

Strasbourg, 21 March 2007

Confidential
Greco RC-I (2004) 13E
Addendum

First Evaluation Round

Addendum to the Compliance Report on the Netherlands

Adopted by GRECO at its 32nd Plenary Meeting
(Strasbourg, 19-23 March 2007)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on the Netherlands at its 13th Plenary Meeting (28 March 2003). The report (Greco Eval I Rep (2003) 1E), which contains 7 recommendations addressed to the Netherlands, was made public on 7 May 2003.
2. The Netherlands submitted the Situation Report required by GRECO's compliance procedure on 8 October 2004. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on the Netherlands at its 22nd Plenary Meeting (18 March 2005) which was made public on 6 April 2005. The Compliance Report (Greco RC-I (2004) 13E) concluded that recommendations vi and vii had been implemented satisfactorily and recommendations i, ii and iii had been dealt with in a satisfactory manner. Recommendations iv and v had been partly implemented; GRECO requested additional information on their implementation. The additional information requested was submitted on 20 October 2006.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations iv and v in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendation iv.

4. *GRECO recommended that the Public Prosecution Service, police forces, the Rijksrecherche and the FIOD-ECD (Fiscal Information and Investigation Service and Economic Investigation Agency), develop a strategy to establish a fluid channel of communication with the private sector.*
5. GRECO recalls that in the RC-report it took note of the preparation of an information brochure for the corporate sector by the Ministry of Economic Affairs on the consequences of activities carried out in violation of the regulations on integrity in businesses and the creation of an anti-corruption task force which would be composed of relevant investigative and prosecution authorities and representatives of the private sector. GRECO however concluded that it would only be possible to evaluate whether the concern expressed in recommendation iv had been completely addressed once the task force was fully operational.
6. The authorities of the Netherlands report that the anti-corruption task force¹ is now fully operational and has met 6 times so far. The meetings of the task force provide a much-appreciated forum for exchange of knowledge and information between representatives of the private sector, the government and the relevant investigative and prosecution services and has a positive impact on the development of anti-corruption policies.
7. GRECO takes note of the information provided by the Dutch authorities. It is confident that the regular meetings of the task force will improve relations, communication and trust between the private sector on the one hand and the police, Prosecution Service, *Rijksrecherche* and Fiscal

¹ The task force consists of representatives of the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior and Kingdom Relations, the Ministry of Finance/Fiscal Information and Investigation Service and Economic Investigation Agency (*FIOD-ECD*), *Rijksrecherche*, the Prosecution Service, police, provinces (*Interprovinciaal Overleg*), municipalities (*Vereniging van Nederlandse Gemeenten*), Chambers of Commerce (*Vereniging van Kamers van Koophandel*), the Confederation of Dutch Industry and Employers (*VNO-NCW*), KPMG Integrity & Investigation Services, academia (*Vrije Universiteit*), *Samenwerkingsverband Integriteit en Werk* and Transparency International.

Information and Investigation Service and Economic Investigation Agency (*FIOD-ECD*) on the other hand – as to which a concern was expressed in the First Round Evaluation Report -, thereby increasing possibilities for uncovering cases of corruption.

8. GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v.

9. *GRECO recommended that the police and public prosecution services working in the anti-corruption field receive regular specific anti-corruption in-service training and that the number of staff be increased. It also recommended to intensify the initial and in-service training of police officers and public prosecutors with regard to the legal bases and practice of public procurement and to improve their knowledge in this area.*
10. GRECO recalls that, as regards the first and third parts of the recommendation on anti-corruption and public procurement training, it concluded in the RC-report that although some measures relating to in-service training of prosecutors and police officers were under consideration at the time, no changes had been made since the adoption of the First Round Evaluation Report on the Netherlands in March 2003. As regards the second part of the recommendation, GRECO recognised that budgetary restrictions could be considered a valid reason for not further increasing resources of investigative agencies specialised in economic crime and corruption offences and suggested that the Netherlands might wish to provide GRECO with additional information on whether and how the concern expressed in the conclusion of the letter submitted by the Minister of Justice to the Parliament (i.e. that an improvement in the approach taken to the resolution of fraud and financial and economic crime was required), would be addressed.
11. The authorities of the Netherlands now indicate, as regards the first part of the recommendation on specific anti-corruption in-service training, that the Training and Study Centre for the Judiciary (*Stichting Studiecentrum Rechtspleging*, SSR) has developed a course on the anti-corruption measures for judges, public prosecutors – in particular, prosecutors responsible for fraud cases and cases investigated by the *Rijksrecherche* and Criminal Intelligence Units – and their clerks. This course, called “combating corruption” (*corruptiebestrijding*), took place for the first time in the beginning of 2007 and addressed laws in the anti-corruption field, principles of integrity, moral dilemmas, criminal legislation vis-à-vis disciplinary proceedings, the legal basis and practices of public procurement, and relevant case law. Furthermore, since 2004, 50 out of the 90 officers from the *Rijksrecherche* have followed a special one-year academic course tailor-made to their task of investigating corruption cases involving police officials, members of the judiciary and prominent office-holders, and (legal) persons suspected of bribing a foreign public official. This course addresses such topics as substantive and procedural criminal law, business administration, public administration (including public integrity) and criminal and financial investigations. In addition, several seminars (so-called theme days) of relevance to investigations into corruption have been organised on an *ad-hoc* basis for officers of the *Rijksrecherche*, *inter alia* on financial investigations and new investigative methods. As to the anti-corruption training of police officers, other than officers of the *Rijksrecherche*, several courses of a general nature have been and are being provided, which also cover issues of relevance to corruption investigations, such as criminal investigation strategies, financial accounting investigations (including construction fraud and public procurement), complex fraud cases and confiscation. In addition, several training seminars (so-called theme days) have been organised for officers of the Internal Affairs Offices (*BIOs*) in the different police forces on financial investigations, new investigative methods and learning from one’s own investigations. Finally, in 2006 a new curriculum on

integrity and the prevention of corruption within the police forces has been developed. This curriculum educates police officers on the nature of corrupt behaviour and has as such also a positive effect on their abilities to recognise and detect corrupt conduct outside the police forces.

12. With regard to the third part of the recommendation, the authorities of the Netherlands report that although no special courses have been organised on public procurement for police officers and officers of the *Rijksrecherche*, public procurement issues are covered implicitly in the courses on fraud, in particular when dealing with construction fraud. As regards training on public procurement for public prosecutors, issues related to public procurement are addressed in the abovementioned newly developed course “combating corruption” (*corruptiebestrijding*).
13. Although GRECO recognised in the RC-report, as regards the second part of the recommendation, that budgetary restrictions could be considered a valid reason for not further increasing staff resources, the authorities of the Netherlands have also provided information on what is being done to improve the approach taken to corruption (and other financial and economic crimes), in lieu of an increase of staff. The Dutch authorities report that in the framework agreement on the main areas of activity for 2007 (*Landelijk Kader Nederlandse Politie 2007*) for the 26 police forces in the Netherlands, as concluded by the Ministry of Justice, the Ministry of the Interior and Kingdom Relations and the police, it has been concluded that further investments need to be made in coming years to combat financial-economic crime. Plans outlining what is needed to improve the joint approach of the prosecution service and the police to the various forms of financial-economic crime, such as corruption, are currently being elaborated by special project groups set up for this purpose in 2006. These plans will be reflected in the budget proposals of the Ministry of the Interior and Kingdom Relations and the Ministry of Justice for 2008.
14. GRECO takes note of the information provided by the Dutch authorities. It is not entirely convinced that the training on public procurement, which is reportedly implicitly included in the various training courses, represents an actual intensification of the training provided on this issue, as is required by the third part of the recommendation. Nevertheless, GRECO welcomes the information on the plans to improve the approach of law enforcement to corruption investigations, and considers that any possible further lacunae, both as regards training needs and resource allocation, will be addressed in the context of this process.
15. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

III. CONCLUSION

16. In addition to the conclusions contained in the First Round Compliance Report on the Netherlands and in view of the above, GRECO concludes that recommendation iv has been implemented satisfactorily and recommendation v has been dealt with in a satisfactory manner.
17. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of the Netherlands.
18. Finally, GRECO invites the authorities of the Netherlands to authorise, as soon as possible, the publication of the Addendum, to translate it into the national language and to make this translation public.