

# GROUP OF STATES AGAINST CORRUPTION (GRECO)

Anti-corruption trends,  
challenges and good practices  
in Europe & the United  
States of America



Feature article:  
Ensuring high standards  
of ethical conduct by  
top executive officials

*by Emily O'Reilly,  
European Ombudsman*

**Anti-corruption body  
of the Council of Europe**  
17th General Activity Report (2016)



# Seventeenth General Activity Report (2016)

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Adopted by GRECO 75  
(Strasbourg, 20-24 March 2017)

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# Foreword

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## *Marin MRČELA, Justice at the Supreme Court of Croatia, President of GRECO*

**T**his report provides a horizontal overview of our 49 members' action against corruption in 2016. With the adoption of over 40 evaluation and compliance reports this year, GRECO continues to develop a solid experience and a thorough understanding of the main trends, challenges and good practices in the areas of the criminalisation of corruption and political funding, as well as corruption prevention in relation to members of Parliament, judges and prosecutors. These areas are essential for the functioning of democratic states, and the integrity within them impacts directly on the level of trust citizens place in our institutions.

In 2016, Europe and the United States have witnessed a growing trend toward polarisation, nationalism and populism. Our citizens are increasingly dissatisfied by the way public affairs are managed which, some see, benefits the "happy few" to the detriment of everyone else. The reasons are complex, but "corruption" – in all its forms and manifestations of unethical and dishonest behaviour – is the unspoken word in this equation. It has spared no country, organisation or sector of activity in 2016. Whether in the public or private sector, at national, European or international level, allegations, or confirmed cases, of corruption have affected governments, parliaments, the judiciary, national and international institutions, markets, sports organisations and private companies.

While the implementation rate of GRECO's recommendations in respect of the first two rounds has been high, fully implemented recommendations in the 3<sup>rd</sup> and the 4<sup>th</sup> evaluation rounds are less frequent. You will find in the Appendices 2a and 2b the details of the progress made by each Member in implementing GRECO's recommendations. As a result, GRECO is seeing a surge in compliance reports which is distracting its attention from the main evaluations which

are, and must remain, the core of our business. The increasing complexity of the issues discussed and the fact that governments must rely on other actors (e.g., parliaments, judges' and prosecutors' organisations/self-governing bodies) for the implementation of recommendations, may partly explain a slower than expected implementation pace. However, more can and must be done. It is precisely in times when the public demands integrity and corruption-free societies that there is a need for strong political will to deal with the problems and to reform.

Throughout 2016, GRECO has observed trends, challenges and good practices in the areas covered by the 3<sup>rd</sup> and 4<sup>th</sup> Evaluation Rounds. They are articulated in more detail in the report, but allow me to make a few general observations.

While in the area of incrimination, member states have, by and large, criminalised most forms of corruption, there appears to be a tendency to over-rely on the repressive aspects of fighting corruption, too often underestimating the strength and effectiveness of preventive mechanisms – which are either too weak or absent. Therefore, GRECO has called for a range of preventive measures aimed at avoiding various forms of conflicts of interest. The establishment of codes for ethical conduct and asset declarations in respect of public officials (e.g. MPs, judges and prosecutors) serves such a purpose. The supervision and enforcement of such rules also require special attention.

The transparency of the legislative process needs further attention and in this connection political financing rules and the regulation of the growing phenomenon of "lobbying" are areas of particular concern in the GRECO context. It is also critical that the independence of the judiciary, as the ultimate protector of justice and the rule of law, still remains high on member states'

agenda. Measures to guarantee judicial independence are urgently needed in certain countries and GRECO's findings and recommendations in this respect complement the ongoing plan of action of the Council of Europe on strengthening judicial independence and impartiality. GRECO has also expressed concern about the need for preventive measures against potential undue influences over prosecution systems, whether these are part of the judiciary, independent bodies or part of the executive powers.

In 2016, GRECO laid the foundations for its 5<sup>th</sup> Evaluation Round starting in 2017. The theme - "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies" - constitutes a logical extension to the 4<sup>th</sup> Round with its implications for shaping citizens' attitudes vis-à-vis their political institutions and democracy in general. Furthermore, while law enforcement authorities form a cornerstone of the fight against corruption and their integrity is a fundamental feature of them, experience shows that the specific risk factors involved in the work of law enforcement agencies warrant careful consideration. I count on each member's support to ensure that the 5<sup>th</sup> Evaluation Round remains as technical, transparent and expert-based as the previous four Rounds have been.

As regards the European Union, GRECO held this year a very interesting exchange of views with Emily O'Reilly, the European Ombudsman. She shared with GRECO her work to promote integrity and ethical conduct within the EU institutions and we discussed issues of common interest, such as whistle-blowing, lobbying and revolving doors. I wish to thank Emily O'Reilly for her contribution to the GRECO meeting and to this report through her featured article. This cooperation shows the benefit of greater cooperation between GRECO and EU institutions. I welcome the inclusion of the "fight against corruption", notably the EU's participation in GRECO, amongst the EU priorities for cooperation with the Council of Europe in 2016-2017, and note that the "EU's full participation in GRECO remains a long term objective". I look forward to moving from words to action, since we haven't really advanced much on this issue so far. We remain, as we have always been, ready to discuss with our EU colleagues the modalities of a possible EU participation in GRECO.

I also wish to thank the Council of Europe's Secretary General for his continuous support for GRECO's work. Be it through direct written correspondence with ministers or through other high-level political contacts, the Secretary General spares no occasion to remind our members of their obligations stemming from their GRECO membership and the importance to implement GRECO's recommendations.

GRECO's cooperation with other international anti-corruption peer review mechanisms (notably the UN, the OECD and the OAS) is strong. While acknowledging that the scope of the evaluations of the various mechanisms and their *modus operandi* are different from GRECO's work, we have in 2016 exchanged views on how to enhance synergies and exchange good practices. We have also discussed practical ways to increase the impact of the respective monitoring work while seeking to reduce the burden on member states to the extent possible. This exercise will continue in 2017.

Combating corruption is not only a matter of new laws and their implementation, but also of ethics and individual behaviour, and often implies changing people's hearts and minds. We need to raise everyone's awareness of the multiple devastating effects of corruption and show why we must reject it, why there is no room for it in our societies. It is for this reason that, the GRECO Secretariat, in cooperation with the Directorate of Communication of the Council of Europe has produced an awareness-raising video on the negative consequences of corruption. The video is available for download free of charge from our website. I encourage all members to support the spreading and broadcasting of it in schools, on television and social media etc. [[Lien vers le clip vidéo](#)]

As stated above, transparency is key to accountability. This is also true for GRECO. We place an increasing amount of information about our work on our new website and communicate actively through social media. I am very happy to see that GRECO members - except one, Belarus - have swiftly authorised the publication of their reports. As a result, we are seeing increasing interest around them in national debates and the media. This is gratifying and pushes us to maintain a high level of quality in our work. I invite you all to continue supporting GRECO and to join our efforts to fight corruption together.

# Key findings

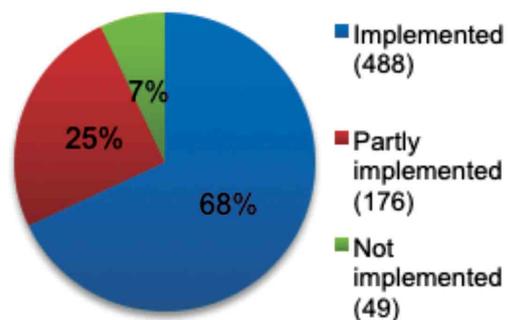
In 2016, GRECO adopted over 40 evaluation and compliance reports. These include eight 4<sup>th</sup> Round Evaluation Reports<sup>1</sup> and three 3<sup>rd</sup> Round Evaluation Reports<sup>2</sup>, as well as thirty-two compliance reports<sup>3</sup>. These reports and evaluations largely focused on the topics covered under the 3<sup>rd</sup> and 4<sup>th</sup> evaluation rounds, i.e., incriminations, political party funding, and prevention of corruption in respect of members of parliament, judges and prosecutors.

**Full implementation of – and commitment of members to implementing – GRECO recommendations remains sustained, but signs of slowing down are emerging.** While the implementation rate of GRECO's recommendations for the first two rounds has been very high, full implementation is slowing down in the 3<sup>rd</sup> and, more markedly, in the 4<sup>th</sup> round (bearing in mind that less than half of the members have been subject to the compliance procedure to date). The increasing complexity of the issues discussed and the fact that in many areas not only government initiatives are called for

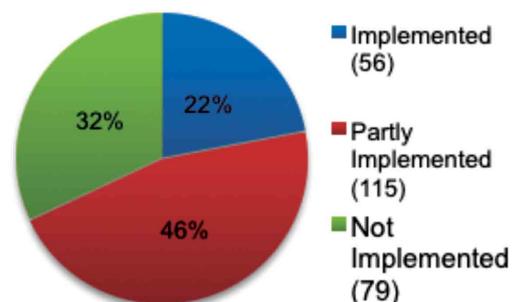
(e.g., parliaments, judges' and prosecutors' organisations/self-governing bodies need also to act), may explain a slower than expected implementation pace.

Chart 1 concerns the 3<sup>rd</sup> Evaluation Round for 46 states by the end of 2016, while Chart 2 illustrates the situation of 20 out of 49 member states for the 4<sup>th</sup> Evaluation Round by the same time.

**Chart 1 - Third Evaluation Round**



**Chart 2 - Fourth Evaluation Round**



1. Austria, Cyprus, Czech Republic, Georgia, Italy, Republic of Moldova, Switzerland, United States of America.
2. Belarus, Liechtenstein, San Marino.
3. An Addendum to the Joint 1<sup>st</sup> and 2<sup>nd</sup> Round Compliance Report on San Marino and a 2<sup>nd</sup> *Interim* Compliance Report on Belarus from the same round were adopted. Second Compliance Reports from the 3<sup>rd</sup> Round were adopted in respect of Austria, Belgium, Germany, Greece, Italy, Monaco, the Russian Federation, Sweden and the United States of America, and Addenda to Second 3<sup>rd</sup> Round Compliance Reports were adopted in respect of Georgia and Portugal. Following the application of Rule 32 of its Rules of Procedure, GRECO adopted *Interim* 3<sup>rd</sup> Round Compliance Reports on Bosnia and Herzegovina (3<sup>rd</sup> *interim* report), Cyprus (2<sup>nd</sup> *interim* report), the Czech Republic (4<sup>th</sup> *interim* report), Denmark (5<sup>th</sup> *interim* report), Switzerland (3<sup>rd</sup> *interim* report) and Turkey (3<sup>rd</sup> *interim* report). 4<sup>th</sup> Round Compliance Reports were adopted in respect of Albania, Azerbaijan, Belgium, Croatia, Denmark, France, Iceland (*interim* report), Latvia, the Netherlands, Norway, Slovenia (2<sup>nd</sup> *interim* report), Spain and "the former Yugoslav Republic of Macedonia".

Chart 3 compares the two rounds: while it is true that countries have had more time to implement 3<sup>rd</sup> Round recommendations than those in the 4<sup>th</sup> Round, the relative difference in fully implemented recommendations between the two rounds shows that countries increasingly need more time to comply with GRECO's recommendations. Compliance tables by theme in Appendices 2a and 2b trace developments in member states in implementing GRECO's recommendations. They should help countries focus their efforts in the areas where shortcomings remain.

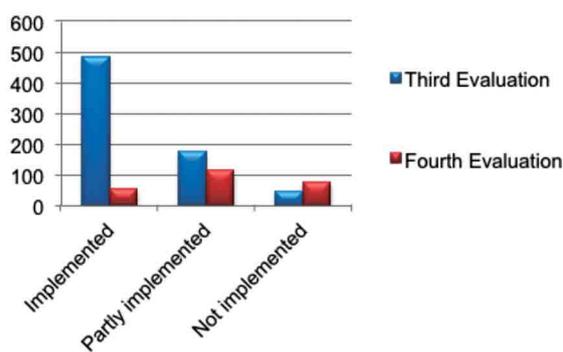
Notwithstanding the above trend, there are many success stories. Box 1 reflects one of them in the case of Cyprus.

**Preventive anti-corruption measures are not always considered with the attention and importance they deserve.** Countries tend to over-rely on the repressive aspects of fighting corruption, too often underestimating the strength and effectiveness of preventive mechanisms which are either too weak or absent. But, preventive policies have real benefits. They (i) ensure objective impartiality and integrity and boost trust in political and other institutions performing core functions of the State (e.g. justice, police, tax administration), (ii) deal with problematic situations before they become a criminal offence (e.g. of bribery, trading in influence) and (iii) help law enforcement/prosecution dealing with a criminal case to establish criminal intent/an offence (where an official has not complied with his/her obligations).

**By the end of 2016, GRECO has evaluated the large majority of its member states under its 4<sup>th</sup> Round and about half of them have by now had a first compliance report addressed to them.** The trends under the theme of "Corruption prevention in respect of members of Parliament" reveal that, while a number of problem areas are common to many member states, positive features emerge.

**Codes of conduct or codes of ethics for members of Parliament have been introduced in many countries (including in anticipation of GRECO's 4<sup>th</sup> Round Evaluation visits).** However, the monitoring and enforcement regime for integrity and conflict of interest prevention in the legislature needs to be strengthened significantly. On many occasions, GRECO has highlighted the need for parliamentarians to give serious consideration to the elaboration of a code of conduct as a public signal of their commitment to high integrity. Although a code in itself does not guarantee ethical behaviour, it does help to foster a climate of integrity and to endorse the intention of the legislature to abide by a culture of ethics. Moreover, any code of conduct must be part of a broader integrity framework requiring institutional set-up for its implementation; this calls for a strong enforcement, awareness-raising and advisory machinery.

Chart 3 - Third and Fourth Evaluation Rounds



**Box 1 – Cyprus Third Round Evaluation: A Step in the Right Direction**

The Third Round Evaluation Report was adopted at GRECO's 50<sup>th</sup> Plenary Meeting (28 March – 1 April 2011) and made public a few days later. After 4 compliance reports and 5 years, Cyprus has now implemented many of GRECO's recommendations.

Concerning political financing in particular, transparency has been enhanced in the system of political financing in Cyprus. The new obligation for political parties and election candidates to draft and submit specific reports relating to election campaigns is a very positive step, as is the involvement of the Auditor General in the monitoring. While a few shortcomings remain, over time, Cyprus has achieved very positive results and the current level of implementation of the recommendations is no longer "globally unsatisfactory" and nearing full compliance.

**Preventing, detecting and penalising conflicts of interests<sup>4</sup> among members of parliament (MPs) has been one of the core areas of focus of GRECO's evaluations.** Indeed, MPs' personal interests may "conflict" with the public interest when passing laws and scrutinising government policy. The situation in countries is diverse. In some cases, countries did not have a written definition of conflict of interests or rules for disclosing potential conflicts: the systems were based on voluntary abstention (from voting, for example) and scrutiny by the public and the electorate. In other cases, the provisions and regulations on this matter required further development with a clear and written definition of conflicts of interests, detailed guidelines, practical examples and specific requirements of *ad hoc* disclosure.

**Only very few member states have any regulations developed in respect of lobbying.** GRECO has therefore recommended to member states to establish

4. They are defined by the Council of Europe as "a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties."

guidelines for MPs in this respect. The overall aim of the regulatory framework is to provide transparency in respect of lobbyists and the actions taken by them, to a large extent through registration and reporting obligations. It is noteworthy that lobbying is a growing phenomenon in several member states, which emphasises the pertinence of these recommendations.

**Asset declaration systems for MPs (and to some extent their close relatives) suffer from crucial shortcomings regarding their transparency and actual scrutiny/verification of the declarations submitted.** It is commonly recognised that, in comparison with other categories of public officials, political representatives should be subject to strong accountability and transparency standards. GRECO has reiterated the need to strike a reasonable balance between the interests of public disclosure and privacy rights of the public official. There are ways to protect the confidentiality of certain data for privacy and security concerns, but at the same time provide for public accessibility of key financial information concerning parliamentarians which could warn of conflicts of interest risks. In light of this, ensuring public access to MPs' financial declarations, e.g. through their timely publication has been recommended repeatedly by GRECO. Several member states have weak supervisory mechanisms for checking MPs' adherence to these standards. The monitoring is often done by fellow MPs, if at all. Several member states have accordingly received recommendations aimed at establishing or making more effective, and in a few cases independent, such monitoring. Progress is starting to be visible with asset declaration systems being gradually improved, the introduction of e-declaration systems, the widening of their scope, and more in-depth monitoring.

**Box 2 – Georgia's Asset Declaration System: A Good Model in Continuous Improvement**

In Georgia, officials including MPs are to submit rather detailed asset declarations to the Civil Service Bureau through an electronic programme within two months of their appointment/election, during their term of office, once every year, and within one year after their term of office. Moreover, candidates for MP are to submit an asset declaration within one week of registration as candidates. The Civil Service Bureau is tasked to ensure the receipt of asset declarations, the public availability of information on property held by relevant officials and checking the submission of declarations according to law. It prepares instructions on the proper completion of asset declarations, ensures unhindered access by officials to the Unified Declaration Electronic System, receives and keeps the officials' asset declarations and monitors their compliance with the law, and ensures public availability of the content of declarations.

**Corruption prevention in respect of judges and prosecutors fits well with the general concerns of the Council of Europe.** The recommendations are closely linked to matters such as the independence of the judiciary, which feature high in a number of Council of Europe activities and reports, such as the Secretary General's Report on the State of Democracy, Human Rights and the Rule of Law<sup>5</sup> and the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality.<sup>6</sup> Often, the messages and recommendations by GRECO under these themes go hand-in-hand with opinions and reports of other Council of Europe bodies, such as the Venice Commission, Consultative Council of European Judges (CCJE) and Consultative Council of European Prosecutors (CCPE); however, GRECO has looked at them from the particular angle of preventing corruption and strengthening integrity within the respective professions.

**The issue of "revolving doors" justice-politics was identified as a source of concern in some states.** The issue of direct participation of magistrates in political life is particularly sensitive, due to the inevitable risk of, both real and perceived, politicisation among the judiciary. Magistrates should not be isolated from the society in which they live, nor deprived of the right to participate in social and political life, as any other citizen. Having said that, the particularities of the judicial functions require a reasonable balance to be struck between the degree to which magistrates may be involved in society and the need for them and for the judiciary as a whole to be – and to be seen to be – independent and impartial in the discharge of their functions. In the interest of a right to a fair trial and legitimate public expectations, judges should show restraint in the exercise of public political activity.<sup>7</sup>

**Box 3 – The Netherlands: a dedicated integrity policy for the prosecution service**

In 2012, the Netherlands introduced one of the most elaborated deontological systems in Europe to foster integrity and prevent misconduct within the prosecution service. The so-called integrity policy encompasses the creation of a national wide centre of expertise for consultation and advice: the Prosecution Service Integrity Bureau (BI-OM), as well as the development of a comprehensive anticorruption toolkit, with a hands-on approach. It also contains elements for a swift reaction when misconduct does occur,

5. <http://www.coe.int/en/web/policy-planning/report-on-democracy-and-human-rights>
6. <http://www.coe.int/en/web/human-rights-rule-of-law/-/council-of-europe-launches-action-plan-on-strengthening-judicial-independence-and-impartiality>
7. See also Opinion no. 3 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality.

such as regulations and instructions in the event of breaches of integrity and the selection and training of specialised investigators. The policy is ultimately geared towards enabling a “safe climate” where (i) employees feel free to discuss ethical dilemmas, (ii) integrity issues are dealt with consciously; and (iii) acting ethically is considered to be a shared responsibility.

**In a few cases, GRECO has seen the need for fundamental reforms relating to the independence of the judiciary.** These include such issues as the conversion of judicial councils into self-governing bodies proper, independent from the executive powers, and the need to increase the awareness of judges and prosecutors of ethical issues through the development of further guidance and training. GRECO has also recommended establishing objective criteria for appointments and career advancement of judges and prosecutors.

**Box 4 – France following up on GRECO’s recommendations: moving in the right direction**

In France, a draft law on “implementing the measures on a justice system for the 21<sup>st</sup> century” was put before the Senate by the Government under the fast-track procedure on 31 July 2015. It was adopted by the Senate at first reading and is currently being discussed at committee level in the National Assembly. Furthermore, the procedure for transferring cases from one court to another in the event of bias on the part of commercial court judges was extended: whereas previously, a transfer could only be requested by the prosecution service or decided on the personal initiative of the President of the court hearing the case, this procedure can now also be requested by the parties in the proceedings. Finally, as regards industrial tribunals, a large-scale reform has been undertaken following the adoption of the so called “Macron Law” covering such issues as professional ethics, disciplinary rules and training.

The issue of security of tenure of judges has also been the subject of recommendations to a few member states, sometimes in connection with criticism of improper disciplinary measures and sanctions. The need for ethical codes for judges and prosecutors has repeatedly been stressed and, as a result, a large number of member states are about to establish such instruments. Moreover, GRECO has recommended rules in respect of random distribution of cases in the courts as well as rules for recusal as important means for preventing instances of conflicts of interests. An important related issue relates to the resources available to courts and their modernisation with IT tools. Lack of resources slows down the justice system and makes it more vulnerable to corruption.

**With the adoption of Evaluation Reports on Belarus, Liechtenstein and San Marino in 2016, GRECO has evaluated all its members under the 3<sup>rd</sup> Evaluation Round.** In the area of corruption offences, member states have, by and large, criminalised most forms of corruption, and most states do have a high degree of compliance with the Criminal Law Convention. Some criminal legislation still needs technical adjustments regarding offences such as trading in influence and bribery in the private sector.

**Following Liechtenstein’s ratification of the Criminal Law Convention on Corruption in December 2016, all member states except two (Germany and the USA) have ratified this Convention.** The situation in respect of the ratifications of, and compliance with, the Additional Protocol to the Criminal Law Convention remains slightly more problematic; seven member states have not yet ratified this instrument and even more of them do not comply fully with its requirements. At the end of 2016, less than 10 member states have still to deal with pending recommendations concerning incriminations.

**The theme of transparency of party funding (3<sup>rd</sup> Round) continues to give rise to extensive publicity and media attention.** This theme has revealed substantial flaws in member states’ legislation in all parts of Europe and the lack of standards in the northern part of the continent has been particularly significant. A large number of member states have had problems complying with GRECO’s recommendations under this theme and many of them have been subject to the so called non-compliance procedure as a result. Shortcomings include (i) ensuring public access to party accounts, (ii) effective independence of the body responsible for overseeing political accounts; (iii) and inadequate sanctioning systems. Notwithstanding, it is positive to note that many member states have managed to achieve results in this area and to date, just less than a third of them have still to report further progress in this respect.

**At the end of 2016, only four member states remain in the special “non-compliance procedure” on the topics covered by the 3<sup>rd</sup> Round (Bosnia and Herzegovina, Denmark, Switzerland and Turkey).** GRECO has applied the measures at its disposal to increase compliance, including frequent reporting and extra procedural communications. In 2016, GRECO organised - for the first time - a high-level mission<sup>8</sup> to a member state (Denmark) to discuss the lack of progress in respect of GRECO’s recommendations. Political financing remains an area of substantial concern in a

8. The GRECO delegation was composed of Mr Marin Mrčela, President of GRECO; Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General Human Rights and Rule of Law (DGI), Council of Europe; Mr David Meyer, Head of the United Kingdom delegation; and Mr Björn Janson, Deputy to the Executive Secretary of GRECO.

number of member states and GRECO's compliance procedure has not always been well tuned to the long-term approach necessary for member states to comply with recommendations in this specific area.

**Box 5 – New system of independent monitoring of political party funding: Norway sets the example**

Following GRECO's recommendations, amendments to the Political Parties Act (PPA) have established new supervisory arrangements. The Political Parties Act Committee can require the party/party unit to present all accounting information where there is a suspicion of incorrect reporting. The Committee can act upon the initiative of a citizen as well as *ex officio*. Additionally, if the Political Parties Act Committee finds it necessary, the party or party unit's compliance with its accounting and book-keeping duties can be verified by the Party Auditing Committee. The Party Auditing Committee too can demand that the party or party unit presents all documentation that is of significance for its controls. Moreover, the Party Auditing Committee is also given the duty of providing guidance to the political parties and/or their units in order to improve their understanding of reporting obligations foreseen in the PPA.

**A revision of GRECO's procedures should be considered for the next, 5<sup>th</sup> Evaluation Round, in particular regarding the compliance procedure.** Over the last two cycles, the difficulties encountered and the time needed to comply with the recommendations, put too heavy a burden on member states to report frequently, as well as for GRECO to adopt compliance reports at an acceptable pace. It is also out of tune with the time needed for reforms to be implemented in member states. Modifications to the current rules in this respect are thus under discussion.

**Growing interest in GRECO's work at EU level in 2016 is a positive sign.** The European Union, in its priorities for cooperation with the Council of Europe 2016-2017, has stressed that "The EU participation in the Group of States against corruption (GRECO) could contribute to more co-ordinated anti-corruption policies in Europe and strengthen the impact of the EU's and GRECO's respective anti-corruption endeavours in particular in the context of the EU Anti-Corruption Report to be published every second year since 2014. The analysis of the implications of the EU's full participation in GRECO is still ongoing; participation remains the long term objective." GRECO looks forward to discussing the modalities of EU participation in GRECO, in due course. The European Parliament has, on numerous occasions in 2016, highlighted the importance of GRECO's work and the relevance of its recommendations for EU and non-EU countries. Most

recently, on 14 December, the European Parliament's Intergroup on Integrity, Transparency, Corruption and Organised<sup>9</sup> crime issued an appeal inviting the Commission to examine ways to speed up the preparations for EU-membership of GRECO. GRECO responded favourably to a request for input from the European Ombudsman on her "Practical guidelines for public officials' interaction with interest representatives". An article by the European Ombudsman also features in this report. Finally, GRECO's country specific recommendations are taken into account in the context of the EU enlargement process and of the EU economic adjustment programmes within the EU (e.g., in 2016, political party funding in Greece<sup>10</sup>).

**Cooperation with other international anti-corruption peer review mechanisms (OECD, UNODC and OAS) has been sustained.** GRECO and its Secretariat have made efforts for greater coordination and avenues for sharing good practices have been pursued. A growing number of academics and media representatives have shown interest in GRECO's work and studied and/or reported on its findings at national level, as the case may be. It has not been uncommon for GRECO reports (and/or GRECO's President) to have been in the national headlines in 2016.

**The gender dimension has remained present in GRECO's work.** Gender balance was sought in the composition of GRECO evaluation teams throughout 2016 and gender-related questions were included in the 4<sup>th</sup> Round Evaluations throughout 2016 (both in the Questionnaire and during on-site visits). GRECO agreed that in the 5<sup>th</sup> Evaluation Round efforts will be extended to identify gender imbalances which might potentially lead to or result from non-transparent informal networks and decision-making processes. A number of gender-related questions were included in the 5<sup>th</sup> Round Questionnaire, in particular requests for statistics on gender representation in the branches of power under review (i.e. central governments and law enforcement) and for criminal/disciplinary statistics by gender. The newly elected GRECO Bureau (Chair, Vice-Chair and Bureau members) meets the "minimum 40% threshold" as enshrined in CM Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making.

9. See <http://itcointergroup.eu/>.

10. See [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/greek\\_loan\\_facility/pdf/01\\_mou\\_20150811\\_en.pdf](http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/pdf/01_mou_20150811_en.pdf), Supplemental MOU (June 2016), section 5.3.

# Working framework

## Anti-corruption standards of the Council of Europe

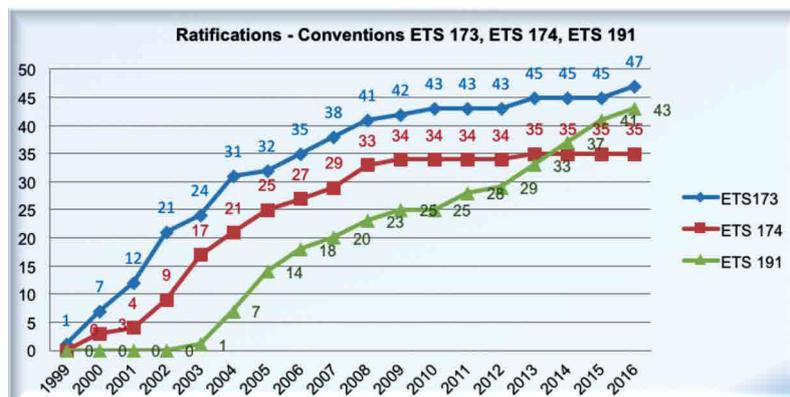
The three unique treaties developed by the Council of Europe deal with corruption from the point of view of criminal, civil and administrative law. Corruption is seen not only as a threat to international business or to financial interests but to the values of democracy, human rights and the rule of law that are upheld by the Organisation. The **Criminal Law Convention on Corruption** (ETS 173) sets out common standards for corruption offences – among others, the establishment of criminal offences for active and passive bribery (as well as aiding and abetting in such offences) of domestic public officials, domestic public assemblies, foreign public officials, foreign public assemblies, members of international parliamentary assemblies and judges and officials of international courts; for active and passive bribery in the private sector and for trading in influence. Parties to the convention are required to provide for corporate liability, the protection of collaborators of justice and witnesses and to establish in respect of the above offences effective, proportionate and dissuasive sanctions. An **Additional Protocol** to ETS

173 (ETS 191) requires the establishment of criminal offences for active and passive bribery of domestic and foreign arbitrators and jurors.

The **Civil Law Convention on Corruption** (ETS 174) deals with compensation for damage, liability, contributory negligence, limitation periods, the validity of contracts, protection of employees, accounts and auditing, the acquisition of evidence, interim measures and international cooperation in relation to corruption defined as “requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof”.

Within GRECO, the same evaluation criteria and level of detailed scrutiny apply to states whether they have ratified these treaties or not. The Criminal Law Convention on Corruption (ETS 173) has been ratified by forty-seven GRECO member States and the Civil Law Convention on Corruption (ETS 174) by thirty-five. Forty-three members are now bound by the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) which was ratified by San Marino and Liechtenstein in 2016.

■ Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)



Those treaties are complemented by the following legal instruments:

- ▶ **Twenty Guiding Principles** for the fight against Corruption (Committee of Ministers Resolution (97) 24)
- ▶ Recommendation on **Codes of Conduct for Public Officials** (including a model code) (Committee of Ministers recommendation to member States No. R(2000) 10)
- ▶ Recommendation on **Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns** (Committee of Ministers recommendation to member States Rec(2003)4)

Furthermore, the Committee of Ministers, and other Council of Europe bodies draw GRECO's attention to anti-corruption components of other legal instruments and advisory texts that it can take into account in its work, for example:

- ▶ Convention on the **Manipulation of Sports Competitions** (CETS 215)
- ▶ Recommendation on the **Protection of Whistleblowers** (Committee of Ministers recommendation to member States CM/Rec(2014)7)
- ▶ Consultative Council of European Prosecutors (Rome Charter) Opinion on **European Norms and Principles concerning Prosecutors** (CCPE Opinion No.9)
- ▶ Consultative Council of European Judges Opinions on **The Position of the Judiciary and its Relations with other Powers of State in a Modern Democracy** (CCJE Opinion No. 18) and **The Role of Court Presidents** (CCJE Opinion No. 19)

## Methodology – Evaluation

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Teams of evaluators collect information on which to base their analysis and recommendations through a questionnaire which is carefully designed for each evaluation round as well as any other pertinent sources; they then test their assumptions and solicit further information during on-site evaluation visits where they meet with key domestic players. The visit also includes talks – that are not observed by the authorities - with representatives of civil society, notably NGOs and the media, to gain an insight into concerns and perceptions. That different perspective can be shared and tested while on site. In the current 4<sup>th</sup> Evaluation Round, discussions are generally held with:

- ▶ parliamentarians, political parties (irrespective of whether they have a seat in parliament) and parliamentary committees
- ▶ special parliamentary bodies and administrative services
- ▶ departments and bodies dealing with regulations, professional standards, career and oversight of judges and prosecutors

- ▶ judges (including non-professional judges) and prosecutors from all court instances
- ▶ court and prosecution administrative services (case-load management and quality/performance checks)
- ▶ investigating judges and their administrative services
- ▶ councils for the judiciary and other oversight bodies
- ▶ complaints bodies/ombudsman
- ▶ training institutions
- ▶ anti-corruption agencies
- ▶ research institutions and academics
- ▶ representatives of the business community
- ▶ international technical cooperation providers present in certain countries
- ▶ associations/unions of the judicial and legal professions
- ▶ lobbyists
- ▶ NGOs (including national chapters/representatives of Transparency International (TI) and the Global Organisation of Parliamentarians against Corruption (GOPAC))
- ▶ the media

A consolidated draft evaluation report that takes the comments of the member State and the positions taken by the evaluation team into consideration is drawn up by the Secretariat and submitted for scrutiny by the Plenary. During the reading of the draft, it is not unusual for the Plenary to challenge the assumptions or conclusions of the evaluation team and country delegation and to seek any necessary clarifications. The report is revised in that light before its adoption. The evaluation reports adopted contain a wealth of information on national set-ups and highlight both achievements and shortcomings. Recommendations issued by GRECO will in certain areas be similar from country to country but will often also result from careful tailoring to the national profile.

## Methodology – Compliance

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Measures taken in response to GRECO recommendations and progress in implementation are assessed under compliance procedures that are conducted along similar lines to evaluation procedures resulting in reports that have been prepared in consultation with rapporteur countries and examined by the plenary. In the first of two main phases a compliance report is adopted which assesses measures taken by each state within the 18 months following an evaluation. If necessary, assessments are repeated, following a further implementation period of 18 months, in an addendum to the compliance report (1<sup>st</sup> and 2<sup>nd</sup> Round compliance procedures) or a second compliance report (3<sup>rd</sup> and 4<sup>th</sup> Round compliance procedures). Intermediate or additional reporting duties apply if GRECO considers that additional information is required or the response to a set of recommendations has been “globally unsatisfactory”.

### Rule 30 – Rules of Procedure

1. Members of GRECO shall comply with the recommendations contained in the evaluation report and implement them fully, within the time limit set by GRECO.
2. In conformity with article 15, paragraph 6, of the Statute members shall address to GRECO a situation report (hereinafter “RS-report”) indicating the measures taken to follow the recommendations in the evaluation report. GRECO will examine these reports and decide whether or not the recommendations have been complied with.

## Enhancing compliance

When the performance of a member state is categorised as “globally unsatisfactory”, Rule 32 procedures

are applied in order to enhance prospects for greater compliance. The organisation of a high-level mission (Rule 32, paragraph 2(iii)) is contemplated in persistent cases.

### Rule 32 – Rules of Procedure

1. 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.
2. The procedure for dealing with non-complying members is as follows:
  - i. GRECO shall require the head of delegation of the non-complying member to provide a report or regular reports on its progress in implementing the relevant recommendations within a fixed time-frame.
  - ii. If the member concerned is still found to be in non-compliance with the recommendations after the application of paragraph 2 (i) GRECO shall apply one or several of the following measures:
    - a. the President of GRECO sending a letter, with a copy to the President of the Statutory Committee, to the Head of Delegation concerned, drawing his/her attention to non-compliance with the relevant recommendations;
    - b. GRECO inviting the President of the Statutory Committee to send a letter to the Permanent Representative to the Council of Europe of the member concerned, drawing his/her attention to non-compliance with the relevant recommendations;
    - c. GRECO inviting the Secretary General of the Council of Europe to send a letter to the Minister of Foreign Affairs of the member State concerned, drawing his/her attention to non-compliance with the relevant recommendations.
  - iii. At any stage of the non-compliance procedure, GRECO may request the member concerned to receive a high-level mission (including the President and the Executive Secretary of GRECO, the Director General of Human Rights and Rule of Law and selected Heads of delegation) with a view to reinforcing the importance of complying with the relevant recommendations.
  - iv. Without prejudice to Rule 33, GRECO may terminate the procedure in respect of a non-complying member after due consideration of the effect of the measures taken pursuant to paragraphs 2 i, ii and iii and the duration of the procedure. In this case, GRECO shall publish a declaration of non-compliance along with a record of the action taken by the member concerned in response to the recommendations issued in the mutual evaluation report.

## Evaluation Rounds

GRECO’s monitoring work is organised in rounds. Each has its own thematic scope and makes reference to a range of Council of Europe standard-setting texts of pertinence to the issues examined.

■ **5<sup>th</sup> Evaluation Round** (launched on 1 January 2017)

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

#### ■ 4<sup>th</sup> Evaluation Round (launched on 1 January 2012)

*Prevention of corruption in respect of members of parliament, judges and prosecutors*

- ▶ Ethical principles and rules of conduct
- ▶ Conflicts of interest
- ▶ Recruitment, career and conditions of service (judges and prosecutors)
- ▶ Transparency of the legislative process (members of parliament)
- ▶ Remuneration and economic benefits (members of parliament)
- ▶ Prohibition or restriction of certain activities
- ▶ Declaration of assets, income, liabilities and interests
- ▶ Supervision and enforcement of rules and regulations
- ▶ Advice, training and awareness

#### ■ 3<sup>rd</sup> Evaluation Round (1 January 2007 - 31 December 2011)

*Theme I: Incriminations*

- ▶ Essential concepts to be captured in the definition of passive and active bribery offences as well as trading in influence
- ▶ Limitation periods
- ▶ Jurisdiction
- ▶ Special defences

*Theme II: Political funding*

- ▶ Transparency of books and accounts of political parties and election campaigns
- ▶ Monitoring of party and campaign funding
- ▶ Enforcement of the relevant funding rules

#### ■ 2<sup>nd</sup> Evaluation Round (1 January 2003 - 31 December 2006)

- ▶ Identification, seizure and confiscation of corruption proceeds

- ▶ Public administration and corruption (auditing systems, conflicts of interest, reporting of corruption and whistleblower protection)
- ▶ Prevention of legal persons being used as shields for corruption
- ▶ Fiscal and financial legislation to counter corruption
- ▶ Links between corruption, organised crime and money laundering.

#### ■ 1<sup>st</sup> Evaluation Round (1 January 2000 - 31 December 2002)

- ▶ Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption
- ▶ Extent and scope of immunities from criminal liability.

Members that join GRECO after the close of an evaluation round undergo evaluations on the themes of previous rounds before joining the current one, starting with the first two rounds that are restructured into *Joint 1<sup>st</sup> and 2<sup>nd</sup> Round Evaluations*.

### Publication of reports

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Raising awareness of GRECO's findings across society prompts domestic debate and support for the implementation of its recommendations. The long-standing practice whereby GRECO member States – with rare exceptions - lift the confidentiality of reports shortly after their adoption and translate them into national languages goes well beyond what was originally provided for in the Rules of Procedure. The release of a report for publication is coordinated with the member state concerned and the Directorate of Communications of the Council of Europe to maximise media attention and as a result domestic media coverage is in most cases extensive.

# 2017 – A new evaluation round

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**G**RECO decided to devote its 5<sup>th</sup> Evaluation Round which will be launched in 2017 to *Corruption prevention and promoting integrity in central governments (top executive functions) and law enforcement agencies*. Directing the attention to central government (top executive functions) constitutes a logical extension to the 4<sup>th</sup> Round with its implications for shaping citizens' attitudes vis-à-vis their political institutions and democracy in general. Furthermore, while law enforcement authorities form a cornerstone of the fight against corruption and their integrity is therefore fundamental, experience shows that the specific risk factors involved in the work of law enforcement agencies warrant careful consideration.

For the purpose of the 5<sup>th</sup> 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<sup>11</sup>, 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. Where political advisors are not evaluated in their own right, information about their interactions with PTEF is to be included under section two of the Questionnaire. Prior to the evaluation, the member state concerned is requested to submit a comprehensive and precise list of the "top executive functions" exercised by the head of state and by the head of the central government.

Concerning law enforcement agencies (their officials are hereafter referred to as LEO), in the interests of providing a streamlined, in-depth assessment, 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<sup>12</sup>. If a country has multiple police services at national level, the evaluation will be limited to two or three main services, and prior to the evaluation, on the basis of a reasoned proposal by the member state concerned, GRECO will determine which are to be selected.

In terms of the methodology and structure of evaluation reports, GRECO will adopt a similar approach to that developed in the 4<sup>th</sup> Round. The questionnaire, which provides the main grid for evaluation, is divided into two parts: part (A) dealing with central governments (top executive functions) and part (B) dealing with selected law enforcement agencies. Both parts follow a similar structure with targeted questions under specific headings. The first section of each part serves the purpose of generating fundamental input for obtaining an overall understanding of the system in each country.

Finally, it needs to be stressed that much emphasis is put on the effective implementation of existing regulations. It is clear that effective corruption prevention relies to a large extent on the realisation of tangible achievements, and it is therefore crucial for GRECO evaluation teams to receive a maximum of information on practical and organisational arrangements, specific examples and statistics on the application of the law, training, awareness-raising and other initiatives.

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11. In this context, the term "constitutional set-up" is to be understood as meaning a country's constitution, practice and specificities.

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12. Administrative customs services and tax authorities are excluded from this evaluation.

# The Council of Europe – other anti-corruption initiatives

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## *The nexus between the overall Council of Europe action against economic crime and cooperation in 2016 and GRECO's work*

### **Council of Europe Member States addressing GRECO recommendations through technical assistance**

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The Economic Crime and Cooperation Division (ECCD) of the Council of Europe supported several Member States in their efforts to strengthen measures to regulate Political Party and Election Campaign Financing.

At a country-specific level, Albania, Azerbaijan and the Czech Republic directly benefited from the Council of Europe expertise in this area through drafting and good practices workshops as well as expert reviews and analysis of legislation. For instance, the Albanian authorities are in the process of taking concrete steps to amend a package of laws addressing: measures to strengthen regulation on private and state funding and assistance to political parties; measures to reduce the cost of elections; setting up clear requirements to strengthen reporting and publication of annual financial and election campaign reports.

At regional level, through the Eastern Partnership (EaP) countries programme, a Training Manual on "Detecting Irregular Political Financing" was finalised. The Training Manual reflects results from a series of regional expert workshops discussing common trends deriving from GRECO evaluations in the region on that theme. Furthermore, it provides typologies of the most frequent breaches of political financing regulations while providing guidance to oversight bodies on steps to take in verifying possible violations. The Manual will be used during 2017 in six EaP countries as a basic tool tailored for practitioners involved in monitoring and detecting irregular political financing.

### **Council of Europe Neighbourhood benefits from GRECO methodologies through technical assistance**

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For several years now the Economic Crime and Cooperation Division (ECCD) has introduced specially tailored GRECO methodologies to assess and accelerate anti-corruption reforms in the southern neighbourhood region (Morocco and Tunisia), as well as in Kosovo\*<sup>13</sup>.

The exercise was designed in the form of assessments tailored to the conditions of specific non-Council of Europe or GRECO member jurisdictions. While based on GRECO's methodology, the novelty of these assessments is that they involve customised data-gathering including on additional high-risk areas, not necessarily covered by the GRECO evaluation rounds i.e., public procurement; police and customs. A number of supplementary elements drawn from the United Nations Convention against Corruption have also been developed and used in the assessments.

In Kosovo\*<sup>14</sup> the Council of Europe carried out a unique and successful first time experiment by combining anti-corruption (GRECO methodology) and anti-money laundering (MONEYVAL methodology) assessments into one integrated exercise. The assessment teams included experts from both components, leading to positive synergies and mutually-reinforcing findings.

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13. \* All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

14. \* All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

In Morocco and Tunisia the assessments have been used by the authorities to inform national policies and strategies to combat corruption, and also enabled them to prioritize technical assistance. The two countries approached the exercise with a high degree of honesty and transparency, often taking the initiative

to add recommendations to their own assessment reports. The national anti-corruption agencies, who coordinated the exercise, also benefitted significantly by consolidating their standing and visibility among other government authorities involved in the assessments and the anti-corruption regime overall.

# Governing structures and management

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**T**he permanent bodies constituting GRECO are the Plenary, the Bureau and the Statutory Committee. The Statute also provides for ad hoc bodies, principally evaluation teams but also working parties.

## Plenary and Bureau

GRECO elects a President, Vice-President and Bureau for each new evaluation round. The positions of President and Vice-President for the duration of the 5<sup>th</sup> Evaluation Round were taken up, as from 1 January 2017, by Marin MRČELA, Justice at the Supreme Court of Croatia and Agnes MAITREPIERRE, *Chargée de Mission*, Directorate of Legal Affairs, Ministry of Foreign Affairs of France, respectively. The Bureau is composed of the President, Vice-President, and Helena LIŠUCHOVÁ, Director, International Cooperation and EU Department, Ministry of Justice of the Czech Republic; Aslan YUSUFOV, Deputy Head of Directorate, Head of Section of supervision over implementation of anti-corruption legislation, Office of the Prosecutor General of the Russian Federation; Vita HABJAN BARBORIČ, Head of the Centre for Prevention and Integrity of Public Service, Commission for the Prevention of Corruption of Slovenia; Ernst GNAEGI, Head of the International Criminal Law Unit, Federal Ministry of Justice of Switzerland; and David MEYER, Head of International Relations, Law Rights and International Directorate, Ministry of Justice of the United Kingdom.

The representatives of member States that compose the Plenary are directly involved in the peer review

process during the examination and adoption of evaluation/compliance reports. The Plenary also takes final decisions on the focus of GRECO's monitoring, policy and planning.

## Statutory Committee – Budget and Programme of Activities

The Statutory Committee is composed of the Permanent Representatives of all Council of Europe member States (the Committee of Ministers) and representatives of the two GRECO member States that are not members of the Organisation (Belarus and the United States of America). Its principle task is to adopt GRECO's programme and budget which is prepared in line with the biennial method implemented throughout the Organisation and based on priorities presented by the Secretary General. The Statutory Committee, chaired in 2016 by Miroslav PAPA, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Croatia to the Council of Europe, approved GRECO's biennial programme 2016-2017 and Budget for 2017.

## Secretariat

The Secretariat, headed by Gianluca ESPOSITO, Executive Secretary, provides substantial analytical and technical input to GRECO's monitoring work and is responsible for the management of the budget and programme of activities as well as external relations (organisational chart of GRECO's Secretariat – Appendix 6).

# Feature article

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## Ensuring high standards of ethical conduct by top executive officials

*Emily O'REILLY, European Ombudsman*

Ethics in office and, in particular, the ethical conduct of top executive officials is an issue that goes to the heart of citizen trust in the public service and, in an EU context, in the European Union itself. Public trust can be undermined by perceptions that any senior officials are in any way influenced by potential future jobs or use of inside information and former networks from their public service role to benefit the interests of a new employer in the private sector. This so-called 'revolving doors' problem is an increasing cause for concern.

While the Ombudsman has dealt with complaints on 'revolving door' cases and made recommendations previously, the revelations surrounding the appointment of former European Commission President Barroso as an adviser at Goldman Sachs in July 2016 have provoked unprecedented public outcry.

Given Mr Barroso had been Commission President for two terms, as well as the nature of the post with Goldman Sachs, greater scrutiny should certainly have been applied to this appointment. I publicly raised concerns and sent a letter to the current Commission President Juncker in September 2016<sup>15</sup>, seeking clarification on the Commission's position regarding the appointment. President Juncker referred the appointment to the Commission's Ethical Committee.

In November 2016, the Ethical Committee presented its finding that Mr Barroso did not technically break the in-house Commissioner rules: the Code of Conduct specifies that former Commissioners have to inform the Commission if they take up a post within 18 months of leaving their post, whereas Mr Barroso took the job 20 months later.

While this may be true, it is clear that that some appointments continue to be problematic even after this 18-month 'cooling-off period'. In addition, the EU Treaty, to which all Commissioners swear an oath before the Court of Justice, requires Commissioners to behave with integrity and discretion when it comes to certain appointments after they have left office. This requirement is not confined to a limited timeframe. Against this background, and given the concern that continues to be expressed about Mr Barroso's appointment and the existing Code of Conduct, I am considering the next steps to be taken in relation to this important issue, including a possible inquiry.

The Barroso case emerged at the same time as a separate inquiry concerning a former Commissioner was being finalised. The inquiry resulted in a finding of maladministration, as the Commission at the time (under President Barroso) had not adequately dealt with a former Commissioner's breach of the Code of Conduct. The Commissioner in question had failed to declare their acceptance of a post, and the Commission failed to properly investigate the compatibility of the former Commissioner's contract, despite concerns raised by the relevant advisory committee.

The Ombudsman called on the Commission to revise the Code of Conduct to make its rules more explicit and more easily implementable, whilst urging the Commission to come up with effective sanctions<sup>16</sup>. Regrettably, in

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15. Letter to President Juncker outlining the Ombudsman's concerns regarding the recent move by former Commission President, Mr Barroso: <http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/70847/html.bookmark> (5 September 2016)

16. Decision of the European Ombudsman closing her own-initiative inquiry into the European Commission's handling of a former Commissioner's occupational activities after leaving office (OI/2/2014/PD): <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/68762/html.bookmark> (30 June 2016)

its response, the Commission refused to agree to act on this recommendation. However, Commission President Juncker subsequently publicly committed to revise the Code of Conduct.

On 23 November 2016, the Commission presented a proposal to strengthen the Code of Conduct for Commissioners by extending the 'cooling off' period during which former Commissioners (from 18 to 24 months) and Commission Presidents (from 18 to 36 months) must inform the Commission of their intention to take up a new post. These new roles then can be assessed against the Treaty obligations. While this is certainly welcome, as noted, some positions will not cease to be problematic simply because two or three years have passed. While the passage of time might diminish the likelihood that taking up a job will infringe the duty to act with discretion and integrity, it does not eliminate it. To be truly effective, the Code's rules should be made more explicit, and possibly include a range of sanctions, to be imposed also at the administrative level, for any breaches of the rules.

In the context of a separate, more general inquiry into these issues, the Commission was urged to take a more proactive approach to transparency with regard to positions taken up by former EU Commissioners, as well as on the role of the Ethical Committee. Commission President Juncker responded to this inquiry and indicated that the minutes of Commission meetings will be made publicly accessible each time a decision is taken by the Commission on former Commissioners' activities following their term of office<sup>17</sup>. I am continuing to push the Commission to take a more proactive approach to publishing documents relating to Commission decisions on these cases, rather than waiting for access document requests. Further improvements to the role of Ethical Committee - as regards how it is appointed and operates, as well as transparency - would strengthen its credibility.

Beyond former Commissioners, there are also legitimate expectations that senior officials should comply with similar standards concerning their conduct when they leave the services of the Commission. In 2014, the Ombudsman made a series of recommendations on how to deal with such cases. In a letter to then Commission Vice-President Kristalina Georgieva, I emphasised the importance of clear reasoning when the Commission gives the green light to future employment of senior ex-officials<sup>18</sup>.

In December 2015, the Commission started publishing the names of certain senior officials who leave the Commission for new jobs. The publicly available information includes the previous duties of the senior officials concerned, their new role and the Commission's own assessment of possible conflicts of interest. This was a welcome move, which was in line with the recommendations issued, but other steps are also needed, notably the publication of the names more regularly than the legal minimum of once a year. Other EU institutions and agencies, and not just the Commission, should also implement these transparency measures as required under the EU Staff Regulations. This is one essential step for reinforcing public trust in the EU administration.

In the challenging environment posed by the current public and political discourse surrounding the EU, it is all the more important for the EU administration to go the extra mile and ensure it is beyond reproach. This necessarily implies assessing the existing rules and norms applying to ethics in office and looking at how they can be strengthened. This has to be a core priority for the EU. However, it should also be a priority for all administrations and it is encouraging that GRECO is interested in following up on the issue as regards the Council of Europe. GRECO's new evaluation round for 2017 - on corruption prevention and promoting integrity in central governments and law enforcement agencies - provides an excellent opportunity for addressing the regulation of the 'revolving doors' practice, which today is a major challenge for all levels of government.

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17. Reply from the European Commission to the Ombudsman's letter concerning the proactive publication of decisions on post term-of-office activities of former Commissioners, as well as opinions of the Ad Hoc Ethical Committee (21 September 2015) <http://www.ombudsman.europa.eu/cases/correspondence.faces/en/61236/html.bookmark>

18. Letter from the Ombudsman to Commissioner Georgieva in the context of the inquiry based on complaints 2077/2012/TN and 1853/2013/TN, <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/59155/html.bookmark> (25 February 2015)

# Appendices

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## APPENDIX 1 – GRECO’s mission

**T**he anti-corruption body of the Council of Europe has been operational since 1999. It was established as the result of the strong political will of Council of Europe member States to take decisive and enduring measures to counter corruption by ensuring adherence to the Organisation’s far-reaching anti-corruption standards. The mission of its membership, which extends beyond the geographical span of the Council of Europe, is to promote recognition of the need for targeted anti-corruption action, awareness of corruption risks and careful consideration and implementation of reforms to remedy shortcomings in national policies, legislation and institutional set-ups.

The clear stated political objective of strengthening the capacity of member States to fight corruption is served by a monitoring model designed to provide each member state with a detailed analysis and set of recommendations that are tailored to the specific architecture of each country. Subsequent impact assessments (“compliance procedures”) serve to verify achievements and actively push for alignment with what is recommended. Multiple layers of result validation and a high level of process ownership are salient features of this model, where the dynamics of mutual evaluation and peer pressure are brought into play.

## APPENDIX 2a – Table on countries’ progress in complying with GRECO’s 3<sup>rd</sup> round recommendations (at 31/12/2016)

This table summarizes the progress made by member States in implementing GRECO’s 3<sup>rd</sup> Round recommendations as regards incriminations and transparency of party funding. Percentages are calculated within the set of GRECO recommendations concerning each category. Only publicly available reports are included.

### Key:

- ▶ ■ Implemented
- ▶ ■ Partly Implemented
- ▶ ■ Not Implemented
- ▶ X No evaluation and/or compliance report publicly available yet at the end of 2016 to track progress because either the evaluation report is too recent (and the compliance procedure has not started yet) or the compliance procedure is ongoing and no report has been adopted yet by GRECO and/or made public

Example as to how to read the chart: e.g., Andorra, recommendations on incriminations – 50% of the recommendations have been implemented or dealt with in a satisfactory manner; 40% of the recommendations have been partly implemented; 10% of the recommendations have not been implemented

	Incriminations	Party Funding
 AL	100%	100%
 AD	50% 40% 10%	70% 30%
 AM	100%	100%
 AT	100%	55% 36% 9%
 AZ	78% 22%	25% 63% 12%
 BY	X	X
 BE	50% 50%	70% 30%
 BA	71% 29%	11% 11% 78%
 BG	75% 25%	81% 19%
 HR	100%	100%
 CY	50% 50%	50% 50%
 CZ	50% 50%	100%
 DK	60% 20% 20%	100%
 EE	75% 25%	89% 11%
 FI	88% 12%	100%
 FR	50% 34% 16%	36% 54% 10%
 GE	100%	30% 70%
 DE	50% 40% 10%	30% 60% 10%
 GR	55% 27% 18%	81% 19%
 HU	100%	20% 40% 40%
 IS	100%	100%
 IE	67% 33%	15% 57% 28%
 IT	33% 55% 22%	71% 29%
 LV	63% 37%	80% 20%
 LI	X	X

	Incriminations	Party Funding
LT	100%	92% 8%
LU	100%	60% 30% 10%
MT	100%	33% 67%
MD	86% 14%	89% 11%
MC	86% 14%	100%
ME	100%	78% 22%
NL	100%	62% 15% 23%
NO	100%	100%
PL	100%	37.5% 25% 37.5%
PT	17% 83%	100%
RO	57% 15% 28%	62% 38%
RU	33% 67%	67% 33%
SM	X	X
RS	80% 20%	100%
SK	100%	70% 20% 10%
SI	67% 33%	100%
ES	67% 33%	84% 16%
SE	100%	43% 57%
CH	100%	100%
MK	100%	50% 50%
TR	75% 25%	56% 44%
UA	86% 14%	45% 55%
GB	100%	67% 33%
US	17% 66% 17%	100%

## APPENDIX 2b – Table on countries’ progress in complying with GRECO’s 4<sup>th</sup> round recommendations (at 31/12/2016)

This table summarizes the progress made by member States in implementing GRECO’s 4<sup>th</sup> Round recommendations as regards the prevention of corruption in respect of members of parliament, judges and prosecutors. Percentages are calculated within the set of GRECO’s recommendations concerning each category. Only publicly available reports are included.

### Key:

- ▶ ■ Implemented
- ▶ ■ Partly Implemented
- ▶ ■ Not Implemented
- ▶ X No evaluation and/or compliance report publicly available by the end of 2016 to track progress either because the evaluation report is too recent (and the compliance procedure had not yet started) or the compliance procedure is ongoing and no report had yet been adopted by GRECO and/or made public.

Example as to how to read the chart: e.g., France, recommendations on MPs – 33% of the recommendations have been implemented or dealt with in a satisfactory manner; 50% of the recommendations have been partly implemented; 17% of the recommendations have not been implemented

	Members of parliament	Judiciary	Prosecutors
AL	100%	100%	50% 50%
AD	X	X	X
AM	100%	14% 43% 43%	50% 20% 30%
AT	X	X	X
AZ	X	X	X
BY	X	X	X
BE	100%	43% 57%	X
BA	X	X	X
BG	X	X	X
HR	66% 34%	40% 20% 40%	34% 66%
CY	X	X	X
CZ	X	X	X
DK	75% 25%	100%	100%
EE	14% 86%	60% 40%	86% 14%
FI	80% 20%	100%	100%
FR	33% 50% 17%	34% 66%	50% 50%
GE	X	X	X
DE	X	X	X
GR	X	X	X
HU	X	X	X
IS	50% 50%	100%	50% 50%
IE	50% 50%	100%	50% 50%
IT	X	X	X
LV	17% 33% 50%	17% 50% 33%	50% 50%
LI	X	X	X

	Members of parliament	Judiciary	Prosecutors
LT	X	X	X
LU	20% 80%	57% 43%	100%
MT	X	X	X
MD	X	X	X
MC	X	X	X
ME	X	X	X
NL	25% 50% 25%	50% 50%	100%
NO	25% 50% 25%	100%	100%
PL	16% 84%	20% 60% 20%	20% 80%
PT	X	X	X
RO	X	X	X
RU	X	X	X
SM	X	X	X
RS	X	X	X
SK	60% 40%	17% 50% 33%	80% 20%
SI	34% 66%	29% 14% 57%	22% 33% 45%
ES	25% 75%	25% 75%	100%
SE	100%	100%	100%
CH	X	X	X
MK	100%	22% 66% 12%	17% 66% 17%
TR	X	X	X
UA	X	X	X
GB	40% 60%	50% 50%	100%
US	X	X	X

## APPENDIX 3 – Core programme

### On-site evaluation visits in 2016

#### 4<sup>th</sup> Evaluation Round

- ▶ Austria (4-8 April)
- ▶ Italy (25-29 April)
- ▶ United States of America (2-6 May)
- ▶ Georgia (30 May – 3 June)
- ▶ Switzerland (30 May – 3 June)
- ▶ Andorra (14-18 November)
- ▶ Monaco (21-25 November)
- ▶ Ukraine (12-16 December)

### Meetings 2016

#### GRECO Plenary

- ▶ GRECO 71 (14-18 March) and exchange of views with a delegation from the Kyrgyz Republic
- ▶ GRECO 72 (27 June – 1 July) and exchanges of views with Mady DELVAUX, Member and former Chair of the Advisory Committee on the Conduct of Members of the European Parliament, and Maria GANDOLFO, Head of the Members' Administration Unit; and Claire DAAMS, Head of Legal and Case Consultancy, Basel Institute of Governance
- ▶ GRECO 73 (17-21 October) and exchange of views with Emily O'REILLY, European Ombudsman
- ▶ GRECO 74 (28 November – 2 December)

#### GRECO Bureau

- ▶ Bureau 75 (12 February)
- ▶ Bureau 76 (20 May)
- ▶ Bureau 77 (9 September)
- ▶ Bureau 78 (8 November)

#### Working party for the preparation of the 5<sup>th</sup> Evaluation Round (WP-Eval V)

- ▶ 1<sup>st</sup> Meeting (6-7 April)
- ▶ 2<sup>nd</sup> Meeting (28-29 September)

#### GRECO Statutory Committee

- ▶ 21<sup>st</sup> Meeting – Approval budget 2017 (26 October)

### Evaluation reports adopted in 2016

#### 3<sup>rd</sup> Evaluation Round

- ▶ Belarus
- ▶ Liechtenstein
- ▶ San Marino

#### 4<sup>th</sup> Evaluation Round

- ▶ Austria
- ▶ Cyprus
- ▶ Czech Republic
- ▶ Georgia
- ▶ Italy

- ▶ Republic of Moldova
- ▶ Switzerland
- ▶ United States of America

### **Compliance reports adopted in 2016**

#### **Compliance with recommendations from the 4<sup>th</sup> Evaluation Round**

- ▶ Compliance Reports on Albania, Azerbaijan, Croatia, Denmark, France, Norway, “the former Yugoslav Republic of Macedonia” – procedures ongoing

#### Rule 32 procedures<sup>19</sup>

- ▶ Compliance Reports on Belgium, Spain – Rule 32 procedures opened
- ▶ Interim Compliance Report on Latvia - Rule 32 procedure maintained
- ▶ Interim Compliance Report on Iceland, Netherlands, Slovenia – Rule 32 procedure closed

#### **Compliance with recommendations from the 3<sup>rd</sup> Evaluation Round**

- ▶ Second Compliance Reports on Belgium, Germany, Italy, Monaco, Russian Federation, Sweden, the United States of America – procedures ongoing
- ▶ Second Compliance Report on Austria, Greece – procedure closed
- ▶ Addendum to the Second Compliance Report on Georgia – procedure ongoing
- ▶ Addendum to the Second Compliance Report on Portugal – procedure closed

#### Rule 32 procedures

- ▶ Interim Compliance Reports on Bosnia and Herzegovina (3<sup>rd</sup> report), Denmark (5<sup>th</sup> report), Switzerland (3<sup>rd</sup> report), Turkey (3<sup>rd</sup> report) – Rule 32 procedures maintained
- ▶ Interim Compliance Reports on Cyprus (2<sup>nd</sup> report), the Czech Republic (4<sup>th</sup> report) – Rule 32 procedures closed

#### **Compliance with recommendations from the Joint 1<sup>st</sup> and 2<sup>nd</sup> Round Evaluations**

- ▶ Addendum to the Compliance Report on San Marino – procedure closed

#### Rule 32 procedures

- ▶ Interim Compliance Report on Belarus (2<sup>nd</sup> report) – Rule 32 procedure maintained

<sup>19</sup> Non-compliance (see Enhancing compliance, page 14).

## APPENDIX 4 – GRECO delegations (at 31/12/2016)

### ALBANIA / ALBANIE

---

Ms Lorena PULLUMBI (Head of delegation)  
Prime Minister's Office

### ANDORRA / ANDORRE

---

Mme Ester MOLNÉ SOLDEVILA (Chef de délégation)  
Ministère de la Justice et de l'Intérieur

Mme Cristina NOBRE MADUREIRA  
Ministère de la Justice et de l'Intérieur

### ARMENIA / ARMENIE

---

Mr Arthur OSIKYAN (Head of delegation)  
Ministry of Justice

Mr Karen GEVORGYAN  
Faculty of Law

*Substitut/e*  
Ms Anna MARGARYAN  
Faculty of Law

### AUSTRIA / AUTRICHE

---

Mr Christian MANQUET (Head of delegation)  
**Vice-President of GRECO / Vice-président du GRECO**  
Ministry of Justice

NN

*Substitut/e*  
Ms Martina KOGER  
Ministry of the Interior

*Substitut/e*  
Ms Verena WESSELY  
Ministry of the Interior

### AZERBAIJAN / AZERBAIDJAN

---

Mr Vusal HUSEYNOV (Head of delegation)  
Administration of the President of the Republic

Mr Kamran ALIYEV  
General Prosecutor's Office

*Substitut/e*  
Mr Kamal JAFAROV  
Commission on Combatting Corruption

*Substitut/e*  
Mr Elnur MUSAYEV  
Prosecutor's Office

### BELARUS

---

Mr Uladzimir KHOMICH (Head of delegation)  
General Prosecutor's Office

Mr Igor SEVRUK  
General Prosecutor's Office

*Substitut/e*  
Mr Pavel SASCHEKO  
General Prosecutor's Office

*Substitut/e*  
Ms Maryna ZHDANAVA  
Prosecutor General's Office

### BELGIUM / BELGIQUE

---

M. Ricardo PARRONDO RAMOS (Chef de délégation)  
Service Public Fédéral Justice

M. Marc VAN DER HULST  
Parlement fédéral

*Substitut/e*  
M. Carl PIRON  
Service Public Fédéral Justice

*Substitut/e*  
Mme Ria MORTIER  
Conseil supérieur de la Justice

### BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

---

Mr Samir RIZVO (Head of delegation)  
Ministry for International Relation and European Integration

Mr Adnan DLAKIĆ  
Ministry of Security

## BULGARIA / BULGARIE

---

Mr Georgi RUPCHEV (Head of delegation)  
Ministry of Justice

*Substitut/e*

Mr Florian FLOROV  
Ministry of Justice

Mr Petar PETKOV  
Supreme Prosecutor's Office

## CROATIA / CROATIE

---

Mr Marin MRČELA  
President of GRECO / Président du GRECO  
Justice at the Supreme Court

*Substitut/e*

Mr Davor DUBRAVICA  
Regional Anti-Corruption Initiative for South Eastern Europe

Mr Dražen JELENIĆ (Head of delegation)  
Deputy State Attorney General

*Substitut/e*

Mr Kršimir SIKAVICA  
Ministry of the Interior

## CYPRUS / CHYPRE

---

Ms Alexia KALISPERA (Head of delegation)  
Office of the Attorney General

Ms Rena PAPAETI-HADJICOSTA  
Office of the Attorney General

*Substitut/e*

Ms Theodora PIPERI  
Office of the Attorney General

## CZECH REPUBLIC / REPUBLIQUE TCHEQUE

---

Ms Helena LIŠUCHOVÁ (Head of delegation)  
**Bureau Member / Membre du Bureau - Gender Rapporteur**  
Ministry of Justice

*Substitut/e*

Ms Julie BUZALKOVA  
Ministry of the Interior

Ms Lenka HABRNÁLOVÁ  
Ministry of Justice

*Substitut/e*

Mr Václav MLYNAŘÍK  
Ministry of the Interior

## DENMARK / DANEMARK

---

Mr Anders LINNET (Head of delegation)  
State Prosecutor for Serious Economic and International  
Crime

*Substitut/e*

Mr Martin von BÜLOW  
Office of the Director of Public Prosecutions

Mr Martin STASSEN  
State Prosecutor for Serious Economic and International  
Crime

*Substitut/e*

Mrs Alessandra GIRALDI  
Office of the Director of Public Prosecutions

## ESTONIA / ESTONIE

---

Mrs Mari-Liis SÖÖT (Head of delegation)  
Ministry of Justice

Mrs Kätlin-Chris KRUUSMAA  
Ministry of Justice

*Substitut/e*

Mr Tanel KALMET  
Ministry of Justice

## FINLAND / FINLANDE

---

Ms Catharina GROOP (Head of delegation)  
Ministry of Justice

*Substitut/e*

Mr Juuso OILINKI  
Ministry of Justice

Mr Jouko HUHTAMÄKI  
Ministry of the Interior

## FRANCE

---

M. Michel GAUTHIER - Avocat Général près la Cour de cassation de Paris

**Président d'Honneur du GRECO / Honorary President of GRECO**

Mme Agnès MAITREPIERRE (Chef de délégation)  
Ministère des Affaires étrangères

*Substitut/e*

M. Jean-Luc BLACHON  
Ministère de la Justice

Mme Xavière SIMEONI  
Ministère de la Justice

*Substitut/e*

M. Richard MARTINEZ  
Ministère de la Justice

## GEORGIA / GEORGIE

---

Mr Zurab SANIKIDZE (Head of delegation)  
Ministry of Justice

*Substitut/e*

Ms Mariam MAISURADZE  
Ministry of Justice

Ms Natalia BARATASHVILI  
Ministry of Justice

*Substitut/e*

Ms Gulisa KAKHNIASHVILI  
Ministry of Justice

## GERMANY / ALLEMAGNE

---

Mr Markus BUSCH (Head of delegation)  
Federal Ministry of Justice and Consumer Protection

*Substitut/e*

Mr Frank BÖHME  
Federal Ministry of Justice and Consumer Protection

Mr Stefan SINNER  
Administration of the *Bundestag*

*Substitut/e*

Mr David AYDINTAN  
Administration of the *Bundestag*

## GREECE / GRECE

---

Mrs Maria GAVOUNELI (Head of delegation)  
Faculty of Law

*Substitut/e*

Mrs Panagiota VATIKALOU  
Court of First Instance of Chania

*Substitut/e*

Mr Dimosthenis STINGAS  
Court of First Instance of Serres

## HUNGARY / HONGRIE

---

Ms Nóra BAUS (*acting* Head of delegation)  
Ministry of the Interior

Ms Magdolna CSABA  
Ministry of Interior

## ICELAND / ISLANDE

---

Mr Björn THORVALDSSON (Head of delegation)  
Special Prosecutor's Office

*Substitut/e*

Ms Hildur DUNGAL  
Ministry of the Interior

Mr Helgi Magnús GUNNARSSON  
Office of the Director of Public Prosecution

*Substitut/e*

Mr Pall THORHALLSSON  
Prime Minister's Office

## IRELAND / IRLANDE

---

Mr John GARRY (Head of delegation)  
Department of Justice & Equality

*Substitut/e*

Ms Joyce NOLAN  
Department of Public Expenditure and Reform

Ms Bernie ORR  
Department of Public Expenditure and Reform

*Substitut/e*

Mr Conor NELSON  
Department of Justice & Equality

## ITALY / ITALIE

---

M. Raffaele PICCIRILLO (Chef de délégation)  
Ministère de la Justice

*Substitut/e*  
Mme Maria Laura PAESANO  
Ministère de la Justice

M. Raffaele CANTONE  
Autorité Nationale Anti-Corruption

*Substitut/e*  
Mrs Nicoleta PARISI  
Anti-Corruption National Authority

## LATVIA / LETTONIE

---

Mr Alvilis STRIKERIS (Head of delegation)  
Corruption Prevention and Combating Bureau (KNAB)

*Substitut/e*  
Ms Anna ALOSINA  
Corruption Prevention and Combating Bureau (KNAB)

Ms Laura STRAUBERGA  
Corruption Prevention and Combating Bureau (KNAB)

## LIECHTENSTEIN

---

Mr Patrick RITTER (Chef de délégation)  
Office for Foreign Affairs

Mr Harald OBERDORFER  
Ressort Justiz

*Substitut/e*  
Mr Michael JEHLE  
Landgericht

## LITHUANIA / LITUANIE

---

Mr Paulius GRICIUNAS (Head of delegation)  
Ministry of Justice

Ms Elena KONCEVICIUTE  
Special Investigation Service

## LUXEMBOURG

---

M. David LENTZ (Chef de délégation)  
Parquet de Luxembourg

*Substitut/e*  
M. Jean BOUR  
Parquet du Tribunal d'Arrondissement de Diekirch

Mme Claudine KONSBRUCK  
Ministère de la Justice

*Substitut/e*  
M. Laurent THYES  
Ministère de la Justice

## MALTA / MALTE

---

Mr Kevin VALLETTA (Head of delegation)  
Office of the Attorney General

*Substitut/e*  
Mr Peter GRECH  
Office of the Attorney General

Ms Nadia CAMILLERI  
Office of the Attorney General

*Substitut/e*  
Ms Victoria BUTTIGIEG  
Office of the Attorney General

## REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

---

Mr Alexandru CLADCO (Head of delegation)  
General Prosecutor's Office

*Substitut/e*  
Mme Cornelia VICLEANSCHI  
Bureau du Procureur Général

Mr Valeriu CUPCEA  
National Anti-corruption Centre

## MONACO

---

M. Jean-Laurent RAVERA (Chef de délégation)  
Direction des Affaires Juridiques

*Substitut/e*  
M. Jean-Marc GUALANDI  
Département des Finances et de l'Economie

M. Eric SENNA  
Cour d'Appel

*Substitut/e*  
Mme Antonella SAMPO-COUMA  
Direction des Services Judiciaires

## MONTENEGRO

---

Mr Dušan DRAKIC (Head of Delegation)  
Agency for Prevention of Corruption

Ms Mirela BAKALBASIC  
Agency for Prevention of Corruption

## NETHERLANDS / PAYS-BAS

---

Ms Anneloes van der ZIJDE (Head of delegation)  
Ministry of the Interior and Kingdom Relations

Substitut/e  
Ms Marja van der WERF  
Ministry of the Interior and Kingdom Relations

Ms Nina FORTUIN  
Ministry of Security and Justice

Substitut/e  
Mr Bart RUNNEBOOM  
Ministry of Security and Justice

## NORWAY / NORVEGE

---

Mr Atle ROALDSOY (Head of delegation)  
Ministry of Justice and Public Security

Substitut/e  
Ms Ingrid SAND  
Parliament

Mr Jens-Oscar NERGARD  
Ministry of Local Government and Modernisation

Substitut/e  
Mr Anders Schiøtz WORREN  
Ministry of Justice and Public Security

## POLAND / POLOGNE

---

Mr Rafał KIERZYNKA (Head of delegation)  
Ministry of Justice

Ms Alicja KLAMCZYNSKA  
Ministry of Justice

## PORTUGAL

---

Mr António FOLGADO (Head of delegation)  
Ministry of Justice

Mr Daniel MARINHO PIRES  
Ministry of Justice

## ROMANIA / ROUMANIE

---

Mr Andrei FURDUI (Head of delegation)  
Ministry of Justice

Substitut/e  
Ms Anca Luminita STROE  
Ministry of Justice

Ms Anca JURMA  
Prosecutors' Office

Substitut/e  
Ms Oana Andrea SCHMIDT HAINEALA  
Superior Council of Magistracy

## RUSSIAN FEDERATION / FEDERATION DE RUSSIE

---

Mr Aleksandr BUKSMAN (Head of delegation)  
Prosecutor General's Office

Substitut/e  
Mr Aslan YUSUFOV  
**Bureau Member / Membre du Bureau**  
Prosecutor General's Office

NN

Substitut/e  
Mr Andrei ILIN  
Administration of the President

## SAN MARINO / SAINT-MARIN

---

M. Eros GASPERONI (Chef de délégation)  
Ministère des Affaires étrangères et politiques

Substitut/e  
Mr Stefano PALMUCCI  
Department of Foreign Affairs

Mr Manuel CANTI  
Department of Institution Affairs and Justice

Substitut/e  
Ms Marina MARFORI  
State Lawyers' Office

## SERBIA / SERBIE

---

Ms Mirjana MIHAJLOVIC (Head of delegation)  
Ministry of Justice

*Substitut/e*

Mr Radomir ILIC  
Ministry of Justice

Mr Vladan JOKSIMOVIC  
Anti-Corruption Agency

*Substitut/e*

Mr Jovan COSIC  
Ministry of Justice

## SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

---

Ms Alexandra KAPISOVSKA (Head of delegation)  
Ministry of Justice

Mr Jan KRALIK  
Ministry of Justice

*Substitut/e*

Ms Dagmar FILLOVA  
Ministry of Justice

## SLOVENIA / SLOVENIE

---

Ms Vita HABJAN BARBORIČ (Head of delegation)  
**Bureau Member / Membre du Bureau – Gender  
Rapporteur a.i**  
Commission for the Prevention of Corruption

Mr Matjaž MEŠNJAK  
Commission for the Prevention of Corruption

## SPAIN / ESPAGNE

---

Ms Ana ANDRES BALLESTEROS (Head of delegation)  
Ministry of Justice

Mr Rafael VAILLO RAMOS  
Ministry of Justice

*Substitut/e*

Mr Rafael BLAZQUEZ  
Ministry of Justice

*Substitut/e*

Mr Angel SANZ MERINO  
Ministry of the Interior

## SWEDEN / SUEDE

---

Mr Mats JANSSON (Head of delegation)  
Ministry of Justice

## SWITZERLAND / SUISSE

---

M. Ernst GNAEGI (Chef de délégation)  
**Bureau Member / Membre du Bureau**  
Office fédéral de la Justice

M. Olivier GONIN  
Office fédéral de la justice

*Substitut/e*

M. Jacques RAYROUD  
Ministère public de la Confédération

*Substitut/e*

M. Jean-Christophe GEISER  
Office fédéral de la justice

## “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE»

---

Ms Aneta ARNAUDOVSKA (Head of delegation)  
Academy for Judges and Public Prosecutors

Mrs Elena SAZDOV  
Ministry of Justice

## TURKEY / TURQUIE

---

Mr Faris KARAK (Head of Delegation)  
Ministry of Justice

Mr Bilal YILDIZ  
Prime Ministry Inspection Board

*Substitut/e*

Mr Güray GÜÇLÜ  
Ministry of Justice

*Substitut/e*

Mr Murat Selim AYDEMİR  
Prime Ministry Inspection Board

## UKRAINE

---

Mr Mykhaylo BUROMENSKIY (Head of Delegation)  
National Council on Anti-corruption Policy

*Substitut/e*  
Mr Yevhen PIKALOV  
Prosecutor General's Office

Mr Oleksandr PYSARENKO  
Department of the National Agency on Prevention of  
Corruption

*Substitut/e*  
Mr Oleksiy SVIATUN  
Administration of the President

## UNITED KINGDOM / ROYAUME-UNI

---

Mr David MEYER (Head of delegation)  
Ministry of Justice

*Substitut/e*  
Mr Christopher VOLUME  
Ministry of Justice

Ms Laura DE SILVA  
Ministry of Justice

## UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

---

Mr Robert LEVENTHAL (Head of delegation)  
U.S Department of State

*Substitut/e*  
Ms Jane LEY  
U.S Department of State

Mr Michael OLMSTED  
U.S. Department of Justice

*Substitut/e*  
Ms Marianne TOUSSAINT  
U.S Department of State

## PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

---

Mr Miroslav PAPA  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Croatia to the Council of Europe

## PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

---

Mr Sergiy VLASENKO (Ukraine)  
Group of the European People's Party

*Substitut/e*  
Mr Virendra SHARMA (UK)  
Socialist Group

## REPRESENTATIVES OF THE CDCJ / REPRÉSENTANTS DU CDCJ

---

Mr Petar RASHKOV (Bulgaria)  
Ministry of Justice

*Substitut/e*  
Ms Merima BAKOVIC (Montenegro)  
Ministry of Justice and Human Rights

## REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

---

Ms Helena LIŠUCHOVÁ  
Ministry of Justice

## COUNCIL OF EUROPE DEVELOPMENT BANK (CEB) / BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE (CEB)

---

Ms Katherine DELIKOURA

## OBSERVERS / OBSERVATEURS

---

## Organisation for Economic Co-operation and Development (OECD) / Organisation de Coopération et de Développement Économiques (OCDE)

---

M. Patrick MOULETTE  
Ms Rusudan MIKHELIDZE

Ms Olga SAVRAN

**United Nations, represented by the UN Office on Drugs and Crime (UNODC) / Nations Unies, représentées par l'Office des Nations Unies contre la Drogue et le Crime (ONUDC)**

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Mr Dimitri VLASSIS  
Ms Annika WYTHES

Ms Brigitte STROBEL-SHAW

**International Anti-Corruption Academy (IACA) / Académie Internationale de Lutte contre la Corruption (IACA)**

---

Mr Martin KREUTNER  
Ms Christiane POHN-HUFNAGL

Mr Ernst SCHMID

**Organization of American States (OAS) / Organisation des Etats Américains (OEA)**

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Mr Jorge GARCIA-GONZALES

## APPENDIX 5 – Other meetings

### External relations

GRECO's President, Members of the Bureau, experts, or Secretariat provided input to the following.

#### European Union

- ▶ Meeting with the European Commission, Legal Service, External Relations and the European Union Delegation to the Council of Europe (Strasbourg, 20 January) – Secretariat
- ▶ Meeting with the Head of the Members' Administration Unit, Directorate for the Plenary, European Parliament (Strasbourg, 9 March) – Secretariat
- ▶ European Commission Anti-corruption experience sharing programme workshop on Corruption and Political Immunities (Vienna, 16 June) - Secretariat
- ▶ European Commission consultations with respect to the Cooperation and Verification Mechanism (CVM) in Romania and Bulgaria (Strasbourg, 20 June) – Secretariat
- ▶ Bi-lateral meetings with the EU Directorate-General for Neighbourhood and Enlargement Negotiations (Strasbourg, 20 September) – Secretariat
- ▶ Meetings with the European Commission: Directorate D Justice and Home Affairs; Organised Crime and Drug Policy Unit; European Anti-Fraud Office (OLAF) (Brussels, 24 November) – Secretariat
- ▶ Presentation to a gathering of the European Parliament Intergroup on Integrity, Transparency, Corruption and Organised Crime (Strasbourg, 14 December) – Secretariat

#### Organisation for Economic Co-operation and Development (OECD)

- ▶ Anti-Corruption Network for Eastern Europe and Central Asia (ACN) – High-level meeting of anti-corruption decision-makers: Boosting the Impact of Anti-Corruption Reforms in eastern Europe and Central Asia (Paris, 21 April) – Secretariat
- ▶ 20<sup>th</sup> Steering Group meeting of the ACN (22 April) – Secretariat
- ▶ 17<sup>th</sup> Monitoring meeting of the Istanbul Anti-corruption action plan/ACN (Paris, 14-16 September) – Secretariat
- ▶ 21<sup>st</sup> Steering Group meeting of the ACN (Paris, 16 September) – Secretariat
- ▶ Workshop for the secretariats of GRECO, OAS, OECD and UNODC, hosted by the OECD – Enhancing synergies and sharing good practices: International anti-corruption peer reviews (Paris, 22-23 September 2016) – Secretariat
- ▶ Working Group on Bribery in International Business Transactions (WGB) – Annual consultation on

follow-up to the Anti-Bribery Ministerial Meeting (Paris, 8 December) – Secretariat

- ▶ WGB Roundtable on the Liability of Legal Persons (Paris, 9 December) - Secretariat

#### Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

- ▶ Political Party Expert Workshop (Kiev, 6-7 July) – Secretariat
- ▶ Anti-Corruption Expert Meeting – Lessons from South Eastern Europe (Vienna, 24-25 October) – Vice-President of GRECO

#### United Nations

##### UN Office on Drugs and Crime (UNODC)

- ▶ United Nations Convention against Corruption Implementation Review Group – resumed 7<sup>th</sup> session (Vienna, 20-24 June) – Secretariat

#### Others

- ▶ Regional Conference on Money in Politics organised by the State Audit Office of Georgia, OSCE/ODIHR, International IDEA, the Council of Europe, the International Foundation for Electoral Systems and the Netherlands Institute for Multiparty Democracy (Tbilisi, 18-19 February) – Secretariat
- ▶ Transparency International (TI) Czech Republic conference on Incorruptible women? Gender dimensions of corruption (Prague, 23 February) – GRECO's Gender Equality Rapporteur a.i. and Bureau member (Slovenia), Vita HABJAN BARBARIČ
- ▶ Meeting with mayors and regional governors, members of the Dutch delegation to the Congress of Local and Regional Authorities of the Council of Europe (Strasbourg, 24 March) – Secretariat
- ▶ Meeting with members of the parliament of Denmark, chair and member of the Danish delegation to the Parliamentary Assembly of the Council of Europe (Strasbourg, 18 April) – Secretariat
- ▶ Workshop on implementing Council of Europe principles on whistleblower protection – University of Nanterre research project for the Ministry of Justice of France (Paris, 21 April) – Secretariat
- ▶ Meeting with a member of the parliament of Italy, chair of the Italian delegation to the Parliamentary Assembly of the Council of Europe (Strasbourg, 21 April) – Secretariat
- ▶ International Foundation for Electoral Systems (IFES) – Political Finance Community of Practice meeting (Prague, 22 April) – Secretariat
- ▶ University of Messina, Department of Political and Legal Studies and the Italian agency for the administration of seized and confiscated proceeds of organised crime (*Agenzia Nazionale per l'Amministrazione e la Destinazione dei Beni Sequestrati e confiscati alla Criminalità Organizzata*) – Seminar on

- policies to counteract political and administrative corruption (2<sup>nd</sup> level Master in administration and management of properties seized from the mafia) (Messina, 14 April) – Secretariat
- ▶ International Anti-Corruption Practitioner Conference (*Rencontres internationales des autorités anti-corruption*) (Paris, 14-16 June) – Vice-President of GRECO
  - ▶ Joint Financial Action Task Force (FATF) / G20 Anti-Corruption Working Group (ACWG) Experts meeting on Corruption (Paris, 16 October) - Secretariat
  - ▶ University of Burgundy Colloquy on political financing and accountability – a comparative perspective (*Financement et moralisation de la vie politique – perspective comparée*) (Dijon, 24 – 25 October) – GRECO evaluator Yves-Marie DOUBLET
  - ▶ Meeting with the Permanent Observer of Mexico to the Council of Europe (Strasbourg, 3 November) – Secretariat
  - ▶ *Richterratschlag in Deutschland* Conference (Recklinghausen, 5 November) – GRECO evaluator, Cornelia GÄDIGK
  - ▶ Federal Ministry of Justice of Switzerland workshop on law-making related to the financing of political parties and election and referenda campaigns (Berne, 8 November) – Secretariat
  - ▶ European Partners against Corruption (EPAC)/ European Contact-Point Network against Corruption (EACN) Annual Professional Conference and General Assembly (Riga, 15-17 November) – President
  - ▶ International Olympic Committee (IOC) Expert group meeting on support for ethical conduct - anti-corruption in preparation for the International Forum for Sports Integrity (IFSI) 2017 (Lausanne, 17 November) – Secretariat
  - ▶ Meeting with the Permanent Observer of Canada to the Council of Europe (Brussels, 24 November) – Secretariat
  - ▶ Meeting with Transparency International EU Office (Brussels, 25 November) – Secretariat
  - ▶ Meeting with members of the parliament of France, members of the French delegation to the Parliamentary Assembly of the Council of Europe (Strasbourg, December) – Secretariat
  - ▶ University of Murcia, International Day on Transparency and Public Participation – towards a transparent society (Murcia, 15 December) – President, Secretariat

## APPENDIX 6 – GRECO secretariat

(within the Directorate General Human Rights and Rule of Law, Information Society and Action against Crime Directorate)

Gianluca ESPOSITO, **Executive Secretary**  
Elspeth REILLY, Personal assistant to the Executive Secretary  
Björn JANSON, **Deputy Executive Secretary**

### Administrators

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Christophe SPECKBACHER  
Laura SANZ-LEVIA  
Sophie MEUDAL-LEENDERS  
Michael JANSSEN  
Roman CHLAPAK  
Gerald DUNN  
Louise RIONDEL-PEREZ, Assistant Lawyer / *Juriste assistante*

### Central Office

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Penelope PREBENSEN, Administrative Assistant / *Assistante administrative*  
Laure PINCEMAILLE, Assistant / *Assistante*  
Marie-Rose PREVOST, Assistant / *Assistante*



Membership of the Council of Europe's anti-corruption body spans the whole European continent and also includes the United States of America.

### **GRECO members (forty-nine) 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), "the former Yugoslav Republic of 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), the Czech Republic (9 February 2002), Serbia (1 April 2003), Turkey (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), the Russian Federation (1 February 2007), Italy (30 June 2007), Monaco (1 July 2007), Liechtenstein (1 January 2010), San Marino (13 August 2010), Belarus (1 July 2006 – effective participation as of 13 January 2011).

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

