonstrate the political will to fight corruption and should do so starting with themselves. The other group under GRECO's scrutiny this time is the law enforcement agencies. They know the rules and should themselves be bound by the highest standards of integrity before forcing others to abide by them. Both groups should show the courage and openness to face their own risks and vulnerabilities in order to become stronger.

Preventing corruption is about building trustworthy structures, empowering individuals to act ethically, raising their awareness, training and guiding them so that they are more immune to misconduct and can be trusted to be so.

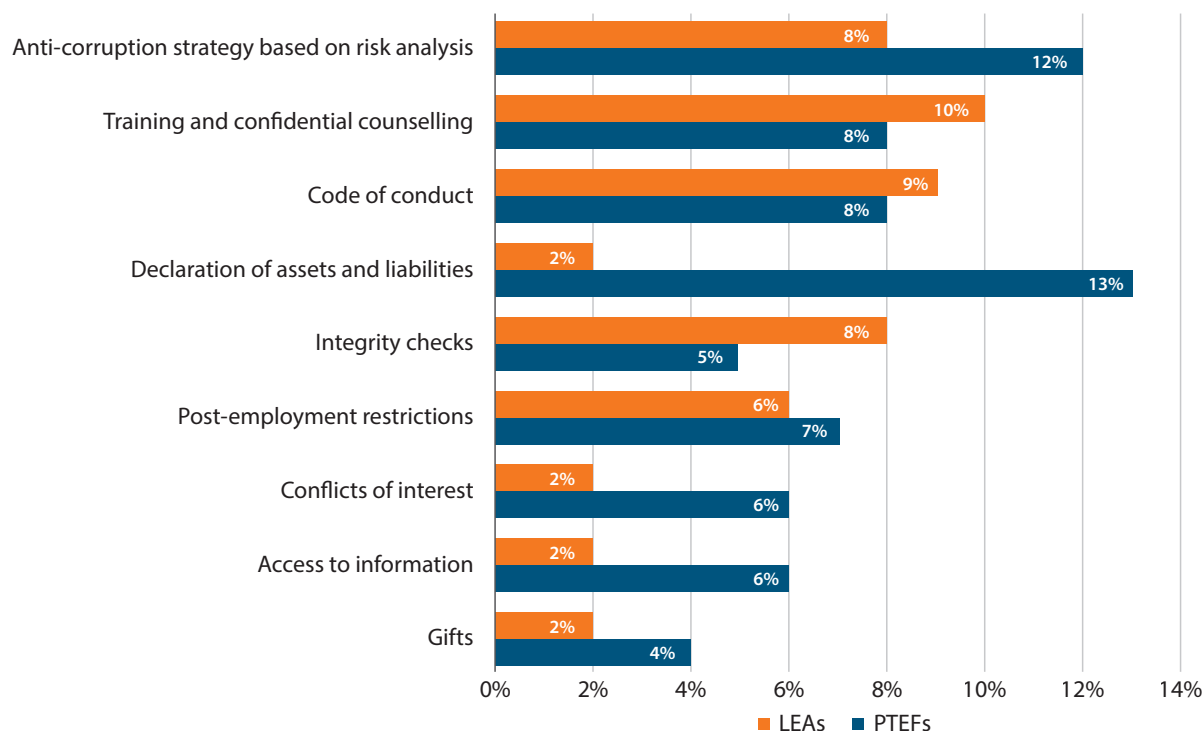
With this in mind, GRECO has looked at each of its member states individually, carefully crafting recommendations that best suit them. At the same time, it has looked at them in light of universal principles to which all of them should adhere in one way or another.

## Similar and divergent trends

The recommendations made so far to the two groups in the countries evaluated show, with a few exceptions, mostly similar trends. The figure below shows a comparison of the share of the different areas in the total number of recommendations made to each of the two groups. There are many similarities in the number of recommendations made to central governments and to law enforcement agencies in the category of codes of conduct, training and confidential counselling, and post-employment restrictions - both groups should focus equally on targeted measures in these areas. In terms of anti-corruption strategy, both groups should work to streamline their policies based on the risk analysis of their respective sectors. However, as the proportion of these recommendations shows, this area has received particular attention with regard to PTEFs, notably because a targeted anti-corruption policy and risk-assessment specific to this group was lacking. Similarly, GRECO has addressed more recommendations to PTEFs than to LEAs in the areas of conflicts of interest (including financial declarations), gifts, and access to information; this is due to their central decision-making responsibilities, access to privileged information, ties to private sector interests and a more relaxed approach to recruitment and incompatibilities rules for this category of persons. There is a slight difference in relation to integrity checks, with more recommendations issued to LEAs in this area, which also refer, *inter alia*, to vetting and re-vetting which are crucial for law enforcement.

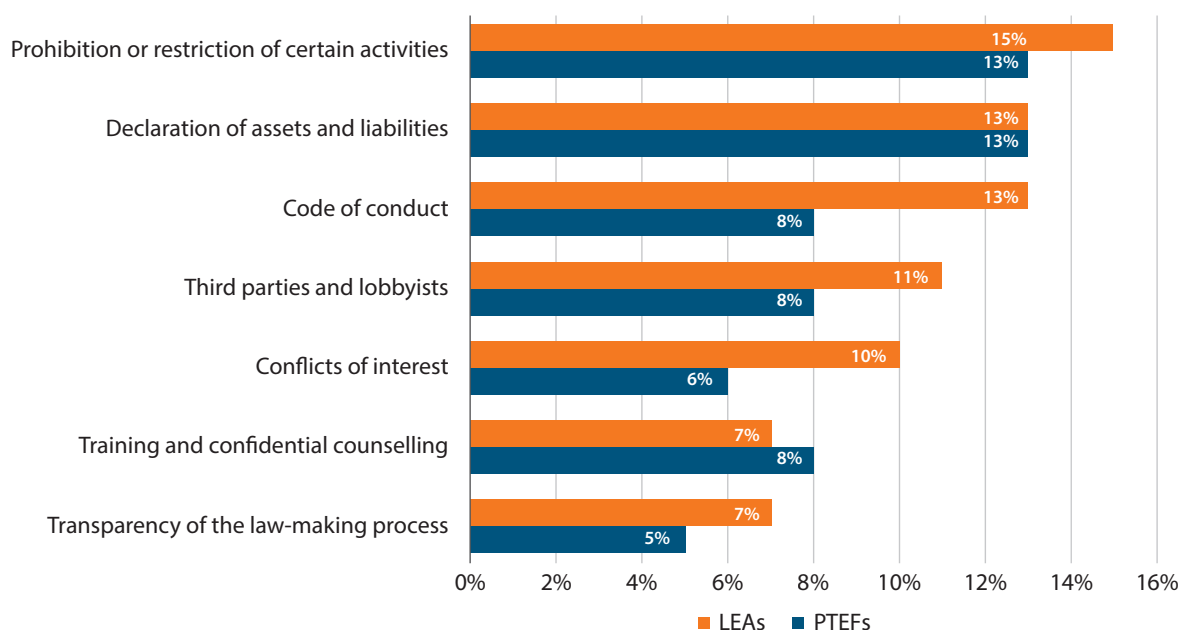


### Similar and Divergent Trends of recommendations issued for PTEFs and LEAs



A significant proportion of the recommendations were addressed to top executive officials in the areas of lobbying and transparency of the law-making process, a trend similar to that for members of parliament.<sup>12</sup>

### Similar and Divergent Trends of recommendations issued for PTEFs and MPs



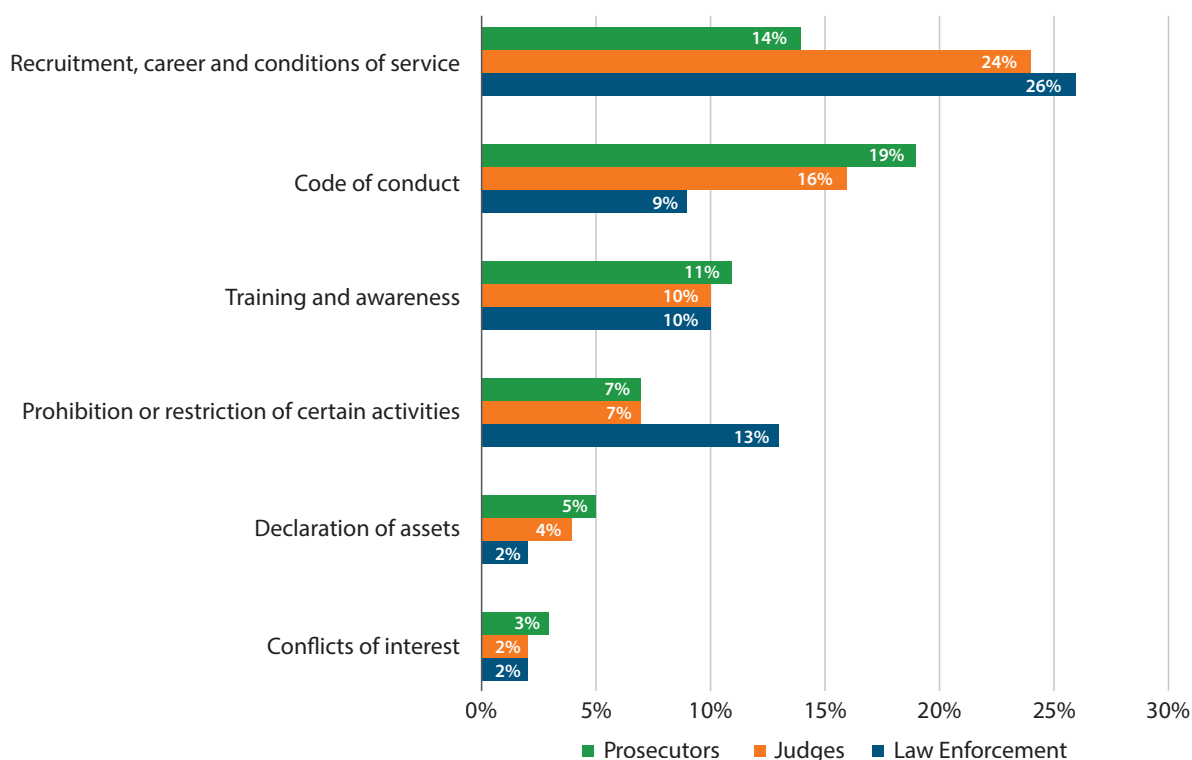
A number of similar trends can be observed when comparing recommendations made to law enforcement agencies with those targeted at the judiciary (judges and prosecutors).<sup>13</sup> The categories of conflicts of interest, declaration of assets and training and awareness have a similar weight in the total volume

12. [Report on Trends and Conclusions of the Fourth Evaluation Round in the field of Corruption Prevention of MPs, Judges and Prosecutors, Council of Europe, 2017, page 11.](#)

13. [Report on Trends and Conclusions of Fourth Evaluation Round in the field of Corruption Prevention of MPs, Judges and Prosecutors, Council of Europe, 2017, pages 17 and 25.](#)

of recommendations made to each of these three groups. The issues of recruitment, career progression and conditions of service are equally important for all, particularly in ensuring their independent and autonomous operation. On the other hand, the area of prohibition or restriction of certain activities is of greater concern to LEAs than to judges and prosecutors. In this regard, GRECO observed that LEA staff retire at an earlier stage (primarily due to the physically and mentally demanding nature of law enforcement work), with former police officers often engaging in private sector activities thereafter. Also, the regime for engaging in ancillary activities appeared more lenient for law enforcement officers than for judges and prosecutors who are subject to a much stricter incompatibility system. GRECO found that for law enforcement, this issue had often been overlooked despite the obvious potential risks (e.g., accessing privileged information, offering preferential treatment, or leaking sensitive information), and therefore issued targeted recommendations accordingly.

**Similar and Divergent Trends of recommendations issued for Prosecutors, Judges and Law Enforcement**



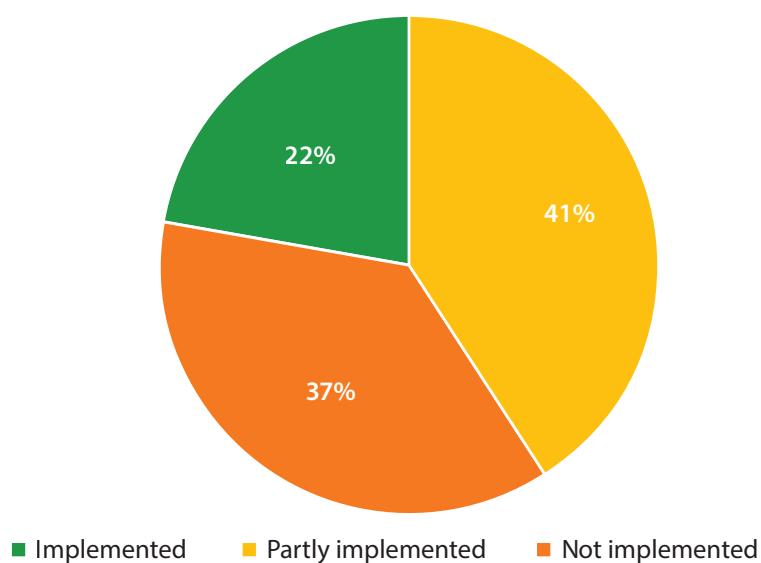
### Challenges and progress: interim stocktaking

As mentioned above, the first evaluation reports under the Fifth Evaluation Round were adopted by GRECO in December 2017. The first reports assessing compliance with the recommendations made were adopted in October 2020, and by December 2024, compliance reports had been adopted for 30 member states, i.e. around two thirds of the GRECO members which underwent evaluation. So far, only three countries have terminated the compliance procedure in this round. The compliance process is therefore far from complete for the vast majority of states that have been evaluated. At the same time, the time that has elapsed since the start of the round and the adoption of 51 compliance reports so far makes it possible to take the pulse and perform an interim stocktaking of the main challenges and achievements.

### Persons entrusted with top executive functions in central governments: implementation progress

More than one third of recommendations issued in respect of PTEFs (37%) remain unimplemented, indicating significant gaps and challenges in this process. 41% of recommendations are partly implemented, suggesting that while some efforts are underway, they are incomplete or lack full enforcement. Only 22% are fully implemented, showing that comprehensive reforms are still lacking across most categories.

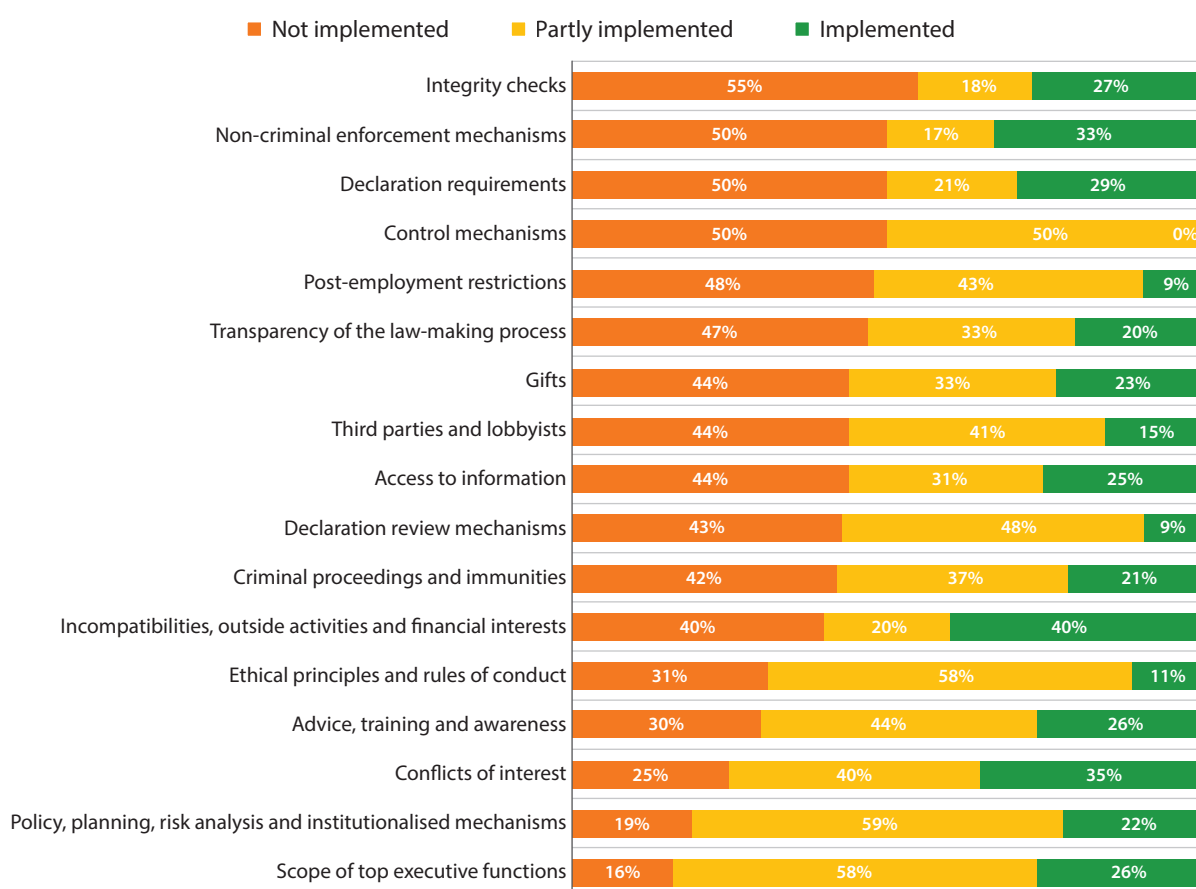
## Recommendations for PTEFs: general implementation progress



## Challenging areas

GRECO's recommendations to PTEFs cover 17 areas. Of these 17 areas, more than two thirds (12) are characterised by a rather high number of recommendations that have not been implemented (40% or more). And only in two of these 17 areas is the proportion of unimplemented recommendations less than 20%.

## Recommendations for PTEFs: rates of non-compliance per area

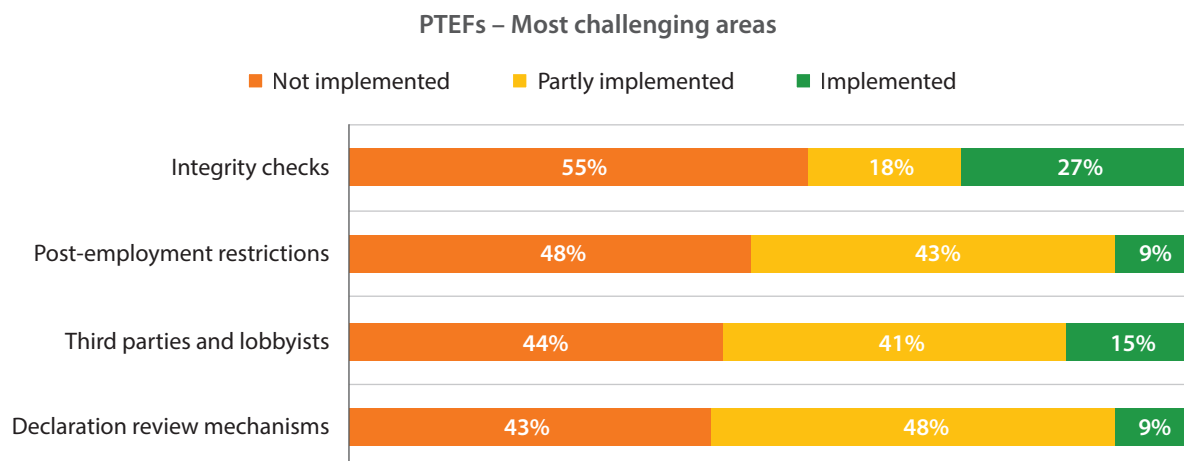


On the basis of the figures above, it is possible to identify the areas where progress has been the most difficult and the slowest to date. These most challenging areas are those that have both:

- ▶ very high percentage of non-implemented recommendations;

and

- ▶ very low percentage of fully implemented ones.



It remains difficult for many countries to establish integrity checks for top government officials, partly because of the tradition of direct and discretionary appointment to political positions. Mobility of top executives to the private sector is another sensitive area, with the duration of restrictions and appropriate sanctions for breaches of post-employment rules being the thorniest issues. Much remains to be done to ensure thorough legal regulation of lobbying activities in line with relevant standards (for example, [Recommendation CM/Rec\(2017\)2](#) adopted by the Committee of Ministers of the Council of Europe on 22 March 2017 on the legal regulation of lobbying activities in the context of public decision-making). Last but not least, the substantive and systematic verification of asset declarations requires the establishment of institutional mechanisms with adequate human, budgetary and technical resources, and further efforts are needed to ensure steady progress in this area.

The following areas show some level of effort but remain relatively weak:

- ▶ Non-criminal enforcement mechanisms
- ▶ Declaration requirements
- ▶ Control mechanisms
- ▶ Transparency of the law-making process
- ▶ Criminal proceedings and immunities
- ▶ Access to information
- ▶ Gifts

## Areas of best progress

The compliance rate (the proportion of recommendations fully implemented) also indicates implementation difficulties.

Only three of the 17 areas have a compliance rate above 30% and the maximum compliance rate is relatively low (only 40%).

Moreover, six of the 17 areas, i.e. more than one third, are characterised by a rather low compliance rate (20% or less).

One area even has a zero compliance rate, i.e. no recommendations have been fully implemented.

### Recommendations for PTEFs: compliance rates per area



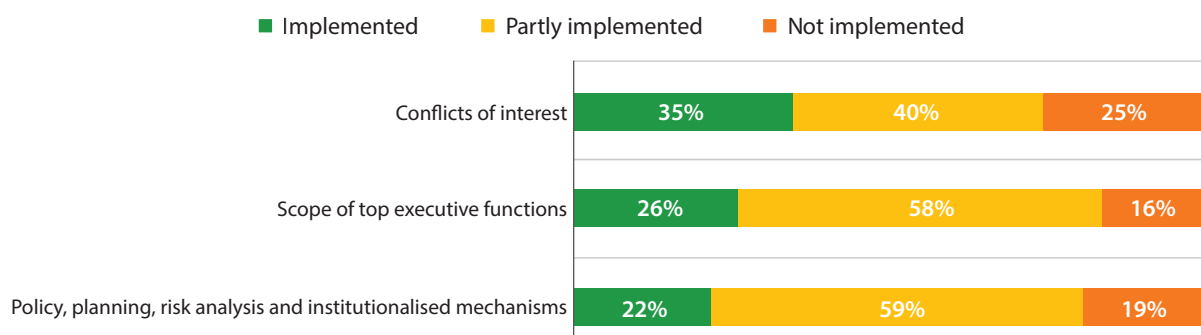
Following the same approach as the one for most challenging areas, the areas with the best progress to date are to be considered those with both:

- ▶ a very high percentage of fully implemented recommendations;

and

- ▶ a very low percentage of non-implemented ones.

### Persons with top executive functions – Best progress achieved



A number of positive developments regarding the reporting and management of conflicts of interest by PTEFs have been acknowledged by GRECO. Concerning the recommendations on the scope of top executive functions, some progress can be noted with regard to a better and more transparent regulation of the status of political advisors, ensuring that this category of PTEFs is subject to integrity rules. Increasingly useful steps are being taken to develop targeted strategies or action plans for central governments based on an assessment of the integrity risks specific to this category.

The following areas show relatively moderate progress but still require more effort:

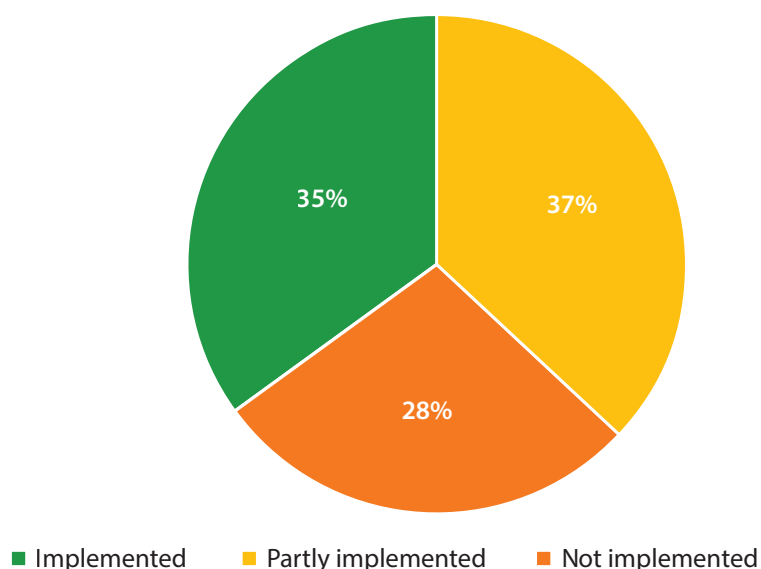
- ▶ Ethical principles and rules of conduct
- ▶ Advice, training and awareness

### Law enforcement agencies: implementation progress

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More than one third of recommendations issued in respect of LEAs (35%) are fully implemented, and 37 % of recommendations are partly implemented, showing steady efforts. Only 28% of recommendations are not implemented, which is less than one third.

**Recommendations for LEAs: general implementation progress**



### Challenging areas

GRECO's recommendations to LEAs cover 20 areas. Only six of these 20 areas have high rates of non-compliance (between 40% and 63%). This is less than one third, whereas more than two thirds of the areas with recommendations for PTEFs show high rates of non-compliance (12 of 17 areas).

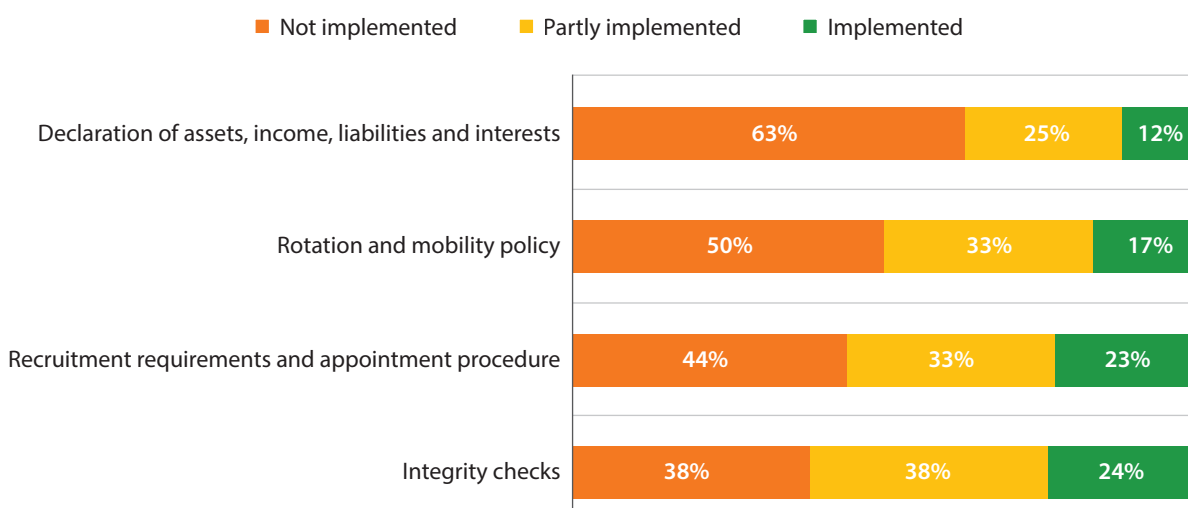
Eight of the 20 areas have low rates of non-compliance (20% or less), showing that tangible results have been achieved. The proportion of areas with low rates of non-compliance is thus much higher than for PTEFs (two out of 17 areas).



### Recommendations for LEAs: rates of non-compliance per area



### Law enforcement agencies – Most challenging areas



A number of issues relating to the recruitment and career of law enforcement personnel remain relatively problematic. While some integrity checks are carried out at the time of recruitment, more decisive steps are needed to introduce such checks on a regular basis throughout the career of each staff member. In addition, the principles of transparent and merit-based appointments have been difficult to implement, particularly with

regard to the top management of law enforcement agencies. Limited progress has been made in establishing institutional systems of regular rotation, especially in the sectors most vulnerable to corruption risks. Finally, significant efforts are needed to introduce financial disclosure requirements, in particular for top managers and officers working in corruption-prone areas (e.g. procurement).

The following areas show some modest results but remain relatively weak:

- ▶ Incompatibilities, outside activities and financial interests;
- ▶ Post-employment restrictions.

## Areas of best progress

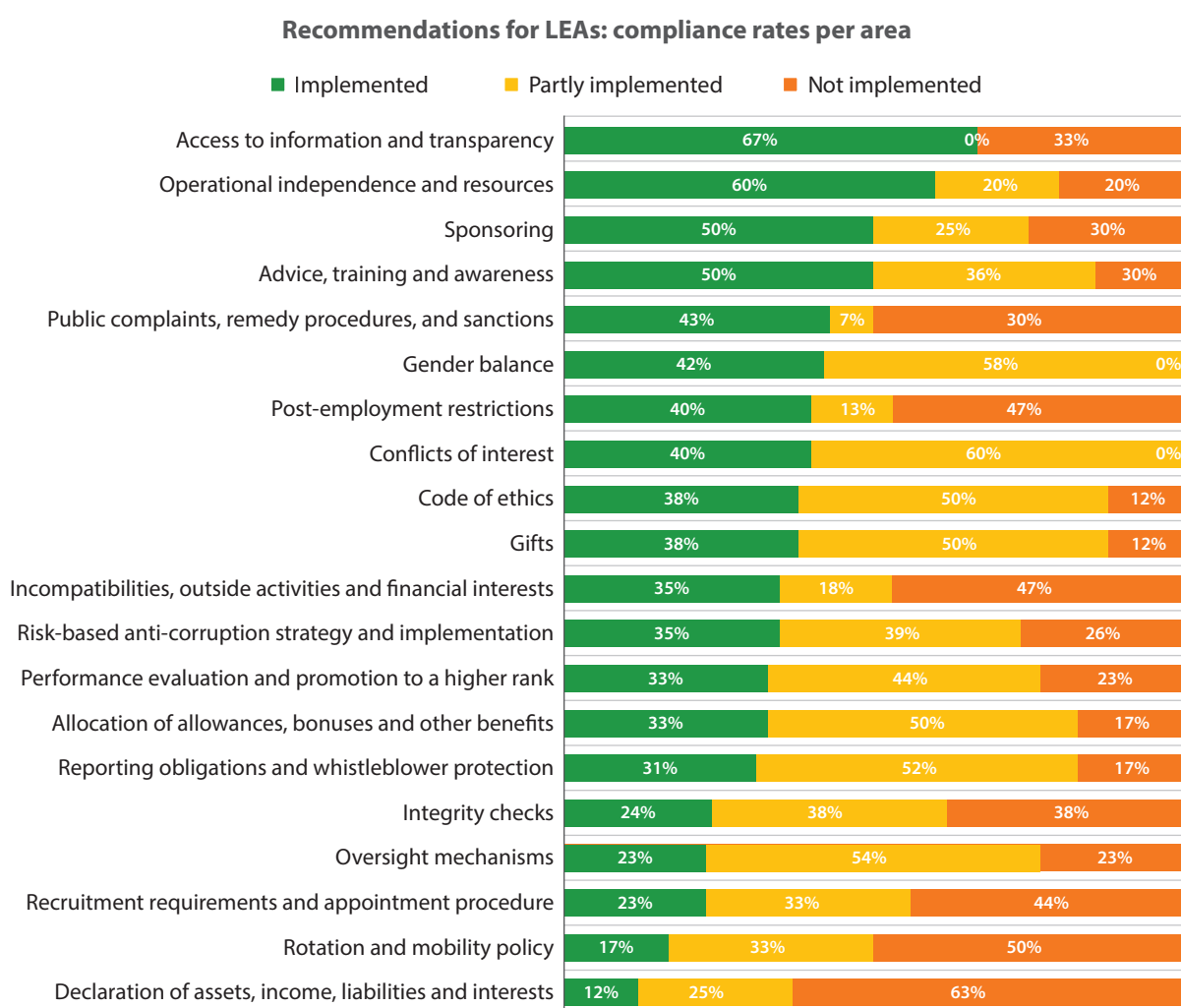
The proportion of recommendations that have been satisfactorily implemented is also an indicator of better and more widespread progress in the field of law enforcement.

15 out of 20 areas show a compliance rate of more than 30%, which is considerably higher than the 3 out of 17 areas for PTEFs.

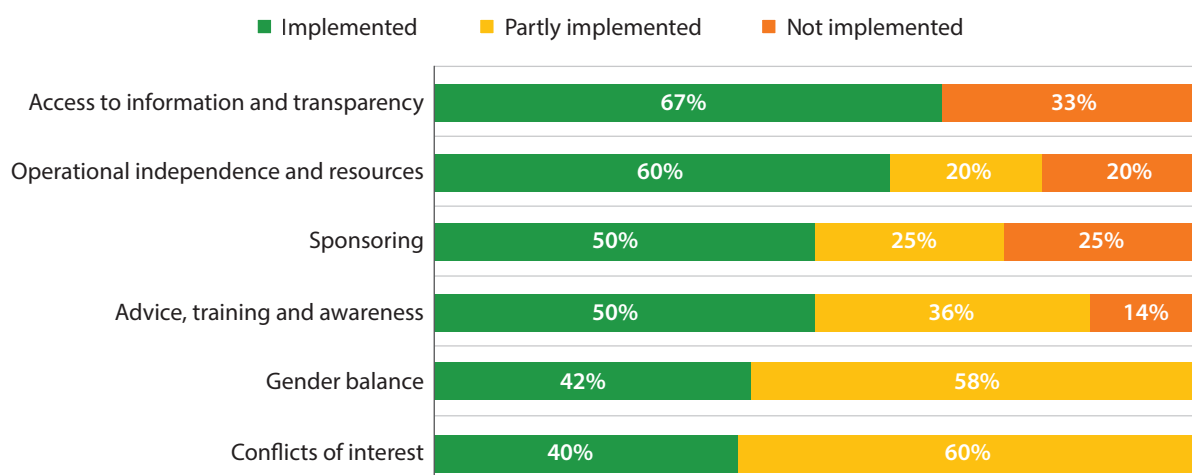
The maximum compliance rate is quite high (67%). This is much higher than the maximum observed for recommendations to PTEFs (40%).

Only two out of 20 areas have a rather low compliance rate (20% or less). This corresponds to one tenth, whereas it is more than one third for PTEFs recommendations (six of the 17 areas).

Lastly, two areas have a zero non-compliance rate. This means that all the recommendations have been implemented either fully or partly.



### Law enforcement agencies – Best progress achieved



Law enforcement agencies have shown tangible progress in their communication practices and proactive disclosure of information of public interest. Serious efforts have been made to allocate more resources, to improve the operational independence of the police and to make their sponsoring more transparent. This is closely linked to the positive developments noted in the monitoring of conflicts of interest. Much work has been done to develop integrity training in law enforcement agencies. A number of good practices have emerged to improve gender balance in the police.

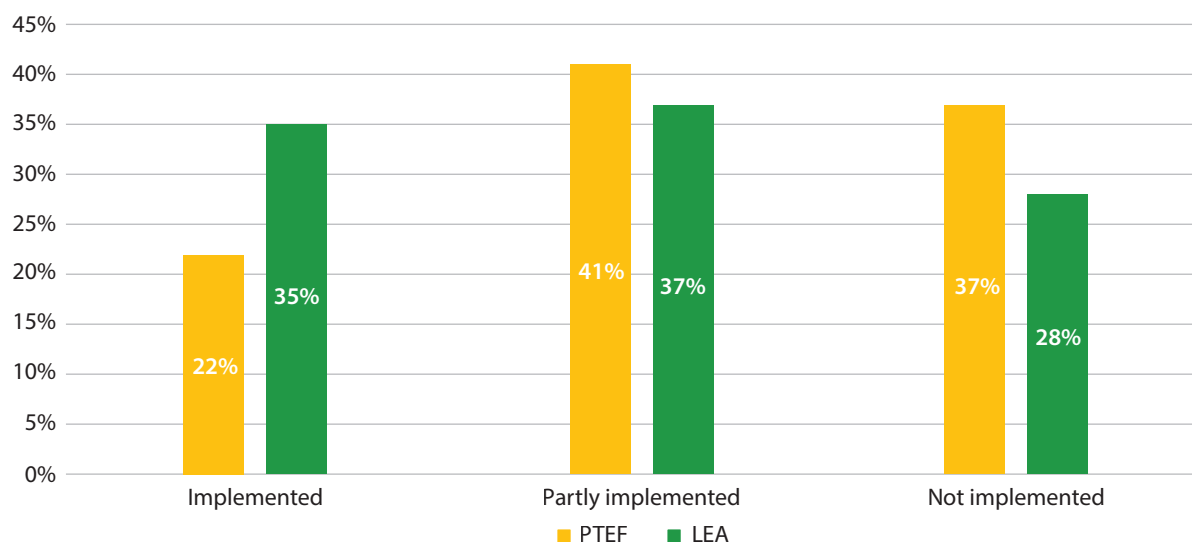
The following areas show moderate progress, but more resolute action is still needed:

- ▶ Code of ethics
- ▶ Risk-based anti-corruption strategy and implementation
- ▶ Gifts
- ▶ Reporting obligations and whistleblower protection
- ▶ Performance evaluation and promotion to a higher rank
- ▶ Allocation of allowances, bonuses and other benefits.

### Comparative analysis of the implementation progress under the Fifth Evaluation Round

As can be seen from the figures above, it has been much more difficult to make progress in the implementation of recommendations addressed to top executives in central governments than in those addressed to law enforcement agencies.

### PTEFs and LEAs: general implementation progress



Law enforcement agents outperform PTEFs in full implementation (35% vs. 22 %) - a sign of more determined action.

The number of partly implemented recommendations is high across both groups, highlighting incomplete measures, but also indicating that progress is being made and initiatives are in the pipeline, which can also be taken as a positive sign since the compliance process is ongoing.

Top executive officials have significantly more unimplemented recommendations (37%) than Law Enforcement Agents (28%), indicating weaker oversight and enforcement.

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These are by no means final conclusions. As already underscored, the process of compliance with the Fifth Evaluation Round is still ongoing, and these mid-term observations are intended to provide useful indications of the areas that would benefit from a redoubling of implementation efforts, as well as the areas where more examples of good practice can be found.

### **The way forward**

The Fifth Evaluation Round has furnished a thorough and perceptive evaluation of the measures implemented by member states to combat corruption in central governments and law enforcement agencies. These institutions, which are pivotal to the functioning of democratic societies, assume a crucial role in upholding the rule of law, ensuring public trust, and safeguarding the integrity of governance. The findings of this round underscore both the progress achieved and the persistent challenges, delineating a clear direction for future endeavours in the struggle against corruption.

A multi-faceted strategy, integrating transparency, robust legal frameworks, effective oversight, and a culture of integrity, is essential for preventing and investigating corruption in central governments (top executive functions) and law enforcement agencies. The findings of the Fifth Evaluation Round indicate that countries must invest in both preventive measures and robust mechanisms for detecting and addressing misconduct.

It is imperative that each of the designated groups assumes ownership and responsibility in implementing GRECO's recommendations in collaboration with all pertinent authorities. By doing so, they can ensure their position at the vanguard of anti-corruption efforts, exemplifying integrity and accountability for all sectors of society.

Effective collaboration, both domestically (between all the institutions concerned) and internationally, as well as strong protection for whistleblowers, has the potential to significantly reduce the risk of corruption and ensure that top executives in central governments, and law enforcement officials remain accountable to the public they serve.

It is further paramount to ensure that progress is maintained and that reforms are implemented rather than regress. GRECO will continue to support its member states in this vital venture, notably through its compliance reports, assessing the action in response to its recommendations. Full compliance with GRECO's recommendations is essential for the establishment of a future of transparent, accountable, and effective governance.



**Membership of the Council of Europe's anti-corruption body, the Group of States against corruption (GRECO), spans the European continent and also includes the United States of America and Kazakhstan.**

**GRECO members (48) by date of accession:**

Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, the Slovak Republic, Slovenia, Spain, Sweden (founding states – 1 May 1999). Poland (date of accession: 20 May 1999), Hungary (9 July 1999), Georgia (16 September 1999), the United Kingdom (18 September 1999), Bosnia and Herzegovina (25 February 2000), Latvia (27 July 2000), Denmark (3 August 2000), the United States of America (20 September 2000), North Macedonia (7 October 2000), Croatia (2 December 2000), Norway (6 January 2001), Albania (27 April 2001), Malta (11 May 2001), the Republic of Moldova (28 June 2001), the Netherlands (18 December 2001), Portugal (1 January 2002), Czechia (9 February 2002), Serbia (1 April 2003), Türkiye (1 January 2004), Armenia (20 January 2004), Azerbaijan (1 June 2004), Andorra (28 January 2005), Ukraine (1 January 2006), Montenegro (6 June 2006), Switzerland (1 July 2006), Austria (1 December 2006), Italy (30 June 2007), Monaco (1 July 2007), Liechtenstein (1 January 2010), San Marino (13 August 2010), and Kazakhstan (16 January 2020).

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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

