Groupe d'Etats contre la corruption
Group of States against corruption

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Seventh General Activity Report of GRECO (2006)

Including a section on the "Protection of whistleblowers"

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I. Terms of Reference of the report

The general activity report of the Group of States against Corruption – GRECO – for 2006 is submitted pursuant to Article 8, paragraph 1, iii) of GRECO's Statute and Rule 38 of the Rules of Procedure.

GRECO has, since 2004, included a section devoted to a substantive issue in its general activity reports, drawing on the wealth of experience it has acquired in specific areas, its impact on national anti-corruption policies and on its reflection on topical issues. Section XV of the present report devoted to the *protection of whistleblowers* was prepared by Mr Paul STEPHENSON, Public Concern at Work (United Kingdom), member of GRECO's Bureau during the Second Evaluation Round.

II. Status of GRECO

On 18 April 2002, the Committee of Ministers of the Council of Europe adopted Resolution Res(2002)6 authorising the continuation of the Enlarged Partial Agreement establishing GRECO. Thus, following its initial probationary period, GRECO became a permanent body of the Council of Europe.

III. Membership

GRECO is an Enlarged Partial Agreement open to the membership, on an equal footing, of Council of Europe member States, non-member States having participated in its elaboration and other non-member States invited to join it. By end December 2006, GRECO had 43 members, making it the Organisation's biggest enlarged partial agreement : Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, Slovak Republic, Slovenia, Spain and Sweden (founding States – 1 May 1999), Poland (date of accession – 20 May 1999), Hungary (9 July 1999), Georgia (16 September 1999), the United Kingdom (18 September 1999), Bosnia and Herzegovina (25 February 2000), Latvia (27 July 2000), Denmark (3 August 2000), the United Sates of America (20 September 2000), "the former Yugoslav Republic of Macedonia" (7 October 2000), Croatia (2 December 2000), Norway (6 January 2001), Albania (27 April 2001), Malta (11 May 2001), Moldova (28 June 2001), the Netherlands (18 December 2001), Portugal (1 January 2002), the Czech Republic (9 February 2002), Republic of Serbia (1 April 2003), Turkey (1 January 2004), Armenia (20 January 2004), Azerbaijan (1 June 2004), Andorra (28 January 2005), Ukraine (1 January **2006**), Republic of Montenegro (6 June **2006**)[1], Switzerland (1 July **2006**) and Austria (1 December **2006**).

At the date of the adoption of the present report, Italy, Liechtenstein, Monaco[2] and San Marino were the only Council of Europe member States not to have joined GRECO[3]. In December, the Director General of Legal Affairs sent a letter to the Permanent Representatives of these countries to the Council of Europe encouraging their authorities to consider accession to GRECO.

[1] Following the declaration, on 3 June 2006, of independence of the Republic of Montenegro, the Republic of Montenegro had notified its succession to all treaties to which the State Union of Serbia and Montenegro was a party, including the Criminal Law Convention on Corruption (ETS No 173) making it *ipso facto* a member of GRECO.

[2] Monaco will join GRECO on 1 July 2007.

[3] The Russian Federation joined GRECO on 1 February 2007.

IV. Representatives of Members of GRECO and Evaluators

The List of representatives appointed by member States appears in Appendix I. Evaluation teams were composed of experts from the List of second round evaluators, prepared in accordance with Article 10 paragraph 4 of GRECO's Statute.

V. Meetings

GRECO held five Plenary Meetings in 2006 (all in Strasbourg):

GRECO 27 (6-10 March)
GRECO 28 (9-12 May)
GRECO 29 (19-23 June)
GRECO 30 (9-13 October)
GRECO 31 (4-8 December)

The Bureau of GRECO met (in Strasbourg) on five occasions in 2006:

Bureau 33 (6-7 February)
Bureau 34 (13 April)
Bureau 35 (10 May)
Bureau 36 (7-8 September)
Bureau 37 (13-14 November)

GRECO's two working parties responsible for the preparation of the Third Evaluation Round (cf. section IX below) met (in Strasbourg) in 2006 as follows:

WP-ETS 173 on the incriminations provided for by the Criminal Law Convention on Corruption (21-22 March, 11-12 April)

WP-PF on the Transparency of Party Funding (21-22 March, 11-12 April, 18 May)

VI. First Evaluation Round

GRECO had previously decided that any member acceding to the Enlarged Partial Agreement after the opening of the Second Evaluation Round (January 2003), would also be subject to first round evaluation due to the paramount importance for a country's anti-corruption system of the themes dealt with in the First Evaluation Round. These members are therefore subjected to *joint first and second round evaluations*. Joint evaluations which took place in 2006 are detailed in section VIII below.

Compliance procedure

In 2006, GRECO continued the assessment of the measures taken by its members to implement the recommendations contained in its First Round Evaluation Reports.

It adopted the last in the series of First Round Compliance Reports (United States of America). First round compliance procedures were finally closed with respect to 11 countries (Bulgaria, Croatia, Denmark, France, Germany, Latvia, Norway, Poland, Romania, Slovenia and Sweden) with the adoption of Addenda to the relevant First Round Compliance Reports, containing an appraisal of additional information provided by members as required by the conclusions of the relevant First Round Compliance Reports.

Procedure under Rule 32, paragraph 2 of the Rules of Procedure

At its 29th Plenary Meeting (June 2006), GRECO terminated the first round non-compliance procedure in respect of Georgia with the adoption of a Final Overall Assessment of information provided by the delegation of Georgia pursuant to Rule 32, paragraph 2, al. (i) of GRECO's Rules of Procedure (step 1 of the non-compliance procedure), prepared by its Special Rapporteur (Mr Ákos KARA, Hungary)[4]. Considering the relevance of the matters under consideration and the importance of the information contained in the assessment for all anti-corruption stakeholders and civil society, GRECO urged the authorities of Georgia to authorise its publication as soon as possible. This was done in August.

VII. Second Evaluation Round

Evaluation procedure

The programming of second round evaluation procedures in 2006 was based on GRECO's Evaluation Schedule which was subject to regular review. The last second round evaluation visits were conducted in the following countries: Moldova (3-7 April) and Georgia (3-7 July). A follow-up visit to Bosnia and Herzegovina was carried out in October in order, before finalisation of the draft evaluation report, to take account of developments since the evaluation visit in November 2005. The last in the series of Second Round Evaluation Reports were adopted as follows:

- at GRECO 27: Cyprus, Hungary
- at GRECO 28: Czech Republic, Portugal
- at GRECO 30: Moldova, the United States of America
- at GRECO 31: Bosnia and Herzegovina, Georgia.

Any further member acceding to GRECO after the official close of the Second Evaluation Round (31 December 2006) would be subject to joint first and second round evaluation, in line with standing practice (cf. section VI). Moreover, a reasonable amount of time would elapse before the members concerned would undergo third round evaluation.

Compliance procedure

In 2006, GRECO commenced the assessment of the measures taken by its members to implement the recommendations contained in its Second Round Evaluation Reports.

It adopted the first in the series of Second Round Compliance Reports (Estonia, Finland, Iceland, Latvia, Luxembourg, Norway, Poland, Slovak Republic, Slovenia and the United Kingdom).

Steps to strengthen the compliance procedure were agreed. They included the organisation as from 2007 of "*tours de table*" during plenary meetings to discuss possible problems met by delegations when implementing recommendations, and enhancing the role of rapporteurs in the procedure. Moreover, Heads of Delegation would be asked to provide more information on reasons for non-compliance with recommendations.

[4] GRECO's First Round Compliance Report on Georgia had concluded that the level of Georgia's compliance with first round recommendations was unsatisfactory. The Head of the Georgian Delegation had been invited to submit, as from 30 April 2004, regular additional reports on the progress made towards the adoption of the measures required. An Overall Assessment of the information provided by Georgia was adopted by GRECO in October 2005, in its conclusions the Georgian delegation was invited to submit additional information on non or partly implemented recommendations by end January 2006.

VIII. Joint first and second round evaluations

Evaluation procedure

As mentioned in sections VI and VII of this report, joint first and second round evaluation procedures were carried out in respect of GRECO's more recent members.

In 2006, GRECO conducted joint first and second round evaluation visits to Andorra (5-9 June) and Ukraine (20-24 November). Joint First and Second Round Evaluation Reports were adopted as follows:

- at GRECO 27: Armenia, Turkey
- at GRECO 29: Azerbaijan, Republic of Serbia
- at GRECO 30: Republic of Montenegro
- at GRECO 31: Andorra.

IX. Third Evaluation Round

GRECO's working parties responsible for the preparation of the Third Evaluation Round – WP-ETS 173 on the incriminations provided for in the Criminal Law Convention on Corruption and WP-PF on the Transparency of Party Funding - presented their Final Activity Reports to GRECO 29. The reports included draft questionnaires and also dealt with matters related to the scope of evaluations, priority issues, indicators, composition of GRECO delegations, evaluators and on-site visits. GRECO adopted both Final Activity Reports including the questionnaires related to the two distinct themes of the Third Evaluation Round: Theme I – *Incriminations* provided for in the Criminal Law Convention on Corruption (ETS 173), its Additional Protocol (ETS 191) and Guiding Principle 2 and Theme II - *Transparency of Party Funding*. It was strongly emphasised that the setting up of the working parties had proved to be by far the best way of preparing draft evaluation questionnaires and could also serve as a model in the future.

In line with the conclusions of the working parties, Heads of GRECO delegations were invited to submit lists of third round evaluators reflecting the specific requirements of the two themes of the round and to reconsider the composition of delegations with a view to including a representative knowledgeable in the area of political party funding.

Two groups of countries were selected to undergo evaluation at the beginning of the Third Evaluation Round. The first to be evaluated would be Finland, the Slovak Republic, Slovenia and the United Kingdom, followed by a second wave of countries composed of Estonia, Luxembourg, Iceland, Latvia and the Netherlands.

An introductory training module for delegations on party funding was held during GRECO 31, led by three specialised experts : Yves-Marie DOUBLET, Assemblée Nationale, Paris, Patricia PEÑA, former Director of Regulatory Service of the United Kingdom Electoral Commission and Marcin WALECKI, International Foundation on Electoral Systems (IFES), Washington.

In December 2006, GRECO elected its President, Vice-President and Bureau for the duration of the Third Evaluation Round. As of 1 January 2007, Mr Drago KOS (Slovenia) would serve a second mandate as President, Mr Marin MRČELA (Croatia) would act as Vice-President and Mr Georgi RUPCHEV (Bulgaria), Mr Dimitrios GIZIS (Greece), Ms Eline WEEDA (Netherlands), Ms Laura-Oana STEFAN (Romania) and Mr Mark RICHARD[5] (United States of America) would sit on the Bureau.

[5] Mr Richard informed the President by letter dated 16 January 2007 that he would retire from the newly elected Bureau. He was replaced by Mr Edmond Dunga (Albania), pursuant to Rule 7 of the Rules of Procedure.

X. Plenary meetings - other matters

GRECO's Bureau – of which one of the functions is to prepare Plenary Meeting agendas – agreed at the end of 2006 that better use would be made of the considerable expertise and experience of GRECO representatives. Regular *tours de table* would be held with a view to using GRECO as a forum for the exchange of information (including promising practices in anti-corruption policies, emerging trends, etc). Its two observers (OECD and UNODC) would be further involved in this process. The possibility of proposing the elaboration of additional anti-corruption instruments would also be examined.

During GRECO 29 a hearing was held with Mr Jim GEE, Director General of the European Healthcare Fraud and Corruption Network (EHFCN) who informed GRECO of the work and findings of the network. Later in the year, Mr Guy DEHN, Director and Ms Anna MYERS, Deputy Director of Public Concern at work, made a presentation to GRECO 30 of the work of the United Kingdom based, not-for-profit organisation which promotes responsible whistleblowing in the public interest.

XI. Visibility

GRECO members maintained the practice of authorising the publication of Evaluation and Compliance Reports (and Addenda thereto). This practice raises awareness of GRECO's work considerably, particularly in specialised milieus. News flashes are issued on GRECO's homepage and the Council of Europe's portal announcing the publication of Evaluation Reports. GRECO also disposes of an information leaflet "Monitoring compliance with Council of Europe anti-corruption standards" destined for distribution to the general public.

To mark the International Anti-Corruption Day (9 December), Mr Terry DAVIS, Secretary General of the Council of Europe, addressed GRECO's 31st Plenary Meeting and held an exchange of views with delegations. His speech was issued with a press release on 6 December. He likened corruption to a virus which remains a serious threat to the functioning of democratic institutions and, ultimately, human and social rights – core values of the Council of Europe. He supported in particular GRECO's initiatives to reduce the immunities enjoyed by certain categories of holders of public office and/or elected representatives and commended the Group for the high standards for monitoring it had set and its anti-corruption efforts. He encouraged GRECO to expand its activities and to reinforce its cooperation with the United Nations and the OECD. The Secretary General also expressed the hope that the remaining four Council of Europe member States not yet members of GRECO, namely Italy, Liechtenstein, Monaco and San Marino would follow the example of Austria and the Russian Federation[6] and join as soon as possible.

XII. Cooperation with other Organisations and bodies

The **OECD** has had observer status in GRECO since 2002, it was represented at the 27th and 28th Plenary Meetings in 2006. Members of GRECO's Secretariat attended the following meetings organised by the OECD in the field of corruption:

- OECD Working Group on Bribery in International Business Transactions (Paris, 22-24 March)

- Fifth Monitoring Meeting of the Istanbul Anti-Corruption Action Plan and Seventh Advisory Group Meeting (Paris, 12-13 June)

[6] Cf. footnote 2.

- Sixth Monitoring Meeting of the Istanbul Anti-Corruption Action Plan and joint meeting of the Anti-Corruption Network (ACN) Steering Group and the Advisory Group (Paris, 11-13 December).

GRECO's cooperation with the **United Nations** was further enhanced in October when it granted observer status to the United Nations, represented by the **United Nations Office for Drugs and Crime** (UNODC). GRECO's Secretariat participated in the following meetings organised by the United Nations or related to the implementation of the United Nations Convention against Corruption:

- 8th Meeting of the International Group for Anti-Corruption Coordination (IGAC) (New York, 19-20 January)

- joint meeting between the Transparency International Study group on a follow-up monitoring process for the United Nations Convention against Corruption (UNCAC) and the "Friends of the Convention" (Vienna, 24 January)

- "Friends of the Convention and of the Helsinki Process" Consultation Meeting on monitoring of the United Nations Convention against Corruption (Lisbon, 23-24 March)

- Strategy Meeting – organised by Transparency International (TI) - on "Planning for the Conference of the States parties to the United Nations Convention against Corruption and thereafter" (London, 31 August).

- Expert group meeting for the development of a technical guide to the United Nations Convention against Corruption (Vienna, 25-27 September)

- First annual conference and general meeting of the International Association of Anti-Corruption Authorities (Beijing, 22-26 October)

- Workshop on the Anti-Corruption Practitioners Network (Bucharest, 7-8 November)

- Conference of the States Parties to the United Nations Convention against Corruption (Amman, Jordan, 10-14 December)

- 9th Meeting of the International Group for Anti-Corruption Coordination (IGAC) (Amman, Jordan, 15-16 December).

GRECO's President and Secretariat continued to be actively involved in the reflection process (sponsored by the United Nations) on ways in which the implementation of the United Nations Convention against Corruption could be assessed. The results of the process were submitted by the Secretariat of UNODC in a background document entitled "Methods for the review of the implementation of the United Nations Convention against Corruption" to the First Conference of States Parties to the UN convention. It included an overview of existing monitoring and review mechanisms – including GRECO. During its 31st Plenary Meeting, GRECO adopted a Communication on review of implementation of the UN Convention (Greco (2006) 28E Final) which underlined the importance of proper review of implementation and coordinated technical assistance, stating GRECO's readiness to offer its expertise in the field of peer review. The Communication was transmitted to the Conference of States Parties by GRECO's President.

GRECO was also represented at a number of other events related to its field of expertise:

- Coordination meeting with the European Commission – organised in the context of the pre-accession process for Bulgaria and Romania (Brussels, 15 March)

- Seminar on GRECO's Joint first and second round evaluation of Armenia (Yerevan, 10 April)

- Budapest Forum – Seminar against Corruption organised by the Ministry of Justice of Hungary (Budapest, 19 May)

- FATF / APG Anti-corruption/AML/CFT project group meeting (Paris, 29-30 May)

- Stability Pact for South Eastern Europe – Anticorruption Initiative: Summer school for junior magistrates from South Eastern Europe on European Standards in Justice and Home Affairs (Bucharest, 4 July) at which Ms Eline WEEDA, Head of the Netherlands' delegation to GRECO, acted as a trainer

- start-up conference of the Project against Corruption in Ukraine (UPAC) of the Council of Europe and the European Commission, in which GRECO's President participated (Kiev, 25 September)

- meeting of the RUCOLA 2 Project (Russian Federation – Development of legislative and other measures for the prevention of corruption) of the Council of Europe and the European Commission (Moscow, 17-18 October) aimed, inter alia, at preparing an anti-corruption strategy, in which GRECO's President participated

- Conference : Curbing Political Corruption : Anticorruption as Revolution (Sinaia, 12-14 October) at which Ms Patricia PEÑA, member of GRECO's working party on the transparency of party funding (WP-PF) acted as a speaker

- 12th International Anti-Corruption Conference (IACC) – a Transparency International initiative (Guatemala, 15-18 November)

- Octopus Interface Conference on corruption and democracy (Strasbourg, 20-21 November).

GRECO's President was invited to a Hearing before the 930th Meeting of the Ministers' Deputies (Strasbourg, June) at which he presented GRECO's Sixth General Activity Report (2005). He outlined the work carried out by GRECO in 2005, providing examples of concrete achievements which have shaped members' anti-corruption policies since GRECO's inception. They would contribute to strengthening the trust of citizens in democratic institutions and the rule of law. He stressed the fact that the results of GRECO evaluations were taken into account by the relevant EU services in view of the Union's further enlargement. He further reminded the Ministers' Deputies that one of the strengths of GRECO's modus operandi is its review, through its compliance procedures, of the manner in which its members implement the recommendations that result from evaluations and he called on members to make more sustained efforts to ensure full implementation of recommendations.

In the course of 2006, GRECO's Secretariat also met, during their visits to the Council of Europe, with the Minister of Justice of Albania (8 June), the Chairperson of the Dutch Christian Democrats (26 June), members of the National Assembly of the Republic of Serbia (6 October), high-ranking members of the secretariats of Asian Parliaments (25 October), State officials from Georgia (8 November) and representatives of the Mexican Federal Institute for Access to Public Documents (16 November).

XIII. Budget and programme

During its 29th Plenary Meeting GRECO approved budgetary proposals for 2007 and instructed the Executive Secretary to submit the proposals to the Secretary General. The Secretary General's proposals were subsequently endorsed by the Budget Committee and adopted by the Statutory Committee on 23 November 2006.

In December 2006, GRECO received a pledge from the Ministry of Justice of the Netherlands for a generous voluntary contribution to a Start-up training workshop for evaluators involved in the Third Evaluation Round to be held early 2007. This contribution was particularly appreciated as it had not been possible to include the necessary financing of such a workshop in the budget for 2007 due to the need to make efficiency savings.

At its 31st Plenary Meeting, GRECO adopted its Programme of Activities for 2007, as it appears in document Greco (2006) 20 E Final.

XIV. Secretariat

The significant increase in GRECO membership over recent years, the growing complexity of its work programme and the preparation of the Third Evaluation Round made it necessary to thoroughly review the secretariat's internal structure. This need was further compounded by several staff changes which occurred during 2006: Carlo Chiaromonte and Spyros Tsovilis moved on to other areas in the Organisation and were replaced by Laura Sanz-Levia and Christophe Speckbacher. GRECO wishes to express its acknowledgement of the competent manner in which Messrs. Chiaromonte and Tsovilis assisted its work.

A review of the secretariat's structure entailed the establishment of two sections, headed respectively by Björn Janson and Christophe Speckbacher, with responsibility for evaluation and compliance procedures in respect of specific groups of GRECO members (cf. organigramme reproduced in Appendix II). This will allow, inter alia, further country specific specialisation of the administrators concerned. The responsibilities of the central office (headed by Penelope Prebensen), which is in charge of the overall logistics of evaluation procedures, have also been reviewed and refined.

GRECO is pleased that its Statutory Committee approved the Secretary General's proposal to create an A1/2 permanent post in compensation of a long-term temporary A2 post financed until October 2006 by a generous voluntary contribution from the United Kingdom. In this connection, it wishes to express its gratitude for the continuous support to its work provided by the Secretary General, the Statutory Committee and the United Kingdom. GRECO very much hopes that it will be possible to fill the aforementioned post in an expeditious manner.

XV. The Protection of Whistleblowers

Introduction

Laws and practices which encourage people to question or challenge corruption they see or suspect in their workplace can be valuable tools in the fight against corruption. First, they create a culture which helps to deter corruption, in that for most people the fear of being caught is a greater deterrent than the fear of any particular sanction. Secondly, corruption as a secret bargain between two or more people often remains undetected until internal 'whistleblowers' speak up.

Yet, despite the widespread existence of requirements for officials to report corruption, GRECO has rarely found that these have helped change the culture of silence that corruption can breed. The main reasons for this appear to be fear of repercussions at work and doubt as to whether action will be taken internally to address the problem. Hence the *Council of Europe's Civil Law Convention on Corruption* (ETS 174) requires parties to ensure appropriate protection against any unjustified sanction for employees, both in the public or private sectors, who report their suspicion in good faith internally to responsible persons or externally to authorities (Article 9). *The UN Convention Against Corruption* also contains a provision encouraging states to protect responsible whistleblowers (Article 33).

For these reasons and following the widely publicised Enron, WorldCom and Parmalat scandals, whistleblowing now has a high profile, and a number of GRECO member States are working on new laws. In 2006 the European Union's Data Protection Working Party published an opinion about how to reconcile whistleblowing laws with EU data protection requirements, particularly in the context of the US Sarbanes-Oxley Act, which requires any company listed on the US stock markets to establish procedures for staff to report concerns about accounting.

This is the background against which GRECO's Second Round evaluations took place. This section looks at what GRECO has said in its reports about whistleblower protection as a tool for combating corruption in public administration, and at the issues for Member States who are seeking to create a whistleblowing culture.

GRECO's Second Evaluation Round

Recommendations

Recommendations to introduce or enhance protection for whistleblowers were made to about half of the countries whose Second Round Evaluation Reports had been published by the end of 2006 (Albania, Armenia, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Greece, Iceland, Ireland, Latvia, Moldova, Portugal, Serbia, Turkey).

GRECO has not been prescriptive about the nature of the protection that should be given to whistleblowers. However certain points have been stressed:

- It is not enough to provide that officials cannot be disciplined or dismissed for making such reports. There are more subtle types of retributive action (Croatia).

- Whistleblowers may be uncertain about how to proceed and there may be a need for confidential advisers to guide and assist them (Belgium).

- The law may need to address any possible contradiction between the obligation of whistleblowing and the disclosure of facts which the official is required to keep confidential (Luxembourg).

- Once a whistleblowing law is in place, it needs to be properly promulgated to ensure officials are aware of it (United Kingdom).

Compliance Reports

Action is still pending on most Second Evaluation Round recommendations. An interesting new point emerging from GRECO's compliance reports published by the end of 2006 is that:

- A provision to the effect that an official reporting in good faith to the authorities will not have his identity revealed is not sufficient to fully protect whistleblowers from retaliatory acts (Estonia).

This recognises that confusion about confidential and anonymous reporting can raise expectations that a whistleblower's identity will not be discovered, when in fact others may be able to deduce the person's identity.

The compliance reports furthermore record that Latvia has drafted a law 'On the Prevention of Conflicts of Interest', which also covers reporting obligations and protecting those who report. The United Kingdom has committed itself to promote awareness of a new Civil Service Code, and its whistleblowing law. Estonia, Latvia and the United Kingdom were held to have only partly implemented the recommendations addressed to them, so further action is expected from them.

THE ISSUES FOR POLICY MAKERS

Is a specific law needed?

Some countries have taken the view that a specific law is not needed: general employment law usually prohibits unfair dismissal, and claims can be made in respect of unfair treatment. Other aspects of protection in practice – for example the appointment of confidential advisers - do not require legislation.

In Lithuania, a Whistleblowers Bill was considered and rejected by Parliament in 2004. The authorities believed that there was no need for a separate law as it would repeat the effect of provisions in other laws. In Ireland, a general Whistleblowers Protection Bill was rejected by the Government in 2006, in favour of a 'sectoral approach'. They have not clearly explained their grounds for this decision, for reasons of confidentiality, but they have referred to Article 30 (1) of Directive 2000/12/EC of 20 March 2000 as imposing professional secrecy obligations on those working in credit institutions.

On the other hand Norway, Romania, the United Kingdom and the United States have introduced specific laws, which we refer to below in so far as they may help to focus the issues.

Public/Private

GRECO's Second Round recommendations are only concerned with the public sector. However the Civil Law Convention requires protection to be available for all employees, whether in the public or private sector. Corruption is likely to occur where these sectors inter-react.

One option is to provide for the 2 sectors separately. Romania's law 571/2004 applies only to the public sector, very broadly defined. The United States' federal Whistleblower Protection Act 1989 applies only to the public sector, but the private sector is covered by separate United States law.

On the other hand, Norway and the United Kingdom have decided it is preferable to cover both private and public sectors in a single piece of law.

Reporting lines

The United Kingdom's Public Interest Disclosure Act 1998 sets out in some detail what responsible whistleblowing looks like. It is based on a 'stepped' approach, which tends to encourage, firstly, internal disclosures where possible and secondly, disclosures to the independent regulators appointed by statute to oversee particular areas – such as the Serious Fraud Office. While it then also sets out circumstances where wider disclosures (including to the media) are protected, the tests here are harder to meet.

At the end of 2006 Norway passed amendments to its Working Environment Act on whistleblowing ('*varsling*' in Norwegian, meaning strictly 'notification'). These give all employees a right to notify suspicions of misconduct in their organisation. The key is whether the procedure followed by the whistleblower is 'justifiable': it is assumed that internal reporting or reporting to public authorities will always be justifiable. In justifying other external reporting, it is expected that elements of relevance would be the employee's good faith and whether the information is of public interest. The law states that the burden of proof in showing that the procedure was unjustified rests with the employer.

Romanian law sets out a list of the persons or bodies officials can send reports to: these include 'mass-media' and NGOs, so that it appears from the face of the law that an official can go direct to the media with his concern.

Degree of suspicion

As mentioned above, the United Kingdom has a stepped approach: for an internal report, the law requires only genuine suspicion. For a report to a regulator there is a slightly higher test: that the whistleblower reasonably believes the information is true.

Romanian law sets out the 'principle of responsibility' according to which the whistleblower must 'sustain that complaint with information or evidence concerning the act committed'.

Respect for the whistleblower's confidentiality

There is a distinction between confidentiality (where the whistleblower's identity is known to the authority to which he reports) and anonymity (where his identity is entirely unknown). Anonymity is widely perceived as undesirable as anonymous complaints are harder to investigate, and may sometimes be – or appear to be - the cloak for malice. In corruption cases the ideal of open reporting may well not be practicable, but the preferable fallback position is confidential disclosure – that is, where the recipient knows the identity of the person making the disclosure but agrees not to reveal the identity when the information is used. GRECO notes the European Union's Data Protection Working Party's opinion that those making a disclosure should be assured their identity will be kept confidential, but that anonymous reports should be accepted only under extraordinary circumstances.

Romanian law gives officials the right to have their identity withheld when denouncing a superior. It is also desirable to respect whistleblowers' confidentiality in other cases, if they request it. But they should understand that the fact the identity of a whistleblower is not known tends to focus attention and speculation on his identity – and, as mentioned above, it may be that his identity can be discovered from the circumstances. It may also be required to be made known in any eventual legal proceedings.

In good faith

There is, as with any law, a risk of abuse or misuse and the introduction of a good faith requirement is helpful to signal that whistleblowing legislation is not to be abused. In particular this can make plain that the law is not a means by which a wrongdoer can seek immunity for his crime. It is worth noting here that a good faith requirement is not consistent with a legal duty on officials to blow the whistle.

The international instruments and most of the national provisions require that the report be made 'in good faith', but do not define what that means. Romanian law states there is a presumption of good faith which the whistleblower will benefit from until demonstrated otherwise.

There can be arguments about 'good faith' – does it mean 'honestly' or that the whistleblower's motives are wholly virtuous? It is important to recognise that a good faith test does not require that the information is correct. While, naturally, nobody wants to receive reports that are known to be untrue, it is important that the law does not require the whistleblower to investigate and prove the corrupt act. Equally, if a true report is made in bad faith – because for example the employee holds a grudge against the manager - it will nevertheless be in the employer's or public interest that the report should be made. In Norway any 'bad faith' in the whistleblower's motives will not prevent lawful reporting, as long as the information is in the public interest.

In Germany a Federal Labour Court decision of 2003 set out the conditions under which an employee could disclose evidence of criminal acts by his employer. It reversed a decision of the lower court, which had not looked into the motives of the whistleblower at all. It upheld the right to blow the whistle in so far as the employee is not motivated to injure the employer with the disclosure. If that is his main motivation then he is not acting in good faith. Germany plans to clarify their civil code in line with the decisions of the Federal Labour Court.

In the United Kingdom, the term has a similar meaning to that in Germany though as in Romania it is assumed the whistleblower will be acting in good faith and the employer must challenge this clearly, openly and with cogent evidence.

Disclosing confidential information

Whistleblowers may need reassurance that they cannot be disciplined for revealing confidential information. In several member states the law makes clear that officials who make reports through the proper channels cannot be accused of breaching any duty of confidentiality (eg France, Spain). United Kingdom law states that any contractual duty of confidentiality is void in so far as it prevents a worker from making a protected disclosure. However if a whistleblower commits an offence in making the disclosure it is not protected. The main effect of this is to disbar disclosures which endanger national security in breach of the Official Secrets Act.

Obligations on employers

There are specific obligations in Norwegian and Romanian law for employers to establish whistleblowing procedures. (In Romania, this does not apply to the private sector).

As mentioned above, United States law requires any company listed on the US stock markets to establish procedures for staff to report concerns about accounting. This therefore affects companies in GRECO member states who wish to be listed on the US stock market.

There is no such requirement in United Kingdom law but the law obliges the tribunals to take into account whether the whistleblower complied with any scheme operated by the employer. In practice this encourages employers to establish such schemes.

Enforcing protection

The United States has a powerful enforcement mechanism set out in law, in the federal Whistleblower Protection Act 1989: it enables a whistleblower who suffers a reprisal to file a complaint with an independent investigative and prosecutorial agency (the Office of Special Counsel), who will investigate the case and, if they find it proved, may seek corrective action from the employing agency.

In other countries, it is for the whistleblowers themselves to take their own case to a court or tribunal. In Norway, that means the civil court; in the United Kingdom, the employment tribunal.

Compensation

Under the new Norwegian law, if whistleblowers suffer retaliation, they can claim compensation from the courts regardless of the guilt of the employer. This is similar to the system in the United Kingdom, which operates through the employment tribunals. The employer has to pay any compensation awarded, which in both countries can be unlimited.

CONCLUSION

Although GRECO does not have a final prescriptive solution to the issues mentioned above, it is confident that this discussion will provide some pointers for countries who are considering possible means of enhancing the protection for whistleblowers. Interesting rules and practices in this respect can be found in quite a few GRECO member States which "newcomers" to this discussion might like to explore in greater detail.

XVI. Information on GRECO

Information on GRECO and its activities, including the full text of the adopted Evaluation and Compliance Reports (including Addenda thereto), are available on the GRECO website www.coe.int/greco and from a redesigned leaflet which can be requested from the Secretariat.

APPENDIX I / ANNEXE I

LIST OF REPRESENTATIVES IN GRECO / LISTE DES REPRESENTANTS AU GRECO

Situation at / au
18/12/2006

ALBANIA / ALBANIE

Mr Ardian DVORANI (Head of delegation)
Judge, Supreme Court
Ministry of Justice

M. Edmond DUNGA
Department of Internal Administrative Control and Anticorruption
Council of Ministers

Substitute:
Ms Rezarta ABDIU
Director of Anti-Corruption Unit
Council of Ministers

ANDORRA / ANDORRE

Mme Maribel LAFOZ (Chef de délégation)
Commissaire de Police
Chef de la Division de la Police Criminelle

M. Jordi PONS LLUELLES
Directeur de l'Unité de Prévention de Blanchiment
Unitat de Prevenció de Blanqueig (UPB)

ARMENIA / ARMENIE

Mr Artur OSIKYAN (Head of delegation)
Deputy Head of the State Tax Service

Mr Ara S. NAZARYAN
Member of CSC
Civil Service Council

AUSTRIA / AUTRICHE

Mr Christian MANQUET (Head of delegation)
Head of Unit, Directorate for Penal Legislation
Federal Ministry of Justice

Mr Erich KÖNIG
Constitutional Service, Dep. V/4, Media/Information Society/Financing of political parties
Federal Chancellery

Substitutes:
Mr Martin KREUTNER
Director Federal Bureau for Internal Affairs, BIA
Federal Ministry of the Interior

Ms Gerlinde WAMBACHER
Federal Bureau for Internal Affairs, BIA
Legal Affairs & Controlling
Federal Ministry of the Interior

AZERBAIJAN / AZERBAIDJAN

Mr Inam KARIMOV (Head of delegation)
Chief Adviser
Department of Coordination of Law Enforcement Bodies
Executive Office of the President of the Republic of Azerbaijan

Mr Kamran ALIYEV
Head of Department
Prosecutor General's Office

BELGIUM / BELGIQUE

Mme Isabelle VAN HEERS (Chef de délégation)
Vice-Président du GRECO – Vice-President of GRECO
Substitut du Procureur du Roi de Belgique

Mle Claire HUBERTS
Conseillère adjointe
Service des questions pénales, générales et internationales
Direction Générale de la Législation pénale et des Droits de l'Homme
Ministère de la Justice

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC (Head of delegation)
Assistant Minister of Security of Bosnia and Herzegovina
Council of Ministers of Bosnia and Herzegovina
Ministry of Security

Mr Sead TEMIM
Prosecutor
Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina

Substitute:
Mr Srdja (Zoran) VRANIC
National Public Administration Reform (PAR) Coordinator
Office of the Chairman
Council of Ministers

BULGARIA / BULGARIE

Mr Georgi RUPCHEV (Head of delegation)
Membre du Bureau – Bureau Member
Director of International Cooperation and European Integration
Ministry of Justice

Mr Petar PETKOV
Public Prosecutor
Supreme Prosecutor's Office

CROATIA / CROATIE

Mr Marin MRČELA (Head of delegation)
Membre du Bureau – Bureau Member
Judge at the County Court in Zagreb

Mr Krěsimir SIKAVICA
Department for the Fight against Economic Crime and Corruption
Police Directorate
Division for Criminal Investigation
Ministry of the Interior

Subsitutes:
Mr Dražen JELENIĆ
Deputy Head of USKOK
Office for Prevention of Corruption and Organised Crime

Mrs Zorka FUMIĆ
Deputy Head of USKOK
Office for Prevention of Corruption and Organised Crime

CYPRUS / CHYPRE

Mrs Eva ROSSIDOU PAPAKYRIACOU (Head of delegation)
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Head of the Unit for Combating Money Laundering
Law Office of the Republic of Cyprus

Mrs Rena PAPAETI-HADJICOSTA
Counsel of the Republic 'A'
Law Office of the Republic

Substitute:
Mr Philippos KOMODROMOS
Legal Officer
Law Office of the Republic
Counsel of the Republic

Ms Olga SOPHOCLEOUS
Counsel of the Republic
Law Office of the Republic of Cyprus

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Helena LIŠUCHOVÁ (Head of delegation)
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Section for International Organisations and International Co-operation
Ministry of Justice

Ms Marie VYKLICKÁ
Security Policy Department, Section for Analyses and Strategies
Ministry of Interior

DENMARK / DANEMARK

Mr Jesper HJORTENBERG (Head of delegation)
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The Office of the Director of Public Prosecutions

Mr Flemming DENKER
Deputy Director
Public Prosecutor for Serious Economic Crime

Subsitutes:
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Deputy Chief Prosecutor
Office of the Director of Public Prosecutions

Mr Lars LICHTENSTEIN
Prosecutor
The Office of the Director of Public Prosecutions

ESTONIA / ESTONIE

Ms Mari-Liis LIIV (Head of delegation)
Head of Criminal Statistics and Analysis Division
Criminal Policy Department
Ministry of Justice

FINLAND / FINLANDE

Mr Kaarle J. LEHMUS (Head of delegation)
Inspector General of the Police
Ministry of the Interior
Police Department

Ms Helinä LEHTINEN
Ministerial Advisor
Ministry of Justice
Crime Policy Department

FRANCE

M. Michel GAUTHIER
Président d'Honneur du GRECO / Honorary President of GRECO

Mme Claire MORICE (Chef de délégation)
Chargée de Mission
Direction des Affaires juridiques
Ministère des Affaires étrangères

M. Michel BARRAU
Chef du Service Central de Prévention de la Corruption
Service Interministériel placé auprès du Ministère de la Justice

Substitut :
M. Pierre-Christian SOCCOJA
Secrétaire Général du Service Central de Prévention de la Corruption
Service Interministériel placé auprès du Ministère de la Justice

GEORGIA / GEORGIE

Mr Vakhtang LEJAVA (Head of delegation)
Deputy State Minister on Reforms Coordination
State Chancellery

Mr Levan KHETSURIANI
Adviser
Office of the State Minister on Reforms Coordination of Georgia

Substitute:
Mr Givi KUTIDZE
Adviser
Office of the State Minister on Reforms Coordination of Georgia

GERMANY / ALLEMAGNE

Mr Matthias KORTE (Head of delegation)
Head of Division
Ministry of Justice

Substitute:
Mr Malte MERZ
State Prosecutor
Ministry of Justice

GREECE / GRECE

Ms Maria GAVOUNELI (Head of delegation)
Lecturer in International Law
Advisor to the Minister of Justice
University of Athens

Mr Dimitrios GIZIS
Prosecutor
Athens Court of 1st Instance

Subsitutes:
Mr Panagiotis KAISARIS
Procureur
Cour d'Appel d'Athènes

Mr Gerassimos FOURLANOS
Judge by the Court of Appeal in Athens

Hellenic Ministry of Justice

HUNGARY / HONGRIE

Mr Ákos KARA (Head of delegation)
Membre du Bureau – Bureau Member
Deputy Head of Department
Ministry of Justice

Substitute:
Mr Péter STAUBER
Counsellor
Ministry of Interior
Office of EU Cooperation

ICELAND / ISLANDE

Ms Ragna ARNADOTTIR (Head of delegation)
Deputy Permanent Secretary
Director of Legal Affairs
Ministry of Justice and Ecclesiastical Affairs

Mr Helgi Magnús GUNNARSSON
Director of Public Prosecution

Substitutes:
Mr Jón H. SNORRASON
Prosecutor
National Commissioner of the Police

Mr Stefan EIRIKSSON
Deputy Permanent Secretary, Director of Police and Judicial Affairs
Ministry of Justice

IRELAND / IRLANDE

Mr Liam FITZGERALD (Head of delegation)
Principal Officer
Criminal Law Reform Division
Department of Justice, Equality and Law Reform

Substitute:
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Assistant Principal Officer
Criminal Law Reform Division
Department of Justice, Equality and Law Reform

LATVIA / LETTONIE

Mr Aleksejs LOSKUTOVS (Head of delegation)
Director of Corruption Prevention and Combating Bureau

Mrs Violeta ZEPPA-PRIEDĪTE
Head of Legal Division
Corruption Prevention and Combating Bureau

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Head of International Cooperation Division
Corruption prevention and Combating Bureau (KNAB)

LITHUANIA / LITUANIE

Ms Aušra BERNOTIENE (Head of delegation)
Director
Department of International Law
Ministry of Justice

Ms Elena KONCEVICIUTE
International Relations Officer
International Cooperation Division
Special Investigation Service

LUXEMBOURG

M. Jean BOUR (Chef de délégation)
Procureur d'Etat
Parquet du Tribunal d'Arrondissement de Diekirch

M. Jean-Paul FRISING
Procureur d'Etat adjoint
Parquet du Tribunal d'Arrondissement de Luxembourg

Substituts:
Mme Andrée CLEMANG
Conseillère de Direction 1ère Classe
Ministère de la Justice

Mme Claudine KONSBRUCK
Attachée de Gouvernement 1ère en rang
Ministère de la Justice

MALTA / MALTE

Mr Silvio CAMILLERI (Head of delegation)
Attorney General
Attorney General's Office

MOLDOVA

Mme Cornelia VICLEANSCHI (Chef de délégation)
Procureur
Chef de la Section Générale
Bureau du Procureur Général

Mrs Elena ECHIM
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Ministry of Justice

Substitute:
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REPUBLIC OF MONTENEGRO / REPUBLIQUE DU MONTENEGRO

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Ministry of Justice

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Bureau for Ethics and Integrity Stimulation
Directorate-General Public Sector Management
Ministry of the Interior and Kingdom Relations

NORWAY / NORVEGE

Mr Dag NENNINGSLAND (Head of delegation)
Senior Adviser
Ministry of Justice and Police

Mr Bjørn VALVIK
Chief of Police / Chief Constable
National Police Directorate

POLAND / POLOGNE

Mr Cezary MICHALCZUK (Head of delegation)
Prosecutor
Department of International Cooperation and European Law
Ministry of Justice

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Senior Specialist
Ministry of Finance
Bureau of Fiscal Documentation

Subsitute:
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Counsellor General
Ministry of Environment

PORTUGAL

M. Jorge MENEZES FALCÃO (Chef de délégation)
Conseiller Juridique
Bureau des Relations Internationales
Ministère de la Justice

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Bureau for International, European and Co-operation Affairs
Ministry of Justice

ROMANIA / ROUMANIE

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Ministry of Justice

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International Cooperation Service
National Anticorruption Prosecutor's Office

REPUBLIC OF SERBIA / REPUBLIQUE DE SERBIE

Mrs Aleksandra POPOVIC (Head of delegation)
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Ministry of Interior

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

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Combating Corruption Bureau
Police Force Presidium

Mr Andrej LAZAR
Senior Police Officer of the Department of Strategic Analysis and International Co-operation,
Combating Corruption Bureau
Police Force Presidium

Substitute:
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Adviser of the Department of International Affairs
Ministry of Justice

SLOVENIA / SLOVENIE

Mr Drago KOS
President of GRECO / Président du GRECO
Chairman
Commission for the Prevention of Corruption

Mr Bojan DOBOVŠEK (Head of delegation)
Member of the Commission for the Prevention of Corruption

Substitute:
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Researcher
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External consulter for the Commission for the Prevention of Corruption

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Mr Alfredo PASCUAL MARTINEZ (Head of delegation)
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Ministry of Justice

Mr Atanasio GONZALEZ PASTRANA
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International Relations Department
Ministry of Interior

Substitute:
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Legal Counsellor
Ministry of Justice

SWEDEN / SUEDE

Mrs Lena HÄLL ERIKSSON (Head of delegation)
Director General
Ministry of Justice

Mr Kazimir ÅBERG
Judge
Administrative Court of Appeal in Stockholm

Subsitute:
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Associate Judge of Appeal
Ministry of Justice

SWITZERLAND / SUISSE

M. Ernst GNAEGI (Chef de délégation)
Chef de la section droit pénal international
Office fédéral de la Justice

Mme Muriel BARRELET
Collaboratrice scientifique
Office fédéral de la Justice

Substitut:
Mme Susanne PÄLMKE
Procureur fédéral
Ministère public de la Confédération

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

Nomination of the new Head of Del. pending / Nomination du nouveau Chef de dél. en attente

Mme Snezana MOJSOVA
Chef de Division de l'Intégration Européenne et de la Coopération Internationale
Ministère de la Justice

TURKEY / TURQUIE

M. Ergin ERGÜL (Chef de délégation)
Magistrat
Directeur Général Adjoint
Direction Générale du Droit International et des Relations Extérieures
Ministère de la Justice

Mr Adnan KARADENİZ
Chief Superintendent
Deputy Head of Foreign Relations Department
Turkish National Police

Substitute:
Mr Mehmet Murat YARDIMCI
Judge
General Directorate of International Law and Foreign Relations
Ministry of Justice

Ms Aysel YILDIRIM
Expert on financial offences
Investigating Financial Offence Committee
Ministry of Finance

UKRAINE

Mr Ruslan RIABOSHAPKA (Head of delegation)
Head of the Department of Legal Issues, Law Enforcement Activity and Fight against Crime
Ministry of Justice

Mr Mykhaylo BUROMENSKIY
President of the Institute of Humanitarian Research

UNITED KINGDOM / ROYAUME-UNI

Mr Roderick MACAULEY (Head of delegation)
Head of Criminal Law
Criminal Law Policy Unit
Home Office
Sentencing and Offences Unit

Mr Paul STEPHENSON
Membre du Bureau – Bureau Member
Public Concern at Work

Substitutes:
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Criminal Law Policy Unit
Home Office
Sentencing and Offences Unit

Ms Lydia STRACHAN
Business Team
Global Business Group
Foreign and Commonwealth Office

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

Mr Mark RICHARD (Head of delegation)
Membre du Bureau – Bureau Member
Senior Counsellor for Criminal Justice Matters
US Mission to the European Union

Mr John M. BRANDOLINO
Director for Anticorruption and Governance Initiatives
US Department of State (INL)

Substitutes:
Mr Richard M. ROGERS
Senior Counsel to the Assistant Attorney General
Criminal Division
Department of Justice

Ms Jane LEY
Deputy Director
US Office of Government Ethics

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

M. Jaume BARTUMEU CASSANY
Membre de la Commission des questions juridiques et des droits de l'homme
de l'Assemblée Parlementaire
Membre du Conseil Général

REPRESENTATIVE OF THE CDCJ TO GRECO / REPRÉSENTANT DU CDCJ AU GRECO

Mr Petar RASHKOV
Representative of the Ministry of Justice
Mission of Bulgaria to the EC

Substitute:
Ms Sanja ŠTIMAC
Head of the Department for International Legal Cooperation
Ministry of Justice

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

Mr Damir VEJO
Head of the Department for Organised Crime and Corruption
Ministry of Security of Bosnia and Herzegovina

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

Prof. Dr Albin ESER
Max Planck-Institute for Foreign and International Penal Law

PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

Mme Anna LAMPEROVA
Ambassadeur Extraordinaire et Plénipotentiaire
Représentation Permanente de la Slovaquie auprès du Conseil de l'Europe

OECD OBSERVER / OBSERVATEUR OCDE

Melle Gwenaëlle LE COUSTUMER
Administrateur à la Division de Lutte contre la Corruption
Direction des Affaires Financières, Fiscales et des Entreprises
Organisation de Coopération et de Développement Économiques (OCDE)

Ms Wendy PRINCE
Administrative Assistant
Anti-Corruption Division
Directorate for Financial, Fiscal and Enterprise Affairs
Organisation for Economic Co-operation and Development (OECD)

Ms Olga SAVRAN
Anti-Corruption Network for Transition Economies within Anti-Corruption Division
Organisation for Economic Co-operation and Development (OECD)

UNODC OBSERVER / OBSERVATEUR ONUDC

Nomination pending / Nomination en attente

APPENDIX II / ANNEXE II

SECRETARIAT – ORGANIGRAMME

Wolfgang Rau, **Executive Secretary**

Björn Janson, Deputy to Executive Secretary

Elspeth Reilly, Personal assistant
Penelope Prebensen, Administrative assistant

Central Office
Logistics of evaluation procedures

Marie-Rose Prevost Penelope Prebensen, Head Laure Heim

Section I

Björn Janson, Head

Laura Sanz-Levia
N.N.

Marie-Rose Prevost, Assistant

Evaluation and compliance procedures in respect of:
Albania
Bosnia and Herzegovina
Croatia
Denmark
Estonia
Finland
Hungary
Iceland
Ireland
Malta
Republic of Montenegro
Poland
Russian Federation
Republic of Serbia
Slovenia
Spain
Sweden
"The former Yugoslav Republic of Macedonia"
Turkey
Ukraine
United Kingdom
United States of America

Section II

Christophe Speckbacher, Head

Tania Van Dijk

Laure Heim, Assistant

Evaluation and compliance procedures in respect of:
Andorra
Armenia
Austria
Azerbaijan
Belgium
Bulgaria
Cyprus
Czech Republic
France
Georgia
Germany
Greece
Latvia
Lithuania
Luxembourg
Moldova
Netherlands
Norway
Portugal
Romania
Slovak Republic
Switzerland