

GRECO: Compliance Reports



euclid

European Law Forum: Prevention • Investigation • Prosecution

András Csúri

News

In December 2019, GRECO published a number of compliance reports from the Fourth Evaluation Round. The following is a summary of the reports that were adopted on Armenia, Malta, and Poland.

On 12 December 2019, GRECO published its [second compliance report for the Fourth Evaluation Round on Armenia](#) (dealing with corruption prevention in respect of members of parliament, judges, and prosecutors). According to the report, Armenia satisfactorily implemented/dealt with seven of the eighteen recommendations. The current low level of compliance with the recommendations is “globally unsatisfactory” according GRECO’s [Revised Rules of Procedure](#). With respect to members of parliament, GRECO expects more progress in public consultations on draft legislation and less use of fast-track procedures when adopting new legislation. Also, parliamentarians still do not have a comprehensive code of conduct providing appropriate guidance on integrity-related matters. As far as judges are concerned, an appropriate appeal mechanism remains to be introduced in disciplinary cases, with a need to distinguish between confidential counseling and disciplinary mechanisms. The latter is also true with regard to prosecutors.

On 13 December 2019, GRECO also published its [Second Compliance Report for the Fourth Evaluation Round on Malta](#). Malta satisfactorily implemented four of the nine recommendations contained in the Fourth Round Evaluation Report. With respect to members of parliament, GRECO states that, although the Act on Standards in Public Life was adopted and the Parliamentary Commissioner for Standards was appointed, there is a need to ensure appropriate supervision and enforcement of rules on the declaration of assets, interests, and outside activities as well as standards of ethics through a range of effective, proportionate, and dissuasive sanctions, which has not yet been fully addressed by the authorities. The Code of Ethics for Members of Parliament still needs to be reviewed, and the authorities should take further steps to provide regular awareness-raising and other activities for parliamentarians on the prevention of corruption. As regards the judiciary, GRECO acknowledges the increase in the budget for training purposes by the Judicial Studies Committee as a positive step. However, there is still a need for a training programme for newly appointed judges, including judicial on ethics, as well as a regular in-service training programme. Targeted guidance and counseling on corruption prevention and judicial ethics is also needed for those who sit in court (judges, magistrates, and adjudicators of boards and tribunals).

On 16 December 2019, GRECO published a [follow-up assessment](#) on Poland concerning the country’s compliance with the Fourth Evaluation Round. Poland has implemented seven of 16 recommendations and only one of six recommendations for a more recent *ad hoc* procedure addressing specific judicial reforms (2016-2018). The overall low level of compliance with the recommendations is “globally unsatisfactory” within the meaning of GRECO’s [Revised Rules of Procedure](#). With regard to Members of Parliament, only one of the recommendations was implemented; therefore, GRECO urges the authorities to take steps towards

AUTHOR

András Csúri

Vienna University of Economics and Business

ISSN: 1862-6947

<https://euclid.eu>



compliance. As regards prosecutors, there is a lack of guidance on conflicts of interest and related issues, while the draft law on transparency of public administration – also concerning judges – is still at an early stage.

In respect of judges, following the 2016-2018 judicial reform and GRECO's reaction in form of an *ad hoc* procedure with six further recommendations, the provisions on the early retirement of Supreme Court judges were repealed. Also, those judges who had retired under the provisions of the 2017 amendments to the Law on the Supreme Court were reinstated. Nevertheless, the measures taken to address any of the other recommendations are still considered insufficient. Nothing has been done to amend the provisions on the elections of members of the National Council of the Judiciary, to reduce the involvement of the executive in the internal organisation of the Supreme Court, to amend the disciplinary procedures applicable to Supreme Court judges, to amend the procedures for appointing and dismissing presidents and vice-presidents of ordinary courts, and to amend disciplinary procedures applicable to judges of ordinary courts.

While GRECO considers all recommendations of the Rule 34 Report to be of importance, it is currently most concerned about the developments with regard to disciplinary proceedings. As GRECO previously noted, there are allegations of disciplinary proceedings being misused to exert pressure on judges, for instance to submit requests for preliminary rulings to the Court of Justice of the European Union. GRECO therefore reiterates that, in the current system, the executive has overly strong involvement in these proceedings, which leaves judges increasingly vulnerable to political control, therefore undermining judicial independence.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**