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Corruption as a threat to the rule of law

Reply to Recommendation[1]: Recommendation 2019 (2013)
Committee of Ministers

1. The Committee of Ministers has attentively examined Parliamentary Assembly Recommendation 2019 (2013) on "Corruption as a threat to the rule of law", which it has transmitted to the Group of States against Corruption (GRECO) for information and possible comments.

2. The Committee of Ministers has previously underlined the threat corruption poses to the rule of law, which is a sine qua non for a healthy, pluralistic democracy.[2] It welcomes the Parliamentary Assembly's determination to fight corruption in all its forms. The Committee of Ministers notes that this is also a priority of the Secretary General. It concurs with the Assembly on the relevance of the principles referred to in Assembly Resolution 1943 (2013) concerning corruption as a threat to the rule of law, in particular the need to provide for appropriate incriminations of corruption offences, to guarantee the independence of the judiciary and to ensure a high level of transparency in political, administrative and economic life. It notes that these matters figure prominently on GRECO's monitoring agenda.

3. While underlining the leading role of GRECO in this field, the Committee of Ministers considers that there is also room for activities on corruption at the intergovernmental level as well as for assistance and training activities. It notes the Assembly's request for a stocktaking of current achievements and pitfalls and for the mainstreaming of anti-corruption in various Council of Europe activities and programmes. The Committee of Ministers will consider engaging in a reflection process in order to identify emerging issues that merit more attention in connection with the Organisation's current array of anti-corruption activities and initiatives. GRECO's monitoring results, the achievements made in the context of technical assistance projects as well as evolving practice in fighting corruption and promoting integrity could be drawn on for this purpose. The Parliamentary Assembly will be kept informed of the steps that may be taken to this end.

4. The Committee of Ministers is aware that designing new programmes or mainstreaming anti-corruption components in an ever increasing range of activity areas will not suffice. More needs to be done, at both international and domestic levels, to generate the requisite political will to prevent and fight corruption and to close the gap between law and regulations and their effective implementation. In this connection, the Assembly is playing a valuable role, not least by drawing attention in its work to GRECO's evaluation reports, the resulting country-specific recommendations and its compliance reports. The Committee of Ministers recalls that the report on "Corruption as a threat to the rule of law", prepared under the auspices of the Assembly's Committee on Legal Affairs and Human Rights (Doc. 13228), stresses the need for domestic parliaments to actively contribute, in their respective national contexts, to the implementation of recommendations issued by GRECO and other monitoring bodies.

5. The Committee of Ministers shares the Assembly views on the need for reinforced co-operation with the European Union in the field of corruption. It considers that full European Union participation in GRECO would send a strong political signal, would foster synergies and would strengthen the impact of the respective anti-corruption endeavours at all levels. The risk of generating conflicting standards and performance

1. Adopted at the 1188th meeting of the Ministers' Deputies (15 January 2014).
2. Reply to Parliamentary Assembly Recommendation 1896 (2010) on "Judicial corruption" (CM/AS(2010)Rec1986 final).

benchmarks would furthermore be significantly reduced. The Committee of Ministers hopes that the impact assessment launched by the European Commission in close co-operation with other European Union institutions to analyse the feasibility and modalities of accession to GRECO and of evaluation by GRECO will be completed soon and that sufficient institutional and political backing for full membership in GRECO will be secured. If this were to be the case, concrete talks between the relevant bodies of the European Union and the Council of Europe could start.

6. Finally, on the issue of a soft law regulatory framework on lobbying, the Committee of Ministers informs the Assembly that terms of reference have recently been given to the European Committee on Legal Co-operation (CDCJ) within the framework of the 2041-2015 Programme of Activities and Budget to prepare, subject to a preliminary feasibility study, a legal instrument on the regulation of lobbying activities. The Committee of Ministers will inform the Parliamentary Assembly about the outcome of this activity in due course.