

GRECO: 5th Round Evaluation Report on San Marino



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European Law Forum: Prevention • Investigation • Prosecution

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News

On 2 December 2024, GRECO published its [5th Round Evaluation Report on San Marino](#). GRECO evaluated the effectiveness of the framework in place in San Marino to prevent corruption among persons with top executive functions ("PTEFs", i.e. members of the Congress of State, Heads of Departments (including the Director of Civil Service), ministers' political staff members and consultants with similar functions), and members of the "Police Corps" (i.e. the Gendarmerie, the Fortress Guard and the Civil Police).

GRECO found that San Marino does not have a national anti-corruption policy in place, but corruption prevention plans have been adopted in respect of some areas. In view of the executive powers exercised by PTEFs, San Marino should therefore develop and adopt a specific anti-corruption policy following a comprehensive risk assessment in relation to PTEFs. Moreover, to prevent and manage conflicts of interest, PTEFs should undergo integrity checks as part of their appointment and recruitment.

The provisions of the code of conduct for members of the Congress of State and the code of conduct for public officials should be harmonised and supplemented by a practical guide to improve consistency and effectiveness. It is also necessary to allocate additional resources (in particular adequate staffing) to the Ethics Committee and to establish an effective mechanism for PTEFs to obtain confidential counselling in relation to ethical issues.

GRECO made several recommendations to improve access to information and transparency. For example, the legal framework of 2011 on access to information should be reviewed, and rules should be put in place with regard to the conduct of public consultations for draft legislation originating from the Congress of State as well as on governing the interaction of PTEFs with third parties/lobbyists who seek to influence the government's decision making. The obligation to make declarations of assets ought to be extended to all PTEFs.

Looking at the Police Corps, GRECO recommends that a comprehensive risk assessment of corruption-prone areas be carried out in the light of the findings of the report and a strategy be developed for all law enforcement agencies. Moreover, the Police Corps would greatly benefit from the setting up of a central autonomous body with internal oversight and control powers. Other recommendations in the area of law enforcement include:

- Establishing a (single) mechanism of confidential counselling for law enforcement officers outside of the chain of command;
- Conducting regular integrity checks vis-à-vis members of the Police Corps;

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- Standardising and streamlining treatment of public complaints against misconduct of members of the Police Corps;
- Making the disciplinary system in respect of the Gendarmerie and the Fortress Guard more effective;
- Introducing whistleblower protection measures and providing dedicated training, not least because there are no cases of whistleblowing.

GRECO invited the authorities of San Marino to submit a report on the measures taken to implement its recommendations by 31 May 2026.

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