



ACN

Anti-Corruption Network for Eastern Europe and Central Asia

Anti-Corruption Division
Directorate for Financial and Enterprise Affairs
Organisation for Economic Co-operation and Development (OECD)
2, rue André-Pascal, 75775 Paris Cedex 16, France
Phone: +33(0)1 45249964, Fax: +33(0)1 44306307
Website: www.oecd.org/corruption/acn

13th ACN STEERING GROUP MEETING

23 – 24 February 2012

OECD, 2 rue André-Pascal, 75016 Paris

SUMMARY RECORD

The summary record was prepared by the ACN Secretariat to summarise the discussion and decisions taken at the 12th ACN Steering Group meeting. It was approved through written procedure by 13 April 2012.

For more information, contact Ms. Inese Gaika, ACN Secretariat, tel.: 33 1 45 24 13 19, e-mail: inese.gaika@oecd.org.

1. INTRODUCTION

The 13th ACN Steering Group Meeting took place on 23 and 24 September 2012, back-to-back with 11th Anti-Corruption Network for Eastern Europe and Central Asia (ACN) Istanbul Anti-Corruption Action Plan Monitoring Meeting at the OECD in Paris the above meeting.

The 13th ACN Steering Group meeting was co-chaired by **Mr. Kamran Aliyev**, Director, Anti-Corruption Department, Prosecutors' Office of the Republic of Azerbaijan and by **Mr. Goran Klemenčič**, Chief Commissioner, Commission for the Prevention of Corruption, Slovenia.

The Steering Group took note of the 12th Steering Group's meeting Summary Record and adopted the proposed agenda for the 12th Steering Group meeting.

2. WELCOMING REMARKS

Mr. Patrick Moulette, Head of the OECD Anti-Corruption Division, opened the meeting with welcoming remarks. He informed the ACN Steering Group about the preparation of the Work Programme and Budget of the OECD Working Group on Bribery for 2013-2014, of which the ACN is an integral part, and pointed out the linkages with the proposed Work Programme of the ACN for 2013-2015. He stressed that the continued and robust country monitoring programme is a key tool for enforcing international anti-corruption standards; the Working Group continues such monitoring through the Phase 3 evaluation of its members, and the ACN plans to continue with the 3rd round of monitoring for the Istanbul Action Plan countries. Mr. Moulette further noted that both the Working Group on Bribery and the ACN plan to continue meetings of their informal networks of investigators and prosecutors in order to strengthen the law-enforcement of anti-corruption standards. Finally, both the Working Group and the ACN foresee activities which aim to provide countries with analytical support to address most challenging issues. While the Working Group is engaged in typology studies, the ACN Work Programmes includes thematic reviews/studies. Mr. Moulette noted that these parallels in the proposed work programmes reflect useful synergies and transfer of know-how between the Working Group and one of its regional outreach programmes. In the closing, Mr. Moulette welcomed the ACN plan to organise a high-level session back-to-back with the next ACN Steering Group meeting, in order to endorse the new ACN Work Programme and to re-confirm the political will of the leadership in ACN countries to reinforce their fight against corruption.

3. TOUR DE TABLE

The *tour de table* on achievements, challenges and good practices in fighting corruption in ACN countries was launched at the last Steering Group meeting in December 2011. This *tour de table* provides a forum to present selected examples of major achievements and good practice.

3.1. Guest speaker –Plate-forme d'Identification des Avoirs Criminels, France

Ms. Patricia Mathys, Head of the Platform for Identification of Illegally gained assets (*Plate-forme d'Identification des Avoirs Criminels – PIAC*), Judicial Police, France, addressed the Steering Group with a presentation on the work of the PIAC and the key role of tracing, seizing and confiscating illegally gained assets to successfully fight such crimes as corruption.

Ms. Mathys pointed out that it was only recently realised how it is effective to seize and confiscate assets and this is an increasingly used tool in France. She noted recent positive developments with the adoption of the Warsmann law in 2010 in France facilitating seizures of assets, especially in complex cases. In recent years the value of seizures in France has seriously increased and this dimension gains an increasing importance in investigation and prosecution.

Ms. Mathys informed the group about the PIAC, a section of the Judicial Police created in 2005. She explained that PIAC is in charge of identifying and seizing criminally gained assets in investigations and prosecutions with a transnational dimension. PIAC is the French Asset Recovery Office. One of the functions of PIAC is to collect information to identify assets in foreign countries or in France in the framework of a request from abroad and generally facilitate the mutual legal assistance.

3.2. Presentations by the ACN Countries

Estonia

Mr. Urvo Klopets, Estonia, presented the example of a **manual on Conflict of Interest Prevention** developed by the Ministry of Justice. This manual, which is also available and is regularly updated electronically, is based on actual, real life situations and addresses situations that are legal, but unethical and various other problematic situations and discusses their possible solutions.

Latvia

Mr. Jaroslavs Streļčenoks, Latvia, presented the practice of **implementing the asset declarations system** for public officials. The presentation addressed the role and the place of asset declarations system in preventing corruption. It noted that asset declarations are an important tool to monitor activities of public officials, participate in prevention of conflict of interest and to learn about and follow changes in the assets and wealth of public official. The presentation pointed out that the asset declarations are an important source of information for media and society at large and allows informing about any inconsistencies. The presentation also noted the positive role of the electronic public disclosure of asset declarations.

Lithuania

Ms. Erika Mikalauskiene, Lithuania, argued that while formally there is political will, anti-corruption strategy, institutional set-up, resources, legal framework and public support, what matters are concrete actions rather than political slogans. Further, Lithuania presented its recent achievements in **strengthening its bribery laws and enforcement capacity**. As a result of recent amendments to the Criminal Code and the Law on Operational Activities Lithuania has criminalised illicit enrichment, increased the statute of limitation of criminal liability for corruption-related crimes and increased penalties for corruption offences, as well as extended the scope of operational activities, for example, to obtain information from banks while conducting operational activities (before pre-trial investigation).

Romania

Mr. Costin Varlan, Romania, focused on a series of **recent convictions of high level officials** (Members of Parliament, former Prime Minister, etc.) in Romania and the positive development, which is the creation

of **jurisprudence** in this area. He also described challenges faced by these trials, such as postponements of court hearings and raising issues of constitutionality. Reducing the length of the procedure in front of the court was addressed by a legislative change in November 2010. According to it, the first instance decision can be challenged only within one higher degree of jurisdiction and not in two degrees of jurisdiction.

Serbia

Ms. Zorana Markovič, Serbia, presented as a positive achievement the elaboration and implementation of the **Law on Political Parties Financing** adopted in June 2011. The law aims to address the widespread perception of corruption by political parties and lack of transparency in their financing. The law is successfully implemented since then and already brought first results. The implementation of the law is overseen by the Anti-Corruption Agency of Serbia. Ms. Markovič further presented the provisions of the law, especially on public disclosure of funds raised and spent by political parties, and information on their enforcement.

Slovenia

Mr. Goran Klemenčič, Slovenia, presented a successful example how to fight state capture and political corruption and increase accountability through transparency. Mr. Klemenčič presented a publicly available **Internet-based search engine "Supervisor"**, which was developed by the Slovenian Commission for the Prevention of Corruption in 2011. The programme is accessible at <http://supervisor.kpk-rs.si/>. It is a tool to search all relevant information about expenditure by public institutions at central and local level, from a Ministry to a public kinder garden. This tool has gained a significant success in Slovenia allowing easily tracing flows of public money and identifying its major recipients. It is used by the Court of Audit, police, journalists, citizens.

Presentations of the *Tour de Table* are attached.

4. ACN WORK PLAN PROGRAMME

4.1. Work plan for 2012

Ms. Olga Savran, ACN Manager, presented the activities planned for 2012, including the following:

- **Istanbul Anti-Corruption Action Plan;**
 - return missions to Kyrgyz Republic and Uzbekistan;
 - summary report about the results of the second round of monitoring,
- **Peer Learning:**
 - seminar on judiciary;
 - seminar on investigation and prosecution;
 - project with SIGMA and OSCE on ethics training for public officials;
 - joint training on asset declarations with OSCE,
- **Completion of projects for Ukraine/GUAM,**
- **ACN meeting 21-23 November 2012, Paris, including high-level session.**

The ACN Steering Group supported the proposed activities. The ACN Steering Group also agreed with the proposed outline of the summary report on the second round of monitoring under the Istanbul Action

Plan, including its structure, methods of collection of data and written consultations. Delegates agreed to provide information necessary for the development of the summary report, based on the requests of the Secretariat. They also agreed to review and provide written comments to the draft report upon request of the Secretariat, with the view to present the final report at the next ACN meeting in November 2012. Several delegates stressed that the summary report should include lessons drawn from the second round of monitoring, including best practices and remaining challenges, as well as examples of ACN impact on anti-corruption reforms in the region, when possible.

The proposal to organize a high level session as part of next ACN meeting on 21 – 23 November 2012, in Paris, was supported by all delegates, including all Istanbul Anti-Corruption Action Plan countries. It was noted that political will is key to fighting corruption and this meeting will present a good opportunity to reconfirm it. Concerning themes for the discussion, the delegates agreed that the focus should be give to such challenging issues, where political support needs to be strengthened. They also agreed that the issues for the discussion should be those which fall into the ACN mandate, and overarching priorities of the OECD. Regarding level of participation, the Steering Group agreed that countries should aim to be represented by high-level policy-makers, and that the invitations to the meeting should be extended to Ministers responsible for anti-corruption issues in their countries, such as Minister of Justice, Prosecutor Generals and Heads of Anti-Corruption Bodies. The Steering Group invited the Secretariat to prepare the agenda and invitations for the meeting based on these criteria.

4.2. Work Programme proposal for 2013-2015

Ms. Savran further presented a proposal for ACN Work Programme for 2013-2015, including the following components:

- **Country reviews;**
- **Thematic reviews;**
- **Law-enforcement network;**
- **ACN Steering Group meetings.**

Concerning country reviews, the Steering Group agreed with the proposed main elements of the Istanbul Action Plan 3rd round of monitoring. During the discussion, delegates raised several questions concerning the recommendations that may be adopted on the basis of the 3rd round of monitoring, including whether consensus-minus-one principle for the adoption of recommendations can be proposed. The delegates also noted that while the focus of the 3rd round will be on the enforcement and implementation, it would also be important to review legislative reforms. Some delegates also noted that it would be useful to identify examples of good practice during the 3rd round of monitoring. The Steering Group invited the Secretariat to prepare a detailed methodology on the basis of the agreed main elements and taking into account this discussion, and to present this methodology to the Group for written comments.

Regarding thematic reviews, it was proposed to call this activity “thematic studies” in order to clearly distinguish it from countries reviews, which will cover only the Istanbul Action Plan countries. During the preliminary discussion of the possible themes, delegates expressed a broad variety of interests. Some delegates proposed to conduct thematic studies on new and challenging themes (open government initiative, new technologies, e-governance, on-line resources for best practice, political corruption, protection of whistleblowers). Some proposed to focus on issues related to economic development and integrity in public administration (public procurement, tax, customs, licences, privatisation, codes of

conduct). Other delegates proposed to conduct thematic studies on issues related to law-enforcement (liability of legal persons, immunities, statutes of limitation, MLA, role of judiciary). The Steering Group agreed on the methodology proposed for the selection of the themes by written procedure after the meeting and instructed the Secretariat to launch this process.

The Steering Group supported the proposal to continue the meetings of the informal network for investigators and prosecutors as well as meetings of the ACN Steering Group without further comments.

The Steering Group instructed the Secretariat to develop the detailed Work Programme for the ACN for 2013-2015 based on this discussion, with the view to adopt this new Work Programme at the next meeting of the Steering Group in November 2012.

5. CLOSING OF THE MEETING

It was agreed that the Secretariat will prepare the draft summary record and circulate it to participants. The meeting was then closed.