

Adoption: 25 March 2021
Publication: 30 March 2021

Public
GrecoRC5(2021)3

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

ESTONIA



Adopted by GRECO
at its 87th Plenary Meeting (Strasbourg, 22-25 March 2021)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies".
2. This Compliance Report assesses the measures taken by the authorities of Estonia to implement the recommendations issued in the Fifth Round Evaluation Report on Estonia which was adopted at GRECO's 81th Plenary Meeting (3-7 December 2018) and made public on 7 December 2018, following authorisation by Estonia ([GrecoEval5Rep\(2018\)3E](#)).
3. As required by GRECO's Rules of Procedure,¹ the authorities of Estonia submitted a Situation Report on measures taken to implement the recommendations. This report was received on 30 September 2020 and served, together with additional information subsequently provided, as a basis for the Compliance Report.
4. GRECO selected Switzerland with respect to top executive functions in central governments) and Armenia (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The rapporteurs appointed were Mr Ernst GNAEGI, on behalf of Switzerland, and Ms Kristin GRIGORYAN, on behalf of Armenia. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
5. The Compliance Report examines the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any pending recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

6. GRECO addressed 15 recommendations to Estonia in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

7. The authorities of Estonia indicate that the incoming government, in place since 26 January 2021, has prepared a new draft Action Programme of the Government of the Republic which deals with the follow-up to GRECO's recommendations, in particular with the adoption of rules on conflicts of interest for PTEFs and lobbying guidelines. Moreover, on 11 February 2021, the new Government adopted an Anti-Corruption Action Plan, which also refers to the implementation of GRECO's recommendations and so does the Open Government Partnership Action Plan 2020-2022. In 2020, draft

¹ The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised bis.

guidelines/good practices were prepared by the Ministry of Justice together with its partners (NGO Corruption Free Estonia/Transparency Estonia and Corruption Contacts Network): (1) Guidelines for avoiding conflicts of interest for ministers and their advisers, and (2) Good Practice for officials in communicating with lobbyists. The new Government adopted the guidelines and good practice on 18 March 2021. The former entered into force on the day of their adoption and the latter will enter into force on 1 May 2021.

Recommendation i.

8. *GRECO recommended that political advisers undergo a vetting procedure based on integrity criteria as part of the recruitment process*
9. The Estonian authorities state that Principle 2 of the Guidelines for avoiding conflicts of interest for ministers and their advisers stipulates that ministers are responsible for assessing potential conflicts of interest and ensuring that their advisers meet high ethical and professional standards and comply with the law and the principles established in these Guidelines. The guidance associated to Principle 2 stipulates that “the suitability and compliance of political advisers with ethical criteria should be assessed at the time of recruitment before taking office, and this should be done by the minister themselves, asking for the assistance of a contact person on corruption or an internal auditor if necessary”. Political advisers of ministers work with fixed-term employment contracts in Estonia, thus every political adviser is to sign an individual contract with the respective ministry. The authorities add that employees when taking up a position in a ministry, including political advisers, are to fill in the employer's questionnaire-identity card or to submit relevant information through the government employee portal; this information is to contain an overview of ancillary activities (participation in business and working for another employer), which allows to assess whether a conflict of interest exists before signing a contract.
10. GRECO notes that Guidelines for avoiding conflicts of interest for ministers and their advisers have been prepared by the Ministry of Justice were adopted on 18 March 2021. Principle 2 of this draft puts the onus on ministers to ensure that their advisers abide by integrity standards and to assess potential conflicts of interest before they take up their posts, if necessary with the assistance of a contact person on anti-corruption or an internal auditor. GRECO notes that the authorities stated at the time of the Evaluation Report that ministers engage their own reputation in choosing their advisers (para. 42) but the Evaluation Report showed that there was no vetting as such. The newly adopted Guidelines therefore remedy this gap, even though it would be beneficial to systematically involve formally the anti-corruption contact person in assessing potential conflicts of interest. GRECO also notes that ancillary activities of future recruits are checked before signing their contracts. Therefore, GRECO considers that the requirement of the recommendation has been met.
11. GRECO concludes that recommendation i has been implemented satisfactorily.

Recommendation ii.

12. *GRECO recommended that risk analyses be broadened to cover more specifically persons with top executive functions.*
13. The Estonian authorities indicate that, under the leadership of the Ministry of Justice and through the anti-corruption network, ministries have started harmonising the methodology for assessing corruption risks, including assessing the corruption risks of PTEFs. On 13 March 2019, 27 May 2019 and 13 June 2019, the anti-corruption contact points, most of whom are internal auditors in ministries and are part of the anti-corruption network, met in order to assess corruption risks of ministers and political advisers. The result of these individual and group mapping exercises was the “risk map”, i.e. typology and cases of conflicts of interest ministers and political advisers face in their day-to-day work – these included real-life cases and hypothetical cases. Based on this risk analysis, the Ministry of Justice later prepared the draft Guidelines for avoiding conflicts of interest for ministers and their advisers. The illustrative cases stemming from the exercise have also been added to the draft Guidelines and submitted to the government’s cabinet.
14. The authorities add that the National Audit Office (NAO) annually submits to the parliament an evaluation of the accuracy of financial statements and regularity of transactions of the state. In 2019 and assessing the year 2018 the NAO focused specifically on internal control systems set up for prevention of corruption in ministries and State Chancellery (Government Office).² It encouraged to update specific guidelines for risk assessment which is foreseen by the Ministry of Finance in the new anti-corruption action plan approved by the government on 11 February 2021.
15. Finally, the authorities indicate that Estonia carries out sectorial corruption assessments, the latest was carried out in the cultural sector (2019/2020). The study also analysed separately corruption risks concerning the minister and political advisers.
16. GRECO takes note of the steps taken by the Estonian authorities to identify corruption risks for PTEFs. It notes that a mapping of risks faced by PTEFs has already been undertaken, defining the sort of risks of conflicts encountered daily by PTEFs. It also welcomes the fact that this mapping exercise has served as a basis for the Guidelines for avoiding conflicts of interest for ministers and their advisers and the explanatory note. It also notes that the National Audit Office has contributed to efforts to identify through internal controls corruption risks in ministries, which will lead to an update of the guidelines for risk assessment. Therefore, GRECO is satisfied that the overall goal of this recommendation has been achieved.
17. GRECO concludes that recommendation ii has been implemented satisfactorily.

² <https://www.riigikontroll.ee/tabid/206/Audit/2487/Area/14/language/en-US/Default.aspx>

Recommendation iii

18. *GRECO recommended (i) that a Code of Conduct for persons with top executive functions be adopted in order to provide clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, ancillary activities, the handling of confidential information and post-employment restrictions), and (ii) to ensure proper monitoring and enforcement of the Code*
19. The Estonian authorities state that the Guidelines for avoiding conflicts of interest for ministers and their advisers and Good Practice for officials in communicating with lobbyists address part (i) of the recommendation. As regards part (ii) of the recommendation, Principles 12 to 14 of the Guidelines provide for the implementation of the Guidelines, i.e. ministers and their advisers are asked preferably to complete the comprehensive online course on conflicts of interest upon taking office.³ According to Principle 14, the minister and his/her adviser are to contact the Government Office/State Chancellery or the contact person for preventing corruption in their own ministry to receive confidential advice on the prevention of conflicts of interests and ethics. The authorities further add that police advisers, as other employees of ministries, must inform their employer of any ancillary activities, whose accuracy can be checked if necessary. In the course of its annual financial audit, the NAO checks whether transactions have been made with related parties (both in the case of members of the executive and senior management of the area of government and persons with the right to purchase). The authorities report that, so far, they have not identified any shortcomings in ministries in this regard. They also consider as additional mechanisms the media, ministerial integrity contact points and the corresponding network.
20. GRECO takes note of the information provided by the Estonian authorities. As regards part (i) of the recommendation, it notes that, taken together, the Guidelines for avoiding conflicts of interest for ministers and their advisers and Good Practice for officials in communicating with lobbyists cover the integrity matters referred to in the recommendation. In the light of the adoption of these two documents, GRECO considers this part of the recommendation implemented.
21. As to part (ii) of the recommendation, GRECO notes that to ensure proper monitoring and enforcement of the Guidelines and Good Practice the authorities refer to training and advice which are dealt with under recommendation iv. While GRECO does recognise that both training and advice contribute to improving the level of adherence to integrity rules, this cannot be considered as monitoring of the observance of the rules contained in the Guidelines and Good practice as mentioned in the recommendation, which calls for some sort of mechanism to ensure that all rules are abided by.
22. GRECO notes that ancillary activities of civil servants and political advisers working in ministries would be checked before signing their contracts (see also para. 9), that the NAO carries out a monitoring of financial transactions at ministerial level, and that the authorities rely on ministerial integrity contact points and more broadly the media.

³ <https://www.korruptsioon.ee/en/conflict-interests/e-course-prevention-corruption-and-conflict-interest-public-sector>

However, GRECO also notes that no specific mechanism whether new or already existing and dedicated to monitoring specifically the respect of the rules of the Guidelines and Good practice instruments is currently planned. What currently exists regarding certain specific areas (ancillary activities, financial transactions) appears to leave out many areas covered by the new integrity rules. GRECO considers that it would be beneficial to have a mechanism that would cover the integrity standards of the Guidelines and Good practice in their entirety. Moreover, as frequently underlined by GRECO, enforcement implies some form of sanction depending on the breach and its severity. Therefore, GRECO considers that this part of the recommendation has not been fully complied with yet.

23. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv.

24. *GRECO recommended that systematic briefing on integrity issues be imparted to ministers and political advisers upon taking up their positions and confidential counselling on ethical issues be accessible to all persons with top executive functions*
25. The Estonian authorities indicate that the Guidelines for avoiding conflicts of interest for ministers and their advisers stipulate that ministers and their advisers should preferably complete the comprehensive online course on conflicts of interest upon taking office prepared by the Ministry of Justice.⁴ In addition to that, the State Chancellery (Government Office) has agreed to integrate the Guidelines and the Good Practice for officials in communicating with lobbyists into the “Assistant to the Minister” guidelines and their online course in the already existing induction training of the government members once they take office. The Guidelines also provide that ministers and their advisers contact the State Chancellery and the contact person for preventing corruption in their own ministry to receive confidential advice on the prevention of conflicts of interests and ethics. Ministers and their political advisers are advised by the ministries, and the prime minister and his/her advisers by the State Chancellery.
26. GRECO takes note of the information provided by the Estonian authorities. As regards part (i), it notes that the State Chancellery briefs incoming ministers and advisers on all matters, including integrity, when they take up their office as part of their induction training. Moreover, this induction training will take on board the changes brought about by the Guidelines for avoiding conflicts of interests for ministers and their advisers and the Good Practice for officials in communicating with lobbyists. As for part (ii), the Guidelines also structure how confidential advice can be sought by ministers and advisers and meet the requirements of this part of the recommendation. Therefore, GRECO considers that overall the recommendation has been complied with.
27. GRECO concludes that recommendation iv has been implemented satisfactorily.

⁴ <https://www.korruptsioon.ee/en/conflict-interests/e-course-prevention-corruption-and-conflict-interest-public-sector>

Recommendation v.

28. *GRECO recommended that rules be laid down to govern (i) contacts between persons with top executive functions and lobbyists/third parties that seek to influence the public decision-making process and (ii) the disclosure of such contacts and the subject-matters discussed.*
29. The Estonian authorities state that the Good Practice in communicating with lobbyists for officials⁵ include (i) rules on such contacts and (ii) the requirement of disclosure. Principle 7 provides that the official is to inform the public about meetings with stakeholders and lobbyists on the agency's website on a quarterly basis.
30. GRECO takes note of the information provided by the Estonian authorities. As to part (i) of the recommendation, it notes that the Good Practice in communicating with lobbyists contains rules to provide a framework for contacts of PTEFs with lobbyists, such as following principles of equal treatment and transparency when planning and implementing policy decisions; refusing gifts or other benefits from lobbyists or their representatives; refraining from entering into a contractual relationship as part of ancillary activities with a lobbyist or their representative; refraining from being employed by a lobbyist who directly sought to influence them in their area of government. As regards part (ii), GRECO notes that the said Good Practice requires from PTEFs that they inform the public on a quarterly basis about their meetings with stakeholders and lobbyists, indicating the topic discussed, as well as the name and organisation of the lobbyist.
31. In view of the above, GRECO considers that both parts of this recommendation have been complied with.
32. GRECO concludes that recommendation v has been implemented satisfactorily.

Recommendation vi.

33. *GRECO recommended that rules be introduced concerning the employment of persons with top executive functions in the private sector after leaving government.*
34. The Estonian authorities state that Principle 7 of the Guidelines for avoiding conflicts of interest for ministers and their advisers provides that after leaving office, ministers must not take up a position as a member of the management or supervisory body of a company or foundation in their area of government for one year. In addition, Principle 5 of the Good Practices for officials on communication with lobbyists provide that upon leaving office, the official refrains from being employed by a lobbyist or the persons they represent in respect of whom they made direct decisions during their last year in office, with which an advantage or benefit is involved that affects solely the lobbyist or the persons they represent.

⁵ "Officials" within the meaning of the Anti-Corruption Act include ministers (see Evaluation Report, para. 56).

35. GRECO welcomes that rules on post-employment are now contained in respectively the Guidelines for avoiding conflicts of interest for ministers and their advisers and the Good practice for officials in communicating with lobbyists. It nevertheless considers that the adopted rules have a few shortcomings on employment of PTEFs in the private sector after leaving government.
36. According to the Guidelines for avoiding conflicts of interest for ministers and their advisers, only ministers must not take up a job as a member of the management or supervisory body of a company or foundation in their area of government for one year while the recommendation concerns all PTEFs.
37. The Good practice for officials in communicating with lobbyists, asks PTEFs to refrain from being employed by a lobbyist or an interest group which directly influenced them while being in office or for whom they directly acted or made direct decisions (Principle 5). GRECO considers that, rather than simply refraining, this should be a requirement, at least during the one-year cooling-off period after leaving government mentioned in the Good Practice.
38. Overall, GRECO considers that there have been positive developments. That said, certain rules, as highlighted above, need strengthening, and the recommendation can only be considered partly implemented at this stage.
39. GRECO concludes that recommendation vi has been partly implemented.

Recommendation vii.

40. *GRECO recommended that the authorities (i) ensure that those political advisers who are associated with a minister's decision-making be required to fill in declarations of interests; (ii) consider widening the scope of declarations of interests to also include information on the spouses and dependent family members of ministers (it being understood that such information would not necessarily need to be made public).*
41. The Estonian authorities state that, as regards (i) part of the recommendation, the government has prepared amendments to the Anti-corruption Act, which have been transmitted to the parliament on 28 January 2021, the first and second reading have taken place. In accordance with the draft legislation, clause 13 (1) 1) of the Anti-corruption Act⁶ would be amended so that the circle of representatives required to fill out the declaration of interests is expanded to political advisers to ministers. In accordance with subsection 7 (6) of the Civil Service Act, those are advisers who assist or advise the prime minister, the ministers and other relevant persons, until the expiry of their term of office, and have concluded a fixed-term employment contract with them. In accordance with subsection 12 (2) of the Anti-corruption Act, a declaration is submitted within four months of assuming office or the date of obligation to submit a declaration, and thereafter by 31 May each year.

⁶ <https://www.riigiteataja.ee/en/eli/515072020012/consolide>

42. As regards (ii) part of the recommendation, after thorough consideration in the Ministry of Justice, conclusion was made that the Anti-corruption Act is sufficient to verify the content of declarations and receive information about family members. Therefore, it is not necessary to extend the obligation to submit declarations also to family members, specifically keeping in mind of the respect for privacy, and considering the notion that minister's spouses and partners themselves are not public persons. According to Article 15 (6) of the Anti-Corruption Act, the Select Committee of the Parliament has the right to request explanations from declarants and any third persons concerning the contents of the declarations and may start inquiries and receive information concerning declarants from credit institutions and the databases of the state and local governments to the extent necessary for verification of declarations. According to the authorities, this already gives extensive rights to the controller of the declarants to make inquiries and receive extra information from the ministers and their spouses/partners.
43. GRECO takes note of the information provided by the Estonian authorities. As regards part (i), it notes that according to amendments to the Anti-Corruption Act proposed by the Minister of Justice the requirement to submit declarations of interests within four months after taking office and then annually is to be extended to ministers' advisers. This would represent a positive development in line with this part of the recommendation. As the draft legislation has been transmitted to the parliament by the government, GRECO considers this part of the recommendation has been partly implemented.
44. As to part (ii) of the recommendation, GRECO notes that the Government has duly considered widening the scope of declarations of interests to also include information on the spouses and dependent family members of ministers as per the recommendation. Whilst GRECO regrets that the authorities decided that it was not necessary even if this information was not divulged to protect the privacy of the persons concerned, it takes note of their argument whereby relevant information could be obtained by other means where necessary (including by the parliamentary committee competent for controlling ministers' declarations of interests) and considers that, as consideration has been given to extending declarations of interests to close relatives, this part of the recommendation has been complied with.
45. GRECO concludes that recommendation vii has been partly implemented.

Preventing corruption and promoting integrity in law enforcement agencies

Recommendation viii.

46. *GRECO recommended. that the standards on corruption prevention in the Police and Border Guard Board, which currently exist across various documents, be consolidated in one document*
47. The Estonian authorities state that the principles of reporting corruption and/or other extraordinary incidents, informing about ancillary activities and accepting gifts are now stipulated in the Internal Rules of Procedures of the PBGB. Corruption Prevention

Guidelines and the Procedure for Supervisory Control and Disciplinary Proceedings are remaining in separate documents in accordance with the protocol decision of the PBGB management meeting of 8 January 2019. The rules of procedure also establish that the agency must follow the general code of ethics for officials and that no separate code of ethics will be established.

48. GRECO takes note of the steps taken by the Estonian authorities towards the rationalisation of existing integrity rules on the PBGB existing across different documents. In the Evaluation Report, it was accepted that relevant standards already existed for the PBGB in different documents and that there was no need for a separate code of ethics but, at the same time, that these standards needed to be consolidated in one document to increase their legibility not only for PBGB staff but also for the public. GRECO notes that it is now made clear in the Internal Rules of Procedure of the PBGB that the Code of Ethics for Officials is applicable to PBGB staff, which was previously lacking. According to the Evaluation Report, the intention with the adoption of the Corruption Prevention Guidelines, which is a practical document with concrete examples, was to address integrity issues (e.g. conflicts of interest, gifts and ancillary activities), which were only touched upon in the Internal Rules of Procedures (see Evaluation Report, para. 158). GRECO notes that now the principles contained in these Guidelines on reporting corruption, gifts and ancillary activities have also been integrated into the Internal Rules of Procedure, which already contained language on conflict of interest (see Evaluation Report, footnote 28). GRECO can understand that these two documents may coexist, one containing rules while the other being a practical document, and is therefore satisfied that the explanations provided meet the global aim of the recommendation towards more clarity including for the public.
49. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix.

50. *GRECO recommended that the procedure for selecting and appointing the Director General of the Police and Border Guard Board be revised in order to ensure that the formal, competitive and transparent process applies to all candidates.*
51. The Estonian authorities indicate that the Ministry of Justice has initiated discussion with the Ministry of Interior about the procedure of selecting and appointing the Director General of the PBGB and that this process is ongoing. The new Anti-Corruption Action Plan 2021-2025 (in force since 11 February 2021) contains an activity regarding the procedure for selecting and appointing the Director General of the PBGB. It states that the procedure for the election and appointment of the Director-Generals of government agencies must ensure that the principles of competition and transparency are taken into account for all candidates. In general, the election of a top manager should indeed take place by the top management selection committee and Ministry of the Interior has taken steps in that direction. However, the Minister may according to the law, decide not to hold a competition, which should be justified exceptional cases.

52. GRECO notes that a reflection process on the procedure for selecting and appointing the Director General of the PBGB has begun and the recent Anti-Corruption Action Plan 2021-2025 contains a line of action on the procedure for selecting and appointing the Director General of PBGB where the principles of competition and transparency apply to all candidates. GRECO notes that the Ministry of the Interior has started working towards this goal. Therefore, this recommendation can be considered as being partially complied with.

53. GRECO concludes that recommendation ix has been partly implemented.

Recommendation x.

54. *GRECO recommended that further efforts be made to increase the representation of women at higher levels and ensure their integration at all levels in the Police and Border Guard Board.*

55. The Estonian authorities report that the PBGB management has decided in its protocol decision of 8 January 2019 that the principles of equality in competitions are to be followed and that co-operation with the Estonian Policewomen's Association is to be increased to ensure greater equality. In addition, the PBGB makes efforts to ensure gender balance in the selection committees, involving external female experts where possible. Group-based leadership also contributes to increase the number of female managers.

56. Furthermore, the authorities report that the proportion of men and women is relatively similar across the PBGB and gives an overview of how vacancies are filled. The PBGB does not collect gender-based data on how many men and how many women have participated in competitions. As the nature of the positions are often very specific, there might be competitions where the proportions of male and female candidates differ a lot.

Proportion of men and women from 2018:

date	Together		Police officers		Other staff	
	Women	Men	Women	Men	Women	Men
01.01.2018	44,3%	55,7%	34,9%	65,1%	74,1%	25,9%
01.01.2019	43,7%	56,3%	34,7%	65,3%	74,1%	25,9%
01.01.2020	43,3%	56,7%	34,9%	65,1%	72,9%	27,1%
01.07.2020	43,2%	56,8%	35,1%	64,9%	72,4%	27,6%

Staffing levels PBGB:

Category	01.01.2019			01.01.2020			01.09.2020		
	Men	Women	Number of staff	Men	Women	Number of staff	Men	Women	Number of staff
Top management	71,40%	28,60%	7	75,00%	25,00%	8	77,80%	22,20%	9
Mid-level management	78,10%	21,90%	178	79,20%	20,80%	173	74,60%	25,40%	177
First-level managers	74,10%	25,90%	359	73,10%	26,90%	383	71,50%	28,50%	400
Non-managerial staff	54,10%	45,90%	4 672	54,50%	45,50%	4 725	55,10%	44,90%	4 690
Total	56,30%	43,70%	5 216	56,70%	43,30%	5 289	57,00%	43,00%	5 276

57. GRECO notes that further efforts have been made by the Estonian authorities to improve representation of women at all levels in the PBGB. Steps have been taken in the recruitment process through the principles of equality in competitions, co-operation with the Estonian Policewomen’s Association and more gender-balanced composition of selection committees. GRECO invites the authorities to keep track of how many women participate in competitions as relevant data to adjust their gender equality policies. GRECO notes that figures regarding the distribution of posts between women and men remain relatively stable, but that a slight increase can be noted in low and middle management posts. As regards top management, while the percentage of women in top management has been decreasing during the same period, it has increased markedly since the Evaluation Report (12.5% of women at top management level in 2017) and the authorities have specified that the number of women has remained stable. Therefore, GRECO acknowledges that efforts have been made that meet the requirements of this recommendation and encourages to maintain their efforts.

58. GRECO concludes that recommendation x has been implemented satisfactorily.

Recommendation xi.

59. *GRECO recommended that the possibility of introducing the principle of rotation of staff of the Police and Border Guard Board be further explored, specifically for police officers in areas exposed to particular risks of corruption*

60. The Estonian authorities report that, according to the protocol decision of the PBGB management meeting of 8 January 2019, the movement between positions is encouraged through various measures. The authorities underline however that, by reason of the specificities of certain positions, it takes time to reach the needed degree of specialisation. The possibility and necessity of rotation are explained during the annual developmental interview. The authorities indicate that, while the PBGB is continually monitoring risk sectors, the PBGB is planning to conduct a risk assessment to identify high corruption risk positions in a more formal way. The use of rotation has increased over the past couple of years; the goal is to offer broader opportunities for employees to find new challenges in different fields.

61. The authorities provide some examples of rotation systems in the PBGB:
- Rotation within the prefecture - for example, in the Southern Prefecture, department managers and office managers move to other position after every five years;
 - Rotation between regions - the result has been achieved through competitions;
 - Rotation between agencies - PBGB experts go to work in the Academy of Security Sciences or the Ministry of the Interior, and vice versa;
 - Horizontal rotation - for example in the personal protection bureau all the bodyguards and managers move to different divisions and/or groups regularly.
62. GRECO notes that, in line with this recommendation, the possibility of rotation has been explored further by the PBGB and that some measures have been taken to encourage it as demonstrated by the general examples given (see para. 61). While the PBGB monitors risk areas, in the spirit of the recommendation, the PBGB is to undertake a risk assessment to identify high corruption risk positions in a more analytical and structured way, which is at the core of the recommendation. GRECO takes note of these positive steps and looks forward to the results of this process which is essential to inform the reflection on rotation within the meaning of the recommendation. Therefore, it considers that the requirement of this recommendation to explore further rotation based on risk areas has been partly met.
63. GRECO concludes that recommendation xi has been partly implemented.

Recommendation xii.

64. *GRECO recommended that the supervision of ancillary activities of police officers be enhanced to ensure that the prevention of conflicts of interest, beyond access to police contracts, is adequately addressed*
65. The Estonian authorities report that the PBGB's Internal Control Bureau (ICB) carries out ancillary activities inspections of all employees at least once a year since 2019. The purpose of these controls is to identify possible conflicts of interest of any nature and, if necessary, to prohibit certain ancillary activities. For example, in 2020 criminal proceedings were initiated by the Internal Control Bureau (ICB) because the notification of an officer's ancillary activity did not correspond to the real content of this activity which turned out to be in conflict with his police duties. In 2018 there were 977 notifications and 427 terminations; in 2019 there were 828 notifications and 488 terminations; and in 2020 there were 649 notifications and 258 terminations.
66. According to the new version of the PBGB rules of procedure of 28 September 2020, there is a requirement to notify the immediate manager of the termination of ancillary activities. The main purpose of this amendment is to raise awareness that prevention of corruption amongst PBGB employees is not only the responsibility of the ICB, but also that of every manager. This rule about managers' responsibility has been implemented. Managers are aware of ancillary activities and, if necessary, they can draw attention to

the conflicts of interest or other irregularities. The ICB draws managers' attention regularly to the need to implement this task.

67. GRECO takes note of the steps taken by the Estonian authorities to increase control over ancillary activities of police officers. It welcomes the introduction in 2019 of regular, and at least annual, inspections by the PBGB's Internal Control Bureau of ancillary activities of PBGB staff members with a view to identifying any possible conflicts of interest and where needed to prohibit them. It also notes that the responsibility of managers to prevent corruption when it comes the ancillary activities carried out by their subordinate staff. GRECO welcomes the concrete measures taken.
68. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiii.

69. *GRECO recommended that a study be conducted concerning the activities of police officers after they leave the police and that, if necessary, in light of the findings of this study, rules be adopted to ensure transparency and limit the risks of conflicts of interest.*
70. The Estonian authorities report that, according to the decision of the PBGB management meeting of 8 January 2019, leaving staff members are asked about their new position or field of activity; collected data is to allow conducting the recommended study. However, it should be noted that staff members leaving the PBGB might refuse to respond, so the dataset is not complete. Therefore, a proposal has been made to the Ministry of the Interior to amend the provisions of the Civil Service Act, so that they allow to process personal data of former employees of the PBGB. Currently the ICB is conducting the study based on data collected 2019.
71. The PBGB Personnel Bureau (PB) has proposed to conduct a resignation interview to almost all employees who leave at their own request. In many cases, the PB receives feedback from the employee about the reasons for leaving, but often they do not agree to disclose the reasons. In such case, the PB also interviews the immediate managers of the leaving staff member.
72. GRECO notes that several steps have been taken to make it possible to have as reliable data as possible to conduct a study on activities former staff of the PBGB engage in after leaving it. A study is currently ongoing on data collected in 2019. In addition, interviews are now proposed with staff leaving the PBGB and the immediate managers in order to determine their motives for leaving. GRECO considers that these are positive steps but that, until the study is completed in line with the recommendation, it can only consider the recommendation partly implemented.
73. GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv.

74. *GRECO recommended that the safeguards applicable to the mechanisms for oversight of police misconduct be reviewed and to ensure that they provide for sufficiently independent investigations into police complaints and a sufficient level of transparency to the public.*
75. The Estonian authorities report that since 1 November 2019 an internal auditor has been working in the Ministry of the Interior, whose post responsibilities include handling complaints about employees of the PBGB, in order to find out the circumstances, to make a decision and, if necessary, to initiate official supervisory control. Unlike the internal audit department, the internal auditor is not answerable to the minister but to the chancellor of the ministry. For the time being, no further rules of procedure have been made and all the complaints are processed on a case-by-case basis. The authorities believe that, with the position of the internal auditor, an additional objective, independent and transparent mechanism is ensured.
76. Complaints are dealt in accordance with [Response to Memoranda and Request for Explanations and Submission of Collective Proposals Act](#), and the first contact with the complainant will be immediately upon receipt of the complaint and s/he will be kept informed of progress. If necessary, additional information or evidence will be collected from the complainant, but also from the other parties. Information on the outcome of the proceedings will be sent to the complainants and if these documents do not contain personal data or other confidential information regulated by the law, the documents relating to the proceedings will be publicly available in the official document registry.
77. During the period 1 November 2019 / 17 October 2020, the Ministry of the Interior carried out the following supervisory activities regarding the PBGB:
- Supervision of the ongoing control procedure: the PBGB itself requested the Ministry of the Interior to assess the control procedure carried out. The Ministry of the Interior found that the alleged misconduct had not been proven and proposed to terminate the control procedure;
 - Reviewed the complaints regarding PBGB employees;
 - Reviewed the complaint of the PBGB employee regarding the legality of the ongoing disciplinary proceeding.
78. The authorities indicate that, in addition to the position of internal auditor, the Internal Audit Department, the Chancellor of Justice, the Prosecutor's Office and the Internal Security Police carry out independent external oversight and prosecute criminal offences and misdemeanours. According to the authorities, the Estonian legal system would not allow for the creation of a more transparent mechanism and creating an additional mechanism would risk resulting in duplication.
79. GRECO notes that the authorities have created a new level of control with an internal auditor based in the Ministry of the Interior whose role is to deal with complaints against PBGB staff and either take a decision or initiate supervisory control. Supervisory control

has been carried out by the Ministry of the Interior in a limited number of cases. While GRECO had acknowledged in the Evaluation Report that the system was functional, it had nonetheless asked for a review to be conducted regarding the safeguards ensuring the independence, impartiality and transparency of investigations as there is currently no truly external independent oversight with the exception of the Chancellor of Justice regarding fundamental rights. While the creation of an internal auditor based in the Ministry of the Interior does not qualify as external independent oversight, it does represent control by a body autonomous from the PBGB, which is a positive development. Moreover, the complaint system now offers a higher level of transparency for the complainant, who is kept informed of the progress of the complaint, and the public with the publication of information on the official documents registry. GRECO notes that the review by the Ministry of the Interior has ensured in practice a sufficient level of autonomy in the oversight of police complaints and a higher level of transparency that meet the requirements of this recommendation.

80. GRECO concludes that recommendation xiv has been implemented satisfactorily.

Recommendation xv.

81. *GRECO recommended that the protection of whistleblowers be strengthened and the awareness of staff of the Police and Border Guard Board of the protection afforded to whistleblowers be raised.*
82. The Estonian authorities report that, according to the protocol decision of the PBGB management meeting of 8 January 2019, the confidentiality of a whistleblower must be ensured. While anonymous reporting is also ensured within the PBGB, it might not always lead to a successful solution as anonymity makes it more difficult to obtain supplementary information. According to the Police and Border Guard Act § 7⁵¹, anonymity is guaranteed. The PBGB also has established, on the same legal basis, a procedure that defines the status of a person providing anonymous/confidential information and the handling of information provided by him or her.
83. Currently, the Ministry of Justice is preparing a draft law on the protection of persons who report breaches of the law, which is also to regulate the protection of whistleblowers in the PBGB. The draft law is related to the transposition of the Directive of the European Parliament and of the Council of the EU on the protection of persons who report breaches of Union law.
84. The authorities add that, with this draft, Estonia has taken a broader approach, the new law is to regulate the protection of all whistleblowers. The draft law establishes the personal and material scope of the protection of the person who report breaches, the conditions for obtaining protection and the channels of reporting. In order to obtain protection, it is important that the person have reasonable grounds to believe that information is correct and that he/she has been reporting correctly. Protection does not depend on the motivation of the reporting person. In case of anonymous reporting, the protection will have to be ensured if the reporting has been made correctly and the reporting person's identity is revealed.

85. GRECO notes that through the PBGB's management decision of 8 January 2020, the confidentiality of exchanges with whistleblowers is guaranteed, in addition to their anonymity . It also notes that a broader draft law on the protection of whistleblowers, including those within the PBGB is currently being prepared by the Government. The recommendation also asked for steps for greater awareness of whistleblower protection within the PBGB, which has not been described. In view of the above, GRECO considers that some progress has been made and invites the authorities to inform it about further developments in addressing the recommendation.
86. GRECO concludes that recommendation xv has been partly implemented.

III. CONCLUSIONS

87. **In view of the foregoing, GRECO concludes that Estonia has satisfactorily implemented eight of the fifteen recommendations contained in the Fifth Round Evaluation Report.** The seven remaining recommendations have been partly implemented.
88. More specifically, recommendations i, ii, iv, v, viii, x, xii and xiv have been implemented satisfactorily, and recommendations iii, vi, vii, ix, xi, xiii and xv have been partly implemented.
89. With respect to top executive functions, GRECO welcomes the on-going progress, in particular with the drafting of the Guidelines on conflicts of interest for ministers and their advisers and the Good Practices for officials on communication with lobbyists adopted on 18 March 2021. These two documents, accompanied by practical guidance with concrete examples to flesh out the principles they contain, address several issues raised in GRECO's recommendations connected with conflicts of interest, gifts, contacts with third parties, ancillary activities, confidential information and post-employment restrictions. GRECO also welcomes the mapping of risks faced by ministers and their advisers, which has been carried out and has informed the preparation of the Guidelines and Good Practice. According to draft amendments to the Anti-Corruption Act, the requirement to fill in declarations of interests should be extended to political advisers, which will be another positive development. That said, certain aspects would need addressing, in particular the setting-up of a mechanism to monitor compliance with integrity standards, and tighter post-employment rules. These changes regarding the integrity of persons with top executive functions appear to be all the more important at a time where the last Prime Minister in office decided to step down owing to serious allegations of corruption against his party in connection with political financing.⁷
90. Regarding law enforcement agencies, GRECO welcomes the progress made in the implementation of its recommendations. Steps have been taken to consolidate integrity standards in two documents, the Internal Rules of Procedure, which have been completed, and a more practical document, the Corruption Prevention Guidelines. Regular controls of ancillary activities of policer officers have been introduced, with a view to avoiding possible conflicts of interest. Efforts have been made to improve

⁷ <https://www.dw.com/en/estonian-prime-minister-quits-over-corruption-probe/a-56209253>

gender equality in the Police and Border Guard in particular by taking measures on recruitment. The rotation of personnel is now encouraged wherever possible and measures have been taken to this effect; a risk assessment of high risk positions is currently ongoing. In addition, discussions on the procedure for selecting and appointing the Director General of the Police and Border Guard Board has been initiated with a view to ensuring a transparent and fair process for all candidates. Furthermore, steps have been taken to carry out a study concerning the activities of police officers after they leave the police so as to avoid possible situations of conflicts of interest. There are also ongoing developments to strengthen the protection of whistleblowers that need to be followed through. As regards the management of complaints against PBGB staff, a post of auditor has been created under the Ministry of the Interior with more guarantees of autonomy and transparency of police oversight. Overall, progress on the implementation of recommendations concerning the PBGB are noteworthy, although certain areas highlighted above would need further action.

91. In view of the above, GRECO notes that further progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. Pursuant to Rule 31 revised bis, paragraph 8.2 of its Rules of Procedure, GRECO invites the Head of delegation of Estonia to submit additional information regarding the implementation of the pending recommendations iii, vi, vii, ix, xi, xiii and xv by 30 September 2022.
92. Finally, GRECO invites the authorities of Estonia to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public.