

# GRECO: Preventing Corruption in the Context of the COVID-19 Pandemic



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**News**

On 21 April 2020, GRECO published a [press release](#) and [guidelines](#) which are addressed to its Member States and aim at preventing corruption in the context of the health emergency caused by the COVID-19 pandemic. GRECO stresses in particular that tools such as transparency, oversight, and accountability are more important than ever, both for the central and the local levels in the context of any devolution of powers. GRECO stresses thereby the relevance of a number of Council of Europe documents, like the Criminal Law and Civil Law Conventions on Corruption and the Twenty Guiding Principles for the Fight against Corruption. Furthermore, the importance of other relevant Council of Europe standards is emphasised, such as that of equal access to healthcare as laid down in the CoE Parliamentary Assembly Resolution 1946 (2013) and the significance of GRECO evaluation cycles, in particular its recommendations on the incrimination of corruption in the third cycle (see [eucrim 3/2009](#), p. 84; [4/2009](#), pp. 149-151; [3/2010](#), pp. 101-103; [4/2010](#), pp. 149-150; [1/2011](#), pp. 19-21; [2/2011](#), pp. 71-73).[AC1]

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On the one hand, the document highlights in general the importance of transparency in the public sector, based on regular and reliable information as one of the most important means to prevent corruption. On the other hand, as emergency legislation shifts power towards the executive, GRECO stresses the oversight role of the other branches of power as being key.

With regard to bribery in the health sector, a highly topical matter in the context of the current pandemic, GRECO stresses that it makes medical services more expensive, leads to unequal access to medical care, undermines patients trust in health services, and has serious financial consequences for public healthcare insurers and thus for the state budget.

As the COVID-19 outbreak and the immediate need for medical supplies increase corruption risks, the document highlights selected types of corruption in the health sector: public procurement, bribery in medical-related services, corruption in new product research and development (including conflicts of interest and the role of lobbying), specific COVID-19-related fraud, as well as the oversight and (related to this) the protection of whistle-blowers in the health sector.

In relation to public procurement, the document refers to number 14 of the twenty guiding principles, which requires transparent procedures that encourage fair competition. Furthermore, with reference to the Civil Law Convention on Corruption, GRECO points out that its members shall provide for effective remedies for those who have suffered damage, including the possibility of compensation.

As regards bribery in medical-related services, e.g. hospitals, GRECO calls to mind the CoE Criminal Law Convention on Corruption, which requires parties to criminalise both active and passive bribery, also covering

private healthcare providers. GRECO also reminds its members that petty bribery – like priority access to medical services, tests, burial procedures – also emerges in the pandemic context, even in Member States where this was rather uncommon. Therefore, GRECO calls to pay particular attention to its third-evaluation-round recommendations on the incrimination of corruption. GRECO also recalls that its recently developed advisory tools support its members to provide for the CoE standard of equal access to healthcare.

GRECO stresses that a huge amount of money is being invested in new product research and development – drugs and vaccines – against COVID-19. Therefore, it would be necessary to increase the capacity, authority and public accountability of State institutions. In this regard, GRECO recalls its recommendations regarding fighting conflicts of interest (cronyism, nepotism, and favouritism in recruitment and generally the management of the healthcare workforce) – in particular with regard to persons entrusted with top executive functions. Furthermore, GRECO recalls its recommendations about lobbying transparency, especially the need for duly reporting all contacts of persons entrusted with top executive functions with lobbyists and other third parties who seek to influence government decision-making. Finally, as regards insider trading, GRECO refers to its recommendations on the declaration of assets, income, liabilities, and interests.

As regards COVID-19-related fraud, GRECO stresses that with medical supplies in high demand, the risks of falsified medical products, fake shops and websites has grown exponentially online, with the money so defrauded being laundered thereafter. In this regard, GRECO refers to the CoE Medecrime Convention as well as the CoE AML and CFT risk assessment methodology, the latter being a unique tool to mitigate money-laundering risks.

GRECO acknowledges the role of whistle-blowers in the fight against corruption. Therefore, states shall ensure the protection of these individuals and be guided by Recommendation CM/Rec(2014)7 on the Protection of Whistle-blowers as well as the GRECO recommendations in this area.

Lastly, GRECO stresses that the private sector faces increased corruption risks during this crisis. Among other things, these include facilitation payments, the falsification of documents, bypassing product certification requirements, and the non-certification of alternative supply chains. GRECO references for this sector the Criminal Law Convention on Corruption, Guiding Principle 5, and GRECO's recommendations in its second evaluation cycle.

#### GRECO: Report on the Global Mapping of Anti-Corruption Authorities

On 25 May 2020, the French Anti-Corruption Agency (AFA) – in partnership with GRECO, the OECD, and the international Network of Corruption Prevention Authorities (NCPA) – published an [analysis report](#) on the global mapping of anti-corruption authorities (ACAs). Despite their importance as institutional tools to counter corruption, there is an overall lack of up-to-date information about ACAs. The extensive data collected from 171 national authorities tasked with preventing and fighting corruption in 114 countries and territories aims at facilitating cooperation between them at the operational level. 43 % of respondents were from GRECO Member States, and 48 % were from countries that have adopted the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The analysis is based on the results of an online survey conducted between June and December 2019, with the main focus set on identifying relevant contact points and the role of international gatherings, regional platforms, and individual ACAs.

The report concludes that in general, a single authority is responsible for fighting corruption in a given country. This authority is often equipped with investigative and/or prosecution powers that primarily affect natural persons. Sanction mechanisms – where they exist – are usually administrative in nature. Most ACAs are involved in the development of national anti-corruption strategies, while a minority of them are

responsible for managing declarations of assets and interests. The report also points out that the adoption of codes of conduct is more common worldwide than risk mapping, and that both are rarely mandatory in the private sector. Finally, it points out that the ACAs wish to rather benefit from the exchange of best practices and information at the operational level and to network with their foreign counterparts.

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