

Strasbourg, 3 December 2021

Greco(2021)12

89th GRECO Plenary Meeting
Strasbourg | KUDO (online), 29 November – 3 December 2021

DECISIONS

At its 89th Plenary Meeting (Strasbourg | KUDO (online), 29 November – 3 December 2021) which was chaired by Marin MRČELA (President of GRECO, Croatia), and by Monika OLSSON (Vice-President of GRECO, Sweden) for the examination of the draft Fifth Round Compliance Report on Croatia, the Group of States against Corruption (GRECO):

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

Information

3. took note of the items discussed and decisions taken by the Bureau since the last Plenary Meeting (Bureau 97: Greco(2021)11);
4. took note of information provided by the President of GRECO:
 - together with European Commissioner Věra JOUROVÁ, he had spoken at a High-level Policy Dialogue on the Rule of Law at the European University Institute School of Transnational Governance (Florence, 15 October 2021) on the clear and continued relevance of GRECO's work to the rule of law in member States, and noting inter alia that GRECO's findings are reflected in the European Commission's Rule of Law Reports;
 - his participation, on 25 October 2021, in the 9th annual exchange of the Chairs of Council of Europe monitoring and advisory bodies with the Secretary General where the main areas of focus were visibility, synergies and the use of new technologies;
 - in October 2021, the Committee of Ministers had invited Morocco to accede to the Criminal and Civil Law Conventions on Corruption (ETS Nos. 173 and 174); any state that accedes to either of the conventions automatically becomes a member of GRECO on the date the convention enters into force in their respect; membership becomes effective once the agreement on the privileges and immunities of the representatives of members of GRECO and members of evaluation teams is concluded and enters into force, and upon receipt of the notification of accession by the Secretary General; the President would keep the plenary informed of progress in this process;

took note of information provided by the Vice-President of GRECO:

- her participation, on 8 November 2021, in a [Meeting of the Steering Committee of the International Partnership Against Corruption in Sports](#) (IPACS);

took note of information shared by the Director, Information Society – Action against Crime Directorate:

- the importance placed on synergies in the Secretary General's four-year Strategic Framework for the Council of Europe and the contribution made by GRECO, for example, through coordination with other international anti-corruption review mechanisms and the inclusion of its findings by the European Commission in its Rule of Law reports; the Director also reported on ongoing [work in the Directorate](#) on artificial intelligence (AI), money laundering, the financing of terrorism, cybercrime, the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME), and data protection;

took note of information shared by the Executive Secretary:

- on 24 November 2021, Ambassador Nina NORDSTRÖM, Permanent Representative of Finland to the Council of Europe was elected President of GRECO's Statutory Committee; the Committee adopted GRECO's programme for 2022-2025 and approved the budget and scale of contributions for 2022;
 - the Secretariats of the international peer review mechanisms in the field of corruption (GRECO, the United Nations Office on Drugs and Crime (UNODC), the Organisation for Economic Co-operation and Development (OECD) and the Organization of American States (OAS)) meet regularly to exchange information and promote synergies; a joint message of the UNODC, OECD and GRECO Secretariats, confirming cooperation and the ways in which synergies may be pursued within the mechanisms' mandates and rules, would be made publicly available at the 9th Session of the Conference of the States Parties to the United Nations Convention against Corruption (Egypt, 13-17 December 2021) and on GRECO's website;
 - information under items 6 and 46 below;
5. noted with deep regret the announcement of the retirement at the end of 2021 of Ernst GNAEGI (Head of delegation and Bureau member – Switzerland), one of the longest serving and most knowledgeable experts in GRECO;

Election of a Bureau member

6. noted that the election to fill the vacant seat in the Bureau which resulted from the departure of Ernst GNAEGI would be held at the 90th Plenary Meeting (March 2022); Representatives of member States were invited to inform the Executive Secretary in writing if they wish to stand for election or to nominate candidates, preferably by [Friday 5 March 2022](#), it nevertheless being understood that, in accordance with the Rules of Procedure (Rule 9, paragraph 2), candidatures could be submitted up to 48 hours before the elections – all candidates would be asked to provide a brief curriculum vitae;

Evaluation procedures

7. welcomed the fact that seven on-site evaluation visits had been completed in 2021 (the fifth round visits to Lithuania, Greece, Serbia, Montenegro, Hungary and Ireland and the Joint First and Second Round visit to Kazakhstan) and that the aim is to continue to carry out as many visits as possible, subject to the sanitary situation and the resources at GRECO's disposal;

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

8. adopted the Fifth Round Evaluation Reports on:

- **Greece** (GrecoEval5Rep(2020)4)
- **Lithuania** (GrecoEval5Rep(2020)1)

and set the deadline of 30 June 2023 for the submission of situation reports on measures taken to implement GRECO's recommendations;

9. invited the authorities of Greece and Lithuania to authorise, as soon as possible, the publication of the reports mentioned in decision 8 above;
10. approved the composition of the teams responsible for the Fifth Round evaluations of Austria, Bosnia and Herzegovina, Cyprus, the Czech Republic, the Republic of Moldova, Portugal and Romania (GrecoEval5(2021)2);

Rule 34 – Ad hoc procedures

11. adopted the 2nd Follow-up Report to the Ad hoc Report on **Greece** (Greco-AdHocRep(2021)1) and terminated the Rule 34 procedure in respect of this member;
12. adopted the Follow-up Report to the Ad hoc Report on **Slovenia** and terminated the Rule 34 procedure in respect of this member;
13. invited the authorities of Greece and Slovenia to authorise, as soon as possible, the publication of the reports mentioned in decisions 11 and 12 above;

Compliance procedures

Third Round – Incriminations; Transparency of party funding

14. adopted the 2nd *Interim* Third Round Compliance Report on:
 - **Belarus** (GrecoRC3(2021)3)and concluded that the level of compliance with the recommendations remains “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;
15. pursuant to Rule 32, paragraph 2(i), asked the Head of the delegation of Belarus to provide a report on progress in implementing the outstanding recommendations by 31 December 2022 at the latest;
16. pursuant to Rule 32, paragraph 2 (ii) b), invited the President of the Statutory Committee to send a letter to the Representative of Belarus to the Council of Europe on the need for determined action to be taken with a view to achieving tangible progress as soon as possible;
17. invited the authorities of Belarus to authorise, as soon as possible, the publication of the report mentioned in decision 14 above;

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

18. adopted the 3rd *Interim* Fourth Round Compliance Report on:
 - **Hungary** (GrecoRC4(2021)24)and concluded that the level of compliance with the recommendations remains “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;
19. pursuant to Rule 32, paragraph 2 (i), asked the Head of delegation of Hungary to provide a report on progress in implementing the outstanding recommendations by 31 December 2022 at the latest;
20. having noted that the Secretary General of the Council of Europe had, inter alia, drawn attention to the non-compliance of Hungary with GRECO’s recommendations at meetings with the Minister of Justice of Hungary on 4 October and 8 November 2021, GRECO decided not to apply Rule 32, paragraph 2 (ii) c) in respect of this report;
21. adopted the 2nd *Interim* Fourth Round Compliance Report on:
 - **Austria** (GrecoRC4(2021)19)and decided not to continue applying Rule 32 in the case of this member;

22. pursuant to Rule 31 revised, paragraph 8.2 asked the Head of delegation of Austria to submit additional information regarding action taken to implement certain recommendations by 31 December 2022;
23. adopted the *Interim* Fourth Round Compliance Report on:
- **Andorra** (GrecoRC4(2021)20)
- and decided not to continue applying Rule 32 in the case of this member;
24. pursuant to Rule 31 revised, paragraph 8.2 of the Rules of Procedure asked the Head of delegation of Andorra to submit additional information regarding action taken to implement certain recommendations by 31 December 2022;
25. adopted the *Interim* Fourth Round Compliance Reports on:
- **Bosnia and Herzegovina** (GrecoRC4(2021)21)
 - the **Republic of Moldova** (GrecoRC4(2021)22)
- and concluded in both cases that the level of compliance with the recommendations remains “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;
26. pursuant to Rule 32, paragraph 2 (i), asked the Heads of delegation of Bosnia and Herzegovina and the Republic of Moldova to provide reports on progress in implementing the outstanding recommendations by 31 December 2022 at the latest;
27. pursuant to Rule 32, paragraph 2 (ii) a), invited the President of GRECO to send letters to the Heads of delegation of Bosnia and Herzegovina and the Republic of Moldova - with a copy to the President of the Statutory Committee - on the need to take determined action with a view to achieving tangible progress as soon as possible;
28. adopted the 2nd Fourth Round Compliance Report on:
- **Ukraine** (GrecoRC4(2021)25)
- and concluded that the level of compliance with the recommendations is “**globally unsatisfactory**” in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure;
29. pursuant to Rule 32, paragraph 2(i), asked the Head of delegation of Ukraine to provide a report on progress in implementing the outstanding recommendations by 31 December 2022 at the latest;
30. adopted the 2nd Fourth Round Compliance Report on:
- the **Russian Federation** (GrecoRC4(2021)23)
- and, in accordance with Rule 31 revised, paragraph 9 of the Rules of Procedure, asked the Head of delegation of the Russian Federation to submit additional information regarding the implementation of certain recommendations by 31 December 2022 at the latest;
31. noted with satisfaction that the authorities of Andorra authorise the publication of the report mentioned in decision 23 above;
32. invited the authorities of Hungary, Austria, Bosnia and Herzegovina, the Republic of Moldova, Ukraine and the Russian Federation to authorise, as soon as possible, the publication of the reports mentioned in decisions 18, 21, 25, 28 and 30 above;

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

33. adopted, in the framework of Rule 31 revised bis of the Rules of Procedure, the Fifth Round Compliance Reports on:

- **Belgium** (GrecoRC5(2021)11)
- **Croatia** (GrecoRC5(2021)10)
- **France** (GrecoRC5(2021)12)

and noted in the three cases that further progress is necessary to demonstrate an acceptable level of compliance within the next 18 months, and set the deadline of 30 June 2023 for the submission by the respective Heads of delegation of a situation report on additional measures taken to implement the recommendations;

34. invited the authorities of Belgium, Croatia and France to authorise, as soon as possible, the publication of the reports mentioned in decision 33 above;

35. approved the list of rapporteur countries for the Fifth Round compliance procedures in respect of the following countries: Albania, Bulgaria, Germany, Greece, Hungary, Ireland, Lithuania, Montenegro, Norway and Serbia (GrecoEval5(2021)1);

Programme of Activities 2022

36. adopted its Programme of Activities for 2022 (Greco(2022)8-fin), noting that member States were strongly encouraged to send the situation reports for the preparation of the compliance reports scheduled for adoption at the June 2022 Plenary Meeting earlier than the deadline of end March 2022 – the return to GRECO's standard calendar for Plenary Meetings in 2022 meant that there was an exceptionally short period between the deadline for situation reports and the Plenary examination of the compliance reports;

Recommendation 2191 (2020) by the Parliamentary Assembly of the Council of Europe – *Investment migration*

37. adopted comments (Greco(2021)9-fin) on the Parliamentary Assembly's Recommendation 2191 (2020) and instructed the Secretariat to forward them to the Committee of Ministers of the Council of Europe;

Recommendation 2195 (2021) by the Parliamentary Assembly of the Council of Europe – *Urgent need to strengthen financial intelligence units – Sharper tools needed to improve confiscation of illegal assets*

38. adopted comments (Greco(2021)10-fin) on the Parliamentary Assembly's Recommendation 2195 (2021) and instructed the Secretariat to forward them to the Committee of Ministers of the Council of Europe;

Exchange of views – Regional Anti-corruption Initiative (RAI)

39. held an exchange of views with Desislava GOTSKOVA, Head of the Secretariat of RAI;

40. welcomed with interest the information shared concerning RAI's work and the International Treaty on Exchange of Data for the Verification of Asset Declarations;

Exchange of views – Consultative Council of European Judges (CCJE) of the Council of Europe

41. held an exchange of views with Nina BETETTO, President of the CCJE;
42. welcomed with interest the presentation of the CCJE's recent Opinion No. 24 (2021) – [Evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems](#);

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

43. took note of the information provided by delegations as follows: **Italy** – Giuseppe BUSIA, President of the National Anti-Corruption Authority of Italy (ANAC), speaking in the context of the pandemic, outlined how the ANAC is focusing on the crucial role of public procurement in the recovery of public life; **Montenegro** - Boris VUKASINOVIC, Deputy Director of the Agency for Prevention of Corruption of Montenegro, on concerns about proposals related to the funding and independence of the Agency for Prevention of Corruption;

Publication of Reports¹

44. called on the authorities of the member States concerned to authorise without further delay the publication of the reports recently adopted by GRECO²;
45. noted with strong concern that Belarus has consistently not authorised the publication of the reports adopted and addressed to the authorities of the country since 2012;

Any other business

46. took note that for the **2021 General Activity Report** (which would be on the agenda of the March 2022 Plenary Meeting), only the Fourth and Fifth Round compliance reports that are published by **Friday 17 December 2021** would be taken into account in the statistics on compliance levels; the cut-off date for informing the Secretariat of any publications still to take place in 2021 was **Thursday 9 December 2021**;

Future meetings

47. took note of the following dates:
 - 98th Bureau Meeting: 1 March 2022
 - 90th Plenary Meeting: 21-25 March 2022
 - 91st Plenary Meeting: 13-17 June 2022
 - 92nd Plenary Meeting: 28 November – 2 December 2022

in light of the current instructions for Council of Europe meetings, it was expected that the March 2022 plenary meeting would be held online and that only member States with an evaluation report on the agenda and the Evaluation Teams involved would be invited to participate in person.

¹ *Action to be taken when publishing adopted reports* (decision 26, GRECO 58):

- agree a same-day publication date with the Secretariat
- clearly mark both the date of adoption and date of publication on the cover page
- make the national language version available and easily accessible on a domestic website
- notify the Secretariat of the location of the report by communicating the internet link to it
- include a link on the domestic website to the official language versions on GRECO's website.

² Fourth Round: 2nd Interim Compliance Report - Czech Republic, 2nd Addendum to the Compliance Report – Netherlands; Fifth Round: Compliance Reports – Denmark, Malta, Slovak Republic, Spain.