



Groupe d'Etats contre la corruption
Group of States against corruption

DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS
DIRECTORATE OF MONITORING



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 26 March 2010

Greco (2010) 9E

RULES OF PROCEDURE

Adopted by GRECO at its 1st plenary meeting
(Strasbourg, 4-6 October 1999)

Amended by GRECO at its 4th, 7th, 12th, 13th, 14th, 22nd and 46th plenary meetings
(Strasbourg, 12-15 December 2000, 17-20 December 2001,
9-13 December 2002, 24-28 March 2003, 7-11 July 2003,
14-18 March 2005, 22-26 March 2010)

The Group of States against Corruption (hereinafter referred to as "GRECO"),

Having regard to Resolution (98) 7 and (99) 5 authorising and adopting respectively the partial and enlarged Agreement establishing the "Group of States against Corruption - GRECO",

Having regard to the Statute of GRECO,

Pursuant to paragraph 4 of Article 8 of the Statute of GRECO,

Adopts the following Rules of Procedure:

TITLE I ORGANISATION OF GRECO

Chapter I Members of GRECO

Rule 1 *Membership of GRECO*

1. Membership in GRECO shall take effect on the day following receipt by the Secretary General of the notification made in pursuance of Article 4, paragraphs 1, 2 and 4 of the Statute of GRECO.
2. Membership in GRECO resulting from ratification of the Criminal Law Convention on Corruption (ETS 173) or the Civil Law Convention on Corruption (ETS 174), will take effect on the day of the entry into force of either of these Conventions in respect of the State concerned, in pursuance of Article 4, paragraph 3 of the Statute of GRECO.

Rule 2 *Participation of the European Community*

1. The European Community may become a member of GRECO in accordance with the following procedures:
 - a) upon invitation by the Committee of Ministers to participate in GRECO, in accordance with Article 5 of the Statute;
 - b) if it becomes a Party to the Criminal Law Convention on Corruption (ETS 173), upon invitation by the Committee of Ministers, in accordance with Article 33 of this Convention;
 - c) if it becomes a Party to the Civil Law Convention on corruption (ETS 174), in accordance with Article 15 of this Convention.

2. The invitation to the European Community to accede to the Criminal Law Convention on Corruption (ETS 173) in accordance with Article 33 of this Convention shall settle the modalities of participation referred to in Article 5 of the Statute of GRECO. Such an invitation shall also be regarded as an invitation to become a member of GRECO in accordance with Article 5 of its Statute.

3. The modalities of participation in GRECO of the European Community shall be regulated by an agreement between the Committee of Ministers and the European Community on the basis of a proposal made by GRECO and endorsed by the Statutory Committee. In the light of the proposal of the Statutory Committee, the Committee of Ministers shall issue the invitation, under paragraph 1, subparagraphs (a) and (b) of this Rule.

Rule 3

Composition of GRECO

1. Each member shall appoint its delegation under Article 6 of the Statute of GRECO within a period of two months after the entry into force of the present Rules. Any new member of GRECO shall appoint its delegation under Article 6 of the Statute of GRECO within a period of two months following its notification for membership in GRECO.

2. When appointing the delegation under paragraph 1 above, the member shall inform the Secretariat of the name, address and working language/s of the designated representatives and specify the person who shall act as the Head of delegation. Delegations shall be appointed on a permanent basis. However, members are entitled to designate one substitute per representative.

3. Members shall promptly notify the Executive Secretary of any change in the composition of its delegation.

Rule 4

Other representatives not having the right to vote

Representatives appointed under Article 7 of the Statute of GRECO, shall be entitled, with the President's permission, to make oral or written statements on the subjects under discussion.

Chapter II

Presidency of GRECO

Rule 5

Election of the President and Vice-President

1. GRECO shall elect its President and Vice-President from among the representatives designated by the members entitled to vote. The member having appointed the representative who is elected President shall be entitled to appoint an additional representative as part of its delegation to GRECO.

2. Subject to paragraph 3, the President and Vice-President shall be elected for two years. They may be re-elected once.

3. If the terms of office of the President or the Vice-President expire during an evaluation round, these shall be extended until the end of that round. However, the terms of office of the President or the Vice-President shall end if he or she ceases to be a representative in GRECO.

4. If the President ceases to be a representative in GRECO or resigns his or her office of President before its expiry, the Vice-President shall immediately and automatically become President for the remainder of the term of that office. The Bureau shall designate a new Vice-President from among the representatives sitting on it for the remainder of the term of that office. The non-elected candidate having obtained the highest number of votes at the last election shall fill the resulting vacant seat in the Bureau.

5. Any member may submit candidatures for the offices of President and Vice-President of GRECO. Candidatures may be submitted either in writing to the Executive Secretary before the meeting during which the election is due to take place or orally during that meeting, at least 48 hours in advance of the election.

6. The elections referred to in this Rule shall be held at the meeting immediately preceding the beginning of each evaluation round. Elections shall be held by secret ballot and by a majority of the votes cast.

7. If no candidate is elected after the first ballot, a second ballot shall take place between the two candidates who have received most votes; in the case of equal number of votes, the candidate having precedence according to the length of time he or she has been in office in GRECO, will be elected. Candidates having the same length of time in office in GRECO shall take precedence according to their age. Re-elected candidates shall take precedence having regard to the duration of their previous term of office.

Rule 6

Functions of the President and of the Vice-President

1. The President shall preside over the plenary meetings of GRECO and meetings of the Bureau. He or she shall direct the work of GRECO and perform all functions conferred upon him or her by the Statute, by the Rules of procedure and by GRECO.

2. When performing his or her functions, the President shall remain under the authority of GRECO and shall be exclusively guided by the interest of GRECO.

3. The President may delegate certain of his or her functions to the Vice-President, one or more of the members of the Bureau or to the Executive Secretary.

4. The President shall fix the dates of the meetings of GRECO in consultation with the Bureau and the Executive Secretary.

5. The President shall represent GRECO before the Statutory Committee, the Committee of Ministers of the Council of Europe and any other Council of Europe body.

6. The Vice-President shall take the place of the President if the latter is unable to carry out his or her duties.

Rule 7
Replacement of the President and the Vice-President

If the President and Vice-President are at the same time unable to carry out their duties or if their offices are at the same time vacant, the duties of the President shall be carried out by another representative sitting on the Bureau according to the order of precedence laid down in Rule 5 (7). The non-elected candidates having obtained the highest number of votes at the last election shall fill the resulting vacant seats in the Bureau.

Rule 8
Limitation on the exercise of the functions of President

The President, Vice-President or any other representative carrying out the duty of the President, shall be replaced in the Chair during the discussion and adoption of the evaluation report concerning the member, who appointed them to sit on GRECO.

Chapter III
Bureau

Rule 9
Composition and functioning of the Bureau

1. The Bureau shall be composed of the President, the Vice-President and up to five representatives to be determined in proportion to the number of members of GRECO.
2. Rule 5, paragraphs 2, 3, 4 and 5, shall apply, *mutatis mutandis* to the election and submission of candidatures to seats in the Bureau. However, non-elected candidates to the offices of President or Vice-President will be deemed to have also submitted their candidature to vacant seats in the Bureau.
3. Rule 5, paragraphs 6 and 7, shall also apply to the election of vacant seats in the Bureau. However, in the first ballot, candidates having obtained the majority of the votes cast will be elected. In the second ballot, the remaining vacant seats will be filled by candidates following the decreasing order of the number of votes received respectively.
4. The Bureau shall function according to and be entrusted with the tasks enumerated in Article 9 of the Statute of GRECO.
5. Meetings of the Bureau shall be convened at regular intervals by the Executive Secretary upon instruction of the President or whenever the Executive Secretary considers it necessary for the proper functioning of GRECO.

Chapter IV
Secretariat of GRECO

Rule 10

Composition of the Secretariat

1. The Secretariat shall be composed in conformity with Article 19 of the Statute of GRECO.
2. The Executive Secretary shall be appointed by the Secretary General and be an official of the Directorate General I - Legal Affairs of the Council of Europe. The Executive Secretary shall carry out the duties described in the Statute of GRECO and in the present Rules of Procedure.
3. The Executive Secretary shall be assisted by sufficient staff to ensure the proper and effective functioning of GRECO. The staff shall be appointed by the Secretary General of the Council of Europe and be attached to the Directorate General I - Legal Affairs of the Council of Europe.

Chapter V
Other administrative arrangements

Rule 11

Convocation

1. Meetings of GRECO shall be convened by the Executive Secretary upon instruction of the President, by letter addressed to the Heads of delegation and to the other representatives referred to in Article 7 of the Statute of GRECO.
2. A copy of the letter of convocation shall be sent to the substitutes, as well as to each member's representative in the Statutory Committee.

Rule 12

Agenda

The agenda shall be adopted at the beginning of each meeting on the basis of a draft prepared by the Executive Secretary and appended to the letters of convocation.

Rule 13

Documents

The Secretariat shall be responsible for the preparation and circulation of all the documents intended to be considered by GRECO. The documents must, as a general rule, be forwarded to the Heads of delegation and to the other representatives referred to in Article 7 of the Statute of GRECO, at least two weeks before the opening of the meeting.

Rule 14
Languages

1. The working languages of GRECO shall be English and French.
2. Any document to be considered by GRECO submitted in a language other than one of the working languages shall be addressed to the Secretariat together with a translation into one of the working languages.
3. Replies to the evaluation questionnaire and any supporting documents shall be submitted to the Executive Secretary in one of the working languages agreed between the Secretariat and the country undergoing the evaluation.
4. Whenever a country visit is to be conducted, the working language of the evaluation shall be agreed upon between the Secretariat and the country undergoing the evaluation. The ensuing evaluation report will be prepared and adopted in the agreed language.

Rule 15
Quorum

There shall be a quorum if a majority of the members are present.

Rule 16
Voting

1. The voting in GRECO shall take place in conformity with paragraphs 6 and 7 of Article 8 of the Statute of GRECO.
2. When a decision has been taken on any matter, such matter shall not be reopened except at the request of a member, approved by a four-fifth majority of the votes cast.
3. Only votes "in favour" or "against" are taken into account when counting the number of votes cast.
4. The voting rules contained in the Statute of the Council of Europe, the Rules of Procedure of the Committee of Ministers and of the Ministers' Deputies, shall *mutatis mutandis* apply as subsidiary rules to GRECO.

Rule 17
Order of voting on proposals and amendments

1. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt, the President shall decide.

2. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, GRECO shall vote on whichever departs furthest in substance from the original proposal, and thus until all the amendments have been put to the vote. However, when the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the President shall decide.

3. Parts of a proposal or amendment may be put to the vote separately.

4. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Rule 18

Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

- a) suspension of the meeting,
- b) adjournment of the meeting,
- c) adjournment of discussion on the item in hand,
- d) closure of discussion on the item in hand.

Rule 19

Decisions and meeting reports

1. At the end of each meeting, the Executive Secretary shall submit to GRECO for its approval a list of the decisions taken during the meeting.

2. A report of GRECO's deliberations at each meeting shall be prepared under the authority of the Executive Secretary. The report shall be circulated as soon as possible to the representatives sitting on GRECO.

Rule 20

Working parties

1. GRECO may, whenever it is necessary, set up *ad hoc* working parties to deal with specific matters. Working parties shall comprise a limited number of representatives of at least five members.

2. The Chairperson of the working party shall be designated by the Bureau. The terms of reference of such working parties shall be defined by GRECO.

*Rule 21**Communications containing information submitted for GRECO's consideration, etc.*

1. The Executive Secretary shall bring to GRECO's attention communications containing information submitted for GRECO's consideration, unless they manifestly fall outside its field of competence.
2. The Executive Secretary shall keep a register of all communications received.
3. GRECO may provide expertise within its field of competence to Council of Europe bodies and to other bodies if considered appropriate.

TITLE II
EVALUATION PROCEDURE

*Rule 22**General provision*

1. The Rules contained in the present title aim at further elaborating Articles 10 to 16 of the Statute of GRECO. They shall therefore apply without prejudice to the provisions contained in those Articles.
2. The evaluation procedure shall be based on the principle of mutual evaluation and peer pressure and shall be instrumental to reach the aims of GRECO, as enshrined in Articles 1 and 2 of its Statute.

*Rule 23**Evaluation rounds*

1. GRECO will determine the length of each evaluation round in the light of the provisions selected to be covered.
2. The selection of provisions for a given evaluation round may include the following:
 - a) one or more of the Guiding Principles set out in Resolution 97(24),
 - b) one or more provisions contained in the Criminal Law Convention on Corruption (ETS 173),
 - c) one or more provisions contained in the Civil Law Convention on Corruption (ETS 174), and/or
 - d) one or more provisions contained in any other international legal instrument adopted in pursuance of the Programme of Action against Corruption.

*Rule 24**Questionnaire*

1. The mutual evaluation questionnaire shall be sent to all members undergoing an evaluation. Unless otherwise decided by GRECO the replies to the questionnaire shall be returned to the Executive Secretary within the time limit set by GRECO.

2. The replies to the mutual evaluation questionnaire shall be detailed, answer all questions and contain all necessary appendices. Whenever a country visit is to be carried out, these documents shall be submitted to the Executive Secretary at least three months before the visit.

Rule 25

Experts

1. Each member shall provide to the Executive Secretary a list containing the names of a maximum of five experts, within a period of three months following the adoption of the present Rules or, subsequently, of the notification of membership.

2. The members will be allowed to modify this list. In the absence of modification notified by the member, the list shall continue to be valid.

3. Representatives appointed to sit on GRECO in accordance with Article 6 paragraph 1 of the Statute may also be included in the list mentioned in paragraph 1 above.

Rule 26

Evaluation team

1. The Bureau shall make proposals to GRECO concerning the composition of the evaluation team (hereafter referred to as the "team") referred to in Article 12, paragraph 1 of the Statute.

2. Unless otherwise determined by GRECO, the team shall be composed of three experts from different members selected from the list referred to in Article 10 paragraph 4 of the Statute, assisted by a member of the Secretariat. Exceptionally, teams may comprise additional experts and, where appropriate, scientific experts.

3. Before GRECO approves the Bureau's proposals, the list of experts shall be submitted to the member undergoing the evaluation in order for it to express its views. In the case of disagreement judged by GRECO to be justified, the Bureau shall submit alternative proposals.

4. If the team makes a request for additional information under Article 12, paragraph 2 of the Statute, the member shall promptly comply with that request and provide detailed and complete answers to all questions.

Rule 27

Country visits

1. Country visits shall be carried out in conformity with Article 13 of the Statute. The dates of the visit shall be determined by the Executive Secretary in consultation with the host-country and shall correspond to the programme of visits adopted by the Bureau.

2. A country visit shall, as a rule, not take place earlier than 3 months after the reception of the reply to the questionnaire by the Executive Secretary.

3. On the basis of a draft programme submitted by the member undergoing the evaluation to the Secretariat, the team will agree to the programme proposed for the visit as soon as possible.
4. Before starting the country visit, a preparatory meeting shall take place in order to allow a preliminary exchange of views among the experts in the team and the Secretariat.
5. The length of the country visit shall, in principle, not exceed four days and have a reasonable timetable. The Bureau or the Executive Secretary may, in special cases, extend the length of a visit.
6. There shall be a final on-site meeting with the authorities of the host member in order to discuss all outstanding issues related to the evaluation.
7. The country visit shall end with a concluding meeting between experts in the team and the Secretariat to develop a common assessment of the country visit with respect to the provision(s) under examination. The points made shall be summarised at the end by the Secretariat.

Rule 28

Preparation of the draft mutual evaluation reports

1. The mutual evaluation reports shall consist of a descriptive part, based on the reply to the questionnaire and other information gathered, and an analytical part, containing observations and recommendations and their motivation.
2. To facilitate the work of the evaluation team, the Secretariat shall prepare the draft descriptive part – if necessary consulting the member submitted to evaluation – and submit that text to the experts in the team at least one month before any country visit takes place.
3. The experts in the team shall submit their individual written contributions, focusing on the analytical part, including draft recommendations and observations, to the Secretariat within 14 days from the receipt of the draft descriptive part or, if the evaluation round includes a country visit, within 14 days from the end of the visit.
4. The Secretariat shall produce within an additional period of 14 days a preliminary draft mutual evaluation report (P1) on the basis of the contributions received from the experts in the team. This preliminary draft shall be sent out to the experts in the team for comments.
5. Comments on the preliminary draft shall be made available to the Secretariat and to the other experts in the team within 14 days.
6. On the basis of the comments made, the Secretariat shall revise the preliminary draft (P2) and make it available to the experts in the team. In case of particular difficulty the Secretariat may organise, prior to the finalisation of the draft evaluation report, a co-ordination meeting with the experts in the team and the representative(s) of the evaluated member.

7. The revised draft (P2) shall be sent to the member undergoing the evaluation for written comments. The member shall have at least 21 days for making its comments. If the member is unable to provide comments within this time limit, the matter shall be raised with the Executive Secretary who may extend this deadline.

8. The comments provided by the member shall be circulated to the experts in the team with a view to determining which of them are acceptable. If the views of the experts differ on this question, the Executive Secretary shall negotiate a compromise solution.

9. The revised version of the draft report (P3) shall be sent to all representatives sitting on GRECO at least two weeks before the Plenary meeting at which the draft report will be examined and adopted.

10. Where minor drafting issues need to be solved before submitting the revised draft to the Plenary for discussion, the Executive Secretary shall organise a pre-plenary meeting, on the eve of that meeting, between the experts of the team and the representatives of the member undergoing the evaluation. A final amended draft (P4) may be issued at the end of this meeting.

Rule 29

Examination, discussion and adoption of the draft reports

1. The examination of evaluation reports by the Plenary shall, as a rule, be carried out within 6 months from the end of the country visit. In case this time limit cannot be adhered to, the Secretariat shall inform GRECO of the reasons.

2. The debate on each draft evaluation report shall start with an oral presentation by the evaluation team and, in response to it, the representatives of the member undergoing the evaluation may make a general statement.

3. Upon a proposal by the Executive Secretary, the Bureau may invite two intervenors from among the representatives on GRECO to pose questions during the discussion on the draft evaluation report. Such questions shall be made available in writing to all the representatives sitting on GRECO prior to the meeting. The intervenors and the evaluators may not emanate from the same member.

4. Subsequently, representatives and experts in the evaluation team shall be entitled to put additional oral questions during the discussion.

5. The mutual evaluation report shall be adopted by the Plenary at the close of the discussion. The report may include recommendations addressed to the member undergoing the evaluation in line with article 15, paragraph 6 of the Statute.

Rule 30

Compliance with recommendations

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.

*Rule 31
Compliance procedure*

1. Upon proposal by the Bureau, GRECO shall select two members to be responsible for preparing a compliance report (hereinafter "RC-report") indicating whether the member has complied with the recommendations addressed to that member in the evaluation report. The selection shall be based on criteria, such as involvement in the first evaluation (providing of evaluator or intervenor) and similarity of legal systems or geographical proximity with the member evaluated. The Heads of delegation or the persons designated by them (hereafter "rapporteurs"), shall present the report to the Plenary. Only members of delegations or evaluators of GRECO may be appointed rapporteurs.

2. The Secretariat shall assist the rapporteurs in drafting the RC-report (P1), which shall reflect the common view of the rapporteurs (P2).

3. The draft RC-report (P2) shall be sent to the member undergoing evaluation for comments. The comments shall be submitted to the Executive Secretary within 14 days from the reception of the draft RC-report.

4. The Secretariat shall assist the rapporteurs in revising the draft RC-report, taking into account the comments provided by the member.

5. The revised draft RC-report (P3) shall be sent to GRECO representatives at least 14 days before the Plenary meeting at which it will be examined.

6. The draft RC-report (P3) shall as a rule be dealt with by GRECO no later than six months after the reception of the RS-report by the Secretariat. In case this time limit cannot be adhered to, the Secretariat shall inform GRECO of the reasons.

7. GRECO shall adopt the RC-report in plenary, following examination and debate. The member submitted to the compliance procedure shall be represented by the Head of delegation who may be assisted by other national representatives or experts. At the request of the Head of delegation, GRECO may postpone the adoption of the RC report if it considers that additional information or expertise is necessary.

8.1 The RC-report shall indicate whether each individual recommendation :

- I. has been implemented satisfactorily or otherwise been dealt with in a satisfactory manner;
- II. has been partly implemented;
- III. has not been implemented.

8.2 In case of conclusion II) or III) above the RC-report shall indicate whether the member is required to submit, within a period specified by GRECO, additional information regarding the implementation of the recommendation in question.

8.3 The RC-report shall also contain an overall conclusion on the implementation of the recommendations. If the said conclusion is that the response to the recommendations is globally unsatisfactory GRECO will decide to apply Rule 32.

9.1 On the basis of the additional information submitted by a member pursuant to paragraph 8.2 of this Rule, the Secretariat shall draw up a brief appraisal of the implementation of the recommendations in question, for consideration and adoption by GRECO. The adoption of this appraisal shall terminate the compliance procedure unless the additional information is clearly insufficient; in this case GRECO shall ask for further information. The appraisal shall be included in an addendum to the relevant RC-report.

9.2 The additional information shall as a rule be dealt with by GRECO no later than six months after its receipt by the Secretariat.

Rule 31 revised¹

Compliance procedure – As from the Third Evaluation Round

1. Upon proposal by the Bureau, GRECO shall select two members to be responsible for preparing a compliance report (hereinafter "RC-report") indicating whether the member has complied with the recommendations addressed to that member in the evaluation report. The selection shall be based on criteria, such as involvement in the first evaluation and similarity of legal systems or geographical proximity with the member evaluated. The Heads of delegation or the persons designated by them (hereafter "rapporteurs"), shall present the report to the Plenary. Only members of delegations or evaluators of GRECO may be appointed rapporteurs.

2. The Secretariat shall assist the rapporteurs in drafting the RC-report (P1), which shall reflect the common view of the rapporteurs (P2).

3. The draft RC-report (P2) shall be sent to the member concerned for comments. The comments shall be submitted to the Executive Secretary within 14 days from the reception of the draft RC-report.

4. The Secretariat shall assist the rapporteurs in revising the draft RC-report, taking into account the comments provided by the member.

5. The revised draft RC-report (P3) shall be sent to GRECO representatives at least 14 days before the Plenary meeting at which it will be examined.

6. The draft RC-report (P3) shall as a rule be dealt with by GRECO no later than six months after the reception of the RS-report by the Secretariat. In case this time limit cannot be adhered to, the Secretariat shall inform GRECO of the reasons.

¹ Pursuant to Decisions 23 and 24 of GRECO 46 (Strasbourg, 22-26 March 2010).

7. GRECO shall adopt the RC-report in plenary, following examination and debate. The member submitted to the compliance procedure shall be represented by the Head of delegation who may be assisted by other national representatives or experts. At the request of the Head of delegation, GRECO may postpone the adoption of the RC report if it considers that additional information or expertise is necessary.

8.1 The RC-report shall indicate whether each individual recommendation :

- I. has been implemented satisfactorily or otherwise been dealt with in a satisfactory manner;
- II. has been partly implemented;
- III. has not been implemented.

8.2 In case of conclusion II) or III) above the member concerned is required to submit, within a period specified by GRECO, a second RS-report with additional information regarding action taken to implement the recommendation(s) in question.

8.3 The RC-report shall also contain an overall conclusion on the implementation of the recommendations. If the said conclusion is that the response to the recommendations is globally unsatisfactory GRECO will decide to apply Rule 32.

9. On the basis of the second RS-report submitted by a member pursuant to paragraph 8.2 of this Rule, the rapporteurs selected in accordance with paragraph 1 of this Rule shall draw up a second RC-report, for consideration and adoption by GRECO. Paragraphs 1 to 8.1 and 8.3 of this Rule shall apply accordingly to the preparation and adoption of the second RC-report. The adoption of the second RC-report shall terminate the compliance procedure unless GRECO decides to apply Rule 32 or asks for further information because the information contained in the second RS-report is clearly insufficient.

Rule 32

Steps to be taken in respect of GRECO members found not to be in compliance with the recommendations contained in the mutual evaluation report

1. Any action in respect of non-complying members shall be guided by the following principles :

- equality of treatment between GRECO members;
- a graduated approach for dealing with non-complying members;
- approval by the Plenary of the steps to be taken, whilst allowing for some flexibility regarding their application.

2. The procedure for dealing with non-complying members shall include the following steps:

(i) GRECO requiring 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) 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;

(iii) 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;

(iv) 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;

(v) arranging a high-level mission (including the President and the Executive Secretary of GRECO, the Director General of Legal Affairs and selected Heads of delegation) to the non-complying member to reinforce this message;

(vi) in the context of the application of Article 16 of the Statute, bringing the matter before the Statutory Committee.

Rule 33²

Public statement

1. The President of GRECO shall inform the Statutory Committee of any action taken in conformity with Rule 32, in particular of the results of the high level mission and of the failure of the member to comply with the recommendations.

2. The Statutory Committee shall decide whether to issue a public statement under Article 16, paragraphs 1 and 2 of the Statute, in the light of the report submitted by the President of GRECO.

3. This decision shall be effective if it is confirmed at the subsequent meeting of the Statutory Committee, in accordance with Article 16, paragraph 3 of the Statute.

**TITLE III
CONFIDENTIALITY**

Rule 34

General provision

1. Information gathered by GRECO in relation to an evaluation or compliance procedure, including replies to the questionnaire, reports on a country visit, RS-reports and related correspondence shall be confidential. The same shall apply to all GRECO meeting reports.

² This rule was adopted by the Statutory Committee at its 3rd meeting (Strasbourg, 14 December 1999) on the basis of a proposal submitted by GRECO. The Statutory Committee agreed to include this provision in the Rules of Procedure.

2. In accordance with Article 15, paragraph 5 of the Statute, evaluation reports shall be confidential. The same shall apply to RC-reports. However, GRECO may adopt a summary of each evaluation or RC-report and make it public. In addition, GRECO may make the whole evaluation report and/or a RC-report public, with the comments of the member concerned, whenever requested to do so by that member.

3. No personal data shall be published without the express consent of the person concerned.

Rule 35

General rule concerning representatives, experts and other persons assisting GRECO, including scientific experts and interpreters

1. Representatives on GRECO, their substitutes, experts participating in evaluation teams, the Secretariat and other persons assisting GRECO are required, during and after their term of office, to maintain the confidentiality of the facts or information of which they have become aware during the exercise of their functions.

2. A provision to the above effect shall be inserted in the contracts of scientific experts and interpreters recruited to assist GRECO.

Rule 36

Consequences of breach of confidentiality by representatives and experts on GRECO

1. If there are serious grounds for believing that a representative in GRECO has violated the obligation of confidentiality, GRECO may, after the representative concerned has had an opportunity to state his or her view, decide to inform the Statutory Committee of the matter.

2. If there are serious grounds for believing that an expert has violated the obligation of confidentiality, GRECO shall, after the person concerned has had an opportunity to state his or her views, decide on the measures to be taken, including the possibility of removing the expert from the list.

Rule 37

Consequences of breach of confidentiality by the Secretariat, scientific experts and interpreters

If there are serious grounds for believing that a member of GRECO's Secretariat, an interpreter or a scientific expert has violated the obligation of confidentiality, GRECO may, after the person concerned has had an opportunity to state his or her views, decide to inform the Secretary General of the Council of Europe of the matter and request that appropriate measures be taken.

Rule 37a

Observers

Rules 35 and 37 shall apply by analogy to Observers to GRECO and their representatives.

TITLE IV ANNUAL GENERAL REPORT OF GRECO

Rule 38 Annual report

1. In accordance with Article 8, paragraphs 1, iii. and 3 of the Statute, the Executive Secretary shall submit every year a draft general activity report to GRECO. Once adopted by GRECO, the report shall be transmitted to the Statutory Committee and to the Committee of Ministers. If so requested, the President of GRECO will present this report to the Committee of Ministers during an oral hearing. Subsequently, the report shall also be transmitted to the Parliamentary Assembly and made public.

2. The report shall contain *inter alia* information on the organisation and internal working methods of GRECO as well as the agreed public summaries in respect of the evaluation reports which have been adopted within the period concerned.

3. The report shall be adopted at the first meeting of GRECO in a given calendar year and cover the whole of the preceding calendar year.

TITLE V FINAL CLAUSES

Rule 39 Amendments

1. Any member, the President or the Executive Secretary may, at any time, propose an amendment to these Rules. A proposal to that effect shall be submitted in writing to the Bureau. It shall be for the Bureau to decide whether or not this proposal is submitted to GRECO.

2. If the Bureau decides not to submit the proposal to GRECO, it shall be included on the agenda of GRECO only if it receives the support of one fourth of the members of GRECO at any given moment.

3. The GRECO may adopt the amendment suggested by a two-third majority of the votes cast.

Rule 40 Entry into force of the Rules

The present Rules entered into force on 1st November 1999. The amendments agreed by GRECO in 2000 and 2001 entered into force on the day following their adoption³. The amendments agreed by GRECO on 13 December 2002 entered into force on the first day of the Second Evaluation Round⁴. The amendments agreed on 28 March 2003 entered into force on the same day. The amendments agreed on 18 March 2005 and 26 March 2010 entered into force on the same days respectively.

³ 16 December 2000 and 21 December 2001.

⁴ 1 January 2003.