



**Directorate General I-Legal Affairs
Crime Problems Department
PACO Programme**

Version of 6 June 2005

PROGRAMME AGAINST CORRUPTION AND ORGANISED CRIME IN SOUTH-EASTERN EUROPE (PACO)
IMPLEMENTATION OF ANTI-CORRUPTION PLANS IN SOUTH-EASTERN EUROPE (PACO IMPACT)

&

SPAI / REGIONAL SECRETARIAT LIAISON OFFICE (RSLO)

Organise

**Regional Thematic Seminar--Application of Treaty Law
CoE and UN Conventions against corruption**

Practical Information

Albania, Durrës, 10-11 June 2005
"Adriatik" Hotel

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I. ACTIVITY OUTLINE

Regional thematic seminar on Application of Treaty Law: CoE and UN Conventions against corruption (Durrës, 10-11 June 2005)

Background and justification

The PACO Impact project is a regional project aimed at the “implementation of the national anti-corruption plans in South-eastern Europe”. It was launched in March 2004. This project provides technical assistance directly to seven project areas in south-eastern Europe, that is, Albania, Bosnia and Herzegovina, Croatia, "the Former Yugoslav Republic of Macedonia", Serbia, Montenegro, and Kosovo. It follows up on assessments carried out under the Stability Pact Anti-corruption Initiative (SPAI) as well as recommendations resulting from GRECO evaluations. It furthermore builds on the commitments made by countries of South-eastern Europe at the London Ministerial Conference on Organised Crime (November 2002) and takes into account the anti-corruption measures identified within the Stabilisation and Association process and other agreements with the European Union.

Among the main challenges with regard to anti-corruption measures for the South-east European countries is the application of international standards established by the relevant Council of Europe and UN Conventions and other instruments when combating corruption. Strong political commitment, along with the signature and ratification of treaties in each project area is essential to the success of a sustainable legal reform in order to prevent and combat corruption. However the application of special treaty law when combating corruption represents a challenge in terms of its implementation aspects when considering differences of legal systems and the different pace of legislative reforms in each country of SEE. Furthermore, it presents the need for establishing and sharing certain guidelines when facing also the constitutional and legal questions of the applicability of international law vs. domestic law.

PACO Impact, therefore, pays particular attention to not only the process of signature and ratification of the corruption related conventions, but also to the necessary guidelines and tools that need to be considered prior to the application and implementation of treaties into the domestic legislation reforms. Thus in addition to the in-country project activities, a regional thematic seminar dedicated to this issue is scheduled to take place with a regional participation from all seven project areas.

There are four specific issues which should be dealt with under this regional thematic seminar:

1. Application of Treaty Law concerning CoE and UN Conventions against corruption

Uniform and in-depth understanding of signature and ratification of treaties. Dualist System vs. Monist systems. Implementation aspects of treaty law and other international instruments by domestic institutions.

2. Drafting aspects of primary and secondary legislation in line with CoE and UN Conventions against corruption

Guidelines and tools when interpreting international standards and notions, while carrying out legislative reform in line with Council of Europe Civil Law Convention on Corruption; Council of Europe Criminal Law Convention on Corruption, and other texts such as Resolution (97) 24 on the twenty guiding principles for the fight against corruption, and United National Convention against Corruption. Financial, institutional and other resources aspects.

3. Preventive legislation and penal legislation aspects: necessary recommendations when implementing CoE and UN conventions against corruption

Aspects of civil, criminal and criminal procedure law, as well as legislation related to conflict of interests and declaration of assets.

Activities and expected results

Output 1:	Recommendations for a unified understanding and guidelines prior to and when implementing CoE and UN Conventions as well as other international and European instruments.
Output 2:	Good practices and lessons learnt regarding guidelines and tools of implementing international standards into domestic legislation.
Output 3:	Peer review and follow up recommendations for each country with regard to adherence to CoE and UN treaty law based on country treaty law matrixes.

Organisers

The regional thematic seminar will be jointly co-organised and financed by:

- Council of Europe/ PACO Impact Project (funded by Swedish International Development and Cooperation Agency, Sida)
- SPAI/Regional Secretariat Liaison Office (funded by USAID through ABA/CEELI)

II. DRAFT AGENDA (1 JUNE VERSION)

9 June (Thursday)	Arrival of Participants in Tirana/Durrës
10 June (Friday)	First Day of the Seminar
09:00-09:30 (Plenary)	<p><i>Chair: Mr. Edmond Dunga, Country Project Director for Albania</i></p> <p>Opening and Welcoming Remarks</p> <ul style="list-style-type: none"> ▪ Mr Marko Bello, Albanian Minister ▪ Mr Veselin Sukovic, Executive Secretary of SPAI/RSLO ▪ Mr Genc Çifliku, Director General of Codification, MOJ-Albania ▪ Ms Ardita Abdiu, PACO Impact Project Manager, Council of Europe
09:30-10:00	Coffee Break
10:00-11:00 (Plenary)	<p><i>Chair: Ms. Ardita Abdiu, Council of Europe</i></p> <p>Council of Europe Civil Law Convention on Corruption (CETS No. 174)</p> <p>Mr Goran Klemencic/Mr Georgi Rouchev Council of Europe Experts</p> <ul style="list-style-type: none"> ▪ Applicability of the Convention; ▪ Notion Interpretations; ▪ Guidelines of implementation and their application on the domestic legislation.
11:00-11:15	Coffee Break
11:15-12:15 (Plenary)	<p><i>Chair: Ms. Ardita Abdiu, Council of Europe</i></p> <p>Q & A concerning the application of Civil Law Convention in different project areas</p> <p>Discussion</p> <ul style="list-style-type: none"> ▪ Each project area must report and address issues of concern regarding the status of implementing/adopting the Council of Europe Civil Law Convention on Corruption
12:15-13:15 (Plenary)	<p><i>Chair: Ms. Ardita Abdiu, Council of Europe</i></p> <p>Council of Europe Criminal Law Convention on Corruption (CETS No. 173)</p> <p>Mr Goran Klemencic/Mr Georgi Rouchev Council of Europe Expert</p> <ul style="list-style-type: none"> ▪ Applicability of the Convention; ▪ Notion Interpretations; ▪ Guidelines of implementation and their application on the domestic legislation.
13:15-14:30	Lunch Break
14:30-15:30 (Plenary)	<p><i>Chair: Ms. Ardita Abdiu, Council of Europe</i></p> <p>Q & A concerning the application of Criminal Law Convention in different project areas</p> <p>Discussion</p> <ul style="list-style-type: none"> ▪ Each project area must report and address issues of

	concern regarding the status of implementing/adopting the Council of Europe Criminal Law Convention on Corruption
15:30-15:45	Coffee Break
15:45-16:45 (Plenary)	<p><i>Chair: Mr. Cornel Calinescu, SPAI/RSLO</i></p> <p>United Nations Convention against Corruption</p> <p>Ms Valerie Lebaux, UNODC Expert</p> <ul style="list-style-type: none"> ▪ New aspects that are brought by the UN Convention in comparison with CoE Conventions; ▪ Mandatory requirements - focus on criminalization and law enforcement; ▪ Trading in influence, illicit enrichment, criminal liability of legal persons and private sector corruption.
16:45-17:45 (Plenary)	<p><i>Chair: Mr. Cornel Calinescu, SPAI/RSLO</i></p> <p>Q & A concerning the application of UN Convention in different project areas</p> <p>Discussion</p> <p>Each project area must report and address issues of concern regarding the status of implementing/adopting the United Nations Convention against Corruption</p>
19:00 (Tirana)	<p>Welcoming Reception given by Minister of State for Coordination Mr. Marko BELLO at Piazza Piano Bar, Tirana</p> <p>Note: (Group Transportation from the Hotel will take place at 18:15)</p>
11 June (Saturday)	Second Day of the Seminar
09:00-10:30 (Plenary)	<p><i>Chair: Mr. Cornel Calinescu, SPAI/RSLO</i></p> <p>Presentation of Compliance Matrix and Expert Comments on the necessary domestic legislation developments</p> <ul style="list-style-type: none"> ▪ Each project area presents their Compliance Matrix ▪ Peer comments and review ▪ CoE and UN Expert comments
10:30-11:30 (Working Groups)	<p><i>Moderators: One Expert for each working group</i></p> <p>“Road Mapping” – Steps that needs to be taken prior, during, and after the adoption of the relevant conventions in light of domestic legislation reform</p> <ul style="list-style-type: none"> ▪ Working Group 1: Civil Law Convention, Moderator CoE Expert (Moderator: G. Klemencic) ▪ Working Group 2: Criminal Law Convention, Moderator CoE Expert (Moderator: G. Roupchev) ▪ Working Group 3: UN Convention, Moderator UNODC Expert (Moderator: V. Lebaux)
11:30-11:45	Coffee Break
11:45-12:45 (Plenary)	<p><i>Chair: Mr. Edmond Dunga, Country Project Director for Albania</i></p> <p>Presentation of Road Mapping from each working group</p> <ul style="list-style-type: none"> ▪ Working Group 1: Civil Law Convention, CoE Expert ▪ Working Group 2: Criminal Law Convention, CoE Expert ▪ Working Group 3: UN Convention, UNODC Expert

12:30-14:00	Lunch Break
14:00-15:00 (Plenary)	<p><i>Chair: Mr. Edmond Dunga, Country Project Director for Albania</i></p> <p>Follow up Recommendations based on the Compliance Matrix and recent domestic legislation developments</p> <ul style="list-style-type: none"> ▪ Regional and/or country specific recommendations to be issued by each project area; ▪ Expert Recommendations
15:00-16:00	<p><i>Chair: Mr. Edmond Dunga, Country Project Director for Albania</i></p> <p>Concluding Remarks</p> <ul style="list-style-type: none"> ▪ SPAI/RSLO ▪ COE
12 June (Sunday)	Departure Day

III. GENERAL AND LOGISTICAL INFORMATION

Seminar Venue

The seminar will take place at the Adriatik Hotel, Durrës, Albania



ADRIATIK HOTEL ★★★★★

A superb 5 star, in the very heart of Albanian seaside. Every corner of this hotel is equipped security cameras, part of security policy of the hotel. The hotel staff is very professional and can communicate in two languages: English and Italian.

How to get there:

Airport-Durrës : 32 km

Tirana- Durrës: 42 km



Address:

Lagja 13, Plazh, Durrës

Tel: +355 5 260 850/1

Fax: + 355 5 260 855

E-mail: marketing@adriatikhotel.com

For more info: <http://www.adriatikhotel.com>

Registration

The registration of Participants and of Arrivals will take place in the hotel lobby during the following hours:

9 June: 16:00-18:00

22:00-00:00 (for the late arrivals)

Please note that someone from the CoE Secretariat will be at the hall in case of need

12 June Last Check out time must be 12:00 hours (noon)

Visa

Travellers to Albania from other countries may be required to obtain a valid entry visa, which must be obtained before departure. Visa requirements are subject to change. All participants should ascertain with the Embassy or Consulate in their home jurisdiction whether or not a visa is required and make the necessary formalities as early as possible. A letter from the Council of Europe Protocol has been issued and forwarded to the relevant Albanian authorities/Embassies/Consulates in order to facilitate the process. Participants are reminded to carry a copy of this letter, and the letter of invitation addressed to the delegations when travelling and applying for visa. **However, according to a recent official**

information received by CoE, an Albanian government decree has provisioned that from 1 June -31 September 2005 there is a lifting of visa requirement (tourist season) for citizens of Bosnia and Herzegovina, Serbia and Montenegro, "the Former Yugoslav Republic of Macedonia", and Serbia and Montenegro.

Visa/Border Entry Fee charges

When entering in Albania via Airport (Mother Theresa), and via land border an visa/entry fee as well as an exit fee up to 15-20 Euro may be charged to each participant subject to the bilateral agreements with their country of nationality. Therefore, all participants **are reminded to keep or show proof (copy of visa in their passport/receipt) of those charges in order to be reimbursed when they arrive in Durrës.**

Insurance

For participants whose travel and accommodation costs are borne by the Council of Europe, specific travel related risks are covered by a CHUBB insurance policy (number 6600-10-34), which provides worldwide cover for persons up to their 76th birthday. The following help line can be called in case of need: + 32 2 773 61 84.

Observers will be those representatives from different international or domestic organisations, which are invited and/or additionally nominated and wish to attend the seminar. Their participation status in the works of this seminar is the same as with other participants. Observers are advised to arrange for their own medical and travel insurance in order to cover their visit to Durrës (Albania)

Reimbursement of travel and subsistence expenses

Conditions for coverage of travelling and subsistence expenses are specified in the invitation letters sent to delegation members through their Permanent Representations. In principle, the following applies:

Travelling expenses (plane, train or bus tickets, travel by car) of participants funded by the Council of Europe who did not use a prepaid ticket will be reimbursed to them during the meeting and **upon submission of the necessary** evidence according to the Rules for 2005.

Travel by car: Participants travelling by car shall be refunded a lump sum based on the first class rail fare, excluding any supplements and without taking into account any other expenditure occasioned by the use of a car. If two or more experts entitled to claim expenses use the same car, a refund shall be made only to the person in charge of the vehicle, with an increase of 20% for each passenger. Experts travelling by car do so at their own risk.

Travel by plane: Journeys should be arranged using the most economical route, making use, wherever possible, of any available reduced fares (Pex, excursion, etc.). Travel expenses will only be reimbursed upon presentation of documentary evidence of the sum actually paid (original invoice, copy of credit card slip, etc.). This evidence of the expenditure should be given to the Secretariat member on the spot together with a copy of the relevant travel tickets (plane, train, etc.). Participants are advised to bring a copy of their entire travel ticket to the meeting to facilitate the reimbursement process.

Meals and Accommodation

All invited and nominated participants (based on the registration forms) have been booked and will be accommodated at the Adriatik Hotel.

For participants whose costs are borne by the Council of Europe, accommodation, meals and local transportation (from the Airport to the hotel and vice-versa) will be provided by the organisers free of charge within the premises of the Adriatik Hotel (including here the group dinner on 10 June 2005 which will take place in the capital of Albania-Tirana).

In meantime the rest of all meals starting from 9 June (Dinner) – 12 June (Lunch) will be provided within the premises of the Adriatik Hotel.

Extra expenses (drinks, mini-bar etc...) will not be covered.

If you travel by car and in your own, please inform the Secretariat about your precise arrival and departure date and time, in order to make the necessary bookings (meals and accommodation).

If you travel by air, please inform the Secretariat about your precise arrival and departure date and time, in order to make the necessary arrangements for your local transportation from Airport-Durrës-Airport.

Observers will pay their own accommodation expenses, but the Secretariat can book rooms for them upon a written request. In the end of their stay, they should contact the Secretariat to arrange the payment of their stay.

Working languages

The main working language of the Seminar will be English, simultaneous interpretation from and to Albanian-Serbian-Croatian-Bosnian-Macedonian-Romanian-Moldavian will be provided.

Events

A reception given by the Minister of State for Coordination Mr. Marko BELLO will take place at Piazza Restaurant) in Tirana at 1900 hrs on 10 June 2005. This event will be followed by a dinner at the same place. Local transportation from Durrës-Tirana-Durrës (42 km) will be arranged by the organisers.

Other

The currency used in Albania is Lekë. There are some ATM machine services available in Tirana. However the participants are advised to bring their own cash in Euro for their incidentals and other additional expenses. The average exchange rate is: 1 Euro = 123 Albanian Lekë. Also, payment in Euros is accepted almost in every commercial transaction.

For any further information, please contact the Council of Europe Secretariat:

For overall coordination:

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IV. ANNEX 1: PROVISIONAL LIST OF PARTICIPANTS (INVITEES)

Country	Name	Institution
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V. ANNEX 2: SUMMARY OF PACO IMPACT PROJECT

Implementation of Anti-corruption Plans in South-eastern Europe

Project title	Implementation of anti-corruption plans in South-eastern Europe (PACO IMPACT)
Project area	South-eastern Europe: Albania, Bosnia and Herzegovina, Croatia, "The former Yugoslav Republic of Macedonia", (Serbia and Montenegro) including Kosovo currently under interim administration of UNMIK.
Budget	EURO 1.5 million
Funding	Swedish International Development Cooperation Agency (Sida)
Implementation	Council of Europe (Department of Crime Problems/DGI - Legal Affairs)
Duration	24 months (1 March 2004 – 28 February 2006)

Background and justification

The need to address corruption and organised crime as an obstacle to democratic stability, the rule of law and social and economic development in South-eastern Europe has been raised by the Council of Europe and other organisations on numerous occasions. Countries of South-eastern Europe have taken up this challenge and made progress in terms of adopting European standards and relevant legislation, joining international monitoring mechanisms (that is, the Group of States against Corruption – GRECO), elaborating national anti-corruption plans, and establishing specialised anti-corruption services.

The present project will support countries of South-eastern Europe in their efforts and more specifically in the implementation of their anti-corruption plans and strategies.

Experience shows that such strategies are more likely to be successful if they consist of three elements which are closely inter-related:

- Enforcement of legislation
- Prevention
- Public awareness and participation in the anti-corruption effort.

With regard to the present project, the experience gathered under the PACO Albania project (since 2001) has been particularly valuable.

The project will follow up on the assessments carried out under the Stability Pact Anti-corruption Initiative (SPAI) as well as the recommendations resulting from GRECO evaluations. It is expected that this project in turn will also feed into the SPAI process and GRECO. It will furthermore build on the commitments made by countries of South-eastern Europe at the London Ministerial Conference on Organised Crime (November 2002) and take into account the anti-corruption measures identified within the Stabilisation and Association process.

It is important to note that the European Commission (EC) will support the implementation of these commitments among other things through the CARDS programme. In November 2003, the EC awarded the CARDS regional project on strengthening police capacities against serious crime in South-eastern Europe to a consortium led by the Council of Europe. The CARDS Police and PACO IMPACT projects will be managed in a way that they complement each other.

Objective, outputs and activities

Long-term objective:	Strengthen democracy and the rule of law in South-eastern Europe through the prevention and control of corruption
Project objective:	To contribute to the implementation (and further elaboration) of anti-corruption plans in countries of South-eastern Europe
Output 1:	Anti-corruption plans improved or elaborated
Activities:	In-country working group meetings, workshops and training events and advice to improve or elaborate and operationalise anti-corruption plans (including clear benchmarks, indicators, and assignment of tasks, and reflecting a balance between law enforcement, prevention and public awareness/involvement) Regional seminars to allow for a mutual review of anti-corruption plans and experience exchange (in support of the aims of the SPAI)
Output 2:	Institutional mechanisms for the monitoring and management of anti-corruption plans strengthened
Activities:	Advice on legal basis, tasks, organisational set up and management of anti-corruption institutions Provide training for staff and advice to these institutions Provide basic equipment to these institutions (if necessary) Facilitate experience exchange and networking among anti-corruption institutions (in support of the aims of the SPAI)
Output 3:	Draft laws/amendments available to bring the criminal legislation on corruption in line with European standards
Activities:	Support review of criminal legislation Commission legal opinions Hold workshops/training events to discuss and finalise draft laws for submission to government
Output 4:	Pilot activities supported
Activities:	In each project area support the implementation of limited number of activities which are of high priority and impact, which could serve as examples or which could help create a momentum Regional seminars to provide access to best practice and disseminate experience gained in different countries.

The project, while taking into account the specific needs of each project area, will also contain a strong element of regional interaction, and facilitate experience exchange and networking among anti-corruption institutions.

Partners

In each of the project area, activities involve in particular the following main counterpart institutions:

Albania: Anti-corruption Monitoring Group (ACMG), the Ministry of Justice and the Office of the Prosecutor General

Bosnia and Herzegovina: Working Group on corruption within the Ministry of Foreign Affairs, State Court, State Public Prosecution, Ministries of Justice and Public Prosecutors at entity level

Croatia: USKOK, Ministry of Justice and Ministry of Interior

“The former Yugoslav Republic of Macedonia”: State Anti-Corruption Commission, Ministry of Justice, Ministry of Interior, group of specialised prosecutors on corruption and organised crime

Serbia: Anti-corruption Office within the Ministry of Economy and Finance, Anti-corruption Council, anti-corruption teams, Ministry of Interior, Prosecution service

Montenegro: Anti-corruption Agency (ACA), Ministry of Justice, Ministry of Interior, Prosecution service

Kosovo: Inter-ministerial Group of the Government of Kosovo against Corruption, Office of Good Governance at the Prime Minister of Kosovo, UNMIK Office of the Legal Adviser and the UNMIK Department of Justice.

Stability Pact Anti Corruption Initiative (SPAI): Regional Secretariat Liaison Office in Sarajevo (RSLO), Bosnia and Herzegovina

Implementation Arrangements

The project is implemented by the Department of Crime Problems of the Directorate General of Legal Affairs of the Council of Europe. The Department will ensure coherence and integration with standard setting, monitoring and other technical cooperation activities, as well as with the Stability Pact Anti-corruption Initiative (SPAI).

In each project area, the Government has appointed one project director who – together with the main official anti-corruption body – are the main interlocutors for the Council of Europe in the implementation of this project.

In addition, a local project officer has been recruited by the Council of Europe in each project area of the region with the task of supporting counterpart institutions on a day-to-day basis. The project furthermore relies on Council of Europe offices in Belgrade, Podgorica, Pristina, Sarajevo, Skopje and Tirana.

A pool of experts and consultants has been established to provide short-term inputs to the project. In order to strengthen links with and benefit from the experience of anti-corruption bodies in other European countries, cooperation with such bodies has already been sought and established.

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