



REGIONAL ANTI-CORRUPTION INITIATIVE
◦ SECRETARIAT ◦

14th RAI STEERING GROUP MEETING

Summary, Conclusions and Decisions

*Bucharest, Romania
November 11 – 12, 2010*



14th Regional Anti-corruption Initiative (RAI) for South Eastern Europe Steering Group (SG) Meeting took place in Bucharest, Romania, on November 11 – 12, 2010. It was hosted by the Romanian Ministry of Justice.

Participants

14th RAI Steering Group Meeting was attended by 8 member states. The countries were represented by:

- *Albania* – Mr. Ivi Kaso, Director, Department of Internal Administrative Control and Anti-corruption, Council of Ministers;
Ms. Helena Papa – Coordinator/Inspector, Department of Internal Administrative Control and Anticorruption, Council of Ministers;
- *Bosnia and Herzegovina* – Mr. Tomislav Curic – Expert Adviser, Department for Combating Organized Crime and Corruption, Ministry of Security;
- *Bulgaria* – Mr. Vassil Stoykov – Counselor in Internal Affairs and Police, Embassy of Republic of Bulgaria in Bucharest;
- *Croatia* – Mr. Tomislav Matoc – Head of Criminal Law Department, Anti-corruption Sector, Ministry of Justice;
- *Moldova* – Mr. Radu Cotici – Head of Division for Legislature and Anti-corruption Expertise, Center for Combating Economic Crimes and Corruption;
- *Montenegro* – Ms. Vesna Ratkovic PhD – Director of Directorate for Anti-corruption Initiative (DACI) and RAI Chairperson;
- *Romania* – Mr. Sorin Tanase – Legal Adviser, Unit for Crime Prevention and Cooperation with EU Asset Recovery Offices, Ministry of Justice;
Mr. Cornel Calinescu – Head of the Unit for Crime Prevention and Cooperation with EU Asset Recovery Offices, Ministry of Justice;
Ms. Anca Chelaru – Legal Adviser, Unit for Crime Prevention and Cooperation with EU Asset Recovery Offices, Ministry of Justice;
Mr. Costin Varlan – Prosecutor, National Anti-corruption Directorate;
- *Serbia* – Mr. Slobodan Boskovic – Assistant Minister, EU Integration and International Projects Department, Ministry of Justice.

Mr. Sorin Sterie – Advisor in Regional Cooperation Council (RCC) Liaison Office in Brussels, also took part in the SG Meeting.

RAI Secretariat was represented by:

- Mr. Edmond Dunga – Head of Office;
- Mr. Stanislav Aleksandrov – Anti-corruption Expert;
- Ms. Dajana Stajic – Finance and Administrative Assistant.

Summary of Discussion Part

14th RAI SG Meeting was opened by Ms. Alina Mihaela Bica – State Secretary of Ministry of Justice of Romania. Ms. Bica stated that the fight against corruption was among the priorities of the Romanian Government and added that it was an honor for Ministry of Justice to host for the second time RAI SG Meeting.

Ms. Vesna Ratkovic and Mr. Edmond Dunga welcomed the participants on behalf of RAI and its Secretariat. Mr. Dunga briefly summarized the main areas of development during the last year, pointing out at asset recovery and conflict of interest/declaration of assets priority focus areas. Mr. Cornel Calinescu said on behalf of Ministry of Justice of Romania that asset recovery was a topic of prior importance for the ministry. He added that Ministry of Justice was coordinating the efforts in Romania to set up an asset recovery agency, which was expected to be fully operational in 2011. Mr. Calinescu stated that the agency would be part of the structure of Ministry of Justice. He explained that, so far, their efforts have been supported by German Government, Council of Europe, Ministry of Justice of Serbia and the Bulgarian Commission for Establishment of Property Acquired from Criminal Activity (CEPACA).

After the adoption of the agenda of the SG Meeting, the morning session started with presentation of the **Financial Report** on used countries' and donors' funds for the period 01 January – 30 October 2010, made by Ms. Dajana Stajic. The main focus of the financial report was an implementation of the Memorandum of Understanding (MoU) signed by the member states in order to insure financial sustainability of RAI Secretariat. Ms. Stajic underlined the fact that 7 out of 9 RAI member states had already paid their annual financial contribution for 2010. Two countries still pending with their transfers are Serbia that became a signatory party of the MoU in May 2010, and Macedonia having its annual contribution for 2009 transferred during this fiscal year. With regard to the regularity of payments Ms. Stajic referred to the Article 2 of the MoU which obliges all signatory parties to make their annual payment within the first quarter of the year. Furthermore, when the regularity of payments is concerned, it was stated that more active support from the Senior representatives would be highly appreciated, specifically in terms of submitting reliable information on expected payment period or its possible delay, for the purpose of drafting the budget for 2011. Ms. Stajic also reported the expenditures made in 2010 in comparison with those from 2009, the funds saved and additional incomes of RAI Secretariat, in particular the Award received from U.S. State

Department through the RCC for implementation of the project “Strengthening the integrity system in South East Europe”

With regard to the budget, Mr. Sorin Sterie proposed that RAI should try to attract new member states such as Slovenia, which had recently joined SEECF, Turkey (MoJ had interest in international cooperation) and Greece, through the support of RCC Liaison Office in Brussels. Mr. Dunga explained that RAI Secretariat maintained close relations with Slovenian Commission for Prevention of Corruption, but it was never stated that Slovenia would like to join RAI officially. On the other hand, RAI Secretariat made efforts to initiate talks with Turkish officials on the possibility for Turkey to join RAI, but so far there was no answer to the package of documents sent to the Prime Ministry Inspection and Ministry of Justice of Turkey.

Afterwards the floor was given to the Senior Representatives to present the annual progress reports concerning recent developments on the anti-corruption field in RAI member states.

Ms. Helena Papa focused on the implementation of the Anti-corruption Strategy in *Albania*, underlining the fact that the Action Plan for 2010 had been prepared with the support of Council of Europe, using new methodology. In that regard, an interministerial working group had been set up to monitor its implementation. Ms. Papa also mentioned that an IPA 2008 Project Against Corruption in Albania (PACA) worthy 2.1 million euro has started since September 2009, which is implemented by the Council of Europe for a duration of 30 months. In addition, she explained that the training of local government officials had been another priority for Albanian authorities during the last year. Finally, Ms. Papa underlined the creation of Commission on Public Procurement in 2010 as a review body. She talked about the PP sector in Albania and stated that all PP procedures are mandatory to be electronic.

Mr. Tomislav Curic pointed out the new anti-corruption strategy and Law on anti-corruption agency adopted in *Bosnia and Herzegovina*. He explained that the newly established body already had an acting director. After setting up the board of the agency, the Bosnian authorities will proceed further with selection of staff. It was underlined that the Anti-corruption Agency would have central authority on the territory of Bosnia and Herzegovina. Mr. Curic also underlined the changes in the Criminal Codes both on entity and state level. He mentioned the draft Strategy on Public Procurement (PP) System adopted by the Agency for PP. In international aspect, Mr. Curic underlined the adopted decision on ratification of Additional Protocol to the Council of Europe Criminal Law Convention on Corruption by B&H Presidency.

On behalf of *Bulgaria*, Mr. Vassil Stoykov stated that the government adopted new integrated strategy for fight against organized crime and corruption. He added that a preventive body attached to Council of Ministers was under preparation (BORCOR). It would be chaired by Minister of Interior and it was expected to have around 120 employees. In parallel, joint teams for policy making were composed of experts from Ministry of Interior and Ministry of Justice. Finally, Mr. Stoykov pointed out the

successful cooperation and coordination of activities between all law enforcement bodies in Bulgaria regarding the fight against corruption.

The representative of *Croatia*, Mr. Tomislav Matoc stated that most of the efforts in the country were focused on fulfilling the EU requirements in regard to the envisaged Croatian membership in the European Union. In addition, he touched the area of public procurement (PP), explaining that the PP law had been amended and a centralized PP office had been established. Some legislative initiatives are under process with regard to conflict of interest, access to information and funding of political parties.

On behalf of *Moldova*, Mr. Radu Cotici said that for Moldova the main priority was the elaboration of a new anti-corruption strategy. He also mentioned the fact that a draft law on whistle-blowing had been already prepared and the ongoing expectations to have a new special agency on conflict of interest and declaration of assets in the country (Central Commission on Ethics). Measures related to integrity plans within the judiciary and transparency of decision-making were also reported.

The Senior Representative of *Serbia*, Mr. Slobodan Boskovic described the reform of judiciary that took place during 2 last years in Serbia (renew of judicial institutions, election of judges, network of courts, etc.). He mentioned the Anti-corruption legislative package that has been adopted during 2009 and concerns 3 different agencies: Anti-corruption Agency, Agency for Recovery of Assets and Financial Investigative Unit under the Ministry of Interior. He pointed out the fact that since the beginning of 2010 the newly established Anti-corruption Agency was fully operational. It is expected the preventive body to have 110 employees. Mr. Boskovic also commented the recently adopted relevant legislation in Serbia such as Law on Personal Data Protection, Law on Judicial Academy (new Judicial Academy is expected to be set up in 2011) and Asset recovery law. He mentioned that there was an asset recovery unit in MoI, and explained the difference between the financial investigative unit (FIU) in Ministry of Finance, dealing with questionable financial transactions, and the FIU in MoI, dealing with seizure of assets and proceeds of crimes. Cases of seizure and confiscation of criminal assets as well as cooperation with neighbour countries and StAR Initiative were reported as well. Finally, Mr. Boskovic mentioned that two IPA projects were under implementation in Serbia in regard to the anti-corruption field.

Mr. Sorin Tanase presented the Progress Report of *Romania*. He stated that an important priority for Romania was to ensure more transparent and efficient judicial process notably by enhancing the capacity and accountability of the Superior Council of Magistracy. In this regard, he pointed out the new Law for accelerating judicial proceedings, aiming at shortening the procedural terms and reducing costs, and the adoption of four new Codes (the new Civil and Criminal Codes have been already adopted in 2009, while the new Procedure Codes were adopted in the summer of 2010). He also presented the activities and recent changes in National Integrity Agency (ANI), regarding the Constitutional Court's Decision on ANI operational dimension. In addition, Mr. Tanase underlined the various public awareness campaigns conducted by General Anti-corruption Directorate (GAD), as well as the applied preventive measures

and actions undertaken by other state institutions. On behalf of the National Anti-corruption Directorate (DNA), Mr. Costin Varlan made an overview of the investigations into allegations of high-level corruption. He stated that in 2010 DNA had sent to trial 155 cases regarding 698 defendants.

The panel was closed by Ms. Vesna Ratkovic from *Montenegro*, who was focused on the adoption in July, 2010, of the new Montenegrin Strategy for the Fight against Corruption and Organised Crime 2010 – 2014 and Action Plan for its implementation (2010 – 2012). She explained that Directorate for Anti-Corruption Initiatives (DACI) would act as Secretariat to the National Commission charged with monitoring of the implementation of the Action plan. The institution has received support by Government of Norway in setting up the software, which will allow easier monitoring of the implementation of the Action plan. More than 50 institutions will be obliged to report in that respect. She pointed out also a capacity building project for DACI, also supported by Norwegian Government, to be implemented by UNDP-Montenegro. Recent legislative developments were reported as well, with regard to integrity plans, lobbying and whistle-blowing. Ms. Ratkovic stated that especially the adoption and implementation of integrity plans in Montenegrin public sector would be supported through the IPA 2010 twinning project “Support the implementation of the anti-corruption strategy and action plan”.

Finally, it was agreed that the detailed annual progress reports, regarding the achievements of RAI member states on the anti-corruption field during the current year, should be submitted to RAI Secretariat in written form in order to be published on RAI web site.

The next session was dedicated to asset recovery systems in place in RAI member states and started with a short overview of RAI Secretariat activities in that area made by Mr. Stanislav Aleksandrov. He stated that asset recovery had been a priority area for intervention and focused on the organization of the Workshop on “Strengthening Regional Cooperation in Asset Recovery by Creating a Regional Network of Practitioners and Building a Platform for Exchange of Information, Experience and Good Practices”, which had been held on December 2 – 4, 2009 in Sofia, Bulgaria. The event had been co-organized by the joint Stolen Asset Recovery (StAR) Initiative of the United Nations Office on Drugs and Crime (UNODC) and the World Bank, UNODC Regional Programme Office for South-Eastern Europe (RPOSEE) and the Regional Anti-corruption Initiative (RAI) Secretariat. It was also supported by the European Anti-Fraud Office (OLAF). The workshop was the forum, where representatives of RAI and The Camden Assets Recovery Inter-Agency Network (CARIN) met for the first time, followed by a presentation of RAI Secretariat during the CARIN Steering Group Meeting in Budapest in January 2010. Asset recovery was also included as separate panel in the 5th edition of the Summer School for Junior Magistrates from SEE and a representative of CARIN took part in the event as speaker on “Possibility for cooperation in asset recovery area within the framework of national judicial systems in SEE”. Mr. Aleksandrov also stated that RAI Secretariat strongly initiated and supported

the Regional Workshop on “Enhancing International Cooperation in Tracing and Identifying Criminal Assets in the Balkan Region”, organized in co-operation with Europol and financed by TAIEX that had taken place in Sofia, Bulgaria, on March 10-11, 2010.

Afterwards, the floor was taken by Mr. Sorin Tanase, who explained the Romanian interest in the topic with the recent government decision to establish a national asset recovery bureau, attached to the Ministry of Justice, as Romania was among the countries in the region without specialized institution in the area. Mr. Tanase explained that a delegation from Romanian MoJ had recently paid a visit to the Bulgarian Commission for Establishment of Property Acquired from Criminal Activity (CEPACA). He added that the respective Serbian law was under consideration as well in the attempts to take the most effective and successful regulations before setting up the new body. In that regard, more study visits in counterpart institutions were expected to take place.

The following discussions on asset recovery systems were intense and fruitful. Mr. Stanislav Aleksandrov briefly introduced the amendments to the current Law on CEPACA that received “green light” by Venice Commission of CoE, while Ms. Vesna Ratkovic explained that DACI had organized a three-day Seminar on “Tracing, confiscation and recovery of assets”, which had brought together around 40 participants, including judges, prosecutors, policemen, as well as representatives of ministries of justice and finance, and the Directorate for prevention of money laundering and terrorism financing. In addition, Ms. Ratkovic proposed Montenegro to host a regional conference on asset recovery or any other relevant topic back-to-back with Southeast European Cooperation Process (SEEC) meeting in the spring of 2011. As the interest in asset recovery area was mutual for all RAI member states, *the Senior Representatives decided to continue the discussions on the topic and to support the event proposed by the Montenegrin counterparts.*

The second day of the 14th RAI SG Meeting started with a session dedicated to the implementation of RAI Work Plan for 2010 – 2011. Mr. Stanislav Aleksandrov made a detailed presentation of the main national and regional events supported or organized by RAI Secretariat. He focused on the several steps that finally led to the establishment of Integrity Experts Network (IEN) in Tirana, Albania, pointing out the Regional Conference on “Sharing Experience in Fighting Corruption” in Pristina, Kosovo, where the idea for such network had been launched by RAI Secretariat and the International Conference on “International Collaboration in Conflict of Interest Prevention and Declaration of Assets – a Tool against Corruption” in Tirana, Albania, during which the Declaration and the Statute of IEN had been adopted. Mr. Aleksandrov also underlined the success of the 5th edition of the Summer School for Junior Magistrates that had taken place in Durres, Albania. He announced that RAI Secretariat had already signed MoU with Bulgarian National Institute of Justice in regard to the organization of the 6th edition of this event in June 2011, in Sunny Beach, Bulgaria. Finally, Mr. Aleksandrov briefly presented several other events: the Regional Conference on “Strengthening

Regional Cooperation in South-Eastern Europe in the Implementation of the United Nations Convention against Corruption” in Sofia, Bulgaria; the International Conference on “Counter Corruption Best Practices for Europe” in Sofia, Bulgaria; the International Conference “Specialized Anticorruption Agencies: Independent to Be Effective, Effective to Lose Independence” in Jurmala, Latvia; and the South-Eastern European Anti-corruption Conference marking the 10th anniversary of RAI in Bucharest, Romania. In addition, Mr. Edmond Dunga made an overview of RAI presentation in NATO in February 2010 and the following discussions on possible cooperation with NATO institutions. He also mentioned the fact that RAI Secretariat had implemented the project Survey on “Integrity and resistance to corruption of the criminal judicial system in SEE” together with RCC and TI-Romania. In addition, two CARDS projects were mentioned – “Assessment of corruption and crime in the Western Balkans” and “Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans”, regarding which the RAI Secretariat is an associate partner to UNODC who is implementing them.

Concerning the Work Plan for 2010 – 2011, Mr. Slobodan Boskovic stated that Serbia was not ready yet with concrete proposals in filling the existing gaps in regard to the article 4.3. “Concrete steps and anti-corruption activities to be undertaken in each RAI member state” and article 4.4. “Focus areas for activities in 2010 – 2011”. Mr. Boskovic *took the obligation to submit to RAI Secretariat the needed amendments in due time.*

Regarding the up-coming RAI events, Mr. Stanislav Aleksandrov presented the activities following the establishment of IEN. It is expected two thematic workshops to take place in Albania (one in January 2011, second in the spring) before handing over the Chairmanship-in-Office from HIDAA to the Macedonian State Commission for Prevention of Corruption. The events will be financed by a US Department of State grant awarded to RAI, through RCC Secretariat. In addition, Mr. Aleksandrov shared with Senior Representatives the idea to mark 9th of December (International Anti-corruption Day) with common activity supported by RAI Secretariat, UNODC and the newly established Serbian Anti-corruption Agency focusing on UNCAC peer review mechanism.

Mr. Sorin Sterie intervened on behalf of RCC and presented several points, which he considered important for the functioning of RAI. Mr. Sterie invited the Senior Representatives to make more efforts in supporting the regular update of RAI Resource Center, underlining the success and the importance of the web site. He also asked the Senior Representatives to establish a more active communication on national level with the officials, who were representing each respective country in IPA committees and to present to them their priorities. Mr. Sterie pointed out the role that RAI could play in SEE as main implementer or associate partner regarding IPA projects. In addition, he underlined the support that TAIEX could provide to Western Balkan countries based on request by national institutions. Finally, he raised the issue of military prosecutors and

procurement in the defence sector as a possible area for development, mentioning the already undertaken discussions with SEEPAG and RACVIAC.

Being representative of RCC at the SG Meeting, Mr. Sorin Sterie presented the working version of RCC Regional Strategy in JHA and asked RAI Senior Representatives to provide their feedback on the draft document.

The floor was taken by Mr. Edmond Dunga, who underlined that a strategic document should define common goals, challenges, visions or directions as well as relevant tools to address them instead of being focused on any unproductive assessment of organizations, institutions or countries. Mr. Dunga underlined the fact that in the draft RCC Regional Strategy in JHA there were unacceptable statements, which did not reflect reality. RAI Chairperson, Ms. Vesna Ratkovic fully supported such an approach, saying that statements like the one in article A.1.3.: “In the areas of fighting corruption..... there are only limited results of the regional initiatives”, were out of the regional context and underestimated the results achieved by SEE countries on the anti-corruption field in the last 10 years. In addition, Ms. Ratkovic expressed her astonishment that on the occasion of 10th Anniversary of RAI in Bucharest in May 2010, RCC representatives underlined the success of the Initiative, which apparently is not reflected in the background part of the draft version of RCC Regional Strategy. Mr. Vassil Stoykov also supported the idea that the content of article A.1.3. is contra-productive and would not be helpful for the future cooperation between RCC and RAI. He pointed out the fact that RAI is the only regional mechanism to address corruption in SEE. The same opinion was shared by all RAI Senior Representatives. During the discussions RAI national representatives reached the following conclusions in regard to RCC Regional Strategy in JHA:

- *The statement in article A.1.3.: “In the areas of fighting corruption..... there are only limited results of the regional initiatives” is **unacceptable and doesn’t reflect the reality. There is no basis for such assessment.** In the course of the last 10 years RAI is the only forum to address corruption on regional level, while the Secretariat in Sarajevo is the only center in SEE dealing solely with fight against corruption. In 2010, the member states successfully transformed the funding of the Initiative by signing MoU, thus demonstrating their attitude and dedication to curb corruption. RAI member states have adopted the international requirements in the area and currently in some aspects their legal framework is more advanced than the one in the old democracies. Meanwhile, RAI has established fruitful working relations with all national institutions in SEE engaged in the fight against corruption and supports the setting up of professional networks among counterpart bodies in the region. RAI is recognized by the other international stakeholders as the natural partner on the anti-corruption field in SEE and the cooperation with UNODC, CoE, OECD, OLAF, EUROPOL, EUROJUST, etc., is at high level;*
- *RCC Regional Strategy could be only **complementary** to RAI Work Plan;*

- *The additional activities proposed in the Regional Strategy and Action Plan could be implemented **in case they are supported by relevant funding**;*
- *In regard to “Money Laundering”, the topic is considered too much operational and **out of the scope of RAI mandate**. It is possible to be addressed in the future, but the ground for this should be prepared in advance by attracting additional resources attached to RAI;*
- *The draft version of RSD on Justice and Home Affairs in regard to anti-corruption field should have been elaborated in close discussions with RAI Senior Representatives; any further changes in the document should be preceded by consultations with the national focal points engaged on daily basis with the fight against corruption;*
- *RAI Senior Representatives will have one week for further written comments;*
- *Mr. Stanislav Aleksandrov is **authorized to deliver the conclusions** of the SG to the 2nd Meeting of the Steering Group on SEE Multi-annual Regional Strategy, organized by RCC Secretariat in the end of November 2010 in Sarajevo, BiH.*

The final issue discussed by the Senior Representatives was the hosting of 15th RAI SG Meeting in 2011. *The only proposal was submitted by Albania. The other member states were invited to consider the issue and, in case they would like to host the event, to submit their offer to RAI Secretariat till January 1st, 2011.*

Conclusions and Decisions

RAI Senior Representatives agreed to:

1. To submit to RAI Secretariat the detailed annual progress reports, regarding the achievements of RAI member states on the anti-corruption field during the last year in written form in order to be published on RAI web site;
2. To continue the discussions on the topic of “Asset Recovery” and to support the organization of a thematic event in this regard, proposed by Montenegro;
3. The Senior Representative of Serbia took the obligation to ensure submission to RAI Secretariat of needed amendments in RAI Work Plan for 2010 – 2011 concerning Serbia (article 4.3. “Concrete steps and anti-corruption activities to be undertaken in each RAI member state” and article 4.4. “Focus areas for activities in 2010 – 2011”) in due time;

4. In regard to the elaboration of RCC Regional Strategy in JHA it was agreed that:

- The statement in article A.1.3.: “In the areas of fighting corruption..... there are only limited results of the regional initiatives” is unacceptable and doesn’t reflect the reality. There is no basis for such assessment;
- RCC Regional Strategy in JHA could be only complementary to RAI Work Plan;
- The additional activities proposed in the Regional Strategy and Action Plan could be implemented in case they are supported by relevant funding;
- In regard to “Money Laundering”, the topic is considered too much operational and out of the scope of RAI mandate. It is possible to be addressed in the future, but the ground for this should be prepared in advance by attracting additional resources attached to RAI;
- The draft version of RSD on Justice and Home Affairs in regard to anti-corruption field should have been elaborated in close discussions with RAI Senior Representatives; any further changes in the document should be preceded by consultations with the national focal points engaged on daily basis with the fight against corruption;
- RAI Senior Representatives will have one week for further written comments;
- Mr. Stanislav Aleksandrov is authorized to deliver the conclusions of the SG to the 2nd Meeting of the Steering Group on SEE Multi-annual Regional Strategy, organized by RCC Secretariat in the end of November 2010 in Sarajevo, BiH.

5. To send to RAI Secretariat their proposals for hosting of 15th RAI SG Meeting till January 1st, 2011. So far, Albania has submitted its offer to organize the event.

Bucharest, November 12, 2010