



# ***Strengthening the fight against corruption: assessing the EU legislative and policy framework***

Final Report for Acceptance

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## List of abbreviations

BPI	Bribe Payer Index
CEPOL	European Union Agency for Law Enforcement Training
CoE	Council of Europe
COSP	the Conference of State Parties
CPI	Corruption Perception Index
CSO	Civil Society Organisation
DG ECFIN	Directorate-General for Economic and Financial Affairs
DG EMPL	Directorate-General for Employment, Social Affairs and Inclusion
DG FISMA	Directorate-General Financial Stability, financial services and capital markets union
DG INTPA	Directorate-General for International Partnerships
DG HOME	Directorate-General for Migration and Home Affairs
DG JUST	Directorate-General for Justice and Consumers
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
DG REFORM	Directorate-General for Structural Reform Support
EC	European Commission
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EP	European Parliament
EPPO	European Public Prosecutor's Office
EU	European Union
EUROJUST	European Union Agency for Criminal Justice Cooperation
EUROPOL	European Union Agency for Law Enforcement Cooperation
FIU	Financial Intelligence Unit
GCB	Global Corruption Barometer
GDP	Gross Domestic Product
GO	General Objective
GRECO	Group of States against Corruption
ICCS	International Classification of Crime for Statistical Purposes
INTERPOL	International Criminal Police Organization
JHA	Justice and Home Affairs Council
KoM	Kick-off Meeting
LEA	Law Enforcement Authority
MCA	Multi-criteria analysis
MS	Member States
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OCG	Organised Criminal Groups
OLAF	European Anti-Fraud Office
PO	Policy Option
SO	Specific Objective
SOCTA	Serious and Organised Crime Threat Assessment
TFEU	Treaty on the Functioning of the European Union
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime

**Member States**

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czechia
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia



## Abstract

The present study to strengthen the fight against corruption in the EU aims at providing recommendations for possible EU measures in the area of corruption prevention and repression and to assess and compare the impacts of the identified policy options. The core problems, drivers and issues of the EU anti-corruption acquis, the need for and added value of EU action and the relevant policy objectives were identified through detailed desk research and numerous consultation activities. Overall, the assessment pointed to legislative and operational barriers that hinder both the prevention and the fight against corruption in the EU. Main barriers include significant differences in terms of legislative and administrative arrangements in place at the national level to fight against corruption, as well as a lack of adequate data collection and monitoring of corruption data and trends that prevents sufficient prevention of corruption in the EU. These findings informed the design of the following policy measures that have been identified during this study:

- Policy option 1 – Baseline Scenario: no further action is taken;
- Policy option 2 - Minimum standards and supporting soft measures: legal proposal on minimum standards, e.g., through the introduction of common minimum rules and standards against corruption-related offences, which is flanked by supporting (soft) measures;
- Policy option 3 - Stronger alignment and supporting soft measures: legal proposal on additional minimum standards against corruption-related offences and enablers, flanked by stronger supporting measures.

This study identified policy option 3 as the preferred policy option, which constitutes stronger legislative alignment flanked by supporting soft measures. Specifically, the preferred policy option calls for the establishment of common minimum rules concerning the definition of corruption offences and related penalties, alongside common rules towards enhanced investigation and prosecution of corruption crimes across the Member States (e.g. boosting reporting, harmonising approaches to immunity and statutes of limitation, as well as to enablers of corruption). Also, the preferred policy option foresees measures aimed at ensuring adequate prevention of corruption, including comprehensive collection of corruption data, as well as the establishment of dedicated anti-corruption authorities both at the EU and national level. The assessment of the impacts expected from these options showed that the policy option 3 is highly effective in tackling the identified policy objectives, albeit slightly less cost-effective than policy option 2, considering some of the foreseen non-legislative measures would entail an increased financial burden. The preferred option is also expected to have a positive impact to the highest degree on security, economy and society, while impacts on fundamental rights has been assessed as moderate.

## Executive summary

### Framework of the studies

#### *Tasks and scope of the assignment*

The **primary tasks** of the study were:

- Task 1: Assess the legislative gaps in the EU anti-corruption acquis where there could be a need for EU-level action to better support the prevention of and fight against corruption in the Member States;
- Task 2: Provide possible options for a modernised EU approach to preventing and fighting corruption that might add value and address the challenges identified.

Overall, the study aimed to provide non-binding and factual recommendations as well as an assessment and comparison of the impacts of possible future EU action.

In order to meet these objectives, the **scope of the study** was defined as follows:

**Table 1 – Scope of the assignment (Executive Summary)**

Category	Definition of the scope
<b>Subject matter</b>	The study aimed to (i) assess the EU anti-corruption acquis applicable to Member States to outline legislative, policy and operational gaps; and (ii) explore and define areas for potential future EU legal, policy and/or operational action in response to the identified gaps.
<b>Timeline</b>	The study focused on the timeframe between 2009 and 2021, with a forward-looking perspective to account for the expected impacts of policy options in the (five to ten) years to come.
<b>Territory</b>	All 27 EU Member States along with relevant initiatives at the regional and global level.

*Source: Author's elaboration*

#### *Methodological approach*

Throughout this study, multiple **data collection activities** were conducted, including detailed desk research, as well as broad field research activities. The **desk research** in this study covered a documentary review to map the most relevant EU sources on corruption in all Member States, including the European Commission's Rule of Law Reports 2020 and 2021, the Fourth and Fifth Evaluation Rounds of the Council of Europe's GRECO Reports, the Second Evaluation Cycle of UNCAC Reports. The desk research also included a mapping of all main corruption indices. As part of the **field research**, a combination of data collection instruments was used, namely:<sup>1</sup> stakeholder interviews (n=32), a survey on costs for the Member States (n=16), five national focus groups (n=15) and three workshops (n=59).

### Summary of the study findings

#### *Problem definition*

In Task 1 of this study, the main problems and their causes (drivers) to be addressed by a possible future intervention were identified.

The task was based on an analysis of the **cross-cutting challenges**, both legislative and operational, that currently affect the repression and prevention of corruption across Member States. The horizontal challenges were then elaborated and clustered to individuate the **core problems** that a future policy intervention should directly address. For each core problem specific drivers were identified, and for those drivers, specific issues were listed. The findings were collected in the Problem Tree (Figure 1).

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<sup>1</sup> The information provided in brackets after some of the data collection instrument indicates the respective number of participants/respondents.

**Figure 1 – Problem Tree (Executive Summary)**

<b>Consequences</b>	<b>Corruption in the EU poses security threats, undermines democracy and the rule of law and leads to social and financial detriment to public authorities, business and citizens</b>	
<b>Core problems</b>	<b>1. Repression of corruption in the EU is subject to legislative and operational barriers</b>	<b>2. Prevention of corruption in the EU is limited</b>
<b>Drivers</b>	<p><b>1.1. Criminalisation of corruption and related crimes is not sufficient:</b></p> <ul style="list-style-type: none"> <li>• Criminalisation of corruption is focused mostly on bribery-related cases</li> <li>• Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States</li> </ul> <p><b>1.2. National law enforcement and judicial authorities have not always adequate capacity to detect and prosecute corruption:</b></p> <ul style="list-style-type: none"> <li>• Underreporting of (potential) corruption cases is still high</li> <li>• Financial resources and expertise available at the Member State level are not sufficient</li> </ul>	<p><b>2.1 Member States’ approaches to prevent corruption are inadequate:</b></p> <ul style="list-style-type: none"> <li>• Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States</li> <li>• Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities</li> <li>• Verification systems on asset declaration are lacking or limitedly used</li> <li>• Some Member States lack specific services on ethics and integrity</li> </ul> <p><b>2.2 Prevention programmes suffer from a lack of data on and knowledge of the magnitude of corruption in the EU:</b></p> <ul style="list-style-type: none"> <li>• There are no uniform, up-to-date and consolidated corruption statistics and thus limited evidence-based policy-making on anti-corruption</li> <li>• Monitoring of corruption risks and related actions, and thus evidence-based policy-making on anti-corruption, is limited</li> </ul>

*Source: Author’s elaboration*

### *The need for EU action*

The analysis of the need for EU action in the field of the fight against corruption was structured according to:

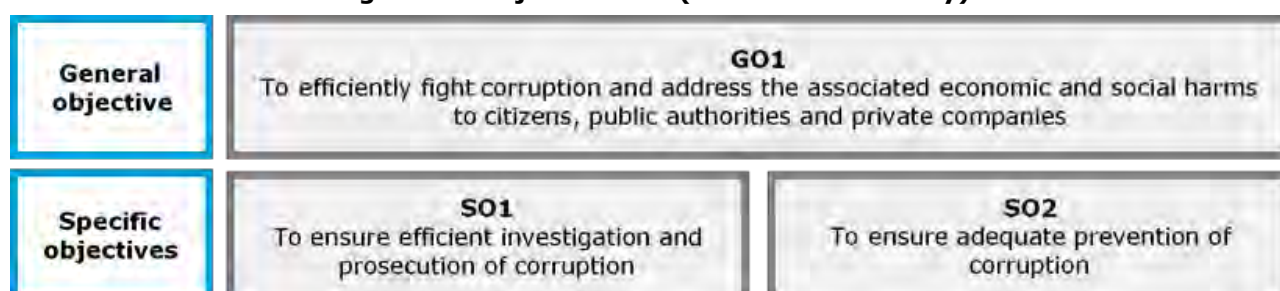
- **The relevant legal basis:** The legal basis for EU action in the field of the fight against corruption is Title V, Chapter 5, of the TFEU. Pursuant to Article 83 (TFEU), “the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules on the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis”.
- **The necessity of EU action:** EU action is necessary to tackle the two core problems identified by our analysis. The challenges faced by the Member States in their effort against corruption shows how the uncoordinated national steps taken by Member States are, as of 2022, not sufficient to tackle threats posed by corruption in the EU. This was confirmed by an analysis of EU Member States’ ranking in corruption indexes and in stakeholder consultations.
- **The added value EU action:** Given the complexity and extent of corruption crimes, alongside their more and more prominent cross-border nature, an EU intervention could create added value by contributing to ensuring a common playing field between Member

States, hence contributing towards greater harmonisation of national approaches in fighting against corruption.

### Policy objectives

Based on the findings in Task 1, the objectives of a potential future EU initiative were developed, differentiating between general objectives (GO) and specific objectives (SO). The results are summarised in Figure 2 below.<sup>2</sup>

**Figure 2 – Objective tree (Executive Summary)**



*Source: Authors' elaboration*

In a next step, these general and specific objectives were analysed regarding their coherence with other EU policies in the field of fight against corruption. As an overall summary, the objectives were found to be **consistent with the following policies**: (i) Directive 2017/1371/EU;<sup>3</sup> (ii) Directive 2019/1937/EU;<sup>4</sup> (iii) The EU Security Union Strategy 2020;<sup>5</sup> (iv) the annual Rule of Law report initiative;<sup>6</sup> (v) The EU Strategy to tackle organised crime 2021-2025;<sup>7</sup> (vi) The European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025;<sup>8</sup> (vii) the State of the Union Address 2022 by President von der Leyen<sup>9</sup>.

### Policy options

As part of Task 2, three policy options were elaborated to address the challenges identified in the problem definition, as well as to meet the objectives displayed in the objective tree above. The options are listed below, ordered from the least to the most "extensive" option:

- *Policy Option 1* : Baseline Scenario/Status Quo (PO1 / BS);
- *Policy Option 2*: Legal proposal on minimum standards + supporting (soft) measures (PO2);
- *Policy Option 3*: Legal proposal aiming for stronger alignment + supporting (soft) measures (PO3).

The developed policy options contain both legislative and non-legislative elements (or sub-options) dealing with the problems identified in different ways, while aiming to achieve the policy objectives set out in the section above. Whereas the two policy options developed (in addition

<sup>2</sup> Please, note that the ultimate purpose is to ensure adequate investigation, prosecution and prevention of corruption in the EU. This would entail the achievement of the general and specific objectives illustrated in the Figure below, in terms of fully meeting such objectives at proportionate and reasonable costs. Thus, in the definition of the objectives, the use of the word "efficiently" is not limited to the "financial" dimension of the actions to be implemented and objectives to be achieved, but rather to ensure that such objectives are achieved without raising any disproportionate burden/cost for concerned stakeholders. To this end, by incorporating the notion of "cost-effectiveness", the term covers also the ability of actions in fulfilling expectations and meeting their objectives (i.e. "effectiveness").

<sup>3</sup> Directive 2017/1371/EU of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law. Available at: [link](#).

<sup>4</sup> Directive 2019/1937/EU on the of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Available at: [link](#).

<sup>5</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

<sup>6</sup> The European Commission's annual rule of law reports: A new monitoring tool (2022). Available at: [link](#).

<sup>7</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

<sup>8</sup> European Council (2021), Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022 – 2025. Available at: [link](#).

<sup>9</sup> 2022 State of the Union Address by President von der Leyen. Available at: [link](#).

to the baseline scenario) both individually address all aspects identified in the problem assessment and the specific objectives, the choice of legislative and non-legislative elements varies between the two policy options, with Policy option 3 including all sub-options present under policy option 2, complemented by some additional, more far-reaching ones.

**Table 2 - Measures included in Policy Options 2 and 3**

No.	Problem	Policy option 2	Policy option 3
<b>Specific objective 1: Efficient investigation and prosecution of corruption</b>			
1.1	There are legislative issues that hinder the intra-EU effort against corruption and related crimes	<ul style="list-style-type: none"> <li>Establish EU common minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption</li> </ul>	<ul style="list-style-type: none"> <li>Same as policy option 2</li> </ul>
1.2	National law enforcement and judicial authorities have limited capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>Establish EU common minimum standards requiring the availability of tools for investigation and prosecution of corruption cases</li> <li>Establish common minimum standards concerning capacity-building and training for efficient investigative and prosecution procedures.</li> <li>Establish common minimum standards to boost reporting of corruption cases</li> <li>Ensure the seizure and confiscation of instrumentalities and proceeds from corruption related offences</li> </ul>	<ul style="list-style-type: none"> <li>Establish minimum rules concerning the statute of limitations for corruption-related cases</li> <li>Establish minimum rules concerning immunity for members of the government, or the parliament</li> <li>Establish minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases</li> </ul>
<b>Specific objective 2: Adequate prevention of corruption</b>			
2.1	Member States' approaches to prevent corruption are inadequate	<ul style="list-style-type: none"> <li>Establish an EU anti-corruption coordinator</li> <li>Establish minimum rules concerning the establishment and role of national anticorruption authorities or equivalent mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>Establish common minimum standards against enablers of corruption</li> <li>Establish an EU anti-corruption prevention agency</li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<ul style="list-style-type: none"> <li>Require national anti-corruption authorities to coordinate the collection and sharing of corruption data</li> <li>Develop an EU criminal intelligence picture on corruption</li> </ul>	<ul style="list-style-type: none"> <li>Develop an EU Corruption Index</li> </ul>

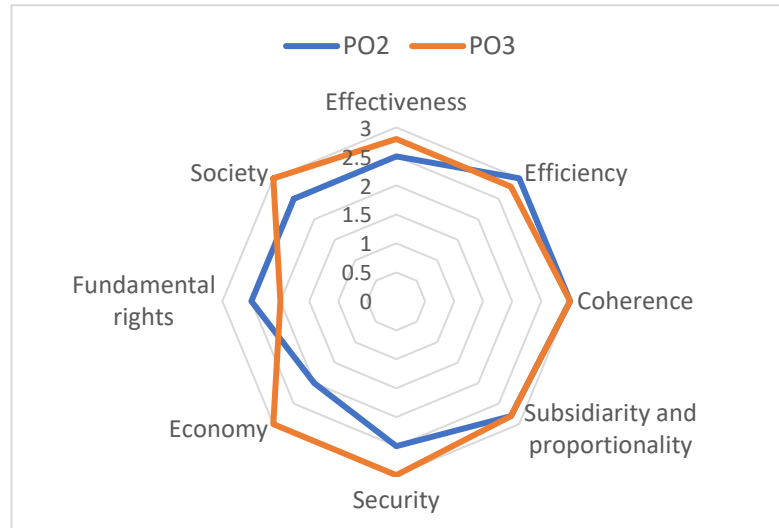
*Source: Authors' elaboration*

Based on the analysis conducted, it appears that the form of a Directive is the most well-suited legislative instrument for both policy options 2 and 3 to address the problems identified.

*Analysis of the impacts of the policy options*

In Task 2, a detailed **assessment of the impacts** was conducted for all measures included in the three policy options elaborated, covering eight criteria: effectiveness, efficiency, coherence, subsidiarity and proportionality, as well as security, economy, fundamental rights (assessment of how the option safeguards fundamental rights or any adverse effects) and society. The findings of the assessment of policy option 2 and policy option 3 vis-à-vis the baseline scenario are presented in Figure 3.

**Figure 3 - Comparison of PO2 and PO3**



Source: Author’s elaboration based on available evidence

In accordance with the Commission’s *Better Regulation Guidelines*,<sup>10</sup> each measure under the baseline scenario (and therefore the policy option as a whole) was assessed to have no (further) positive or negative impact, hence, it was given a “0” for the assessment.

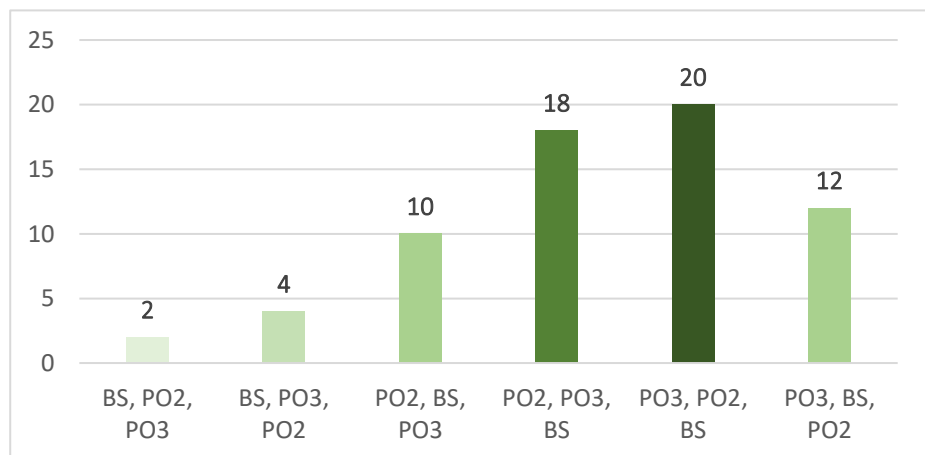
The differences between policy options 2 and 3 in relation to the eight criteria are limited. However, policy option 3 was assessed as superior to policy option 2 in terms of its expected effectiveness, as well as its impacts on economy, security and society.

In order to rank and compare the policy options’ performance vis-à-vis the baseline scenario, a Multi-Criteria-Analysis was applied in full alignment with the European Commission’s *Better Regulation Toolbox*<sup>11</sup> (see Tool #62).

The Multi-Criteria-Analysis was carried out in three steps, including: Step 1: Set-up of the framework of criteria, and an assessment grid; Step 2: Establishment of an outranking matrix; and Step 3: Assessment through a permutation matrix.

The permutation matrix provides a clear overview of which policy option is most favourable, as well the relative ‘favourability’ of different permutations of policy options. The results of step 3 are presented in the figure on the right showing that permutation #5 (PO3-PO2-BS, dark green) is the most advantageous.

**Figure 4 - Score of policy options (based on permutation matrix)**



Source: Author’s elaboration based on available evidence

Thus, based on the assessment, policy option 3 should be implemented.

If this is not possible the Commission could aim at the implementation of policy option 2. In case this should also not be

<sup>10</sup> Available at: [link](#).

<sup>11</sup> Available at: [link](#).

possible, the Commission should remain with the baseline scenario. Based on the assessments and Multi-Criteria Analysis, **policy option 3 is identified as the preferred option**. By virtue of its stronger measures, policy option 3 is more effective than policy option 2 in tackling the two specific policy objectives, albeit being slightly less efficient, considering that some of the additional measures included in policy option 3 entail a high financial burden. Highly positive impacts are expected on security, society and economy. The only exception is the impact on fundamental rights, which is foreseen to be only moderate.

## 1 Introduction

This is the Final Report of the study on “*Strengthening the fight against corruption: assessing the EU legislative and policy framework*” (Request for Service 38; HOME/2020/ISFP/FW/EVA2/0068). The study was carried out by EY and RAND Europe on behalf of the European Commission, Directorate-General Migration and Home Affairs (DG HOME).

The report is structured as follows:

- **Introduction**, presenting the objectives, scope and methodology of the study;
- **Problem definition**, in which the main issues identified in the EU corruption framework, as well as in the national frameworks of the Member States, are specified;
- **The need for EU action**, detailing the legal basis, necessity and added value of EU action;
- **Policy objectives**, specifying the precise goals of policy action on the basis of the identified problems;
- **Policy options**, introducing three main scenarios differentiated by the kind of policies enacted at the EU level, including the baseline scenario;
- **Analysis of the impacts of the policy options** in terms of necessity, feasibility subsidiarity, proportionality, effectiveness, efficiency and coherence, absolute and relative magnitude, stakeholders involved, evolution over time, and in terms of the kind of impact expected (e.g. on society, economy, security).

### 1.1 Objectives

The study aimed to:

- **Assess the EU anti-corruption acquis** applicable to the Member States in order to identify legislative, policy and operational gaps, which included an overview of corruption challenges and weaknesses in the Member States (*gap analysis*). This first objective focused on the overall effectiveness of the current EU legislative framework, as well the identification of any gaps, particularly in light of new and emerging issues affecting the prevention and fight against of corruption in the EU.
- **Explore and define areas for potential future EU legal, policy and/or operational action** in response to the identified gaps (*recommendations for EU action*). This second objective focused on the need for new priority actions, including the possibility of a new EU-level approach to address key corruption challenges, and assessed the potential impacts of such amendments.

The results of this study will support the Commission in its effort to modernise the EU anti-corruption approach, with a view to inform any possible decision concerning the future, notably on a possible update of the EU *acquis* towards a better and enhanced prevention and combating of corruption in the EU.

### 1.2 Scope

**Content** - The study covered:

- Legislative gaps in the EU anti-corruption acquis where there could be a need for EU-level action to better support the prevention of and fight against corruption in the Member States (Task 1).
- Possible options for a modernised EU approach to preventing and fighting corruption that might add value and address the challenges identified (Task 2).

**Timeline** - The study focused on the timeframe between 2009 and 2021, with a forward-looking perspective to account for the expected impacts of policy options in the (five to ten) years to come.

**Stakeholders** - Relevant stakeholders at different levels of intervention include:

- The European Commission:



- Directorate-General for Migration and Home Affairs (HOME);
- Directorate-General for Justice and Consumers (JUST);
- Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR);
- Directorate-General for International Partnerships (INTPA);
- Directorate-General Financial Stability, financial services and capital markets union (FISMA);
- Secretary-General of the European Commission (SG);
- Directorate-General for Structural Reform Support (DG REFORM);
- The Recovery and Resilience Task Force (RECOVER).
- Relevant EU bodies, including:
  - European Union Agency for Law Enforcement Training (CEPOL);
  - European Parliament Anti-Corruption Intergroup (EPA);
  - European Public Prosecutor's Office (EPPO);
  - European Union Agency for Criminal Justice Cooperation (Eurojust);
  - European Anti-Fraud Office (OLAF);
  - European Union Agency for Law Enforcement Cooperation (Europol);
- National stakeholders, including national anti-corruption authorities, judicial and law enforcement authorities (LEAs);
- Relevant international bodies, including Council of Europe (CoE), United Nations Office on Drugs and Crime (UNODC), Organisation for Economic Cooperation and Development (OECD);
- Relevant Civil Society Organisations (CSOs), including, for example, Transparency International and U4 Anti-Corruption Resource Centre;
- Representatives from EU umbrella business organisations, such as SME United.
- Academia and think tanks.

**Territory** - All 27 EU Member States along with relevant initiatives at the regional and global level.

## 1.3 Methodological approach

This section provides a short overview of the data collection process and the main challenges encountered during the implementation of the assignment.

### 1.3.1 Data collection process

As part of the **desk research** conducted for the purpose of this study, the study team analysed relevant documentary sources at the international, EU and national levels concerning corruption. The main source of information consulted was the Commission's Rule of Law Reports (2020, 2021).<sup>12</sup> Information extracted from such reports has been systematically complemented by and triangulated with any additional information and data retrieved from the Council of Europe's GRECO reports (Fourth and Fifth Evaluation Round)<sup>13</sup>, the United Nations' UNCAC reports (Second Cycle of Evaluation)<sup>14</sup>, as well as, as corruption and corruption perception indices. A full bibliography containing all desk resources consulted can be found in Annex 7.9.

The **field research** included:

- Consultations feeding the identification of gaps and barriers, as well as the design of the policy options, including:
  - **23 targeted interviews** with relevant stakeholders: one at the national level (the Dutch Anti-Corruption Centre), 16 at the EU level (including, for instance, CEPOL, Eurojust and Europol), two at the international level (Chertoff Group and the U4 Anti-Corruption Resource Centre);
  - A validation **workshop** focused on identified gaps in the EU framework with 29 representatives of anti-corruption authorities from 16 Member States.
- **Consultations focused on the impacts, relevance and desirability of identified policy solutions**, including:
  - **9 targeted interviews** with relevant stakeholders: 5 from EU-level (EPPO, and European Network for Public Ethics), and international bodies (OECD, UNODC and the Council of Europe) and 4 from the Academia (corruption experts from European and international universities).
  - A **co-design workshop** with 12 relevant stakeholders from relevant EU and international bodies (e.g. OLAF, DG NEAR, DG INTPA), as well as two representatives from the Academia, aimed at co-designing possible solutions to identified issues.
  - An **online questionnaire** on costs expected from the implementation of the policy solutions targeted at national anti-corruption authorities from all the Member States. We received responses from 16 Member States (AT, BE, CY, DE, EL, FI, FR, HU, IE, IT, LT, LU, NL, PL, RO, SE).
  - Case study interviews in the form of **national focus groups** with national competent authorities, representatives from law enforcement and judiciary from five Member States (DE, FI, IT, PL and RO) to collect input on the likely impacts of the identified policy solutions.
  - A **final workshop** with 18 stakeholders from national anti-corruption authorities to validate the study findings.

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<sup>12</sup> During the Kick-off Meeting (KoM), the Commission clarified that the evidence base for this study was represented by the Commission's RoL reports 2020 and 2021.

<sup>13</sup> Available at: [link](#).

<sup>14</sup> Available at: [link](#).

### 1.3.2 Challenges encountered

Due to the nature of corruption, it was challenging to obtain quantitative data, in particular concerning the costs of corruption for the EU economy. The data on corruption were largely obtained through field work, including perceptions and experiences of those consulted (see section 2.2.1 for further details on issues related to corruption costs). In order to mitigate this challenge, the study team conducted numerous interviews with EU bodies and Member State representatives and queried specifically for quantitative information concerning the existing problems and the impacts of the policy options (including costs and benefits). The study team could, however, only obtain quantitative evidence in occasional instances and often based on anecdotes or an educated guess of interviewees (“This would be very costly.” “This would increase the costs dramatically.” “There is great potential to reduce costly inefficiencies.”).

In addition, it proved challenging to secure interviews within the study time period, due to the limited availability of interviewees. The quantitative evidence included in this report concerning costs should thus be treated very carefully and used only within the wider context of this study.

## 2 Problem definition

### 2.1 Overview of the problems

This section presents the findings from this study regarding the main problems to be addressed by a possible future intervention and the causes (drivers) of these problems, as well as their consequences.

The section starts with a description of the **general problem** that currently affects EU citizens/consumers, businesses, public institutions and other stakeholders (i.e. threats posed by corruption in the EU), followed by an analysis of the **specific problems** that a future policy intervention can directly address.

Figure 5 includes all the elements of our understanding of the problem in a problem tree. The subsequent sections present in detail each block of the tree, including the evidence collected during the study indicating the existence of the problems.

Figure 5 - Problem tree

<b>Consequences</b>	<b>Corruption in the EU poses security threats, undermines democracy and the rule of law and leads to social and financial detriment to public authorities, business and citizens</b>	
<b>Core problems</b>	<b>1. Repression of corruption in the EU is subject to legislative and operational barriers</b>	<b>2. Prevention of corruption in the EU is limited</b>
<b>Drivers</b>	<p><b>1.1. Criminalisation of corruption and related crimes is not sufficient:</b></p> <ul style="list-style-type: none"> <li>• Criminalisation of corruption is focused mostly on bribery-related cases</li> <li>• Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States</li> </ul> <p><b>1.2. National law enforcement and judicial authorities have not always adequate capacity to detect and prosecute corruption:</b></p> <ul style="list-style-type: none"> <li>• Underreporting of (potential) corruption cases is still high</li> <li>• Financial resources and expertise available at the Member State level are not sufficient</li> </ul>	<p><b>2.1 Member States' approaches to prevent corruption are inadequate:</b></p> <ul style="list-style-type: none"> <li>• Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States</li> <li>• Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities</li> <li>• Verification systems on asset declaration are lacking or limitedly used</li> <li>• Some Member States lack specific services on ethics and integrity</li> </ul> <p><b>2.2 Prevention programmes suffer from a lack of data on and knowledge of the magnitude of corruption in the EU:</b></p> <ul style="list-style-type: none"> <li>• There are no uniform, up-to-date and consolidated corruption statistics and thus evidence-based policy-making on anti-corruption is limited</li> <li>• Monitoring of corruption risks and related actions, and thus evidence-based policy-making on anti-corruption, is limited</li> </ul>

Source: Author's elaboration

## 2.2 The general problem and its consequences

### 2.2.1 Magnitude of corruption in the EU

**Corruption is present in the EU**, although less than in other parts of the world.<sup>15</sup> It affects all Member States, even though it varies in nature, reach and magnitude. Certainly, corruption entails significant social, political and economic costs for the Member States, their citizens and the economy.<sup>16</sup> Indeed, corruption intrudes on good governance and sound management of public money and can undermine the trust of citizens in democratic institutions and processes.<sup>17</sup>

<sup>15</sup> European Parliament (2017), Corruption in the European Union – Prevalence of corruption, and anti-corruption efforts. in selected EU Member States. Available at: [link](#).

<sup>16</sup> European Commission (2014), EU anti-corruption report. Available at: [link](#). European Parliament (2016), The Cost of Non- Europe in the area of Organised Crime and Corruption – Annex II: Corruption. Available at: [link](#).

<sup>17</sup> European Commission (2014), EU anti-corruption report. Available at: [link](#).

Also, corruption contributes to lowering investment levels, hampering the fair operation of the Internal Market and reducing public finances.<sup>18</sup>

### Box 1 – Costs of corruption in the EU

Existing estimates of the costs of corruption in the EU are very few.<sup>19</sup> The most recent assessment by Hafner et al. (2016) estimated the **cost of corruption in the EU** to be **between EUR 179bn and EUR 990bn** in Gross Domestic Product (GDP) terms on an annual basis.<sup>20</sup> This study represents an effort to provide a comprehensive estimate covering all types of costs associated with corruption, i.e. both direct effects, such as losses in tax revenue, as well as indirect costs, such as disincentives of company investments. The study incorporated a series of scenarios based on the assumption that costs of corruption would be eliminated if individual Member States improved their anticorruption efforts to reach the corruption levels of various benchmark countries. The highest cost estimate corresponds to a scenario where all Member States improve their corruption levels to match the best-performing seven countries. The study also produced an estimate of corruption-related losses in EU public procurement and put the value at EUR 5bn per year.<sup>21</sup>

The work undertaken by Mungiu-Pippidi in the framework of the EU-funded research project ANTICORRP estimated losses in tax revenue attributable to corruption to be EUR 323bn in 2010.<sup>22</sup> Similar to the work by Hafner et al., while limited to tax revenue losses, this estimate was also based on using the best-performing country as a reference point for calculating the total loss.

A few additional studies have produced estimates pertaining to individual sectors of the EU economy, with a predominant focus on public procurement as an area particularly affected by corruption.<sup>23</sup> An analysis of public procurement in eight Member States by PwC and Ecorys (2013) examined five sectors – road and rail construction, water and waste, urban/utility construction, training, and R&D/high tech/medical products – and found that corruption-related losses in 2010 accounted for 2.9%-4.4% of the total procured value, or between EUR 1.5bn and EUR 2.2bn.<sup>24</sup> A more recent study on corruption in the procurement of transport infrastructure by Fazekas and Toth (2018), examining European government contracts from 2009-2014, found that on average, corruption inflated prices by 30-35%.<sup>25</sup>

Relatedly, the disbursement of EU funds has also been flagged as an area affected by corruption.<sup>26</sup> In this regard, OLAF regularly estimates the volume of EU funds disbursements involving fraud and corruption. In the mid-2010s this estimate approached EUR 1bn, though it had decreased notably by 2020 to EUR 294 million.<sup>27</sup>

<sup>18</sup> European Commission website – Corruption. Available at: [link](#).

<sup>19</sup> The number of estimates of the cost of corruption at the global level is somewhat larger. However, there are many methodological uncertainties surrounding these. For an overview and a discussion of the quality of existing global estimates, see Wathne, C. and Stephenson, M.C. (2021) The credibility of corruption statistics: A critical review of ten global estimates. U4 Anti-corruption Resource Center U4 Issue 2021:4. As of 17 May 2022: <https://www.u4.no/publications/the-credibility-of-corruption-statistics.pdf>

<sup>20</sup> European Parliament (2016), The Cost of Non-Europe in the area of Organised Crime and Corruption – Annex II: Corruption. Available at: [link](#). The study employed an econometric model with an instrumental variable approach applying ordinary least squares (OLS) and two-stage least squares (2SLS) method to estimate the relationship between levels of corruption (measured by various corruption indices) and a set of economic outcome variables including GDP per capita.

<sup>21</sup> European Parliament (2016), The Cost of Non- Europe in the area of Organised Crime and Corruption – Annex II: Corruption. Available at: [link](#).

<sup>22</sup> See: [link](#).

<sup>23</sup> See also, for instance, a discussion in Pattanayak and Verdugo-Yepes (2020), which provides an overview of some studies from contexts not limited to the EU. Pattanayak, S., & Verdugo-Yepes, C. (2020). Protecting Public Infrastructure from Vulnerabilities to Corruption: A Risk-Based Approach. Well Spent: How Strong Infrastructure Governance Can End Waste in Public Investment, 175.

<sup>24</sup> PricewaterhouseCoopers and Ecorys (2013) Identifying and Reducing Corruption in Public Procurement in the EU Brussels. As of 17 May, 2022: [https://vpt.lrv.lt/uploads/vpt/documents/files/mp/kiti\\_leidiniai/identifying\\_reducing\\_corruption\\_in\\_public\\_procurement\\_en.pdf](https://vpt.lrv.lt/uploads/vpt/documents/files/mp/kiti_leidiniai/identifying_reducing_corruption_in_public_procurement_en.pdf)

<sup>25</sup> Fazekas, M., & Tóth, B. (2018). The extent and cost of corruption in transport infrastructure. New evidence from Europe. Transportation research part A: policy and practice, 113, 35-54.

<sup>26</sup> For instance, De Angelis et al., (2020) found a statistically significant relationship between EU funds transfers and corruption crimes in Southern Italy. De Angelis, I., de Blasio, G., & Rizzica, L. (2020). Lost in corruption. Evidence from EU funding to Southern Italy. Italian Economic Journal, 6(2), 355-377.

<sup>27</sup> In 2014, this estimate reached EUR 901 million, though by 2020 it had decreased to EUR 294 million. OLAF (2015) The OLAF Report 2014. European Anti Fraud Office. OLAF (2021) The OLAF Report 2020. European Anti Fraud Office.

Lastly, Aidt (2016) posited that existing literature likely underestimates the cost of corruption and, by extension, the potential benefits of anti-corruption controls. This is because corruption schemes are not necessarily costless transfers of resources from one agent to another; there are often substantial resources spent by corrupt agents to make corruption schemes take place and these costs may not be captured in existing estimates.<sup>28</sup>

*Source: Author's elaboration*

Due to the intrinsic characteristics of corruption as a hidden phenomenon, it is very difficult to gather reliable data on its true extent.<sup>29</sup> As such, measurement of corruption is mainly based on impressions or experiences (e.g. public opinion surveys or expert assessments).<sup>30</sup>

In 2021, Transparency International's Global Corruption Barometer (GCB) polled almost 40,000 persons in the EU on their perceptions and experiences with corruption. **Less than half of citizens have faith in their government: over two-thirds of EU citizens believed that government corruption is an issue** in their country.<sup>31</sup> Also, a third of the respondents believed that corruption in their nation has increased in the past year, with Bulgaria, Cyprus, and Slovenia seeing the highest growth. Slightly less than half of the respondents (44%) believed it has remained the same.<sup>32</sup> **While the EU institutions scored higher (at 56%), faith in the EU institutions also remained low.**<sup>33</sup>

Moreover, over half of the respondents believed that their government is dominated by a few corporate interests. In half of the EU, bankers and corporate leaders are seen as more corrupt than any public sector organisations.<sup>34</sup> Overall, **more than five out of ten respondents felt that major organisations frequently evade paying taxes and that enterprises frequently use bribes or connections to gain contracts.**

Trust in national governments and EU institutions is negatively affected by perceptions that governments are not doing enough to prevent corruption and that corrupt officials may act with impunity. Only one out of five (21%) of the respondents to the Transparency International poll believed that corrupt officials receive proper punishments.

When asked about experiences with corruption, **3 out of 10 respondents said that they had personally paid a bribe or used a connection to access public services.**<sup>35</sup>

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<sup>28</sup> Aidt, T. S. (2016). Rent seeking and the economics of corruption. *Constitutional Political Economy*, 27(2), 142-157.

<sup>29</sup> European Commission (2017), European Semester thematic factsheet - Fight against corruption. Available at: [link](#).

<sup>30</sup> European Parliament (2017), Corruption in the European Union – Prevalence of corruption, and anti-corruption efforts in selected EU Member States. Available at: [link](#). Bello y Villarino, J. M. (2021). Measuring corruption: A critical analysis of the existing datasets and their suitability for diachronic transnational research. *Social Indicators Research*, 157(2), 709-747.

<sup>31</sup> "Global Corruption Barometer - European Union." Transparency.org, 2021, <https://www.transparency.org/en/gcb/eu/european-union-2021>.

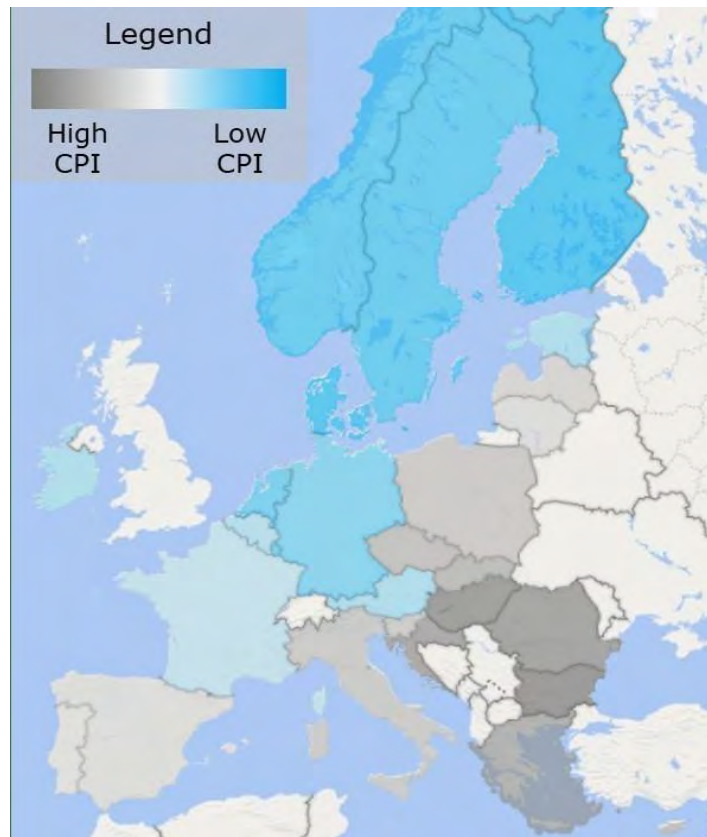
<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

**Figure 6 – Corruption Perception Index (CPI) across Member States**



*Source: Author's elaboration based on Transparency International*

To conclude, it is important to consider that the Covid-19 epidemic has likely influenced these opinions, with respondents seeing the healthcare sector as particularly vulnerable to corruption.<sup>36</sup> Also, more than 60% of Europeans believe that corruption increased during the pandemic, particularly when it comes to non-transparent mask procurement and recovery money allocation.<sup>37</sup>

### **2.2.2 Forms of corruption**

Corruption is an endemic phenomenon that takes multiple shapes and forms across all facets of society. A key distinction can be made between **active corruption** and **passive corruption**.<sup>38</sup> The difference between the two is the subject who acts. Indeed, passive corruption refers to the person on the receiving end of the corruption act (i.e. the person being corrupted), while active corruption concerns the person giving the bribe (the person trying to corrupt another person).<sup>39</sup> Also, corruption can either involve interactions between higher levels of administrations, top political party officials, elected politicians and private sector interests (i.e. **grand corruption**), or exchanges between lower echelons of the public administration and individual citizens (i.e. **petty corruption**).<sup>40</sup>

Table 3 below provides an overview of the **forms that corruption can take**.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> European Parliament (2017), Corruption in the European Union – Prevalence of corruption, and anti-corruption efforts in selected EU Member States. Available at: [link](#).

<sup>39</sup> GAN INTEGRITY – Compliance glossary: passive bribery. Available at: [link](#).

<sup>40</sup> European Commission (2017), European Semester thematic factsheet - Fight against corruption. Available at: [link](#).

**Table 3 – Key forms of corruption and related definitions**

Form	Definition
<b>Bribery</b> (of national public officials)	Active bribery: the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties <sup>41</sup>
	Passive bribery: the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties <sup>42</sup>
<b>Embezzlement</b>	Public embezzlement: embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position <sup>43</sup>
	Private sector embezzlement: embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position <sup>44</sup>
<b>Trading in influence</b> (influence peddling)	Active trading in influence: the promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person <sup>45</sup>
	Passive trading in influence: the solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage <sup>46</sup>
<b>Abuse of functions</b>	The performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity <sup>47</sup>
<b>Illicit enrichment</b>	A significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income <sup>48</sup>
<b>Diversion of public funds</b>	Diverting funds intended for development, using them for purposes different from the original purpose <sup>49</sup>

*Source: Author's elaboration*

<sup>41</sup> United Nations (2004), United Nations Convention Against Corruption, Article 15. Available at: [link](#).

<sup>42</sup> Ibid.

<sup>43</sup> United Nations (2004), United Nations Convention Against Corruption, Article 17. Available at: [link](#).

<sup>44</sup> United Nations (2004), United Nations Convention Against Corruption, Article 22. Available at: [link](#).

<sup>45</sup> United Nations (2004), United Nations Convention Against Corruption, Article 18. Available at: [link](#).

<sup>46</sup> Ibid.

<sup>47</sup> United Nations (2004), United Nations Convention Against Corruption, Article 19. Available at: [link](#).

<sup>48</sup> United Nations (2004), United Nations Convention Against Corruption, Article 20. Available at: [link](#).

<sup>49</sup> United Nations (2004), United Nations Convention Against Corruption. Available at: [link](#).



Besides, there are **some practices that are not forms of corruption *per se* but rather enablers of corruption** as they can, but not necessarily do, result in corruption offences:<sup>50</sup>

- **Conflict of interest** is a situation where an individual is in a position to derive personal benefits from actions or decisions made in his/her official capacity. Hence, a conflict of interest is not a form of corruption, but a situation that may give rise to corruption. Nevertheless, conflicts of interest are analysed in close relation to corruption and addressed by anti-corruption laws and policies.<sup>51</sup>
- **Revolving doors** refers to the movement of individuals from positions of public office and jobs in the same sector to the private or voluntary sector, in either direction. If not properly regulated, it can be open to abuse.<sup>52</sup>
- **Obstruction of justice** is “(a) the use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences; and (b) the use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences”.<sup>53</sup>
- **Concealment** is the “continued retention of property, when the person involved knows that such property is the result of any offence”.<sup>54</sup>
- **Favouritism** can take various forms, such as nepotism and cronyism (whereby someone in an official position exploits his/her power and authority to provide a job or favour to a member of his family or a friend, even though he/she may not be qualified or deserving) and patronage (when a person is selected for a job or government benefit because of affiliations or connections and regardless of qualifications).<sup>55</sup>
- **Illegitimate lobbying** can be a mechanism for powerful groups to influence laws and regulations at the expense of the public interest. Illegitimate lobbying may result in undue influence, unfair competition and policy capture, to the detriment of effective policy making.<sup>56</sup>
- **Extortion** is the act of utilising, either directly or indirectly, somebody’s access to a position of power or knowledge to demand unmerited cooperation or compensation through coercive threats.<sup>57</sup>

### 2.2.3 Causes and consequences of corruption

Since corruption is a complex and multifaceted phenomenon, it is not easy to identify its specific roots and causes, yet it is recognised that they are manifold and mostly related to **economic, political and cultural factors**.<sup>58</sup> Corruption can be explained as an **equilibrium between opportunities for corruption** (including power, discretion and material resources) **and deterrents imposed by the State and the society** (both legal and normative).<sup>59</sup> Overall, a lack of openness and transparency appears to encourage corruption, especially in the areas where checks and balances and internal controls at the local level tend to be weaker than at the

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<sup>50</sup> This list was agreed in the inception report and includes enablers as defined in official sources.

<sup>51</sup> European Parliament (2017), Corruption in the European Union – Prevalence of corruption, and anti-corruption efforts in selected EU Member States. Available at: [link](#).

<sup>52</sup> Transparency International – Extortion. Available at: [link](#).

<sup>53</sup> United Nations (2004), United Nations Convention Against Corruption, Article 25. Available at: [link](#).

<sup>54</sup> Ibid.

<sup>54</sup> United Nations (2004), United Nations Convention Against Corruption, Article 24. Available at: [link](#).

<sup>55</sup> European Parliament (2017), Corruption in the European Union – Prevalence of corruption, and anti-corruption efforts in selected EU Member States. Available at: [link](#).

<sup>56</sup> OECD, Lobbying. Available at [link](#).

<sup>57</sup> Transparency International – Extortion. Available at: [link](#).

<sup>58</sup> Alina Mungiu-Pippidi (2013), The Good, the Bad and the Ugly: Controlling Corruption in the European Union. Available at: [link](#).

<sup>59</sup> Alina Mungiu-Pippidi (2013), The Good, the Bad and the Ugly: Controlling Corruption in the European Union. Available at: [link](#).

central level.<sup>60</sup> Causes underpinning corruption vary depending on whether corruption occurs in the public or the private sector.

According to the UNODC, the following represent the **key factors/causes contributing to corruption in the public sector**:<sup>61</sup>

- Country size: larger countries with low population density tend to be more susceptible to corruption, due to difficulties in monitoring public officials.
- Country age: countries that have recently gained independence or transitioned from authoritarian regimes to democracies are more prone to corruption, since their governance system may still be underdeveloped.
- Failure of governance: poor governance, caused by factors such as low-quality public sector management, lack of accountability and lack of transparency regarding the public sector, is likely to lead to corruption.
- Resource curse: when natural resources are state-owned, countries appear to face more corruption.
- Political instability: a lack of political stability is associated with high corruption levels.
- Lack of rule of law: poor rule of law acts as an incentive to corruption.
- Nature of bureaucracy: government bureaucracy and intervention in the economy appears to promote corruption.
- Public spending at the local level affects corruption, together with local socio-economic and cultural factors.
- Low wages: poverty contributes to increased corruption.
- Limited social capital: low levels of social capital are generally associated with higher corruption.
- Large unique projects: publicly funded projects, which occur once and have no predecessor to provide guidance are more prone to be affected by corruption.
- Conflicts of interest: the existence of a conflict-of-interest acts as an enabler for corruption.
- Lastly, there is evidence that corruption is positively related to the size of shadow economies<sup>62</sup> in Europe. This association has been demonstrated in studies focusing on the EU as a whole,<sup>63</sup> a subset of OECD countries,<sup>64</sup> and in a study focusing on EU Member States in Central and Eastern Europe.<sup>65</sup>

Meanwhile, in the **private sector**, key contributing factors to corruption are:<sup>66</sup>

- Sector - or industry - related causes: some sectors appear to be more susceptible to corruption than others, given their nature (e.g. due to the secrecy involved in procurement of some orders, or high contract-dependence).
- Economic causes: some companies resort to corruption because it can increase revenues and growth in the short term.
- Individual causes and rationalisation: individuals who tend to rationalise their unethical behaviour to justify it tend to have an increased tendency for corruption.

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<sup>60</sup> European Commission (2014), EU anti-corruption report. Available at: [link](#).

<sup>61</sup> UNODC – Causes of public sector corruption ([link](#))

<sup>62</sup> Also called the underground, informal, or parallel economy, the shadow economy includes not only illegal activities but also unreported income from the production of legal goods and services, either from monetary or barter transactions. Schneider, Friedrich and Enste, Dominik. *Hiding in the Shadows, The Growth of the Underground Economy*. IMF. 2002. Available at: [link](#).

<sup>63</sup> Borlea, S. N., Achim, M. V., Miron, M. G. A. (2017). Corruption, shadow economy and economic growth: An empirical survey across the European Union Countries, *Studia Universitatis "Vasile Goldis" Arad – Economics Series*, 27(2), 19–32. doi: 10.1515/sues-2017-0006

<sup>64</sup> Albulescu, C. T., Tamasila, M., & Taucean, I. M. (2016). Shadow economy, tax policies, institutional weakness and financial stability in selected OECD countries. *Economics Bulletin*, 36(3), 1868–1875.

<sup>65</sup> Bayar, Y., Odabas, H., Sasmaz, M. U., & Ozturk, O. F. (2018). Corruption and shadow economy in transition economies of European Union countries: a panel cointegration and causality analysis. *Economic research-Ekonomska istraživanja*, 31(1), 1940-1952.

<sup>66</sup> UNODC – Causes of public sector corruption ([link](#))

- Corporate culture: a corporate culture that normalises corruption can be both a cause and a result of corruption itself.

**The consequences of corruption are serious and widespread**,<sup>67</sup> implying negative effects at social, political and economic levels, which are deeply interconnected.<sup>68</sup> Corruption in the **public sector** has several negative consequences, such as a considerable increase in the costs of public goods and services, misallocation of public resources, depleted policy-making and implementation, and deteriorated public trust in government.<sup>69</sup> More generally, corruption diverts resources from the legal economy, resulting in a reduction of the available budget. As a consequence, it undermines the efficiency of public spending, thus reducing suitable access to public services. This, in the long run, can emphasise social inequalities and corrode trust in institutions and democracy.<sup>70</sup> Besides the public sector, corruption damages the **private sector**, creating uncertainty, delays and potential extra costs. In fact, it discourages private investments, decreases competitiveness and disincentivises paying taxes, undermining the growth of local economies, hence in turn impacting the public sector and society.<sup>71</sup>

### Box 2 – How corruption undermines economic growth

Numerous studies have demonstrated the relationship between the levels of corruption and economic growth<sup>72</sup>, and standards of living.<sup>73</sup> At a more granular level, many of the underlying mechanisms through which corruption can hamper economic growth have also been identified. Notably, based on associations between levels of corruption and several key variables of interest, Mungiu-Pippidi (2016) put forward seven consequences of corruption that the authors found most salient in the EU context. These pertain to links between corruption and public spending (towards large discretionary projects that may fail to provide the concomitant economic benefits), impact on tax collection, impact on gender equality, impact on brain-drain, subversion of countries' capacities to innovate, impact on countries' absorption of EU funds, and impact on trust in government.<sup>74</sup> The emphasis on losses in trust in government and related adverse outcomes pertaining to democratic institutions is echoed elsewhere and demonstrates the broad range of societal costs of corruption.<sup>75</sup>

*Source: Author's elaboration*

Despite their seriousness, the link between corruption and its negative consequences is indirect and less obvious than other forms of violent crimes. As pointed out by stakeholders consulted during the present study,<sup>76</sup> the impossibility of immediately observing the detrimental effects of corruption on society contributes to feeding the general **perception of corruption crimes as victimless**. In particular, consulted stakeholders claimed that the perception of corruption as a

<sup>67</sup> European Commission website – Corruption. Available at: [link](#).

<sup>68</sup> European Parliament (2016), The Cost of Non- Europe in the area of Organised Crime and Corruption – Annex II: Corruption. Available at: [link](#).

<sup>69</sup> UNODC, E4J University Module Series: Anti-Corruption. Available at: [link](#).

<sup>70</sup> European Commission (2017), European Semester thematic factsheet - Fight against corruption. Available at: [link](#).

<sup>71</sup> European Commission (2017), European Semester thematic factsheet - Fight against corruption. Available at: [link](#).

<sup>72</sup> Dincă, G., Dincă, M. S., Negri, C., & Bărbuță, M. (2021). The Impact of Corruption and Rent-Seeking Behavior upon Economic Wealth in the European Union from a Public Choice Approach. *Sustainability*, 13(12), 6870. Feruni, N., Hysa, E., Panait, M., Rădulescu, I. G., & Brezoi, A. (2020). The impact of corruption, economic freedom and urbanization on economic development: western Balkans versus EU-27. *Sustainability*, 12(22), 9743. See, also e.g., discussion in Dincă, G., Dincă, M. S., Negri, C., & Bărbuță, M. (2021). The Impact of Corruption and Rent-Seeking Behavior upon Economic Wealth in the European Union from a Public Choice Approach. *Sustainability*, 13(12), 6870 and in Wachs, J., Fazekas, M., & Kertész, J. (2021). Corruption risk in contracting markets: a network science perspective. *International Journal of Data Science and Analytics*, 12(1), 45-60.

<sup>73</sup> Sarabia, M.; Crecente, F.; Del Val, M.T.; Giménez, M. The Human Development Index (HDI) and the Corruption Perception Index (CPI) 2013-2017: Analysis of social conflict and populism in Europe. *Econ. Res. Ekon. Istraživanja* 2020, 33, 2943-2955.

<sup>74</sup> Mungiu-Pippidi, A. (2016) D3.4.1 The Good, the Bad and the Ugly: Controlling Corruption in the European Union. Project title: Anti-Corruption Policies Revisited. Global Trends and European Responses to the Challenge of Corruption. Work Package: WP3, Corruption and governance improvement in global and continental perspectives. As of 17 May 2022: <http://anticorpp.eu/wp-content/uploads/2016/04/D3.4.1-The-Good-The-Bad-The-Ugly.pdf>

<sup>75</sup> European Commission (2014), EU anti-corruption report. Available at: [link](#). Wachs, J., Fazekas, M., & Kertész, J. (2021). Corruption risk in contracting markets: a network science perspective. *International Journal of Data Science and Analytics*, 12(1), 45-60. Stockemer, D., LaMontagne, B., Scruggs, L.: Bribes and ballots: the impact of corruption on voter turnout in democracies. *Int. Polit. Sci. Rev.* 34(1), 74 (2013).

<sup>76</sup> Targeted interviews with one stakeholder from a European body (#16).

rather victimless crime affects the establishment of a “culture of integrity”, which is instead crucial to reducing overall propensity to corruption.

Unfortunately, perceptions do not always correspond to reality: corruption is not victimless, but there is increasing evidence of a direct link between organised crime and corruption. According to the 2021 Europol’s Serious and Organised Crime Threat Assessment (EU SOCTA),<sup>77</sup> **corruption enables all sorts of criminal activities and hide unlawful earnings.** Also, the EU SOCTA 2021 pointed out that corruption and the exploitation of legitimate business structures were on the rise in 2021.<sup>78</sup> Organised Crime Groups (OCGs) are increasingly using corruption to enter high-value industries including healthcare, transportation, construction, waste management, aerospace and defence, agriculture, labour, and social protection. Overall, **60% of OCGs in the EU engage in corruption to infiltrate both the public and private sectors.**

### Box 3 – The link between organised crime and corruption

Serious Organised Crime (SOC) infiltration of enterprises and public procurement was the subject of a recent report conducted by the Commission.<sup>79</sup> According to this study, having a high cash-intensity economy, a high level of corruption, and a decline in the rule of law are all positively related with SOC penetration in the economy at the Member State level. Bribery, conflicts of interest, trafficking in influence, and collusion are all used by OCGs to penetrate public and private sector organisations in order to assist their illicit operations. Upon the collection of illicit and untaxable income, SOC revenues may then be invested in the legal economy by OCGs for a variety of purposes, including maximising profit, influencing politics and industry, and concealing ongoing unlawful operations. OCGs may enter lawful firms and sectors through financial investments as well as human resource investments with the goal of participating in or influencing company decision-making. In line with the EU SOCTA 2021, the study points to property/real estate, transportation, and construction as the legal economic sectors where OCGs are known to participate more commonly; however, given the scarcity of data on these phenomena, it is probable that OCG investment is considerably more ubiquitous.

*Source: Author’s elaboration*

The strong inter-link between corruption and organised crime in the EU is also highlighted in the **EU Strategy to tackle organised crime 2021-2025**,<sup>80</sup> which identifies anti-corruption measures as a key condition to fight against organised crime. Thus, key actions envisaged by the Strategy include the proposal of a revision of the Confiscation Directive and the Council Decision on Asset Recovery Offices, the assessment of existing EU anti-corruption rules, and the promotion of cooperation and the exchange of information on the link between corruption and organised crime, including through Europol.<sup>81</sup>

## 2.3 Core problems and their drivers

The following sections show how existing **cross-cutting issues** affect the current intra-EU effort against corruption. It points out existing issues in relation to the two main areas of attention identified in this study, namely (i) **investigation and prosecution** of corruption related offences, (ii) **prevention** of corruption in EU.

The analysis covers the nature and scale of the problems identified, shows the shortcoming of the existing measures and practices and describes the challenges that remain to be addressed. Unless otherwise specified, the source of the information presented in the following sections is

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<sup>77</sup> “European Union Serious and Organised Crime Threat Assessment 2021.” Europol, <https://www.europol.europa.eu/publications-events/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017#downloads>.

<sup>78</sup> “European Union Serious and Organised Crime Threat Assessment 2021.” Europol, <https://www.europol.europa.eu/publications-events/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017#downloads>.

<sup>79</sup> RAND and EY (2021), *Mapping the Risk of Serious and Organised Crime Infiltrating Legitimate Business: Final Report*, Publications Office of the European Union, Luxembourg. Available at: [link](#).

<sup>80</sup> European Commission (2021), *EU Strategy to tackle Organised Crime 2021-2025*. Available at: [link](#).

<sup>81</sup> We understand that the second objective is what this study is intended for, i.e. providing a thorough assessment of EU anti-corruption rules in order to identify key issues at stake that affect the fight against corruption in the EU, as well as to identify possible actions to be taken to tackle them.

the Commission’s Rule of Law Reports 2020<sup>82</sup> and 2021.<sup>83</sup> If additional sources have been used, they are duly reported in the footnotes, including reports published by UNCAC and GRECO. As for UNCAC, the most updated data have been considered, including those from the second cycle of evaluation (2015-2024). During this cycle, only five reports were published (BE, DE, IT, PL, SI) and, with the exception of Italy, only the Executive Summary of such reports is available. With regard to GRECO, the assessment considered the Compliance Reports issued within the Fourth and Fifth Evaluation Round, which are available respectively for all Member States<sup>84</sup> and for 14 Member States (BE, DK, EE, ES, FI, FR, HR, LU, LV, NL, PL, SE, SI, SK).<sup>85</sup>

Besides information presented in this section, further details regarding each Member State are provided in the country fiches included in Annex 7.5.

### 2.3.1 Core problem 1: Repression of corruption in the EU is subject to legal and operational barriers

**Legal and operational uncertainty hinders the intra-EU effort against corruption.** From a legal perspective, the study team found evidence that investigation and prosecution of corruption are often limited to cases of bribery, with limited action being taken against other forms of corruption. Triangulation of desktop-based information and inputs gathered during direct consultations with stakeholders pointed to the limited scope of existing EU rules against corruption as a main drawback of the EU *anti-corruption acquis*, particularly considering that international standards (such as UNCAC) have a much broader scope. From an operational perspective, the main issues identified as hampering Member States’ investigation and prosecution against corruption included the excessive length of prosecution procedures, or the limited availability of resources that reduce the capacity to efficiently and effectively tackle corruption. Also, some Member States suffer from a lack of a systematic collection and monitoring of robust data on corruption. Examples of such missing statistics include related number of investigations, prosecutions and final judgments, particularly in complex and high-level corruption cases. Additional issues relate to the limited enforcement of existing rules and procedures, limited offer of training on corruption-related investigations, as well as limited (or ineffective) reporting mechanisms, which hamper the capacity of national authorities to identify and prevent corruption, also reducing the possibility to collect evidence for prosecution.

**Table 4 - Overview of the drivers and issues behind core problem #1**

Key drivers behind core problem 1 – Repression of corruption in the EU is subject to legal and operational barriers	
1.1 Criminalisation of corruption and related crimes is not sufficient	<ul style="list-style-type: none"> <li>a. Criminalisation of corruption is focused mostly on bribery-related cases</li> <li>b. Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States</li> </ul>
1.2 National law enforcement and judicial authorities do not always have adequate capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>a. Underreporting of (potential) corruption cases is still high</li> <li>b. Financial resources and expertise available at the Member State level are not sufficient</li> </ul>

*Source: Author’s elaboration*

Each of these drivers is discussed below.

<sup>82</sup> EC. 2020. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>83</sup> EC. 2021. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>84</sup> GRECO. Fourth Evaluation Round. Available at: [link](#).

<sup>85</sup> GRECO. Fifth Evaluation Round. Available at: [link](#).

### 2.3.1.1 Criminalisation of corruption and related crimes is not sufficient

The study team found evidence that criminalisation of corruption related offences is not sufficient across the EU. Specially, the two following limitations emerged as affecting the intra-EU action against corruption:

- Criminalisation of corruption is focused mostly on bribery-related cases;
- Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States.

The EU framework against corruption includes both legislative and non-legislative measures, as outlined below.

#### Box 4 – The EU anti-corruption legislative and policy framework

##### Legislative EU anti-corruption measures

- Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union;
- Council Framework Decision 2003/568/JHA on combating corruption in the private sector;
- Directive 2014/24/EU on public procurement;
- Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime;
- Directive 2017/1371 on the fight against fraud of the Union's financial interests by means of criminal law;
- Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office;
- Regulation (EU) 2018/1805/ on the mutual recognition of freezing and confiscation orders;
- Directive 2019/1937/EU on the protection of persons who report breaches of Union Law;
- Decision 2008/801/EC on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption.

##### Non-legislative EU anti-corruption measures

- The EU Security Union Strategy 2020;
- The EU Strategy to tackle organised crime 2021-2025;
- The European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025.

Source: Author's elaboration

Most stakeholders consulted during the study noted that **the EU anti-corruption framework is strong** in terms of legislative measures, also considering the instruments currently under development to streamline the existing *acquis*. However, the evidence collected in this study pointed out that, in terms of coverage, **the EU anti-corruption *acquis* is limited in scope**, not covering for instance all crimes of the UN Convention against Corruption (as shown in Table 5 below) that the EU is legally bound to transpose as a State Party to the Convention.<sup>86</sup> In this respect, an interview with EU-level stakeholders pointed out that the intra-EU effort against corruption suffers from a lack of clear minimum standards in terms of definition of forms of corruption and related crimes, as well as the type and level of sanctions attached to these offences. Also, stakeholders noted the need to improve synergies with international standards, which cannot be left to single Member States since some countries are not bound by international agreements (e.g. five Member States - Bulgaria, Croatia, Cyprus, Malta and Romania - are not OECD parties.<sup>87</sup> Whistleblower regulations, due diligence and compliance standards in the private sector are key areas where international standards should be covered also by EU rules.<sup>88</sup>

Moreover, as also highlighted by some stakeholders interviewed during the study,<sup>89</sup> **the EU anti-corruption *acquis* is too fragmented** across multiple legislative and policy instruments. The fragmentation of the EU legislative framework leads to administrative burdens and costs for law enforcement authorities. It does not seem to meet the level of urgency typical of most law

<sup>86</sup> Targeted interviews with two stakeholders at the EU level (#7, #8).

<sup>87</sup> Targeted interviews with two stakeholders at the EU level (#7, #8).

<sup>88</sup> Technical workshop held on 21 June.

<sup>89</sup> Targeted interviews with four stakeholders at the EU level (#1, #5, #8, #11).

enforcement actions. Indeed, law enforcement authorities do not have a thorough picture of all available tools and mechanisms to fight against corruption, and it takes time to understand which measures applies to which case;

Table 5 below provides an overview of the forms and enablers of corruption covered by the EU anti-corruption framework vis-à-vis the main international standards against corruption.<sup>90</sup> As shown in the table, besides some commonalities, the **existing international standards include a broader set of provisions**, covering elements that are lacking in the EU anti-corruption framework. Specifically, most of the provisions related to corruption in the EU *acquis* relate to bribery, with no inclusion of other important aspects included in UNCAC, related to trading in influence (Article 18), embezzlement in the private sector (Article 22), and illicit enrichment (Article 20). Moreover, **most of existing EU standards apply only when EU funds are involved in the crime**, hence limiting the scope for prosecution (further details are provided in the footnotes to Table 5 below).

The lack of a coherent European framework including provisions for all corruption-related crimes identified by international standards constitutes a source for **legislative and operational challenges** in tackling cross-border corruption cases.<sup>91</sup> For instance, some consulted stakeholders pointed to claimed that their duty would benefit from an EU-wide definition of trading in influence. Indeed, they pointed out that the lack of common provisions at the EU level is an obstacle to the correct processing of MLA requests.<sup>92</sup>

A big drawback is that one of the key documents of the EU *acquis*, namely the Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, dates back to 1997 and does not capture ways in which corruption has evolved since (see section 2.2). Many of the corruption-related offences mentioned in UNCAC do not appear in the 1997 Convention. The Framework Decision 2003/568/JHA on combating corruption in the private sector also predates the Lisbon Treaty, which expanded the scope of EU competencies, and thus the measures mentioned in the Framework Decision 2003/568/JHA are limited in their scope compared to the current competencies of the Commission.

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<sup>90</sup> More details to the table showing the different definitions present in different frameworks are provided in Annex 7.3.

<sup>91</sup> National Focus Groups #1, #4, Phase 2 Targeted Interviews #4, #7, #8.

<sup>92</sup> Representative from law enforcement from National Focus Group #4.

**Table 5 – Overview of the provisions of the EU anti-corruption framework vis-à-vis international standards**

General provisions	Specific provisions	EU Acquis	UNCAC	OECD Convention	CoE Convention
<b>Bribery</b>	Bribery of national public officials	x <sup>93</sup>	x		x
	Bribery of foreign public officials	x <sup>94</sup>	x	x	x
	Bribery of officials of public international organisations		x		x
	Bribery judges of international courts	x <sup>95</sup>			x
	Bribery in the private sector	x <sup>96</sup>	x		x
<b>Embezzlement</b>	Embezzlement, misappropriation or other diversion of property by a public official <sup>97</sup>	x <sup>98</sup>	x		
	Embezzlement of property in the private sector		x		
<b>Trading in influence</b>			x		x
<b>Abuse of functions</b>			x		
<b>Illicit enrichment</b>			x		
<b>Laundering of proceeds of crime</b>		x <sup>99</sup>	x		x
<b>Concealment</b>		x <sup>100</sup>	x		x
<b>Obstruction of justice</b>			x		

*Source: Author's elaboration*

Stakeholders noted that alignment between EU rules and international standards is crucial to ensure better cooperation with international actors, which is necessary due to the cross-border nature of corruption.<sup>101</sup> As pointed out by Eurojust, corruption occurs at both the national and supranational levels, and large corruption schemes are frequently intricate and involve a number of players, including senior officials, who operate in or from many countries.<sup>102</sup> Competent national authorities may be discouraged from getting actively involved in corruption cases or from acting at all due to the complexity and scope of these investigations. For example, when governments have different definitions of corruption, it becomes more difficult to look into and

<sup>93</sup> 1997 Convention, Art. 2-3, Directive 2017/1371/EU, Art. 4(2)(a)-(b). The 2017 Directive was adopted with the aim of strengthening the protection against criminal offences affecting the Union's financial interests, hence Article 43 only applies when there are EU funds involved in the crime.

<sup>94</sup> 1997 Convention, Art. 2-3, Directive 2017/1371/EU, Art. 4(2)(a)-(b). Article 4 of the Directive only applies when there are EU funds involved in the crime.

<sup>95</sup> 1997 Convention, Art. 4. This covers active and passive bribery committed by or against the Court of Justice and the Court of Auditors of the European Communities in the exercise of their duties.

<sup>96</sup> Council Framework Decision FD 2003/568/JHA, Art. 3(a)-(b).

<sup>97</sup> The PIF Directive was adopted with the aim of strengthening the protection against criminal offences affecting the Union's financial interests.

<sup>98</sup> Directive 2017/1371/EU, Art. 3. This article only applies when there are EU funds involved in the crime.

<sup>99</sup> Directive 2015/849/EU, Art. 1(3)(a). This article only applies to money laundering in general and not specifically in relation to corruption offences.

<sup>100</sup> Directive 2015/849/EU, Art. 1(3)(a). Directive 2017/1371/EU, Art. 3(2)(a)(i) - This article only applies to money laundering in general and not specifically in relation to corruption offences.

<sup>101</sup> Technical workshop held on 21 June.

<sup>102</sup> Eurojust, Eurojust Casework on Corruption: 2016-2021 Insights. Available at: [link](#).



prosecute incidents of cross-border corruption. Clarifications are required to resolve dual criminality difficulties where discrepancies in domestic law pertain to substantive criminal law or definitions of corruption.

Beyond legislative gaps, the study found evidence that there is **no overarching strategic approach in the EU** (i.e. an EU anti-corruption strategy and action plan). As further detailed in section 7.1.3, the milestone of the EU strategic approach against corruption is the Stockholm Programme,<sup>103</sup> which expired in 2014. Since then, no further strategic initiative has been taken at the EU level, unlike other Union's threats for which dedicated strategies are in place (e.g. the EU security strategy, the EU strategy against serious and organised crime, etc.).

Moreover, there is **no coordination of corruption prevention at the EU level**, which reflects limited harmonisation of national approaches, as well as limited monitoring of relevant trends and statistics.

Besides, consulted stakeholders pointed out the following **operational challenges**:

- There is limited **access to information** and data: data privacy laws may often be an impediment to investigations. Stakeholders noted the need to find a balance between data privacy and access to data for police that allows for effective investigation, specifically access to financial information by banks, tax agencies and Financial Intelligence Units (FIUs).<sup>104</sup>
- **Financial and human resources available for EU bodies responsible for the fight against corruption are limited**, particularly as regards Europol, EPPO, OLAF, and Eurojust;<sup>105</sup>

Finally, some stakeholders claimed that the EU has not **completely acknowledged the role that civil society and non-state actors play in attaining improved enforcement and altering norms against corruption practices**. More precisely, it has been noted that in certain Member States, there is a shrinking civil society and media freedom due to a decline in the rule of law. Such trends create large impediments in the prevention of and fight against corruption, as governmental bodies act completely void of any scrutiny.<sup>106</sup> In this sense, the role of the media and an active civil society is crucial in the fight against corruption as it flags any alleged misuse of public funds or cases of corruption that can then be investigated by law enforcement agencies.

### ***2.3.1.2 National law enforcement and judicial authorities do not always have adequate capacity to detect and prosecute corruption***

The study team identified several drivers affecting Member States' efforts against corruption, leading to a limited capacity of national law enforcement and judicial authorities to detect and prosecute corruption. The following section provides further details on each of these drivers.

#### **Underreporting of (potential) corruption cases is still high**

As a hidden crime, corruption is difficult to detect, especially without witnesses to bring evidence of it. To this end, as pointed out by a stakeholder, whistleblower protection is pivotal towards prompt identification of corruption cases.<sup>107</sup> However, although covered by the EU anti-corruption *acquis*, whistleblower protection was identified as a challenge in 21 Member States<sup>108</sup>, and this is reflected in limited reporting of corruption offences across the EU (see Figure 7 below).

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<sup>103</sup> European Council (2009), The Stockholm Programme - An open and secure Europe serving and protecting the citizens. Available at: [link](#).

<sup>104</sup> Targeted interviews with 2 stakeholders at the EU level (#16, #14) and one international stakeholder(#2).

<sup>105</sup> Targeted interviews with two stakeholders at the EU level (#5, #6), and one NGO (#3).

<sup>106</sup> Target interview with two NGOs (#3, #10), three stakeholders at the EU level (#1, #15, #10).

<sup>107</sup> Targeted interviews with one stakeholder at the EU level (#5).

<sup>108</sup> Author's elaboration of information retrieved from Rule of Law 2021 Country Chapters, GRECO's Fourth and Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation.

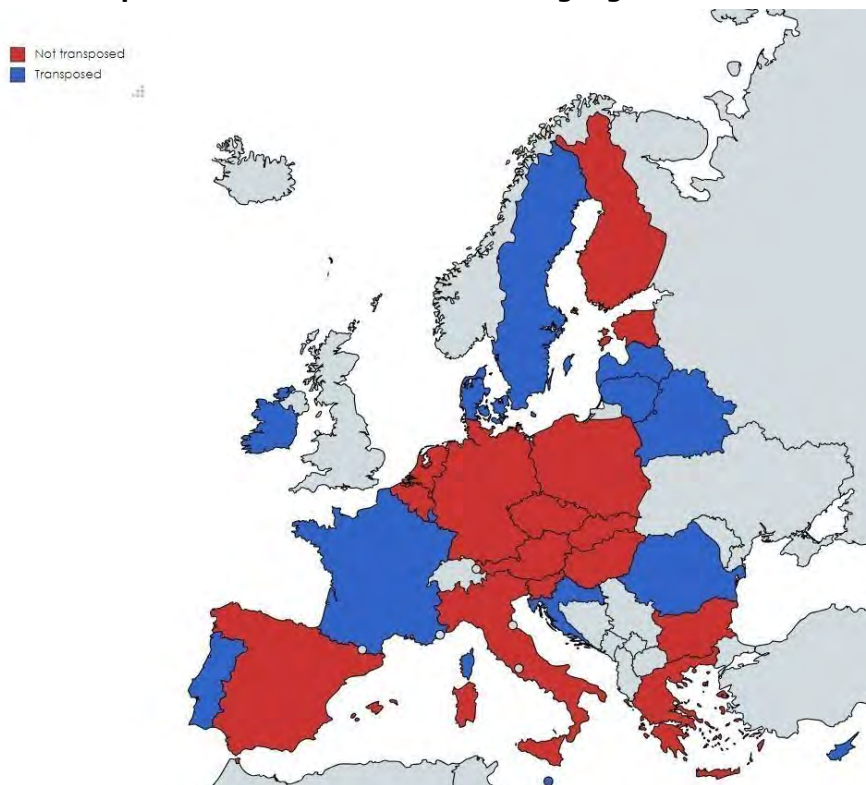
**Figure 7 – Member States in which whistleblower protection has been identified as a challenge**

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot
Whistleblowers																												21

Source: Author’s elaboration based on Rule of Law 2021 Country Chapters, GRECO’s Fourth and Fifth Evaluation Round and National Reports from UNCAC’s Second Cycle of Evaluation

One of the factors hindering protection of whistleblowers across the Member States is the limited transposition of Directive (EU) 2019/1937 into national laws. The Directive’s deadline for Member States to pass whistleblowing legislation was December 17, 2021. However, as the map below illustrates, only 11 Member States had transposed the Directive as of the date of this report (CY, DK, FR, HR, IE, LT, LV, MT, PT, RO, SE):<sup>109</sup>

**Figure 8 – Transposition of the EU whistleblowing legislation in Member States**



Source: Author’s elaboration based on The EU Whistleblowing Monitor

**The delays in adopting whistleblower protection legislation among the Member States are largely due to procedural reasons and checks and balances** required in different national institutional set-ups.

<sup>109</sup> EU Whistleblowing Monitor. Available at: [link](#).

#### **Box 5 – Examples of delays in adopting whistleblower protection legislation**

In **Czechia** the bill on whistleblower protection, as well as an accompanying amending law, were approved by the government on 25 January 2021. Both are awaiting a second reading in the Chamber of Deputies and are, as by 2021, being debated in the relevant committees. Whistleblowers will be able to report possible wrongdoing to the Ministry of Justice through internal reporting mechanisms and reporting to the Ministry of Justice. In **Germany**, new whistleblower protection measures were discussed during 2021. The proposed whistleblower protection legislation encompasses both the private and governmental sectors and intends to safeguard reports of breaches of EU and national law. In practice, the Anti-Corruption Appointees, Specialised Ombudspersons, such as the Armed Forces Ombudsman at the federal level, and Citizen Ombudsmen and Confidence Lawyers at the state level, all support the revelation and investigation of corruption offenses. The fragmentation between institutions and administrative levels has been criticised from civil society organisations, since potential whistleblowers and complainants may struggle to find the right channels for disclosure. Similarly, in **Spain**, a whistleblower protection framework is, as of 2021, being developed and, despite certain sectoral law, Spain still lacks a broad whistleblower protection framework. The General Codification Commission created a working group for the transposition of Directive (EU) 2019/1937 in June 2020. The public consultation, which ran until January 27, 2021, received over 40 submissions from civil society and individuals on a variety of regulatory problems. These suggestions are being considered as part of the first draft bill, which will be put to a public hearing as well. In **Italy**, amendments to the stand-alone whistleblowers law are nearing completion. Whistleblower protection in the private sector remains restricted until it is adopted, as it is reliant on voluntary compliance programmes that not all corporations have implemented. In practice, the Anti-Corruption Authority lacks the authority to receive private sector whistleblower disclosures or to impose punishments.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

In other Member States, where there is legislation in place, **there is still work to be done to fully operationalise whistleblower protection.**

#### **Box 6 – Examples of issues with existing legislation on whistleblower protection**

In **France**, GRECO recommended submitting the existing protective regime for whistleblowers to an independent body for evaluation, in particular with regard to the reporting procedure in place, which is considered too complex and convoluted.<sup>110</sup> In **Lithuania**, while there is a whistleblower protection law in force, many are unaware of it. The Office of the Prosecutor General is holding awareness training for public and private entities in order to encourage the use of the hotline and to assist other authorities in establishing their own reporting channels. In **Slovakia**, the main concern on whistleblower protection is the independence of the processing authorities. As of now, processing of reports concerning corruption from within the police is assigned to the Bureau of the Inspection Service, another branch of law enforcement. GRECO stated that Slovakia will not be considered a fully compliant Member State (with regard to this topic) until an independent body, outside of law enforcement, is tasked with processing whistleblower reports in a way that ensure the safety of whistleblowers.<sup>111</sup> Similar to Lithuania, in **Sweden**, guidelines regarding whistleblower protection are not sufficiently known and respected by members of the law enforcement. To this end, GRECO recommended in 2019 to amend the training programmes for police officers, including a module on the topic. As of 2021, this had not been implemented.<sup>112</sup>

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO's Fifth Evaluation Round*

In ten Member States (BG, FI, HR, HU, MT, PL, PT, RO, SI, SK), the handling of prosecution procedures for high-level cases of corruption is somehow problematic. **Shortcomings in the reporting mechanisms in force** (including reporting channels for whistleblowers, notification tools to communicate with anti-corruption authorities, etc.) have **emerged as key enablers of the low rate of prosecution and conviction of high-profile corruption cases** across these Member States. Indeed, limited reporting means that there is limited information available to prosecution authorities. In turn, this affects the capacity to bring to conclusion (conviction or

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<sup>110</sup> GRECO. 2022. Compliance Report France (Fifth Evaluation Round). Available at: [link](#).

<sup>111</sup> GRECO. 2022. Compliance Report Slovakia (Fifth Evaluation Round). Available at: [link](#).

<sup>112</sup> GRECO. 2021. Compliance Report Sweden (Fifth Evaluation Round). Available at: [link](#).

acquittal) the prosecution of high-level cases of corruption, leaving them pending indefinitely, potentially until the period of limitation has expired.

**Box 7 – Examples of Member States with a low indictment rate for high-level corruption cases**

In **Hungary**, there has been no prosecution of high-level government officials in recent years, despite investigations being launched by the Prosecutor's Office against members of the Parliament from the ruling party. In **Malta**, possibly as a result of lengthy prosecution procedures in general, the prosecution of top-level corruption cases is also not optimal: there are currently several high-level corruption cases that remain pending before the courts. Similarly, in **Portugal**, despite some improvements in the prosecution of high-level corruption cases, a large proportion of corruption-related investigations are concluded without indictments. The track record for prosecution of top-level officials in **Slovakia** similarly shows that only very few high-level corruption cases have been adjudicated by Slovakian Specialised Criminal Court.

*Source: Rule of Law Reports Country Chapters 2020-2021*

Another enabler of limited prosecution of high-profile cases of corruption is the existence of **immunity** for members of the government, or the parliament.

**Box 8 – Member States where immunity for top public officials is an obstacle to prosecution of top corruption cases**

In **Finland**, ministers can only be held accountable for official misconduct through a specific constitutional process in which the Parliament decides whether to file charges after hearing the Constitutional Law Committee's judgment. This process, as observed by GRECO<sup>113</sup>, severely limits the investigation and prosecution power of the competent authorities concerning top public officials. In **Poland**, investigation of corruption cases has been steadily decreasing for the last 15 years (60% decrease in number of corruption investigations between 2006 and 2020). In this context, concerns have been raised on the handling of high-level cases, imputed mainly to rising institutionalised corruption, immunities and impunity, which could cause a disparity in the treatment of corruption cases for political purposes. In **Romania** the process of amending parliamentary immunity, which has been a significant obstacle for the prosecution of top-ranking public officials, started in 2019 when the Chamber of Deputies approved a new law, specifying the limits and purpose of immunity. As of 2021 the Romanian Senate, however, had yet to adopt the new piece of legislation.

*Source: Rule of Law Reports Country Chapters 2020-2021 and GRECO's Fifth Evaluation Round*

Also, in some Member States (HR, IE, IT, MT, SI), the prosecution procedures regarding corruption – and specifically corruption cases involving high-level politicians – entails **complex and time-consuming procedures**, which require an excessive amount of time. This is mainly due to inefficiencies in the bureaucratic procedures for the judiciary and can have massive repercussions on the effectiveness of corruption prosecution, lowering the conviction rate and increasing the number of cases dismissed in virtue of the expiration of the statute of limitation.

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<sup>113</sup> GRECO. Fifth Evaluation Round - Finland. Available at: [link](#).

### **Box 9 – Examples of Member States with excessively long prosecution procedures**

In **Croatia** lengthy court proceedings and appeals often hinder the closure of cases can be imputed to the inefficiencies in the judiciary system. In **Ireland** some of the most important anti-corruption cases are handled by the Tribunals of Inquiry, whose procedures are generally very lengthy. Furthermore, the verdict in some corruption cases is delayed in order to comply with the Tribunals' very high standard regarding the admissibility of evidence. Overall, corruption prosecution by Irish Tribunals is expensive, time-consuming, and ineffective. In **Italy**, excessive disposition times, particularly at the appeal level, threaten the effectiveness of corruption prosecution. The Italian Chamber of Deputies received a draft law that would speed up the proceedings in Courts of Appeal and generally improve the efficiency of criminal trials, but, as of 2021, such law was still being examined by the Chamber. In **Malta** the lengthy procedures are caused mainly by the complexity of certain high-level cases, which require an extensive financial data analysis. As a result, several cases of corruption concerning top public officials are pending before courts. In **Slovenia** the topic of the length of prosecution procedures for corruption-related crimes intertwines with the current Slovenian legislation on the statute of limitation for such crimes (10 years for most corruption offences). No plans have been made to amend the current criminal code to accommodate for a longer statute of limitation.

*Source: Rule of Law Reports Country Chapters 2020-2021*

Finally, in some Member States (CY, ES, FR, PL, SI) issues concerning the **independence of prosecution authorities** from undue influence of the executive branch of government have been identified in the Commission's Rule of Law reports. Some of the recommendations aimed at ensuring independence of prosecution issued by GRECO are the following: enshrine the independence of the prosecutor's office into law; increase the autonomy of individual prosecutors; streamline the prosecution procedures, particularly the reporting obligations that the prosecutor's office has towards the government. An additional, less frequent issue is the **lack of independence** of national anti-corruption bodies (BE, CY, ES, IT, PL, SI). This is considered particularly concerning in countries where these agencies are tasked with the coordination of all anti-corruption activities, or with drafting the national anti-corruption plan and monitoring of its implementation.

### **Box 10 - Member States with independence issues for public authorities**

In **Belgium**, the independence of BEDA (the Office of Administrative Ethics and Ethical Conduct) is not guaranteed by law and there is no mechanism to ensure it. This has raised concerns on the effectiveness of BEDA as coordinator of all other state agencies in matters concerning the prevention of corruption.<sup>114</sup> In **Cyprus**, according to GRECO, independence issues arise from a lack of a legislative framework ensuring such independence. Moreover, law officers and prosecutors lack the autonomy to carry out their functions independently and without interference from higher-ranking prosecution authorities. A bill on the topic was presented to the government but was never adopted. In **France**, GRECO issued some recommendations concerning the independence of the National Financial Prosecutor's Office (PNF)<sup>115</sup>, including new limitations on the reporting duties of the PNF to the government, in case a member of the executive branch is object of a prosecution procedure. The recommendations were not implemented, as the current legislation still includes some burdensome reporting obligations, which could undermine the integrity of the procedure. In **Italy**, concerns were raised by the reviewing countries under the UNCAC review mechanism about the rules governing the replacement of the members of the Italian ANAC (National Anti-Corruption Authority).<sup>116</sup> A new system, which avoids the total replacement of all members of ANAC every six years, has been recommended. In **Spain** the Anti-corruption Prosecution Office's autonomy has been questioned by GRECO<sup>117</sup>, since the allocation of its staff is the Ministry of Justice. In **Poland**, the main authority for corruption prevention, the Central Anti-Corruption Bureau, also performs administrative investigations into corruption cases. However, the Ministry of Justice in Poland also fulfils the role of Prosecutor General, creating a rather problematic connection between the executive and judiciary branches of government, especially considering that the Prosecutor General has the power to take over cases by his subordinate prosecutors. In **Slovenia**, allegations have been recently issued on supposed undue political influence exercised by executive officials on the National Bureau of Investigation (a specialised crime investigation unit).

*Source: Rule of Law Reports Country Chapters 2020-2021 and GRECO's Fourth Evaluation Round*

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<sup>114</sup> UNCAC. 2020. Review of implementation of the UN Convention against Corruption – Belgium. Available at: [link](#).

<sup>115</sup> GRECO. Fifth Evaluation Round – France. Available at: [link](#).

<sup>116</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Italy. Available at: [link](#).

<sup>117</sup> GRECO. Fourth Evaluation Round – Spain. Second Interim Compliance Report. Available at: [link](#).

### **Financial resources and expertise available at the Member State level are not sufficient**

The limited capacity of Member States due to a **lack of funds and qualified personnel**, or the difficulties in retaining it, has impacted both the investigation and prosecution activities in Member States. As of 2021, this challenge was identified in 12 countries concerning at least one operational aspect of the fight against corruption (BG, CY, ES, FR, HR, IE, LT, LU, LV, SE, SI).

**Figure 9 – Member States in which the lack of resources has been identified as a challenge**

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot
Lack of resources																												14

Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters, GRECO's Fourth and Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation

In addition, a similar issue was experienced by several national anti-corruption agencies (HR, IE, LU, PL, PT, SI), which usually perform tasks connected to prevention but that, in some cases, are responsible for administrative investigations in corruption cases before the intervention of law enforcement.<sup>118</sup>

#### **Box 11 – Examples of Member States with insufficient resources in investigation or prosecution**

In **Croatia**, some doubts have been raised concerning the capacity of the national Commission for the Resolution of Conflicts of Interest in imposing sanctions and ensuring legislative compliance by both UNCAC<sup>119</sup> and the European Commission.<sup>120</sup> Following this, Croatian authorities announced a commitment to improve the resources available to the Commission and to strengthen existing monitoring mechanisms (e.g. integrity tests, when bribes are offered to a suspected office holder by an undercover agent of national authorities to assess the level of integrity of the public official). In **France**, the special police for the investigation of economic crimes, the Central Office for Combating Corruption and Tax Offences, reported a difficulty in retaining human resources, particularly financial data analysts and experienced investigators. **Ireland's** Anti-Corruption Unit, funded by resources of the Garda National Economic Crime Bureau, is currently composed of only four people, which makes it difficult to handle all corruption-related crimes in the country. Furthermore, the staff for the Unit should include personnel with expertise in digital forensics and forensic accountancy. In **Luxembourg** the scarcity of human resources for the Prosecutor's Office is due to both the insufficient funding and a general lack of qualified applicants to fill vacant positions. In **Poland** the cooperation between relevant anti-corruption institutions is impeded by a lack of human and technological resources. In **Portugal**, the CPC (Council for the Prevention of Corruption), the independent body tasked with monitoring the implementation of legislation on corruption and performing risk prevention, reportedly operated with limited human and financial resources, not proportionate to the activities of the Council which, in recent years, and particularly since the Covid-19 pandemic, have been increasing, particularly with regard to prevention. The CPC will be integrated in the National Anti-Corruption Mechanism, which will possibly lead to increased capacity in their anti-corruption activities. In **Sweden** the National Anti-Corruption Unit (NACP) within the Prosecution Authority, responsible for all criminal investigations related to corruption, faced challenges in terms of the analytical capacity and resources available, in light of the number of cases processed by the NACP.

Source: Rule of Law Reports Country Chapters 2020-2021

Alongside the common issues of underfunding or understaffing of prosecution or investigation authorities, in some Member States (EE, EL, HR, LV, PT, SI, SK) there is **a lack of expertise in certain fields that are vital for the fight against corruption** (e.g. financial transactions), which prevents prosecutors and investigators to adequately fulfil their function, or a lack of specialised support for public authorities.<sup>121</sup>

This challenge is connected with the issue concerning the lack of human or monetary resources, but it does not coincide with it. It is possible for a Member State to be adequately staffed in terms of number of prosecutors or investigators, while the staff lacks the specialised skills that would make their efforts more effective.

<sup>118</sup> Author's elaboration based on 2020-2021 Rule of Law Reports for the mentioned countries.

<sup>119</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Ireland. Available at: [link](#).

<sup>120</sup> EC. 2021. Rule of Law Report – Country Chapter on the rule of law situation in Ireland. Available at: [link](#).

<sup>121</sup> Author's elaboration based on 2020-2021 Rule of Law Reports for the mentioned countries.

**Box 12 – Examples of Member States where prosecution authorities lack expertise or specialised support**

In **Estonia**, considering the number of active cases, the personnel resources allocated to investigating corruption seem sufficient. However, specialised assistance for prosecutors would be required, such as from auditors and public procurement specialists. In **Greece** the prosecution office is faced with a number of difficulties, including a shortage of administrative and paralegal staff, as well as highly qualified detectives. In **Latvia**, the lack of specialised expertise concerns the investigation authorities: the investigators of the Corruption Prevention and Fighting Bureau lack expertise in fields relevant for their investigation activities. In **Portugal** the Public Prosecutors Union cited a lack of sufficient specialisation among public prosecutors in investigating economic and financial crime. In **Slovakia**, in order to boost the Special Prosecutor's Office's capabilities, measures were announced to be taken to increase its resources throughout the year 2021. However, there are still concerns about the specialisation and digitalisation of the police, which affects the Prosecution Service's cooperation with the police and the identification of corruption and offenses related to corruption. Strengthened forensic and analytical capabilities of the National Crime Agency, in particular, would help financial investigations be more successful.

*Source: Rule of Law Reports Country Chapters 2021-2020 and GRECO's Fifth Evaluation Round*

### **2.3.2 Core problem 2: Prevention of corruption in the EU is limited**

As detailed in the previous section, both EU and national legislation is not always comprehensive, leaving specific enablers of corruption unregulated. Specifically, there are **no common standards against certain enablers of corruption** that are addressed by other international conventions, and which have also emerged as challenges across the Member States, such as revolving doors, lobbying, and political party financing.

Moreover, prevention of corruption in the EU is hindered by **issues stemming from the national set-ups and approaches**. This includes the (yet) limited presence of anti-corruption plans and dedicated anti-corruption authorities in all Member States. The analysis conducted as part of this study indicated how the presence of anti-corruption plans and strategies to coordinate all national efforts against corruption is deemed imperative to produce positive effects not only in its implementation, but already in its design. Such measures can help authorities to identify gaps and needs, define opportunities for collaboration and design tools to do so. Finally, the presence of counselling services for public officials on ethics and integrity can improve the expertise available in recognising potential issues, as well as support public officials in understanding potential risks and therefore prevent possible cases

Finally, there are issues related to the **availability of information and data** at the national level. Indeed, the EU lacks uniform, up-to-date and consolidated corruption statistics that can act as powerful tools for policymakers in designing effective policy and other actions to fight corruption. However, the data and statistics available to policymakers are subject to the pitfalls of various measurement methods and different methodological approaches adopted by the organisations conducting the data gathering and analysis, despite ample research on standardised procedures. Administrative data, for instance, are limited to detected corruption, therefore not capturing the undetected cases, which constitute a substantial part of the phenomenon. In addition, the presence of administrative data in a country (and corresponding absence in another) may be interpreted not just as the presence (or absence) of corruption-related issues, but also as the degree of effectiveness of the country's reporting system. Indices can help overcome the shortcomings of individual measurement types but are typically based solely on perceptions and can be difficult to interpret.

**Table 6 - Overview of the drivers and issues behind core problem #2**

Key drivers behind core problem 2 - Prevention of corruption in the EU is limited			
2.1	Member States' approaches to prevent corruption are inadequate		<ul style="list-style-type: none"> <li>a. Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States</li> <li>b. Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities</li> <li>c. Verification systems on asset declaration are lacking or limitedly used</li> <li>d. Some Member States lack specific services on ethics and integrity</li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU		<ul style="list-style-type: none"> <li>a. There are no uniform, up-to-date and consolidated corruption statistics and thus evidence-based policy-making on anti-corruption</li> <li>b. Monitoring of corruption risks and related actions, and thus evidence-based policy-making on anti-corruption, is limited</li> </ul>

Source: Author's elaboration

### 2.3.2.1 Member States' approaches to prevent corruption are inadequate

#### **Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States**

As detailed below, lobbying has emerged as a challenge in 21 Member States (see Figure 10 below), either for a lack of regulations of undue lobbying in force, or for the limited scope of existing legislation. As noted above, illegitimate lobbying can be a mechanism for powerful groups to influence laws and regulations at the expense of the public interest, and may result in undue influence, unfair competition and policy capture, to the detriment of effective policy making.

**Figure 10 – Member States in which lobbying has been identified as a challenge**

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot	
Lobbying	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	21

Source: Author's elaboration based on Rule of Law 2021 Country Chapters, GRECO's Fourth and Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation

Lobbying is not covered in the EU-anti corruption *acquis*. At the Member State level, national initiatives against lobbying are highly fragmented. Ten Member States (AT, BE, CY, DE, FR, HU, IE, LT, PL, SI) have dedicated measures in place. In other twelve Member States (BG, CZ, EE, EL, ES, FI, HR, IT, LV, MT, PT, SK), measures against lobbying are under discussion or have been announced by public authorities. Finally, five Member States (DK, LU, NL, RO, SE) have no specific measures in place or planned on lobbying activities.



### Box 13 – Member States with no legislation in place on lobbying

In **Denmark**, the only existing provisions regulating contacts between lobbyists and decision-makers are general rules on confidentiality and conflict of interest. Members of the Parliament do not have the duty to report on their activities. In **Luxembourg**, there are rules in place concerning in-house formal meetings (and only in the form of the non-specific Code of Conduct for Parliament members), but not informal ones. Members of the Parliament do not have the duty to disclose their personal assets and gifts received. In **the Netherlands**, the GRECO recommendations issued in 2019 concerning the lack of guidance for public officials in dealing with lobbyists had not been implemented as of 2021.<sup>122</sup> In **Romania**, there is a Code of Conduct for public officials that is not focused specifically on lobbying and is rarely enforced. The Code does not regulate crucial aspects of lobbying, such as the disclosing of gifts and meetings with lobbyists. **Sweden** lacks obligations for office holders to report their contacts or meetings with lobbyists and, in a similar fashion, lobbyists do not have to proactively report themselves to an official register, and they are not forced to disclose information on their clients, or the financial operations connected to their lobbying activities.

*Source: Author's elaboration based on Rule of Law 2021 Country Chapters and GRECO's Fifth Evaluation Round*

**National approaches against lobbying vary**, including both legislative and non-legislative initiatives. The main measures employed to regulate lobbying are:

- Legislative provisions on lobbying activities, such as provisions related to incompatibilities, declarations of asset, gifts received and other obligations for public officials and lobbyists (AT, BE, CY, DE, IE, PL);
- An official register of lobbyists, lobbying entities and interest groups (AT, BE, DE, FR, IE, LT, PL);
- A practical guide for high-ranking public officials, providing instructions to frame meetings and relationships with lobbyists in an appropriate way (EE, LT, PL).

**Different Member States have adopted a different combination of these three policy approaches.** As an example, in Lithuania, a register, which is yet to be implemented following a law approved in 2021, will cover all lobbyists, lobbied politicians and public servants. Furthermore, Lithuanian officials have to follow a set of guidelines to ensure transparency and publicity for meeting between officials and lobbyists.

Even in Member States where specific measures are in place, lobbying still poses challenges mainly due to (i) the limited scope of existing measures, and (ii) a limited enforcement of rules in place. The **limitations in scope** mainly relate to restrictions in accessing the lobbying registers and limited categories of lobbyists covered.

### Box 14 – Examples of limitations in the scope of national initiatives on lobbying

In **Austria**, the official register for lobbyists is not accessible to the general public, but only to decision-makers who have been lobbied. Furthermore, the duty to report lobbying activities to the register holds only for Specialist Lobbying Companies, In-House-Lobbyists, Self-Governing Bodies and interest groups, while there is no rule covering single contacts or lobbying individuals. There are specific rules on how to interact with lobbyists for members of the Parliament.<sup>123</sup> In **Belgium**, initiatives on lobbying have been issued (e.g. lobbyists need to sign and comply with certain rules of conduct when they aim to influence the policy-making) and the official lobbying register can be accessed by the public. However, rules for interactions between top executive officials and lobbyists have not been adopted. As a consequence, GRECO recommended the introduction of guidelines on the topic. **Cyprus** is the only Member State where legislation on lobbying exists but does not include the duty for lobbyists to disclose their role and intentions and be included in an official register. In **France**, the only measure adopted was the implementation of the national lobbying register, which accounts for the large majority (90%) of lobbyists in the country. However, there is no requirement for persons with top executive functions to share their contacts with lobbyists/third parties that seek to influence the public decision-making process or to disclose such contacts and the subject-matters discussed.<sup>124</sup> Hence, both GRECO and the French High Authority on Transparency of Public Life recommended an amendment to existing legislation, in

<sup>122</sup> GRECO. 2021. Compliance Report Netherlands (Fifth Evaluation Round). Available at: [link](#).

<sup>123</sup> GRECO. 2022. Second Interim Compliance Report Austria (Fourth Evaluation Round). Available at: [link](#).

<sup>124</sup> GRECO. 2021. Compliance Report Estonia (Fifth Evaluation Round). Available at: [link](#).

order to cover not only lobbying organisations, but also individuals. In **Germany**, the requirement to register applies exclusively to top-level executive officials, while the technical level in the ministries, where most of the lobbying regularly takes place, is not included. Thus, no track record exists of such meetings. In **Hungary**, the only regulation on lobbying stipulates that public official may meet lobbyists only after reporting the meeting to their superior, who has veto powers over it. This is considered by GRECO<sup>125</sup> to be ineffective, leaving no official record of meetings with lobbyists, gifts received, topics discussed, or the identity of the lobbyists themselves, for which there is no official register. Furthermore, the appropriateness of lobbying meetings is assessed exclusively at the discretion of the superior, with no monitoring system in place.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

The identified **enforcement issues** are often due to an institutional conflict of interest, i.e. the authority in charge of enforcing the measures is also the addressee of the measure. This is the case in Member States where the Parliament is responsible for lobbying policies. For instance, in Germany, the lobbying register is administered by the Bundestag; in Poland, the two Houses of the Polish Parliament, Sejm and Senate, are tasked with supervising legislation on lobbying. In these cases, it may be problematic to request top legislative officials (the members of the Parliament) to enforce rules that apply to themselves, alongside lobbyists. In other Member States, policies on lobbying are managed by an independent committee. For instance, in Ireland, the entity managing the official register is SIPO, the Standards in Public Office Commission, in Lithuania, the same task has been assigned to the Chief Official Ethics Commission (COEC), while in Slovenia it is performed by an autonomous state body, the Commission for the Prevention of Corruption. In these cases, although no conflict of interest exists, independent committees still face issues due to limited capacity - both power and resources - necessary to carry out their duties.

Besides undue lobbying, **conflict of interest** has been identified as a challenge in several Member States, although it is covered by the EU Anti-corruption acquis.

#### **Box 15 – Coverage of conflict of interest in the EU anti-corruption acquis**

- UNCAC;
- Directive 2014/24/EU on public procurement ;
- Directive 2017/1939/EU implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

*Source: Author's elaboration based on desk research*

Firstly, there is high variance in the legislative and policy approaches taken at the national level. **With the exception of Ireland and Italy, all Member States have established legislative provisions regarding conflict of interest.** In Ireland, the fight against corruption was identified as one of the priorities of the 2020 programme of the Irish government, and the government is now conducting a review of the ethics legislation. In Italy, the Parliament is debating, as of 2021, a proposal to regulate parliamentarians' conflicts of interest, including specific requirements for the members of national, regional, and municipal government offices. As to the other Member States, there are significant differences across national legislation in this field. A first difference concerns the **scope of the national measures in place against conflict of interest**: while in some countries, relevant legislation is limited to civil servants, in other countries it extends to other public officials, and in some cases to the private and third sectors.

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<sup>125</sup> GRECO. 2021. Compliance Report Hungary (Fifth Evaluation Round). Available at: [link](#).

### **Box 16 – Examples of varying scope in national legislations on conflict of interest**

In **Belgium**, the government's Code of Conduct, which was approved in July 2018, applies to federal employees. However, Ministers and members of their cabinets are exempt from these rules and the necessity for an amended piece of legislation to widen the scope of the provisions has been advocated by GRECO.<sup>126</sup> In **Cyprus** there is no Code of Conduct for members of the Parliament.<sup>127</sup> **Denmark's** legislation on conflict of interest covers civil servants, but rules that apply to ministers and other top executive officials are limited (for instance, neither lobbying nor post-employment are regulated). On the other hand, in **Greece**, legislation on conflict of interest covers members of the government, general and special secretaries, decentralised administration coordinators, presidents or heads of autonomous authorities, and presidents, vice presidents, governors, deputy governors, and even CEOs of public and private legal companies. In **Spain**, the scope of national laws on the topic is, as of 2021, in the process of being expanded to cover cabinet members and advisors of top executive officials.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO's Fifth Evaluation Round*

Besides legislation, challenges were identified regarding **implementation and enforcement of laws on conflict of interests** in seven Member States (DK, EE, ES, FR, HR, PL, SI).

### **Box 17 – Examples of implementation and enforcement issues for conflict of interest**

In **Estonia** GRECO noted the lack of a monitoring and enforcement mechanism following the adoption of its code of conduct for top executive officials.<sup>128</sup> Training and confidential counselling are useful preventive tools, but do not constitute a mechanism to ensure compliance with the code. In **France** the established procedures for processing potential high-level cases of corruption were found insufficient by GRECO, which considered them too reliant on the discretion of the Prime Minister. As of 2021, such procedures had not been modified.<sup>129</sup> In **Slovenia** GRECO noted the lack of an appropriate management system for conflict of interest for both top executive officials and members of law enforcement. Such system should include advisory, monitoring and compliance mechanisms. As of 2021, no steps had been taken in this direction.<sup>130</sup>

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO's Fifth Evaluation Round*

Furthermore, while **Member States have adopted non-legislative initiatives aimed at preventing conflicts of interest, there are questions over their effectiveness.** Specifically, training has been delivered, targeting different groups, including public officials and law enforcement authorities. The sources identify some specific issues, which affect the overall effectiveness of these measures.

### **Box 18 – Examples of issues relating to national training on conflicts of interest**

**Training targeted at public officials.** In **Finland**, no mandatory training activities have been implemented for public officials, in spite of recommendations received from GRECO.<sup>131</sup> Similar shortcomings were identified in Ireland by GRECO.<sup>132</sup> In **Italy**, there is a robust system of governance behind training for public officials. The country has adopted a decentralised approach: every public agency is responsible for providing necessary training for its staff, but a central association (National School of Administration) is supplying civil servants with training on a national level. Additional training initiatives are mandatory for offices and areas in which corruption is more likely to take place. However, Italy does not provide all public officials with general or refresher training on the codes of conduct or other provisions regarding conflicts of interest. In **Luxembourg**, training on ethics is mandatory for public officials once per year. However, GRECO has highlighted issues with the wording of the provisions

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<sup>126</sup> GRECO. 2020. Compliance Report Belgium (Fifth Evaluation Round). Available at: [link](#).

<sup>127</sup> GRECO. 2020. Compliance Report Cyprus (Fourth Evaluation Round). Available at: [link](#).

<sup>128</sup> GRECO 2021. Compliance Report Estonia (Fifth Evaluation Round). Available at: [link](#).

<sup>129</sup> GRECO 2021. Compliance Report France (Fifth Evaluation Round). Available at: [link](#).

<sup>130</sup> GRECO 2021. Compliance Report Slovenia (Fifth Evaluation Round). Available at: [link](#).

<sup>131</sup> GRECO. 2020. Compliance Report Finland (Fifth Evaluation Round). Available at: [link](#).

<sup>132</sup> GRECO. 2020. Second Interim Compliance Report Ireland (Fourth Evaluation Round). Available at: [link](#).

concerning the obligation to part take in training.<sup>133</sup> In **Portugal**, the training offer on ethics and appropriate conduct are considered insufficient, since they do not cover members of the judiciary. **Sweden** was advised to introduce training on ethical matters for all public officials, but as of 2021, it had not yet implemented this recommendation.<sup>134</sup> The same holds for **Slovakia**.<sup>135</sup>

**Training targeted at law enforcement authorities.** In **Croatia**,<sup>136</sup> GRECO recommendations were followed by adopting new rules for police officer training, including a mandatory educational module on ethics and integrity. However, full implementation of these decisions was pending in spring 2022. **Denmark**<sup>137</sup> was notified in 2018 of the necessity of introducing a mandatory training programme for law enforcement on ethical matters and, by 2020, the authorities had complied with the GRECO recommendations in a satisfactory manner. However, Denmark has yet to implement the continuous aspect of training, which requires mandatory periodical refresher courses for all law enforcement members. In **Finland**, the adoption of a new Code of Conduct for members of law enforcement was not accompanied by training on the new provisions included in the code, as recommended by GRECO.<sup>138</sup> Similarly, in **Latvia** the supply of training concerning the newly adopted code of ethics has been planned, but not yet implemented.<sup>139</sup> **Sweden**, in order to comply with GRECO’s request to strengthen training for police officers, produced a digital tool providing e-learning for law enforcement. The tool is considered satisfactory by GRECO but has yet to be included in official police procedures.<sup>140</sup>

*Source: Author’s elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO’s Fifth Evaluation Round*

Along with undue lobbying and conflict of interest, **revolving doors** was identified as a challenge in 14 Member States, either for lack of legislation on the subject, or for insufficient scope of the existing regulations.

**Figure 11 – Member States presenting revolving doors as a challenge**

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot	
Revolving doors																													15

*Source: Author’s elaboration based on Rule of Law 2020-2021 Country Chapters, GRECO’s Fourth and Fifth Evaluation Round and National Reports from UNCAC’s Second Cycle of Evaluation*

Revolving doors is not covered in the EU-anti corruption *acquis*. Most Member States have specific pieces of legislation in place addressing revolving doors and post-employment of civil servants (BE, DE, EE, EL, FI, HU, IE, LT, LU, NL, PT, RO, SE, SL). In a few Member States, the practice of revolving doors is unregulated, either because relevant laws are still under discussion (ES, IT, SK), or because policymakers have shown no interest in tackling the issue (AT, DK).<sup>141</sup>

<sup>133</sup> GRECO. 2020. Compliance Report Luxembourg (Fifth Evaluation Round). Available at: [link](#).

<sup>134</sup> GRECO. 2021. Compliance Report Sweden (Fifth Evaluation Round). Available at: [link](#).

<sup>135</sup> GRECO 2022. Compliance Report Slovakia (Fifth Evaluation Round). See at: [link](#).

<sup>136</sup> GRECO. 2021. Compliance Report Croatia (Fifth Evaluation Round). Available at: [link](#).

<sup>137</sup> GRECO 2021. Compliance Report Denmark (Fifth Evaluation Round). Available at: [link](#).

<sup>138</sup> GRECO 2020. Compliance Report Finland (Fifth Evaluation Round). Available at: [link](#).

<sup>139</sup> GRECO 2021. Compliance Report Latvia (Fifth Evaluation Round). Available at: [link](#).

<sup>140</sup> GRECO. 2021. Compliance Report Sweden (Fifth Evaluation Round). Available at: [link](#).

<sup>141</sup> No available information for BG, CY, CZ, FR, HR, LV, MT, PL.

### Box 19 – Examples of Member States with no legislation on revolving doors

In **Austria**, members of the government and parliament have no restrictions on their post-employment status. Legislative plans to establish an 18-month cooling-off period were discussed in 2019. In **Denmark**, despite reports of revolving doors, there are still no post-employment restrictions and cooling-off periods for Ministers. Danish officials have no constraints on moving into a new role after leaving public service. In **Italy**, the new legislation on conflict of interest, presented in 2020 and under discussion as of 2021, includes rules on post-employment of members of the Parliament and high executive officials. In the Netherlands, GRECO's recommendation to introduce rules and cooling-off periods had not been implemented as of 2021.<sup>142</sup> In **Slovakia**, a draft law on revolving doors is planned or in the early stages of development. **Spain**, analogously to Italy, is in the process of approving new legislation tackling the issue of revolving doors for senior officials and public employees.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO's Fifth Evaluation Round*

Although specific legislation is in place in the majority of Member States, **rules on revolving doors have proved to have limited effectiveness** due to two main issues.

Firstly, **the scope of adopted or proposed legislation on post-employment of office holders is limited and varies across the Member States**. Substantial differences have been identified as regards the professional profiles the law applies to. In some Member States (DE, EL, ES, FI, HU, IE, LT), all civil servants fall within the scope of the law. In other Member States (BE, EE, IT, LU, RO), revolving doors provisions are partial and cover only a subset of all professional profiles that may be involved in the issue of revolving doors, including executive and legislative officials at different levels of governance (national and local). Finally, there are few Member States (PT, SE) where the scope of legislation on the topic is broader, including for instance members of the boards of state-owned companies or audit officials.

### Box 20 – Differences in the scope of legislation on revolving doors

In **Belgium**, despite legislation being in force on the topic, there are still gaps in the Code of Conduct for top executive positions, namely ministers and members of their cabinets; these profiles are subject to almost no rules. The limitations on post-employment in **Estonia** are contained in the "Guidelines for ministers and their advisers to avoid conflicts of interest",<sup>143</sup> which apply only to top executive profiles, but not to officials of legislative power (for instance, members of the Parliament). The law on conflict of interest that is being discussed in **Italy** covers members of Parliament and high executive officers, but not public officials who are directly related to ministers, such as cabinet heads. **Luxembourg** lacks a cohesive piece of legislation addressing the issue of revolving doors specifically, but there are four codes of conduct for the different families of public officials (e.g. executive officials, legislative officials, audit officials etc.). The enforcement of the codes of conduct is performed autonomously by the public institutions the code refers to (the Parliament, the National Audit Authority) with the exception of the Code of Conduct for the government, which is monitored by an external body, the Ethics Committee. The Code of Conduct for government officials is also the only one containing provisions concerning revolving doors, but they only apply to ministers. Relevant legislation in **Romania** is limited to specific professional profiles (public servants who served in a state-owned company with monitoring or supervising functions), while there is no cooling-off period for key decision-makers. On the other hand, the legislation in force in **Portugal** involves, alongside all top office holders and cabinet members, also boards of companies owned by the state. Similarly, **Sweden**, that already had a law in force covering post-employment of top executive officials, including ministers, cabinet members and state secretaries, recently expanded the scope of such law to include the National Audit Office, the Swedish financial oversight body.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters and GRECO's Fifth Evaluation Round*

Secondly, some Member States face **challenges due to a limited enforcement capacity** (FI, HU, IE). For instance, in **Finland** the Guidelines on Revolving Doors are considered satisfactory

<sup>142</sup> GRECO 2021. Compliance Report Netherlands (Fifth Evaluation Round). Available at: [link](#).

<sup>143</sup> Available at: [link](#).

by GRECO, but their enforcement is at the discretion of the government institution concerned, without an independent authority monitoring and enforcing them.<sup>144</sup> In **Hungary**, the relevant national legislation states that the Government is tasked with determining the sectors and positions where a government official may not be employed after the termination of their public service, but this is still to be implemented, despite the law being adopted in 2018. In **Ireland**, the lack of enforcement of the legislation is attributed to the fact that the separate entity tasked with monitoring the implementation of rules on revolving doors (included in the 2015 Lobbying Act) is SIPO, the Standards in Public Office Commission, which reportedly lacks monitoring power to ensure compliance with the Act.

Directly linked with conflict of interest, political party financing emerged as another challenge affecting nine Member States (see Figure below).

**Figure 12 – Member States presenting political party financing as a challenge**

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot
Political party financing																												9

Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters, GRECO's Fourth and Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation

Political party financing is not covered in the EU-anti corruption *acquis*. Although most Member States have at least some rules in place, **only few Member States have comprehensive legislation in force concerning funding of public parties** (BE, DE, SE).

**Box 21 – Member States with comprehensive legislation on party funding**

In 2021 the government of **Belgium** adopted a new law on the funding of political parties. Each political party represented in the House of Representatives receives a budgetary allotment. In exchange, these political parties must submit an annual financial report to the Parliamentary Supervisory Committee, which then asks the Court of Auditors for a comment on its supervisory operations. The new law is compliant with GRECO's recommendations, since it also regulates foreign donations, one of the most problematic aspects of party funding. In **Germany**, political party funding is governed by a special statute that includes some dissuasive penalties. Political parties must file annual financial reports with the President of the Federal Parliament detailing their assets, liabilities, revenue, and expenditures during both campaign and non-campaign seasons. In the event of inaccuracies, the offending party may be fined twice as much as the amount of the false information. In **Sweden**, the funding of political parties is highly transparent. Under the Act on Transparency in Political Party Financing, national, municipal, and local political parties are required to report the sources of their revenues to the Legal, Financial, and Administrative Services Agency. Fines of up to EUR 9,800 are imposed on those who fail to disclose their earnings. The House of Commons has set a limit on anonymous donations per donor. The contributions of private individuals must be disclosed, but they are not published. In Sweden, however, political parties' funds are mostly derived from a state grant awarded to them based on their performance in the previous two elections.

Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters

In several Member States, rules on party funding are hampered by **implementation and monitoring issues** (CZ, DK, EE, EL, FI, HU, IT, NL, SK).<sup>145</sup>

**Box 22 – Examples of issues hampering national rules on party funding**

In **Czechia**, laws for political party funding donations are largely adequate. Individual donations are limited to a maximum of EUR 120,000 under the Political Parties and Movements Act. Every donation worth more than EUR 40 must be recorded. Donations from foreign persons or government entities are prohibited. Failure to comply can result in fines ranging from EUR 4,000 to EUR 80,000. Monitoring and enforcement activities are carried out by the Office for the Supervision of Political Parties and Movements. There are, however, some issues concerning implementation. For instance, the aforementioned rules do not apply to presidential elections or to donations from NGOs; furthermore, there are issues with monitoring of donations from business networks with many legal entities. In **Denmark**, the main shortcoming in national policy on party funding include a lack of rules on anonymous donations, a lack of a requirement to report the total amount of donations received, a lack of an enforcement and

<sup>144</sup> GRECO. 2020. Compliance Report Finland (Fifth Evaluation Round). Available at: [link](#).

<sup>145</sup> No information available for AT, CY, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, RO, SI.

sanctioning mechanism to ensure compliance, and an excessively high threshold for donation reporting. The Danish government has not yet announced any upcoming amendment of the legislation. In **Estonia** the effective legislation in force is obstructed by a matter of governance: the Political Parties' Finance Surveillance Committee, the oversight body in charge of monitoring and enforcement, lacks the necessary powers to fulfil its role, in particular the powers to request documents and to enforce sanctions when illegal donations are not returned. In **Finland** the existing legislation is in the process of being amended, to solve some concerns that have been raised regarding the phrasing of existing laws on the topic of party funding, which is said to contain loopholes that allow parties to not disclose the origin of all their financial contributions. In **Greece** national legislation is sufficient, but its implementation is inadequate, in particular with regard to the monitoring and sanctioning mechanism (to this day, no sanction has been imposed for failure to comply with rules in force). In **Hungary**, despite some improvements made in recent years following GRECO recommendations, there are still general concerns with regard to the transparency of party funding. In **Italy** the current legislation is counterproductive to the fight against corruption: the prohibition of every form of direct public funding of parties has made political actors more dependent on private donations and, thus, more prone to corruption and other forms of undue influence. In **the Netherlands**, the law governing party financing was being revised as of 2021. The legal framework for political fundraising consists of legislation regulating the subsidies and administration of political parties, but it does not include the financing of political parties and the financing of candidates at the municipal level. In **Slovakia**, legislation is generally effective (party finances are transparent, foreign donations are forbidden, failure to comply is punished with fines in the amount of double the income from the donations) with some shortcomings (thresholds for donations do not apply during elections periods). The monitoring mechanism is reportedly lacking human resources and concerns have been raised concerning its independence from political factions.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

### **Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities**

Six Member States **lack a national anti-corruption plan** (BE, DK, ES, LU, NL, SI).

#### **Box 23 – Examples of Member States lacking a national anti-corruption strategy**

In **Belgium**, at the federal level, there are several anti-corruption networks and collaboration platforms but no anti-corruption strategy in place. **Denmark** neither has a dedicated anti-corruption strategy nor a specialised agency dealing with corruption issues. The national anti-corruption system is to a large extent based on general rules on ethics and integrity, as well as social norms and public scrutiny. **Luxembourg** does not have a dedicated anti-corruption policy or agency, although it does have a wide anti-corruption legislative and administrative framework. The fight against corruption in **Spain** follows a strategic line of action, but no national anti-corruption strategy is in place. Following GRECO's recommendation to develop a strategy combining preventative measures to detect and minimise conflict of interest risk areas, as well as a plan of action for execution, the EU started to grant technical assistance to Spain as part of a programme to develop a National Anti-Fraud Strategy aimed at guaranteeing the efficient protection of EU financial interests.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

Besides, there is high variance among national institutional arrangements in place to prevent and fight against corruption. Overall, responsibilities are spread across several actors, including executive, legislative, judicial, and law enforcement authorities. In eight Member States, the coordination, oversight, and implementation of national anti-corruption efforts falls under their respective Ministries, either the Ministry of Justice (CZ, EE, FR, LT, LU, RO) or the Ministry of Interior (DE, HU).

#### **Box 24 – Examples of relevant ministries concerned with the fight against corruption**

In **Croatia, Czechia, Estonia, France, Lithuania, Luxembourg** and **Romania**, the Ministry of Justice ensures the coordination and implementation of the country's National Anti-corruption Strategy. In **Belgium**, within a platform to which Ministers' Cabinets are invited, the Ministry of Foreign Affairs oversees the exchange of information with international entities in the field of anti-corruption. Furthermore, the Ministry of Justice has developed a new informal forum, which calls for meetings three times a year to coordinate anti-corruption efforts and respond to international proposals. Local

governments have indicated an interest in further developing synergies between the two platforms. In **Germany**, the Ministry of Interior is responsible for coordinating national anti-corruption policies.

In a few cases, the Ministries of Justice and Interior share responsibilities in combatting corruption. For example, in **Austria**, the Ministry of Justice leads coordination efforts, while the Federal Ministry of the Interior and its Federal Bureau of Anti-Corruption (BAK) and Criminal Intelligence Service (BK) are tasked with operational action to prevent and fight against corruption, including related international cooperation. Similar to Austria, in **Hungary**, anti-corruption efforts are shared between the Ministry of Justice, who is also the Prosecutor-General, and the Minister of Internal Affairs and Administration, who is in charge of prevention aspects, such as the lobby register for public officials.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

In six Member States (BE, ES, IE, PL, PT, SE), the competencies of leading the fight against corruption are under the powers of the law enforcement and judicial branches of government.

#### **Box 25 – Examples of national judicial and law enforcement authorities concerned with the fight against corruption**

In **Portugal and Spain**, the fight against corruption is led by Anti-Corruption units situated within the Prosecutor's Office. In **Poland**, the Central Anti-Corruption Bureau is the specialised law enforcement body combating corruption in the public and the private sectors alongside the Central Police Investigation Bureau and the police, the Internal Security Agency and the Prosecution Service. In **Sweden**, the National Anti-Corruption Unit is a specialised prosecution agency within the Swedish Prosecution Authority responsible for all criminal investigations related to corruption and bribery, including foreign bribery. The National Anti-Corruption Police Unit, as part of the Swedish Police Authority, is tasked both with the investigation of corruption crimes and the prevention of corruption by supporting different public authorities in the drafting of anti-corruption policies.<sup>146</sup> In **Belgium** (The Central Office for the Repression of Corruption) and **Ireland** (through An Garda Síochána), the fight against corruption is mainly the competence of law enforcement.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

Typically, anti-corruption actors act within pre-established institutions such as national ministries, law enforcement, or the Prosecutor's office. However, most Member States have opted to establish independent administrative authorities for the prevention of corruption in public administrations, subsidiaries and state-controlled enterprises (BE, BG, CY, CZ, EE, EL, ES, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SK, SL).<sup>147</sup>

#### **Box 26 – Examples of national independent administrative authorities against corruption**

In **Croatia**, this role is played by the Commission for the Resolution of Conflicts of Interests. In 2019, **Greece** established the National Transparency Authority (NTA) as an independent authority in the field of corruption prevention and public awareness-raising. The NTA was created by uniting five audit organisations and one coordinating entity to act as the Greek Anti-fraud Coordination Service (AFCOS),<sup>148</sup> hence it represents a fundamental administrative change in Greece's effort against corruption. Indeed, by combining the audit organisations, the problem of fragmentation and overlap of competencies during audits was eliminated, and AFCOS' function was strengthened since it now has operational/audit competences that are carried out in accordance with worldwide auditing standards. Similarly, in 2021, **Italy** founded the National Anti-Corruption Authority (ANAC), which renamed the old Commission for Evaluation, Integrity, and Transparency in Public Administrations (CIVIT) and entrusted it with preventing corruption and criminal activity in the Italian public sector.<sup>149</sup> The ANAC was established following the advice of article 6 of the United Nations Convention against Corruption (UNCAC), which states that Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption. Other countries with similar set-ups are **Latvia**, with the Corruption Prevention and Combating Bureau (KNAB), **Malta**, with the Permanent Commission Against Corruption, and **Romania**, with its dedicated National Anti-corruption Directorate (DNA). **Slovakia's** Commission for the Prevention of Corruption processes reported high-profile cases of conflict of interest and can initiate procedures for assessing possible

<sup>146</sup> EC. 2021. Rule of Law Report – Country Chapter on the rule of law situation in Sweden. Available at: [link](#).

<sup>147</sup> There are five Member States where no such authority exists (AT, DE, DK, FI, HU).

<sup>148</sup> NACP. Models of Anti-Corruption Institutions. Available at: [link](#).

<sup>149</sup> ANAC. About us. Available at: [link](#).



conflicts of interest, even if no report has been received. The Commission can also send official recommendations to the government, as it did in 2021 to ask for the unification of all measures in place regarding conflict of interests. Lastly, **Finland**, which is classified as one of the least corrupt countries in the World (2nd least corrupt in the EU and 3rd globally),<sup>150</sup> does not have a dedicated anti-corruption agency and the responsibility for the fight against corruption is shared among different authorities and bodies. These include the Ministry of Justice, the Ministry of Finance, the Police, the Tax Administration, the Competition and Consumer Authority, the Parliamentary Ombudsman and the Chancellor of Justice, among others.<sup>151</sup>

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters*

The establishment of an authority with independence from undue influence is covered by Article 36 of UNCAC.<sup>152</sup> The **lack of independent authorities and national plans in some Member States represents an issue** since, as pointed out by the majority of stakeholders consulted during the study, they are pivotal to ensuring an effective prevention and fight against corruption, both during domestic and cross-border cases.<sup>153</sup> However, stakeholders also suggested that the relevance of both anti-corruption authorities and plans is closely connected with the peculiar characteristics of national contexts and related governance and administrative systems.<sup>154</sup> Hence, the lack of an ad-hoc anti-corruption authority is not to be automatically considered a shortcoming. Independent anti-corruption authorities are considered useful particularly insofar as they coordinate the actions of all stakeholders involved in corruption repression and prevention (law enforcement, prosecutors, tax agencies, financial units and any other relevant anti-corruption body). However, in Member States where there is already a mechanism for collaboration and information exchange between all relevant entities, an anti-corruption authority may not be needed and, on the contrary, might only bring unnecessary complexity to a well-working system.

Also, the debate on the necessity of anti-corruption agencies intertwines with the issue of **independence**, which some stakeholders consider a double-edged sword. On the one hand, independence guarantees a coordination of anti-corruption activities so that they are not influenced by the interests of top executive public officials, which, if tasked with coordinating such activities, may let their own interest bias their management choices. On the other hand, stakeholders noted how independence can actually harm the coordination of anti-corruption activities, since a separate body may experience a lack of access to information, lack of capacity or a lack of funding, as a result of the institutional and financial separation from ministries and the executive branch. Furthermore, one stakeholder claimed that the existence of independent authorities may reduce accountability with regard to the management of anti-corruption measures, since it is not clear to whom these bodies answer.<sup>155</sup>

To conclude, it is interesting to notice that, as emerged from the analysis of the Rule of Law reports, in light of the public health crisis imposed by Covid-19, many Member States have updated their strategies with a clear focus on limiting mismanagement of flowing funds in public procurement. Due to the crisis context, anti-corruption strategies have been adapted to include high risk sectors and activities. Targeted public procurement measures, such as particular tags in the register of Covid-19 linked public contracts and the establishment of a methodology for public procurement in states of emergency or comparable crisis situations, are included in national policies.

### **Verification systems on asset declaration are lacking or limitedly used**

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<sup>150</sup> Transparency International. 2021. Corruption Perception Index. Available at: [link](#).

<sup>151</sup> EC. 2021. Rule of Law Report – Country Chapter on the rule of law situation in Finland. Available at: [link](#).

<sup>152</sup> Available at: [link](#).

<sup>153</sup> Technical Workshop held on June 21.

<sup>154</sup> Technical workshop held on 21 June.

<sup>155</sup> Technical workshop held on 21 June.

In 15 Member States, challenges have been identified with respect to legislation concerning the duty to disclose assets of public officials (AT, BE, DK, EE, ES, FI, FR, HR, IT, LU, LV, NL, PL, SE, SI). The main issues can be clustered as follows:

- There are **no laws in place** establishing a duty to report assets and interests (AT, DK, HR, NL, SE);
- **Existing legislation is limited in scope**, and e.g. does not cover immediate family members of public officials (BE, EE, ES, FI, LU, NL, PL, SE, SI);
- **Verification systems are lacking or only effective to a limited degree** in ensuring the veracity of submitted declarations (BE, DK, FR, HR, IT, LU, LV, PL, SE, SI).

**Box 27 – Examples of issues with legislation on declaration of assets and interests**

**There are no laws in place establishing a duty to report assets and interests.** In **Austria** members of Parliament are not obliged to declare publicly their assets, interests, debts, liabilities or any other economic interests, including company investments. In 2019 GRECO recommended the introduction of a regulation assigning a duty to report financial interests for members of the government in **Denmark**. As of 2021, this had yet to be implemented and the Danish authorities showed no interest in complying with the request.<sup>156</sup> Similarly, the **Netherlands** lack a law imposing a duty to disclose financial interests for top executive officials, despite GRECO's 2019 recommendations.<sup>157</sup>

**Existing legislation is limited in scope.** In **Belgium**, rules in place do not require the disclosure of the assets of spouses or minor children. In **Estonia**, the government drafted some amendments to the Anti-Corruption Act to ensure that political advisors of ministers or other top executive officials are included in the scope of the legislation on declaration of assets. The amendments are yet to be adopted. The Estonian authorities discussed the GRECO recommendation of including immediate family members in the scope of the Act but ruled that such measure was not necessary.<sup>158</sup> In **Portugal**, there are some legislative shortcomings regarding the requirement of submitting an asset declaration: it does not apply to members of the judiciary and there is some uncertainty regarding what public officials must disclose in the other two branches of government. Furthermore, the submission is paper-based and the system for reviewing submitted declarations is not effective.<sup>159</sup>

**Verification systems are lacking or limitedly effective.** **Hungary** has an extensive asset disclosure system in place, but effective data verification, oversight and sanctions in case of failure to comply with the rules are lacking, rendering the system ineffective.<sup>160</sup> In **Italy**, the duty to disclose financial interests is applicable to all three branches of government, but the verification system is considerably weaker for the public officials employed in the judiciary. They are required to file statements concerning information relevant for potential conflicts of interests, but as of May 2022, there was no internal review of the statements filed.<sup>161</sup> In **Latvia**, the asset declarations of public servants are available to the general public. Nevertheless, no measure has been taken to set up a proper verification system for these declarations.<sup>162</sup> In **Luxembourg**, the lack of a proper verification mechanism to ensure the veracity of asset declarations by public officials was notified by GRECO in 2020 and the issue was solved in the same year, when the government of Luxembourg tasked the independent administrative body of the country, the Ethics Committee, to perform the verification and enforcement of asset declarations. However, the Committee did not receive additional resources despite the significant increase in its activities, hence, hindering the overall effectiveness of the verification system.<sup>163</sup> In **Poland**, the level of digitalisation of politicians' asset declarations remains low, with most declarations being filled out by hand, with different, varying declarations forms being in use.<sup>164</sup> In **Sweden**, a duty to back up one's declaration of assets with official financial documents was introduced in 2020. In addition, the declarations have been made public. The Swedish verification mechanism is still considered to be missing, since existing legislation on

<sup>156</sup> GRECO 2021. Compliance Report Denmark (Fifth Evaluation Round). Available at: [link](#).

<sup>157</sup> GRECO 2021. Compliance Report Netherlands (Fifth Evaluation Round). Available at: [link](#).

<sup>158</sup> GRECO. 2021. Compliance Report Estonia (Fifth Evaluation Round). Available at: [link](#).

<sup>159</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Portugal. Available at: [link](#).

<sup>160</sup> [https://ec.europa.eu/info/sites/default/files/40\\_1\\_193993\\_coun\\_chap\\_hungary\\_en.pdf](https://ec.europa.eu/info/sites/default/files/40_1_193993_coun_chap_hungary_en.pdf)

<sup>161</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Italy. Available at: [link](#).

<sup>162</sup> GRECO. 2020. Compliance Report Latvia (Fifth Evaluation Round). Available at: [link](#).

<sup>163</sup> GRECO. 2020. Compliance Report Luxembourg (Fifth Evaluation Round). Available at: [link](#).

<sup>164</sup> GRECO Fifth Evaluation Round – Evaluation Report, recommendations x and xi, paragraphs 72 and 78.

the topic does not specify what kind of assets it is necessary to disclose, thus obstructing effective verification measures.<sup>165</sup>

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters, GRECO's Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation*

### **Some Member States lack specific services on ethics and integrity**

Shortcomings have been identified within Member States concerning each of the following integrity-related services:

- Training on corruption-related investigation and prosecution procedures for law enforcement and prosecutors. **EU training focusing on corruption-related investigations targeted at these authorities is limited**, and this is reflected in limited harmonisation in the approaches adopted across the Member States to fight against corruption.<sup>166</sup> As a result, many prosecution or investigation authorities lack necessary expertise (see Box 12);
- **Training on integrity issues for top executive and legislative officials is lacking** in several Member States (BE, DK, HR, LV, SE, SI, SK)<sup>167</sup>;
- **Confidential counselling** services for public officials on integrity-related topics are not provided in several Member States (AT, HR, DK, FI, NL, PL, SE, SI).<sup>168</sup>

#### ***2.3.2.2 Prevention programmes suffer from a lack of data on and knowledge of the magnitude of corruption in the EU***

The **2021 EU Rule of Law Report** highlighted the **lack of uniform, up-to-date and consolidated statistics** relating to corruption, especially on the comparative success rate of investigations and prosecutions of corruption offences, as a **lingering issue**. Similarly, according to inputs gathered from a workshop conducted in the framework of the present study, stakeholders noted that this lack of harmonised statistics and **unequal access to registries** that hold relevant information is one of the main issues hindering corruption prevention.<sup>169</sup>

In the same fashion, existing corruption indices, especially when based on perceptions, are useful for raising awareness and calls for action but are less useful for strategy and policy development because they do not inform on the features or characteristics of corruption. There are international standards for indices and data collection, namely those issued by UNODC and the OECD, but publicly available supranational agreements regarding their employment in national data collection procedures are vague and non-binding.

The lack of uniform statistics, as well as the lack of access to relevant information registries has a detrimental effect on prevention activities, in particular with regard to **risks analyses and assessments**. Such activities are vital in order to have a clear picture of the corruption landscape in Member States and in the EU as a whole and plays a vital role in informing preventive policy-making, e.g. individuation of high risk sectors, professional categories or public offices, and evaluation of the effectiveness of existing policies.

Shortcomings concerning risk assessments have been identified by GRECO in several Member States (BE, ES, FI, HR, LU, SI, SK), specifically focused on, but not limited to, risk analysis for public officials and law enforcement.

#### **Box 28 – Examples of shortcomings in risk assessment**

GRECO recommended **Belgium** to conduct a risk analysis concerning corruption among top executive officials, in order to inform a more comprehensive strategy against corruption in public offices. However,

<sup>165</sup> GRECO. 2021. Compliance Report Sweden (Fifth Evaluation Round). Available at: [link](#).

<sup>166</sup> Targeted interviews with three stakeholders at the EU level (#4, #12, #8), inputs from the Workshop held 21 June. CEPOL is the agency conducting law enforcement capacity-building trainings.

<sup>167</sup> Information retrieved from GRECO 2021 Report for the respective Member States

<sup>168</sup> Information retrieved from GRECO 2021 Report for the respective Member States

<sup>169</sup> Workshop held 21 June 2022.

as of the last Compliance Report (2021)<sup>170</sup>, Belgium had not taken any meaningful steps in this direction. **Croatia** was also advised by GRECO on the topic of corruption-prone areas within law enforcement, and the risk analysis provided was considered too generic and high-level to be of use in drafting policies, thus the recommendation was considered not implemented as of 2021. In a similar way, **Spain's** risk assessment for corruption within law enforcement was found lacking and in need of enhancement via the development of an information collection strategy. Very similar recommendations concerning the data collection strategy as well as risk assessments in law enforcement were issued for **Slovakia** and **Slovenia** and, as of 2021, they remained non implemented.

*Source: Author's elaboration based on Rule of Law 2020-2021 Country Chapters,*

In addition to shortcomings at the national level, the lack of consistency throughout the EU concerning the standards for data collection, the indicators to consider and the type of data available (administrative, criminal, perception-based), limits the effectiveness of risk analyses at the EU level.

### 3 The need for EU action

#### 3.1 Legal basis

The field of freedom, security, and justice is defined as a joint competence between the EU and the Member States in **Article 4(2)(j) of the Treaty on the Functioning of the European Union (TFEU)**. According to **Article 67(3) of the TFEU**, the EU “shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities”.

**The legal basis for EU action in the field of fight against corruption is Title V, Chapter 5, of the TFEU.** Pursuant to Article 83 (TFEU), “the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules on the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis”.

The EU competence encompasses the following areas of crime: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, **corruption**, counterfeiting of means of payment, computer crime and organised crime.

Furthermore, if the approximation of national criminal legislation is required to guarantee the successful execution of a Union policy in a field where harmonisation measures have been implemented, the EU can act in the fight against corruption to solve the specific issues identified.

#### 3.2 The necessity of EU action

Corruption is detrimental to the EU as a whole, regardless of the Member State in which this takes place. Corruption lowers investment levels, obstructs the fair operation of the European Internal Market, and reduces public finances (see Box 1).<sup>171</sup> Besides the aforementioned **economic inefficiencies**, corruption can impede the effective operation of government policies across a range of topics, from policies about income distribution to those which aim to achieve better environmental protection. Above all, corruption erodes confidence in governments, public institutions, and democracy in general. In addition, corruption is positively correlated with – and is a strong enabler factor of – other phenomena, such as organised crime and terrorism (see section 2.2.1). **Corruption-related crimes are therefore extremely impactful for the Union.**

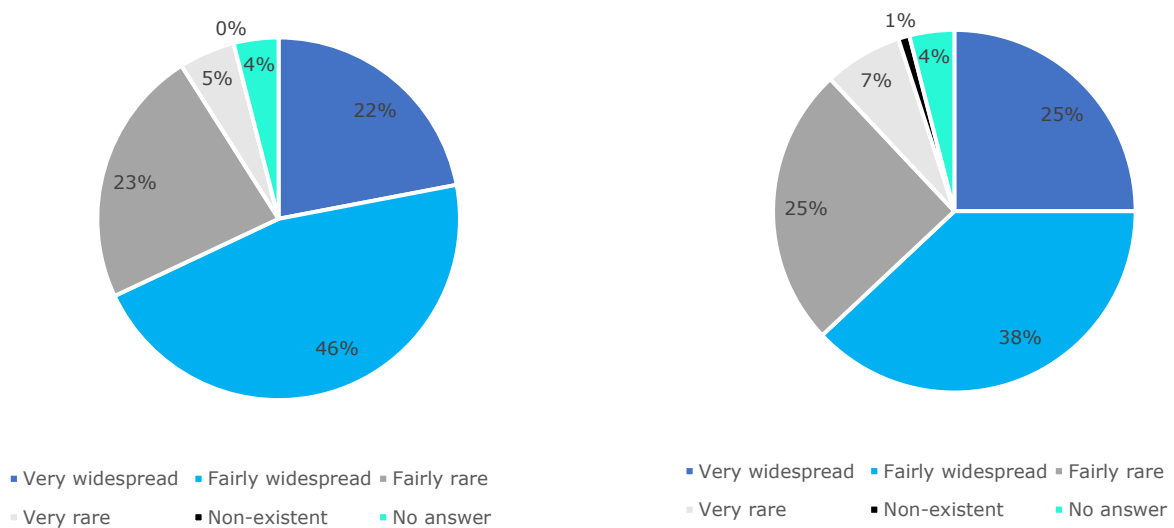
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<sup>170</sup> Available at: [link](#).

<sup>171</sup> EC. Corruption. Available at: [link](#).

Corruption is also a pervasive and wide-spread phenomenon, which is present in all **Member States to various degrees**. In 2022, across the EU, 68% of EU citizens<sup>172</sup> and 63% of businesses perceived corruption as a widespread issue in their own Member State.<sup>173</sup>

**Figure 13 - Level of corruption according to EU citizens and businesses (2022)**



Source: Special Eurobarometer 523<sup>174</sup> and Flash Eurobarometer 507 – Corruption<sup>175</sup>

Member States have tackled the issue through different strategies. As outlined in section 2, our analysis showed how each Member State has shortcomings and gaps in their anti-corruption framework and that their preferred courses of action on the topic are not consistent.

Furthermore, corruption has an external dimension: between 2016 and 2021, 42 third countries (external to the EU) were involved in corruption cases analysed by Eurojust; in the same time period, cases of international corruption increased by 43%.<sup>176</sup> The corruption landscape is characterised by a networked environment where cooperation between criminals is fluid and systematic. The strong cross-border dimension of corruption requires effective coordination at the EU level to ensure an efficient response across Member States (see section 2.2.3).

**EU action is necessary to tackle main problems identified by our analysis.** The challenges faced by Member States in their effort against corruption highlight how the uncoordinated national steps taken by Member States are, as of 2021, not sufficient to tackle threats posed by corruption in the EU. Some Member States reported the fragmentation of anti-corruption responsibilities (coordination, implementation, monitoring) between different bodies an impediment to fighting the phenomenon.<sup>177</sup> Furthermore, stakeholders pointed at the lack of reliable harmonised statistics and the difficulty in accessing specific registers and databases, as one of the main obstacles for more evidence-based policy.<sup>178</sup> Lack of coordination is reflected in perceptions of corruption. For instance, according to the Corruption Perception Index, corruption levels in 84% of Member States either increased or made little to no progress in the last ten years.<sup>179</sup> The fragmented nature of the EU anti-corruption framework and the lack of uniform

<sup>172</sup> EC. 2022. Special Eurobarometer 523. Available at: [link](#).

<sup>173</sup> EC. 2022. Flash Eurobarometer 507 – Corruption. Available at: [link](#).

<sup>174</sup> Available at: [link](#).

<sup>175</sup> Available at: [link](#).

<sup>176</sup> Eurojust. 2022. Eurojust Casework on Corruption: 2016-2021 Insights, p. 21. Available at: [link](#).

<sup>177</sup> Workshop held 21 June.

<sup>178</sup> Workshop held 21 June,

<sup>179</sup> Transparency International. 2022. Corruption Perception Index reveals a decade of stagnating corruption levels in Western Europe amidst ongoing scandals. Available at: [link](#).

corruption statistics, however, indicate that these obstacles can be tackled only by an intervention of the EU, as opposed to single Member States.

### 3.3 The added value of EU action

Corruption-related crimes occurs in many fields of society. Political parties, politics at national, regional and local levels, public tender procedures, private companies, banks and financial institutions, the healthcare system and law enforcement are all areas in which, according to at least 30% of EU citizens, widespread corruption can be found.<sup>180</sup> **Corruption is therefore an extremely widespread phenomenon**, rooted in many different sectors of public life.

Corruption is also **particularly complex to tackle** since, unlike most crimes, both parties involved in a corruption case are interested in maintaining secrecy about it, contributing to a general lack of awareness on the magnitude of corruption cases in any country.<sup>181</sup> Finally, the complexity of following financial flows and the dispersion of financial information, scattered between tax agencies, FIUs, specialised units of law enforcement, contributes to the overall difficulty in tackling corruption.<sup>182</sup>

Furthermore, given the **increasingly cross-border nature** of corruption crimes, a close collaboration between Member States is required to ensure adequate prevention and repression. However, several factors impede the effectiveness of this collaboration:

- The **lack of harmonised definitions of corruption offences**. During the workshop held as part of the present study on 21 June 2022, stakeholders stated that forms of corruption that would need a common definition across the EU include laundering of criminal proceeds (according to 14 of the participants involved), trading in influence (as stated by 9 participants) and abuse of function (according to 5 participants);<sup>183</sup>
- The **lack of harmonised EU-wide statistics** on corruption, in order to inform decisions of policy-makers. Despite being an enabler of suboptimal cross-border collaboration, this aspect was not considered a priority by consulted stakeholders;<sup>184</sup>
- The **limited access of national authorities to relevant information** held by authorities in other Member States. 14 participants, roughly half of stakeholders consulted during our workshop, claimed that the area that needs minimum EU standards the most is lack of coordination between relevant EU agencies.<sup>185</sup>

EU intervention could ultimately create added value by contributing to ensuring a common playing field between Member States, as well as coordination and common standards. While Member States and their set-ups may seem superficially effective for their local context, the presence of a cross-border dimension calls for EU action. Gaps in and limited enforcement of existing legislation, together with the need for cooperation and capacity to prosecute cross-border cases are all elements that suggest the need for a stronger coordination and definition of common standards across the EU.

Furthermore, the issues faced by the Member States in the fight against and the prevention of corruption, are, as our analysis of the national anti-corruption framework has shown, cross-cutting challenges that are widespread throughout the Union (see Annex 7.4 for a comprehensive table of all shortcomings identified in each Member State). A European approach on the fight against corruption allows for:

- A more **comprehensive framework** addressing gaps in definitions and sanctions, making sure all main forms and enablers of corruption are covered;

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<sup>180</sup> Ibid.

<sup>181</sup> Workshop held on 21 June.

<sup>182</sup> Targeted interviews with one stakeholder at the EU level (#14).

<sup>183</sup> Workshop held 21 June.

<sup>184</sup> Ibidem.

<sup>185</sup> Ibidem.

- The **improvement in enforcing existing rules** and instruments to fight corruption, including addressing the need for more training and expertise to both prevent and prosecute corruption-related cases;
- The **improvement of Member States’ capacity to tackle corruption**, via providing standards and minimum requirements to implement more effective and efficient set-ups and approaches, including reporting to allow for a prompt identification and prosecution of cases of cross-border corruption and more expeditious judiciary cooperation between Member States;
- More efficient **flow of data, information and good practices**, thus allowing for the identification of corruption-prone areas and the circulation of reliable and up-to-date statistics on the topic.

Finally, the fight against corruption requires the combined efforts of many actors. Thus, framing the issue of corruption in the broader context of the EU, as opposed to the single national contexts of Member States, allows for the direct involvement of all stakeholders.

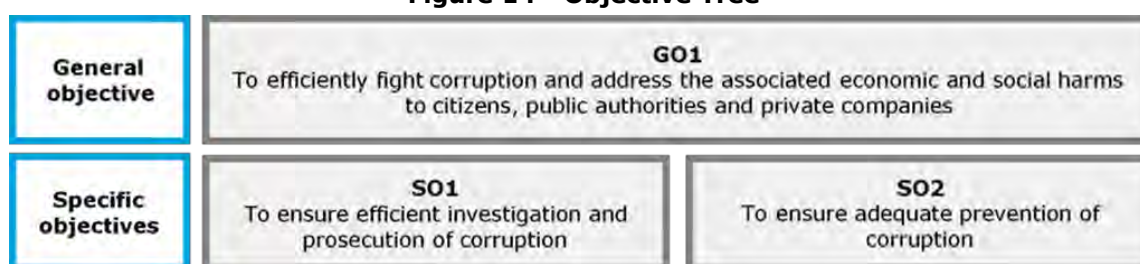
Therefore, the principle of subsidiarity is complied with.

## 4 Policy objectives

### 4.1 General and specific objectives

The objectives of the future EU policies are summarised in the objective tree below, which differentiates between general objectives (GO) and specific objectives (SO). The ultimate purpose is to ensure adequate investigation, prosecution and prevention of corruption in the EU. This would entail the achievement of the general and specific objectives illustrated in the Figure below, in terms of fully meeting such objectives at proportionate and reasonable costs. Thus, in the definition of the objectives, the use of the word “efficiently” is not limited to the “financial” dimension of the actions to be implemented and objectives to be achieved, but rather to ensure that the identified objectives are achieved without raising any disproportionate burden/cost for concerned stakeholders. To this end, by incorporating the notion of “cost-effectiveness”, the term covers also the ability of actions in fulfilling expectations and meeting their objectives (i.e. “effectiveness”).

Figure 14 - Objective Tree



Source: Author’s elaboration

### 4.2 Consistency with EU policies and initiatives

The general and specific objectives identified above are consistent with other EU policies in the field of the repression and prevention of corruption. More specifically, consistency was found with (i) **Directive 2017/1371/EU**,<sup>186</sup> which refers to corruption crimes as a “particularly serious threat” to the financial interest of the Union; (ii) **Directive 2019/1937/EU**, which calls for effective prevention of corruption crimes (including by establishing an anti-corruption body in the Member States) and enforcement of anti-corruption laws; (iii) **The EU Security Union**

<sup>186</sup> Directive 2017/1371/EU of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law. Available at: [link](#).

**Strategy 2020**,<sup>187</sup> in which corruption is associated with serious organised crime, making the fight against corruption a priority to protect the financial interests as well as the security of the Union; (iv) the **annual Rule of Law report**,<sup>188</sup> as part of the Rule of Law Mechanism, which identifies corruption as one of the main disruptive forces against the preservation of the rule of law in Member States; furthermore, Rule of Law report focus on specific shortcoming in repression and prevention of crimes that prevent the effective fight against corruption; (v) **The EU Strategy to tackle organised crime 2021-2025**,<sup>189</sup> which reiterates the connection between corruption and other disruptive phenomena for the security of the Union and recommends the assessment of existing EU anti-corruption rules in view of a future enhancement of them; (vi) **The European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025**,<sup>190</sup> in which the fight against corruption is understood as a necessary sub-element of the wider objectives of fighting against high-risk criminal networks; (vii) the **State of the Union Address 2022** by President von der Leyen<sup>191</sup>, that explicitly stated the need to reform the legislative anti-corruption framework of the EU.

## 5 Policy options

### 5.1 Introduction: Approach and types of policy options

**Three policy options** have been elaborated to address the identified challenges (see the problem assessment in section 2.3), listed from the least to the most “extensive” option:

- *Policy Option 1*: Baseline Scenario/Status Quo;
- *Policy Option 2*: Legal proposal on minimum standards + supporting (soft) measures;
- *Policy Option 3*: Legal proposal aiming for stronger alignment + supporting (soft) measures.

As a first step, a **long list of specific legislative and non-legislative elements** (or ‘policy measures’) was elaborated. The list was structured according to the two specific policy objectives and the individual drivers in order to ensure that all objectives, problems and drivers are systematically addressed by the policy options. Taking the specific objectives and drivers as a starting point, legislative and non-legislative measures were identified based on the data collected in the framework of this study, including existing sources, suggestions by stakeholders and good practices identified, as well as proposals from the Study Team.

As a next step, a **preliminary screening** of the elements included in the long list was performed, reviewing each policy measure regarding its (potential) feasibility and effectiveness. The preliminary screening was informed by internal meetings and exchanges with the advisory board, interviews with targeted stakeholders and additional research concerning inputs gathered in other activities involving experts (e.g. workshops and national focus groups), in order to identify overlapping measures, or elements lacking feasibility, or considered not adequately effective, were discarded for further analysis and inclusion in the policy options. See Annex 7.2 for the list of all discarded policy measures.

**Policy measures that passed the preliminary screening were distributed between Policy Option 2 and Policy Option 3**, allocating the less intrusive policy measures to PO2 and the more intrusive ones in PO3.

The **developed policy options therefore contain the retained legislative and non-legislative elements**, dealing with the problems identified in different ways, while aiming to achieve the policy objectives set out in section 4.

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<sup>187</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

<sup>188</sup> The European Commission’s annual rule of law reports: A new monitoring tool (2022). Available at: [link](#).

<sup>189</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

<sup>190</sup> European Council (2021), Council conclusions setting the EU’s priorities for the fight against serious and organised crime for EMPACT 2022 – 2025. Available at: [link](#).

<sup>191</sup> 2022 State of the Union Address by President von der Leyen. Available at: [link](#).



As concerns the **form of the legislative measures** considered, based on the analysis conducted, **both policy options 2 and 3 would take the form of a Directive** for the purpose of the assessment provided.

## 5.2 Description of the policy options

This section provides a description of the three policy options. For the purpose of user-friendliness, the elements of the specific policy options are clustered and presented towards both the specific objectives and problems they aim to address.

### 5.2.1 Policy option 1: The baseline scenario

Table 7 presents the content of the baseline scenario. Under this option, no further policy action is taken than what is already in place or underway.

**Table 7 – The baseline scenario**

No.	Problem	Elements of the option
<b>Specific objective 1: To ensure efficient investigation and prosecution of corruption</b>		
1.1	Criminalisation of corruption and related crimes is not sufficient	<i>No change to the current policy measures.</i> The disparity in definitions of corruption-related crimes would remain, as well as the consequent difficulties in cross-border cooperation on repression of corruption offences. Furthermore, national legislation on key enablers of corruption such as lobbying and revolving doors will remain partial and fragmented. The existing mechanisms in place (GRECO/UNCAC recommendations and the annual Rule of Law reports) can monitor the legislative coverage in these areas for each Member State, as well as persuade some of them of the usefulness of such laws. However, there are Member States that are non-compliant with recommendations from GRECO, UNCAC and the Rule of Law reports, and that claim to have no interest in updating or introducing laws for some of these key enablers to ensure full compliance. In the absence of EU-level rules, national policies will either never cover all the relevant elements identified in international standards and related reports, or would only do so after a very long period of time.
1.2	National law enforcement and judicial authorities do not always have adequate capacity to detect and prosecute corruption	<i>No change to the current policy measures.</i> The existing mechanisms for improvement of investigation and prosecution procedures for corruption offences (GRECO, UNCAC, Rule of Law reports) consist of non-binding recommendations. This is useful for monitoring purposes, however, there no mechanism to ensure compliance with such recommendations. Member States may be incapable (due to a lack of resources and expertise, limited availability of investigative tools in the area of corruption, etc.) or unwilling to modify their national legislation on prosecution/investigation of corruption (e.g. statutes of limitation, political immunity, independence of prosecution authorities from undue political influence). The lack of an EU anti-corruption strategy would persist, Member States would continue to lack the capacity to handle anti-corruption operations and underreporting of corruption offences would continue.
<b>Specific objective 2: To ensure adequate prevention of corruption</b>		
2.1	Member States' approaches to prevent corruption are inadequate	<i>No change to the current policy measures.</i> Some Member States will continue to not have anti-corruption authorities/plans, making the coordination of anti-corruption policies more difficult. This may also lead to difficulties in cooperation across Member States with no dedicated authority with whom to correspond in relation to anti-corruption policies in these Member States.

No.	Problem	Elements of the option
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<p>Lack of training on ethics and integrity may lead to continued low levels of awareness among stakeholders about ethical duties and infringements, resulting in potential abuse of positions of power.</p> <p><i>No change to the current policy measures.</i> Corruption data will continue to be limited in terms of comprehensiveness and comparability. Corruption will continue to be measured partially or inaccurately, based on the limited information available. Corruption indices will continue to be based primarily on perceptions, and the limitations of such an approach will persist. Data collection methodologies will continue not to comply with international standards, impeding meaningful comparison of data collected by different organisations and across time.</p> <p>Consequently, evidence-based policy making will be limited and policy will continue to be developed based only on qualitative information.</p>

Source: Author's elaboration

## 5.2.2 Policy option 2: Minimum standards and supporting soft measures

Table 8 presents the elements of policy option 2, which constitutes a **legal proposal on minimum standards**, e.g., through the introduction of common minimum rules and standards against corruption-related offences, which is flanked by supporting (soft) measures.

**Table 8 – Legal proposal on minimum standards + supporting (soft) measures**

No.	Problem	Elements of the option
<b>Specific objective 1: To ensure efficient investigation and prosecution of corruption</b>		
1.1	Criminalisation of corruption and related crimes is not sufficient	<ul style="list-style-type: none"> <li>• <b>Establish common minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption:</b> The definition of criminal offences should cover at a minimum those listed under the UNCAC, i.e. bribery (active and passive), embezzlement, abuse of functions, trading in influence, illicit enrichment and obstruction of justice, laundering of proceeds of crime, and other crimes beyond this framework, such as illicit party financing. Some of these offences are already covered by EU legislation;<sup>192</sup> however, they would still be included in a possible EU anti-corruption legislative instrument in order to avoid fragmentation across several EU legislative acts relevant to corruption. The definition of common minimum offences shall be accompanied by the establishment of common minimum related penalties, including minimum common thresholds for the maximum term of imprisonment related to such offences.<sup>193</sup></li> </ul>
1.2	National law enforcement and judicial authorities do not always have adequate capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>• <b>Establish common minimum standards requiring the availability of tools for investigation and prosecution of corruption cases:</b> This would require Member States to take the necessary measures to ensure that investigative tools, such as those which are used in organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting corruption related offences.</li> <li>• <b>Establish common minimum standards concerning capacity-building and training for efficient investigative and prosecution procedures:</b> Member States should take the necessary measures to empower national law enforcement officials with</li> </ul>

<sup>192</sup> Laundering of proceeds of crime is covered by Directive 2015/849/EU, Art. 1(3)(a). This article only applies to money laundering in general and not specifically in relation to corruption offences. **Concealment** is covered by Directive 2015/849/EU, Art. 1(3)(a). Directive 2017/1371/EU, Art. 3(2)(a)(i) - This article only applies to money laundering in general and not specifically in relation to corruption offences.

<sup>193</sup> Please, note that the identification of minimum common thresholds for the maximum term of imprisonment related to such offences is outside the scope of this study.

No.	Problem	Elements of the option
		<p>knowledge on corruption (e.g. use of financial investigative methods during corruption investigations, methods to collect data on corruption avoiding double-counting, key steps to identify, investigate, seize and confiscate the proceeds of corruption crimes with a focus on cross-border cases).</p> <ul style="list-style-type: none"> <li>• <b>Establish common minimum standards to boost reporting of corruption cases:</b> Member States should take the necessary measures to encourage any person who knows about or suspects, in good faith, that any offences of corruption have been committed, to report this to the competent services.</li> <li>• <b>Ensure the seizure and confiscation of instrumentalities and proceeds from corruption related offences:</b> In combating corruption, Member States should ensure full use of existing instruments on the seizure and confiscation of the proceeds of crime, i.e. Directive 2014/42/EU.</li> </ul>
<b>Specific objective 2: To ensure adequate prevention of corruption</b>		
2.1	Member States' approaches to prevent corruption are inadequate	<ul style="list-style-type: none"> <li>• <b>Establish an EU anti-corruption coordinator:</b> The EU anti-corruption coordinator should, at a minimum, be responsible for developing an EU anti-corruption prevention strategy and ensuring its implementation across the Member States.<sup>194</sup> To this end, s/he should be responsible for coordinating anti-corruption policies across the Member States via National Anti-corruption Authorities.</li> <li>• <b>Establish minimum rules concerning the establishment and role of national anticorruption authorities or equivalent mechanisms:</b> National authorities should be responsible for, at a minimum, drawing up and supervising the national anticorruption strategy, guaranteeing transparency in public administrations and the integrity of civil servants, disseminating a culture of integrity and legality (e.g. through the adoption of plans for integrity and transparency, training on conflicts of interest and how to manage them, management styles and ethical decision making, reporting of ethical breaches).</li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<ul style="list-style-type: none"> <li>• <b>Require national anti-corruption authorities to coordinate the collection and sharing of corruption data:</b> National authorities should be in charge of carrying out assessments of trends in corruption, measuring results of anti-corruption actions, including the gathering of statistics and data (e.g. number of investigations, prosecutions, convictions, procurement data, beneficial ownership data/asset declaration, and party financing data). National authorities should share these statistics and data with the EU anti-corruption coordinator on a regular basis (e.g. every two years).</li> <li>• <b>Develop an EU criminal intelligence picture on corruption:</b> Europol could develop such a picture, capturing the major trends and risk areas in corruption crimes. An accurate intelligence picture allows for policymakers to effectively prioritise action against threats and to deliver the maximum disruptive impact on corruption.</li> </ul>

*Source: Author's elaboration*

Additional remarks relating to specific measures:

- **Establish minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption:** All the offences provided by UNCAC are the same as those used in UNODC's International Classification of Crime for Statistical Purposes (ICCS).<sup>195</sup> Implementing the EU's obligations under the UNCAC as a State Party to the Convention through adopting the ICCS definitions at the EU level will provide

<sup>194</sup> Please, consider that the EU anti-corruptino prevention strategy should not be dependent upon the potential establishment of an EU anti-corruption coordinator.

<sup>195</sup> The UNODC's International Classification of Crime for Statistical Purposes. See at: [link](#).

further comparability with countries and regions outside the EU that adopt the ICCS definitions.

- **Establish common minimum standards concerning the availability of effective tools for investigation and prosecution of corruption cases:** in addition to tools used for investigation against serious and organised crime offences, additional tools to be considered might include:
  - A unified national register of legal entities – this tool should be free of charge and up to date. It should allow for searching a resident’s name to explore connections to companies.
  - A web portal for national and municipal government procurements – this should cover national/federal, regional and municipal procurements in a single register, and be mandatory to use. It should allow the user to explore what bids a company has won and lost. Also, it should provide standardised, machine-readable data so that civil society can effectively monitor them.
  - A land lot and real estate owners register – data should be available on any land lot or piece of real estate, whether commercial or residential. The results should be provided in a timely matter and the costs should be minimal or free of charge
  - An anti-corruption database on declarations from public officials – this database should contain information on the assets and income of state and municipal official who publish conflict of interest and asset declarations. This should be electronic and provide machine-readable data.
- **Develop an EU criminal intelligence picture on corruption:** A criminal intelligence picture on corruption at the EU-level is missing. There is precedent for such action with Europol providing an EU-level criminal intelligence picture for organised crime, but not yet for corruption. An improved intelligence picture allows for policymakers to identify specific threats, to effectively prioritise action against threats and to deliver the maximum disruptive impact on corruption (and ultimately other serious crimes, since corruption is an enabler for those other crimes). Europol could work closely with their Member State partners to identify the greatest threats to the EU, prioritising and co-ordinating joint operations when appropriate. This ensures that the intelligence collected is used to its full advantage within the EU law enforcement community.

### 5.2.3 Policy option 3: Stronger alignment and supporting soft measures

Table 9 presents the elements of policy option 3. All elements that are included in policy option 2 are also included in policy option 3. For the purpose of avoiding duplication, the table only presents elements that represent an addition, or a change compared to policy option 2.

**Table 9 – Legal proposal aiming for stronger alignment + supporting (soft) measures**

No.	Problem	Elements of the option
<b>Specific objective 1: To ensure efficient investigation and prosecution of corruption</b>		
1.1	Criminalisation of corruption and related crimes is not sufficient	<ul style="list-style-type: none"> <li>• Same as policy option 2</li> </ul>
1.2	National law enforcement and judicial authorities do not always have adequate capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>• <b>Establish minimum rules concerning the statute of limitations for corruption-related cases:</b> minimum common thresholds or even the removal of the time limit for prosecuting such cases.</li> <li>• <b>Establish minimum rules concerning immunity for members of the government, or the parliament:</b> minimum common standards shall provide for the exclusion of immunity for corruption offences and/or specify the limits and purpose of immunity.</li> <li>• <b>Establish minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases:</b> Considering the difficulties</li> </ul>

No.	Problem	Elements of the option
		<p>faced by authorities in demonstrating the illicit origin of suspicious proceeds or property, the burden of proof would fall on perpetrators (i.e. to produce evidence of the origins of particular proceeds or other property liable to confiscation).</p>
<b>Specific objective 2: To ensure adequate prevention of corruption</b>		
2.1	Member States' approaches to prevent corruption are inadequate	<ul style="list-style-type: none"> <li>• <b>Establish common minimum standards against enablers of corruption, including:</b> <ul style="list-style-type: none"> <li>○ <b>Minimum common standards against undue lobbying:</b> minimum common definitions of lobbying, lobbyists, and the public officials to whom the law applies; minimum common information to be disclosed concerning lobbyist meetings with officials (e.g. the time, place, and nature of the encounter, the meeting's goals and attendees); minimum common requirements to ensure that the information is publicly available through a single gateway and create legislative footprints.</li> <li>○ <b>Minimum common standards against conflict of interest,</b> including requiring public officials to declare, when taking office, the non-existence of potential conflicts</li> <li>○ <b>Minimum common standards against revolving doors,</b> including cooling-off periods during which public officials must not (i) undertake employment related to their parliamentary activities, and (ii) approach Ministers, other members or public officials for reasons of lobbying</li> </ul> </li> <li>• <b>Establish an EU anti-corruption prevention agency:</b> In addition to the tasks of the EU anti-corruption coordinator, the agency should: <ul style="list-style-type: none"> <li>○ Include units/departments focused on specific areas of corruption prevention coordination and control functions (e.g. oversight over the verification of conflicts of interest and asset declarations, conflicts of interest and undue lobbying, digitalisation of public information and procedures to increase transparency, etc.).</li> <li>○ Provide a one-stop shop platform for Member States for information and experience-sharing, training/guidelines to Member States (e.g. on human resources management (rules and procedures for hiring, rotation, promotion, professionalisation), accessibility (ability of all firms to access government contract opportunities)).</li> <li>○ Promote and foster research initiatives in relevant areas to create actionable policy design.</li> </ul> </li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<ul style="list-style-type: none"> <li>• <b>Develop an EU Corruption Index:</b> The index could be based on a wide array of data types, not only concerning corruption perception, and present them in a disaggregated form, with multiple scores for different indicators, instead of a single final score as most indexes, in order to capture a more nuanced picture of all facets of the corruption phenomenon.</li> </ul>

No.	Problem	Elements of the option
		<p>The Index could be developed in collaboration between the Commission – DG HOME, Eurostat and possibly DG JUST, given their experience in managing a similar tool, the Justice Scoreboard.<sup>196</sup> Involvement of the JRC might also be considered. The index should consider a wide range of data types and sources (e.g. prosecutions/conviction rates, ratification of anti-corruption conventions, governance performances, etc.). Corruption index data could be visualised in a dashboard presenting breakdowns of corruption-related features towards developing an intelligence picture on corruption, hence supporting evidence-based policy making. The development of the EU corruption index could be accompanied by a corruption data scorecard aimed to assess robustness of corruption data methodologies based on their adherence to a set of standards, such as the UNODC manual.</p>

Source: Author's elaboration

Additional remarks relating specific measures:

- **Establish minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases:** The CoE's Warsaw anti-money laundering and counter-terrorism financing convention committee has called on its States Parties to effectively apply the reversal of the burden of proof regarding the lawful origin of alleged proceeds or other property liable to confiscation in serious offences.<sup>197</sup> Sixteen CoE countries have committed to applying the reversal of the burden of proof, including several EU Member States.<sup>198</sup> However, Several EU Member States within CoE<sup>199</sup> have declared their intention to abstain from the provision. Several stakeholders<sup>200</sup> have indicated this measure during consultation activities as one of the more avant-garde policy measures implemented to fight against corruption. While consultation activities have noted the potential for human rights abuse, the EU could further encourage the adoption of such provisions and provide guidance on checks against human rights abuse. Given the EU's competences in the area of security and justice as well as the politically controversial nature of the provision, the EU could resort to soft law measures for the reversal of burden of proof provision such as with an opinion, recommendation or guidance documents.
- Establish minimum rules concerning the definition of enablers of corruption: The following good practices have been identified:
  - Define lobbying, lobbyists, and the public officials to whom the law applies clearly, broadly, and unambiguously: the Irish Lobbying Act, 2015);
  - Ensure that enough details concerning lobbyist meetings with officials are revealed: IPCA, Chapter VIII. Lobbying, Slovenia;
  - Create legislative footprints: Latvia's National Open Data Portal.

<sup>196</sup> Available at: [link](#).

<sup>197</sup> Available at: [link](#).

<sup>198</sup> BE, HR, CY, DK, FR, HU, LV, MT, NL, PT.

<sup>199</sup> E.g. BG, EL, RO, SK.

<sup>200</sup> E.g. DG JUST

## 6 Analysis of the impacts of the policy options

### 6.1 Assessment of the impacts of policy options

#### 6.1.1 Introduction

This section contains the assessment of the expected consequences of the policy options described in chapter 5. The policy options have been examined against common criteria and types of impacts.

#### **Criteria considered for the assessment of the policy options**

The assessment considered five criteria, i.e. effectiveness, efficiency, coherence, subsidiarity and proportionality. The assessment of the necessity of EU intervention is covered in the section on the EU's right to act (see chapter 3).

**Table 10 - Types of criteria and rationale for their assessment**

Criteria	Rationale for the assessment
<b>Effectiveness</b>	Extent to which the policy option will contribute to achieving the specific objectives of the EU intervention.
<b>Efficiency</b>	Efficiency considers the relationship between the resources used by an intervention and the changes generated by the intervention (which may be positive or negative)
<b>Coherence</b>	Coherence with policy objectives and the EU framework in the field of the fight against corruption.
<b>Subsidiarity and proportionality</b>	Extent to which the policy option is justified in light of the allocation of competencies between the EU and the Member States in this specific policy field and it is proportionate to the nature, scale and intensity of the problem it aims to address.

*Source: Authors' elaboration*

#### **Types of impacts considered for the assessment of the policy options**

In addition to the assessment criteria described above, each policy option has been assessed in terms of its main impacts identified, i.e. security, social, economic impacts as well as impacts on fundamental rights (see Table 11). Impacts of each policy option have been assessed against the baseline scenario ('no policy change'), in order to estimate the neutral, positive or negative effects. This approach was agreed with the Commission during the inception phase of the study.

**Table 11 - Types of impacts and rationale for their assessment**

Impacts	Rationale for the assessment
<b>Security impacts</b>	Degree to which the policy option contributes towards the achievement of the general objective, thus increasing the level of security in the EU by reducing phenomena that are closely connected to corruption, such as terrorism financing and organised crime.
<b>Economic impacts</b>	Degree to which the policy option has economic consequences and/or impacts on the economy, e.g.: <ul style="list-style-type: none"> <li>• Improved governance and management of public money.</li> <li>• Increased competitiveness and improved private investments.</li> <li>• Reduction of illicit profits generated from corruption.</li> </ul>
<b>Impacts on fundamental rights</b>	Degree to which the policy option safeguards the respecting of EU fundamental rights (e.g. protection of personal data and privacy, liberty and security, the freedom of association, the right to due process)
<b>Social impacts</b>	Degree to which the policy option has social consequences and/or social costs, e.g.: <ul style="list-style-type: none"> <li>• Increased trust and confidence in public authorities.</li> <li>• Improved lifestyle, services, and better functioning of the state apparatus, particularly in Member States where corruption is more present.</li> </ul>

*Source: Authors' elaboration*

#### **Information sources used for the assessment of the policy options**

The assessment of the policy options has considered different sources of information, including both primary and secondary sources.

As concerns primary sources, consultation activities relevant to the impact assessment phase included:

- A **co-design workshop** focused on possible solutions to identified issues with 12 stakeholders from relevant EU bodies, international organisations and Academia;
- **9 targeted interviews** with relevant stakeholders: bodies at EU and international level, and from the Academia (e.g. corruption experts from European and international universities);
- **National focus groups** in five Member States (DE, FI, IT, PL, RO) with representatives from national anticorruption authorities, judicial authorities, and law enforcement authorities;
- An **online questionnaire** on impacts and costs expected from the implementation of the policy measures targeted at national anti-corruption authorities from all the Member States. The study team received responses from 16 Member States (AT, BE, CY, DE, EL, FI, FR, HU, IE, IT, LT, LU, NL, PL, RO, SE).

With respect to secondary sources, the assessment relied upon:

- Main findings stemming from the gap analysis of the EU anti-corruption *acquis*;
- The analysis of relevant studies addressing the implementation of initiatives that are similar to the measures under investigation. Reference to the evidence-base is made (where appropriate) in the description of the measures.

When no sources are explicitly mentioned, the rationale illustrates the study team’s assessment and the logical assumptions made.

### **Rating system used for the assessment of the policy options**

The following sections provide an assessment of each policy option, structured according to the above criteria and impacts. The assessment considered the extent to which the policy options are expected to contribute to achieving the following specific objectives (see also section 6):

- *Specific objective 1*: To ensure efficient investigation and prosecution of prevention;
- *Specific objective 2*: To ensure adequate prevention of corruption.

For each policy option, a summary table has been prepared, which includes the main findings stemming from the assessment.

The tables also include numeric ratings of the magnitude of the expected effects vis-à-vis the baseline scenario in relation to each criterion and impact. Whereas the baseline scenario has been, by definition, rated with '0' in relation to each criterion, the other two policy options have been scored on a scale from 1 to 3 where 1= Small extent / 2=Moderate extent / 3=High extent relative to the baseline scenario. A score of "0" means that the option would have the same effect as the baseline scenario. In the same vein, -1 represents a small negative impact and -3 a large negative impact.<sup>201</sup>

### **6.1.2 Assessment of Policy option 1: Baseline scenario**

**Table 12 – Baseline scenario: Summary of impacts**

Criteria	Rate	Summary of assessment
<b>Effectiveness</b>	0	<u>SO1: Efficient investigation and prosecution of corruption</u> In the baseline scenario, the investigation and prosecution of corruption are expected to continue to be hampered by disparity in definitions of corruption-related crimes across the Member States. Bribery-related cases would continue to be investigated and prosecuted in the Member States, however, in some Member States

<sup>201</sup> The ratings are based on the triangulation of both qualitative and quantitative data collected throughout the study by means of desk research, interviews, focus groups and an online survey with national anti-corruption authorities.



Criteria	Rate	Summary of assessment
		other important aspects of corruption (e.g. trading in influence, embezzlement in the private sector, obstruction in justice, and illicit enrichment) would be overlooked. Effective cross-border cooperation in corruption cases will be hampered by the lack of intra-EU alignment, as well as the lack of synergies between the EU and international standards, specifically UNCAC. There would still be shortcomings in reporting mechanisms, and limited information available to prosecutors, resulting in a continued low rate of prosecution and conviction of high-profile corruption cases. Effective investigations and prosecutions would be hampered by limited financial resources and expertise at the Member State level.
	0	<p><u>SO2: Adequate prevention of corruption</u></p> <p>Without common standards at the EU level against enablers of corruption, many Member States would continue to lack rules and face challenges in relation to revolving doors, lobbying, and political party financing. In the baseline scenario, there would likely be a gradual increase in the number of prevention initiatives launched by Member States, particularly those with an existing mechanism for collaboration and information exchange between actors concerned with prevention. However, without an EU level action plan or strategy, it is likely that many Member States would not establish national anti-corruption authorities and adopt plans, which may limit the likelihood that effective preventative tools are designed and implemented. There will be limited efforts to prevent new and emerging forms of corruption and limited cooperation between Member States. There will continue to be an overreliance on qualitative information for evidence on preventative approaches. Quantitative data would continue to be limited in terms of comprehensiveness and comparability.</p>
	<b>0</b>	<b>Overall assessment</b>
<b>Efficiency</b>	0	<p><u>SO1: Efficient investigation and prosecution of corruption</u></p> <p>In the baseline scenario, the investigation and prosecution of corruption are not expected to become more efficient. The EU anti-corruption <i>acquis</i> will remain fragmented across multiple legislative and policy instruments, compromising the efficiency of investigations and prosecutions because there will remain an unclear picture of available tools. The (extended) length of prosecution procedures is not expected to improve. Disparity in definitions will hamper the efficiency of investigations, especially in cross-border settings (both within the EU and between the EU and third countries). Investigations and prosecutions will continue to be hampered by the limited availability of financial resources, and the lack of expertise at the Member State level. This will particularly impede the efficiency and capability of investigating and prosecuting complex and high-level cases.</p>
	0	<p><u>SO2: Adequate prevention of corruption</u></p> <p>In the baseline scenario, the prevention of corruption is not expected to become more efficient. There will continue to be limited financial and human resources available for EU bodies responsible for the fight against corruption, namely Europol, EPPO, OLAF and Eurojust. There will continue to be fragmentation of prevention efforts across the EU. Efforts to design and implement effective prevention efforts will be slow because of the limited availability of comprehensive and comparable data.</p>
	<b>0</b>	<b>Overall assessment</b>

Criteria	Rate	Summary of assessment
<b>Coherence</b>	0	<u>SO1: Efficient investigation and prosecution of corruption</u> The current inconsistencies between definitions of corruption between the Member States and between the EU and international standards (e.g. UNCAC, ICCS) are expected to remain because of a lack of clear minimum standards. This will result in ongoing difficulties in cross-border cooperation on the investigation and prosecution of corruption offences.
	0	<u>SO2: Adequate prevention of corruption</u> The identified inconsistencies between Member States and between the EU and international standards regarding enablers of corruption (i.e. lobbying, revolving doors, conflicts of interest) are expected to remain because of a lack of clear minimum standards. This will result in ongoing difficulties in cross-border cooperation on the prevention of corruption offences.
	<b>0</b>	<b>Overall assessment</b>
<b>Subsidiarity and proportionality</b>	0	By definition, the baseline scenario is considered proportionate. The current acquis fulfils the test of subsidiarity.
	<b>0</b>	<b>Overall assessment</b>
<b>Types of impacts</b>		
<b>Security</b>	0	In the baseline scenario, corruption would persist at current levels, or will increase. This would continue to have significant detrimental effects on the security of the EU, given the close links between corruption and organised crime and terrorist financing. The different approaches to defining corruption and its enablers in the Member State entail a lack of coordination of prevention policies across Member States. Member States would continue to lack the capacity to handle anti-corruption operations and underreporting of corruption offences would continue. Cross-border cooperation in relation to corruption cases would be limited, despite corruption often occurring in an international context.
<b>Economy</b>	0	The baseline scenario is not expected to have any positive impact on the economy in the EU, notably in Member States where corruption is particularly pervasive. Corruption persisting at current levels would continue to have an indirect negative effect on the EU's economic performance by affecting investment, taxation, and the composition and effectiveness of public expenditure. Profits from illicit activities would persist at current levels or increase.
<b>Fundamental rights</b>	0	In the baseline scenario, it is expected that fundamental rights could be better safeguarded. This does not mean that they are not adequately safeguarded in the baseline scenario, but that there is room for improvement, e.g. as elements of corruption beyond bribery are not included in key legislative instruments.
<b>Social</b>	0	The baseline is not expected to have any positive impact on society. Corruption persisting at current levels will reinforce inequality in societies and negatively impacts interpersonal trust and citizens' satisfaction with their governments and life in general. There will also be negative political impacts including reduced voter turnout in national parliamentary elections and lower trust in EU institutions. Lengthy prosecution procedures in corruption cases undermine trust

Criteria	Rate	Summary of assessment
		and confidence in the criminal justice system and in general, the state apparatus.

\* The overall assessment refers to the average rating in relation to the SOs

Source: Author's elaboration

### 6.1.3 Assessment of Policy option 2: Minimum standards and supporting soft measures

Table 13 – Policy option 2: Summary of impacts

Criteria	Rate	Summary of assessment
<b>Effectiveness</b>	3	<p><u>SO1: Efficient investigation and prosecution of corruption</u></p> <p>Policy option 2 is expected to be <b>highly effective</b> towards achieving specific objective 1.</p> <p>Policy option 2 contains a comprehensive set of measures that aim at facilitating the efficient investigation and prosecution of corruption. Positive impacts are, for example, expected to stem from the introduction of minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption. This measure aims to address current <b>legislative barriers</b> to investigating and prosecuting corruption. The alignment of definitions is expected to enable an enhanced cross-border cooperation within the EU and with third countries.</p> <p>Positive impacts on the investigation and prosecution of corruption are also expected from the following legislative measures that aim to address current <b>operational barriers</b>: minimum standards concerning the availability of effective tools for investigation and prosecution of corruption cases, minimum standards concerning capacity-building and training for efficient investigative and prosecution procedures, and Common minimum standards to boost reporting of corruption cases.</p>
	2	<p><u>SO2: Adequate prevention of corruption</u></p> <p>Policy option 2 is expected to be <b>moderately effective</b> towards achieving specific objective 2.</p> <p>The benefits in in terms of better intra-EU prevention efforts will be mainly due to more efficient coordination of preventive strategies and initiatives across the Member States. Such improvements are expected from the establishment of an EU anti-corruption coordinator. Moreover, improvements in terms of better prevention of corruption in the EU are expected to result from the establishment of a structured data collection system across the Member States, accompanied by regular training and updated guidelines.</p>
	<b>2.5</b>	<b>Overall assessment</b>
<b>Efficiency</b>	3	<p><u>SO1: Efficient investigation and prosecution of corruption</u></p> <p>Overall, the measures included in policy option 2 to achieve specific objective 1 are expected to be <b>highly cost-effective</b>.</p> <p>The introduction of new legal provisions will entail compliance costs for national competent authorities and enforcement costs for law enforcement and judicial authorities. There are other costs associated with the legislative measures including the set-up and maintenance of investigative tools and databases, the design and</p>

Criteria	Rate	Summary of assessment
		<p>delivery of training for law enforcement and the judiciary, and the establishment of reporting channels.</p> <p>Some of the measures are already in place in some of the Member States. Therefore, the new or additional costs associated with the implementation of these measures in these Member States are expected to be small. The other Member States can minimise their costs by referring to the experience of countries where this mechanism already exists.</p> <p>Costs will be small also compared to the efficiency gains associated with harmonising definitions and reducing the fragmentation of legislative and policy instruments in the field of corruption.</p>
	3	<p><u>SO2: Adequate prevention of corruption</u></p> <p>Overall, the measures included in policy option 2 to achieve specific objective 2 are expected to be <b>highly cost-effective</b>.</p> <p>The introduction of new provisions regarding the establishment of national anticorruption authorities will entail compliance and enforcement costs. However, these costs are expected to be limited considering that (i) several Member States already have such authority in place and (ii) some Member States with no formal coordination authority in place have anti-corruption mechanisms in charge of coordinating prevention actions at the national level.</p> <p>There will be direct costs at the EU-level associated with establishing an EU anti-corruption coordinator. Costs of these measure are expected to be small compared to the benefits in terms of decreased fragmentation in the system and the provisions of a central point of correspondence in relation to corruption cases – both of which are expected to improve the coordination of preventative efforts in the EU.</p>
	<b>3</b>	<b>Overall assessment</b>
<b>Coherence</b>	3	<p><u>SO1: Efficient investigation and prosecution of corruption</u></p> <p>Policy option 2 is deemed <b>highly coherent</b> with specific objective 1 and the EU framework in the field of corruption. Policy option 2 is coherent with the EU Strategy to Tackle Serious and Organised Crime 2021-2025<sup>202</sup>, the State of the Union Address 2022 by President von der Leyen<sup>203</sup>, and the EU Security Union Strategy 2020,<sup>204</sup> outlined the possible need for further common rules on asset recovery, including non-conviction-based confiscation. Consistently, this option seeks to establish common provisions to ensure the seizure and confiscation of instrumentalities and proceeds from corruption related offences.</p>
	3	<p><u>SO2: Adequate prevention of corruption</u></p> <p>Policy option 2 is deemed <b>highly coherent</b> with specific objective 2 and the EU framework in the field of corruption. Policy option 2 is coherent with Directive 2019/1937/EU and the EU Strategy to Tackle Serious and Organised Crime 2021-2025.</p>
	<b>3</b>	<b>Overall assessment</b>

<sup>202</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

<sup>203</sup> 2022 State of the Union Address by President von der Leyen. Available at: [link](#).

<sup>204</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

Criteria	Rate	Summary of assessment
<b>Subsidiarity and proportionality</b>	2.5	<p><u>SO1: Efficient investigation and prosecution of corruption</u></p> <p>The <b>subsidiarity principle is fully respected</b>. As indicated in chapter 3 the EU has the legal basis to act, and the general and specific objectives cannot be sufficiently achieved by the Member States alone. The EU adds value by establishing common definitions that must be applied by all Member States.</p> <p>Stakeholders consulted at the EU and national levels raised concerns about whether the collection of personal data (e.g. via the establishment of common minimum standards concerning the availability of effective tools for investigation and prosecution of corruption cases) is intrusive on citizens privacy and thus whether it violates the principle of proportionality. The weight of evidence collected during the study indicates that the measures included in policy option 2 <b>are still considered proportionate</b> to the nature, scale and intensity of corruption in the EU.</p> <p>Considering the acknowledged link between corruption and organised criminal groups, as well as the understanding of corruption as enabler of serious and organised crime, the use of investigative tools relevant to fight against such threats is considered proportionate overall.</p>
	3	<p><u>SO2: Adequate prevention of corruption</u></p> <p>The <b>subsidiarity principle is fully respected</b>. As indicated in chapter 3 the EU has the legal basis to act, and the general and specific objectives cannot be sufficiently achieved by the Member States alone. Indeed, the proposed policy measures include the establishment of minimum common standards in the field of prevention, rather than common minimum mandatory rules foreseen for specific objective 1, i.e. investigation and prosecution of corruption related offences.</p> <p>The measures included in policy option 2 are considering <b>proportionate</b>. The establishment of common standards would leave the Member States with enough leeway in terms of the type and scope of standards to be applied at the national level, hence they would be proportionate to and in line with the legal basis for EU action in the field of fight against corruption.</p>
	<b>2.8</b>	<b>Overall assessment</b>
<b>Types of impacts</b>		
<b>Security</b>	2.5	<p>Policy option 2 is expected to have a <b>moderate-to-high positive impact</b> on security.</p> <p>Expanding the scope of offences would result in an increased number of investigations and prosecutions. The alignment of definitions would ensure alignment between Member States, thus improving cross-border cooperation. Establishing minimum standards for capacity-building and training is a mechanism for increasing national capacity and specialisation to fight corruption. The establishment of minimum standards to boost reporting is expected to improve detection rates at a local level. With improved detection, investigation and prosecution, more offenders are brought to justice, which improves the level of security in the EU for citizens, public authorities, and private companies. Corruption is an enabler of organised crime and terrorism, so with more</p>

Criteria	Rate	Summary of assessment
		<p>successful investigations and prosecutions of corruption-related offences, these serious crimes may also be disrupted.</p> <p>Policy option 2 does not include the establishment of common standards in relation to the enablers of corruption, thus limiting the potential impacts on security (this would be covered in policy option 3).</p> <p>The establishment of an EU anti-corruption coordinator is expected to improve the coordination of preventative initiatives across the EU. Increased knowledge exchange and coordination will strengthen the capacity of the EU to fight domestic and cross-border corruption, and the crimes it enables including organised crime and terrorism. By increasing the national capacity to prevent the commission of corruption offences, these measures, in turn, are expected to contribute towards a reduction of corruption offences committed, hence, to lower security risks. Indeed, the lower the number of offences committed, the higher the level of security in the EU for citizens, public authorities, and private companies.</p>
<b>Economy</b>	2	<p>Policy option 2 is expected to have a <b>moderate positive impact</b> on the economy. Naturally, corruption is expected to cause economic harm for citizens, businesses, and governments under this policy option – however to a slightly lesser extent than in the baseline scenario.</p> <p>With the availability of investigative tools for monitoring legal entities and public procurement contracts there will be improved detection of corruption. In the long-term this should contribute to increased transparency, improved governance and management of public money, and increased competitiveness and improved private investments. However, the impact will not be realised until such tools are available in all Member States and ideally, the data are comparable.</p> <p>The establishment of common provisions to ensure the seizure and confiscation of instrumentalities and proceeds from corruption-related offences is expected to contribute towards increased confiscations of corruption related criminal assets, which will have a positive effect in terms of lower share of illicit profits in the overall economy.</p>
<b>Fundamental rights</b>	2.5	<p>Policy option 2 is expected to improve EU safeguards for fundamental rights in the EU to a <b>moderate to high extent</b>.</p> <p>Establishing a new provision concerning the availability of tools for improving the investigation and prosecution of corruption offences can contribute to safeguarding citizens' fundamental rights by leading to better detection and prosecution of individuals committing corruption offences, and thus reducing the numbers of cases of corruption. The establishment of linkable databases for the searching of ownership information of legal entities and public procurement contracts could have a detrimental effect on privacy rights and data protection rights, however, these possible effects could be mitigated by relevant legal and technical safeguards.</p> <p>The provision of training and capacity-building for law enforcement officials in relation to use of financial investigative methods during corruption investigations, and key steps to identify, investigate, seize and confiscate proceeds of corruption crimes with a focus on cross border cases, will increase the efficiency of investigative and prosecution procedures. This is expected to contribute to potentially clear citizens from wrongful charges in a swifter fashion.</p>

Criteria	Rate	Summary of assessment
		In addition, the measures are aimed at improving citizens' security in the EU and, thus, are expected to contribute to ensuring the personal liberty and security.
<b>Society</b>	2.5	<p>Policy option 2 is expected to have a <b>moderate to highly positive impact</b> on society. The measures foreseen under policy option 2 are expected to positively contribute to:</p> <ul style="list-style-type: none"> <li>• Functioning of and trust in public institutions – The establishment of minimum standards to boost the reporting of corruption cases is expected to build trust and confidence among citizens.<sup>205</sup></li> <li>• Political willingness to address corruption – By establishing minimum rules at the EU level concerning the definition of criminal offences, stakeholders argued that this would help overcome “political reluctance” to address the wide scope of corruption.</li> <li>• Perception of safety – With the additional collection and sharing of data on corruption, citizens, businesses and public institutions will have a clearer picture of the nature and threat of corruption at the national and EU levels.</li> </ul> <p>However, even greater impacts in terms of society would be reached by introducing mechanisms and measures as foreseen in policy option 3 (e.g. minimum standards against lobbying or conflict of interests).</p>

\* The overall assessment refers to the average rating in relation to the SOs

Source: Author's elaboration

#### 6.1.4 Assessment of Policy option 3: Stronger alignment and supporting soft measures

Table 14 – Policy option 3: Summary of impacts

Criteria	Rate	Summary of assessment
<b>Effectiveness</b>	2.5	<p><u>SO1: Efficient investigation and prosecution of corruption</u> Policy option 3 is expected to be <b>moderately to highly effective</b> towards achieving specific objective 1. In addition to the points described under the assessment of policy option 2, the most important impacts on the specific objective 1 aiming at facilitating the efficient investigation and prosecution of corruption are expected to stem from one legislative measure: the establishment of minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases. This measure will require that perpetrators produce evidence of the origins of proceeds or other property liable to prosecution, thus lessening the burden on the relevant authorities.</p> <p>However, the introduction of the reverse burden of proof is considered to be more ‘intrusive’, thus leaving less leeway for Member States to adapt legislative and functional requirements towards their own priorities and needs. This might result in limited or delayed adoption of the new changes at the Member States level. Indeed, Member States may find this measure to be too far reaching from a political perspective. In turn, this would negatively affect the effectiveness expected from PO3 in terms of greater harmonisation of Member States’ approaches</p>

<sup>205</sup> National Focus Group #1

Criteria	Rate	Summary of assessment
		<p>towards a more efficient investigation and prosecution of corruption of corruption.</p> <p>Finally, the establishment of minimum common rules concerning the the statute of limitations for corruption-related cases would contribute to reducing the number of cases dismissed in virtue of the expiration of the statute of limitation, specifically for corruption cases involving high-level politicians. Also, the establishment of common standards concerning immunity for members of the government, or the parliament would contribute to removing obstacles for the prosecution of top-ranking public officials. All in all, these measures are expected to have a positive effect on both domestic and cross-border prosecutions against corruption crimes.</p>
	3	<p><b><i>SO2: Adequate prevention of corruption</i></b></p> <p>Policy option 3 is expected to be <b>highly effective</b> towards achieving specific objective 2. In addition to the points described under the assessment of policy option 2, the most important impacts on the specific objective 2 aiming at facilitating the adequate prevention of corruption are expected to stem from the establishment of minimum rules concerning the definition of enablers of corruption. This is intended to harmonise standards across the EU in relation to lobbying, conflicts of interest, and revolving doors.</p> <p>Moreover, coordination ensured by the establishment of an EU anti-corruption coordinator foreseen under policy option 2 is expected to be even greater if such coordinator is facilitated by an EU anti-corruption prevention agency in charge of supporting and monitoring the implementation of an overarching EU anti-corruption strategy. Indeed, the agency will include units focused on different areas/dimensions relevant to corruption, hence it will ensure that prevention is promoted at different levels and across different sectors that might work as enablers of corruption (e.g. lobbying). However, the establishment of such an agency is expected to entail one off establishment and ongoing implementation costs that could affect the feasibility of this measure, hence lowering its overall effectiveness.</p>
	<b>2.8</b>	<b>Overall assessment</b>
<b>Efficiency</b>	3	<p><b><i>SO1: Efficient investigation and prosecution of corruption</i></b></p> <p>Overall, measures included in policy option 3 to achieve specific objective 1 is expected to be <b>highly cost-effective</b>. In addition to the points described under the assessment of policy option 2, the reverse burden of proof would lessen the burden on prosecutors to demonstrate the illicit origin of proceeds, thus increasing the efficiency of investigative and prosecution procedures in illicit enrichment cases. This new provision would entail both compliance and enforcement costs. Sixteen CoE countries have already committed to applying the reversal of the burden of proof, including several EU Member States.<sup>206</sup> Here the new or additional costs would be lower.</p>
	2.5	<p><b><i>SO2: Adequate prevention of corruption</i></b></p> <p>Overall, the measures included in policy option 3 to achieve specific objective 2 are expected to be <b>moderately/highly cost-effective</b>.</p> <p>The measures foreseen in addition to policy option 2 (EU anti-corruption agency, EU anti-corruption Index, common minimum standards against enablers of corruption) are expected to be</p>

<sup>206</sup> BE, HR, CY, DK, FR, HU, LV, MT, NL, PT.



Criteria	Rate	Summary of assessment
		highly effective. However, there are several implementation costs and administrative burden that are likely to negatively affect the political viability of these measures and the smooth implementation in all EU Member States. This, in turn, might lower their overall cost-effectiveness
	<b>2.8</b>	<b>Overall assessment</b>
<b>Coherence</b>	3	<u><i>SO1: Efficient investigation and prosecution of corruption</i></u> Policy option 3 is deemed <b>coherent</b> with specific objective 1 and the EU framework in the field of corruption. In addition to the points described under the assessment of policy option 2, at the EU-level policy option 3 is coherent with the EU Security Union Strategy 2020 <sup>207</sup> , and the EU Strategy to Tackle Serious and Organised Crime 2021-2025. <sup>208</sup> At the international level, the policy option is coherent with various international standards including UNCAC, the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism – the 2005 Warsaw Convention (art. 3 (4)) – and in Directive 2014/42/EU on the Freezing and Confiscation of the Instrumentalities and Proceeds of Crime in the European Union (art. 5) and FATF Recommendation 4.
	3	<u><i>SO2: Adequate prevention of corruption</i></u> Policy Option 3 is deemed <b>coherent</b> with specific objective 2 and the EU framework in the field of corruption. See also the considerations for policy option 2.
	<b>3</b>	<b>Overall assessment</b>
<b>Subsidiarity and proportionality</b>	2.5	<u><i>SO1: Efficient investigation and prosecution of corruption</i></u> The same considerations as for policy option 2 apply here.  Moreover, the reverse burden of proof foreseen under this measure, while deemed proportionate in light of the challenges prosecutors faced in asset confiscation notwithstanding human rights and the right to a fair trial in the EU, raised some concerns related to legislative/technical inconsistencies with national provisions.
	3	<u><i>SO2: Adequate prevention of corruption</i></u> The same considerations as for policy option 2 apply.
	<b>2.8</b>	<b>Overall assessment</b>
<b>Types of impacts</b>		
<b>Security</b>	3	Policy option 3 is expected to have a <b>significant positive impact</b> on security. In addition to the points described under the assessment of policy option 2, through the establishment of minimum rules concerning reverse burden of proof for asset confiscation related to illicit enrichment cases, prosecution procedures will be improved, and criminals will be increasingly deprived of their profits. As profit is a key motivator for criminal activities, including serious and organised crime, this measure is expected to remove some of the means to commit further crimes. Hence, security in the EU is improved.
<b>Economy</b>	3	Policy option 3 is expected to have a <b>highly positive impact</b> on the economy. In addition to the points described under the assessment of policy option 2, the stronger measure in policy option 3 to establish common rules in relation to the reverse burden of proof for asset confiscation related to illicit enrichment cases is expected to contribute towards better financial investigations and confiscations of corruption related

<sup>207</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

<sup>208</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

Criteria	Rate	Summary of assessment
		criminal assets, which will have a positive effect in terms of lower share of illicit profits in the overall economy.
<b>Fundamental rights</b>	2	Policy option 3 is expected to improve EU safeguards for fundamental rights in the EU to a <b>moderate extent</b> . In addition to the points described under the assessment of policy option 2, consultation activities noted the potential for human rights abuse in relation to the establishment of reverse burden of proof for asset confiscation related to illicit enrichment cases. This relates to concerns around the presumption of innocence and the guarantee that no guilt can be presumed until the charge has been proved beyond reasonable doubt.
<b>Society</b>	3	Policy Option 3 is expected to have a <b>significant positive impact</b> on society. In addition to the considerations indicated for policy option 2, the introduction of minimum standards regarding the enablers of corruption is expected to further improve the impact on society by increasing the trust and confidence in public officials, as well as a better and more transparent functioning of the state apparatus.

\* The overall assessment refers to the average rating in relation to the SOs

Source: Author's elaboration

## 6.2 Political feasibility of the policy options

Throughout different stages of the study, numerous types of documents have been reviewed and stakeholders have been consulted for contributions and feedback in order to co-develop and fine-tune the policy options (e.g. through interviews, focus groups, the online survey, technical workshops).

However, the study process did not leave room for the Member States (or other stakeholder groups) to voice a politically negotiated and officially agreed position regarding the impact of the different elements of the policy options. Moreover, it turned out to be very challenging to obtain factual reliable quantitative and qualitative information about the impacts of the policy options on specific Member States and the respective stakeholders affected.

Therefore, the assessment of the impacts of the policy options has been carried out based on the best information available, including based on expert judgment and the experience of the study team.

It should be noted that different Member States may have different positions.

For instance, the extent to which Member States may support the introduction of non-legislative and legislative measures included in policy option 2 and 3 depends on a wide variety of factors such as:

- *Perceived capacity to fight corruption:* Member States that are satisfied with the functioning of some specific measures (e.g. training delivered at the national level to law enforcement and the judiciary) already developed at the national level might be less willing to support the establishment of common standards on these measures that would require additional efforts for them.
- *The extent of corruption in the Member States:* Member States might have different degree of sensitivity towards the fight against corruption depending on the extent of corruption and crimes that corruption is known to facilitate such as serious and organised crimes and terrorism financing in their country. For instance, Member States with a lower trust in their governments and higher presence of organised crime, might be more supportive of a Directive that establishes minimum rules in the fight against corruption in the EU.
- *Legal and institutional settings in the Member States:* Are frameworks already in place (e.g. at the international level via UNCAC, OECD, GRECO) to support the fight against corruption nationally? Does data collection at the national level need to comply with new

requirements? What types of data are already being collected on corruption? Moreover, even those Member States that currently do collect those datasets that should be made available, may not be willing to share them with other Member States.

Overall at large, the Study Team has sensed a strong support and large appetite from among Member States towards the measures identified, both legislative and non-legislative. The box below provides an overview of the key findings gathered during the final workshop with national stakeholders from the Member States.

### **Box 29 – Key takeaways from the final workshop with national authorities**

With regard to the policy measures designed to improve corruption repression (core problem 1):

- Participants expressed mixed opinions relating to the need for additional offences in the field of corruption:
  - Some participants confirmed that having only bribery is not sufficient, hence the other proposed offences would have a positive effects;
  - Other participants stated that there is no need for such measures since they are already covered by UNCAC and have been established across the Member States, thus the establishment of a comprehensive EU anti-corruption framework would not bring any specific added value.
- Some participants also stated that there are no major issues caused by major differences across the Member States in terms of both definitions of the offences and related penalties;
- Regarding investigative tools, some participants pointed to the need to find a balance between the use of such tools and the need to protect privacy and fundamental rights;
- Most participants confirmed the need for adequate training targeted at law enforcement and judicial authorities concerned with corruption-related investigations; participants claimed that training materials and courses shall be made available online and on demand; training should be tailored to the specific Member State;
- Overall, participants provided positive feedback concerning the introduction of minimum common standard on seizure and confiscation of instrumentalities and proceeds from corruption related offences.

With regard to policy measures designed to improve corruption prevention (core problem 2):

- Participants agreed upon the fact that positive impacts are expected from the following prevention measures:
  - The establishment of an EU anti-corruption coordinator;
  - Minimum standards for the establishment of national anti-corruption authorities or equivalent mechanisms;
  - Develop an EU intelligence picture on corruption by Europol to inform policymakers and law enforcement;
  - Establish common standards on enablers of corruption, particularly regarding conflict of interests.
- In addition, participants raised concerns regarding:
  - Anti-corruption prevention agency: while it would be a step in the right direction, risks of overlapping with existing bodies should be taken into account;
  - Whether the national authority should be in charge of collecting data and statistics, what indicators to consider and the feasibility of a fully centralised approach to data collection;
  - The type of data and the process required to do so at the national level, which may be long and require to focus on local and sectoral data, instead of national statistics.

*Source: Input collected during final workshop held 15 November 2022*

## **6.3 Ranking and comparison of the impacts of policy options**

In order to rank and compare the policy options' performance vis-à-vis the baseline scenario, a Multi-Criteria-Analysis (MCA) has been applied in full alignment with the European Commission's *Better Regulation Guidelines* (see Tool #62). The MCA is a tool for the qualitative analysis and comparison of a complex set of alternatives concerning the extent to which various measures achieve their objectives, are efficient, coherent etc. It is based on qualitative ratings and rankings with quantitative data supporting the assessment.

### **Transparency in Multi-Criteria-Analyses (MCA)**

The MCA is a qualitative tool, and thus always subject to scrutiny concerning the implicit and explicit judgments made during the assessment process. Therefore, it is crucial for the application of the MCA to be transparent about the data used and the sources, as well as how specific data has fed into and shaped the analysis.

The MCA has been carried out in three steps:

- Step 1: Set-up of the framework of criteria, as well as an assessment grid;
- Step 2: Establishment of an outranking matrix; and
- Step 3: Assessment through a permutation matrix.

The steps are elaborated further below.

### 6.3.1 Step 1: Set-up of the framework of criteria and assessment grid

The following four criteria have been used for the MCA in line with the assessments made in section 6.1:

- Effectiveness;
- Efficiency;
- Coherence;
- Subsidiarity and proportionality.

The criteria in relation to the evaluation of the effects have been rated (0-3) in relation to each of the specific objectives whereas the types of impacts have been rated in relation to each of the policy options as a whole. The following Table provides an overview of the numeric ratings that have been presented in sections 6.1.

**Table 15 - Overview of ratings of the policy options**

Criteria and type of impacts	Specific objectives	BS (PO1)	PO 2	PO 3
<b>Criteria</b>				
<b>Effectiveness</b>	SO1: Efficient investigation and prosecution of corruption	0	3	2.5
	SO2: Adequate prevention of corruption	0	2	3
<b>Efficiency</b>	SO1: Efficient investigation and prosecution of corruption	0	3	3
	SO2: Adequate prevention of corruption	0	3	2.5
<b>Coherence</b>	SO1: Efficient investigation and prosecution of corruption	0	3	3
	SO2: Adequate prevention of corruption	0	3	3
<b>Subsidiarity and proportionality</b>	SO1: Efficient investigation and prosecution of corruption	0	2.5	2.5
	SO2: Adequate prevention of corruption	0	3	3
<b>Types of impacts</b>				
<b>Security</b>		0	2.5	3
<b>Economic</b>		0	2	3
<b>Fundamental rights</b>		0	2.5	2
<b>Social</b>		0	2.5	3

*Source: Author's elaboration*

The following Table translates these ratings into aggregate values for the MCA's assessment grid; it shows: the **direction**, i.e. positive (+) or negative (-) of the effects of the policy options on the four criteria (i.e. effectiveness, efficiency, coherence, subsidiarity and proportionality) and on the four types of impacts (i.e. security, economic, fundamental rights, society); the

average of and the numeric **ratings** of each policy options that have been presented in sections 6.1.3 and 6.1.4.

**Table 16 - MCA Assessment grid**

Criteria and type of impacts	Direction	Weight	Rating		
			BS (PO1)	PO2	PO3
<b>Criteria</b>					
<b>Effectiveness</b>	+	1	0	2.5	2.8
<b>Efficiency</b>	+	1	0	3	2.8
<b>Coherence</b>	+	1	0	3	3
<b>Subsidiarity and proportionality</b>	+	1	0	2.8	2.8
<b>Types of impacts</b>					
<b>Security</b>	+	1	0	2.5	3
<b>Economic</b>	+	1	0	2	3
<b>Fundamental rights</b>	+	1	0	2.5	2
<b>Social</b>	+	1	0	2.5	3

*Source: Author's own elaboration*

### 6.3.2 Step 2: Establishment of an outranking matrix

In step 2, based on the assessment grid, an outranking matrix has been developed. Based on 6.3.1, the outranking matrix looks the following way:

**Table 17 - MCA Outranking matrix**

Policy	Baseline Scenario (Policy Option 1)	Policy Option 2	Policy Option 3
<b>Policy Option 1 (BS)</b>	0	0	0
<b>Policy Option 2</b>	8	0	2
<b>Policy Option 3</b>	8	4	0

*Source: Author's elaboration*

The outranking matrix shows that both policy options 1 and 2 are expected to be similarly favourable compared to the baseline scenario (both have received the same score of 8). However, it also shows that Policy Option 3 has received a higher score compared to policy option 2 (4 compared with 2). Therefore, when compared with each other, Policy Option 3 is considered more favourable than policy option 2.

### 6.3.3 Step 3: Assessment through a permutation matrix

In step 3, the outranking matrix was transformed to a policy permutation matrix in which pairings and the coefficients from the outranking matrix of step 2 were summed up. The permutation matrix provides a clear overview of which policy option is most favourable, second-most favourable, least favourable, etc., as well the relative 'favourability' of different combinations of policy options. Since there are three policy options, there are six possible permutations. Their rankings are provided in the Table below.

Please consider that: *BS=baseline, PO2= Policy Option 2, PO3= Policy Option 3*

**Table 18 - MCA Permutation matrix**

#	Premutation			Policy Pairing			Coefficients*					Score	Rank
#1	BS	PO2	PO3	BS PO2	BS PO3	PO2 PO3	0	+	0	+	2	2	6
#2	BS	PO3	PO2	BS PO3	BS PO2	PO3 PO2	0	+	0	+	4	4	5
#3	PO2	BS	PO3	PO2 BS	PO2 PO3	BS PO3	8	+	2	+	0	10	4
#4	PO2	PO3	BS	PO2 PO3	PO2 BS	PO3 BS	2	+	8	+	8	18	2
#5	PO3	PO2	BS	PO3 PO2	PO3 BS	PO2 BS	4	+	8	+	8	20	1
#6	PO3	BS	PO2	PO3 BS	PO3 PO2	BS PO2	8	+	4	+	0	12	3

\* See Table 18.

Source: Author's elaboration

The permutation matrix provides a clear overview of which policy option is most favourable, as well the relative 'favourability' of different permutations of policy options. Based on the assessment, policy option 3 should be implemented. If this is not possible the Commission could aim at the implementation of policy option 2. In case this should also not be possible, the Commission should remain with the baseline scenario. Based on the assessments and Multi-Criteria Analysis, **policy option 3 is identified as the preferred option**. By virtue of its stronger measures, policy option 3 is more effective than policy option 2 in tackling the two specific policy objectives, albeit being slightly less efficient, considering that some of the additional measures included in policy option 3 entail a high financial burden. Highly positive impacts are expected on security, society and economy. The impact on fundamental rights is foreseen to only be moderate, since further consultation are needed to clarify the link between reverse burden of proof for asset confiscation in illicit enrichment cases and presumption of innocence.

## 6.4 Elaboration of the preferred policy option

Based on the assessments provided in section 6.1, as well as the outcomes of the MCA in section 6.3, policy option 3 is most favourable, i.e. stronger alignment and supporting soft measures.

However, consultations with stakeholders, including preliminary inputs collected during the focus groups, pointed out that there are some elements of policy option 3 that shall be further investigated in terms of possible costs and burden expected as well as overall technical and political feasibility. Such elements are:

- Establish an EU anti-corruption prevention agency;
- Establish minimum rules concerning reverse burden of proof for asset confiscation related to illicit enrichment cases;
- Develop an EU Corruption Index.

A summary of the intervention logic of the preferred option is provided in the table below.

**Table 19 – Intervention logic of the preferred policy option (policy option 3)**

No.	Problem	Drivers / Causes	Elements of the preferred policy option
<b>Specific objective 1: Efficient investigation and prosecution of corruption</b>			
1.1	There are legislative issues that hinder the intra-EU effort against corruption and related crimes	<ul style="list-style-type: none"> <li>a. Criminalisation of corruption is focused mostly on bribery-related cases</li> <li>b. Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States</li> </ul>	<ul style="list-style-type: none"> <li>• Establish minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption</li> </ul>
1.2	National law enforcement and judicial authorities have limited capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>a. Underreporting of (potential) corruption cases is still high</li> <li>b. Financial resources and expertise available at the Member State level are not sufficient</li> </ul>	<ul style="list-style-type: none"> <li>• Establish common minimum standards concerning the availability of effective tools for investigation and prosecution of corruption cases</li> <li>• Establish common minimum standards concerning capacity-building and training for efficient investigative and prosecution procedures</li> <li>• Establish common minimum standards to boost reporting of corruption cases</li> <li>• Establish common provisions to ensure the seizure and confiscation of instrumentalities and proceeds from corruption related offences</li> <li>• Establish minimum rules concerning the statute of limitations for corruption-related cases</li> <li>• Establish minimum rules concerning immunity for members of the government, or the parliament</li> <li>• Establish minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases</li> </ul>
<b>Specific objective 2: Adequate prevention of corruption</b>			
2.1	Member States' approaches to prevent corruption are inadequate	<ul style="list-style-type: none"> <li>a. Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States</li> <li>b. Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities</li> <li>c. Verification systems on asset declaration are lacking or limitedly used</li> <li>d. Some Member States lack specific services on ethics and integrity</li> </ul>	<ul style="list-style-type: none"> <li>• Establish an EU anti-corruption coordinator</li> <li>• Establish an EU anti-corruption prevention agency</li> <li>• Establish minimum rules concerning the establishment of national anticorruption authorities or equivalent mechanisms</li> <li>• Establish minimum rules concerning the definition of enablers of corruption</li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<ul style="list-style-type: none"> <li>a. There are no uniform, up-to-date and consolidated corruption statistics and thus evidence-based policy-making on anti-corruption</li> <li>b. Monitoring of corruption risks and related actions, and thus evidence-based policy-making on anti-corruption, is limited</li> </ul>	<ul style="list-style-type: none"> <li>• Require national anti-corruption authorities to coordinate the collection and sharing of corruption data</li> <li>• Develop an EU Corruption Index</li> <li>• Develop an EU criminal intelligence picture on corruption</li> </ul>

Source: Author's elaboration

## 7 Annexes

### 7.1 The EU framework to fight corruption

Pursuant Art. 67(3) of the Treaty on the Functioning of the European Union (TFEU), the EU shall endeavour to ensure a high level of security, including through the prevention and combating of crime and the approximation of criminal laws. Article 83(1) of the TFEU includes corruption among the areas of particularly serious crime with a cross-border dimension, hence bestowing the EU with legislating powers to regulate it in some cases.<sup>209</sup>

Overall, the EU framework to fight against corruption is composed of (i) the **EU anti-corruption acquis**, which includes two legislative measures specifically focused on corruption in the private and public sectors respectively, and other EU legal instruments that include anti-corruption provisions relating to a variety of fields (such as public procurement, anti-money-laundering or freezing and confiscation of assets and whistleblowing); (ii) **bodies and tools supporting the EU action against corruption** and (iii) **other non-legislative instruments and initiatives** regarding the fight against corruption.

#### 7.1.1 The EU anti-corruption *acquis*

The EU anti-corruption *acquis* consists of several **legislative measures** listed below.

##### **Box 30 – EU legislative anti-corruption *acquis***

Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union;<sup>210</sup>  
Council Framework Decision 2003/568/JHA on combating corruption in the private sector;<sup>211</sup>  
Directive 2014/24/EU on public procurement;<sup>212</sup>  
Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime;<sup>213</sup>  
Directive 2017/1371 on the fight against fraud of the Union's financial interests by means of criminal law;<sup>214</sup>  
Regulation 2017/1939/EU implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office;<sup>215</sup>  
Directive 2018/1673/EU on combating money laundering by criminal law;<sup>216</sup>  
Regulation (EU) 2018/1805/ on the mutual recognition of freezing and confiscation orders;<sup>217</sup>  
Directive 2019/1937/EU on the protection of persons who report breaches of Union Law;<sup>218</sup>  
Decision 2008/801/EC on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption.<sup>219</sup>

*Source: Author's elaboration*

#### **Convention on the fight against corruption involving public officials**

<sup>209</sup> Consolidated Version of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*. Available at: [link](#).

<sup>210</sup> Convention against corruption involving public officials. Available at: [link](#).

<sup>211</sup> Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector. Available at: [link](#).

<sup>212</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. Available at: [link](#).

<sup>213</sup> Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the EU. Available at: [link](#). There are currently ongoing negotiations on the Directive of the European Parliament and of the Council on asset recovery and confiscation (COM/2022/245 final). Available at: [link](#).

<sup>214</sup> Directive 2017/1371/EU of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law. Available at: [link](#).

<sup>215</sup> Council Regulation 2017/1939/EU of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office. Available at: [link](#).

<sup>216</sup> Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law. Available at: [link](#).

<sup>217</sup> Regulation 2018/1805/EU on the mutual recognition of freezing and confiscation orders. Available at: [link](#).

<sup>218</sup> Directive 2019/1937/EU of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Available at: [link](#).

<sup>219</sup> Council Decision of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption (2008/801/EC). Available at: [link](#).



Main features	Convention on the fight against corruption involving public officials
<b>Adoption date</b>	<ul style="list-style-type: none"> <li>• 25/06/1997</li> </ul>
<b>Entry into force</b>	<ul style="list-style-type: none"> <li>• 28/09/2005</li> </ul>
<b>Deadline for transposition</b>	<ul style="list-style-type: none"> <li>• n.a.</li> </ul>
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Ensure that each Member State takes the necessary measures to criminalise corruption involving public officials</li> <li>• Combat corruption involving EU or Member States' officials</li> <li>• Strengthen judicial cooperation between Member States</li> </ul>
<b>Material scope</b>	<ul style="list-style-type: none"> <li>• Active and passive corruption involving officials of the European Communities or officials of Member States of the European Union</li> </ul>
<b>Corruption focus</b>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>
<b>Accession status</b>	<ul style="list-style-type: none"> <li>• All Member States have acceded to it</li> </ul>
<b>Relevant international standards</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption</li> <li>• Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.</li> </ul>

The **1997 Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union**<sup>220</sup> aims to ensure that each Member State takes the necessary measures to criminalise corruption involving European officials or national officials. The Convention defines an 'official' as '*any Community or national official, including any national official of another Member State*' and distinguishes between 'Community official'<sup>221</sup> and 'National official'.<sup>222</sup>

The Convention requires the Member States to criminalise and prosecute corruption-related offences, including both passive and active corruption. Specifically, engaging in active and passive corruption as well as participating in and instigating such conduct should be punished with effective, proportionate and dissuasive criminal penalties. To this end, **passive corruption** is intended as the deliberate action of officials – in the exercise of their functions – requesting, accepting and receiving advantages of any kind, directly or through an intermediary, for the benefit of the official or of any other person.<sup>223</sup> **Active corruption** means the intentional promising or giving, directly or through an intermediary, advantages of any kind to officials if performing acts, or refraining from performing any acts, resulting contrary to their official duties.<sup>224</sup>

In addition, the Convention provides for the criminal **liability of heads of businesses** or any persons having power to take decisions or exercise control within a business in cases of active corruption by a person under their authority acting on behalf of the business.<sup>225</sup>

Finally, the Convention aims to strengthen **judicial cooperation** between the Member States in the fight against corruption involving public officials. To this end, it foresees that when a corruption case concerns at least two Member States, the latter should cooperate to establish respective jurisdiction.<sup>226</sup>

The Convention entered into force on 28 September 2005 and all Member States have acceded to it.

### **Council Framework Decision 2003/568/JHA on combating corruption in the private sector**

Main features	Council Framework Decision 2003/568/JHA
<b>Adoption date</b>	<ul style="list-style-type: none"> <li>• 31/07/2003</li> </ul>
<b>Entry into force</b>	<ul style="list-style-type: none"> <li>• 31/07/2003</li> </ul>

<sup>220</sup> Convention against corruption involving public officials. Available at: [link](#).

<sup>221</sup> Article 1(b) Convention against corruption involving public officials "*any person who is an official or other contracted employee within the meaning of the Staff Regulations of officials of the European Communities or the Conditions of Employment of other servants of the European Communities, any person seconded to the European Communities by the Member States or by any public or private body, who carries out functions equivalent to those performed by European Community officials or other servants*".

<sup>222</sup> Article 1(c) Convention against corruption involving public officials "*shall be understood by reference to the definition of 'official' or 'public officer' in the national law of the Member State in which the person in question performs that function for the purposes of application of the criminal law of that Member State*".

<sup>223</sup> Article 2 Convention against corruption involving public officials. Available at: [link](#).

<sup>224</sup> Article 3 Convention against corruption involving public officials. Available at: [link](#).

<sup>225</sup> Article 6 Convention against corruption involving public officials. Available at: [link](#).

<sup>226</sup> Article 9 Convention against corruption involving public officials. Available at: [link](#).

Main features	Council Framework Decision 2003/568/JHA
<b>Deadline for transposition</b>	<ul style="list-style-type: none"> <li>• 22/07/2005</li> </ul>
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Ensure that: <ul style="list-style-type: none"> <li>◦ All Member States establish offences and sanctions against passive and active corruption in the private sector</li> <li>◦ Legal persons can be held liable for such crimes</li> </ul> </li> </ul>
<b>Material scope</b>	<ul style="list-style-type: none"> <li>• Active and passive corruption in the private sector (including non-profit entities): <ul style="list-style-type: none"> <li>◦ Criminalisation</li> <li>◦ Penalties and sanctions</li> <li>◦ Liability of legal persons</li> <li>◦ Jurisdiction of Member States</li> </ul> </li> </ul>
<b>Corruption focus</b>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>
<b>Transposition status</b>	<ul style="list-style-type: none"> <li>• Almost all provisions have been adequately transposed<sup>227</sup></li> </ul>
<b>Relevant international standards</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption</li> </ul>

**Council Framework Decision 2003/568/JHA on combating corruption in the private sector**<sup>228</sup> criminalises both active and passive corruption occurring in the premises of business activities, whether for profit or non-profit purposes.

Consistently with the 1997 Convention, pursuant to the Framework Decision, **passive corruption** entails requesting or receiving or accepting the promise of, directly or through an intermediary, an undue advantage while in any capacity directing or working for a private-sector entity in order to perform or refrain from performing any act, in breach of one's duties.<sup>229</sup> **Active corruption** means promising, offering or giving to a person, working or involved in a private-sector entity, directly or through an intermediary, an undue advantage in exchange of this persons' performance or refrain from performing any act, in breach of his/her duties.<sup>230</sup> The Framework Decision requires that active and passive corruption are punished by imprisonment for a maximum of at least one to three years.<sup>231</sup> Additionally, natural persons condemned of passive or active corruption in relation to a certain business activity can be temporarily excluded from business activities in case of risk of abuse of office.<sup>232</sup>

Moreover, the Framework Decision provides that also **instigation, aiding and abetting corruption** constitute criminal offences to be punished with effective, proportionate and dissuasive penalties.<sup>233</sup>

The Framework Decision also enshrines that **legal persons** are held responsible for corruption-related offences, including when the offence was made possible because of a lack of supervision or control.<sup>234</sup> In these cases, effective, proportionate and dissuasive penalties, including criminal or non-criminal fines, should be applied, including (i) exclusion from entitlement to public benefits or aid; (ii) temporary or permanent disqualification from the practice of commercial activities; (iii) placing under judicial supervision; or (iv) a judicial winding-up order.<sup>235</sup>

Finally, the Framework Decision requires the Member States to set out their **jurisdiction** to prosecute offences included therein, where the offences have been committed (i) in whole or in part within their territory; (ii) by one of their nationals; or (iii) for the benefit of a legal person that has its head office in their territory.<sup>236</sup>

### **Directive 2014/24/EU on public procurement**

<sup>227</sup> Commission (2019). Assessment of the extent to which the Member States have taken the necessary measures in order to comply with Council Framework Decision 2003/568/JHA. Available at: [link](#).

<sup>228</sup> Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector. Available at: [link](#).

<sup>229</sup> Article 2(1)(b) Framework Decision 2003/568/JHA.

<sup>230</sup> Article 2(1)(a) Framework Decision 2003/568/JHA

<sup>231</sup> Article 4(2) Framework Decision 2003/568/JHA.

<sup>232</sup> Article 4(3) Framework Decision 2003/568/JHA.

<sup>233</sup> Article 3 and 4(1) Framework Decision 2003/568/JHA.

<sup>234</sup> Article 5 Framework Decision 2003/568/JHA.

<sup>235</sup> Article 6 Framework Decision 2003/568/JHA.

<sup>236</sup> Article 7 Framework Decision 2003/568/JHA.

Main features	Directive 2014/24/EU
<b>Adoption date</b>	• 26/02/2014
<b>Entry into force</b>	• 17/04/2014
<b>Deadline for transposition</b>	• 18/04/2016
<b>Material scope</b>	<ul style="list-style-type: none"> <li>• Definitions, general rules, thresholds, and exclusions for public procurement procedures</li> <li>• Rules on public contracts, including procedures, use of virtual tools, preparation, publication, and transparency</li> <li>• Procurement regimes</li> </ul>
<b>Objectives/added value</b>	• Ensure EU common rules for public procurement procedures
<b>Corruption focus</b>	• No
<b>Transposition status</b>	• All Member States have transposed the Directive through at least one legislative measure <sup>237</sup>
<b>Relevant international standards</b>	• None

**Directive 2014/24/EU on public procurement**<sup>238</sup> establishes rules on the procedures for procurement by contracting authorities with respect to public contracts. The Directive includes important provisions relevant to the fight against active corruption, such as the exclusion from participation in a procurement procedure based on a list of reasons including corruption,<sup>239</sup> as well as the declaration of invalidity of tenders where there is evidence of corruption,<sup>240</sup> whereby corruption is defined as in Article 3 of the 1997 Convention,<sup>241</sup> Article 2(1) of Framework Decision 2003/568/JHA,<sup>242</sup> as well as in the national law of the contracting authority or the economic operator.

### **Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime**

Main features	Directive 2014/42/EU
<b>Adoption date</b>	• 29/04/2014
<b>Entry into force</b>	• 19/05/2014
<b>Deadline for transposition</b>	• 04/10/2015
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Enhance cross-border cooperation on asset recovery and mutual legal assistance</li> <li>• Increase the amount of assets recovered</li> <li>• Harmonise data collection mechanisms</li> </ul>
<b>Material scope</b>	• Common minimum rules and procedures for freezing and confiscating the proceeds and instrumentalities of crime
<b>Corruption focus</b>	• No
<b>Transposition status</b>	• Almost all provisions have been adequately transposed <sup>243</sup>
<b>Relevant international standards</b>	• Criminal Law Convention on Corruption

**Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime**<sup>244</sup> aims to support national authorities in confiscation and recovering proceeds and instruments for crimes committed in the EU. There are currently ongoing

<sup>237</sup> EUR-Lex - 32014L0024 . National Transposition. Available at: [link](#).

<sup>238</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. Available at: [link](#).

<sup>239</sup> Article 57 Directive 2014/24/EU.

<sup>240</sup> Article 26 and 35 Directive 2014/24/EU.

<sup>241</sup> Article 3 Convention against corruption involving public officials "For the purposes of this Convention, the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties shall constitute active corruption".

<sup>242</sup> Article 2 Framework Decision 2003/568/JHA "(a) promising, offering or giving, directly or through an intermediary, to a person who in any capacity directs or works for a private-sector entity an undue advantage of any kind, for that person or for a third party, in order that that person should perform or refrain from performing any act, in breach of that person's duties; (b) directly or through an intermediary, requesting or receiving an undue advantage of any kind, or accepting the promise of such an advantage, for oneself or for a third party, while in any capacity directing or working for a private-sector entity, in order to perform or refrain from performing any act, in breach of one's duties".

<sup>243</sup> Commission (2020). 'Report to the European Parliament and the Council. Asset recovery and confiscation: Ensuring that crime does not pay' COM(2020) 217 final. Available at: [link](#).

<sup>244</sup> Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the EU. Available at: [link](#).

negotiations regarding the new proposal for a Directive of the European Parliament and of the Council on asset recovery and confiscation.<sup>245</sup>

The Directive establishes that Member States shall adopt the necessary measures to enable the confiscation, either in whole or in part, of property belonging to a person convicted of a criminal offence. Consistently with the 1997 Convention and the 2003 Framework Decision, the notion of 'criminal offence' covers **passive and active corruption** both in public and the private sectors.<sup>246</sup>

### **Directive 2017/1371/EU on the fight against fraud of the Union's financial interests by means of criminal law**

Main features	Directive 2017/1371
<b>Adoption date</b>	<ul style="list-style-type: none"> <li>• 28/07/17</li> </ul>
<b>Entry into force</b>	<ul style="list-style-type: none"> <li>• 17/08/17</li> </ul>
<b>Deadline for transposition</b>	<ul style="list-style-type: none"> <li>• 06/07/19</li> </ul>
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Ensure minimum common rules to fight against crimes affecting the EU budget</li> <li>• Improve protection of the EU's financial interests and taxpayers' money</li> </ul>
<b>Material scope</b>	<ul style="list-style-type: none"> <li>• Common offences, sanctions and procedures for fraud, corruption, misappropriation, money laundering and other crimes affecting the EU's financial interests</li> <li>• Cooperation between Member States and EU institutions, bodies, offices, and agencies</li> </ul>
<b>Corruption focus</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Transposition status</b>	<ul style="list-style-type: none"> <li>• All Member States have transposed the PIF Directive<sup>247</sup></li> </ul>
<b>Relevant international standards</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption.</li> </ul>

**Directive 2017/1371/EU on the fight against fraud of the Union's financial interests by means of criminal law (the "PIF Directive")**,<sup>248</sup> repealing the 1995 **Convention on the protection of EU's financial interests**<sup>249</sup> and its protocols on corruption (1996)<sup>250</sup> and on money laundering offences (1997),<sup>251</sup> lays down minimum common rules to fight fraud and other illegal activities affecting the EU financial interests. Pursuant to the PIF Directive, **active**<sup>252</sup> and **passive**<sup>253</sup> **corruption** of public officials, when committed intentionally, represent a criminal offence affecting the financial interests of the EU. To this end, the Directive defines a '**public official**' as "*a Union official or a national official, including any national official of another Member State and any national official of a third country*".<sup>254</sup> The definition also includes "*any other*

<sup>245</sup> Directive of the European Parliament and of the Council on asset recovery and confiscation (COM/2022/245 final). Available at: [link](#).

<sup>246</sup> Article 3(a) and (f) Directive 2014/42/EU.

<sup>247</sup> Commission (2021). 'Report to the European Parliament and the Council on the implementation of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law'. Available at: [link](#).

<sup>248</sup> Directive 2017/1371/EU of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law. Available at: [link](#).

<sup>249</sup> Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests. Available at: [link](#).

<sup>250</sup> Council Act of 27 September 1996 drawing up a Protocol to the Convention on the protection of the European Communities' financial interests. Available at: [link](#).

<sup>251</sup> Council Act of 19 June 1997 drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests. Available at: [link](#).

<sup>252</sup> Article 4(2)(b) Directive 2017/1371/EU "*'active corruption' means the action of a person who promises, offers or gives, directly or through an intermediary, an advantage of any kind to a public official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests.*"

<sup>253</sup> Article 4(2)(a) Directive 2017/1371/EU "*'passive corruption' means the action of a public official who, directly or through an intermediary, requests or receives advantages of any kind, for himself or for a third party, or accepts a promise of such an advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests.*"

<sup>254</sup> Article 4(4)(a) Directive 2017/1371/EU.

person assigned and exercising a public service function involving the management of or decisions concerning the Union's financial interests in Member States or third countries".<sup>255</sup>

The PIF Directive establishes that **incitement, aiding and abetting, and attempt** to commit any criminal acts affecting the Union's financial interests, including corruption, shall be considered criminal offences to be punished by effective, proportionate and dissuasive criminal sanctions, including maximum penalties of at least four years of imprisonment when offences of corruption or misappropriation<sup>256</sup> involve considerable damage or advantage (i.e. it involves more than EUR 100,000).<sup>257</sup>

The PIF Directive also considers committing such offences within a criminal organisation, in the sense of Framework Decision 2008/841/JHA, as an **aggravating circumstance**.<sup>258</sup>

Pursuant to the Directive, **legal persons** are held responsible for corruption-related offences, including when the offence was made possible because of a lack of supervision or control.<sup>259</sup> In these cases, effective, proportionate and dissuasive penalties, including criminal or non-criminal fines, should be applied, including (i) exclusion from entitlement to public benefits or aid; (ii) temporary or permanent exclusion from public tender procedures; (iii) temporary or permanent disqualification from the practice of commercial activities; (iv) placing under judicial supervision; (v) judicial winding-up order; or (vi) temporary or permanent closure of establishments which have been used for committing the criminal offence.<sup>260</sup>

Finally, the PIF Directive requires the Member States to set out their **jurisdiction** to prosecute offences included therein.<sup>261</sup>

As of April 2021, overall, all the 26 Member States bound by the PIF Directive have transposed the PIF Directive into national laws.<sup>262</sup> However, limited transposition of specific provisions has been reported in some Member States, including the definition of 'public official', as well as the offences of 'corruption' and 'misappropriation.'

In about half Member States, the national definition of '**public officials**' does not cover 'national official of another Member State and any national official of a third country'. Similarly, the definition of 'Union official' does not include (i) persons 'seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants' and (ii) 'Members of the Union institutions, bodies, offices and agencies, set up in accordance with the Treaties and the staff of such bodies'. Additionally, some Member States have not transposed the definition of 'public official' as 'any other person assigned and exercising a public service function.'

Moreover, some Member States did not correctly transpose some of the elements defining active corruption, i.e. 'promises, offers or gives', 'directly or through an intermediary', an 'advantage' and 'for a third party'. Regarding passive corruption, a small number of Member State still did not transpose the following element 'refrain[ing] from acting in accordance with his duty.'

Limited compliance between the PIF Directive and national transposing legislations regards:

- **Attribution of criminal liability and criminal penalties for natural persons.** Specifically, in several Member States criminal liability and related sanctions are not attributed to individuals if they report the crime or repay damages, reducing the effectiveness and dissuasiveness of the sanctions system foreseen for by the PIF Directive.
- **Liability and sanctions for legal persons.** In particular, conformity issues regard the fact that these measures have been transposed as to cover acts of persons when

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<sup>255</sup> Article 4(4)(b) Directive 2017/1371/EU.

<sup>256</sup> Article 4(3) Directive 2017/1371/EU "Misappropriation' means the action of a public official who is directly or indirectly entrusted with the management of funds or assets to commit or disburse funds or appropriate or use assets contrary to the purpose for which they were intended".

<sup>257</sup> Article 7 Directive 2017/1371/EU.

<sup>258</sup> Article 8 Directive 2017/1371/EU.

<sup>259</sup> Article 6 Directive 2017/1371/EU.

<sup>260</sup> Article 9 Directive 2017/1371/EU.

<sup>261</sup> Article 11 Directive 2017/1371/EU.

<sup>262</sup> Commission (2021). 'Report to the European Parliament and the Council on the implementation of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law'. Available at: [link](#).

committed within the scope of the activities of the legal person and excluding corporate criminal liability for certain predicate offences, while in accordance with the PIF Directive the liability of legal persons must not exclude the possibility of criminal proceedings against natural persons.

- **Attribution of jurisdiction** over offences covered by the PIF Directive, for instance some Member States lack jurisdiction rules on money laundering as defined in Article 4(1) of the PIF Directive.

Finally, Member States have not transposed, or limitedly transposed, the offence of **misappropriation**.

Besides transposition issues, other implementation gaps are due difficulties in gathering the evidence necessary to prove corruption related offences. More precisely, in many Member states, the prosecution **of active and passive corruption** requires proving a breach of duty to determine both active and passive corruption, which is not required by the PIF Directive. Making the prosecution of corruption-related offences dependent on proving officials' breach of duty narrows down the scope of the PIF Directive.

### **Regulation (EU) 2018/1805 on the mutual recognition of freezing and confiscation orders**

Main features	Regulation(EU) 2018/1805
<b>Adoption date</b>	• 14/11/2018
<b>Entry into force</b>	• 18/12/2018
<b>Deadline for implementation</b>	• 18/12/2020
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Facilitate the cross-border recovery of criminal assets</li> <li>• Ensure more efficient freezing and confiscation of funds from illicit origin in the EU</li> <li>• Streamline EU legislation on asset recovery by establishing a single EU regulation, covering both freezing orders and confiscation orders</li> <li>• Improve efficiency of collaboration between MS in terms of expected waiting time and bureaucratic endeavour required</li> </ul>
<b>Material scope</b>	<ul style="list-style-type: none"> <li>• Asset freezing and confiscation: <ul style="list-style-type: none"> <li>◦ Standard certificates and procedures</li> <li>◦ Deadlines for the recognition of a confiscation and freezing orders and exceptions</li> <li>◦ Compensation and restitution in cross-border cases.</li> </ul> </li> </ul>
<b>Corruption focus</b>	• No
<b>Transposition status</b>	• n.a.
<b>Relevant international standards</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption;</li> <li>• Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering, and the Financing of Terrorism.</li> </ul>

**Regulation (EU) 2018/1805 on the mutual recognition of freezing and confiscation orders**<sup>263</sup> complements Directive 2014/42/EU. The Regulation aims to facilitate cross-border asset recovery across the EU and includes corruption as one of the grounds for issuing confiscation and freezing orders. Specifically, the Regulation was introduced to address the following issues:<sup>264</sup>

- Insufficient recovery of criminal assets frozen or confiscated in EU cross-border cases;
- Insufficient protection of victims' rights to restitution or compensating in EU cross-border cases;
- Inefficiency (in terms of bureaucratic endeavour and average waiting time) and excessive complexity of the procedures for mutual recognition;
- Lack of or partial implementation of Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

<sup>263</sup> Regulation 2018/1805/EU on the mutual recognition of freezing and confiscation orders. Available at: [link](#).

<sup>264</sup> Available at: [link](#).

## **Directive 2019/1937/EU on the protection of persons who report breaches of Union Law**

Main features	Directive 2019/1937/EU
<b>Adoption date</b>	<ul style="list-style-type: none"> <li>• 23/10/2019</li> </ul>
<b>Entry into force</b>	<ul style="list-style-type: none"> <li>• 16/12/2019</li> </ul>
<b>Deadline for transposition</b>	<ul style="list-style-type: none"> <li>• 17/12/2021</li> </ul>
<b>Objectives/added value</b>	<ul style="list-style-type: none"> <li>• Ensure common minimum rules and approaches regarding whistleblower protection</li> <li>• Encourage reporting to prevent and deter breaches of EU law</li> <li>• Protection of whistleblowers reporting on breaches of EU law in key policy areas: <ul style="list-style-type: none"> <li>○ Reporting mechanisms, follow-up procedures, deadlines;</li> <li>○ Criteria to be awarded legal protection;</li> <li>○ Penalties (e.g. for persons hindering information or retaliating against whistleblowers);</li> <li>○ Data collection on whistleblower protection.</li> </ul> </li> </ul>
<b>Material scope</b>	
<b>Corruption focus</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Transposition status</b>	<ul style="list-style-type: none"> <li>• 10 Member States adopted the law;</li> <li>• 16 Member States experienced delays;</li> <li>• 1 Member State did not start the transposition process.<sup>265</sup></li> </ul>
<b>Relevant international standards</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption</li> </ul>

**Directive 2019/1937/EU on the protection of persons who report breaches of Union Law**<sup>266</sup> establishes rules and procedures to protect 'whistleblowers' reporting information on breaches of EU law obtained in work-related contexts. The Directive recognises whistleblowing as a key source of anti-corruption reporting and investigations and relies on the assumption that breaches of EU law risk being underreported due to a lack of confidence in the effectiveness of reporting and fear of retaliation.

Hence, the Directive aims at whistleblower protection and the design of internal<sup>267</sup> and external<sup>268</sup> reporting channels to ensure that breaches of EU law, including offences of corruption, are disclosed with due regard to confidentiality<sup>269</sup> and data protection rules.<sup>270</sup> Pursuant to the Directive, reporting persons must be protected from any form of retaliation<sup>271</sup> following their reporting,<sup>272</sup> as well as assisted with comprehensive and independent information, advice and criminal aid and psychological support in the framework of legal proceedings.<sup>273</sup> Lastly, the Directive provides for penalties for persons that hinder or attempt to hinder reporting and that reported false information.<sup>274</sup>

<sup>265</sup> EU Whistleblowing Monitor. Available at: [link](#).

<sup>266</sup> Directive 2019/1937/EU of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Available at: [link](#).

<sup>267</sup> Article 5(4) Directive 2019/1937/EU "the oral or written communication of information on breaches within a legal entity in the private or public sector".

<sup>268</sup> Article 5(5) Directive 2019/1937/EU "the oral or written communication of information on breaches to the competent authorities".

<sup>269</sup> Article 16 Directive 2019/1937/EU. Available at: [link](#).

<sup>270</sup> Article 17 Directive 2019/1937/EU. Available at: [link](#).

<sup>271</sup> Article 5(11) Directive 2019/1937/EU "any direct or indirect act or omission which occurs in a work-related context, is prompted by internal or external reporting or by public disclosure, and which causes or may cause unjustified detriment to the reporting person".

<sup>272</sup> Article 21 Directive 2019/1937/EU. Available at: [link](#).

<sup>273</sup> Article 20 Directive 2019/1937/EU. Available at: [link](#).

<sup>274</sup> Article 23 Directive 2019/1937/EU. Available at: [link](#).

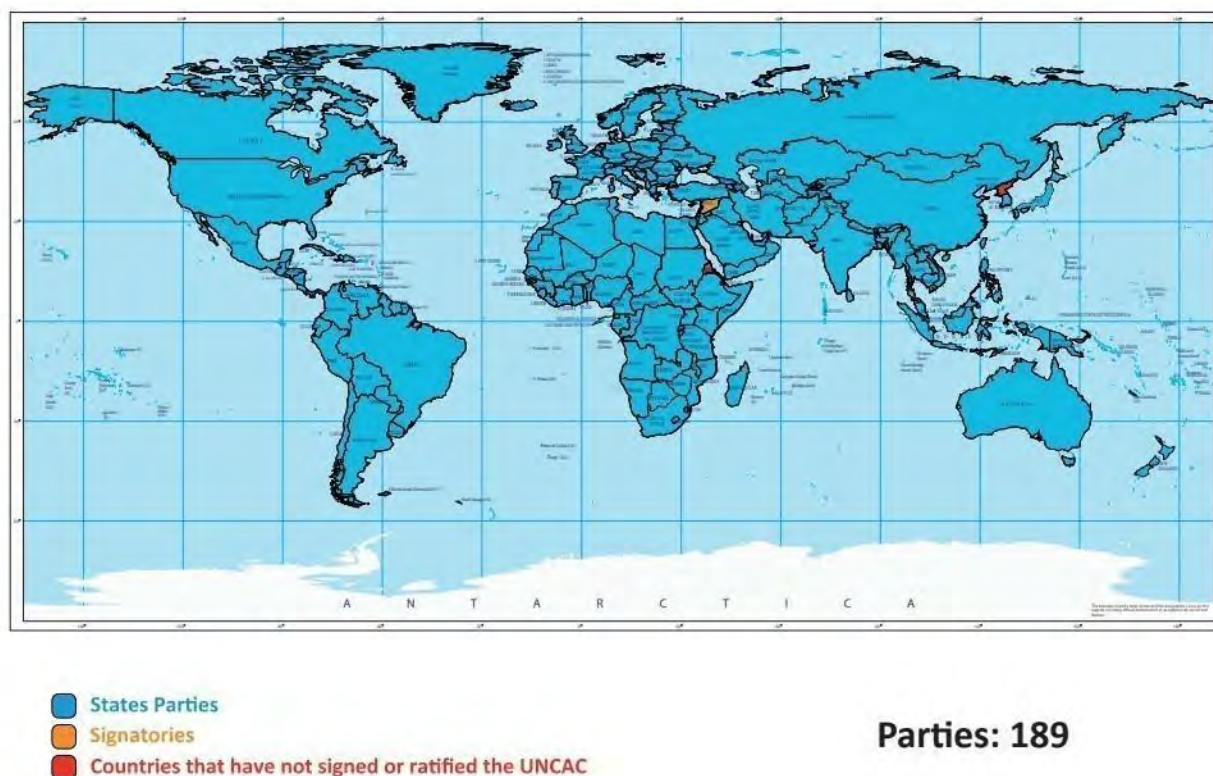
**Decision 2008/801/EC on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption**

Main features		Decision 2008/801/EC
<b>Adoption date</b>		• 25/09/2008
<b>Entry into force</b>		• 25/09/2008
<b>Deadline for transposition</b>		• N.a.
<b>Objectives/added value</b>		<ul style="list-style-type: none"> <li>• Promote international cooperation in the fight against corruption</li> <li>• Promote integrity, accountability and proper management of public affairs and public property.</li> </ul>
<b>Material scope</b>		<ul style="list-style-type: none"> <li>• Fight against active and passive corruption in the private and public sectors:                             <ul style="list-style-type: none"> <li>○ Preventive measures;</li> <li>○ Criminalisation and law enforcement;</li> <li>○ International cooperation;</li> <li>○ Asset recovery;</li> <li>○ Technical assistance and information exchange.</li> </ul> </li> </ul>
<b>Corruption focus</b>		• Yes
<b>Transposition status</b>		• The EU is a signatory Party since 2008. All EU countries have ratified it
<b>Relevant standards</b>	<b>international</b>	<ul style="list-style-type: none"> <li>• Criminal Law Convention on Corruption;</li> <li>• Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.</li> </ul>

Source: Author's own elaboration

By Decision of the Council,<sup>275</sup> since 2008 the EU is a signatory party of the **United Nations Convention against Corruption (UNCAC)**. UNCAC, adopted by the UN General Assembly on 31 October 2003 by resolution 58/4, is the only legally binding universal anti-corruption instrument.

**Figure 15 – UNCAC Signature and Ratification Status**



**Parties: 189**

Source: United Nations Office on Drugs and Crime

<sup>275</sup> Council Decision of 25 September 2008 on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption (2008/801/EC). Available at: [link](#).



The Convention includes preventive and repressive measures, as well as measures on international cooperation, on the return of the proceeds of corruption and, finally, on technical assistance and information exchange. Further details are provided below.

### Prevention

Pursuant to the UNCAC, each State Party, including the Member States, develops and implements or maintains effective, coordinated anticorruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.<sup>276</sup> To this end, State Parties shall establish a dedicated body that prevents corruption.<sup>277</sup>

In the **public sector**, State Parties are called to adopt, maintain and strengthen systems for merit-based recruitment, promotion and retirement of civil servants, including clear conflict of interest regimes,<sup>278</sup> as well as to ensure that public procurement is regulated by transparency, fair competition and objective criteria of selection and reviews.<sup>279</sup> Further, the maintenance of books and records, financial statement disclosures and auditing standards is foreseen by UNCAC to ensure sound management of public finances.<sup>280</sup> Measures should also be adopted by State Parties to prevent opportunities for corruption among members of the judiciary.<sup>281</sup>

In the **private sector**, corruption should be prevented through solid accounting and auditing standards, requiring transparent and reliable books and records of activities. Moreover, UNCAC explicitly prohibits tax-deductibility of expenses that constitute bribes.<sup>282</sup>

Finally, to fight against corruption, the Convention foresees detailed procedures to prevent **money-laundering**, including an active role of banks and other financial institutions to deter and detect money-laundering.<sup>283</sup>

### Criminalisation and law enforcement

Besides being an instrument dedicated to the fight against corruption, UNCAC does not provide for a definition of corruption. However, it includes a list of criminal acts to be considered as corruption offences. To start with, it criminalises **bribery of national public officials**.<sup>284</sup> UNCAC defines bribery as (i) the intentional promise, offering or giving, to an official an undue advantage, in order that the official act or refrain from acting in the exercise of his or her official duties, and (ii) the solicitation or acceptance by an official of an undue advantage, in order that the official act or refrain from acting in the exercise of his or her official duties. According to UNCAC, State Parties are also required to criminalise the following offences:

- **Embezzlement**, misappropriation and other diversion by a public official of any property, public or private funds or securities;<sup>285</sup>
- **Laundering of proceeds of crime**;<sup>286</sup>
- **Concealment** or continued retention of property when the person involved knows that such property is the result of corruption-related offences;<sup>287</sup>
- **Obstruction of justice**;<sup>288</sup> **Participation, preparation and attempt** to commit any of these crimes is considered a crime too.<sup>289</sup>

Besides acts that State Parties are required to criminalise, UNCAC lists some that State Parties are encouraged ('shall consider') to criminalise, including:

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<sup>276</sup> Article 5 UNCAC. Available at: [link](#).

<sup>277</sup> Article 6 UNCAC. Available at: [link](#).

<sup>278</sup> Article 7 UNCAC. Available at: [link](#).

<sup>279</sup> Article 9(1) UNCAC. Available at: [link](#).

<sup>280</sup> Article 9(2)(3) UNCAC. Available at: [link](#).

<sup>281</sup> Article 11 UNCAC. Available at: [link](#).

<sup>282</sup> Article 12 UNCAC. Available at: [link](#).

<sup>283</sup> Article 14 UNCAC. Available at: [link](#).

<sup>284</sup> Article 15 UNCAC. Available at: [link](#). Relevant to this provision, Article 2(a) UNCAC provides for a definition of 'public official'.

<sup>285</sup> Article 17 UNCAC. Available at: [link](#).

<sup>286</sup> Article 23 UNCAC.

<sup>287</sup> Article 24 UNCAC.

<sup>288</sup> Article 25 UNCAC.

<sup>289</sup> Article 27 UNCAC. Available at: [link](#).

- Acceptance of **bribes by foreign and international public officials**;<sup>290</sup>
- **Trading in influence**;<sup>291</sup>
- **Abuse of function** by a public official for the purpose of obtaining an undue advantage;<sup>292</sup>
- **Illicit enrichment**.<sup>293</sup>

Within the private sector, State Parties may criminalise bribery in the course of economic, financial or commercial activities<sup>294</sup> and embezzlement of property.<sup>295</sup> State Parties should remove any obstacles posed by bank secrecy laws to investigating corruption.<sup>296</sup> The commission of any of these offences is liable to sanctions, established according to the gravity of the offence.<sup>297</sup> Legal persons can be held liable of corruption-related offences, hence be sanctioned.<sup>298</sup>

Pursuant to the UNCAC, State Parties are also called to adopt measures to protect **whistleblowers**<sup>299</sup> and witnesses in corruption cases.<sup>300</sup> State Parties should provide for remedies for corruption, such as freezing, seizing and confiscating assets,<sup>301</sup> compensating victims<sup>302</sup> and annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.<sup>303</sup> The UNCAC establishes the **appointment of authorities** specialised in combating corruption through law enforcement,<sup>304</sup> and promotes the **cooperation** with and suppliance of information to Law Enforcement Agencies (LEAs) by persons who participate or who have participated in the commission of a corruption-related offence criminalised in the instrument.<sup>305</sup> Lastly, the UNCAC fight against corruption through cooperation at the national level, i.e. between national authorities,<sup>306</sup> and between national authorities and the private sector.<sup>307</sup>

#### International cooperation

**States Parties are obliged to assist each other in cross-border criminal matters.**<sup>308</sup>

International cooperation includes:

- Rules on extradition;<sup>309</sup>
- Transfer of offenders;<sup>310</sup>
- Transfer of criminal proceedings where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution;<sup>311</sup>
- Mutual legal assistance in investigations, prosecutions and judicial proceedings.<sup>312</sup>

<sup>290</sup> Article 16 UNCAC. Available at: [link](#). Relevant to this provision, Article 2(b)(c) UNCAC provides for the definitions of 'foreign public official' and 'official of a public international organisation' respectively.

<sup>291</sup> Article 18 UNCAC. Available at: [link](#).

<sup>292</sup> Article 19 UNCAC. Available at: [link](#).

<sup>293</sup> Article 20 UNCAC. Available at: [link](#).

<sup>294</sup> Article 21 UNCAC. Available at: [link](#).

<sup>295</sup> Article 22 UNCAC. Available at: [link](#).

<sup>296</sup> Article 40 UNCAC. Available at: [link](#).

<sup>297</sup> Article 30 UNCAC. Available at: [link](#).

<sup>298</sup> Article 26 UNCAC. Available at: [link](#).

<sup>299</sup> Article 33 UNCAC. Available at: [link](#).

<sup>300</sup> Article 32 UNCAC. Available at: [link](#).

<sup>301</sup> Article 31 UNCAC. Available at: [link](#).

<sup>302</sup> Article 35 UNCAC. Available at: [link](#).

<sup>303</sup> Article 34 UNCAC. Available at: [link](#).

<sup>304</sup> Article 36 UNCAC. Available at: [link](#).

<sup>305</sup> Article 37 UNCAC. Available at: [link](#).

<sup>306</sup> Article 38 UNCAC. Available at: [link](#).

<sup>307</sup> Article 39 UNCAC. Available at: [link](#).

<sup>308</sup> Article 43 UNCAC. Available at: [link](#).

<sup>309</sup> Article 44 UNCAC. Available at: [link](#).

<sup>310</sup> Article 45 UNCAC. Available at: [link](#).

<sup>311</sup> Article 47 UNCAC. Available at: [link](#).

<sup>312</sup> Article 46 UNCAC. Available at: [link](#).

Additionally, UNCAC promotes State Parties cooperation to enhance the effectiveness of law enforcement action, i.e. through communication channels, assistance in conducting investigations, and exchange of information.<sup>313</sup>

#### Asset recovery

UNCAC lays down a framework to adapt both civil and criminal law of the State Parties in order to facilitate tracing, freezing, forfeiting, and returning funds obtained through corrupt activities. The return of assets is a fundamental principle of UNCAC, and it deserves the widest measure of cooperation and assistance.<sup>314</sup> To this end, UNCAC provides mechanisms for the recovery of properties from corrupt acts committed in other State Parties.<sup>315</sup> The requesting state receives the recovered funds as long as it can prove ownership. In some cases, the funds may be returned directly to individual victims.<sup>316</sup> To conclude, UNCAC promotes international cooperation through the establishment of financial intelligence units<sup>317</sup> and bilateral or multilateral agreements.<sup>318</sup>

#### Technical assistance and information exchange

Lastly, in a dedicated chapter on technical assistance and information exchange, the UNCAC provides that State Parties initiate, develop and improve specific anti-corruption training programmes for its personnel,<sup>319</sup> and promotes the collection, exchange and analysis of information and trends on corruption with a view to developing better policies for combating the problem.<sup>320</sup>

### **7.1.2 Bodies and tools supporting the EU efforts against corruption**

#### **Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office**

Regulation (EU) 2017/1939<sup>321</sup> establishes the **European Public Prosecutor's Office (EPPO)**, which is an independent and decentralised prosecution office of the EU in charge of investigating, prosecuting, and bringing to judgment crimes against the Union's financial interests provided for in the PIF Directive, including corruption. To this end, pursuant to Article 110, such investigations pursued by the EPPO are disciplined by the 1999 Interinstitutional Agreement concerning internal investigations by the European Anti-Fraud Office (OLAF), establishing terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests – such as the duty of every official or servant of EU, therefore including the EPPO, to inform the Head of service, if becoming aware of evidence that gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity detrimental to the interests of the EU.<sup>322</sup>

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<sup>313</sup> Article 48 UNCAC. Available at: [link](#).

<sup>314</sup> Article 51 UNCAC. Available at: [link](#).

<sup>315</sup> Article 53 and 54 UNCAC. Available at: [link](#).

<sup>316</sup> Article 57 UNCAC. Available at: [link](#).

<sup>317</sup> Article 58 UNCAC. Available at: [link](#).

<sup>318</sup> Article 59 UNCAC. Available at: [link](#).

<sup>319</sup> Article 60 UNCAC. Available at: [link](#).

<sup>320</sup> Article 61 UNCAC. Available at: [link](#).

<sup>321</sup> Council Regulation 2017/1939/EU of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office. Available at: [link](#).

<sup>322</sup> Interinstitutional agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF). Available at: [link](#).

### **Box 31 – Cases of corruption involving public officials in 2021**

4% of the EPPO investigations concern active and passive corruption of public officials. The most frequent cases of corruption relate to:

Bribery of project officials in exchange for awarding EU funds to specific companies or approving ineligible and inflated additional costs in the execution of the projects;  
Public officials awarding EU funds to specific companies and approving the payment of an inflated price, significantly higher than the real value of the contracted project;  
High-level public officials in charge of managing the anti-fraud division within an agency managing EU funds in the field of agriculture requesting and receiving bribes for failure to fulfil duties.

*Source: Author's elaboration based on EPPO Annual Report 2021*

The EPPO also engages in international activities, such as with the Working Group on Bribery in International Business Transactions of the OECD.<sup>323</sup>

#### **Decision 1999/352/EC establishing the European Anti-fraud Office (OLAF)**

In 1999 the Commission set up the European Anti-Fraud Office (OLAF).<sup>324</sup> The OLAF has interinstitutional investigative powers to investigate on illegal activities detrimental to the financial interests of the EU, including fraud and corruption.<sup>325</sup> To this end, the OLAF develops the necessary infrastructure, ensure the collection and analysis of information and provides for technical support to the competent national authorities.<sup>326</sup> **Regulation 883/2013 (the "OLAF Regulation")**, repealing Regulation 1074/1999, clarifies rules and procedures for OLAF to conduct internal and external investigations to EU's bodies and institutions, the opening of investigations and investigation procedures. It also lays down rules on the exchange of information between OLAF and Member States' competent authority and for the cooperation of OLAF with Eurojust, Europol, and other international organisations.<sup>327</sup> A further revision of the measure, **Regulation 2020/2223**, aims at strengthening the partnership with of OLAF with EPPO and enhance the effectiveness of its investigative activities.<sup>328</sup>

#### **Regulation 2016/794**

Europol was set up by the Council Act of 26 July 1995 (also known as the Europol Convention) and entered into force in 1998<sup>329</sup> with the aim of supporting and strengthening action by competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States. The agency supports the 27 EU Member States in their fight against terrorism, cybercrime and other serious and organised forms of crime and also works with many non-EU partner states and international organisations. Recently, Regulation (EU) 2022/991 amending Regulation (EU) 2016/794, enables tighter collaboration with private parties and the transfer of pertinent material to Member States in the context of the fight against terrorism, this Regulation seeks to improve the mandate of Europol. The updated mandate enables Europol to analyse massive and intricate databases, enhance collaboration with non-EU partner nations as well as the European Public Prosecutor's Office (EPPO), and assist in the creation of cutting-edge technology that meet the demands of law enforcement. The updates also seek to improve parliamentary supervision of Europol and its data protection framework.

<sup>323</sup> EPPO Annual Report 2021, page 91. Available at: [link](#).

<sup>324</sup> Commission (1999), Decision 1999/352/EC establishing the European Anti-fraud Office (OLAF). Available at: [link](#).

<sup>325</sup> Ivi, art. 2(1).

<sup>326</sup> Ivi, art. 2(5).

<sup>327</sup> EU Parliament and Council (2013), Regulation 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999. Available at: [link](#).

<sup>328</sup> EU Parliament and Council (2020) Regulation 2020/2223 amending Regulation 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations. Available at: [link](#).

<sup>329</sup> Council Act of 26 July 1995 drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention). Available at: [link](#).

## **Regulation 2018/1727**

Eurojust was established by Council Decision 2002/187/JHA and entered into force in 2002<sup>330</sup>. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime which Eurojust is competent to deal with where that crime affects two or more Member States or requires prosecution on common bases.

## **Conditions of accession to the EU**

The EU conducts extensive approval procedures to ensure that countries candidate to the EU membership are able to fully respect and comply with all the EU's standards and rules. Following the verification that candidates meet the key criteria for accession (so-called Copenhagen criteria),<sup>331</sup> candidate countries also have to communicate conditions and timing of the adoption, implementation and enforcement of the EU *acquis*, which is divided into policy fields ('chapters').<sup>332</sup> Besides the general obligation for new joiners to adopt the entire EU *acquis*, which also includes all the EU measures relevant to the fight against corruption (e.g. rules on public procurement, whistleblower protection, etc.), among these, the 'Judiciary and Fundamental Rights' chapter requires that new joiners, in the same way as Member States, commit to fight corruption effectively, i.e. through a solid legal framework and reliable institutions aimed at the adoption of a coherent policy of prevention and deterrence of corruption. Other policy fields relevant to the fight against corruption that candidates must ensure to are on 'Public procurement' and 'Financial control', which requires a commitment by the new joiners to protect the EU's financial interests.<sup>333</sup>

### **7.1.3 Other relevant non-legislative EU initiatives to fight corruption**

In addition to the EU *acquis*, the EU framework is characterised by the **inclusion of corruption as a priority in a number of strategies and non-binding acts**, listed here below.

#### **Box 32 – Non-legislative EU anti-corruption measures**

The EU Security Union Strategy 2020;<sup>334</sup>  
The EU Strategy to tackle organised crime 2021-2025;<sup>335</sup>  
The European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025.<sup>336</sup>

*Source: Author's elaboration*

## **EU Security Union Strategy 2020**

Corruption is also present in the **EU Security Union Strategy 2020**,<sup>337</sup> which establishes four strategic EU-level priorities, namely: (i) developing a future-proof security environment; (ii) tackling evolving threats; (iii) protecting EU citizens from terrorism and organised crime; and (iv) building a strong EU security ecosystem.

The Strategy intends to cover a six-year period from 2020 to 2025 and relies on three methodological tenets: building capabilities and capacities for early detection, prevention and rapid response to crises (*proactive approach*), focusing on results (*performance-driven*

<sup>330</sup> Council Decision 2002/187/JHA replaced and repealed by Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) and replacing and repealing Council Decision 2002/187/JHA. Available at: [link](#).

<sup>331</sup> As defined at the European Council in Copenhagen in 1993, to accede the EU, candidate countries need to have: (i) stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; (ii) a functioning market economy and the capacity to cope with competition and market forces in the EU; (iii) the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.

<sup>332</sup> [Conditions for membership \(europa.eu\)](#).

<sup>333</sup> Available at: [link](#).

<sup>334</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

<sup>335</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

<sup>336</sup> European Council (2021), Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022 – 2025. Available at: [link](#).

<sup>337</sup> European Commission (2020), EU Security Union Strategy. Available at: [link](#).

approach) and linking all players in the public and private sectors in a common effort (*whole-of-society approach*).

- The main points highlighted by the Strategy with regard to corruption are the following:
- The strong linkages between corruption and organised crime is acknowledged;
- The Rule of Law and the European Semester reports on Member States are acknowledged as the chief monitoring mechanism to assess the degree and forms of corruption in national contexts;
- Some problematic, corruption-prone areas are identified: public procurement, public administration, healthcare, and the business environment;
- A multi-stakeholder approach is heavily encouraged at the national level, particularly regarding the involvement of civil society in corruption prevention activities. The same holds for the international, extra-European level: Member States are advised to enhance collaboration with neighbouring regions.

### **EU Strategy to tackle organised crime 2021-2025**

The **EU Strategy to tackle organised crime 2021-2025**<sup>338</sup> also aims to step up anti-corruption measures in the framework of the fight against organised crime.

Reinforcement of anti-corruption procedures through the EU is considered necessary for the accomplishment of "eliminating profits generated by organised crime and preventing infiltration into the legal economy and society".<sup>339</sup>

The key actions planned for the Commission include:

The proposals for a revision of the Confiscation Directive 2014/42/EU<sup>340</sup> and the Council Decision on Asset Recovery Offices;

The assessment of existing EU anti-corruption rules (specifically the Council Framework Decision 2003/568/JHA<sup>341</sup> on combating corruption in the private sector and the 1997 Convention<sup>342</sup> on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union) – **to which this study** will contribute;

The promotion of cooperation and the exchange of information on the link between corruption and organised crime, including through Europol.<sup>343</sup>

Key actions that were planned for the Member States include:

Transpose Directive 2019/1153/44 on facilitating access to financial information before the August 2021 deadline;

Improve the specialisation of law enforcement agencies and the bodies in charge of high-level corruption investigations, prosecutions, and court proceedings.

### **European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025**

The first priority for the fight against serious and organised crime for the **European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025**<sup>345</sup> is the fight against high-risk criminal networks. The fight against corruption is thus understood as a necessary sub-element of this objective, in so far as it constitutes one of the main instruments organised crime employs to infiltrate legitimate economies, public institutions and to erode the rule of law in the Member States. According to the Platform, the first priority, and all its sub-

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<sup>338</sup> European Commission (2021), EU Strategy to tackle Organised Crime 2021-2025. Available at: [link](#).

<sup>339</sup> Ibid, p. 20. Available at: [link](#).

<sup>340</sup> European Council (2014), Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union Available at: [link](#).

<sup>341</sup> European Council (2003), Framework Decision on combating corruption in the private sector. Available at: [link](#).

<sup>342</sup> Convention against corruption involving public officials. Available at: [link](#).

<sup>343</sup> We understand that the second objective is what this study is intended for, i.e. providing a thorough assessment of EU anti-corruption rules in order to identify key issues at stake that affect the fight against corruption in the EU, as well as to identify possible actions to be taken to tackle them.

<sup>344</sup> European Commission (2019), Report from the Commission to the European Parliament and Council on the interconnection of national centralised automated mechanisms (central registries or central electronic data retrieval systems) of the Member States on bank accounts Available at: [link](#).

<sup>345</sup> European Council (2021), Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022 – 2025. Available at: [link](#).

elements such as corruption, should be implemented in a future Operational Action Plan. The Platform also provides a blueprint for the formulation, revision and finalisation of the Plan. In fighting high-risk criminal networks, there is a particular focus on those using corruption, acts of violence, firearms and money laundering through parallel underground financial systems. In this sense, corruption is included as a cross-cutting, horizontal issue that spans across many areas of the fight against organised crime.

### **Rule of Law reports**

Lastly, the yearly **Rule of Law reports**, which the Commission launched in September 2020, are another instrument in the rule of law arsenal of the European institutions. This exercise may be defined as a monitoring tool since it collects data on the condition of the rule of law in each of the 27 EU Member States, while not making specific recommendations. The Commission's approach calls for reporting on four topics in all 27 Member States: (i) judicial systems, (ii) anti-corruption frameworks, (iii) media plurality, and (iv) other institutional challenges connected to checks and balances. This technique emphasises the close engagement of the Member States in the production and follow-up of yearly reports. The second rule of law report was released in July 2021, and the third is scheduled for publication in 2022, with the yearly exercise becoming a permanent mechanism.

## **7.1.4 Relevant monitoring mechanisms**

### **Group of States against Corruption (GRECO)**

The Council of Europe (COE) formed the Group of States against Corruption (GRECO) in 1999 to oversee States' compliance with COE anti-corruption standards.<sup>346</sup> GRECO offers a forum for the exchange of good practices in preventing and detecting corruption, and it aids in pointing out flaws in the country's anti-corruption programmes, spurring legal, institutional, and practical improvements. All Member States are part of GRECO and take part in the mutual evaluation and compliance processes based on voluntary submissions. Monitoring by GRECO includes:

A "**horizontal**" **evaluation process** which results in recommendations intended to advance the essential institutional, legislative, and practical reforms;

A **compliance monitoring procedure** intended to evaluate the steps taken by its members to implement the recommendations.<sup>347</sup>

The GRECO assessment process includes gathering data via questionnaire(s), on-site nation visits that allow evaluation teams to gather additional data during high-level talks with national key actors, and the creation of evaluation reports. Each round of GRECO's evaluations covers a different subject. The independence, specialisation, and resources available to national organisations working to prevent and combat corruption were the focus of GRECO's initial review cycle (2000–2002).<sup>348</sup> It also covered the breadth and depth of public officials' immunity from arrest, prosecution, etc. The identification, seizure, and confiscation of corruption profits, the prevention and detection of corruption in public administration, and the avoidance of the use of legal entities (corporations, etc.) as corruption cloaks were the main topics of the second assessment round (2003–2006).<sup>349</sup> The third review phase, which began in January 2007, concerned the Criminal Law Convention on Corruption (ETS 173), its Additional Protocol (ETS 191) and Guiding Principle 2 (GPC 2) and the transparency of party fundraising.<sup>350</sup> The fourth round was launched in January of 2012 and examines prevention of corruption in respect of members of parliament, judges and prosecutors.<sup>351</sup> The more recent round, launched in March of 2017, centred around the theme of preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies.<sup>352</sup> GRECO's recommendations from rounds IV and V for Member States are further elaborated in Annex 7.5.

### **UNCAC Review Mechanism**

<sup>346</sup> Council of Europe. *Group of States against Corruption*, Council of Europe. Available at: [link](#).

<sup>347</sup> Council of Europe. *Group of States against Corruption*, Council of Europe. Available at: [link](#).

<sup>348</sup> CoE, GRECO – Evaluation Round I. Available at: [link](#).

<sup>349</sup> CoE, GRECO – Evaluation Round II. Available at: [link](#).

<sup>350</sup> CoE, GRECO – Evaluation Round III. Available at: [link](#).

<sup>351</sup> CoE, GRECO – Evaluation Round IV. Available at: [link](#).

<sup>352</sup> CoE, GRECO – Evaluation Round V. Available at: [link](#).

The United Nations Convention Against Corruption includes a review mechanism for its signatories under Chapter VIII of the Convention. Chapter VIII was added to UNCAC during the third session of the Conference of State Parties (CoSP) held in Doha, Qatar, in November 2009.

The Review Mechanism assesses the performance of the State Parties, including all Member States, in advancing the goals of UNCAC. In addition to assessment, the Review Mechanism assists States Parties in the implementation of the convention. The entire process is overseen by the Implementation Review Group (IRG) which operates under the authority of the CoSP. Each State Party to the Convention is reviewed by two peer-states, one from the same UN region and one from another one. The Review Mechanism is conducted in cycles, with each round focusing on respective Chapters of UNCAC. The scope of the first review cycle (2010-2015) was the assessment of State Parties' progress, or lack thereof, on enhancing the goals of Chapters III and IV of the Convention. The second cycle which began in 2015, and is now extended until 2024, covers Chapter II and V (corruption prevention and asset recovery respectively).

### **Country monitoring of the OECD Anti-Bribery Convention**

The OECD Working Group on Bribery employs a strict peer-review monitoring mechanism to keep track of how countries implement and enforce the OECD Anti-Bribery Convention. The Parties to the Convention are subject to peer evaluation; each rated nation is examined by specialists from various Working Group on Bribery nations.<sup>353</sup> Specific established evaluation processes are applied to the monitoring process. Meetings with non-governmental actors are a part of the monitoring process. All assessment reports are made public on the OECD website, and the reviewed nation has no right to veto the final report and recommendations. Country monitoring takes place in several phases:

- Phase 1 evaluates the adequacy of a country's legal framework to fight foreign bribery and implement the Convention.
- Phase 2 assesses whether a country is applying this legislation in practice.
- Phase 3 focuses on enforcement and cross-cutting issues, and unimplemented recommendations from Phase 2.
- Phase 4 focuses on enforcement and cross-cutting issues tailored to specific country needs, and unimplemented recommendations from Phase 3.

Following the adoption of the evaluation report, the OECD Working Group on Bribery monitors the evaluated country's efforts to implement the Working Group's recommendations.

## **7.2 List of discarded policy measures**

<b>Policy Measure</b>	<b>Reason to be discarded</b>
<b>Core problem 1: Repression of corruption in the EU is subject to legislative and operational barriers</b>	
<b>There are legislative issues that hinder the intra-EU effort against corruption and related crimes</b>	
<b>Member States shall ensure that victims of corruption have access to existing schemes of compensation</b>	Discarded for limited expected effectiveness and feasibility. Inputs gathered from National Focus Group #2-#3, Targeted Interview #8.
<b>Establish an EU-wide whistleblowing chatbot</b>	Discarded for limited effectiveness. Input gathered from National Focus Groups #2 and #3 and Targeted Interview #3 and #4
<b>Establish an EU anti-corruption reporting/whistleblower channel</b>	Discarded for limited effectiveness and possible duplication/overlap with existing legislation on whistleblower protection.
<b>Core problem 2: Prevention of corruption in the EU is limited</b>	
<b>Member States' approaches to prevent corruption are inadequate</b>	
<b>Establish minimum rules concerning crime areas that can facilitate corruption</b>	Discarded for limited expected effectiveness along with risk of duplication/overlaps, considering that most of the crime areas identified by international standards are already covered at

<sup>353</sup> OECD (2014), *OECD Foreign Bribery Report: An Analysis of the Crime of Bribery of Foreign Public Officials*, OECD Publishing. Available at: [link](#).



<b>Policy Measure</b>	<b>Reason to be discarded</b>
	the EU level (e.g. fraud that involves EU funds, forgery/counterfeiting of means of payment or documents, money laundering and illicit trafficking of cultural property).
<b>Encourage confidential counselling and training on ethics/integrity for national stakeholders</b>	Included among the tasks to be performed by national anti-corruption authorities.
<b>Develop an AI-based detection system for identifying suspicious asset declarations</b>	Discarded for limited feasibility. Input gathered from National Focus Group #2-#3 and Targeted Interview #4.
<b>Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU</b>	
<b>Establish requirements for the collection and sharing of corruption data</b>	Discarded as overlapping with other measures identified to address the same issue.
<b>Develop a corruption data scorecard to evaluate the adherence of corruption data collection methodologies to international standards</b>	Covered as part of the development of an EU Corruption Index.
<b>Develop a dashboard for a transparent and visual breakdown and disaggregation of corruption index data</b>	Covered as part of the development of an EU Corruption Index.

### 7.3 Comparison between the EU anti-corruption framework and relevant international standards

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
<b>Bribery</b>	<b>Bribery of national public officials</b>	<p><b>Active bribery:</b> the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties (Art. 15(a))</p> <p><b>Passive bribery:</b> the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties (Art. 15(b))</p>	<p><b>Active corruption:</b></p> <ul style="list-style-type: none"> <li>The deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties (1997 Convention, Art. 3)</li> <li>The action of a person who promises, offers or gives, directly or through an intermediary, an advantage of any kind to a public official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests (Directive 2017/1371/EU, Art. 4(2)(b))</li> </ul> <p><b>Passive corruption:</b></p> <ul style="list-style-type: none"> <li>The deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or</li> </ul>	<p><b>Active bribery of domestic public officials:</b> the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions (Art. 2)</p> <p><b>Passive bribery of domestic public officials:</b> the request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions (Art. 3)</p> <p><b>Bribery of members of domestic public assemblies:</b> the conduct referred to in Articles 2 and 3, when involving any person who is a member of any domestic public assembly exercising legislative or administrative powers (Art. 4)</p>	<p><b>Active bribery:</b> intentionally offering, promising or giving any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business (Art. 1)</p>

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
			<p>for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties (1997 Convention, Art. 2)</p> <ul style="list-style-type: none"> <li>The action of a public official who, directly or through an intermediary, requests or receives advantages of any kind, for himself or for a third party, or accepts a promise of such an advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests (Directive 2017/1371/EU, Art. 4(2)(a))</li> </ul>		
	<p><b>Bribery of foreign public officials</b></p>	<p><b>Active bribery of foreign public officials:</b> requires Parties to criminalise the promise, offering or giving to a foreign public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business (Art.</p>	<p><b>Active corruption:</b></p> <ul style="list-style-type: none"> <li>The deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties (1997 Convention, Art. 3)</li> </ul>	<p><b>Bribery of foreign public officials:</b> the conduct referred to in Articles 2 and 3, when involving a public official of any other State (Art. 5)</p> <p><b>Bribery of members of foreign public assemblies</b> the conduct referred to in Articles 2 and 3, when involving any person who is a member of any public assembly exercising legislative or administrative powers in any other State (Art. 6)</p>	

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
		<p>16(1))  <b>Passive bribery of foreign public officials:</b> requires Parties to criminalise the solicitation or acceptance by a foreign public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties (Art. 16(2))</p>	<ul style="list-style-type: none"> <li>• The action of a person who promises, offers or gives, directly or through an intermediary, an advantage of any kind to a public official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests (Directive 2017/1371/EU, Art. 4(2)(b))</li> <li>• <b>Passive corruption:</b></li> <li>• The deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties (1997 Convention, Art. 2)</li> <li>• The action of a public official who, directly or through an intermediary, requests or receives advantages of any kind, for himself or for a third party, or accepts a promise of such an advantage, to act or to refrain from acting in accordance with his duty or</li> </ul>		

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
			<p>in the exercise of his functions in a way which damages or is likely to damage the Union's financial interests (Directive 2017/1371/EU, Art. 4(2)(a))</p>		
	<p><b>Bribery of officials of public international organisations</b></p>	<p><b>Active bribery of officials of public international organisations:</b> requires Parties to criminalise the promise, offering or giving to an official of a public international organisation, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business (Art. 16(1))</p> <p><b>Passive bribery of officials of public international organisations:</b> requires Parties to criminalise the solicitation or acceptance by a public international organisation, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties (Art. 16(2))</p>		<p><b>Bribery of officials of international organisations:</b> the conduct referred to in Articles 2 and 3, when involving any official or other contracted employee, within the meaning of the staff regulations, of any public international or supranational organisation or body of which the Party is a member, and any person, whether seconded or not, carrying out functions corresponding to those performed by such officials or agents (Art. 9)</p> <p><b>Bribery of members of international parliamentary assemblies:</b> the conduct referred to in Article 4 when involving any members of parliamentary assemblies of international or supranational organisations of which the Party is a member (Art. 10)</p>	

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
	<b><i>Bribery of judges of international courts</i></b>		<b>The Convention requires the Parties to criminalise active and passive bribery</b> of members of the Court of Justice and the Court of Auditors of the European Communities in the exercise of their duties (1997 Convention, Art. 4))	<b>Bribery of judges and officials of international courts:</b> the conduct referred to in Articles 2 and 3 involving any holders of judicial office or officials of any international court whose jurisdiction is accepted by the Party (Art. 11)	
	<b><i>Bribery in the private sector</i></b>	<b>Active bribery in the private sector:</b> the promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting (Art. 21(a)) <b>Bribery in the private sector:</b> the solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting (Art. 21(b))	<b>Active corruption:</b> promising, offering or giving, directly or through an intermediary, to a person who in any capacity directs or works for a private-sector entity an undue advantage of any kind, for that person or for a third party, in order that that person should perform or refrain from performing any act, in breach of that person's duties (FD 2003/568/JHA, Art. 3(a)) <b>Passive corruption:</b> directly or through an intermediary, requesting or receiving an undue advantage of any kind, or accepting the promise of such an advantage, for oneself or for a third party, while in any capacity directing or working for a private-sector entity, in order to perform or refrain from performing any act, in breach of one's duties (FD 2003/568/JHA, Art. 3(b))	<b>Active bribery in the private sector:</b> the promising, offering or giving, directly or indirectly, of any undue advantage to any persons who direct or work for, in any capacity, private sector entities, for themselves or for anyone else, for them to act, or refrain from acting, in breach of their duties (Art. 7) <b>Passive bribery in the private sector:</b> the request or receipt, directly or indirectly, by any persons who direct or work for, in any capacity, private sector entities, of any undue advantage or the promise thereof for themselves or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in breach of their duties (Art. 7)	

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
<b>Trading in influence</b>		<p><b>Active trading in influence:</b> the promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person (Art. 18(a))</p> <p><b>Passive trading in influence:</b> the solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage (Art. 18(b))</p>		<p><b>Trading in influence:</b> the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person referred to in Articles 2, 4 to 6 and 9 to 11, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result (Art. 12)</p>	

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
<b>Embezzlement</b>	<b><i>Embezzlement, misappropriation or other diversion of property by a public official</i></b>	The Convention requires the Parties to criminalise <b>embezzlement, misappropriation or other diversion by a public official</b> for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position (Art. 17)	<p>Directive 2017/1371 requires Member States to punish:</p> <ul style="list-style-type: none"> <li>Any act or omission relating to the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the <b>misappropriation or wrongful retention</b> of funds or assets from the Union budget or budgets managed by the Union, or on its behalf (Directive 2017/1371/EU, Art. 3)</li> <li>The <b>misapplication</b> of such funds or assets for purposes other than those for which they were originally granted (Directive 2017/1371 (Art. 3(2)(a)(iii))</li> </ul> <p><b>Misappropriation:</b> the action of a public official who is directly or indirectly entrusted with the management of funds or assets to commit or disburse funds or appropriate or use assets contrary to the purpose for which they were intended in any way which damages the Union's financial interests (Directive 2017/1371/EU (Art. 4(3))</p>		
	<b><i>Embezzlement of property in the private sector</i></b>	The Convention provides for the offence of <b>embezzlement by a person who directs or works, in any capacity, in a private sector entity</b> of any property, private funds or securities or any other thing of			



General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
		value entrusted to him or her by virtue of his or her position (Art. 22)			
<b>Abuse of functions</b>		<b>Abuse of functions or position:</b> the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity (Art. 19)			
<b>Illicit enrichment</b>		<b>Illicit enrichment:</b> a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income (Art. 20)			
<b>Laundering of proceeds of crime</b>		<b>Laundering of proceeds of crime:</b> (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action; (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime (Art. 23(1)(a))		The Convention requires the Parties to criminalise <b>money laundering of proceeds from corruption offences</b> , when the predicate offence consists of any of the criminal offences established in accordance with Articles 2 to 12 of the Convention, to the extent that the Party has not made a reservation or a declaration with respect to these offences or does not consider such offences as serious ones for the purpose of their money laundering legislation (Art. 13)	

General provisions	Specific provisions	UNCAC	EU <i>acquis</i>	CoE Convention	OECD Convention
<b>Concealment</b>		The Convention requires the Parties to criminalise the <b>concealment or continued retention of property</b> when the person involved knows that such property is the result of any of the offences established in accordance with the Convention (Art. 24)	Directive 2017/1371/EU requires Member States to punish <b>wrongful retention of funds or assets</b> from the Union budget or budgets managed by the Union, or on its behalf (Directive 2017/1371/EU, Art. 3(2)(a)(i))	The Convention requires Party to criminalise acts or omissions, when committed intentionally, in order to <b>commit, conceal or disguise</b> the offences referred to in Articles 2 to 12 (Art. 14)	
<b>Obstruction of justice</b>		<p><b>Obstruction of justice:</b></p> <ul style="list-style-type: none"> <li>The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention (Art. 25(a))</li> <li>The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention (Art. 25(b))</li> </ul>			

*Source: Author's elaboration*

## 7.4 Cross-cutting challenges for Member States

Figure 16 below presents an overview of the main cross-cutting challenges, sorted by type of issues – i.e. legislative, implementation and operational. In addition to this threefold distinction, most of identified challenges relate to specific forms, dimensions and enablers of corruption, including whistleblower protection, lobbying, asset declaration, revolving doors, conflict of interest (which includes training in ethics and integrity for public officials), political party financing and bribery.

Unless otherwise specified, the source of the information presented in this section are the Rule of Law Reports 2020<sup>354</sup> and 2021.<sup>355</sup> If additional sources have been used, they are duly reported in the footnotes, including reports published by UNCAC and GRECO. As for UNCAC, the most updated data have been considered, including those from the second cycle of evaluation (2015-2024). During this cycle, only five reports were published (BE, DE, IT, PL, SI) and, with the exception of Italy, only the Executive Summary of such reports is available. With regard to GRECO, the assessment considered the Compliance Reports issued within the Fourth and Fifth Evaluation Round, which are available respectively for all Member States<sup>356</sup> and for 14 Member States (BE, DK, EE, ES, FI, FR, HR, LU, LV, NL, PL, SE, SI, SK).<sup>357</sup>

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<sup>354</sup> EC. 2020. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>355</sup> EC. 2021. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>356</sup> GRECO. Fourth Evaluation Round. Available at: [link](#).

<sup>357</sup> GRECO. Fifth Evaluation Round. Available at: [link](#).

**Figure 16 - Cross-cutting challenges for Member States**

Challenge	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	Tot	
<b>Legislative challenges</b>																													<b>26</b>
<b>Whistleblowers</b>																													<b>21</b>
Lack of legislation dedicated to whistleblower protection																													
<b>Lobbying</b>																													<b>21</b>
Lack of any legislation on lobbying																													
Lack of lobbying register																													
Lack of a lobbying legislative footprint																													
<b>Asset declaration</b>																													<b>15</b>
Lack of the duty to disclose assets for public officials																													
Lack of the duty to disclose asset for immediate family members of public officials																													
Limited effectiveness of verification system																													
<b>Revolving doors</b>																													<b>13</b>
Lack of or narrow legislation on revolving doors																													
<b>Conflict of interests</b>																													<b>10</b>
Lack of or narrow legislation on conflicts of interests																													
Lack of code of conduct for judges																													
<b>Political party financing</b>																													<b>9</b>
Lack or limited legislation on party funding																													
<b>Implementation challenges</b>																													<b>23</b>
Limited reporting of (potential) corruption cases																													
Limited application of protection measures for whistleblowers																													
Limited independence of public authorities (LEAs, judicial and independent agencies)																													
Excessive length of prosecution procedures																													
Lack of a national anti-corruption plan																													
Lack of an effective verification of asset declarations																													
Limited monitoring/enforcement of rules on conflicts of interests																													
<b>Operational challenges</b>																													<b>25</b>
Lack of resources dedicated to fight against corruption																													
Limited prosecution/convictions of high-profile corruption cases																													
Lack of expertise for public authorities																													
Lack of trainings on ethics and integrity targeted at public officials																													
Lack of a confidential counseling service for public officials on integrity																													

■ Rule of Law 2020-21
 ■ GRECO Round IV and V
 ■ UNCAC Second Cycle

Source: Author's elaboration based on Rule of Law 2021 Country Chapters, GRECO's Fourth and Fifth Evaluation Round and National Reports from UNCAC's Second Cycle of Evaluation

## 7.5 Country fiches

The country fiches were composed primarily with information from three main sources, the country GRECO, UNCAC and Rule of Law reports. The text in red indicates identified challenges. The green text rather indicates good practices.

### Austria

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• Federal Ministry of the Interior and its Federal Bureau of Anti-Corruption (BAK) and Criminal Intelligence Service (BK)</li> <li>• Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice</li> <li>• Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (Wirtschafts - und Korruptionsstaatsanwaltschaft – WKStA)</li> <li>• Court of Audit</li> <li>• Federal Disciplinary Authority</li> </ul>
	National Anti-Corruption Strategy (NAS)	<ul style="list-style-type: none"> <li>• The National Anti-Corruption Strategy was adopted in 2018.,The NAS was put into action in 2019 with the adoption of the Operation Plan for the years 2019-2020. Under the direction of the Federal Ministry of the Interior, in particular the Federal Bureau of Anti-Corruption (BAK), and the Federal Ministry of Constitutional Affairs, Reforms, Deregulation, and Justice, the NAS was developed with the participation of relevant stakeholders from public administration, civil society, and business. At the heart of the strategy is a commitment to – and promotion of – integrity, particularly within the public administration; a desire to work at national and worldwide levels; and the implementation of public and private sector awareness-raising efforts<sup>358</sup></li> <li>• The implementation of the National Anti-Corruption Strategy is ongoing, but some delays were registered during the COVID-19 pandemic. For instance, the activities of the Federal Bureau of Anti-corruption conducted through its Network of Integrity Officers could not be fully implemented, as all traditional forms of its in-classroom training had to be suspended</li> </ul>
Relevant anti-corruption initiatives	Bribery	On November 18, 2020, the Council of Ministers adopted a new Code of Conduct for the prevention of corruption in the civil service (Verhaltenskodex zur Korruptionsprävention im öffentlichen Dienst), which provides instructions to public service employees on how to deal with bribery attempts, gifts and invitations
	Conflicts of interests	<ul style="list-style-type: none"> <li>• The 2020 new Code of Conduct for the prevention of corruption in the civil service advises public employees and managers on how to handle complying and non-compliant behaviours, as well as presenting examples of both</li> <li>• The Court of Audit has launched public audits related to the COVID-19 pandemic, which focused on key areas of risks, including on the structure and financial scope of the aid measures. Prosecution services highlighted procurement of healthcare equipment and material as a specific risk area</li> <li>• Measures to effectively address integrity risks for Members of Parliament continue to be limited</li> </ul>
	High-level corruption	<ul style="list-style-type: none"> <li>• The Central Public Prosecutor's Office for Combating Economic Crimes and Corruption has stepped up its investigations into high-level political corruption in the wake of recent high-profile political scandals involving individual prosecutors who have been subjected to negative public narratives from politicians</li> </ul>

<sup>358</sup> Federal Bureau of Anti-Corruption. National Anti-Corruption Strategy. Available at: [link](#).

Item	Sub-item	
		<ul style="list-style-type: none"> <li>• 32 new cases of alleged corruption recorded in 2020</li> <li>• Prosecutors' burdensome reporting obligations cause delays and reduce the effectiveness of anti-corruption investigations: WKStA prosecutors must report to the Senior Public Prosecutor's Office in Vienna three working days in advance before initiating procedural steps, according to a strengthened obligation introduced in 2019. Investigations are delayed as a result of such reporting practices</li> </ul>
	Asset declaration	<p>According to national legislation in place, members of Parliament are not obliged to declare publicly their assets, interests, debts, liabilities or any other economic interests, including company investments</p>
	Revolving doors	<ul style="list-style-type: none"> <li>• Legislative proposals to introduce a cooling-off period of 18 months were tabled in 2019. According to these proposals, anyone who has worked for or held a position in a government party in the past 5 years could only be appointed to a management or control function in a government-related company after this cooling-off period</li> <li>• The 2020 new Code of Conduct for the prevention of corruption in the civil service explains how to cope with secondary employment and association activities reporting obligations</li> <li>• The government programme for 2020-24 includes plans to introduce a cooling-off period for members of Government to become members of the Constitutional Court</li> </ul>
	Lobbying	<ul style="list-style-type: none"> <li>• The Austrian Transparency Act 2013 for Lobbying and Interest Representation is primarily concerned with increasing openness and transparency when asserting interests by influencing legislative and executive authorities. The expression of individual or group interests through influencing government officials is, in principle, value neutral. Provisions on lobbying are addressed to elected officials and people entrusted with high executive tasks under the Act on Incompatibilities and Transparency and the Act on Transparency of Lobbying and Interest Representation. <b>The Lobbying and Advocacy Transparency Act does not apply to political parties</b></li> <li>• The Lobbying and Advocacy Register was created in 2013. However, information concerning concrete lobbying activities (especially lobbying contracts) is available by law only to decision-makers who have been lobbied, not to the public. Only Specialist Lobbying Companies, In-House-Lobbyists, Self-Governing Bodies and interest groups ('Interessenverbände') have to register and single contacts do not have to be reported</li> <li>• In 2019, the Court of Audit recommended an evaluation of the Lobbying Act in order to examine how international standards on lobbying could be considered more comprehensively, including the introduction of a legislative footprint. The Federal Ministry of Justice has set up a working group in autumn 2020 to examine possible improvements of the Lobbying Act. The lobbying legislation is currently under examination<sup>359</sup></li> <li>• The 2020 new Code of Conduct for the prevention of corruption in the civil service advises public employees and managers on how to handle lobbying</li> </ul>
	Whistleblowing	<ul style="list-style-type: none"> <li>• Austria set up a whistleblower reporting tool in 2013 under the operation of the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption. Data from 31 December 2020 show that over 10.945 potential criminal offences were reported in the system since the launch of the tool. 7.097 of all reports involved the installation of a secure mailbox Only very small proportion were found to be reported without justification (under 5%)</li> <li>• Whistle-blowing reporting tool: it has a very low number of unjustified reports and a high number of reports in general</li> </ul>

<sup>359</sup> Austrian Parliament, 'Bericht des Rechnungshofes betreffend Lobbying- und Interessenvertretungs-Register – Reihe BUND 2019/45 (III-65 d.B.)

Item	Sub-item	
Funding to political parties	<ul style="list-style-type: none"> <li>In the 2020-2024 Programme, the Government committed to undertake reforms to strengthen political party financing control</li> <li>So far, no concrete steps have been taken to strengthen political party financing control</li> </ul>	

Recommendations		Implementation Status
GRECO – Evaluation Round IV	Corruption prevention in respect of members of parliament	
	Increase transparency and extend consultation for the legislative process	Fully implemented.
	Introduce code of conduct for member of Parliament	Partly implemented.
	Clarify asset declaration specifics for members of Parliament and introduce ad hoc disclosure of information when someone is involved in a corruption case	Partly implemented.
	Provide internal rules and guidance within Parliament on the acceptance, valuation and disclosure of gifts, hospitality and other advantages	Not implemented.
	Introduce guidelines for members of Parliament to regulate their contacts with lobbyists	Not implemented.
	Widen the scope of asset declaration duty, to include immediate family members of legislative officials	Partly implemented.
	Establish an independent authority tasked with monitoring asset declarations	Not implemented.
	Enhance sanctions for breaking the code of conduct for members of Parliament, inform the public of such breaches.	Not implemented.
	Corruption prevention in respect of judges	
	Modify recruitment requirements for judges	Not implemented.
	Ensure that all relevant categories of judges, including lay judges, are bound by a Code of conduct	Partly implemented.
	Introduce a system of periodic appraisals be introduced for judges, including the presidents of the courts.	Not implemented.
	Introduce a training system for judges and prosecutors	Partly implemented.

## Belgium

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Central Office for the Repression of Corruption (CDBC-OCRC)</li> <li>Committee P (the external independent oversight body of the police forces)</li> <li>Court of Audit</li> <li>Interfederal Corps of the Inspectorate of Finance</li> <li>Federal Public Service for Policy and Support</li> <li>the Financial Information Processing Unit</li> </ul>

Item	Sub-item	
		<p>the Bureau of Administrative Ethics and Deontology (BEDA). However, the organisational, financial and operational independence of BEDA has been questioned. <b>Belgium lacks a mandated coordinating entity for the plan of action in line with the Convention.<sup>360</sup></b>  <b>lack of independence for entities tasked with corruption monitoring (BEDA).<sup>361</sup></b></p>
	National Anti-Corruption Strategy	<p>The Criminal Code criminalises both public and private bribery, passive and active bribery, and bribery of national and foreign public officials. Any civil servant who, in the exercise of his functions, becomes aware of a crime or an offence (in particular corruption), must inform the public prosecutor and transmit all related information.</p> <p><b>Belgium should finalize and adopt the new integrity plan of action and ensure that it is in line with the Convention.<sup>362</sup></b></p>
	Perceived level of corruption in the public sector	<ul style="list-style-type: none"> <li>• The perception among experts and business executives is that the level of corruption in the public sector remains relatively low.</li> <li>• In the 2020 Corruption Perceptions Index by Transparency International, Belgium scores 76/100 and ranks 5th in the European Union and 15th globally. This perception has been relatively stable over the past five years</li> </ul>
Relevant legislative and policy initiatives	Foreign bribery	<p>According to the most recent OECD recommendations, Belgium addressed the issue of criminal liability of legal persons, however, shortcomings have been identified regarding the limitation period for comprehensive and in-depth investigations and prosecution of foreign bribery cases.</p>
	Conflicts of interests	<ul style="list-style-type: none"> <li>• Federal public servants are bound to respect the code of conduct adopted in July 2018. However, Ministers and members of their cabinets are still out of the scope of these rules. GRECO considered that recommendations in this regard have not yet been fully implemented. Some measures are envisaged in the area of preventing conflict of interests for Ministers and their advisors.</li> <li>• Conflicts of interest are regulated by different legal acts, each foreseeing specific mechanism dedicated to their field of action. For instance, the royal decree of 2 October 1937 covers the status of State employees to avoid placing themselves in a situation of conflict of interest, whereas the law of 17 June 2016 regulates public markets. While rules on conflicts of interest for members of Parliament are covered by the Codes of Deontology, clear rules governing the employment of members of strategy units are lacking. There are no procedures for checking the integrity of members of strategy units and no arrangements for avoiding possible conflicts of interest arising from their other activities, except for those already subject to the Code of Conduct for public office holders.</li> <li>• Belgium does not provide adequate training programmes on new policy, when introduced, mainly due to scarcity of resources assigned to training.<sup>363</sup></li> <li>• Integrity rules for members of Parliament are in place, however, shortcomings identified with regards to rules on gifts and benefits have not been addressed. Members of Parliament need to comply with the Parliament's own Code of Deontology, but not all shortcomings identified by GRECO have been addressed. This is specifically the case for benefits and gifts received by members of Parliament, since no comprehensive rules have been adopted for this yet<sup>364</sup></li> </ul>

<sup>360</sup> UNCAC. 2020. Review of implementation of the UN Convention against Corruption – Belgium. Available at: [link](#).

<sup>361</sup> Ivi.

<sup>362</sup> Ivi.

<sup>363</sup> Ivi.

<sup>364</sup> Ivi.



Item	Sub-item	
		<ul style="list-style-type: none"> <li>• BEDA and the University of Louvain collaborated on a survey on workplace integrity in a wide number of government entities. The survey's findings have prompted the implementation of tangible steps aimed at developing a strong government integrity policy.</li> <li>• As part of the government's integrity policy for sensitive positions, it is required to provide training on the topic of integrity and to examine organizational processes by implementing a double signature system, job separation, and job rotation.<sup>365</sup></li> </ul>
High-level corruption		<p>Members of Parliament need to comply with the Parliament's own Code of Deontology, but not all shortcomings identified by GRECO have been addressed. This is specifically the case for benefits and gifts received by members of Parliament, since no comprehensive rules have been adopted for this yet</p> <p>Lack of training programmes for public officials concerning codes of conduct and ethics<sup>366</sup></p>
Asset declaration		<ul style="list-style-type: none"> <li>• Some measures are envisaged in the area of preventing conflict of interests for Ministers and their advisors. Federal public servants are bound to respect the code of conduct adopted in July 2018. However, Ministers and members of their cabinets are still out of the scope of these rules. The Group of States against Corruption of the Council of Europe (GRECO) considered that recommendations in this regard have not yet been fully implemented.</li> <li>• Pursuant to the law of 2 May 1995, officials are required to file their declarations at the registry of the Court of Audit. A law issued on 14 October 2018 has considerably extended the scope of the obligation to submit a list of mandates, positions, professions and assets. As of January 2019, remunerated members of the boards of directors, the advisory councils and the management committees of the legal entities over which the Government exercises influence will also have to declare their mandates.</li> <li>• Not sufficiently strong monitoring system for disclosure of assets and interests<sup>367</sup></li> </ul>
Revolving doors		<p>Rules on "revolving doors" for members of the Parliament and public officials are generally adequate, shortcomings remain as regards rules included in the code of conduct for top executive functions. Almost no rules exist for Ministers and members of their cabinets</p>
Lobbying		<ul style="list-style-type: none"> <li>• Certain gaps remain as regards lobbying rules for members of Parliament and rules for interactions between individuals with top executive functions and lobbyists. According to the rules in force, lobbyists need to sign and comply with certain rules of conduct when they aim to directly or indirectly influence the policy-making. The recommendation of GRECO to adopt rules for interactions between members of Parliament and lobbyists as well as rules governing the relationship between some top executive functions and lobbyists has not been taken up yet.</li> <li>• New lobbying provisions were introduced to the House of Representatives in July 2018. Persons representing certain organisations and carrying out activities aimed at directly or indirectly influencing policies, the implementation of policies or decision-making of the House of Representatives are required to sign and undertake to comply with certain rules of conduct. This is a measure designed to increase transparency and reduce conflicts of interest. The lobbying register is published on the website of the House. However, rules for interactions by parliamentarians with lobbyists are yet to be adopted and there are no rules governing the relationship between some top executive functions and lobbyists and other</li> </ul>

<sup>365</sup> Ivi.

<sup>366</sup> Ivi.

<sup>367</sup> Ivi.

Item	Sub-item	
		third parties. GRECO has therefore recommended the introduction of rules and guidelines on how persons exercising top executive functions should manage such contacts.
	Whistleblowers	No comprehensive whistleblowers legislation is in place as yet. The Government coalition agreement foresees the approval of comprehensive rules to protect whistleblowers, specifically mentioning the protection of civil servants who report misconduct in good faith by the end of 2021.
	Funding to political parties	In 2021, the Senate adopted an amendment to Article 16bis of the Law of 4 July 1989 on the financing of political parties. The new provision regulates the issue of foreign donors as also recommended by GRECO.

Recommendations		Implementation Status
GRECO – Evaluation Round V (2020)	Corruption in central governments	
	Introduce a co-ordinated strategy be drawn up, based on a risk analysis, aimed at promoting the integrity of persons performing top executive functions.	Not implemented.
	Adopt an ethical code for ministers and steps be taken to ensure that members of strategy units/private offices are subject to a clear and harmonised ethical framework, and (ii) ensure its enforcement.	Not implemented.
	Ensure top executive officials have access to confidential advice and training on ethics.	Partial implementation. Training has been introduced (implementation in 2022) for staff of the strategy units of ministers and secretaries of state but not for ministers, who do not have access to similar training.
	Ensure that strategy units/private offices are made clearly subject to the legislation on administrative disclosure of information.	Not implemented.
	Ensure that documents produced by the government, ministers and their strategy units/private offices are kept in an appropriate manner and that they are available to their successors to ensure that affairs are properly conducted.	Not implemented.
	Ensure an appropriate level of public consultation on government draft legislation and make the results of public consultations public online in due time.	Not implemented.
	Introduce rules and guidelines on lobbying	Not implemented.
	Introduce an ad hoc reporting instrument for executive officials in case a conflict of interest situation may present itself.	Not implemented.
Introduce legislation on gifts and benefits for top executive officials	Not implemented.	

Recommendations		Implementation Status
	Improve the legislation on asset declaration to include debts and liabilities as well as assets and interests of direct family members. Make public the declarations for executive officials (not for family members)	Not implemented.
<b>Preventing corruption and promoting integrity in the federal police</b>		
	Improve resources allocated for the Commissioner General/Integrity department.	Fully implemented.
	Update the Code of Conduct and introduce a mechanism ensuring regular updates.	Fully implemented.
	Improve the integrity check on law enforcement members by making them mandatory for any promotion and periodical	Not implemented.
	Introduce rule regulating external activities of law enforcement members	Not implemented.
	Introduce asset declaration for members of law enforcement	Not implemented.
	Ensure that the internal control department is given the resources to combat corruption actively and to offer meaningful statistical oversight of disciplinary cases in the federal police.	Not implemented.

GRECO – Evaluation Round IV	Recommendations	Implementation Status	
	<b>Corruption prevention in respect of members of parliament</b>		
	Ensure that consistent and effective regulations are in place for members of Parliament in respect of gifts, donations and other benefits accepted by them. Introduce rules on foreign donations.	Partly implemented.	
	Introduce rules for Members of Parliament on how to engage in relations with lobbyists.	Partly implemented.	
	Widen the scope of legislation on asset declaration to include family members of members of Parliament	Partly implemented.	
	Give public access to asset declaration of members of Parliament	Partly implemented.	
	Introduce sanctions for breached of the code of conduct	Partly implemented.	
	Enhance integrity training for members of Parliament	Partly implemented.	
	<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that to the widest possible extent, the judges concerned at federal and regional level be subject to appropriate safeguards and rules as regards their independence, impartiality, integrity (professional conduct, conflicts of interest, gifts, etc.), supervision and the applicable sanctions	Partly implemented.	
	GRECO recommended reforming the conditions for the appointment of substitute judges in accordance with Article 87 of the Judicial Code (and possibly of substitute "magistrats" in accordance with Article 156bis of the Judicial Code) to perform the functions of judge or prosecutor.	Partly implemented.	
	GRECO recommended that an assessment of the arrangements for assigning cases between judges be carried out in due course.	Not implemented.	

	GRECO recommended that the compendia of rules of conduct (applying to judges and prosecutors) be combined into a single text and that all necessary further measures be taken to ensure that these rules are clearly binding on all judicial court judges and prosecutors, whether professional or not.	Fully implemented.
	GRECO recommended that the High Council of Justice introduce periodic general reports on the functioning of the courts and the prosecution service and, at the same time, expand its audit and investigation activities.	Partly implemented.
	GRECO recommended that measures be taken to ensure that reliable and sufficiently detailed information and data are kept on disciplinary proceedings concerning judges and prosecutors, including possible publication of the relevant case-law, while respecting the anonymity of the persons concerned.	Partly implemented.

## Bulgaria

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• Commission for Counteracting Corruption and Illegal Assets Forfeiture (Anti-Corruption Commission)</li> <li>• The Anti-corruption Commission has faced a number of challenges since its establishment. A series of highly publicised scandals took place in the spring of 2019, involving the purchase of private properties at below market value by high-level officials.</li> <li>• The latest annual report of the Anti-corruption Commission highlights challenges in the area of human resources with 100 empty vacancies out of 477 staff in total (representing more than 20%) . This could have a potential impact on the effectiveness of the Anti-corruption Commission. The authorities indicated that measures have been taken to remedy the situation. The latest Eurobarometer survey shows that only 18% of Bulgarian respondents trust the Anti-corruption Commission to deal with a case of corruption, a decrease of 4% compared to previous years</li> <li>• Specialised Criminal Courts</li> </ul>
	National Anti-Corruption Strategy	<ul style="list-style-type: none"> <li>• The new anti-corruption strategy for 2021-2027 was adopted in March 2021. Drawing on lessons from the previous strategy, new priorities have been established as regards high-risk sectors, including strengthening capacity to combat corruption; increasing accountability of local authorities; and creating an environment against corruption capable of timely responses</li> <li>• The Action Plan adopted in November 2020 to address certain challenges expressed in the 2020 Rule of Law Report also covers issues related to corruption. The Action Plan aims to improve investigations and to continue reinforcing operations of the Anti-Corruption Commission</li> <li>• In 2017 and 2018, Bulgaria carried out a comprehensive reform of its legal and institutional anti-corruption frameworks. Through the merging of several existing structures, the reform established the Commission for Counteracting Corruption and Illegal Assets Forfeiture (hereinafter the Anti-corruption Commission). The competence for high-level corruption cases was transferred to the Specialised Criminal Court while the investigation of such cases is carried out under the supervision of the Specialised Prosecutor's Office. The current anti-corruption strategy covers the period 2015-2020 and a new strategy for 2021-2027 is under preparation. The fight against corruption has been declared a main priority of the Government in its 2017-2021 programme. At the same time, protests that erupted in summer 2020 show discontent in society with the lack of progress in effectively fighting corruption. The protests led to the resignations of five ministers in July and September 2020</li> </ul>
Relevant	Foreign bribery	Only natural persons can bear criminal responsibility in Bulgaria. Legal entities can only be subject to administrative (non-criminal sanctions) pursuant to the Administrative Offences and Penalties Act. The complex and formalistic Bulgarian system of criminal procedural law has been highlighted by different reports and analyses over the years as an obstacle to the effective

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		investigation and prosecution of high-level corruption. This has also been raised by the Anti-Corruption Fund Foundation, which pointed out that the formalism of the criminal proceedings prevents the development of innovative and original investigation strategies. The contribution of the national authorities highlights several deficiencies in the legal framework, including the encouragement of bona fide procedural behaviour by excluding criminality or imposing lighter sentences in the cases where the persons committing a bribery offence voluntarily report it and cooperate with the investigating authorities
	Conflicts of interests	There is limited evidence as to the effectiveness of measures related to the integrity of the public administration. The enforcement of the code of conduct of civil servants is under the responsibility of institutional disciplinary commissions within each public service.
	High-level corruption	Despite increased investigative activity, results in final high-level corruption convictions remain low with no solid track-record of final convictions
	Asset declaration	A verification system for asset declaration and conflict of interest is in place. In 2020, the Anti-Corruption Commission conducted 21,587 verifications of declarations of property and interests of persons holding senior public positions (compared to 9,900 verifications conducted in 2019), including those of persons who participated in the local elections
	Revolving doors	No information available
	Lobbying	Lobbying still lacks dedicated regulation. Although regulation of lobbying is part of the national action plan in response to the 2020 Rule of Law Report Lobbying is not regulated in Bulgaria. There are no specific obligations for registration of lobbyists or reporting of contacts between public officials and lobbyists
	Whistleblowers	There is no specific law on protection for whistleblowers.
	Funding to political parties	An amendment to the political parties financing rules has been adopted aiming at addressing international recommendations on the issue of foreign donors. On 21 May 2021, the Senate adopted an amendment to Article 16bis of the Law of 4 July 1989 on the financing of political parties. The new provision regulates the issue of foreign donors as also recommended by GRECO.

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended carrying out an independent evaluation of the effectiveness of the system for disclosure and ascertainment of conflicts of interest and of its impact on the prevention and detection of corruption amongst officials most exposed to it, including MPs, and taking appropriate corrective action (e.g. eliminating any contradictions in the regulatory framework, revising the mandates of responsible oversight bodies, supplying them with commensurate resources, etc.)	Fully implemented.
GRECO recommended ensuring that MPs' private interests – irrespective of whether they are declared regularly or ad hoc – are subject to substantive and regular checks by an independent oversight body within a reasonable timeframe and that an efficient co-operation is established between the authorities supervising MPs' compliance with the rules on conflicts of interest and on asset disclosure	Fully implemented.	

	GRECO recommended carrying out an independent evaluation of the impact of the asset disclosure and verification system on the prevention and detection of corruption amongst officials most exposed to it, including MPs, and taking appropriate corrective action (e.g. revising the mandate of the oversight body, supplying it with 3 commensurate resources or designating, as the need may be, another institution equipped with adequate means for this purpose)	Fully implemented.
	GRECO recommended ensuring that MPs' declared assets are subject to substantive regular checks by an independent oversight body within a reasonable timeframe	Fully implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that, in order to help the Supreme Judicial Council to fully assert its legitimacy and credibility and to strengthen its role as guarantor of the independence of judges, decisions on judges' appointment, career, attestation and discipline should be taken by a composition of the Council that is made up of a majority of judges elected by their peers.	Partly implemented.
	GRECO recommended that the judicial independence be further strengthened by i) substantially reducing the five-year term established for judges acquiring life tenure; and ii) introducing a distinct methodology for a rigorous and in-depth evaluation of qualifications, integrity, ability and efficiency of a judge for the purpose of acquiring life tenure.	Partly implemented.
	GRECO recommended that the application of supplementary remuneration within the judiciary be subject to clear, objective and transparent criteria.	Partly implemented.
	GRECO recommended that i) the integrity, conflicts of interest and corruption prevention component of the compulsory induction training provided to junior judges and judges subject to initial appointment be strengthened; and that ii) the professional in-service training on integrity, conflicts of interest and corruption 6 prevention within the judiciary be prioritised and properly funded, and guidance and counselling on judicial ethics be made available to all judges	Fully implemented.
	GRECO recommended that the integrity, conflicts of interest and corruption prevention component of the compulsory induction training provided to junior prosecutors and prosecutors subject to initial appointment be strengthened and that guidance and counselling on judicial ethics be made available to all prosecutors.	Fully implemented.

## Croatia

Item	Sub-item	
<b>Institutional set-up</b>	Key actors	<ul style="list-style-type: none"> <li>The Ministry of Justice and Public Administration</li> <li>The Council for the Prevention of Corruption</li> <li>The Office for the Suppression of Corruption and Organised Crime (USKOK)</li> <li>National Police Office for the Suppression of Corruption and Organised Crime (PNUSKOK)</li> <li>The new High Criminal</li> <li>The Ombudsperson's office</li> </ul>
	National Anti-Corruption Strategy	A new Anti-Corruption Strategy 2021-2030 is in public consultation, while the previous Strategy has expired. The main focus areas of the strategy will be on prevention, strengthening the institutional and legal framework for fighting corruption, raising

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		<p>awareness on the harmfulness of corruption in the general public, increasing transparency of the work of public bodies and improving integrity systems in numerous priority areas.</p> <p>The institutional framework to fight corruption has undergone some institutional reorganization to increase efficiency. On 22 July 2020, the Ministry of Justice and the Ministry of Public Administration were merged into the Ministry of Justice and Public Administration. This new structure aims to improve the work of the Sector for the Prevention of Corruption, which now includes two new organizational units</p>
Relevant legislative and policy initiatives	Foreign bribery	<p>The current draft proposal of the Anti-Corruption Strategy 2021-2030, which is in public consultation, foresees a specific milestone to improve the framework for fighting bribery in international business transactions. In this context, the draft strategy proposes that the legislative framework on immunity for members of the Government is to be strengthened by excluding immunity for corruption offences, as also recommended by GRECO</p>
	Conflicts of interests	<p>Limited progress has been made on the strengthening of the legal framework on prevention of conflict of interest since the 2020 Rule of Law Report. <b>The 2020 Rule of Law Report found that the legal framework on conflict of interest needs improvement as regards its implementation and in order to ensure that the Commission for the Resolution of Conflicts of Interest has sufficient powers to impose deterrent sanctions and perform its essential preventive role.</b> While the legal framework on conflict of interest did not change, the draft proposal of the Anti-Corruption Strategy 2021-2030 commits to improving it. The absence of a Code of Ethics for the Members of the Government and Members of the Parliament was noted by GRECO and some steps have been taken in order to address these recommendations.</p>
	High-level corruption	<p>The abolishment of political immunities of Government members was announced in the Government's Program 2020-2024<sup>70</sup> but so far, the rules remain as indicated in Art. 34 of the Law on the Government, which foresees the immunity for all crimes punishable with up to five-year imprisonment. <b>The prosecution and investigation of high-level corruption cases continue, but due to protracted proceedings convictions are often delayed.</b></p>
	Asset declaration	<p>Officials covered by the law on prevention of conflicts of interest are required to declare assets, whether acquired or inherited, and to identify the source of income from professional and non-professional activities. They are also required to declare the assets and income of their spouses or partners and any underage children. The Commission for the Prevention of Conflicts of Interest publishes the contents of these declarations online. However, in practice, officials only submit their declarations upon taking up their position and upon termination or re-appointment, whilst not submitting ad hoc declarations to reflect any change in status during their mandate.</p>
	Revolving doors	<p>Revolving doors rules have not been strengthened and remain narrow in scope. The provision forbidding officials to accept employment in the private sector for a period of 12 months after the end of the public service has been considered too short by GRECO, which also recommended giving the Commission for the Prevention of Conflicts of Interests a mediating role in this area.</p>
	Lobbying	<p>Some progress has been made since the 2020 Rule of Law Report in the area of lobbying activities where a comprehensive legislation remains to be introduced. The Government programme for 2020-2024 and the draft proposal of the Anti-Corruption Strategy 2021-2030 envisage the adoption of a comprehensive regulation. A working group has been established by the Ministry of Justice for that purpose. The need to regulate lobbying activities was also highlighted by GRECO, as its recommendations in this area are still not implemented.</p>

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	Whistleblowers	Following the approval of the Protection of Reporters of Irregularities Act110, since 2019 the Ombudsperson's Office can receive reports on possible misconducts or wrongdoings.
	Funding to political parties	No information available

GRECO – Evaluation Round IV	Recommendations	Implementation Status	
	Corruption prevention in respect of members of parliament		
	GRECO recommended: that a code of conduct for members of Parliament be developed and adopted with the participation of MPs themselves and be made easily accessible to the public (comprising detailed guidance on e.g. prevention of conflicts of interest when developing the parliamentary function, ad-hoc disclosure and self-recusal possibilities with respect to specific conflict of interest situations, gifts and other advantages, third party contacts, deontology of dual mandate, etc.); that it be coupled with a credible supervision and enforcement mechanism	Not implemented.	
	GRECO recommended that efficient internal mechanisms be developed to promote, raise awareness and thereby safeguard integrity in Parliament, including on an individual basis (confidential counselling) and on an institutional level (training, institutional discussions on ethical issues related to parliamentary conduct, etc.)	Not implemented.	
	GRECO recommended (i) that the technical and personnel resources of the Commission for the Prevention of Conflicts of Interest be reassessed, and that measures be taken as necessary thereafter, with a view to ensuring their adequacy and effectiveness; (ii) that the Commission displays a more proactive approach in its preventive role with members of Parliament, notably by further developing communication and advisory channels with Parliament and, in close coordination with the latter, preparing tailored guidance on conflicts of interest that may emerge in carrying out parliamentary functions.	Fully implemented.	
	Corruption prevention in respect of judges		
	GRECO recommended that the Croatian authorities review the procedures of selection, appointment and mandate renewal of the President of the Supreme Court in order to increase their transparency and minimise risks of improper political influence.	Partly implemented.	
	GRECO recommended that the Croatian authorities review the procedures of selection, appointment and mandate renewal of the President of the Supreme Court in order to increase their transparency and minimise risks of improper political influence.	Partly implemented.	
	GRECO recommended that the authorities continue in their endeavours to strengthen the scrutiny of prosecutors' financial declarations	Partly implemented.	
	GRECO recommended that a communication policy, including general standards and rules of conduct as to how to communicate with the press, is developed for the judicial system (judges and prosecutors) with the aim of enhancing transparency and accountability	Fully implemented.	
GRECO recommended that the Croatian authorities consider reviewing the procedures of selection, appointment and mandate renewal of the Prosecutor General in order to increase their transparency and minimise risks of improper political influence	Partly implemented.		



	Recommendations	Implementation Status
GRECO – Evaluation Round V (2020)	Corruption in central governments	
	Ensure that special advisers and others working in an advisory capacity for the government undergo an integrity check upon selection, that their names, functions and possible remuneration are made public and that appropriate regulations on conflicts of interest and use of confidential information apply to them; amend the Law on Government to limit the procedural immunity provided to members of the government, by excluding corruption-related offences which are subject to public prosecution.	Not implemented.
	Adopt a code of conduct for persons with top executive functions, with clear guidance regarding conflicts of interest and other integrity-related matters and ensures its enforcement. Impart systemic briefings on integrity issues to top executive officials upon taking up their positions and at certain intervals thereafter and establish confidential counselling on integrity issues for them.	Not implemented.
	<p>Add a requirement of “ad hoc” disclosure for top executive officials in situations of conflicts between private interests and official functions, when they occur;</p> <p>Broaden post-employment restrictions for top executive officials.</p> <p>Oblige top executive officials to submit their financial declaration to the Commission for the Prevention of Conflicts of Interest on an annual basis</p> <p>Strengthen the powers of the Commission to ensure it can carry out the investigations effectively, in particular with regard to access to confidential information.</p> <p>Renew the available sanctions for violations of the Law on the Prevention of Conflicts of Interest to ensure that all violations of the Law have proper consequences.</p>	Regarding law enforcement agencies (Police and Border Guard)
	Preventing corruption and promoting integrity in the federal police	
	Update the Code of Ethics for Police Officers to covers in detail all relevant integrity matters, supplemented with a manual illustrating all issues and risk areas with concrete examples, and make it accessible for the public.	Partial implementation. A new draft of the Code of Ethics for Police Officers has been produced. Although certain dimensions of integrity are now explicitly covered, the draft as a whole still represents a rather generic statement of principles which are not suitable for guiding the behaviour of police officers in practice: definitions, guidelines and examples are not given.
	Considerably enhance both the initial and in-service training of police officers on ethics and integrity matters.	Partial implementation. Ethics and integrity matters have been imbedded as a mandatory subject into various stages of initial and in-service training. Since training is based on the Code of Ethics, until a new Code is introduced this entry cannot be implemented fully.
	Introduce a “duty to report” clause for members of law enforcement that witness an instance of corruption and related crimes.	Not implemented.

Cyprus

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Office of Transparency and Prevention of Corruption</li> <li>Attorney General</li> <li>The Prosecution Office</li> </ul>
	National Anti-Corruption Strategy	<ul style="list-style-type: none"> <li>At the end of 2020, the Council of Ministers launched a national integrity programme based on the International Organization for Standardisation's (ISO) standard on anti-bribery management system</li> <li>In January 2021, a new Strategy against Corruption for 2021-2026 was adopted by the President of the Republic and the Minister of Justice and Public Order. The proposed measures concern transparency, accountability and corruption matters, with the goal to reinforce the existing institutions and create new safeguards</li> </ul>
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	In February 2021, the House of Representatives adopted a Code of Conduct for its Members, with provisions related to incompatibilities, declarations of asset, gifts and lobbying
	High-level corruption	In March 2021, the sanction for the crime of abuse of office by public officials (whether elected or appointed) was increased from three to seven years of imprisonment The Government launched a commission of inquiry to investigate the Cyprus investor citizenship scheme. In response to allegations of corruption involving foreign individuals and high-rank officials (including possible participation of politically exposed persons)
	Asset declaration	A number of draft bills on assets declaration of elected and State officials remain before the Parliamentary Committee on Institutions, Merit and the Commissioner for Administration. However, there is no indication on the timeline for the final adoption. <b>Although rules on asset declarations are in place, issues were raised as regards the accuracy and verification of these declarations</b>
	Revolving doors	No information available
	Lobbying	Lobbying is not regulated. A draft law to regulate lobbying activities is pending for adoption in Parliament since May 2019. The draft law requires all lobbying groups to be registered and to record their meetings. The adoption of this law is envisaged to accompany the establishment of the Independent Authority against Corruption, which will be responsible for keeping the registry of lobbyists. Currently there is no self-regulation of lobbyists' activities and Cyprus has no professional association of lobbyists.
	Whistleblowers	A draft law on "Reporting Acts of Corruption" is pending approval by the legislator since May 2017. This legislation would introduce new provisions on the protection of persons reporting acts of corruption, both in the public and the private sectors
	Funding to political parties	No information available

GR EC	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	

GRECO recommended that all forms of remuneration and benefits received (from public and private sources) by members of parliament be subject to clear rules, adequate auditing and public transparency	Partly implemented.
GRECO recommended that a code of ethics/conduct for members of parliament - including their staff as appropriate - be adopted, covering various situations of conflicts of interest (e.g. gifts and other advantages, third party contacts, lobbyists, accessory activities, post-employment situations).	Not implemented.
GRECO recommended that the preventive measures against conflicts of interest in respect of members of parliament be enhanced in respect of potential conflicts as well as in respect of conflicting interests that may emerge during parliamentary proceedings and that clear rules for the disclosure of such situations be articulated in written form.	Partly implemented.
GRECO recommended i) that consistent rules be elaborated concerning the acceptance by members of parliament of gifts, hospitality and other benefits including special support provided for parliamentary work, and ii) that internal procedures for the valuation and reporting of gifts, and return of those that are unacceptable, be developed.	Not implemented.
GRECO recommended i) that a detailed assessment be carried out in respect of various forms of potential third party impact (including lobbying); and ii) that rules be introduced for members of parliament on interaction with third parties that may seek to influence the parliamentary process	Partly implemented.
GRECO recommended that the existing regime of asset declarations be further developed i) by ensuring that all forms of assets, income and liabilities above a certain threshold be declared at their appropriate value; ii) that the declarations be made publicly available promptly after their submission to the appropriate 6 supervisory body; and iii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).	Partly implemented.
GRECO recommended that the current mechanism for monitoring declarations of assets submitted by members of parliament be subject to an in-depth evaluation with a view to establishing an independent and effective mechanism for such monitoring.	Partly implemented.
GRECO recommended that the parliamentary authorities develop an integrity policy to prevent conflicts of interest and risks of similar deficiencies in respect of members of parliament through i) awareness raising on an institutional level, ii) in the form of handbooks and regular training and iii) on an individual basis, in the form of a dedicated service providing confidential counselling.	Partly implemented.
<b>Corruption prevention in respect of judges</b>	
GRECO recommended that the composition of the Supreme Council of Judicature be subject to a reflection process considering its representation within the judiciary as a means of preventing potential or perceived situations of conflicts of interest within the Council.	Fully implemented.
GRECO recommended that the composition of the Supreme Council of Judicature be subject to a reflection process considering its representation within the judiciary as a means of preventing potential or perceived situations of conflicts of interest within the Council.	Fully implemented.
GRECO recommended that a code of ethics/conduct be elaborated on the basis of broad involvement of various members of the judiciary, in order to manifest and develop standards that are commonly agreed aimed at the particular functions of judges, offering guidance in respect of areas such as conflicts of interest and other integrity related matters (e.g. gifts, side activities, recusal, third party contacts, handling of confidential information).	Fully implemented.

## Czechia

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The Conflict of Interests and Anti-Corruption Department of the Ministry of Justice</li> <li>• The Anti-Corruption Council</li> <li>• Prosecution Service and National Organised Crime Agency</li> <li>• The Financial Analytical Office acts as Czechia's Financial Intelligence Unit</li> <li>• The Supreme Audit Office</li> </ul>
	National Anti-Corruption Strategy	<p>In December 2020, the Czech Government adopted a new Anti-Corruption Plan 2021- 2022, reiterating previous priorities. This action plan is the last one of four under the current Government Anti-Corruption Strategy 2018-2022. In comparison to the previous plan, the four priority areas remain unchanged, i.e.: (i) outstanding targets, including the adoption of legislative acts on whistleblower protection and on lobbying, (ii) transparency, (iii) access to information, and (iv) COVID-19 related corruption risks</p>
Relevant legislative and policy initiatives	Foreign bribery	<ul style="list-style-type: none"> <li>• Czechia does not have a separate offence in the Criminal Code criminalising foreign bribery, although this is covered by the general corruption offence</li> <li>• The OECD has noted concerns as to the low level of enforcement against foreign bribery despite the export-oriented nature of the Czech economy and exports in high-risk sectors that are prone to bribery</li> <li>• Measures implemented so far, including an increase in specialised staff and the enhancement of data analytics capabilities, did not serve the detection and investigation of foreign bribery. In this regard, there is a need to find ways to prioritise the detection, investigation and prosecution of foreign bribery</li> </ul> <p>Introducing a separate criminal offence of foreign bribery, a decree, or internal directive mentioning the level of priority of foreign bribery could be one of the potential options to help enhance enforcement</p>
	Conflicts of interests	<ul style="list-style-type: none"> <li>• Investigations and audits have raised concerns regarding conflicts of interest. A European Commission report of 23 April 2021 auditing the disbursement of 17 EU grants awarded to a Czech company found irregularities and a conflict of interest, recommending recovery of approximately EUR 11 million for non-compliance with the EU Financial Regulation 2012, and breach of the Czech Act on Conflicts of Interest. The case was recently sent to and accepted by the European Public Prosecutor's Office</li> <li>• In general, subsidies for commercial enterprises, in which a public official holds a stake of 25% or more, are prohibited under the Czech Conflict of Interest Act.</li> <li>• The governance of state-owned companies is regulated but challenges remain in practice. The prevention of political nominations in state-owned companies has not yet been systematically ensured in practice</li> </ul>
	High-level corruption	<p>A Strategy for the Fight against Fraud and Corruption within EU Funds 2014-2020 is in place setting out the basic framework of rules that are accompanied by procedural guidelines for managing authorities. <b>However, concerns have been raised in some instances regarding the management and distribution of EU funds, including in fraud-related investigations of the EU Anti-Fraud Office (OLAF) and related national investigations that recently concluded in a recommendation for indictment in a high-level case</b></p>
	Asset declaration	<p>Members of Parliament have to disclose to some extent the assets of spouses in their asset declarations, for example on property jointly owned by the respective parliamentarian and his or her spouse. The spouse's income remains excluded from the disclosure</p>

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	obligation, as are any assets of dependent family members. Following a ruling rendered by the Constitutional Court, the Government decided not to further amend the asset declaration rules in this regard.
Revolving doors	No information available
Lobbying	A lobbying regulation to increase transparency in the Czech legislative process is pending adoption since the last reporting period. Contentious areas still discussed concern the exceptions to the definition of lobbyists. The regulation would foresee the establishment of a publicly accessible register of lobbyists and lobbied public officials, the obligation for lobbyists and lobbied public officials to disclose lobby contacts, and the introduction of a 'legislative footprint' to disclose who sought to influence which legislative proposal. The register should be maintained by the Office for the Supervision of the Finances of Political Parties and Movements. Failure to disclose could result in fines of approximately EUR 3,860 (CZK 100,000). The regulation of lobbying would also contain stricter rules on declarations on gifts. The threshold for gifts to be reported in the already existing central Register of Conflicts of Interest would be lowered from approximately EUR 400 (CZK 10,000) to approximately EUR 200 (CZK 5,000).
Whistleblowers	On 25 January 2021, the Government approved the bill on the protection of whistleblowers and an accompanying amending law. Both are currently awaiting the second reading in the Chamber of Deputies and are currently being discussed in the relevant committees of the Chamber of Deputies. The draft law envisages the establishment of internal reporting systems and reporting to the Ministry of Justice for whistleblowers to report potential wrongdoing
Funding to political parties	<p>Some political parties laid down Codes of Ethics for their own party members. <b>However, specifically with regard to gifts to members of Parliament, concerns remain as regards the lack of an appropriate framework including also other benefits, such as in-kind advantages and services, and of practical guidance for members of Parliament</b></p> <p>The rules on donations for political party financing are generally appropriate but challenges remain in practice. <b>The Political Parties and Movements Act contains a maximum ceiling of approximately EUR 120,000 (CZK 3,000,000) for each individual donor. All donations above approximately EUR 40 (1,000 CZK) must be documented. Donations from foreign individuals or public bodies are not permitted. Donations obtained during election periods must be published online at least 3 days before the elections. Failure to comply may be sanctioned by fines of between approximately EUR 4,000-80,000 (CZK 100,000-2,000,000). The Office for the Supervision of the Finances of Political Parties and Movements is the responsible oversight body. Structural weaknesses remain, as the same rules on maximum ceilings for donations from individual donors do not apply to presidential elections or to donations from non-profit organisations. There are also obstacles in the monitoring of donations from business networks with many legal entities.</b> The government aims at undertaking a more detailed analysis to further identify legislative loopholes and challenges in practice.</p>

	Recommendations	Implementation Status
GRECO – Evaluation Round IV	<b>Corruption prevention in respect of members of parliament</b>	
	GRECO recommended (i) ensuring timely publication of records of parliamentary committee meetings and enhancing the transparency of the work conducted in sub-committee meetings; (ii) introducing rules for members of parliament on how to interact with lobbyists and other third parties seeking to influence the legislative process and making such interactions more transparent	Partly implemented.
	GRECO recommended (i) that a code of conduct be adopted for members of parliament, made easily accessible to the public, and accompanied by explanatory notes and/or practical guidance, including on conflicts of interest and related matters (e.g. gifts and other advantages, incompatibilities, additional activities and financial interests, post-employment situations, contacts with third parties such as lobbyists, declaration requirements, etc.); (ii) that the code of conduct be complemented by practical measures for their implementation, such as dedicated training, confidential counselling and awareness-raising.	Not implemented.
	GRECO recommended (i) that a code of conduct be adopted for members of parliament, made easily accessible to the public, and accompanied by explanatory notes and/or practical guidance, including on conflicts of interest and related matters (e.g. gifts and other advantages, incompatibilities, additional activities and financial interests, post-employment situations, contacts with third parties such as lobbyists, declaration requirements, etc.); (ii) that the code of conduct be complemented by practical measures for their implementation, such as dedicated training, confidential counselling and awareness-raising.	Not implemented.
	GRECO recommended (i) requiring members of parliament to also submit declarations of activities, declarations of assets and declarations of income, gifts and liabilities at the beginning of their mandate, introducing an electronic declaration system and making declarations more easily accessible on the internet; (ii) making it clear that declarations must also include in-kind benefits provided to members of parliament; and (iii) considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).	Partly implemented.
	GRECO recommended (i) requiring members of parliament to also submit declarations of activities, declarations of assets and declarations of income, gifts and liabilities at the beginning of their mandate, introducing an electronic declaration system and making declarations more easily accessible on the internet; (ii) making it clear that declarations must also include in-kind benefits provided to members of parliament; and (iii) considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).	Partly implemented.
	<b>Corruption prevention in respect of judges</b>	
	GRECO recommended (i) regulating in more detail the recruitment and promotion of judges and court presidents so as to provide for uniform, transparent procedures and to ensure that decisions are based on precise, objective and uniform criteria, notably merit; and (ii) ensuring that any decisions in those procedures are reasoned and can be appealed to a court.	Partly implemented.
	GRECO recommended (i) that a code of professional conduct for all judges – accompanied by explanatory comments and/or practical examples, including guidance on conflicts of interest and related issues (e.g. on gifts, secondary activities, third party contacts/confidentiality, etc.) – be developed, communicated effectively to all judges and made easily accessible to	Not implemented.

	the public; (ii) that it be complemented by practical measures for its implementation, including confidential counselling and dedicated training for both professional and lay judges.	
	GRECO recommended regulating more closely the exercise by judges of secondary activities, including by introducing a reporting requirement and, as appropriate, monitoring of compliance with the existing restrictions on the exercise of such activities.	Partly implemented.
	GRECO recommended regulating more closely the exercise by judges of secondary activities, including by introducing a reporting requirement and, as appropriate, monitoring of compliance with the existing restrictions on the exercise of such activities.	Not implemented.
	GRECO recommended (i) regulating in more detail the recruitment and promotion of public prosecutors so as to provide for uniform, transparent procedures and to ensure that decisions are based on precise, objective and uniform criteria, notably merit; (ii) ensuring that any decisions in those procedures are reasoned and can be appealed to a court.	Partly implemented.
	GRECO recommended (i) regulating in more detail the recruitment and promotion of public prosecutors so as to provide for uniform, transparent procedures and to ensure that decisions are based on precise, objective and uniform criteria, notably merit; (ii) ensuring that any decisions in those procedures are reasoned and can be appealed to a court.	Not implemented.
	GRECO recommended (i) that a code of professional conduct for all public prosecutors – accompanied by explanatory comments and/or practical examples, including guidance on conflicts of interest and related issues (e.g. on gifts, secondary activities, third party contacts/confidentiality, etc.) – be developed, communicated effectively to all public prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for its implementation, including confidential counselling and dedicated training.	Fully implemented.
	GRECO recommended (i) that a code of professional conduct for all public prosecutors – accompanied by explanatory comments and/or practical examples, including guidance on conflicts of interest and related issues (e.g. on gifts, secondary activities, third party contacts/confidentiality, etc.) – be developed, communicated effectively to all public prosecutors and made easily accessible to the public; (ii) that it be complemented by practical measures for its implementation, including confidential counselling and dedicated training.	Partly implemented.

## Denmark

Item		Sub-item
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Several authorities are involved in preventing corruption, promoting good administrative practice and compliance with the legal framework</li> <li>This includes amongst others the Financial Supervisory Authority, the Parliamentary Ombudsperson and the Auditor General</li> <li>The Employee and Competence Agency and the Prime Minister's Office have responsibilities with regard to the promotion of integrity among civil servants and Ministers</li> </ul>
	National Corruption Strategy	<ul style="list-style-type: none"> <li>Denmark does not have a dedicated anti-corruption strategy nor a specialized agency dealing with corruption issues. The anti-corruption system is to a large extent based on general rules on ethics and integrity as well as social norms and public scrutiny</li> <li>According to the prosecution services' data, the majority of corruption related cases are handled in the regional prosecution offices. More complex cases, including foreign bribery cases, are investigated and prosecuted at national level by the special prosecution for serious economic and international crime (SØIK). Authorities reported that resources</li> </ul>

Item	Sub-item	
		available and training for officials are adequate to fulfil the tasks assigned to the office. Cooperation between the Prosecution service and companies is regarded as working well as information on possible misconducts is often shared with law enforcement shortly after internal investigations
Relevant legislative and policy initiatives	Foreign bribery	Foreign bribery cases are investigated and prosecuted at national level by the special prosecution for serious economic and international crime (SØIK)
	Conflicts of interests	<p>Rules on conflicts of interest apply to all public employees; however, for Ministers, these remain narrow in scope and limited guidance is available. Public employees and authorities are subjected to rules on impartiality, legal incapacity and reporting of conflicts of interest as stated in the Public Administration Act.</p> <p>As described in the “Code of conduct in the public sector”, the provisions of the Public Administration Act are supplemented by a general fundamental legal principle of impartiality, which covers areas where the Public Administration Act does not apply. Provisions on conflicts of interest under this Act also apply to members of the government who need to report to the Prime Minister, in charge of transferring responsibilities among ministers.</p> <p>The shortcomings highlighted in the 2020 Rule of Law Report concerning the discretion left to Ministers when reporting conflicts of interest remain, as little guidance is available, and the scope of application has not been extended.</p> <p>As for parliamentarians, shortcomings persist as regards the lack of a clear definition of conflicts of interest and the need for mechanisms to report them.</p>
	High-level corruption	<p>Comprehensive rules of behaviour and ethical standards are in place for civil servants, while Codes of Ethics for ministers, parliamentarians and top executives remain undeveloped. Danish public servants are subject to a Code of Good Conduct in the Public Sector. The Codes are enforceable and make direct reference to provisions contained in the Danish Criminal Code and in the Public Administration Act. The non-compliance with these codes may lead to disciplinary sanctions. As also highlighted by GRECO, Denmark has still not developed a Code of Ethics for Ministers nor for members of Parliament and top executive functions. However, Ministers have legal and political responsibility towards the Parliament including duties on truthfulness, confidentiality, disqualification or conflicts of interest. The disregard of these rules can be sanctioned in some instances as stated in Section 5 of the Ministerial Accountability Act of 1964.</p>
	Asset declaration	<p>Ministers have the practice of voluntarily declaring their assets; the system of asset declarations is still not regulated, lacks control measures and is not mandatory, contrary to GRECO’s advice</p>
	Revolving doors	<p>The absence of post-employment rules and cooling-off periods for Ministers remains unaddressed despite cases on revolving doors being reported. According to GRECO, regulating the revolving door phenomenon could prevent potential risks of conflicts of interest and misuse of information linked to this practice. Ministers can move directly into a new position after leaving public office, without any restrictions other than the duty of declaring the financial agreement with the new employer and they remain bound by general rules of confidentiality.</p> <p>Stakeholders report a number of cases of revolving doors in recent years that could raise potential concerns regarding conflict of interest.</p>
	Lobbying	<p>Contacts between decision-makers and lobbyists aiming to influence policy-making remain unregulated. Apart from general rules on confidentiality and conflicts of interest, Ministers and special advisers are not subjected to any rules on lobbying. Also,</p>



Item	Sub-item	
		interest representatives have no duty to report on their activities. As stressed by GRECO, increasing influence of lobbying in decision-making requires further guidance and transparency.
	Whistleblowers	Denmark is reviewing its rules on whistleblower protection and has developed new mechanisms to protect whistleblowers at ministerial level. As of 1 November 2020, the Government has established internal whistleblower channels in each ministry and in all subordinate authorities with 50 employees or more. In June 2020, the whistleblower-scheme under the Business Authority was broadened to include the business-oriented COVID-19 compensation schemes and to include a special duty of confidentiality. New legislation on whistleblower protection was adopted by the Parliament on the 24 June 2021.  A new reporting IT system is expected to be developed by the end of the year.
	Funding to political parties	ortcomings are still present in the transparency of political party financing rules les on party funding present transparency gaps with little restrictions on foreign sources and a threshold to report private donations set above the amount of DKK 20 000 (EUR 2 700) er introducing changes to increase transparency of party financing in 2017, the Ministry of the Interior and Housing established, June 2020, a guide explaining when various forms of contributions to political parties are subject to the existing regulation ese guidelines address inter alia the issue of in-kind donations and clarify that the political parties accounts shall be audited by auditor who is not member of the party controlled  Nevertheless, international recommendations to address other specific issues, such as anonymous donation to political parties, the obligation to report the total amount of donations received, and the establishment of sanctions for not complying with the rules are not fully resolved and the Government has not so far announced any additional measures

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended (i) that a code of conduct for members of parliament – including, inter alia, guidance on the prevention of conflicts of interest, on questions concerning gifts and other advantages and on how to deal with third parties seeking to obtain undue influence on MPs’ work – be adopted and made easily accessible to 3 the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.	Partly implemented.
	GRECO recommended (i) that a code of conduct for members of parliament – including, inter alia, guidance on the prevention of conflicts of interest, on questions concerning gifts and other advantages and on how to deal with third parties seeking to obtain undue influence on MPs’ work – be adopted and made easily accessible to 3 the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.	Not implemented.
	GRECO recommended (i) that regular public registration of occupations and financial interests by members of parliament be made mandatory; (ii) that the existing system be further developed, in particular, by including quantitative data on the occupations and financial interests of members of parliament as well as data on significant liabilities; and (iii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).	Partly implemented.

	GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of i) the rules on registration of the occupations and financial interests by members of parliament and ii) standards of conduct applicable to them, where necessary.	Partly implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of i) the rules on registration of the occupations and financial interests by members of parliament and ii) standards of conduct applicable to them, where necessary.	Partly implemented.

Recommendations		Implementation Status	
<b>Corruption in central governments</b>			
GRECO – Evaluation Round V (2020)	Adopt a code of conduct for top executive officials, complemented with appropriate guidance regarding conflicts of interest and other integrity-related matters and ensure its enforcement.	Not implemented.	
	Introduce systematic training on integrity issues to members of the government upon taking up their positions and at certain intervals thereafter and introduce confidential counselling on integrity issues	Partial implementation.	
	Introduce lobbying legislation for top executive officials.	Not implemented.	
	Introduce post-employment legislation for top executive officials.	Not implemented.	
	Introduce the obligation for asset declaration for top executive officials and their advisors, including declaration of liabilities, debts and other interests.	Not implemented.	
	Introduce a verification system for asset declarations	Not implemented.	
	<b>Regarding law enforcement agencies</b>		
	Further develop training particularly focusing on the special integrity requirements relevant for the police and to make such training mandatory for managers in the Danish police.	Fully implemented.	
	Introduce a more rigid control system for secondary activities of police officers.	Not implemented.	
	Introduce a duty to declare financial interest for some specific professional figures within law enforcement.	Not implemented.	
	Raise awareness of staff of the police of their duty to report corruption-related misconduct within the police service.	Not implemented.	

## Estonia

Item	Sub-item	
Inst:	Key actors	<ul style="list-style-type: none"> <li>• The Ministry of Justice</li> <li>• The Anti-Corruption Select Committee</li> </ul>

Item	Sub-item	
		<ul style="list-style-type: none"> <li>• Party Funding Supervision Committee</li> <li>• The Corruption Crime Bureau of the National Criminal</li> <li>• The Internal Security Service is responsible</li> <li>• The Prosecutor's Office</li> </ul> <p>The criminal justice system for investigating and prosecuting corruption has adequate resources and is functioning well although specialised support to prosecutors is lacking. The human resources dedicated to corruption investigations appear to be adequate, considering the number of ongoing cases.</p>
	National Anti-Corruption Strategy	The new comprehensive anti-corruption Action Plan 2021-2025, adopted by the Government in February 2021, has eight main priorities. The plan can be considered as an important step forward compared to the previous strategy, aiming to complete the anti-corruption legal framework with lobbying regulation and legal provisions on whistleblowers' protection. The implementation of the Action Plan is coordinated by the Ministry of Justice through the anti-corruption network.
Relevant legislative and policy initiatives	Foreign bribery	Denmark reviewed its overall approach to enforcement and created a specialised unit for corruption and foreign bribery cases within the Special Prosecutor's Office for economic crime (SØIK) in 2014. Denmark does not publish statistics on foreign bribery investigations, and cases commenced or concluded.
	Conflicts of interests	On 18 March 2021, the Government adopted the "Guidelines for ministers and their advisers to avoid conflicts of interest", which are applicable for ministers and their counsellors only, and list a set of principles, including as regards revolving doors.
	High-level corruption	The Anti-Corruption Act has been amended to extend the obligation to declare interests also to ministers' political advisers. According to GRECO, the amendments as presented to the Parliament are a positive development.
	Asset declaration	The asset declaration system was updated to oblige ministers' political advisers to submit a declaration of financial interests.
	Revolving doors	<p>The principles in the "Guidelines for ministers and their advisers to avoid conflicts of interest" on revolving doors advise to abstain from moving to the management or supervisory body of private companies and foundations active in the same field of activity within a year after leaving office. The restriction does not apply to other positions in such a company or foundation. The provisions on implementation require the minister or adviser to familiarise themselves with the guidelines and encourage the completion of a dedicated online course.</p> <p>As stated by GRECO, the rules on revolving doors included in the guidelines represent a concrete and positive step forward</p>
	Lobbying	<p>18 March 2021, the Government adopted the guidelines on "Good practice in communicating with lobbyists for officials" aim to increase the transparency of policy-making and apply to ministers, their advisers, senior officials in ministries, and government agencies, including the Secretary of State</p> <p>They are of a voluntary, non-binding nature. The guidelines were adopted on recommendation of GRECO who advised to create a general voluntary lobby register, as well as a voluntary lobbying regime for members of Parliament.</p> <p>However, the document does not specify how the implementation will be promoted: the officials subject to the good practice must read the guidelines, and the head of the concerned authority is tasked with the monitoring of their implementation in practice.</p> <p>The adoption of these guidelines, along with a new e-training module on communication with lobbyists, are among the deliverables of the anti-corruption Action Plan 2021-2025</p>
Whistleblowers	On whistleblowers protection, the legislative procedure for a new comprehensive regulation is ongoing and is expected to be concluded by the end of 2021.	

Item	Sub-item
Funding to political parties	<p>Discussions are ongoing on the supervision of party financing. A proposal to abolish the Political Parties' Finance Surveillance Committee and transfer its powers to the National Audit Office was proposed in 2020. Following the change of government, the proposal was dropped and the new Government – who declared strengthening of the supervision of the financing of political parties to be a key priority – is working on a new legislative reform to increase the competences of the Committee. Currently, the Political Parties' Funding Surveillance Committee is the main body in charge of the scrutiny of political parties' accounts. It has powers to investigate and report possible misbehaviours and to examine the legality of donations. As for its sanctioning powers, it can impose financial fines and require illegal donations to be returned.</p> <p>According to the Government, several areas may yet be further improved, especially on the powers to request documents and to enforce sanctions when illegal donations are not returned or transferred to the State budget. For instance, currently, the Committee can only request documents from the entities listed in the law, but not from others (third parties)</p>

GRECO – Evaluation Round IV	Recommendations	Implementation Status	
	Corruption prevention in respect of members of parliament		
	GRECO recommended the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.	Partly implemented.	
	GRECO recommended that (i) a Code of Conduct for members of Parliament be elaborated; and (ii) in order for the provisions of the Code to be effectively applied in practice, an efficient mechanism of supervision and sanction, which takes into account the specific nature of the parliamentary mandate, be established.	Partly implemented.	
	GRECO recommended that (i) a Code of Conduct for members of Parliament be elaborated; and (ii) in order for the provisions of the Code to be effectively applied in practice, an efficient mechanism of supervision and sanction, which takes into account the specific nature of the parliamentary mandate, be established.	Partly implemented.	
	GRECO recommended in order to clarify and facilitate the implementation of relevant provisions of the Anti-Corruption Act, that internal rules and guidance be provided within Parliament on the acceptance of gifts, hospitality and other advantages and compliance by parliamentarians with the aforementioned rules be properly monitored.	Partly implemented.	
	GRECO recommended that the authorities of Estonia take determined measures to ensure a more in-depth examination of economic interests' declarations submitted by members of Parliament pursuant to the Anti-Corruption Act, amongst others by strengthening operational and administrative capacities of the Parliament's Select Committee on the Implementation of the Anti-Corruption Act	Fully implemented.	
	GRECO recommended (i) the establishment of a specific source of confidential counselling to provide parliamentarians with advice on ethical questions and possible conflicts of interest in relation to their legal duties; and (ii) the provision of regular awareness raising activities for members of Parliament (all deputies but especially the new ones) covering issues, such as conflicts of interest, acceptance of gifts, hospitality and other advantages, outside employment, disclosure of interests and other obligations related to corruption prevention.	Fully implemented.	
	Corruption prevention in respect of judges		
GRECO recommended (i) the establishment of a specific source of confidential counselling to provide parliamentarians with advice on ethical questions and possible conflicts of interest in relation to their legal duties; and (ii) the provision	Partly implemented.		

	of regular awareness raising activities for members of Parliament (all deputies but especially the new ones) covering issues, such as conflicts of interest, acceptance of gifts, hospitality and other advantages, outside employment, disclosure of interests and other obligations related to corruption prevention.	
	GRECO recommended that additional measures be put in place to ensure an effective supervision of economic interests' declarations filed by judges pursuant to the Anti-Corruption Act.	Fully implemented.
	GRECO recommended that dedicated and on-going training programmes, supported by relevant materials, for prosecutors be developed focusing on professional ethics, conflicts of interest (including recusal and withdrawal), rules concerning gifts, hospitality and other advantages, declarations of interests and other corruption awareness and prevention measures	Fully implemented.

GRECO - Evaluation Round V (2020)	Recommendations	Implementation Status
	Corruption in central governments	
	Introduce a mandatory vetting procedure for political advisers on integrity criteria as part of the recruitment process	Fully implemented.
	Broaden risk analyses to cover more specifically persons with top executive functions.	Fully implemented.
	Adopt a Code of Conduct for top executive officials be adopted and its enforcement.	Partial implementation. 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.
	Introduce systematic briefing on integrity issues for ministers and political advisers; introduce confidential counselling on ethical issues for top executive officials.	Fully implemented.
	Introduce legislation on lobbying.	Fully implemented.
	Introduce legislation on revolving doors.	Partial implementation. The current Good Practices Guide discourages top executive officials from working for lobbying companies or other special interest groups for at least one year. This cooling-off period must be made mandatory.
	Widen the scope of the legislation on asset declaration to include political advisers who are associated with a minister's decision-making, as well as family members of top executive officials	Partial implementation. The declaration of assets for family members of top executive officials has been discussed and rejected by the Parliament.
	Regarding law enforcement agencies	
Unify all guidelines on corruption-related issues in one document.	Fully implemented.	
Introduce the principle of rotation of staff of the Police and Border Guard Boar, specifically for police officers in areas exposed to particular risks of corruption.	Partial implementation. Measures have been taken to encourage such rotation, but not enough to be considered fully compliant.	
Review the safeguards applicable to the mechanisms for oversight of police misconduct to ensure that they provide for sufficiently independent investigations into police complaints and a sufficient level of transparency to the public.	Fully implemented.	

Strengthen whistleblower protection and train members of law enforcement on the topic.	Partial implementation. The legislation has been amended to ensure safety of whistleblowers. No improvement in training provided on the topic.
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## Finland

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Finland has no dedicated anti-corruption agency and the responsibility for the fight against corruption is shared among different authorities and bodies</li> <li>These include the Ministry of Justice, the Ministry of Finance, the Police, the Tax Administration, the Competition and Consumer Authority, the Parliamentary Ombudsman and Chancellor of Justice, among others.</li> <li>The Ministry of Justice's Department of Criminal Policy and Criminal Law continues overseeing efforts to prevent anti-corruption and coordinates the anti-corruption network consisting of representatives of the relevant Ministries, the Police, the Prosecution Service, business and industry and non-governmental organisations</li> </ul>
	National Anti-Corruption Strategy	The first national anti-corruption strategy was adopted on 27 May 2021. The Strategy is comprehensive, covering both preventive and reactive aspects, and aims to strengthen the fight against corruption, its awareness raising and prevention, to further clarify responsibilities and enhance cooperation between authorities, and to improve the efficiency of anti-corruption legislation as well as relevant research
Relevant legislative and policy initiatives	Foreign bribery	Steps to address shortcomings in prevention, detection and prosecution of foreign bribery have been taken. The OECD reports that no foreign bribery case has been detected, investigated, or prosecuted since 2017. The Government indicated that it is carrying out a comprehensive assessment of the issue and has launched preventive activities. Training programmes for judges, prosecutors and law enforcement officials are under way <sup>66</sup> . Finland has also developed a detailed guidance document for small and medium-sized enterprises that covers corruption risks, including foreign bribery
	Conflicts of interests	Conflict of interest remains undefined in the legislation, although recommendations have previously been made to establish or enhance a formal system for review of the declarations of Ministers and disclosures of other persons entrusted with top executive functions. Provisions covering specific forms of conflict of interest are in force, but they are fragmented.
	High-level corruption	Concerns have been raised by civil society regarding the framework for investigation of members of the Government. Ministers can only be held accountable for an official misconduct via a special constitutional process where decisions to bring charges are taken by the Parliament after hearing the opinion of the Constitutional Law Committee.
	Asset declaration	The asset disclosure system is under revision. Asset disclosure for senior government officials is regulated in the Act on Public Officials in Central Government. A legislative amendment, which would extend the obligation to declare assets also to special advisers to Ministers, is expected to be submitted to the Parliament in the course of 2021
	Revolving doors	The Government is preparing legislative proposals for stricter regulation of revolving doors. A governmental proposal to extend the cooling-off period from six to 12 months for civil servants is expected to be submitted to the Parliament in autumn 2021. As for Ministers, the Government is currently preparing a legislative project on limiting revolving doors to tackle potential conflicts of interests arising after their leaving public office.
	Lobbying	Lobbying remains unregulated in Finland and legislation on a transparency register is being prepared . The Ministry of Justice has recently published a report examining lobbying practices in Finland. The report identifies lobbying as a widespread practice which often remains in the dark.

Item	Sub-item	
	Whistleblowers	There is no general legislation on whistleblower protection and cases of reported breaches of law have been addressed via specific legislation, such as labour law and criminal law. Finland is currently preparing new legislation on the protection of whistleblowers to implement nationally the EU directive on the protection of persons who report breaches of Union law
	Funding to political parties	A parliamentary working group is reviewing legislation on political parties and electoral funding. Political party financing is overseen by the National Audit Office . However, <b>there are concerns that the current rules contain loopholes that would make it possible not to disclose the origin of all financial contributions.</b> A parliamentary working group under the National Democracy Programme is reviewing the development of the electoral, party and party funding legislation and will issue its report in 2021

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended (i) that a Code of Conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.	Fully implemented.
	Corruption prevention in respect of judges	
	GRECO recommended (i) that the “Ethical Principles for Judges” adopted by the Association of Finnish Judges be communicated effectively to all lay judges and expert members of courts; and (ii) that they be complemented by further measures, including dedicated training, aimed at offering proper guidance on the application of the Ethical Principles and on conflicts of interest and related issues.	Fully implemented.
GRECO recommended (i) that a set of clear ethical standards/code of professional conduct (including guidance on conflicts of interest and related issues) be made applicable to all prosecutors and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.	Fully implemented.	

GRECO – Evaluation Round V (2020)	Recommendations	Implementation Status
	Corruption in central governments	
	Introduce a code of conduct for ministers and other persons entrusted with top executive functions and ensure its enforcement; introduce confidential counselling regarding conflicts of interest and other integrity related matters	Partial implementation. The legislative process has produced a draft which meets GRECO’s standards. The adoption and implementation of the new Code is pending.
	Provide compulsory dedicated integrity training to all top executive officials at the start of their term and provide continuous training throughout their political career.	Not implemented.
	Introduce a verification system for asset declaration.	Not implemented.
Introduce legislation on revolving doors.	Partial implementation. The Guidelines on Revolving Doors was adopted. However, the application of the Guidelines is at the discretion of the government institution.	

	Improve the legislation on asset declaration, by standardising the content and time of financial disclosure/declaration requirements and by widening the scope of reporting to include information on gifts above a certain threshold, as well as information on immediate family members of top executive officials.	Not implemented.
	Ensure that the procedures for lifting immunity do not hamper or prevent criminal investigations in respect of ministers suspected of having committed corruption related offences.	Not implemented.
<b>Law enforcement</b>		
	Develop a dedicated anticorruption strategy/policy for Police and the Border Guard which is made known to the public.	Partial implementation. The drafted strategy does not tackle some crucial issues concerning corruption.
	Adopt and publish a code of conduct for the Police and for the Border Guard, respectively. Provide training to members of these agencies concerning the new codes.	Partial implementation. Training has yet to be implemented.
	In relation to career-related processes in the Police and the Border Guard, adequate checks and controls are in place to prevent any one person from influencing unduly the process; and introduce internal appeal/conciliation mechanisms into the system.	Partial implementation. No information has been provided on the appeal/conciliation mechanism.
	Develop a streamlined system for authorisation of secondary employment in the Police, which is coupled with effective follow-up.	Not implemented.
	Introduce revolving doors legislation and legislation on secondary activities for the Police and the Border Guard.	Partial implementation.
	Provide dedicated guidance and training on whistleblower protection for all levels of hierarchy and chains of command in the Police and the Border Guard.	Partial implementation. The draft measure regulating police training is considered satisfactory by GRECO's standards. Future implementation is needed.

### France

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Anti-Corruption Agency</li> <li>High Authority for the Transparency of Public life (HATPF)</li> <li>Central Office for Combating Corruption and Tax Offences</li> <li>Financial Prosecutor. The Financial Prosecutor's Office has been reorganised in order to improve effectiveness, including through supplementary resources and increased independence. In 2020, the National Financial Prosecutor (PNF) has established a special squad for the research of evidence through open-source databanks. In 2020, the PNF initiated 123 new cases, leading to 21 indictments, for an estimated aggregated value of EUR 2 billion, and with 65 individuals involved</li> <li>The Central Office for Combating Corruption and Tax Offences (OCLCIFF). Recruiting, training (sometimes for three years) and retaining highly skilled human resources, in particular the financial data analysts and experienced investigators, represent a challenge for the Office</li> </ul>



Item	Sub-item	
	National Corruption Strategy	Anti- The national anticorruption plan for 2020-2022 is being implemented. The plan focuses on the following actions <sup>41</sup> : i) optimising data analysis to improve understanding and detection of corruption; ii) training and awareness-raising for public employees; iii-a) supporting ministries to establish anti-corruption programmes; iii-b) support major municipalities and their establishments to establish anti-corruption programmes; iii-c) promoting integrity in sports organisations and events; iii-d) supporting businesses in implementing the French anti-corruption framework and encouraging them to make anti-corruption compliance a means of boosting their competitiveness; iii-e) enhancing corruption penalties; and iv) enhancing France's international action
Relevant legislative and policy initiatives	Foreign bribery	Foreign bribery is criminalised as a separate offence by current legislation.
	Conflicts of interests	Members of Parliament in a situation of conflict of interest are to inform the Bureau of the National Assembly and to withdraw from participating in a conflicting vote. The HATPF is tasked with monitoring and enforcing legislation on conflict of interests.
	High-level corruption	The prosecution and adjudication of corruption cases show positive results, including for cases involving high-ranking officials. National legislation criminalises all forms of corruption offences (active, passive, domestic and/or foreign bribery) in the public and private sector, including in the field of sports and influence peddling in the public sector.
	Asset declaration	In 2020, the HATVP received 17 713 declarations of interest and assets from public officials, and 825 from ministers and members of Parliament. While the declarations of officials and ministers are public, those of members of Parliament are available only on request. The control performed in 2020 by the HATVP indicates that about 53% of declarations were compliant, 22% prompted minor clarification requests, and 25% had substantial deficiencies. In 2020, ten files were transmitted to the National Financial Prosecutor's Office, for possible criminal follow-up.
	Revolving doors	Relevant legislation on post-employment is in place. The High Authority for the Transparency of Public Life is tasked with assisting the public administration in the regulation of 'revolving doors'.
	Lobbying	<ul style="list-style-type: none"> <li>• Presence of a lobbying register which accounts for 90% of registered lobbyists</li> <li>• In 2020, the HATVP suggested that the lobbying legislation should be amended, as recommended by GRECO, in order to include lobbying individuals (and not only the organisations) initiating the contact with senior officials. No proposal has been put forward by the Government to date</li> </ul>
	Whistleblowers	Whistleblowers can submit their complaints first through the channel existing within their company or their public administration and, under specific circumstances, the complaint may then be submitted to AFA. The Defender of Rights provides support and advice to whistleblowers, including a guide. The Defender of Rights has one full-time officer for the counselling unit.  The lack of proper financial and legal support is a challenge for the practical protection of whistleblowers
	Funding to political parties	The human resources of the National Commission on Campaign Accounts and Political Financing (CNCCFP) appear insufficient compared to its workload

GRECO - Evaluation	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	Partly implemented.
	GRECO recommended that the conditions relating to the use of parliamentary assistants and collaborators, the operational expenses allowance and the parliamentary reserve facility be thoroughly reformed in order to ensure the transparency, accountability and supervision of the resources concerned.	

	GRECO recommended that the conditions relating to the use of parliamentary assistants and collaborators, the operational expenses allowance and the parliamentary reserve facility be thoroughly reformed in order to ensure the transparency, accountability and supervision of the resources concerned.	Fully implemented.
	GRECO recommended i) that the parliamentary regulations on gifts and other benefits be revised and supplemented to improve consistency, lay down prohibitions in principle and cover the various forms of benefits; ii) that declarations be published, especially in cases where those of a particular value remain permitted and are subject simply to a declaration (including invitations and travel).	Partly implemented.
	GRECO recommended that declarations of assets by members of the National Assembly and Senators be made easily accessible to the public at large.	Not implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that the criteria for the awarding of official honorary decorations and distinctions of judges be reviewed in order to reduce any perceived risks for their independence and impartiality.	Not implemented.
	GRECO recommended that disciplinary authority over judges and any prior administrative procedure be concentrated in the hands of the section of the Judicial Service Commission with jurisdiction over judges.	Not implemented.
	GRECO recommended i) that legislative reform establish a procedure for the appointment of prosecutors in line with that for judges, making it possible for the Judicial Service Commission to issue an opinion which is binding on the Minister of Justice; ii) that consultations take place on the possibility of aligning the disciplinary procedure for members of the prosecution service with that applicable to judges (with the Judicial Service Commission holding sole authority).	Partly implemented.

GRECO – Evaluation Round V (2020)	Recommendations	Implementation Status
	<b>Corruption in central governments</b>	
	Introduce requirement of prior integrity checks for all posts of adviser to the Government or the President of the Republic	Partial implementation. The control system was introduced, but only for top executive officials, not for their advisers.
	Extend the multi-annual plan for the fight against corruption to cover the Private Office of the President of the Republic.	Partial implementation.
	Strengthen cooperation between the French Anti-Corruption Agency and the High Authority for Transparency in Public.	Partial implementation. Collaboration protocols have been established but they do not concern top executive officials.
	Adopt codes of conduct for each ministry that cover all integrity matters and ensure their enforcement.	Partial implementation. The process of adopting codes of conduct in each ministry is being supported by the AFA. The authorities mention that two ministries now have updated codes of conduct. No improvement has been made on the verification system.
	Introduce lobbying legislation.	Not implemented.
	Introduce a mechanism for verification of asset declaration managed by the High Authority for Transparency in Public Life	Not implemented.

	Provide the National Financial Prosecution Office with additional resources, specifically in terms of staff, and that its independence from the Executive be ensured	Not implemented.
<b>Preventing corruption and promoting integrity in law enforcement agencies</b>		
	Adopt a global strategy focusing on the prevention of corruption risks within law enforcement agencies on the basis of risk assessments and the most vulnerable sectors as drawn up by the National Gendarmerie and the National Police.	Partial implementation.
	Revise the commentary on the code of ethics of the National Police and the National Gendarmerie to further expand on integrity issues with specific examples.	Partial implementation. The new commentary on the Code of Ethics has been drafted and adopted. Implementation is pending.
	Provide by law the confidentiality of advisory procedures with ethics advisers/correspondents; provide specific training for ethics advisers/correspondents.	Fully implemented.
	GRECO recommended that security checks relating to the integrity of members of the National Police and the National Gendarmerie be carried out at regular intervals in accordance with the Internal Security Code	Not implemented.
	Evaluate and revise the protective regime for whistleblowers in order to simplify the reporting procedure; provide strengthened training to law enforcement authorities on this regime.	Not implemented.

## Germany

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Germany has several authorities responsible for the prevention of corruption at the federal level, including the Federal Ministry of the Interior, Building and Community and the Supreme Audit Institution</li> <li>As to the repression of corruption, Germany has a decentralised approach. The sixteen states (Länder) are in charge of the investigation and prosecution of corruption offences across Germany. Some Länder have specialised police and prosecution offices on corruption in place</li> <li>Some concerns exist as to the capacity to detect and investigate allegations of corruption-related financial crime. To address concerns of backlogs, Germany's Financial Intelligence Unit announced an increase of its capacities to 800 staff over the next three years and to introduce a dedicated software to identify risk areas.<sup>368</sup></li> </ul>
	National Anti-Corruption Strategy	<p>No information available</p> <p>Lack of participation of the private sector in the fight against corruption, limited implementation of the multi-stakeholder approach<sup>369</sup></p>

<sup>368</sup> UNCAC. 2020. Review of implementation of the UN Convention against Corruption – Germany. Available at: [link](#).

<sup>369</sup> Ivi.

Item	Sub-item	
Relevant legislative and policy initiatives	Foreign bribery	In foreign bribery cases, Germany's enforcement in holding companies liable remains critically low, despite its leading role in investigating, prosecuting and sanctioning individuals who commit foreign bribery.
	Conflicts of interests	<ul style="list-style-type: none"> <li>Germany is strengthening the rules on potential conflicts of interest for parliamentarians and for members of its financial supervisory body. To restrict secondary activities of members of the Federal Parliament, amendments to the Act on Members of the Federal Parliament were presented to Parliament in December 2020 and adopted in June 2021</li> <li>The Act on the enhancement of the financial market integrity (FISG), which has come into force on 1 July 2021, further prohibits private trading in financial instruments for employees of the Federal Financial Services Supervisory Authority</li> </ul>
	High-level corruption	Parliamentary investigation committees call for and hold committee meetings on a regular basis to address high-level corruption cases involving members of Government or federal ministries.
	Asset declaration	<p>Germany's rules on asset declarations are under review. The amendment of the Act on Members of the Federal Parliament foresees provision for members of the Federal Parliament to disclose their financial holdings in unincorporated companies and companies with share capital above 5% as well as the revenues of such holdings</p> <p>The assets and financial interests of parliamentarians will be subject to notification, if the respective member of the parliament is in charge of an issue in a parliamentary committee and, at the same time, remunerated through a secondary activity</p> <ul style="list-style-type: none"> <li>However, concerns remain with regard to the lack of regulation for members of the Federal Government to disclose assets and properties</li> </ul>
	Revolving doors	Concerns remain as to the consistent application of Germany's 'revolving doors' rules, including varying cooling-off periods and the large discretion in the decision of superiors regarding future employments of state secretaries and directors general.
	Lobbying	<p>A new federal law to introduce a lobby register for interest representatives was adopted in March 2021 and will become operational on 1 January 2022</p> <p>The legislation aims at increasing transparency in the federal decision-making process. It introduces rules for lobbying activities towards the German Federal Parliament, the Government and ministries</p> <p>Civil Society stakeholders acknowledge the wide personal scope envisaged, also including lawyers and clients of consultancies who lobby on their behalf. Actors such as trade unions, employer associations, churches and religious communities, as the most important lobby actors in Germany, are however exempt from the mandatory registration requirement</p> <p>The provision of financial information on amounts invested in the lobbying activities also remains voluntary</p> <p>Further, the requirement to register concerns only meetings with top-level government officials. The technical level in the ministries, where most of the lobbying regularly takes place, is not included, with the consequence that no track record will exist for such meetings</p> <p>A failure to comply can be sanctioned with up to EUR 50 000</p> <p>The electronic lobby register will be operational by 1 January 2022 and will be administered by the Parliament (Bundestag). The introduction of a 'legislative footprint' that would allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts has not received the support of the political majority at the federal level in the debate around the lobby register</p> <p>ECO has also recommended to improve transparency of external inputs to legislative proposals</p> <p>Called for more transparency for members of the Parliament: strengthen the rules for disclosure of interests, introduce rules regulating lobbyingism<sup>370</sup></p>

<sup>370</sup> Ivi.

Item	Sub-item	
		New federal law to introduce a lobby register for interest representatives was adopted in March 2021 and will become operational 1 January 2022
	Whistleblowers	<ul style="list-style-type: none"> <li>New rules on whistleblower protection are under preparation. The draft legislation for the protection of whistleblowers aims at protecting disclosures of breaches of EU and national law and covers both the private and the public sector</li> <li>In practice, several contact points for whistleblower disclosures are in place at the federal and state level, including the Anti-Corruption Appointees, the Specialised Ombudspersons, such as the Armed Forces Ombudsman at the federal level, and the Citizen Ombudsmen and Confidence Lawyers at the state level, who facilitate the disclosure and investigation of corruption offences</li> </ul> <p>The fragmentation across institutions and administrative levels has been criticised, as potential whistleblowers and complainants might have difficulties in identifying the appropriate disclosure channels</p>
	Funding to political parties	<ul style="list-style-type: none"> <li>The financing of political parties is regulated in a specific law with reasonably dissuasive sanctions. Political parties are obliged to submit annual financial reports to the President of the Federal Parliament including on political party assets, liabilities, income and expenditure in both campaign and off-campaign periods</li> <li>In case of inaccuracies, the respective party can be sanctioned with an amount of twice as much as the corresponding incorrect information</li> <li>Concerns have been raised regarding the significant time lapse between the party income and its reporting</li> <li>Donations above EUR 50 000 must be reported without delay and published on the website of the Federal Parliament. Donations above EUR 10 000 must be disclosed publicly in the annual report, while the ceilings for anonymous donations are EUR 500 and for donations in cash EUR 1 000</li> <li>International reviewers have repeatedly pointed out the need for lower thresholds and strengthened record-keeping. Sponsoring remains largely unregulated despite its potential to buy access to important government officials</li> <li>Not sufficiently strict regulations for funding of parties (anonymous donations are accepted under a certain amount, the threshold for public disclosure should be lowered<sup>371</sup>)</li> </ul>

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended that the transparency of the parliamentary process be further improved, e.g. by introducing rules for members of parliament on how to interact with lobbyists and other third parties seeking to influence the parliamentary process	Partly implemented.
	GRECO recommended (i) that a requirement of ad hoc disclosure be introduced when a conflict between specific private interests of individual members of parliament may emerge in relation to a matter under consideration in parliamentary proceedings – in the Bundestag plenary or its committees – independently of whether such a conflict might also be revealed by members' declarations of activities and income; and (ii) that members of parliament be provided written guidance on this requirement – including definitions and/or types of conflicts of interest – as well as advice on possible conflicts of interests and related ethical questions by a dedicated source of confidential counselling.	Not implemented.

<sup>371</sup> Ivi.

	GRECO recommended (i) that the existing regime of declarations of interests be reviewed in order to extend the categories of information to be disclosed to include, for example, information on significant assets – including shareholdings in enterprises below the current thresholds – and significant liabilities; and (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).	Partly implemented.
	GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the current and future declaration requirements, rules on conflicts of interest and other rules of conduct for members of parliament, inter alia, by strengthening the personnel resources allocated by the Bundestag Administration.	Partly implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that appropriate measures be taken with a view to enhancing the transparency and monitoring of secondary activities of judges. The Länder are to be invited to contribute to such a reform process.	Partly implemented.

## Greece

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The National Transparency Authority</li> <li>• The Internal Affairs Unit of the Police</li> <li>• The audit committee</li> <li>• The justice system continues to face challenges as regards its overall efficiency. Judicial statistics show that in particular the civil court system continues to face efficiency challenges, as the time needed to resolve litigious civil and commercial disputes in first instance has increased again (559 days in 2018 compared to 479 days in 2017). In addition, the productivity of first instance courts is falling as regards the clearance rate for litigious civil and commercial cases (86.3 % in 2018 compared to 96.0 % in 2017), which means that Greece is facing a clear risk of building up new backlogs</li> </ul>
	National Anti-Corruption Strategy	Greece has in place a comprehensive anti-corruption strategic framework, called the National Anti-Corruption Action Plan (NACAP). A new anti-corruption strategy for 2022-2025 is under preparation. Drawing on the experience from the previous national anticorruption plans, the new strategy aims to focus on high-risk sectors and activities.
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	A recent reform introduces new provisions on conflicts of interest. They cover members of the Government, the general and special secretaries, as well as coordinators of decentralised administrations, the presidents or heads of independent authorities and presidents, vice presidents, governors, deputy governors and CEOs of public and private legal entities , except for those enshrined in the Constitution, who answer only to Parliament and not to the Government.
	High-level corruption	<b>Shortcomings remain regarding the effectiveness of action against high-profile corruption. The challenges for the prosecution office concern in particular the lack of administrative and paralegal staff and as well as highly skilled investigators; a general lack of and delay in rolling out digital tools to detect sophisticated financial crimes; and absence of a system for case-management</b>

Item	Sub-item
	Important steps to address obstacles to prosecuting high-level corruption have been taken through constitutional amendments. The constitutional provisions regarding the immunity regime for Members of Parliament and of serving or former Ministers were modified in 2019. Under the previous legal regime, the possibility to prosecute serving and former members of government was severely restricted by a complex and time-constrained procedure for parliamentary approval at various steps of the criminal procedure. The special statute of limitations has also been abolished, thus lifting some important legal obstacles to the prosecution of high-level corruption, notably as regards the removal of the time limit for the Parliament to adopt a motion for prosecution against serving or former Ministers
Asset declaration	Greece has carried out several reforms to improve and strengthen the legal framework of the asset declarations system. As of 2016, asset declarations for all categories covered are submitted online and the system is now fully operational. However, the relevant Law on the Submission of the Declarations of Assets and Financial Interests by Liable Individuals has been amended once more in 2018, stipulating that all persons covered would have to submit again their asset declarations for the years 2015, 2016 and 2017.
Revolving doors	As regards 'revolving doors', the legal framework has been amended in 2019. Previously the legislation provided that senior public officials must abstain from any private professional activity similar to their previous duties for a period of 2 years. The infringements of the provisions were punished by several sanctions such as fines, prohibition of being appointed as public administration officials for a period of ten years and removal from the relevant National Registry. However, these provisions have been abolished through new amendments, which introduced a reduced cooling off period from two years to one year and removed sanctioning provisions
Lobbying	The National Transparency Authority, together with the Ministry of the Interior, has developed a draft law on the regulation of lobbying. The objectives are to establish clear rules and a publicly available registry of lobbyists and lobbying activities. This draft is now subject to public consultation. A new federal law to introduce a lobby register for interest representatives was adopted in March 2021 and will become operational on 1 January 2022. The introduction of a 'legislative footprint' that would allow for the monitoring and tracing of all interest representatives who seek to influence and contribute to specific legislative texts has not received the support of the political majority at the federal level in the debate around the lobby register.
Whistleblowers	Legislation for the legal protection of whistleblowers is in preparation. A committee (consisting of a judge, lawyers, law professors, the National Transparency Authority, the Ministry of Justice and the Ministry of Interior) has been set up by the Government, and it is tasked with preparing draft legislation on whistleblower protection. For the time being, whistleblower protection exists in administrative law for the protection of civil servants against retaliation and in criminal law for the protection of 'public interest witnesses' in penal cases.
Funding to political parties	After a series of legislative reforms, a modern law on party financing is in place. It seems, however, that its <b>full implementation is a matter of concern, as the control mechanisms are not yet fully effective, and no sanctions have been imposed to date by the competent audit committee of the Parliament on any political party</b>

GR EC	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	

GRECO recommended to ensure that legislative drafts including those carrying amendments are processed with an adequate level of transparency and consultation including appropriate timelines allowing for the latter to be effective	Partly implemented.
GRECO recommended that adequate and consistent rules be elaborated concerning the acceptance by parliamentarians of gifts, hospitality and other advantages including special support provided for parliamentary work, and that internal procedures for the valuation, reporting and return of unacceptable benefits be developed.	Fully implemented.
GRECO recommended (i) that the implementation of the rules on professional eligibility and incompatibilities applicable to parliamentarians is properly assessed and that the necessary secondary legislation is introduced accordingly, as already foreseen in particular under article 57 paragraph 4 of the Constitution; (ii) that the objectives and effectiveness of article 8 of Law 3213/2003 concerning restrictions on the involvement of parliamentarians (and other officials concerned) in offshore companies be reviewed, in line with the declaratory obligations provided in the same law.	Fully implemented.
GRECO recommended (i) that the implementation of the rules on professional eligibility and incompatibilities applicable to parliamentarians is properly assessed and that the necessary secondary legislation is introduced accordingly, as already foreseen in particular under article 57 paragraph 4 of the Constitution; (ii) that the objectives and effectiveness of article 8 of Law 3213/2003 concerning restrictions on the involvement of parliamentarians (and other officials concerned) in offshore companies be reviewed, in line with the declaratory obligations provided in the same law.	Fully implemented.
GRECO recommended that determined measures be taken in order to ensure that the procedures to lift the immunity of parliamentarians do not hamper or prevent criminal proceedings in respect of members of parliament suspected of having committed corruption related offences, notably by defining clear rules and criteria in that area.	Fully implemented.
GRECO recommended that as part of a proclaimed integrity policy, efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in Parliament in a collective effort (e.g. training, discussions on ethics and integrity, awareness of bribery and other corruption-related offences) and on an individual basis through confidential counselling in problematic situations.	Partly implemented.
<b>Corruption prevention in respect of judges</b>	
GRECO recommended (i) revising the method of selection concerning the most senior positions of judges and prosecutors so as to involve the peers in the process and (ii) to consider amending the modalities for the initiation of disciplinary proceedings in their respect.	Not implemented.
GRECO recommended (i) that procedural rules provide for further guarantees against delays before the stage of the decision and that channels for complaints against undue delays be clarified, streamlined and properly communicated to the public; (ii) that the role of judges and prosecutors with managerial functions be strengthened as regards caseload management.	Not implemented.
GRECO recommended that a set of clear standards of professional conduct and integrity, accompanied by explanatory comments and/or practical examples be introduced for judges and prosecutors.	Not implemented.
GRECO recommended that consideration be given to consolidating the various judicial bodies currently responsible for the career, professional supervision and discipline of judges and prosecutors.	Fully implemented.
GRECO recommended that periodic public reports be introduced on the functioning of the courts and the prosecution service, which would include adequate statistical data, information and analyses concerning in particular the management of the workload and disciplinary cases.	Partly implemented.
GRECO recommended that training and awareness be developed on integrity-related issues both in the context of initial and of on-going training for judges and prosecutors.	Partly implemented.



## Hungary

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The National Protective Service (NVSZ)</li> <li>• Investigation Division of the Central Chief Prosecution Office of Investigation and its five regional offices.</li> <li>• Investigative forces of the police</li> <li>• National Protective Service.</li> <li>• The State Audit Office</li> </ul>
	National Anti-Corruption Strategy	The implementation of the National Anti-corruption Strategy for 2020-2022 and dedicated Action Plan is ongoing. As reported in 2020 Rule of Law Report, the scope of the anti-corruption strategic framework is limited to fostering integrity in public administration. The Strategy, adopted in June 2020 foresees actions such as: the introduction and development of electronic solutions for increasing transparency (e.g. automated decision-making system), monitoring integrity risks, integrity training for civil servants, and specialised anti-corruption training for law enforcement, judges and prosecutors.
	Perceived level of corruption in the public sector	The perception of public sector corruption among experts and business executives is that the level of corruption in the public sector remains high. In the 2020 Corruption Perceptions Index by Transparency International, Hungary scores 44/100 and ranks 19th in the European Union and 69th globally. This perception has significantly decreased <sup>83</sup> over the past five years .
Relevant legislative and policy initiatives	Foreign bribery	Some revisions were introduced to criminal law legislation to address foreign bribery and informal payments in healthcare. As reported in 2020 Rule of Law Report, the relevant anti-corruption offences are criminalised. In response to a recommendation by the OECD, an amendment to the Criminal Code came into force on 1 January 2021. This amendment modifies the definition of 'foreign public official' in order to clarify that it includes officials of foreign public enterprises. It also introduces stricter sentences for facilitation payments.
	Conflicts of interests	Integrity tests continue to be considered by the authorities as an effective deterrent to corrupt behaviour and have led to the opening of several criminal cases for petty corruption in the reporting period
	High-level corruption	<p>Challenges remain as regards the investigation and prosecution of high-level corruption cases. The legal framework ensures the conditions for efficient investigations and prosecutions and the police and the Prosecution Service report adequate levels of resources and specialisation to carry out their tasks. However, prosecutors highlight challenges in detecting corruption and obtaining evidence in such cases</p> <p>A number of OLAF investigations were completed with the support of the Hungarian AFCOS (anti-fraud coordination service). In recent years, the number of indictments following OLAF's judicial recommendations was higher in Hungary than the EU average. However, despite repeated requests, the Hungarian authorities have not yet communicated an authority in charge to provide assistance to OLAF during its on-the-spot checks if an economic operator subject to control refuses to cooperate. It is further noted in the field of shared management, that the Hungarian authorities frequently withdraw projects from EU funding when OLAF issues a financial recommendation, or sometimes when the authorities become aware that an OLAF investigation has been opened. Furthermore, it appears that amounts due are not systematically recovered from the economic operator who committed the irregularity or fraud</p>

Item	Sub-item	
	Asset declaration	Hungary has an extensive asset disclosure system; however, concerns remain regarding the lack of systematic checks and insufficient oversight of asset and interest declarations. The system in place requires members of Parliament, government officials, and public officials to declare their assets and interests. However, concerns remain as regards the lack of systematic monitoring. Verification of asset declarations occurs only upon notification of suspicions and is left to the employer of the public official
	Revolving doors	Clear rules as regards revolving doors and cooling-off periods continue to be lacking. Although both the Labour Code as well as specific legislation applicable to public officials contain confidentiality clauses. In practice, these rules are not enforced, as the Government still needs to specify the sectors and positions where a clear time restriction applies for public officials to pursue business careers in the area in which they were active
	Lobbying	The regulation of lobbying continues to remain incomplete and lacks systematic enforcement. There is no mandatory registration of lobbyists and disclosure of contact reports. According to a 2013 Government Decree, employees of state administration bodies may only meet interest representatives in relation to their work after informing their superiors, who may prohibit the meeting
	Whistleblowers	A regulatory framework is in place for the protection of whistleblowers and further steps are needed to enhance protection in practice. The Whistleblower Protection Act provides anonymity for whistleblowers and enables the submission of complaints electronically. The public interest disclosures are investigated by the institutions concerned, and their answer containing the result of the investigation is to be uploaded to the electronic registry. Whistleblowers may not be held liable for their reporting unless they are found to have intentionally made a false report
	Funding to political parties	Party financing in Hungary remains a concern. The State Audit Office is charged with overseeing the accountability of the use of public funds and controls the legality of financial management of political parties. As also noted by GRECO, while some measures have been taken to ensure that the financial registries of political parties are transparent and up-to-date, to clarify party income sources and campaign periods, as well as to ensure a more in-depth monitoring, overall concerns remains as regards the transparency of party financing

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended (i) to ensure that all legislative proposals are processed with an adequate level of transparency and consultation and, (ii) that rules be introduced for members of parliament on how to interact with lobbyists and other third parties seeking to influence the parliamentary process	Not implemented.
	GRECO recommended that a code of ethics/conduct for members of parliament be adopted, including in respect of their staff as appropriate – covering various situations of conflicts of interest (gifts and other advantages, third party contacts, lobbyists, accessory activities, post-employment situations, etc.) and that it be complemented by practical measures for its implementation, such as dedicated training and counselling	Not implemented.
	GRECO recommended that a code of ethics/conduct for members of parliament be adopted, including in respect of their staff as appropriate – covering various situations of conflicts of interest (gifts and other advantages, third party contacts,	Not implemented.

	lobbyists, accessory activities, post-employment situations, etc.) and that it be complemented by practical measures for its implementation, such as dedicated training and counselling	
	GRECO recommended to ensure (i) that the obligation upon members of parliament to disclose outside occupations and activities of a non-financial character are applied in practice; and (ii) that all declarations as submitted follow a format, which allows for adequate public scrutiny over time, preferably by using electronic means	Not implemented.
	GRECO recommended that appropriate measures be taken in order to ensure that the procedures of lifting the immunity of parliamentarians do not hamper criminal investigations in respect of members of parliament suspected of having committed corruption related offences	Not implemented.
	GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the existing and yet to be established rules on the conduct, conflicts of interest and interest declarations of members of parliament and that adequate and proportionate sanctions be introduced to that end	Partly implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that the powers of the President of the National Judicial Office to intervene in the process of appointing and promoting candidates for judicial positions be reviewed in favour of a procedure where the National Judicial Council is given a stronger role.	Not implemented.
	GRECO recommended that the immunity of ordinary judges be limited to activities relating to their participation in the administration of justice ("functional immunity").	Not implemented.
	GRECO recommended that i) the possibility to re-elect the Prosecutor General be re-considered and ii) the possibility to maintain the Prosecutor General in office after the expiry of his/her mandate by a minority blocking of the election in Parliament of a successor be reviewed by the Hungarian authorities.	Partly implemented.
	GRECO recommended that i) the possibility to re-elect the Prosecutor General be reconsidered and ii) the possibility to maintain the Prosecutor General in office after the expiry of his/her mandate by a minority blocking of the election in Parliament of a successor be reviewed by the Hungarian authorities.	Partly implemented.
	GRECO recommended that the immunity of public prosecutors be limited to activities relating to their participation in the administration of justice ("functional immunity").	Not implemented.
	GRECO recommended that disciplinary proceedings in respect of prosecutors be handled outside the immediate hierarchical structure of the Prosecution Service and in a way that provides for enhanced accountability and transparency.	Partly implemented.

## Ireland

Item	Sub-item	
Institutional	Key actors	<ul style="list-style-type: none"> <li>• An Garda Síochána:</li> <li>• The Anti-Corruption Unit within the Garda National Economic Crime Bureau</li> <li>• The Police</li> <li>• The Standards in Public Office Commission (SIPO)</li> </ul>

Item	Sub-item	
	National Anti-Corruption Strategy	<ul style="list-style-type: none"> <li>Following a comprehensive review, the government is planning revisions of the criminal legislative framework to strengthen the effectiveness of the fight against corruption. The 2018 criminal justice law provides a single consolidated legislation.</li> <li>Limited resources remain a challenge for the Anti-Corruption Unit within the Garda National Economic Crime Bureau (GNECB). The GNECB currently has 74 investigators (12 of whom are on temporary transfer), 18 Civilian Staff and three Forensic Accountants. The Anti-Corruption Unit within the GNECB is currently comprised only of three persons, one detective sergeant and two detective investigators.</li> <li>The analysis of electronic evidence in corruption cases poses some challenges. An Investigation Management System (IMS) has recently been developed and is currently being trialed. This system will standardise all investigations and will record all actions replacing paper based systems currently in use. According to the authorities, the collection of electronic evidence, including mobile phone data, computer data, cloud data and data from social networks is a further challenge</li> </ul>
Relevant legislative and policy initiatives	Foreign bribery	<p>The Criminal Justice Act included several offences relating to corruption. However, it contains a dual criminality provision, which may limit the scope for prosecuting foreign bribery. The Garda National Economic Crime Bureau (GNECB) and its specialised Anti-Corruption Unit in particular are responsible for the investigation of all corruption offences, including foreign bribery.</p> <p><b>Need for a steering committee for anti-money laundering activities<sup>372</sup></b></p>
	Conflicts of interests	<p>Harmonised conflict of interest rules are still pending. A review of the ethics legislation is currently being undertaken by Government, after the Public Sector Standards draft law 2015, which would have enhanced the existing framework for identifying, disclosing and managing conflicts of interest and minimising corruption risks, lapsed with the dissolution of the last parliament. Prevention of corruption and promotion of integrity measures have been identified among the priorities in the 2020 Programme for Government</p>
	High-level corruption	<p>Some high-level corruption cases have been dealt with by Tribunals of Inquiry. Such procedures are generally very lengthy and, in some cases courts, considered the evidence as inadmissible. Tribunals have been labelled 'a lengthy, expensive but unsatisfactory means of exposing corruption' by Transparency International Ireland.</p> <p><b>Lack of a code of conduct for judges and members of the judiciary<sup>373</sup></b></p>
	Asset declaration	<p>The general rules and procedures concerning asset disclosure are set out in the Ethics Acts. Interests to be disclosed and evidence on compliance must be submitted to the Standards in Public Office Commission (SIPO) by all members of both Houses of the Parliament, the Attorney General and appointees to senior office in public bodies.</p> <p><b>Need for stricter rules on gifts disclosure<sup>374</sup></b></p>
	Revolving doors	<p>As regards revolving doors, post-employment restrictions are included in the Regulation of Lobbying Act 2015, the Code of Conduct for office holders and the Civil Service Code of Standards and Behaviour. However, <b>SIPO lacks the necessary powers to monitor irregularities.</b></p>

<sup>372</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Ireland. Available at: [link](#).

<sup>373</sup> Ivi.

<sup>374</sup> Ivi.

Item	Sub-item	
	Lobbying	Some shortcomings remain with regard to the capacity to enforce the rules on lobbying and revolving doors. The Regulation of Lobbying Act 2015 created a requirement for a register of lobbyists. The Second Statutory Review of the Regulation of Lobbying Act 2015 was published in February 2020. The Register, which is a web-based system, is overseen by SIPO. <b>SIPO is not able to pro-actively pursue compliance with codes of conduct and lacks adequate resources.</b>
	Whistleblowers	The Protected Disclosures Act, which establishes a comprehensive legal framework for the protection of whistleblowers and protection against reprisals, is in place since 2014. Transparency International reports that while the enactment of whistleblowing legislation in 2014 was followed by an increase of 115% in persons demanding specialist legal advice or guidance since 2011.
	Funding to political parties	No information available

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended that the existing ethics framework be replaced with a uniform and consolidated values-based normative framework encompassing the ethical conduct of members of parliament – including their staff as appropriate – covering various situations of conflicts of interest (gifts and other advantages, third party contacts including lobbyists, accessory activities and post-employment situations etc.) with the aim of providing clear rules concerning their expected conduct.	Not implemented.
	GRECO recommended that the parliamentary authorities provide dedicated regular training for members of parliament on issues such as ethics, conduct in situations of conflicts of interests and corruption prevention.	Fully implemented.
	Corruption prevention in respect of judges	
	GRECO recommended that, with due expedition, an independent statutory council be established for the judiciary, provided with adequate resources and funding for its organisation and operations.	Fully implemented.
	GRECO recommended that the current system for selection, recruitment, promotion and transfers of judges be reviewed with a view to target the appointments to the most qualified and suitable candidates in a transparent way, without improper influence from the executive/political powers.	Not implemented.
	GRECO recommended that an appropriate structure be established within the framework of which questions concerning constitutional safeguards of the judiciary in connection with employment conditions are to be examined – in close dialogue with judicial representatives – with a view to maintain the high levels of judicial integrity and professional quality in the future.	Not implemented.
	GRECO recommended (i) that a code of conduct for judges be formally established, including guidance and confidential counselling in respect of conflicts of interest and other integrity related matters (gifts, recusal, third party contacts and handling of confidential information etc.) and (ii) connect such an instrument to an accountability mechanism.	Not implemented.
	GRECO recommended that dedicated induction and in-service training for judges be institutionalised and adequately resourced while respecting the independence of the judiciary.	Not implemented.

## Italy

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The National Anti-Corruption Authority is the main entity in charge of the prevention of corruption within the public administration supervising the adoption of the local three-year anti-corruption plans.</li> <li>• The Anti-Corruption Unit of the Financial Police is responsible for the investigation and prevention of corruption as a specialised law enforcement body</li> <li>• Financial Intelligence Unit for Italy provides support to the competent prosecutor's office and cooperates with the Financial Police as the competent authority for receiving reports of suspicious financial transactions</li> <li>• Efforts to fight corruption continue to be hampered by excessive disposition times, in particular at the appeal level. A draft law of March 2020 to improve the efficiency of criminal trials and to speed up proceedings in the Courts of Appeal continues to be examined at the Chamber of Deputies</li> <li>• Inefficient rules for the replacement of the members of the ANAC (avoid complete replacement of the board every six years)<sup>375</sup></li> <li>• Each agency/ administration/ fully controlled State-owned enterprise is required to appoint a corruption prevention officer and develop a three-year plan for the prevention of corruption in accordance with the national anti-corruption plan and with the participation of society.</li> <li>• Italy has established a national coordination mechanism in the Ministry of Foreign Affairs, namely the Tavolo Interistituzionale di Coordinamento Anticorruzione, which also collaborates with civil society.</li> <li>• The levying of a service charge in the public procurement process as a separate source of non-appropriated financing for ANAC.</li> <li>• Italy has a solid framework for access to information and is conducting an internal study of its Freedom of Information Act's early implementation.</li> </ul>
	National Anti-Corruption Strategy	Italy has a National Anti-Corruption Plan in place for the years 2019-2021. The central coordinating body for the plan is the National Anti-Corruption Authority. The plan, which is the overarching strategy for the prevention of corruption in the public administration, establishes the main policy objectives to prevent corruption, which are updated every year. The central themes of the 2021 update of the plan focus on public procurement as well as on the role and function of local anti-corruption officers that exist as focal points in every local administration.
Relevant legislative and	Foreign bribery	Despite important recent legislative developments on the legal framework, a lack of resources and limited experience and legal expertise affect the capacity of law enforcement authorities to pursue and prosecute foreign bribery effectively.
	Conflicts of interests	A legislative proposal on conflicts of interest for parliamentarians is still pending in Parliament. The proposal includes the introduction of stricter measures for members of national, regional and local government offices <b>Need for a general code of conduct for all public officials including members of the Parliament<sup>376</sup></b>
	High-level corruption	Cooperation, specialisation and resources for investigators and prosecutors of corruption and corruption-related crimes are generally considered sufficient to repress corruption, including high-level corruption.

<sup>375</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Italy. Available at: [link](#).

<sup>376</sup> Ivi.

Item	Sub-item	
	Asset declaration	Lack of monitoring and sanctioning for asset declarations of office holders <sup>377</sup>
	Revolving doors	The legislative proposal on conflicts of interest presented in 2020 provides for revised rules on post-employment ('revolving doors'). In terms of scope, the proposal covers members of Parliament as well as top executive officials but does not extend to public officials directly related to ministers, such as heads of cabinets. The length of the proposed cooling-off period of one year is currently still under discussion Lack of revolving doors legislation for magistrates and members of government <sup>378</sup>
	Lobbying	There is no law on lobbying towards members of the Government in place, but several draft laws have been presented to Parliament. The draft laws present the general framework for dealings with interest representatives based on the experience with the Transparency Registers of the Ministry for Economic Development and the Ministry of Labour
	Whistleblowers	<ul style="list-style-type: none"> <li>Amendments to the stand-alone whistleblowers law are at the final legislative stage. Until adoption, the protection of whistleblowers in the private sector remains limited as it is based on voluntary compliance programmes that not all companies have instituted. In practice, the Anti-Corruption Authority does not have the mandate to receive whistleblowers disclosures from private sector employees or to issue sanctions</li> <li>Whistleblowing protection limitations in the private sector<sup>379</sup></li> </ul>
	Funding to political parties	Italy prohibits direct public funding to political parties, including for political campaigns. Consequently, political parties need to finance themselves almost exclusively through private donations from individual donors or legal entities. This has created a significant reliance on parliamentarians to fund political campaigns from their own resources, making political actors more dependent on private donations and more vulnerable to undue influence <sup>380</sup>

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended strengthening the integrity framework for parliamentarians, including through (i) the formalisation of the Code of Conduct in the Rules of Procedures of the Chamber of Deputies; (ii) its further refinement through detailed guidance on its provisions; and (iii) the establishment of an effective enforcement and accountability regime. The same measures are recommended for the Senate.	Partly implemented.
GRECO recommended that (i) clear and enforceable conflict of interest rules be adopted for parliamentarians, including through a systematisation of the currently dispersed ineligibility and incompatibility regime; and (ii) the process of verification of ineligibility/incompatibility be further streamlined and thereby performed in an effective and timely manner	Partly implemented.	

<sup>377</sup> Ivi.

<sup>378</sup> Ivi.

<sup>379</sup> Ivi.

<sup>380</sup> Ivi.

	GRECO recommended establishing a robust set of restrictions concerning donations, gifts, hospitality, favours and other benefits for parliamentarians, and ensuring that the future system is properly understood and enforceable.	Partly implemented.
	GRECO recommended that a (i) a study be carried out in order to identify post-employment restrictions for members of Parliament which might be required to avert conflicts of interests; and (ii) post-employment restrictions in such cases be introduced, as necessary.	Partly implemented.
	GRECO recommended further developing the applicable rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the parliamentary process, including by developing detailed guidance on the matter and securing its effective monitoring and enforcement. The same measures are recommended for the Senate	Partly implemented.
	GRECO recommended that practical measures be put in place to support the implementation of clear parliamentary integrity rules including through the development of dedicated training activities.	Not implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that (i) a deliberate policy for preventing and detecting corruption risks and conflicts of interests be developed within the fiscal jurisdiction; (ii) appropriate measures be taken with a view to enhancing the professional and integrity supervision over members of fiscal courts, inter alia, by introducing a system of periodic assessment and regular training, including on questions of ethics, expected conduct, corruption prevention and related matters; (iii) a set of clear standards/code of professional conduct, accompanied by explanatory comments and/or practical examples, is established.	Fully implemented.
	GRECO recommended (i) that a restriction on the simultaneous holding of the office of magistrate and that of a member of local government be laid down in law; and more generally, (ii) that the issue of political activity of magistrates be dealt with in all its aspects at legislative level, given its impact on the fundamental principles of independence and impartiality, both real and perceived, of the judiciary.	Partly implemented.
	GRECO recommended strengthening the follow-up of the financial declaration forms filed by magistrates, notably, by ensuring a more in-depth scrutiny of the declarations and subsequently sanctioning the identified violations.	Fully implemented.

## Latvia

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The Corruption Prevention and Combating Bureau (KNAB)</li> <li>• The General Prosecutor's Office</li> <li>• State Police</li> <li>• Internal Security Bureau</li> <li>• Internal Security Board of the State Revenue Service</li> <li>• State Border Guard</li> <li>• State Audit Office</li> <li>• During COVID spending, as a new practice, the State Audit Office did not wait for the auditees to submit the financial reports, and issued its audit recommendations immediately after the spending finished, so the recommendations could be implemented quickly</li> </ul>



Item	Sub-item	
	National Anti-Corruption Strategy	A new Action Plan to prevent corruption is under preparation. The Corruption Prevention and Combating Bureau (KNAB) has started drafting the Corruption Prevention and Combating Action Plan for 2021-2024, which is due for adoption in summer 2021. National legislation in force criminalises corruption and related offences, including the abuse of office, domestic and foreign bribery, and trading in influence.
Relevant legislative and policy initiatives	Foreign bribery	National legislation in force criminalises corruption and related offences, including the abuse of office, domestic and foreign bribery and trading in influence.
	Conflicts of interests	Latvia continues to develop its integrity framework for the prevention of conflicts of interest, whereas restrictions on post-employment remain almost unchanged. A series of amendments to the Law on Prevention of Conflict of Interest in Activities of Public Officials are pending final approval by the Parliament
	High-level corruption	No information available
	Asset declaration	Assets disclosure for public officials are regulated by law. Draft laws are pending approval by the Parliament, regulating the asset declaration submission procedure and asset declarations submitted by Council members of higher education institutions and Board members of capital companies of public persons or representing the interests of public persons.
	Revolving doors	Provisions regulating "revolving doors" and post-employment restrictions remain limited.
	Lobbying	Lobbying remains unregulated, while the draft legislation continues to be discussed by the Parliament. To date, there are no rules on lobbying transparency and only a few cases of voluntary publication of meetings between public representatives and lobbyists have been reported.
	Whistleblowers	Whistleblowing systems are being implemented. The Corruption Prevention and Combating Bureau (KNAB) is the competent authority to admit and process whistleblowing reports on alleged corruption and conflict of interest related offences received by the State Chancellery and any other competent authority.
	Funding to political parties	The Law on Financing of Political Organisations (Parties) was amended in June 2020. Its implementation is monitored by the Corruption Prevention and Combating Bureau.

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended the introduction of rules on how Members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.	Not implemented.
	GRECO recommended that the Code of Ethics be (i) revised and updated and (ii) complemented with practical measures in order to provide adequate guidance and counselling to members of the Saeima regarding ethical and corruption-prevention related provisions.	Not implemented.
	GRECO recommends that the mechanisms internal to the Saeima for assuring application of the Code of Ethics, as well as for preventing conflicts of interest, be further developed and articulated with a view to ensuring their proactivity and effectiveness.	Not implemented.
Corruption prevention in respect of judges		

	GRECO recommended (i) strengthening the decisive influence of the relevant self-governing judicial bodies (e.g. the Judicial Council and Judicial Qualification Board) in the appointment, reappointment and career progression of the judiciary; and (ii) reconsidering the scope of powers held by the Saeima in this area, notably, by restricting it to the confirmation of judicial appointments as recommended by the relevant judicial bodies, with a view to better dispelling the risks of political influence.	Fully implemented.
	GRECO recommended that the system of administrative immunities for judges is abolished and that the system of administrative immunities for prosecutors is abolished.	Not implemented.
	GRECO recommended that measures be taken to ensure that disciplinary cases concerning improper conduct by judges are decided before the expiry of the statute of limitations, such as extending the time period for imposing sanctions from the date of detection, reassessing the adequacy of the limitation period as a whole, and providing for the interruption or suspension of the period of limitation under specified circumstances.	Fully implemented.
	GRECO recommended that training on corruption prevention (including issues of confidentiality and reporting concerns about wrongdoing), ethics and integrity, tailored to prosecutors is given a greater priority and resources such that it forms part of a regular rolling programme.	Fully implemented.

		Recommendations	Implementation Status
GRECO – Evaluation Round V (2020)	Corruption in central governments		
		Make the name of advisory officials and employees for the government public, including details on their main jobs and activities	Fully implemented.
		(1) Introduce a monitoring system to ensure the veracity of asset declaration of Cabinet Members and other executive officials. (2) Make the declaration accessible to the public.	Partial implementation. With regard to (1), no measure has been taken, not even on a legislative level. (2) is fully implemented.
		NOTE: most of the recommendations for Latvia were country-specific and regard some specific subsets of public officials that have no equivalent in other countries. Only recommendations that are relevant for a horizontal analysis have been considered.	
	Corruption in law enforcement		
		Strengthen the Code of conduct for State Border Guard, tackling gifts/benefits, lobbying and professional conduct in situations that are not explicitly covered by the Code.	Partial implementation. A new Code was adopted, covering only some of the areas highlighted in the evaluation phase. Legislation on gifts is lacking and some terms in the Code lack a rigorous definition
		Review the codes of ethics to ensure congruency of rules for all interested profiles. Provide proper training on the rules in the codes.	Partial implementation. The codes have been reviewed and amended version have been issued. However, the supply of training to police officers has been planned but not yet implemented.
		(1) Provide the State Police and the State Border Guard with the necessary resources to perform their tasks; (2) Elaborate precise, objective and transparent criteria for the allocation of bonuses, promoting consistency in their application and introducing adequate controls and monitoring in this field.	Partial implementation. With regard to (1), funding of the State Board Guard improved, but no information is available on State Police. With regard to (2), legislative effort has been made to review and improve procedures for the allocation of bonuses. A new law has been drafted and is yet to be adopted.
		Adopt and implement whistleblower protection measures in the State Police and the State Border Guard and integrating modules on whistleblower protection into existing and future training programmes.	Partial implementation. A new law on whistleblowers have been adopted, and new learning modules have been added to the police's training

	programme. Until implementation of the whistleblower protection mechanism, the recommendation cannot be considered fully implemented.
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**Lithuania**

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>The Ministry of Justice</li> <li>Special Investigation Service</li> <li>Chief Official Ethics Commission of the Republic of Lithuania</li> <li>The Prosecution Service conducts and coordinates pre-trial investigations</li> </ul>
	National Anti-Corruption Strategy	<p>In the framework of the National Anti-Corruption Programme 2015-2025, on 4 November 2020, a new Action Plan for 2020-2022 was approved by Parliament.</p> <p>A new action plan to accompany the National Anti-Corruption Programme was adopted. The anti-corruption strategic framework is laid down in the National Anti-Corruption Programme 2015-2025 and it is implemented and coordinated by the Government with the support of the Special Investigations Service (STT). The programme takes a comprehensive approach to corruption focusing on both the public and the private sector.</p>
Relevant legislative and policy initiatives	Foreign bribery	The legislative framework to tackle foreign bribery is adequate while implementation of international recommendations on the need to raise awareness on this issue needs further improvement. In this context, human and financial resources available to law enforcement are considered sufficient to perform the tasks but authorities point to the need to increase the number of law enforcement officials.
	Conflicts of interests	Reforms aiming at strengthening the framework of conflicts of interests have been adopted. Civil servants, members of Parliament, members of the Government and other public sector officials are bound to avoid any conflict of interest and act in a way that would not raise doubts about their integrity.
	High-level corruption	The investigation and prosecution of corruption has continued as regards a number of high-level corruption cases. In 2020, the STT started 69 pre-trial investigations, with 35 cases sent to Court.
	Asset declaration	The asset declaration framework for elected officials now has a more efficient and effective regulation. A new amendment to the Law of Public and Private Interests in the Public Service for elected and appointed persons was adopted in July 2020 . It aims at simplifying the process for declarations of interest and specifies all the necessary details needed to log the declaration which must be done by the elected members in the 30 days following their election.
	Revolving doors	The implementation of the revolving doors and cooling-off provisions of July 2020 has started. Revolving doors and cooling off period are regulated in the Law on the Adjustment of Public and Private Interests , which establishes a one year cooling-off period.
	Lobbying	Updated rules on lobbying aim at ensuring more transparency and publicity for meetings between officials and lobbyists. The new amended law on lobbying entered into force in January 2021 and foresees a cross declaration scheme where lobbyists, politicians and public servants must report their meetings in the Register of Lobbyists maintained by the Chief Official Ethics Commission (COEC).

Item	Sub-item	
	Whistleblowers	While whistleblowers protection regulation is in place, awareness is lacking among citizens. In order to promote the use of the hotline and to support other authorities in establishing their own reporting channels, the Office of the Prosecutor General is organising awareness training for public and private entities.
	Funding to political parties	No information available

GRECO – Evaluation Round IV	Recommendations	Implementation Status	
	<b>Corruption prevention in respect of members of parliament</b>		
	GRECO recommended that, at the initiative of the Chief Official Ethics Commission, the co-operation on an operational level between the institutions responsible for overseeing the implementation, by members of the Seimas, judges and prosecutors, of rules on conduct, conflicts of interest and related matters be significantly strengthened	Partly implemented.	
	GRECO recommended that the transparency of the legislative process be further improved by ensuring that agendas, working documents and minutes of committee meetings are made accessible in due time.	Fully implemented.	
	GRECO recommended introducing rules on how members of the parliament engage with lobbyists and other third parties who seek to influence the legislative process.	Partly implemented.	
	GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the rules regarding declarations of private interests and other rules of conduct of members of the Seimas.	Partly implemented.	
	GRECO recommended that efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in the Seimas, both at institutional level (training, institutional discussions on ethical issues related to parliamentary conduct, etc.) and on an individual basis (confidential counselling).	Partly implemented.	
	<b>Corruption prevention in respect of judges</b>		
	GRECO recommended (i) that the method for appointing the members of the Selection Commission of Candidates to Judicial Offices be reviewed in order to strengthen their independence and that the procedure for appealing against the Commission's decisions be consolidated, and (ii) that the Judicial Council be given a more important role in the procedure for selecting judges.	Partly implemented.	
	In order to increase the transparency and objectivity of the recruitment and promotion in the prosecution service, GRECO recommended strengthening the decisive influence of the selection commissions, by providing that their recommendations be followed as a rule and that written motivation be given if they are not.	Fully implemented.	
GRECO recommended that i) the Code of Ethics of Prosecutors be complemented in such a way as to offer practical guidance by way of explanatory comments and/or practical examples on conflicts of interest and ethical issues and (ii) that further measures be taken to raise prosecutors' awareness of these issues, notably by stimulating institutional discussions.	Not implemented.		

## Luxembourg

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The Ministry of Justice</li> <li>• Corruption Prevention Committee (COPRECO)</li> <li>• Economic and Financial section of the Prosecution service</li> <li>• Challenges as regards human resources in the Prosecution service. The Prosecution service numbers 36 magistrates and among them one third are employed in the area of the fight against economic, financial and corruption offences. Additional resources have been requested by the Prosecution service, but no significant increase has been granted so far</li> </ul>
	National Anti-Corruption Strategy	Luxembourg has no specific anti-corruption strategy, nor an anti-corruption agency; it has a legal and institutional anti-corruption framework broadly in place.
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	There are four codes of ethics in force and their monitoring is ensured internally by the respective institutions, except for the code of conduct for the members of the Government, which is monitored by an external body, the Ethics Committee. The Committee has submitted to the Prime Minister a recommendation to improve the rules to ensure more effective enforcement.
	High-level corruption	No information available
	Asset declaration	The lack of consistency and oversight of the obligation of members of the Parliament to disclose their assets and gifts received remain the main issues, as also pointed out by the Group of States against Corruption of the Council of Europe (GRECO).
	Revolving doors	Room for improvement remains as regards the regulation of conflicts of interest and revolving doors. There are four codes of ethics in force and their monitoring is ensured internally by the respective institutions, except for the code of conduct for the members of the Government
	Lobbying	Currently, there is no comprehensive regulation on lobbying activities. Members of the Parliament apply their own code of conduct, which regulates in-house meetings but not informal contacts . At the same time, there are no lobbying rules in force for members of the Government and senior advisers.
	Whistleblowers	Whistleblower protection legislation currently in place is still limited to specific sectors such as private and public labour law. Sectoral provisions include those in the Grand Ducal Police's code of conduct, which provides the possibility for police officers to anonymously contact the legal department to report acts that may constitute an infringement in the course of duty. The preparation of the new framework for whistleblowers protection is currently ongoing with the aim of allowing for a more general and effective protection of whistleblowers
	Funding to political parties	The political party financing regulation has been revised. On 15 December 2020, the law on political party financing introduced an obligation for all candidates for national and European elections to declare all donations exceeding EUR 250. The law also states that false declarations constitute a criminal offence pursuant to the Criminal Code

G R	Recommendations	Implementation Status
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Corruption prevention in respect of members of parliament	
GRECO had recommended that i) as intended with the current draft Code of Conduct, a set of ethical rules and standards be adopted with the aim of preventing corruption and safeguarding integrity in general; ii) these rules be supplemented by an implementing instrument providing the necessary clarifications.	Partly implemented.
GRECO had recommended that the declaration system be further developed in particular i) by including data which are sufficiently precise and pertinent, for instance on financial assets, debts and resources of parliamentarians; ii) by considering including information on assets of spouses and dependent family (it being understood that such information would not necessarily need to be made public)	Fully implemented.
GRECO had recommended the introduction in the Code of Conduct of rules on the way in which MPs should conduct themselves with third parties seeking to influence the work of the legislature.	Fully implemented.
GRECO had recommended the introduction of an effective system of monitoring and sanctions concerning breaches of the rules of the future Code of Conduct for members of parliament.	Partly implemented.
Corruption prevention in respect of judges	
GRECO recommended that under the rules of the future National Judicial Council, the procedures for the promotion of the various categories of judges and public prosecutors, including access to senior functions of president or vice-president of a court and Principal State Prosecutor, should be reviewed and made more transparent, particularly through the use of objective criteria and periodic appraisal.	Partly implemented.
GRECO recommended that steps be taken to introduce harmonised management of the courts that meets the need for transparency and limits the risks for the general integrity of judges.	Partly implemented.
GRECO recommended that it be clarified which of the provisions of the General Civil Service Regulations – on management of conflicts of interest or other matters relevant for the purposes of preventing corruption – are in force at present and in respect of which categories of justice posts, with a view to enforcing the applicable clauses of the regulations.	Partly implemented.
GRECO recommended that it be clarified which of the provisions of the General Civil Service Regulations – on management of conflicts of interest or other matters relevant for the purposes of preventing corruption – are in force at present and in respect of which categories of justice posts, with a view to enforcing the applicable clauses of the regulations.	Partly implemented.
GRECO recommended the future collegial body for the judiciary be involved in supervision and in disciplinary decisions concerning prosecutors and that the disciplinary arrangements applicable to prosecutors, including the applicable sanctions, be defined more clearly.	Partly implemented.

GRECO – Evaluation Round V (2020)	Recommendations	Implementation Status
	Corruption in central governments	
	Improve rules on recruitment of senior civil servants appointed to political positions, with regard to previous employment at private companies.	Partial implementation. The information candidates have to submit are adequate, but the outcome of the Ethics Committee on conflict of interests is not made public. A PM could hire someone who was rejected by the Ethics Committee.
Adopt and implement a comprehensive Code of Conduct for all senior public servants appointed to a political position	Partial implementation. The Code was successfully adopted and it's compliant with GRECO's standards. However, the Code did not enter into force yet.	

	Improve awareness-raising initiatives, including training, for public officials, on the risks of corruption and the rules in force	Partial implementation. Training is mandatory for public officials, at least once a year, on four topics regarding integrity. GRECO has issues with the wording of some provisions concerning this obligation to part take in training.
	Add a law covering the principle of transparency of documents in public agencies	Fully implemented.
	Introduce legislation regulating lobbying, duty to disclose meeting with lobbyists, the identity of the lobbyist, the topic discussed	Not implemented. A register for lobbyists is to be introduced, but the scope of the entities that have a duty to be registered is narrow. The Codes of Conduct are not clear on some aspects of the issue.
	Introduce a more strict and more clear legislation on gifts public officials can receive	Partial implementation. The rules have been changed but not to GRECO's satisfaction
	Improve legislation on assets and interest disclosure, to include significant debts and the assets and interest of immediate family members	Partial implementation. No requirements has been added on disclosure of assets of spouses or offspring
	Introduce an effective mechanism for evaluating/verifying reports of assets and interests and an enforcement mechanism to sanction those who don't comply	Partial implementation. The entity tasked with evaluation and enforcement, the Ethics Committee, did not receive additional resource despite the significant increase of its activities.
<b>Corruption in law enforcement</b>		
	Improve funding of the General Police Inspectorate for the fight against corruption	Partial implementation, follow-up information is needed to assess if the new and enhanced budget is sufficient
	Introduce management risk in police procedures, to identify areas more vulnerable to corruption	Not implemented.
	Improve the code of conduct for police agents, to include practical examples, and ensure enforcement of the code	Fully implemented.
	Introduce mandatory integrity training for police officers	Fully implemented.
	Introduce legislation preventing police officers from accepting gifts	Fully implemented.
	Improve whistleblower protection within law enforcement	Fully implemented.

## Malta

Item	Sub-item	
<b>Institutional set-up</b>	Key actors	<ul style="list-style-type: none"> <li>Permanent Commission against Corruption is responsible for corruption prevention and for carrying out administrative investigations into corrupt practices.</li> <li>The Commissioner for Standards in Public Life monitors the ethics of ministers, parliamentary secretaries and members of Parliament.</li> <li>Investigation and prosecution of economic crime, including corruption offences and money laundering, are under the competence of the Police (the Financial Crimes Investigation Department) and the Attorney General respectively.</li> </ul>
	National Anti-Corruption Strategy	A targeted National Anti-Fraud and Corruption Strategy for the period 2021-2024 was approved by the Government in March 2021. The Cabinet of Ministers approved the strategy, which was notified publicly to the Parliament in May 2021. Its pillars

Item	Sub-item	
		are training and education, sharing of information, institutional cooperation (domestically and internationally), as well as accountability on public financing
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	As regards conflicts of interests, the Commissioner issued a decision on a complaint submitted by a member of Parliament in July 2019 relating to the potential conflict of interest of members of Parliament who hold positions within or provide contractual services to the public sector. In his case report, the Commissioner found that two thirds of backbench members of Parliament hold appointments in, or contracts with, the public sector and concluded that the engagement of backbenchers by the Government is fundamentally wrong, calling for an end to this practice. A possible reform of the statute of the members of Parliament is considered in the context of the constitutional reform process.
	High-level corruption	While investigative and prosecution bodies have improved their capacity to deal with corruption cases, as shown by an increase in the number of cases opened, <b>investigations continue to be lengthy depending on their complexity and a track record of convictions in high-level cases remains to be established</b>
	Asset declaration	Every year, members of Parliament and ministers submit their declaration of assets to the office of the Speaker of the Assembly, while the Commissioner performs the verifications.
	Revolving doors	No information available
	Lobbying	In 2020, a public consultation was launched with a view to introducing lobbying regulation, which was missing. The current regulation on lobbying and the codes of ethics for ministers and members of Parliament are currently under review.
	Whistleblowers	The Protection of the Whistleblower Act came into force in 2013. It entails provisions for procedures, in both the private sector and in the public administration, to report improper practices. Every employer, including all Ministries, must identify a whistleblowing reporting officer to receive reports from employees who would like to make a protected disclosure of an improper practice. In turn, the whistleblowing reporting officer is to take action or – in the case of actions amounting to criminal offences – report to the Police within reasonable time. Whistleblowing can be exercised on matters which took place both before and after the law entered into force. This legislation gives protection to those who act in good faith. However, the number of whistleblower complaints is so far rather limited.
	Funding to political parties	No information available

GRECO – Evaluation Round	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended that a thorough review of the current provisions of the Code of Ethics for members of parliament and the Standing Orders related to integrity, ethics, financial/activity declarations and conflicts of interest be undertaken with a view to adopting improvements that will provide more subject matter coverage, consistency and clarity, as well as guidance.	Partly implemented.
GRECO recommended that measures be taken to ensure there is appropriate supervision and enforcement of (i) the rules on the declaration of assets, financial interests and outside activities, and (ii) the standards of ethics and conflicts	Partly implemented.	



	of interest provisions applicable to members of parliament. This clearly presupposes that a range of effective, proportionate and dissuasive sanctions be available.	
	GRECO recommended establishing a dedicated source of confidential counselling to provide parliamentarians with advice on ethical questions, conflicts of interest in relation to their legislative duties, as well as financial declaration obligations; and (ii) 3 providing regular awareness raising activities for members of parliament covering issues, such as ethics, conflicts of interest, acceptance of gifts, honoraria, hospitality and other advantages, outside employment and activities, declarations of financial/activity interests, as well as other activities related to the prevention of corruption and the promotion of the integrity within the Parliament.	Partly implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that the system of judicial accountability be significantly strengthened, notably by extending the range of disciplinary sanctions to ensure better proportionality and by improving the transparency of complaints processes.	Partly implemented.
	GRECO recommended that (i) a compulsory induction training programme, including consideration of judicial ethics, be developed; (ii) that mentoring arrangements for new judges, exploring the ethical implications of appointment, be formalised; and (iii) that a regular programme of in-service training be provided along with targeted guidance and counselling on corruption prevention topics and judicial ethics for the various persons required to sit in court (judges, magistrates, and adjudicators of boards and tribunals).	Partly implemented.

### Netherlands

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The National Police Internal Investigation Department<sup>42</sup> (NPIID)</li> <li>• The Fiscal Intelligence and Investigation Service (FIOD)</li> <li>• The National Prosecution Service</li> <li>• The Whistleblowers Authority</li> <li>• The Anti-corruption Unit (ACC), within the FIOD</li> </ul>
	National Anti-Corruption Strategy	Netherlands launched an extensive programme focusing on combating subversive organised crime, which includes corruption. A Directorate General within the Ministry of Justice and Security was set up to coordinate the programme. This has led to additional funding in this field and the creation of a multidisciplinary intervention team.
Relevant legislative and policy initiatives	Foreign bribery	The institutional framework set up by ACC within the FIOD as well as the Prosecution Service for Serious Fraud, Environmental Crime and Asset Confiscation has been improved in the past decade and positively recognised by OECD due to the capacity of the dedicated and specialised anti-corruption teams to investigate and prosecute foreign bribery cases.
	Conflicts of interests	The House of Representatives adopted a Code of Conduct in 2020 and introduced a supervisory system as regards declaration requirements. The Code of Conduct for members of the House of Representatives covers independence, gifts, registrations, use of confidential information and the rules of procedure. A regulation, which entered into force on 1 April 2021, establishes an independent College to investigate complaints regarding Members' compliance with the Code of Conduct and to advise the House on possible sanctions.
	High-level corruption	No information available

Item	Sub-item	
	Asset declaration	he House of Representatives adopted a Code of Conduct in 2020 and introduced a supervisory system as regards declaration requirements. The Code of Conduct for members of the House of Representatives covers independence, gifts, registrations, use of confidential information and the rules of procedure. A regulation, which entered into force on 1 April 2021, establishes an independent College to investigate complaints regarding Members' compliance with the Code of Conduct and to advise the House on possible sanctions.
	Revolving doors	Former high-level officials are banned from lobbying their former ministry, while former ministers are not allowed to lobby for their former ministry for two years after they have stepped down.
	Lobbying	The Netherlands has a voluntary and publicly available lobbying register for the House of Representatives in place since 2012. The lobbying register is regularly updated and entails information on the list of entities requesting access to the House of Representatives. To receive a fixed access pass to parliament, a lobbyist must be registered as an organisation. However, there is no monitoring or enforcement mechanism as regards the contacts between lobbyist and office holders or civil servants.
	Whistleblowers	The evaluation of the Whistleblowers Authority Act took place in 2020. The Whistleblowers Authority is the central reporting and investigation institution to which abuses of whistleblowers from both the public sector and the private sector can be reported. The Whistleblowers Authority Act underwent an evaluation by an independent research company. According to the findings of the evaluation, the legal protection of the whistleblowers can be further increased. As a result, the legislation will be amended.
	Funding to political parties	The party financing legislation is under revision. As regards political financing, the legal framework consists of laws regulating the subsidies and the administration of political parties does not include the financing of political parties and the finances of candidates on a local level.

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	<b>Corruption prevention in respect of members of parliament</b>	
	GRECO recommended that codes of conduct for the members of both Chambers of Parliament be developed and adopted with the participation of their members and be made easily accessible to the public (including notably guidance on prevention of conflicts of interest, gifts and other advantages, accessory activities and financial 3 interests, disclosure requirements, misuse of information, contacts with third parties such as lobbyists).	Partly implemented.
	GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of the existing and yet-to-be established declaration requirements and other rules of conduct of members of Parliament	Not implemented.
	GRECO recommended in respect of both Chambers of Parliament, (i) the establishment of a specific source of confidential counselling with the mandate to provide parliamentarians with guidance and advice on ethical questions and possible conflicts of interests in relation to specific situations; and (ii) the provision of specific and periodic training for all parliamentarians on ethical questions and conflict of interests.	Partly implemented.
	<b>Corruption prevention in respect of judges</b>	
GRECO recommended that a restriction on the simultaneous holding of the office of judge and that of member of either Chamber of Parliament be laid down in law.	Not implemented.	

		Recommendations	Implementation Status
GRECO – Evaluation Round V (2020)	Corruption in central governments		
		Introduce a Code of Conduct for top executive officials, including rules on conflict of interests, integrity (gifts, third party contacts), and introduce a mechanism for verification and sanction	Not implemented
		Provide confidential counselling for top executive official on matters concerning integrity	Not implemented
		Introduce rules and guidance on how to appropriately deal with lobbyists	Not implemented
		Introduce the duty to disclose when a situation of suspected conflict of interests presents itself	Not implemented
		Introduce general legislation on post-employment for top executive officials	Not implemented
		Introduce the duty to declare financial interests on a regular basis, for both top executive officials and their immediate family members	Not implemented
	Corruption in law enforcement		
		Improve the Professional Code of Conduct for members of the National Police, adding practical examples and lessons learned, and introduce a similar code for other LAEs, like the Royal Marechaussee, and ensure supervision and enforcement of these codes	Partial implementation. The Code has been improved and it now applies to Kmar, However, information is lacking on how compliance with the Code is assessed and how sanctions are assigned.
		Provide the National Police with the necessary resources both human and financial and introduce a mechanism to periodically verify the integrity of members of the force.	Partial implementation. Relevant legislation was adopted by the Parliament, fully compliant with GRECO's recommendation, however, no date was fixed for the implementation of the law.
		Introduce legislation to ensure gifts received by members of law enforcement are reported	Partial implementation. A new legislation was introduced but only for KMar.
		Introduce a "duty to report" clause for all law enforcement members, which makes it mandatory to internally report suspicions of corruption. Adapt the legislation on whistleblower protection.	Partial implementation. While whistleblower protection measures are in place, at the moment the codes of conduct for the National Police and KMar do not include a "duty to report" clause.

### Poland

Item	Sub-item	
Institution	Key actors	<ul style="list-style-type: none"> <li>• Minister of Justice,</li> <li>• The Central Anti-Corruption Bureau</li> <li>• The Supreme Audit Office (NIK)</li> </ul>

Item	Sub-item	
		The cooperation in practice between the relevant institutions to fight corruption in Poland at times faces some legal and organisational constraints. In particular, the restrictions to access financial data present an obstacle for the detection and prosecution of corruption
	National Anti-Corruption Strategy	At the central level, Poland had a developed strategic anti-corruption framework in place for the years 2018-2020 but no subsequent plan has yet been published. According to the Government, preparatory work is under way for a new national strategy to prevent and combat corruption for the years to come, which should take into account the recommendations of the EU, the Group of States against Corruption (GRECO), the OECD, and the UN
Relevant legislative and policy initiatives	Foreign bribery	The Polish Criminal Code broadly criminalises corruption. The key offence penalised by the Criminal Code is bribery of public officials in its passive (accepting a bribe) and active (offering a bribe) forms. In order to tackle collusion between the giver and the recipient of a bribe, the Criminal Code allows the perpetrators of bribery to avoid legal sanctions if they notify the responsible authorities about the crime and disclose all circumstances before the authorities learn about it
	Conflicts of interests	A practical guide on conflicts of interest for public officials accompanies the relevant lobbying legislation. A guide entitled 'Conflict of Interest – What is it and how to avoid it?' is for Government employees to assist them in the practical implementation of the rules laid down in the Law on Lobbying Activity in the Law-Making Process  Asset declaration is not a digitalised system yet
	High-level corruption	Concerns exist as regards the effectiveness of the fight against high-level corruption. The police initiated 2 544 corruption-related investigations in 2020 (compared to 3 129 in 2019). Regarding high-level corruption cases, concerns exist as to rising institutionalised corruption, immunities and impunity caused by a disparity in the treatment of corruption cases for political purposes.
	Asset declaration	Technical work towards a standardised asset declaration system has been undertaken. The level of digitalisation of politicians' asset declarations is low and a centralised submission and monitoring system is lacking. Most declarations are still filled out by hand, with various declaration forms being in use
	Revolving doors	Post-employment ('revolving doors') rules are applicable only to top-level officials (excluding members of the parliament). The 'cooling-off' period of one year is limited to entities for whom an official issued specific decisions. Whilst plans exist to extend the period, a broadening of the scope of application has also been recommended
	Lobbying	For lobbying activities towards parliamentarians, the two chambers of the Parliament (Sejm and Senate) have supervisory tasks. Concerns exist as to the effectiveness of the registers.
	Whistleblowers	A dedicated government hotline exists for whistleblowers to report corruption and corruption-related crimes. The Central Anti-Corruption Bureau can receive open and anonymous reports by citizens . Until amendments are introduced to the current whistleblower provisions provided for in different legal acts, the calls to strengthen protection of reporting persons remain valid
	Funding to political parties	No information available

GR EC	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	

GRECO recommended that interactions by parliamentarians with lobbyists and other third parties who seek to influence the legislative process, be made more transparent, including with regard to parliamentary sub-committee meetings	Not implemented.
GRECO recommended that the "Principles of Deputies' Ethics" be complemented in such a way so as to provide clear guidance to Sejm deputies with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including notably the acceptance of gifts and other advantages, incompatibilities, additional activities and financial interests, misuse of information and of public resources, the obligation to submit asset declarations and on the attitude towards third parties such as lobbyists – and including elaborated examples); and ii) that such standards of ethics and conduct also be introduced for senators and disseminated among them	Not implemented.
GRECO recommended both in respect of Sejm deputies and senators, the development of a clearly defined mechanism to declare potential conflicts of interest of parliamentarians – also taking into account interests of close family members – with regard to concrete legislative (draft) provisions	Not implemented.
GRECO recommended that the monitoring mechanism in respect of compliance by parliamentarians with standards of ethics and conduct - including rules on conflicts of interest and related areas - be reviewed in order to increase its effectiveness, in particular by simplifying the system of various bodies involved and by providing it with the necessary financial and personnel resources	Not implemented.
GRECO recommended both in respect of Sejm deputies and senators, (i) the establishment of a dedicated confidential counsellor with the mandate to provide parliamentarians with advice on ethical questions and possible conflicts of interests in relation to specific situations; and (ii) the provision of specific and periodic training for all parliamentarians on ethical questions and conflicts of interests	Not implemented.
<b>Corruption prevention in respect of judges</b>	
GRECO recommended that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of judges' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.	Partly implemented.
GRECO recommended that the "Collection of Ethical Principles governing the Prosecutors' Profession" (i) be disseminated among all prosecutors and made easily accessible to the general public; and (ii) that they be complemented in such a way so as to offer proper guidance specifically with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including in particular the acceptance of gifts and other advantages, incompatibilities and additional activities).	Partly implemented.
GRECO recommended (i) that the competences of the National Prosecution Council for supervising compliance with ethical principles for prosecutors be clearly defined by law and that the Council be provided with adequate tools and powers for effectively performing this function; and (ii) that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of prosecutors' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.	Partly implemented.
GRECO recommended (i) the provision of on-going training to all prosecutors on conflicts of interest, rules concerning gifts, prohibition or restriction of certain activities and declaration of assets and private interests, by way of dedicated courses referring to practical examples; and (ii) the provision of proper dedicated counselling in prosecutors' offices, in order to raise prosecutors' awareness and to provide them with confidential advice on questions of ethics and conduct – particularly with regard to the areas mentioned under (i) – in relation to specific facts, taking into account the need for common, nationwide solutions.	Fully implemented.
GRECO recommended that the provisions on the election of judges to the National Council of the Judiciary be amended, to ensure that at least half of the members of the National Council of the Judiciary are judges elected by their peers.	Not implemented.
GRECO recommended i) to reconsider the establishment of an extraordinary appeals chamber and disciplinary chamber at the Supreme Court and ii) reduce the involvement of the executive in the internal organisation of the Supreme Court.	Not implemented.

GRECO recommended that the disciplinary procedures applicable to Supreme Court judges are amended, in order to exclude any potential undue influence from the legislative and executive powers in this respect, in particular by excluding the possibility for the executive to intervene in these proceedings.	Not implemented.
GRECO recommended that the procedures for appointing and dismissing presidents and vice-presidents of ordinary courts be amended, to exclude any potential undue influence from the executive power therein.	Not implemented.
GRECO recommended that the disciplinary procedures applicable to judges of ordinary courts be amended to exclude any potential undue influence from the executive powers therein, in particular by excluding the possibility for the executive to intervene in these proceedings.	Not implemented.

GRECO – Evaluation Round V (2020)	Recommendations	Implementation Status
	<b>Corruption in central governments</b>	
	Introduce a Code of Conduct for executive officials, covering gifts, benefits, conflicts of interest and providing guidance including explanatory comments and concrete examples	Partial implementation. While rules on all these topics are provided for public officials, they are contained in a single Code, but rather included in different sets of guidelines. They also lack the explanatory comments and concrete examples.
	Introduce a mechanism to promote awareness on integrity issues among top executive officials and develop an independent, confidential counselling function to provide them with guidance	Not implemented.
	Ensure there is an independent oversight mechanism to ensure the freedom of information	Not implemented.
	Introduce legislation on lobbying (duty to disclose meetings, gifts, topics discussed, identity of the lobbyist)	Not implemented.
	Broaden the legislation on post-employment	Not implemented
	Streamline the procedure for asset declarations, and widen its scope, by also reporting assets and interests of immediate family members	Partly implemented. A legislation amending these aspects has been announced, but its content is not yet public
	Establish an independent mechanism of verification and enforcement of the asset declaration	Not implemented.
	Amend current legislation to allow top executive officials to be unable to employ their immunity against corruption-related offences	Not implemented.
<b>Corruption in law enforcement</b>		
	Improve the code of conduct for police and border guard to better address gifts and other benefits, conflict of interest, relations with third parties. Introduce confidential counselling for executive officials.	Partial implementation. The procedures to update the Codes has been started but had not yet reached its conclusion.
	Introduce an effective mechanism for evaluation and enforcement of the codes of conduct, specifically regarding asset declaration	Not implemented.

## Portugal

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The Central Department of Criminal Investigation and Penal Action (DCIAP),</li> <li>• National Unit for Combating Corruption (UNCC)</li> <li>• Anti-Corruption Mechanism</li> <li>• The Transparency Authority</li> </ul> <p>Lack of an independent body tasked with implementing the anti-corruption strategy in the country</p> <p>In the AML/CFT sector, Portugal has developed domestic coordination meetings and platforms that convene on a regular basis, with participation from all supervisory and oversight bodies, as well as PPS and FIU, among others. <sup>381</sup></p>
	National Anti-Corruption Strategy	<p>The National Anti-Corruption Strategy for 2020-2024 has been approved by the Government and was accompanied by a proposal to revise the criminal legal framework. The strategy aims at creating a coherent and robust anti-corruption framework and includes measures to better detect, prevent and prosecute corruption, and to ensure that the judicial system can timely and efficiently respond and impose adequate sanctions on offenders.</p> <p>Lack of a nation-wide anti-corruption strategy<sup>382</sup></p>
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	<p>While improvements to the system of integrity for high-level officials were introduced in 2019, the impact of conflicts of interest rules and codes of ethics remains to be seen.</p> <p>Lack of a general code of conduct applying to all public officials</p> <p>Need for more comprehensive regulations on disclosure of gifts, assets and interests for top executive officials, members of the Parliament and the judiciary</p> <p>Lack of access to information regarding asset disclosure and other relevant information to avoid conflict of interest.</p> <p>Need for a system in which information requests are processed timely and, in case of negative answer, a motivation is provided.</p> <p>Improve the current reporting system for declaring assets, through a more centralised approach and more thorough verifications</p> <p>The creation of the BASE portal (public procurements exclusively done through an electronic platform), which is a tool that allows for transparency and the prevention of corruption from national or foreign legal persons<sup>383</sup></p> <p>The Portuguese authorities provide training, particularly to countries in South America and Portuguese-speaking countries, which represents additional efforts in promulgating international standards.</p>
	High-level corruption	The Government has proposed measures to increase the efficiency of criminal prosecution, as challenges remain concerning the treatment of high-level corruption cases.

<sup>381</sup> UNCAC. 2019. Review of implementation of the UN Convention against Corruption – Portugal. Available at: [link](#).

<sup>382</sup> Ivi.

<sup>383</sup> Ivi.

Item	Sub-item	
	Asset declaration	New rules have been introduced to harmonise the system of asset declaration for political and high-level officials. According to new provisions adopted in November 2020 political office-holders and high-ranking appointed officials are now obliged to present in a single document the declaration of their income, assets, interests, incompatibilities and impediments
	Revolving doors	Revolving doors rules still need to be implemented. The revolving doors rules were updated in 2019. Post-employment rules, including a three-year cooling-off period, currently apply to political and senior office holders, including cabinet members and boards of state-owned companies
	Lobbying	New lobbying legislation is under discussion in Parliament. Efforts to pass new legislation regulating lobbying activities are ongoing. Three parliamentary groups have submitted draft legislation aiming to amend the proposed rules so as to overcome the concerns which led to the President veto in 2019. While the parliamentary process is ongoing, there is no information about its timeline for approval and implementation. GRECO has stressed the need to clarify the scope of permissible contacts between members of Parliament and third party interests, which remains to be addressed.
	Whistleblowers	The current whistleblower protection system is under revision. The National anti-corruption strategy envisages the improvement of the legal framework for whistleblower protection, dating from 2008, with new safeguards including public compliance programmes and reinforced reporting channels and protection tools
	Funding to political parties	Anonymous donations, gifts, or loans of a monetary or in kind from national or foreign legal persons to political parties are prohibited

	Recommendations	Implementation Status
GRECO – Evaluation Round IV	Corruption prevention in respect of members of parliament	
	GRECO recommended that i) measures are taken to ensure that the timelines established by the Rules of Procedure for the various stages of the law-making process are adhered to; and ii) provision is made for ensuring equal access of all interested parties, including civil society, to the various stages of the law-making process.	Not implemented.
	GRECO recommended that i) clear, enforceable, publicly-stated principles and standards of conduct for MPs are adopted and equipped with an efficient supervisory mechanism; and that ii) awareness of the principles and standards of conduct is promoted amongst MPs through dedicated guidance, confidential counselling and training on issues such as appropriate interactions with third parties, the acceptance of gifts, hospitality and other benefits and advantages, conflicts of interest and corruption prevention within their own ranks.	Partly implemented.
	GRECO recommended i) carrying out an independent evaluation of the effectiveness of the system for the prevention, disclosure, ascertainment and sanctioning of conflicts of interest of MPs, including specifically the adequacy of incompatibilities and disqualifications, and the impact that this system has on the prevention and detection of corruption, and taking appropriate corrective action (e.g. further developing and refining the regulatory framework, strengthening oversight, introducing dissuasive sanctions, etc.); and ii) ensuring that MPs' reporting of private interests – whether advance or periodic – is subject to substantive and regular checks by an impartial oversight body.	Partly implemented.
	GRECO recommended that i) adequate sanctions are established for minor breaches of the asset reporting obligation, including incomplete and inaccurate reporting; and ii) MPs' asset declarations are made publicly available on-line	Partly implemented.
	GRECO recommended that i) asset declarations of all MPs undergo frequent and substantive checks within a reasonable timeframe in accordance with law; and that ii) commensurate human and other resources are provided to the	Not implemented.



	independent oversight body, including any of its auxiliary structures, and the effective co-operation of this body with other state institutions, in particular, those exercising control over MPs' conflicts of interest, is facilitated.	
	<b>Corruption prevention in respect of judges</b>	
	GRECO recommended that i) the role of the judicial councils as guarantors of the independence of judges and of the judiciary is strengthened, in particular, by providing in law that not less than half their members are judges elected by their peers; and ii) information on the outcome of disciplinary procedures within the judicial councils is published in a timely manner.	Not implemented.
	GRECO recommended that at least half the members of the authorities taking decisions on the selection of second instance court and Supreme Court judges are judges elected (or chosen) by their peers.	Partly implemented.
	GRECO recommended ensuring that periodic evaluations of first instance court judges and inspections/assessments of second instance court judges ascertain, in a fair, objective and timely manner, their integrity and compliance with the standards of judicial conduct.	Partly implemented.
	GRECO recommended ensuring that the legal framework governing the re-allocation of cases and the re-assignment of judges is consistent, underpinned by objective and transparent criteria and safeguards judges' independence.	Fully implemented.
	GRECO recommended that final first instance court judgments are made easily accessible and searchable by the public.	Partly implemented.
	GRECO recommended that i) clear, enforceable, publicly available standards of professional conduct (covering e.g. gifts, conflicts of interest, etc.) are set out for all judges and used inter alia as a basis for promotion, periodic evaluation and disciplinary action; and that ii) awareness of the standards of conduct is promoted amongst judges through dedicated guidance, confidential counselling, and initial and in-service training.	Not implemented.
	GRECO recommended ensuring that periodic evaluation of prosecutors attached to first instance court and inspections/assessment of prosecutors attached to second instance courts ascertain, in a fair, objective and timely manner, their integrity and compliance with the standards of professional conduct.	Not implemented.

## Romania

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>the National Anti-corruption Directorate (DNA)</li> <li>A specialised anti-corruption directorate exists in the Ministry of Interior (DGA)</li> <li>The National Integrity Agency (ANI)</li> <li>The National Agency for the Management of Seized Assets (ANABI)</li> </ul> <p style="color: green;">Changes of actors in charge of fighting corruption has improved the situation. For example, new Chief Prosecutor of the National Anti-corruption Directorate.</p> <p style="color: red;">Shortage of staff. The general problems faced by the judicial system have been particularly difficult for DNA . DNA has faced a human resources deficit, adding more pressure on prosecutors at a time when DNA faced the extra challenge of developing its own technical capacity to implement court orders using special investigation techniques</p>
	National Anti-Corruption Strategy	Romania has a legislative and institutional anti-corruption framework broadly in place. A National Anticorruption Strategy is in place since 2016 and coordination of its implementation is ensured by the Ministry of Justice. The institutional anti-corruption framework remained unchanged. Adoption of a new National Anti-corruption Strategy for 2021-2025 is a priority for the

Item	Sub-item	
		Government. Progress on the National Anti-Corruption Strategy is a key national priority on the political agenda of the Government. The 2016-2020 National Anticorruption Strategy came to an end in 2020. <b>Absence of policy and legislative solutions to the rapid succession of far reaching Constitutional Court decisions annulling or interpreting provisions of the criminal code and criminal procedure code since 2014</b>
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	A series of amendments modifying the integrity laws, notably in 2017-2019, had the effect of weakening the ability of the ANI to carry out its work, as well as exacerbating an already fragmented legal landscape. In particular, two proposals that entered into force in 2019 further increased legal uncertainty as regards the applicable integrity regime and the application of sanctions. <b>The PREVENT electronic system to prevent conflicts of interests in public procurement is effective, as the number of detected conflicts of interest has significantly reduced.</b>
	High-level corruption	The effectiveness of the investigation and sanctioning of medium and high-level corruption has improved. The appointment of a new Chief Prosecutor of the National Anti-corruption Directorate and of further staff in management positions in 2020 has brought new impetus and institutional stability.
	Asset declaration	Legislation on asset declaration is in place. National Integrity Agency's work should also be facilitated by a July 2020 amendment allowing for electronic submissions of assets and interest disclosures, which became operational in May 2021.
	Revolving doors	Limited provisions on revolving doors exist for public servants in Law 161/200360 and in the successive National Anticorruption Strategies. The public servants who, in exercising their function, have carried out monitoring and control activities over State Owned Enterprises (SOE), cannot be employed or provide specialised consultancy to these companies for three years after leaving the public service. However, there are no regulations concerning cooling-off periods for key decision-makers.
	Lobbying	The enforcement of Code of conduct and the absence of rules on lobbying for parliamentarians remain a challenge. As regards codes of conduct for members of the Parliament, the lack of enforcement of the rules has been recently highlighted by GRECO, as well as the lack of rules on how members of Parliament engage with lobbyists, along with clearly defined restrictions concerning gifts, hospitality, favours and other benefits
	Whistleblowers	In Romania, there has been a law on whistleblower protection since 2004, however its implementation in practice is relatively limited. The Ministry of Justice announced at the end of 2020 that a draft of the law transposing the directive on whistleblowers' protection is being prepared. On 5 March 2021, the draft law and its explanatory memorandum have been submitted to public debate on the Ministry of Justice website
	Funding to political parties	No information available

GRECO - Evaluation	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended that the transparency of the legislative process be improved (i) by further developing the rules on public debates, consultations and hearings, including criteria for a limited number of circumstances where in camera meetings can be held, and ensuring their implementation in practice; ii) by assessing the practice followed and	Not implemented.

accordingly revising the rules to ensure that draft legislation, amendments to such drafts and the agendas and outcome of committee sittings are disclosed in a timely manner, and that adequate timeframes are in place for submitting amendments and iii) by taking appropriate measures so that the urgent procedure is applied as an exception in a limited number of circumstances	
GRECO recommended developing a code of conduct for the members of parliament and ii) ensuring there is a mechanism to enforce [its rules] when it is necessary	Partly implemented.
GRECO recommended that measures be taken ii) to clarify the implications for members of parliament of the current provisions on conflicts of interest independently of whether such a conflict might also be revealed by declarations of assets and interests and ii) to extend the definition beyond the personal financial interests and iii) to introduce a requirement of ad hoc disclosure when a conflict between specific private interests of individual MPs may emerge in relation to a matter under consideration in parliamentary proceedings – in the plenary or its committees – or in other work related to their mandate	Not implemented.
GRECO recommended establishing a robust set of restrictions concerning gifts, hospitality, favours and other benefits for parliamentarians, and ensuring that the future system is properly understood and enforceable.	Not implemented.
GRECO recommended the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process	Not implemented.
GRECO recommended that the parliamentary authorities establish for their members i) a system of counselling through which parliamentarians can seek advice on integrity matters and ii) provide dedicated and regular training on the implications of the existing and yet-to-be adopted rules for the preservation of the integrity of parliamentarians, including the future Code of conduct	Not implemented.
GRECO recommended that the system of immunities of serving parliamentarians, including those who are also members or former members of government, be reviewed and improved, including by providing for clear and objective criteria for decisions on the lifting of immunities and by removing the necessity for prosecutorial bodies to submit the whole file beforehand.	Partly implemented.
<b>Corruption prevention in respect of judges</b>	
GRECO recommended that the justice system be made more responsive to risks for the integrity of judges and prosecutors, in particular by i) having the Supreme Council of Magistracy and the Judicial Inspectorate play a more active role in terms of analyses, information and advice and ii) by reinforcing the role and effectiveness of those performing managerial functions at the head of courts and public prosecution services, without impinging on the independence of judges and prosecutors.	Partly implemented.
GRECO recommended that the procedure for the appointment and revocation for the most senior prosecutorial functions other than the Prosecutor General, under article 54 of Law 303/2004, include a process that is both transparent and based on objective criteria, and that the Supreme Council of Magistracy is given a stronger role in this procedure	Not implemented.
GRECO recommended that i) the impact of the changes on the future staff structure of the courts and prosecution services be properly assessed so that the necessary transitional measures be taken and ii) the implementing rules to be adopted by the CSM for the future decisions on appointments of judges and prosecutors to a higher position provide for adequate, objective and clear criteria taking into account the actual merit and qualifications.	Partly implemented.
GRECO recommended that the creation of the new special prosecutor's section for the investigation of offences in the judiciary be abandoned.	Partly implemented.
GRECO recommended i) ensuring that the independence of the prosecution service is – to the largest extent possible – guaranteed by law, and ii) assessing the impact of the intended changes on the future operational independence of prosecutors so that additional safeguards be taken, as necessary, to guard against interference.	Not implemented.

	GRECO recommended that various amendments affecting the rights and obligations and the liability of judges and prosecutors for judicial errors be reviewed so as to ensure sufficient clarity and predictability of the rules concerned, and to avoid that they become a threat to the independence of the judiciary.	Not implemented.
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## Slovakia

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The Office of the Government</li> <li>• The National Crime Agency of the Presidium of the Police Force</li> <li>• The Special Prosecutor's Office</li> </ul>
	National Anti-Corruption Strategy	The strategic framework for anti-corruption is provided by the Anti-Corruption Policy for 2019-2023. The Policy focuses mostly on prevention through soft measures and is accompanied by an action plan, the National Anti-Corruption Programme, and several sectoral programme. Being essentially identical to the policy document, the current action plan does not put forward concrete operational steps to facilitate the implementation of the policy priorities. The National Anti-Corruption Programme is currently in the process of being updated. The Corruption Prevention Department of the Government Office oversees the implementation of the policy and action plan. Oversight over the implementation of the sectoral programmes is the competence of the relevant central state administration bodies
Relevant legislative and policy initiatives	Foreign bribery	The effective enforcement of foreign bribery remains a concern
	Conflicts of interests	New legislation concerning conflict of interests of members of the Government and other public office-holders took effect on 1 January 2020, following GRECO's recommendations. The scope of the legislation was expanded to public officials who are subject to the Constitutional Act on Conflicts of Interests to the President and members of supervisory boards of legal persons in which the state has a majority interest and city mayors.
	High-level corruption	Efforts to fight high-level corruption have significantly increased in Slovakia in the course of the reporting period. The ability to investigate and prosecute high-level corruption has considerably improved following the public mass demonstrations against the perceived impunity for high-level corruption based on revelations made in the context of the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová in 2018. As of October 2020, a number of former high-ranking representatives from the police, the prosecution service and the judiciary as well as from the private sector have been charged with corruption and corruption-related offences. In 2020, the National Crime Agency initiated proceedings in 158 cases of corruption. The number of individuals convicted for corruption offences more than doubled from 2019 (62 convictions) to 2020 (128 convictions). More recently, in May 2021, the National Crime Agency also detained several high-ranking officials of the Land Fund allegedly involved in corruption schemes between 2016 and 2020. In this context, the European Anti-Fraud Office (OLAF) had already raised concerns in 2020 following three administrative investigations into agriculture payments about shortcomings in the Land Fund with regard to transparency, equal treatment of lease applicants and legal.
	Asset declaration	The Government intends to create a new, centralised office for the monitoring and verification of assets, including of top executive officials. The Government Office in cooperation with the Parliament is at an initial stage in the conceptualisation of a legislative proposal to establish a unified office. So far, the system of asset declarations for members of Parliament, judges, prosecutors, public officials and civil servants is decentralised. At the outset of 2021, major delays were reported in the publication of the 2019

Item	Sub-item
	asset declarations of members of Parliament due in August 2020, for reasons related to the COVID-19 pandemic and ongoing processes to impose fines for non-compliance
Revolving doors	A Code of Ethics for members of Parliament and the introduction of a legislative regulation on post-employment rules ('revolving doors') is also planned for 2021
Lobbying	Slovakia committed to submit a draft law on lobbying in November 2021. The process led by the Government Office is in the initial preparatory stage. There have been several attempts to adopt legislation but so far lobbying remains unregulated in Slovakia. As a result, there are no legal definitions of lobbyists, lobbying activities and lobbying targets, nor effective sanctions for undue lobbying or a legislative footprint in place. However, related legislation and tools allow for the tracking of stakeholder comments and of the extent to which they found entry into a legislative draft. A Code of Ethics for members of Parliament and the introduction of a legislative regulation on post-employment rules ('revolving doors') is also planned for 2021. Amendments to the Law on the Protection of the Public Interest have entered into force providing for the obligation to declare gifts or other benefits and the use of movable or immovable property.
Whistleblowers	Slovakia's Parliament has appointed the Head of Office for the Protection of Whistleblowers in February 2021. Following this appointment, the Office will become operational and take up its functions within six months. The term of office of the Head of Office is seven years. The Office is independent from any other department. The Office's mandate will focus on breaches of law and the protection against retaliatory measures undertaken by the notified entity based on the principles of confidentiality and anonymity. The role of the Office is to provide advice, training, methodological guidance and public awareness-raising on whistleblowing, including on corruption cases. The Office is accountable to the Parliament and will provide an annual report. The target audience for the Office is both the public and the private sector.
Funding to political parties	Political party finances are transparent, yet oversight could be strengthened. The main law regulating the financing of political parties in Slovakia is the Act on Political Parties and Movements. Donations to political parties are limited to EUR 5,000 in cash per calendar year, while no such limit exists during election periods. Donations from foreign entities and anonymous donors are banned. Failure to comply can result in a fine by the State Commission on Election and Control of the Financing of Political Parties in the amount of double the income from the donation or the gratuitous service. Parties are required to report on their finances annually to the State Commission. Financial reports are made publicly available. The reports are overseen by the National Council of the Slovak Republic and must reveal financial information in relation to election campaigns and the identity of donors. The human capacities of oversight bodies are limited, and concerns have been raised as to political nominations within them. A bill adopted within two days tightening the campaign financing rules for the 2020 elections by limiting donations has affected newly established parties in particular and therefore raised concerns among new parties, civil society and media as to the fair competition between parties.

Recommendations	Implementation Status
GRECO – Evaluation	Corruption prevention in respect of members of parliament
GRECO recommended that the transparency of the legislative process be further improved by introducing appropriate standards and providing guidance to members of Parliament on dealing with lobbyists and those third parties whose intent is to sway public policy on behalf of partial interests.	Not implemented.
GRECO recommended that (i) a Code of Conduct for members of the National Council be adopted (including guidance on the prevention of conflicts of interest, acceptance of gifts and other advantages, misuse of official position and asset	Partly implemented.

	declarations) and be made publicly available; and (ii) the Code be properly enforced (via a supervisory mechanism and sanctions) and accompanied by dedicated training, advice and counselling.	
	GRECO recommended that rules specific to the National Council be elaborated on the acceptance of gifts, hospitality and other benefits by parliamentarians and that internal procedures for valuation, reporting and return of unacceptable gifts be set out	Partly implemented.
	GRECO recommended to further develop and refine the financial disclosure regulations applicable to members of Parliament in order to include the regular notification of financial interests, partnerships, other business arrangements, domestic and foreign travel paid by third persons as well as benefits, hospitality and sponsorship obtained from domestic and foreign entities above a certain threshold	Partly implemented.
	GRECO recommended that the supervision and enforcement of rules on conflicts of interest, asset declarations and other duties and restrictions applicable to members of Parliament under the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials be strengthened, notably, by revising the mandate and attributing supplementary human and material resources to the Committee on the Incompatibility of Functions of the National Council.	Partly implemented.
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that decisions to remove court presidents be reasoned, that they follow appropriate removal proceedings and are made subject to judicial review.	Fully implemented.
	GRECO recommended that (i) the "Principles of Judicial Ethics" be revised and further developed so as to provide more precise guidance to all judges on the expected conduct, judicial integrity and corruption prevention, and (ii) the proper application of the "Principles" be ensured (via a supervisory mechanism and sanctions) and accompanied by dedicated training, advice and counselling	Partly implemented.
	GRECO recommended that a focused policy for preventing and managing conflicts of interest and corruption risks within the judiciary be elaborated and properly enforced	Fully implemented.
	GRECO recommended establishing an obligation to declare liabilities (e.g. debts and loans) and gifts above a certain value on those judges who are not covered by the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials.	Partly implemented.
	GRECO recommended that the enforcement of rules on asset declarations under the Act on Judges and Lay Judges be strengthened, notably, by ensuring a more in-depth scrutiny of the declarations, providing commensurate human and material resources to the relevant oversight body and consistently sanctioning the identified violations.	Partly implemented.
	GRECO recommended that guidelines on the prevention and management of actual and potential conflicts of interest be elaborated within the Public Prosecution Service	Fully implemented.
	GRECO recommended that the data contained in the affidavits and asset declarations of prosecutors be made publicly accessible in practice and all obstacles to such access be removed, with due regard to the privacy and security of prosecutors and their family members who are subject to a reporting obligation.	Partly implemented.
	GRECO recommended that the acceptance, reporting and management of gifts by all categories of prosecutors while performing their duties be regulated.	Fully implemented.
	GRECO recommended introducing an obligation on prosecutors to declare liabilities (e.g. debts and loans) and gifts above a certain threshold.	Partly implemented

GR EC C	<b>Recommendations</b>	<b>Implementation Status</b>
	Corruption in central governments	

Introduce an integrity check for state secretaries	Not implemented.
Disclose to the public the names, functions and remuneration of political advisers for the government and introduce an integrity check for them	Not implemented.
Adopt a corruption prevention plan focused on areas that are more corruption-prone	Not implemented.
Provide continuous training to public officials on integrity	Not implemented.
Amend revolving door legislation by widening the scope (to include advisors and senior civil servants) and by strengthening existing rules for minister and state secretaries. Prevent former politicians to part take in lobbying activities for a certain amount of time	Not implemented.
Introduce a general code of conduct for all top executive officials, covering conflict of interest. Introduce a mechanism for monitoring and enforcement of such Code	Not implemented
Introduce lobbying legislation, including duty to disclose meetings, contacts and topics discussed with third-party with an interest in influencing legislation, and gifts received.	Not implemented.
Strengthen the reporting system of assets by lowering the threshold above which one needs to report an asset and ensure verification and sanctioning mechanisms are in place	Not implemented.
<b>Corruption in law enforcement</b>	
Establish an operation anti-corruption strategy, on the basis of risk assessment	Fully implemented.
Update the Code of Ethics, to cover all relevant topics, and to include concrete examples. Training on the new Code should be provided, and the Code itself should be made public.	Not implemented.
Introduce a risk management mechanism to identify corruption-prone positions and areas at regular intervals.	Fully implemented.
(1) Strengthen general training of police officer on integrity, (2) provide specialised training for investigators dealing with corruption cases. (3) Provide confidential counselling for members of the law enforcement.	Partial implementation. While (2) and (3) have been fully implemented, (1) has only been partially implemented, since the strengthening of the training is dependent on the existence of a unified Code of Ethics, which is still lacking.
Ensure integrity checks on members of law enforcement are run regularly and more often for positions or area that are more prone to corruption	Not implemented.
Introduce revolving doors legislation for police officers	Not implemented.

	Introduce a mechanism to verify and enforce the duty to declare assets for police officers.	Not implemented.
	Improve whistleblower protection, in particular focusing on the independence of processing authorities, train police officers on whistleblower protection measures	Partial implementation. According to GRECO, full compliance cannot be awarded to Slovakia until a separate, independent body is tasked with managing whistleblower protection, instead of a branch of law enforcement.

## Slovenia

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>Integrity and Prevention of Corruption Act (IPCA)</li> <li>The Commission for the Prevention of Corruption</li> <li>The National Bureau of Investigation</li> </ul>
	National Anti-Corruption Strategy	By its time of expiration, the national anti-corruption strategy has largely been implemented, but some actions remain pending, and no new plan has been adopted so far. The implementation report of the third national strategy against corruption (2017- 2019), adopted in April 2020, indicates that while a large share of actions have been implemented, others remain pending, notably actions in areas related to developing integrity tools in specific sectors (such as state property, foreign affairs, science, education and sports). The Ministry of Public Administration, which is responsible for monitoring the implementation of the strategy, reported that it is working on the implementation of the remaining actions, together with other public institutions (such as the Ministry of the Interior, the Ministry of Justice, the Ministry of Health, as well as the Commission for the Prevention of Corruption). A new anticorruption strategy post-2019 has not yet been proposed.
Relevant legislative and policy initiatives	Foreign bribery	No information available
	Conflicts of interests	Under the Integrity and Prevention of Corruption Act, any public officials who, prior to taking office, performed an activity or held an office that is incompatible with their current office, must cease to perform the activity no later than 30 days from the date of their election, appointment or the approval of their mandate. The amended Integrity and Prevention of Corruption Act has extended post-employment restrictions for public officers taking positions in the private sector. The Commission for the Prevention of Corruption can initiate a procedure for assessing the incompatibility of office if it considers that the performance of that activity is likely to present a disproportionate risk to the objective and impartial discharge of the duties of the office or jeopardise its integrity. In May 2021, the Commission sent an initiative to the Government to unify the regulation of conflicts of interests and violation of integrity for all officials, which would, according to the CPC, improve the supervision, equality of treatment of officials, and allowed procedures regarding integrity concerning former officials.
	High-level corruption	While the number of prosecutions has increased, the adjudication of cases before courts remains low, especially regarding high-level corruption. In 2020, the number of prosecutions of corruption cases increased compared to the previous year (298 in 2020, compared to 185 in 2019, i.e. an increase of about 62%). As regards courts, in 2020 there were only 15 adjudications in corruption cases (including two sentenced with imprisonment), none of which concerned high-level cases. This represents a further decrease in the number of adjudicated corruption cases.
	Asset declaration	Declaration of assets was extended to additional categories of officials, but their publication remains a challenge. The amended Integrity and Prevention of Corruption Act has expanded the list of persons required to file their asset declaration, in order to include national councillors and supervisors of state-owned enterprises, in addition to high-level, elected and appointed officials. The Commission for the Prevention of Corruption is responsible for monitoring the financial declarations of public officials and has



Item	Sub-item	
	recently teamed up with the Ministry of Public Administration in order to launch a new electronic declaration platform. Due to human resources constraints of the Commission for the Prevention of Corruption, and in light of the number of declarations received (about 4 500 declarations and 4 300 other related submissions yearly), verifications are performed on a random sample of the declarations. Examinations indicate that inaccuracy of declarations (incomplete or erroneous) is limited and trivial, with no need to submit criminal notifications to the State Prosecution. In 2020, only three officials of the Commission worked on verification of asset declarations of 18 470 officials who are obliged to file the declarations, which performed 16 supervisions regarding 923 natural persons and 67 courts . While the amended Integrity and Prevention of Corruption Act has extended the list of officials that are obliged to declare their assets, it has also reduced the list of officials whose declarations will be published. Despite the Commission for the Prevention of Corruption having started to improve its IT system and online platform in order to align with the publication requirement of the law, asset declarations of public officials have not yet been published.	
	Revolving doors	The Prevention of Corruption Act (IPCA) was amended in November 2020, updating the rules on revolving doors.
	Lobbying	Provisions on lobbying for public officers and elected persons continue to improve. Officials and public employees at the national and local level must report contacts with lobbyists, to both their employer and the Commission for the Prevention of Corruption. The Commission processes and publishes the lobbying-related data on its webpage (called Erar), together with the information contained in the registry of lobbying. According to the amended Integrity and Prevention of Corruption Act, also the lobbyists (which now include interest groups, in addition to individual lobbyist), must publish an annual report.
	Whistleblowers	Despite the existing legal provisions for the protection of whistleblowers, the effective enforcement remains overdue. The Integrity and Prevention of Corruption Act has a chapter solely dedicated to the protection of whistleblowers. However, the number of whistleblowing reports and demands for protections under the Act remains low. Also, although the Act indicates the possibility to nominate persons to receive reports of unethical or illegal conduct within the public institutions, it appears that this type of officials are either not nominated, or not fully operational. Nevertheless, at least one high-profile case was initiated during the pandemic following information filed by a whistleblower. According to the State Prosecution, the existing provisions in the Code of Criminal Procedure regarding protected witnesses cannot be applied to whistleblowers if these are also considered as suspects (e.g. in a corruption case).
	Funding to political parties	No information available

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	<b>Corruption prevention in respect of members of parliament</b>	
	GRECO recommended (i) that a code/standards of conduct for members of the National Assembly and the National Council is/are adopted (including guidance on e.g. conflicts of interest, gifts and other advantages, misuse of information and of public resources, contacts with third parties, including lobbyists, preservation of reputation) and (ii) that, in order to make these standards work, a credible mechanism of supervision and sanction be elaborated.	Partly implemented.
	GRECO recommended that the implementation of the rules on contacts with lobbyists by members of the National Assembly and of the National Council be subject to a thorough assessment, with a view to improving them where necessary.	Not implemented.
	GRECO recommended both in respect of MPs and members of the National Council, (i) the establishment of a dedicated counsellor, with the mandate to provide parliamentarians with guidance and advice on the practical implications of their	Partly implemented.

	legal duties in specific situations and (ii) the provision of specific and periodic information and training on ethics and integrity.	
<b>Corruption prevention in respect of judges</b>		
	GRECO recommended that the Slovenian authorities consider revisiting the procedure of appointment of judges to the Supreme Court, in order to minimise the possibilities of political influence.	Not implemented.
	GRECO recommended that a set of clear standards/code of professional conduct, accompanied by explanatory comments and/or practical examples, is made applicable to all prosecutors.	Fully implemented.
	GRECO recommended (i) that a public communication strategy be adopted and (ii) that relevant training be provided as appropriate.	Fully implemented.
	GRECO recommended, in order to ensure that the Commission for the Prevention of Corruption is adequately equipped to perform its tasks with respect to MPs, judges and prosecutors effectively, that its financial and personnel resources in the areas of asset declarations, lobbying and conflicts of interest be increased as a matter of priority.	Partly implemented.

<b>Recommendations</b>		<b>Implementation Status</b>
<b>Corruption in central governments</b>		
	Provide the Commission for the Prevention of Corruption with the necessary resources to perform its tasks	Not implemented.
	Amend legislation to tackle insufficient rules on post-employment, lobbying, declaration of assets (include family members)	Not implemented.
	Develop a mechanism to raise awareness on integrity matters within the government, including confidential counselling and training for top executive officials	Partial implementation. No regular training has been established and no confidential counselling was introduced.
	Introduce lobbying legislation	Not implemented
	Improve the advisory, monitoring and compliance mechanism for conflict of interests	Not implemented
	Widen the scope of asset declaration to include immediate family members of top executive officials	Not implemented
	Make declaration of assets public and ensure their accuracy	Not implemented.
<b>Corruption in law enforcement</b>		
	Enhance risk management within the police, strengthen reporting tools for the public to report corruption within the police	Not implemented
	Amend legislation on secondary employment of police officers to avoid conflict of interests	Not implemented.
	Introduce post-employment restrictions for former police officers	Not implemented.
	Strengthen whistleblower protection	Not implemented.

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**Spain**

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• Anti-Corruption Prosecutor’s Office (ACPO)</li> <li>• The National Anti-Fraud Coordination Service</li> <li>• The Office of Conflicts of Interest</li> <li>• Council of Transparency and Good Governance</li> </ul> <p>Inadequate resources continue to be an obstacle to handle effectively high-level cases of corruption. High-level political corruption, fraud involving public officials, as well as economic crimes constitute the main risks of serious corruption in Spain. Many of these cases have been pending in the investigation phase for several years. Moreover, as reported by the Anti-Corruption Prosecutor’s Office, a shortage of specialised staff is the main obstacle in the proper management of complex cases (the so-called macro-cases), which often involve corruption and other economic crimes</p>
	National Anti-Corruption Strategy	The fight against corruption in Spain follows a strategic line of action without a dedicated Anti-Corruption Strategy. Although the Government has developed several initiatives to strengthen integrity in public sector, there is no holistic policy to prevent and reduce corruption. GRECO has recommended to develop a strategy that puts together preventive measures to detect and mitigate risk areas of conflicts of interest, with a plan of action for implementation. Spain is receiving technical support from the EU in the context of the project for the elaboration of a National Anti-Fraud Strategy aimed at ensuring effective protection of EU financial interests
Relevant legislative and policy initiatives	Foreign bribery	Foreign bribery was added to the Criminal Code as a separate offence in 2019.
	Conflicts of interests	A reform of the integrity framework aims to consolidate rules on conflict of interest and incompatibilities in the public administration. The Fourth Open Government Plan (see also section IV) envisages amending the law on incompatibilities of staff employed by public administrations to extend the regime of incompatibilities and prevention of conflicts of interest to advisers and more effectively delimitate the system for the prevention of conflicts of interest and incompatibilities of public employees within all different administrations
	High-level corruption	Inadequate resources continue to be an obstacle to handle effectively high-level cases of corruption. High-level political corruption, fraud involving public officials, as well as economic crimes constitute the main risks of serious corruption in Spain. Many of these cases have been pending in the investigation phase for several years, which generates concern, including among stakeholders. Stakeholders have reiterated that shortage of adequate funding continues to be an obstacle to the effective handling of high-level corruption cases
	Asset declaration	A single and harmonised code of conduct is now applicable to all members of the Congress and Senate. In line with GRECO’s recommendation, on 1 October 2020, the Parliament approved a code of conduct extending rules on ethics, transparency and accountability to members of the Senate. The code of conduct, which has already applied since 2019 to members of Congress, contains rules on declaration of activities and assets to prevent incompatibilities in the exercise of the duties as public representative
	Revolving doors	a system of penalties and revolving door limitations between senior officials and public employees is expected to be issued. The Office of Conflicts of Interest is expected to be in charge of the management of the transparency register. The draft is expected to be finalised by October 2021 and approved by the Government in the spring of 2022 before being tabled in the Parliament
	Lobbying	Discussions on lobbying legislation are ongoing and the creation of a transparency register is scheduled for 2022. To date, lobbying is not regulated in Spain at national level. However, the definition of lobbyist is provided under the Parliament code of conduct.

Item	Sub-item	
		Under the various commitments made in the Fourth Open Government Plan, the regulation of lobbying, including the creation of a mandatory registry of lobbyists, is among the priorities to boost public integrity. The draft law was opened to public consultation from 28 April to 28 May 2021; and is expected to provide, among others, a definition of interest groups, a mandatory register for interest representatives and members, as well as a code of conduct governing the obligations of members and lobbyists.
	Whistleblowers	The preparation of a whistleblower protection framework is ongoing. As reported last year, Spain lacks a general whistleblower protection framework, despite some sectorial regulation . In June 2020, a working group of the General Codification Commission for the Transposition of Directive (EU) 2019/1937 was established. The public consultation opened until 27 January 20210 collected more than 40 views from civil society and individuals on several regulatory issues. These contributions are being taken into account in the preparation of the first draft law, which will also be subjected to a public hearing.
	Funding to political parties	No information available

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	<b>Corruption prevention in respect of members of parliament</b>	
	GRECO recommended for each Chamber of Parliament, (i) that a code of conduct be developed and adopted with the participation of its members and be made easily accessible to the public (comprising guidance on e.g. prevention of conflicts of interest, gifts and other advantages, accessory activities and financial interests, disclosure requirements); (ii) that it be complemented by practical measures for its implementation, including through an institutionalised source of confidential counselling to provide parliamentarians with guidance and advice on ethical questions and possible conflicts of interest, as well as dedicated training activities.	Fully implemented.
	GRECO recommended the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process	Partly implemented.
	GRECO recommended that current disclosure requirements applicable to the members of both Chambers of Parliament be reviewed in order to increase the categories and the level of detail to be reported.	Fully implemented.
	GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the existing and yet -to-be established declaration requirements and other rules of conduct of members of Parliament.	Fully implemented.
	<b>Corruption prevention in respect of judges</b>	
	GRECO recommended carrying out an evaluation of the legislative framework governing the General Council of the Judiciary (CGPJ) and of its effects on the real and perceived independence of this body from any undue influence, with a view to remedying any shortcomings identified	Not implemented.
	GRECO recommended that objective criteria and evaluation requirements be laid down in law for the appointment of the higher ranks of the judiciary, i.e. Presidents of Provincial Courts, High Courts of Justice, the National Court and Supreme Court judges, in order to ensure that these appointments do not cast any doubt on the independence, impartiality and transparency of this process.	Partly implemented.
	GRECO recommended (i) reconsidering the method of selection and the term of tenure of the Prosecutor General; (ii) establishing clear requirements and procedures in law to increase transparency of communication between the Prosecutor General and the Government; (iii) exploring further ways to provide for greater autonomy in the management of the means of the prosecution services	Partly implemented.

	GRECO recommended that (i) a code of conduct for prosecutors be adopted and made easily accessible to the public; and (ii) that it be complemented by dedicated guidance on conflicts of interest and other integrity-related matters.	Fully implemented.
	GRECO recommended developing a specific regulatory framework for disciplinary matters in the prosecution service, which is vested with appropriate guarantees of fairness and effectiveness and subject to independent and impartial review.	Partly implemented.

Recommendations		Implementation Status
<b>Corruption in central governments</b>		
	Widen the scope of anti-corruption legislation to include advisors of top executive officials	Not implemented.
	Introduce a Code of conduct for top executive officials, make it available to the public and introduce a mechanism to ensure compliance with it	Partial implementation. For full implementation, there should be only one unified Code, instead of multiple ones covering different topics.
	Provide the Council for Transparency and Good Governance with proper independence, authority and resources	Not implemented.
	Introduce lobbying legislation	Not implemented.
	Submit the current legislation on revolving doors to an independent entity for evaluation, and strengthen it when deemed necessary	Not implemented.
	Improve current legislation on asset declaration, making sure data is made available to the public in a non-aggregated form. Widen the scope of the law to include direct family members of top executive officials	Partial implementation. The duty to declare assets for spouses of top executive officials is still voluntary and no improvements have been made on the quality of data available to the general public.
	Substantially strengthen the advisory, supervisory and enforcement regime of conflict of interest legislation. Ensure independence of the Office Conflict of Interest (OCI)	Partial implementation. No improvement has been made on the independence of OCI, but new personnel and a more efficient IT system have been introduced to improve monitoring and enforcement.
<b>Corruption in law enforcement</b>		
	Conduct risk-assessment for corruption-prone areas	Not implemented.
	(1) Introduce a Code of Conduct for Civil Guard. (2) Improve the Codes of National Police and Civil Guard to include practical guidelines for effective implementation and a credible mechanism for enforcement and monitoring	Partial implementation. A new Code has been drafted and is waiting for approval. Nothing has been done with regard to (2)
	Strengthen the process of vetting for recruitment in law enforcement agencies	Not implemented.
	Perform a full review of the whistleblower protection procedures withing LEAs, strengthening where needed	Not implemented

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## Sweden

Item	Sub-item	
Institutional set-up	Key actors	<ul style="list-style-type: none"> <li>• The National Anti-Corruption Unit</li> <li>• The National Anti-Corruption Police Unit</li> <li>• The Swedish Economic Crime Authority</li> <li>• the National Audit Office</li> <li>• the National Competition Authority</li> <li>• the National Council for Crime Prevention</li> <li>• the Financial Intelligence Unit of the Swedish Police</li> </ul>
	National Anti-Corruption Strategy	Sweden has the legislative and institutional framework to combat and prevent corruption broadly in place. The Government has adopted a National Action Plan for 2021-2023, its first ever, to prevent corruption in the central government agencies.
Relevant legislative and policy initiatives	Foreign bribery	<p>Foreign bribery has been highlighted as a corruption risk area. Despite being a global export country with one of the highest numbers of multinational corporations per inhabitants,</p> <p>Sweden's enforcement to combat foreign bribery has been characterised as moderate. The law on corporate fines was revised in 2019. Apart from the requirements of dual criminality and of corporate liability, also the statute of limitations poses an obstacle to the effective prosecution in Sweden of bribery committed abroad. This can be particularly challenging if investigations of foreign bribery committed abroad depend on the evidence-gathering in another country and mutual legal assistance through international cooperation</p>
	Conflicts of interests	Sweden adopted a National Anti-corruption Plan for its public administration in December 2020. The action plan focuses on corruption prevention in central government agencies, including government offices. It does not include state-owned enterprises. The aim of the action plan is to provide agencies with tools and best practices on the prevention of corruption. This includes the systematic use of risk analysis to strengthen corruption risk awareness and risk management practices. The plan was met with criticism due to the lack of clarity, ambition and a broad stakeholder consultation.
	High-level corruption	No information available
	Asset declaration	The guidelines on asset declarations were amended to add supporting evidence to the information declared. Pursuant to the current legislation on asset declarations, ministers and certain public officials in public authorities, municipalities and regions are to report holdings of financial instruments. According to the guidelines, the declarations submitted by ministers and certain officials of the Government Offices need to be supported by evidence, such as official statements from a bank or stockbroker. This measure aims to facilitate the review of the accuracy of the information declared. The Government Offices review and compare the declarations with the evidence received but do not further verify the completeness of the information nor undertake follow-up.
	Revolving doors	A new act on revolving doors was adopted for the National Audit Office. The post-employment rules adopted in 2020 set out restrictions for high-level officials of the financial supervisory authority, including the Auditor General, the Deputy Auditor General and the acting Auditor General. The personal scope of the applicable revolving doors regulations was thereby extended from top executive functions in the Government (including ministers, cabinet members and state secretaries that move to employment and assignments in organisations other than the Government or public sector) to top executives in Sweden's financial oversight body. Nevertheless, Sweden's post-employment rules remain overall limited in scope and in impact, with only one case having been reported under the applicable revolving doors rules adopted in 2018

Item	Sub-item	
	Lobbying	Lobbying remains unregulated in Sweden. There is no specific obligation for decision-makers to proactively disclose contacts with interest representatives in a 'legislative footprint' to publish information on who sought to influence which legislative proposals and with what resources. Lobbyists and interest representatives are not required to register in a lobby register nor to disclose their clients or financial information related to their lobbying activities. Overall, however, the disclosure of information to the public, transparency and access to information remain the cornerstone in Sweden's corruption prevention approach
	Whistleblowers	Sweden has reviewed its rules on the protection of whistleblowers and a stand-alone law is under consideration. The independent governmental inquiry delivered its final report in June 2020 proposing the adoption of a new act replacing the existing 2016 'Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities'. New rules set to enter into force on 1 December 2021 would change the current requirements on the protection of whistleblowers and would cover both public and private sector organisations and businesses. All larger private sector companies would be required to establish safe internal reporting channels for whistleblower disclosures.
	Funding to political parties	Transparency in political party financing is largely ensured. Pursuant to the Act on Transparency in Political Party Financing, national, municipal and local political parties are obliged to disclose the origins of their revenues but not their expenditure to the Legal, Financial and Administrative Services Agency. The agency publishes the finance reports in a timely manner each July for the previous year. Failure to disclose the income is sanctioned with fines of up to approximately EUR 9 800 (SEK 100 000). The Parliament has adopted a ceiling for anonymous donations per donor at approximately EUR 230 (SEK 2 325). Private individuals' contributions need to be disclosed but are not published. However, political parties' revenues in Sweden stem largely from the state grant that parties receive based on their result in the two previous elections.

GRECO – Evaluation Round IV	Recommendations	Implementation Status
	Corruption prevention in respect of members of parliament	
	GRECO recommended (i) that a Code of Conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.	Fully implemented.
	GRECO recommended (i) that written (public) clarification of the meaning of the disqualification rules of the Riksdag Act and guidance on the interpretation of those rules be provided to members of parliament; and (ii) that a requirement of ad hoc disclosure be introduced when, in the course of parliamentary proceedings, a conflict between the private interests of individual members of parliament may emerge in relation to the matter under consideration.	Partly implemented.
	GRECO recommended that rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public; they should, in particular, determine what kinds of gifts and other advantages may be acceptable and define what conduct is expected of members of parliament who are given or offered such advantages	Fully implemented.
	GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of the existing and yet-to-be established rules on conflicts of interest, gifts and asset declarations by members of parliament.	Partly implemented.

GRE	Recommendations	Implementation Status
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Corruption in central governments	
Introduce a code of conduct for top executive officials, make it easily accessible to the public and ensure a mechanism for monitoring and enforcing	Not implemented
Provide top executive officials with dedicated training in integrity and forms of corruption. Establish a confidential counselling service for executive officials.	Not implemented.
Ensure that the public has easy access to all information that are not classified	Fully implemented, via amended procedures for requiring access to databases
Introduce legislation covering lobbying (duty to disclose contacts, meetings, topics, name of the lobbyists)	Not implemented.
Submit the current legislation on revolving doors for ministers and state secretaries to an independent body tasked with evaluating it, and amend it wherever it is deemed necessary	Not implemented.
Introduce the obligation for ministers and state secretaries (and their advisors) to declare significant liabilities, debts, previous positions and agreements with previous, future or current employers. Amend legislation on asset declaration to cover direct family members of executive officials.	Not implemented.
Ensure the accuracy of submitted declarations of assets via a control mechanism	Partial implementation. It was introduced a duty to back up one's declaration of assets with official financial documents. The data has also been made public. It is not fully implemented because the current legislation on what kind of assets it is necessary to disclose is lacking.
Corruption in law enforcement	
Introduce a Code of Conduct for Police Authority, including concrete examples and explanations regarding the conduct expected from a police officer. Ensure the enforcement of the code.	Partial implementation. The Code has been drafted and adopted, but no enforcement mechanism has been introduced.
Provide police officers with training on integrity and corruption prevention. Introduce a mechanism for confidential advice for police officers	Partial implementation. The digital tool developed to provide training meets GRECO requirements, but it's still yet to be implemented in police procedures. The confidential advice service has been planned in a satisfying fashion, but it is yet to be implemented.
Introduce a duty to report clause to the code of conduct for police officers when it comes to suspicions of corruption.	Fully implemented.
Provide dedicated guidance and training on whistleblower protection to all officers	Not implemented.



## 7.6 Examples of good practices

Information for the compilation of the following list of initiatives and measures at the national level has been retrieved from the aforementioned reports from GRECO's Fifth Evaluation Round, UNCAC's second evaluation cycle and Rule of Law 2020-2021. All entries have been formally referred to as 'good practices' in one of these documents.

- **List of advisors:** In Belgium, the government regularly updates the list of all *collaborateurs de fond* (advisors of top executive officials on substantial matters), which is published online and easily accessible;
- **Mandatory briefings and training on integrity issues:** In Belgium, the regional government of Flanders made training for all office holders mandatory.<sup>384</sup> In Denmark, newly elected members of government take part in mandatory briefings on integrity issues. In Estonia, effort has been put into digitalising training materials and courses, in order to provide ethical guidance in a more immediate and effective fashion. The system has so far been implemented in training for judges and other members of the judiciary, but the digital transition will soon also involve the other branches of government. In 2021, e-training modules on communicating with lobbyists in an appropriate way was released for top executive officials;
- **Assistance to Member States:** the development programmes in Germany assist other Member States in preventing corruption. Moreover, in Germany the Financial Intelligence Unit annual publications detail international collaboration opportunities by country for the most active countries; reports are available to the public in foreign languages;
- **Monitoring of public procurement procedures:** in Ireland, a Tender Advisory Service was established, to provide an informal forum for potential suppliers to voice their concerns about the Office of Government Procurement and other contracting bodies' procurements;
- **Legislation on whistleblower motivation:** in Ireland, the motivation of a whistleblower reporting is irrelevant to whether their report is a protected disclosure under the relevant legislation on whistleblower protection;
- **Development of anti-corruption plans and monitoring mechanisms in public agencies:** Italy's Anti-Corruption Plan requires every agency, administration or fully State-owned enterprise to develop a three-year plan for the prevention of corruption and to appoint a corruption prevention officer, tasked with monitoring the implementation of said plan. Moreover, Italy has established a national coordination mechanism in the Ministry of Foreign Affairs, the *Tavolo Interistituzionale di Coordinamento Anticorruzione*, which also fosters collaboration with civil society;
- **Digital resources for public procurements:** In Portugal, a digital tool was developed, the BASE portal, to allow all public procurements to be carried out exclusively through an electronic platform allowing for transparency and corruption prevention.

## 7.7 Intervention logic

Table 20 – Intervention logic of the policy options

No.	Problem	Drivers / Causes	Elements of the policy option
Specific objective 1: Efficient investigation and prosecution of corruption			

No.	Problem	Drivers / Causes	Elements of the policy option
1.1	There are legislative issues that hinder the intra-EU effort against corruption and related crimes	<ul style="list-style-type: none"> <li>a. Criminalisation of corruption is focused mostly on bribery-related cases</li> <li>b. Criminalisation of embezzlement, illicit enrichment, trading in influence, abuse of functions, obstruction of justice and illicit party financing is inadequate across the Member States</li> </ul>	<p><b>PO1: Baseline scenario</b></p> <p><i>No change to the current policy measures.</i> The disparity in definitions of corruption-related crimes would remain, as well as the consequent difficulties in cross-border cooperation on repression of corruption offences. Furthermore, national legislation on key enablers of corruption such as lobbying and revolving doors will remain partial and fragmented. The existing mechanisms in place (GRECO/UNCAC recommendations and the annual Rule of Law reports) can monitor the legislative coverage in these areas for each Member State, as well as persuade some of them of the usefulness of such laws. However, there are Member States that are non-compliant with recommendations from GRECO, UNCAC and the Rule of Law reports, and that claim to have no interest in updating or introducing laws for some of these key enablers to ensure full compliance. In the absence of EU-level rules, national policies will either never cover all the relevant elements identified in international standards and related reports or would only do so after a very long period of time.</p> <p><b>PO2: Minimum standards + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>• Establish EU common minimum rules concerning the definition of criminal offences and related sanctions in the area of corruption</li> </ul> <p><b>PO3: Stronger alignment + supporting (soft) measures</b></p> <p>Same as PO2</p>
1.2	National law enforcement and judicial authorities have limited capacity to detect and prosecute corruption	<ul style="list-style-type: none"> <li>a. Underreporting of (potential) corruption cases is still high</li> <li>b. Financial resources and expertise available at the Member State level are not sufficient</li> </ul>	<p><b>PO1: Baseline scenario</b></p> <p><i>No change to the current policy measures.</i> The existing mechanisms for improvement of investigation and prosecution procedures for corruption offences (GRECO, UNCAC, Rule of Law reports) consist of non-binding recommendations. This is useful for monitoring purposes, however, there is no mechanism to ensure compliance with such recommendations. Member States may be incapable (due to a lack of resources and expertise, limited availability of investigative tools in the area of corruption, etc.) or unwilling to modify their national legislation on prosecution/investigation of corruption (e.g. statutes of limitation, political immunity, independence of prosecution authorities from undue political influence). The lack of an EU anti-corruption strategy would persist, Member States would continue to lack the capacity to handle anti-corruption operations and underreporting of corruption offences would continue.</p> <p><b>PO2: Minimum standards + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>• Establish EU common minimum standards requiring the availability of tools for investigation and prosecution of corruption cases</li> </ul>

No.	Problem	Drivers / Causes	Elements of the policy option
			<ul style="list-style-type: none"> <li>Establish common minimum standards concerning capacity-building and training for efficient investigative and prosecution procedures.</li> <li>Establish common minimum standards to boost reporting of corruption cases</li> <li>Ensure the seizure and confiscation of instrumentalities and proceeds from corruption related offences</li> </ul> <p><b>PO3: Stronger alignment + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>Establish minimum rules concerning the statute of limitations for corruption-related cases</li> <li>Establish minimum rules concerning immunity for members of the government, or the parliament</li> <li>Establish minimum rules concerning reverse burden of proof in asset confiscation related to illicit enrichment cases</li> </ul>
<b>Specific objective 2: Adequate prevention of corruption</b>			
2.1	Member States' approaches to prevent corruption are inadequate	<ul style="list-style-type: none"> <li>a. Rules on undue lobbying, conflicts of interests, and revolving doors are not in place in all Member States</li> <li>b. Some Member States lack comprehensive anti-corruption plans and dedicated anti-corruption authorities</li> <li>c. Verification systems on asset declaration are lacking or limitedly used</li> <li>d. Some Member States lack specific services on ethics and integrity</li> </ul>	<p><b>PO1: Baseline scenario</b></p> <p><i>No change to the current policy measures.</i> Some Member States will continue to not have anti-corruption authorities/plans, making the coordination of anti-corruption policies more difficult. This may also lead to difficulties in cooperation across Member States with no dedicated authority with whom to correspond in relation to anti-corruption policies in these Member States. Lack of training on ethics and integrity may lead to continued low levels of awareness among stakeholders about ethical duties and infringements, resulting in potential abuse of positions of power</p> <p><b>PO2: Minimum standards + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>Establish an EU anti-corruption coordinator</li> <li>Establish minimum rules concerning the establishment and role of national anticorruption authorities or equivalent mechanisms</li> </ul> <p><b>PO3: Stronger alignment + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>Establish common minimum standards against enablers of corruption</li> <li>Establish an EU anti-corruption prevention agency</li> </ul>
2.2	Prevention programmes suffer from lack of data on and knowledge of the magnitude of corruption in the EU	<ul style="list-style-type: none"> <li>a. There are no uniform, up-to-date and consolidated corruption statistics and evidence-based policy-making on anti-corruption</li> </ul>	<p><b>PO1: Baseline scenario</b></p> <p><i>No change to the current policy measures.</i> Corruption data will continue to be limited in terms of comprehensiveness and comparability. Corruption will continue to be measured partially or inaccurately, based on the limited information available. Corruption indices will continue to be based primarily on</p>

No.	Problem	Drivers / Causes	Elements of the policy option
		<p>b. Monitoring of corruption risks and related actions, and thus evidence-based policy-making on anti-corruption, is limited</p>	<p>perceptions, and the limitations of such an approach will persist. Data collection methodologies will continue not to comply with international standards, impeding meaningful comparison of data collected by different organisations and across time.</p> <p>Consequently, evidence-based policy making will be limited and policy will continue to be developed based only on qualitative information.</p> <p><b>PO2: Minimum standards + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>• Require national anti-corruption authorities to coordinate the collection and sharing of corruption data</li> <li>• Develop an EU criminal intelligence picture on corruption</li> </ul> <p><b>PO3: Stronger alignment + supporting (soft) measures</b></p> <ul style="list-style-type: none"> <li>• Develop an EU Corruption Index</li> </ul>

## 7.8 List of stakeholders interviewed

Type	Organisation
EU-level	EU Parliament Anti-corruption Intergroup
EU-level	CEPOL
EU-level	Secretariat General of the EU Commission
EU-level	Eurojust
EU-level	DG FISMA
EU-level	DG REFORM
EU-level	DG INTPA
EU-level	Europol
EU-level	DG NEAR
EU-level	DG JUST
EU-level	Europol
EU-level	OLAF
EU-level	EPPO
EU-level	European Network for Public Ethics
International	Council of Europe
International	Chertoff Group
International	U4 Anti-Corruption Resource Centre
International	UNODC
International	OECD
National	Dutch Anti-Corruption Centre

Type	Organisation
Business	SME United
NGO	Transparency International EU
NGO	National Endowment for Democracy
NGO	U4 Anti-Corruption Resource Centre
Academia	University of Vienna
Academia	University of Tel Aviv
Academia	University of Basel
Academia	University of Siena

## 7.9 List of secondary sources

Organisation	Year	Title
European Commission	1999	Commission Decision of 28 April 1999 establishing the European Anti-fraud Office (OLAF)
EU Council	2003	Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector
EU Council	2005	Convention on the fight against corruption involving on the fight against corruption involving officials of the European Communities or officials of Member State of the European Union
EU Council	2009	Stockholm program
EC	2011	Communication from the commission to the European parliament, the council and the European economic and social committee - Fighting Corruption in the EU
EP and Council	2014	Directive 2014/24/EU of the EU Parliament and the EU Council on public procurement
EP and Council	2014	Directive 2014/42/EU of the EU Parliament and the EU Council on the freezing and confiscation of instrumentalities and proceeds of crime
EP and Council	2016	Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA
CoE	2017	Council Regulation 2017/1939 on the establishment of the European Public Prosecutor's Office
EP and Council	2017	Directive 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law
EP and Council	2018	Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation, replacing and repealing Council Decision 2002/187/JHA
EP and Council	2019	Directive 2019/1937 of the EU Parliament and the EU Council on the protection of persons who report breaches of Union Law

Organisation	Year	Title
EU Commission	2019	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL- Towards better implementation of the EU's anti-money laundering and countering the financing of terrorism framework
EP	2019	European Parliament legislative resolution of 17 April 2019 on the proposal for a Directive of the European Parliament and of the Council laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA (COM(2018)0213 – C8-0152/2018 – 2018/0105(COD))
EP	2019	European Parliament resolution of 28 March 2019 on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia
EU Commission	2020	EU Security Union Strategy 2020
EU Commission	2020	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE COURT OF JUSTICE OF THE EUROPEAN UNION, THE EUROPEAN CENTRAL BANK and THE COURT OF AUDITORS on the review of the European Union under the Implementation Review Mechanism of the United Nation Conventions against Corruption (UNCAC)
EU Commission	2021	EU Strategy to tackle organised crime 2021-2025
EU Council	2021	Council Conclusions of 12 May 2021 setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022-2025
Author	Year	Title
Alina Mungiu-Pippidi	2013	The Good, the Bad and the Ugly: Controlling Corruption in the European Union
EC	2014	2014 EU anti-corruption report
ECORYS	2015	Study on corruption in the healthcare sector
EP	2016	The Cost of Non-Europe in the area of Organised Crime and Corruption: Annex II - Corruption
EP	2016	The Cost of Non-Europe in the area of Organised Crime and Corruption: Annex III - Overall assessment of organised crime and corruption - Think Tank
EC	2017	European Semester thematic factsheet - Fight against corruption
EP	2017	Corruption in the EU
Europol	2017	Serious and Organised Crime Threat Assessment (SOCTA): Crime in the age of technology, European Union
EC	2017	Commission Staff Working Document Better Regulation Guidelines
<u>Jackson Oldfield,</u> <u>Transparency</u> <u>International</u>	2017	Overview of Conflict of Interest and Related Offences
ECORYS	2017	Updated Study on Corruption in the Healthcare Sector

Organisation	Year	Title
EC	2019	Third implementation report of the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (2019)
UNODC	2019	University Module Series: Anti-Corruption
Ecole Nationale de la Magistrature	2019	EU ACTION AGAINST CORRUPTION: Steps forward and setbacks in a strategic policy for Europe
EC	2020	2020 EU Rule of Law report
EC	2020	2021 EU Rule of law report – country chapters <sup>385</sup>
EC	2020	Report on the special Eurobarometer 502 on corruption
EC	2020	EU Security Union Strategy
EC	2021	2021 EU Rule of Law Report
EC	2021	2021 EU Rule of law report – country chapters <sup>386</sup>
Europol	2021	European Union serious and organised crime threat assessment (SOCTA)
Transparency international	2021	The prevention of corruption as part of mandatory due diligence in the EU legislation
CSD, DG HOME, EY, GTI, Optimity Advisors, RAND Europe	2021	Mapping the risk of serious and organised crime infiltrating legitimate businesses
UNCAC	2021	Review Mechanism Country Reports. Second Cycle of Evaluation (2015-2024), available for five Member States (BE, DE, IT, PL, SI) <sup>387</sup>
CoE	2021	GRECO Implementation Reports. Fifth Evaluation Round (2017-ongoing), available for 14 Member States (BE, DK, EE, ES, FI, FR, HR, LU, LV, NL, PL, SE, SI, SK) <sup>388</sup>

<sup>385</sup> EC. 2020. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>386</sup> EC. 2021. Rule of Law Reports – Country Chapters. Available at: [link](#).

<sup>387</sup> UNCAC. Official Review Documents. Available at: [link](#).

<sup>388</sup> GRECO. Fifth Evaluation Round. Available at: [link](#).

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