



**DEMOCRACY AND THE RULE OF LAW IN THE EU:
ANTI-CORRUPTION FRAMEWORK**

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INTRODUCTION

“Corruption is one of the greatest threats to our communities, to our national and European Union institutions. It erodes democracy, undermines trust in public institutions, and deprives our citizens of the opportunities and services they deserve. We want a corruption-free Europe that tackles the phenomenon at all levels. Finally, we will have harmonised rules in place, enabling us to fight corruption efficiently.” Quote by Rapporteur Ramona Strugariu (Renew, RO), (EP, 2024).

The rule of law is a core value of the European Union (EU) and is explicitly recognized in Article 2 of the Treaty on the European Union. It also serves as a guiding principle for the EU's external actions, as outlined in Article 21 of the Treaty. The strong connection between the rule of law and combating corruption was underscored in the EU's first Rule of Law Report from 2020. In this report, the EU identified four main pillars of the rule of law framework: the judicial system, anti-corruption measures, media pluralism, and institutional checks and balances.

Corruption poses a serious threat to society, democracy, the economy, and individuals. By undermining institutions, it weakens their credibility and ability to deliver public services effectively. Corruption distorts market operations, worsens quality of life, and fosters the growth of organized crime, terrorism, and other security

threats. While it impacts countries globally, regardless of their size or wealth, the effects are especially damaging in developing regions. Corruption erodes the efficiency of public spending, deepens social inequalities, and costs the EU economy an estimated **€120 billion annually**. Its repercussions undermine efforts worldwide to achieve good governance, economic prosperity, and the United Nations Sustainable Development Goals (EC – Press release, 2023).

The rule of law has consistently been highlighted as a key priority in major EU policy frameworks, such as the **2011 Agenda for Change** and the **2017 Consensus for Development**. Within these documents, the EU reaffirms its dedication to upholding and promoting the rule of law both domestically and through its foreign policies. This emphasis on the rule of law, and by extension anti-corruption, is reflected in the EU's external and internal engagements. However, in the current global climate marked by rising authoritarianism, reduced civic space, and the growing influence of populism, advancing rule of law and anti-corruption initiatives has become increasingly complex.

To adapt, the EU's 2016 Global Strategy for its Foreign and Security Policy introduced the concept of "principled pragmatism," acknowledging the necessity of balancing its idealistic objectives with a practical approach to prevailing international challenges. This raises questions about the effectiveness of the EU's efforts to promote rule of law and anti-corruption abroad as well as internally. To

evaluate its impact, the EU commissioned an external review of its support for rule of law and anti-corruption in partner countries from 2010 to 2021. This evaluation took a broad perspective, examining assistance to key state institutions, civil society organizations, and the broader application of rule of law principles beyond just justice and anti-corruption measures.

The push by Members of the European Parliament (MEPs) for stricter EU-wide measures and penalties is largely driven by the fallout from the ***"Qatargate"*** scandal. This high-profile corruption scandal, which emerged in late 2022, implicated several MEPs and involved significant sums of cash allegedly used by non-EU countries such as Qatar and Morocco to influence European policymaking. Prominent figures were arrested, and large sums of cash were seized in investigations across multiple countries. This scandal has exposed vulnerabilities in the EU's anti-corruption framework and heightened concerns over foreign influence and integrity within EU institutions. In response, many MEPs are advocating for stricter measures to increase transparency and accountability in parliamentary operations. Proposals have included enhanced scrutiny over lobbying activities, stricter rules on conflicts of interest, and measures to curtail ex-MEPs' lobbying activities. New rules will also enforce stricter financial disclosures and the imposition of harsher penalties for rule breaches. However, implementing comprehensive reforms has faced internal resistance,

revealing divisions on the extent of necessary changes and raising questions about the European Parliament's capacity to meaningfully combat such misconduct (Wax – Wheaton, 2023).

In January 2024, the Committee on Civil Liberties of the European Parliament endorsed a draft negotiating mandate aimed at strengthening anti-corruption measures across the EU's all levels. This proposal builds on the European Commission's existing anti-corruption directive, expanding the legislative framework and introducing stricter rules to improve transparency and accountability at all levels of governance. The report, adopted with 63 votes for, two against and two abstentions, builds on the European Commission's draft. The updated mandate seeks to include higher-ranking EU officials, such as MEPs, Commissioners, and the President of the European Council, under more stringent anti-corruption regulations. This would ensure that top decision-makers are subject to higher standards of scrutiny. The mandate would also extends to senior executives in state-owned companies, military officials, and high-ranking political party representatives, reflecting an effort to cover broader sectors where corruption risks are prevalent. The draft suggests harsher penalties for corruption, including disqualification from holding public office and exclusion from public funding. It also introduces measures to curb conflicts of interest, requiring more frequent disclosures of assets and imposing sanctions for non-compliance. The proposal aims to regulate "revolving door" practices

by restricting the post-office employment of public officials in private sectors that might lead to conflicts of interest.

The mandate calls for the establishment of independent bodies in EU member states to implement anti-corruption strategies and the creation of an **EU Anti-Corruption Coordinator** to oversee these efforts and the aim to produce an annual EU Anti-Corruption report. Key provisions in the proposal include a ban on citizenship-by-investment schemes, stricter liability for legal entities, and limiting the use of immunities to official duties. Additionally, it seeks to enhance transparency in political financing and public procurement to increase public scrutiny. This comprehensive set of reforms would reflect the EU's ongoing effort to strengthen its fight against corruption, enhance public trust, and improve the integrity of its institutions. These initiatives are particularly significant in light of recent scandals that have highlighted vulnerabilities in the EU's governance structures, making the push for stronger and more unified anti-corruption measures more urgent.

The European Parliament's ongoing push to combat corruption marks a decisive step toward restoring public trust in EU institutions. MEPs are advocating for more stringent rules and severe penalties for corrupt practices, not only targeting officials in general but also top EU decision-makers, such as MEPs, Commissioners, and the President of the European Council. This initiative seeks to increase accountability and integrity across EU governance,

demonstrating the Parliament's commitment to transparency. This effort resonates with public sentiment, as reflected in **Special Eurobarometer 534** from April – May 2023, which shows that over 60% of Europeans consider corruption unacceptable. However, the survey also reveals concerning figures: 27% of respondents find it acceptable to offer a gift or favor to obtain something from a public administration, while 16% believe giving money for this purpose is justifiable. Additionally, nearly 70% of those surveyed think corruption is widespread in their own countries. The Eurobarometer survey also reveals significant regional differences in attitudes toward corruption across the EU. In Luxembourg, 82% of respondents see corruption as unacceptable, the highest percentage across all EU Member States, reflecting a strong public intolerance for corrupt practices. Conversely, in countries like Slovakia (38%) and Croatia (39%), fewer than four in ten people share this view.

In response, the European Parliament plans to tighten anti-corruption measures, aiming for stricter regulations at the highest levels. By introducing these enhanced rules, the EU intends to demonstrate its commitment to reducing corruption, improving transparency, and addressing the concerns of European citizens regarding the integrity of EU institutions. EU claims that these steps are in line with public expectations and reflect the EU's dedication to restoring the credibility of its governance systems.

To effectively meet its commitments, the European Union faces the dual challenge of bridging the perception gap between its member states and restoring their trust in EU institutions. Public faith in the EU has been shaken by ongoing corruption scandals, which have led to growing concerns about the transparency and integrity of EU governance. Mistrust has not only been fueled by specific cases of misconduct but also by a broader perception that the Union lacks the means or will to effectively combat corruption. According to Eurobarometer surveys, the prevalence of corruption in several EU countries further exacerbates these concerns, with many citizens feeling that their national and EU institutions are not adequately addressing the issue. In addition to these external challenges, the European Parliament itself faces an internal struggle to meaningfully combat misconduct. Despite implementing various initiatives, such as adopting anti-corruption directives and imposing stricter rules for top EU officials, the Parliament has often been criticized for lacking the mechanisms and enforcement power to hold members accountable effectively. The need for stronger internal procedures and a more robust oversight system is critical, as it would enable the European Parliament to lead by example, promoting transparency and setting a standard for the rest of the EU. To restore both internal and external trust, the EU must go beyond adopting policy reforms and actively demonstrate its commitment to enforcement. This includes ensuring that proposed anti-corruption measures are

effectively implemented, that transparent and independent oversight bodies are empowered, and that the EU can visibly respond to public concerns regarding misconduct. Rebuilding credibility will require significant political will and coordination among EU institutions and member states, as well as concrete actions that show the EU is committed to protecting its values and combating corruption at every level.



Source: ECb – International Press Institute, 2024

1. RULE OF LAW REPORT 2023: FURTHER ACTION NEEDED

“I would like to focus on corruption with all its faces. The face of foreign agents trying to influence our political system. The face of shady companies or foundations abusing public money. We must also eradicate corruption at home. That is why we will present measures to update our legislative framework for fighting corruption. It erodes trust in our institutions. So, we must fight back with the full force of the law.” President Ursula von der Leyen, 2022 State of the Union address (EC, 2023)

The European Commission's fourth annual Rule of Law report, released in 2023, provides an in-depth review of the state of the rule of law across the European Union. It offers a comprehensive analysis of developments and issues affecting EU Member States, structured around four key pillars: national justice systems, anti-corruption frameworks, media pluralism, and other institutional checks and balances. This year's report includes both a general overview and detailed country-specific chapters for all 27 Member States, featuring tailored recommendations for each. The report aims to monitor and enhance the adherence to rule of law principles, addressing both systemic challenges and progress observed across the EU. By including specific recommendations, the Commission

seeks to encourage concrete actions from Member States to tackle deficiencies and build stronger institutions that uphold the rule of law, counter corruption, support free media, and safeguard democratic checks and balances. This approach highlights the EU's ongoing commitment to preserving its fundamental values and strengthening governance standards across the bloc (ENCJ, 2023).

The Special Eurobarometer 534 survey was conducted by Kantar Belgium at the request of the European Commission's Directorate-General for Migration and Home Affairs (DG HOME) and coordinated by the Directorate-General for Communication of the European Commission. This survey aimed to assess public perceptions and attitudes toward corruption across EU Member States. It offers valuable insights into how citizens view corruption, including their tolerance levels for corrupt practices and the extent to which they believe corruption affects their daily lives and national institutions. The survey forms part of the European Commission's broader efforts to understand and address corruption as part of its rule of law initiatives. In the Special Eurobarometer 534 is being claimed that *“corruption is broadly defined as the abuse of entrusted power for private gain. Corruption takes many forms, from bribery and trading in influence to less obvious forms such as nepotism, conflicts of interest, or revolving doors between the private sector and government. Corruption deepens inequalities, erodes citizens’*

trust in public institutions, undermines good governance and social justice, and constitutes a serious threat to the rule of law, democracy and fundamental rights. In addition, it adversely affects government objectives that focus on diminishing income disparity and improving environmental protection. Corruption has serious and widespread consequences including slowing prosperity and economic growth by creating uncertainty for business, slowing processes and imposing additional costs. It harms the European Union (EU) as a whole by lowering investment levels, hampering the fair operation of the Internal Market and reducing public finances” (ECa – Eurobarometer, 2023: 5)

1.2 Acceptability of corruption

The Eurobarometer survey highlights that a significant majority of Europeans believe corruption is unacceptable. Specifically, over 70% of respondents find it inappropriate to offer a gift (72%) or perform a favor (72%) to obtain benefits from public administration or public services. Even more notably, 83% reject the idea of offering money for such purposes. This data indicates broad consensus across Europe on the unacceptability of corrupt behavior in dealings with public institutions, reflecting a widespread public

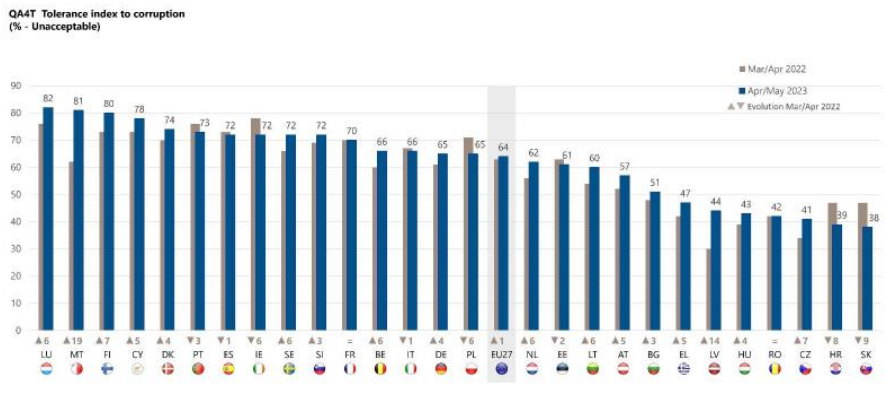
commitment to ethical standards in government interactions (ECa – Eurobarometer, 2023).



Source: ECb – Eurobarometer, 2023

The findings from the Special Eurobarometer show that European attitudes toward using gifts, favors, or money to gain an advantage from public administration or services are shifting slightly toward rejection of such practices. While 27% of respondents think it is acceptable to offer a gift, a slight decrease of 1 percentage point since 2022, a clear majority of 72% (+1 percentage point) consider it "never acceptable." Similarly, 26% find doing a favor acceptable, with 72% rejecting it as inappropriate. Giving money is viewed as less acceptable, with only 16% approving and 83% opposing it. Public sentiment against these practices appears to be hardening, albeit with marginal year-on-year changes. Additionally, two-thirds (64%) of surveyed Europeans view corruption as unacceptable behavior, with significant support for this stance across most EU countries, particularly in Luxembourg (82%), Malta (81%), and

Finland (80%). However, the perception of corruption varies, with lower levels of rejection noted in Slovakia (38%) and Croatia (39%). The survey reflects a broad consensus against corruption in principle, though pockets of tolerance toward certain practices remain, underscoring challenges for EU-wide anti-corruption initiatives (ECa – Eurobarometer, 2023: 8).

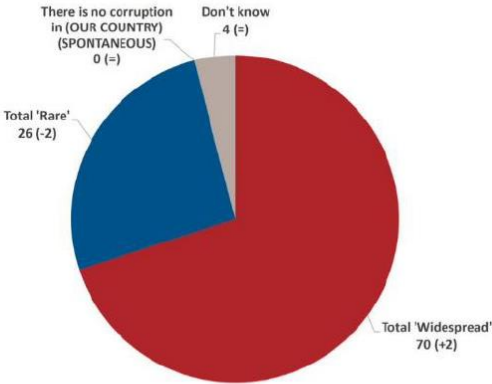


Source: ECa – Eurobarometer, 2023: 8

1.3 Corruption widespread

In 21 Member States, the majority of respondents believe that corruption is a significant problem. The results of the recent survey indicate a slightly more pessimistic view among respondents regarding the prevalence of corruption in their countries compared to 2022. A majority still perceive corruption as a widespread issue. In 21 EU Member States, most respondents believe corruption is prevalent, with Greece (97%) and Croatia (96%) topping the list. Notably, more than half of the Greek respondents (54%) view corruption as "very widespread." Other countries with high perceived corruption include Portugal (93%), Cyprus, and Malta (both at 92%).

QA5 How widespread do you think the problem of corruption is in (OUR COUNTRY)?
(% - EU27)



(Apr/May 2023 – Mar/Apr 2022)

Conversely, six EU countries demonstrate less concern, where fewer than half believe corruption is widespread. These include Finland (13%), Denmark (21%), Sweden (36%), Luxembourg (40%), the Netherlands (47%), and Estonia (48%). These results highlight the stark differences in perceptions of corruption across the EU, reflecting variations in governance, public accountability, and possibly differing cultural attitudes towards transparency and institutional integrity.



Data source: ECa – Eurobarometer, 2023

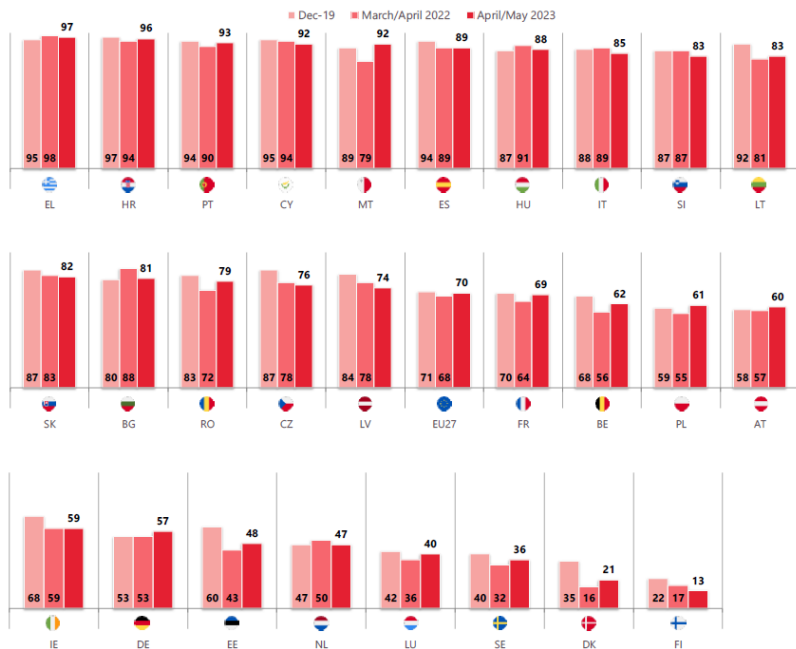
Compared to 2022, public perception that corruption is widespread has increased in 14 EU countries, with the largest spikes

in Malta (+13 percentage points to 92%), Romania (+7 to 79%), and Belgium (+6 to 62%). On the other hand, in 11 countries, belief in widespread corruption decreased, particularly in Bulgaria (down by 7 points to 81%), Italy (down by 4 to 85%), Slovenia (down by 4 to 83%), and Finland (down by 4 to 13%). Ireland (59%) and Spain (89%) showed no change in their responses.

A longer-term trend analysis from 2017 to the present reveals that Estonia has experienced a consistent decline in perceived corruption over several survey waves, decreasing from 67% in 2017 to 43% in 2022 before rising slightly to 48% in the most recent survey. Conversely, the Netherlands saw a consistent increase from 44% in 2017 to 50% in 2022, with a recent decline back to 47%.

Overall, since 2017, 17 EU Member States have seen a decline in perceptions of corruption, nine have experienced increases, and one remains unchanged. Regionally, respondents from euro area and non-euro area countries exhibit similar perceptions, with 69%-70% considering corruption widespread in their nations.

QA5 How widespread do you think the problem of corruption is in (OUR COUNTRY)?
(% - TOTAL 'WIDESPREAD')



Source: ECa – Eurobarometer, 2023: 10

1.4 Widespread of Corruption in Different Areas of Society

An increasing number of people believe that bribery and the abuse of power for personal gain are widespread within political parties and among politicians.

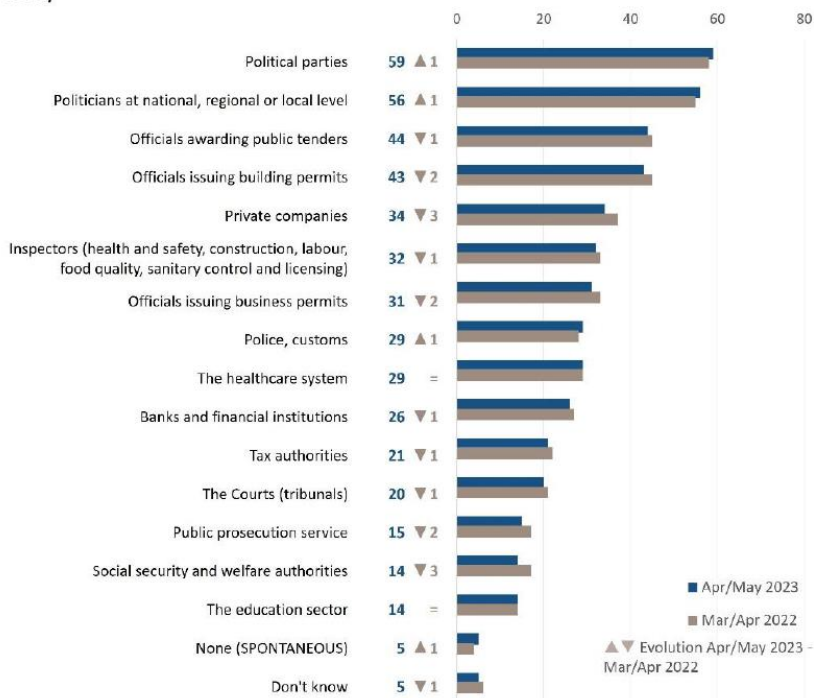
Nearly 60% (59%, +1 percentage point) believe that bribery and abuse of power are widespread among political parties, with a similar proportion (56%, +1) holding the same view about local, regional, or national politicians. Mentions of political parties and politicians have seen a slight increase since 2022, following more significant rises between December 2019 and 2022 (+5 and +6 percentage points, respectively).

Over 40% think these behaviors are widespread among officials handling public tenders (44%, -1) or those issuing building permits (43%, -2), although these figures show minor declines since 2022, following more substantial increases between 2019 and 2022. More than one-third (34%, -3) believe these practices are widespread in private companies.

When asked about various sectors, nearly a third see bribery and abuse of power as common among inspectors (health and safety, construction, labor, food quality, sanitation, and licensing) (32%, -1) or officials issuing business permits (31%, -2). Close to 30% believe these issues are widespread in healthcare (29%, =), police and customs (29%, +1), and banks and financial institutions (26%, -1). Just over 20% share this view regarding tax authorities (21%, -1) or the courts (20%, -1). Over 10% point to the public prosecution service (15%, -2), social security and welfare authorities (14%, -3),

or the education sector (14%, =) as sectors where bribery and abuse of power are widespread.

QA7 In (OUR COUNTRY), do you think that the giving and taking of bribes and the abuse of power for personal gain are widespread among any of the following? (MULTIPLE ANSWERS POSSIBLE)
(% - EU27)



Source: ECa – Eurobarometer, 2023: 11

Over three-quarters of Europeans believe that close ties between business and politics contribute to corruption, while two-

thirds feel that high-level corruption cases are not adequately pursued.

More than three-quarters of respondents (78%, +1 percentage point since 2022) believe **that close ties between business and politics lead to corruption**, while 15% remain unconvinced and 7% are unsure. Over two-thirds (71%, compared to 72% in 2022) agree that corruption exists within local or regional public institutions in their country, with 20% disagreeing and 7% expressing uncertainty.

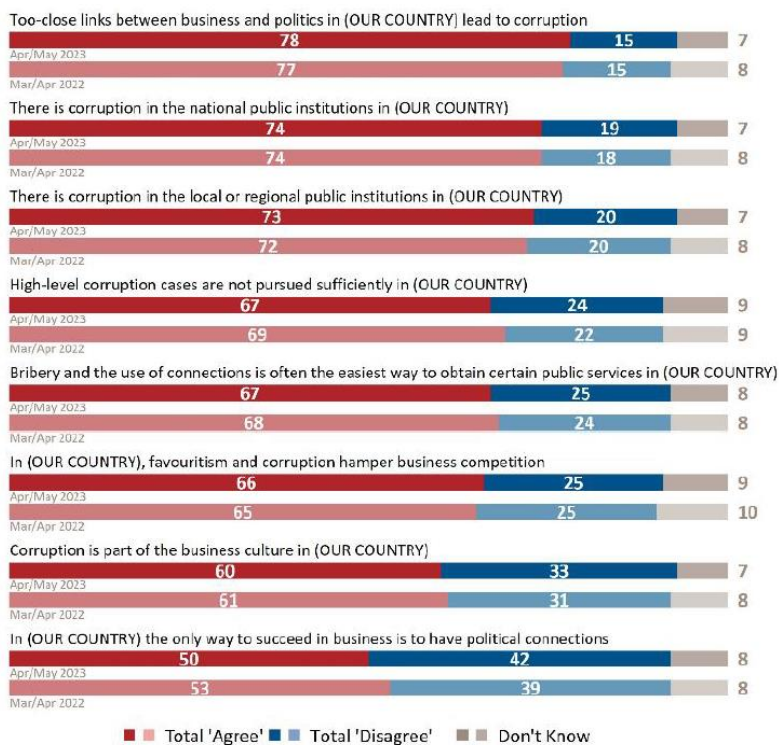
Close to three-quarters (74%) of EU 27 respondents believe national public institutions are affected by corruption, including 27% who fully agree (+2) and 47% who tend to agree (-6). Meanwhile, 60% feel that corruption is embedded in their country's business culture, with one-third (33%, +2) dissenting and 7% undecided.

Regarding the handling of high-level corruption, two-thirds (67%, -2) think such cases are not pursued sufficiently, while one-quarter (24%, +2) disagree and 9% remain unsure. Nearly 70% (67%, -1) believe that bribery or using personal connections is often the easiest way to access certain public services, with 25% disagreeing and 8% uncertain.

Two-thirds (66%, +1) feel that favoritism and corruption hinder business competition, though 25% disagree and 9% do not have an

opinion. A slight majority (50%, -3) think that success in business often relies on political connections, while more than four in ten (42%, +3) disagree and 8% are unsure (ECa – Eurobarometer, 2023: 16).

**QA15. Please tell whether you agree or disagree with each of the following?
(% - EU27)**



(ECa – Eurobarometer, 2023: 16)

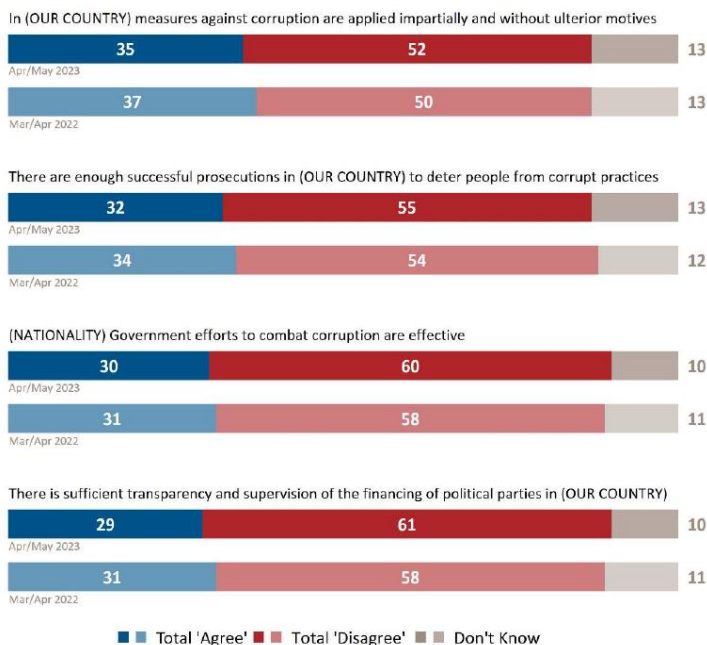
Compared to 2022, fewer than four in ten respondents (35%, -2 percentage points) believe that anti-corruption measures are applied impartially and without ulterior motives, while a majority (52%, +2) disagree, and 13% remain unsure.

Just over one-third (32%, -2) think there are sufficient successful prosecutions to deter corrupt practices, whereas more than half (55%, +1) disagree, and 13% (+1) are uncertain.

Three in ten respondents (30%, -1) agree that their national government's efforts to combat corruption are effective. In contrast, a significant majority of six in ten (60%, +2) disagree, reflecting a notable five-point increase in dissatisfaction since 2022. Meanwhile, 10% (-1) are undecided.

Approximately three in ten (29%, -1) feel there is adequate transparency and oversight regarding the financing of political parties in their country. However, an increasing majority (61%, +3) disagree, while 10% (-1) remain unsure (ECa – Eurobarometer, 2023: 17).

QA15. Please tell whether you agree or disagree with each of the following?
 (% - EU27)



Source: (ECa – Eurobarometer, 2023: 16)

1.5 Corruption in public institutions

Corruption in public institutions within the European Union (EU) remains a significant challenge, affecting governance, economic development, and public trust across the member states. While the severity and forms of corruption can vary from one country to another, common issues include bribery, misuse of public

funds, nepotism, favoritism, and opaque links between politics and business.

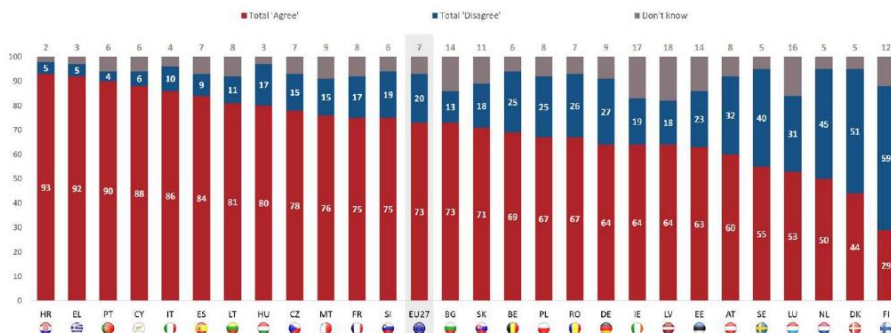


Source: ECb – Eurobarometer, 2023

In 24 EU Member States, a majority of respondents believe there is corruption within their country's **local or regional public institutions**, though levels of agreement vary significantly. In Croatia (93%), Greece (92%), and Portugal (90%), at least nine in ten share this perception. Conversely, Finland shows the lowest levels of concern, with fewer people agreeing (29%) than disagreeing (59%) that corruption is present. Similarly, in Denmark, fewer respondents believe in widespread corruption (44% agree vs. 51% disagree).

In 12 Member States, the belief that corruption exists in local or regional institutions has grown since 2022, with France (75%, +8 percentage points) and Malta (76%, +8) showing the largest increases. In contrast, 11 countries have seen a decline in this perception, with Romania experiencing the most notable drop (67%, -11), followed by Latvia (64%, -8). In Greece (92%), Croatia (93%), Spain (84%), and Slovakia (71%), opinions have remained unchanged (ECa – Eurobarometer, 2023: 18).

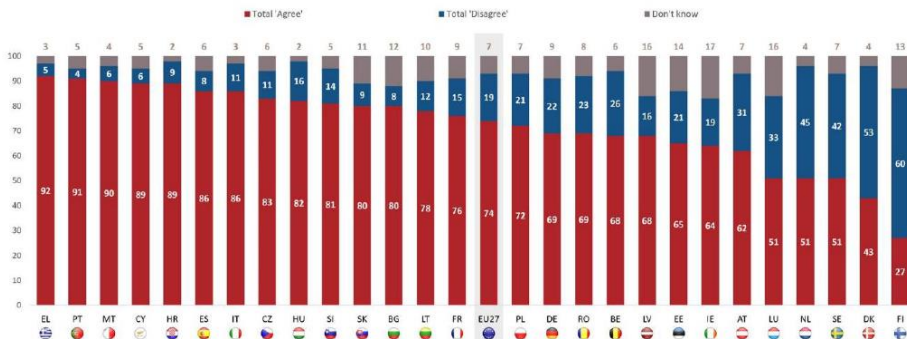
QA15.1 Please tell whether you agree or disagree with each of the following?
 (% - There is corruption in the local or regional public institutions in (OUR COUNTRY))



Source: (ECa – Eurobarometer, 2023: 18)

In 25 EU Member States, a majority of respondents believe that there is corruption within their country's **national public institutions**. The extent of agreement varies widely, from 92% in Greece, 91% in Portugal, and 90% in Malta to just 27% in Finland. In total, there are 14 countries where at least three-quarters of respondents agree with this view. Since 2022, 12 countries have seen an increase in agreement that national public institutions are corrupt, with the largest rises in Malta (90%, +16 percentage points) and Estonia (65%, +8). Conversely, 12 countries have experienced a decrease in agreement, most notably Romania (69%, -9) and Latvia (68%, -7). Opinions have remained unchanged in Slovakia (80%), Lithuania (78%), and Poland (72%) (ECa – Eurobarometer, 2023: 18).

QA15.2. Please tell whether you agree or disagree with each of the following?
 (% - There is corruption in the national public institutions in [OUR COUNTRY])



Source: (ECa – Eurobarometer, 2023: 18)

1.6 Bribery and the use of connections

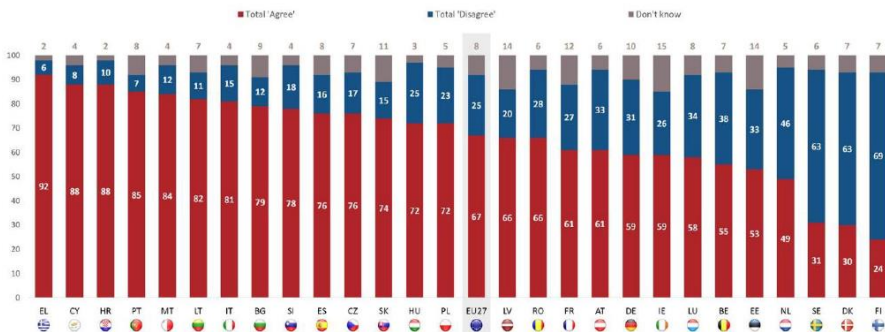
In 23 EU Member States, a majority of respondents believe that bribery and the use of personal connections are often the easiest ways to access certain public services in their country. This view is especially prevalent in Greece (92%) and nearly as widespread in Cyprus and Croatia (both 88%).

Conversely, in three Member States, a minority of respondents agree with this statement: Finland (24% agree, while 69% disagree), Denmark (30% agree vs. 63% disagree), and Sweden (31% agree vs. 63% disagree).

Compared to 2022, respondents in eight countries are more likely to believe that bribery and connections are necessary to obtain

public services, with the most significant increases observed in Malta (84%, +7), Portugal (74%, +4), and Estonia (59%, +4). However, in 18 countries, agreement with this view has declined, with the largest decreases recorded in Belgium (55%, -10), Latvia (66%, -10), and Romania (66%, -10). No change was reported in Italy (81%) (ECa – Eurobarometer, 2023: 19).

QA15.9 Please tell whether you agree or disagree with each of the following?
(% - Bribery and the use of connections is often the easiest way to obtain certain public services in (OUR COUNTRY))



Source: (ECa – Eurobarometer, 2023: 19)

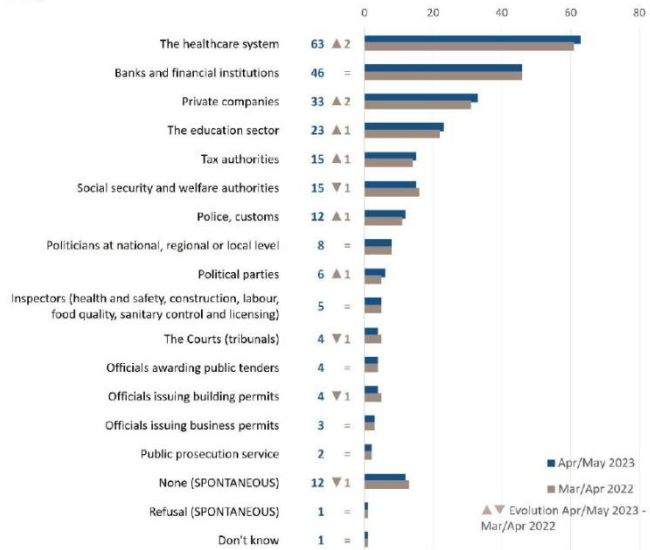
1.7 Contact with institutions and incidence of bribery

Europeans are far more likely to have interacted with the healthcare system than with any other institution over the past 12 months. Respondents were asked about their contact with 15 public or private institutions within their country during this period.

The healthcare system was mentioned by 63% (+2 percentage points), making it the only institution with engagement reported by more than half of respondents, with contact levels increasing notably since 2022. More than four in ten (46%) had contact with banks and financial institutions, and one in three (33%, +2) interacted with private companies. The education sector was mentioned by 23% (+1), rounding out the institutions contacted by at least one in five respondents. Contact with social security and welfare authorities was reported by more than one in ten (15%, -1), as was contact with tax authorities (15%, +1) and the police or customs (12%, +1).

Fewer than one in ten respondents reported contact with the remaining eight institutions, including politicians (8%), political parties (6%, +1), the courts (5%), inspectors (5%), officials issuing building permits (4%, -1), officials awarding public tenders (4%), officials issuing business permits (3%), and the public prosecution service (2%). More than one in ten (12%, -1) indicated that they had not had any contact with these institutions over the past year Source: (ECa – Eurobarometer, 2023: 27).

QA9a Over the last 12 months, have you had any contact with any of the following in (OUR COUNTRY)?
(MULTIPLE ANSWERS POSSIBLE)
(% - EU27)



Source: (ECa – Eurobarometer, 2023: 27)

1.8 Reporting of corruption

Over eight in ten individuals who experienced or witnessed corruption did not report it. Only 14% (-1 percentage point since 2022) of respondents who encountered corruption in the past 12 months indicated that they reported it. The vast majority (85%) chose not to report their experience. In six countries, more than a quarter of those who faced or witnessed corruption reported it. The highest reporting rates were observed in Sweden (44%), the Netherlands (40%), and Belgium (33%). In contrast, the lowest rates of reporting were recorded in Germany and Slovakia (both 4%), as well as

Greece, Lithuania, Malta (5% each), and Czechia (6%). A regional analysis reveals that respondents from EU Member States that joined before 2004 (22%) were twice as likely to report corruption compared to those from countries that became members in 2004 or later (11%). Additionally, individuals living in euro-area countries were only slightly more likely to have reported corruption than those living outside the euro area (17% vs. 15%) (ECa – Eurobarometer, 2023: 31).

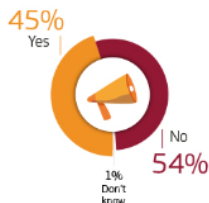
QA13 Did you report it to anyone or not?
(% - EU27)



(Apr/May 2023 – Mar/Apr 2022)

Source: ECa – Eurobarometer, 2023: 27

Less than half of Europeans know where to report a case of corruption



Europeans believe that cases of corruption are not reported because...



Source: ECb – Eurobarometer, 2023

Fewer than half of the respondents (45%) claim to know where to report a case of corruption if they were to witness or experience one (ECb – Eurobarometer, 2023).

1.9 Key findings of the Special Eurobarometer 534

Based on the search results, here are some key findings from the Special Eurobarometer 534 on corruption in the EU:

1. Corruption remains a serious concern for citizens in the EU. **70% of Europeans believe that corruption is widespread in their country**, which is a **2% increase** from the previous year's survey.

2. **45% of Europeans** consider that the level of **corruption in their country has increased**.
3. **60% of European citizens** think that their **government's efforts** to combat corruption are **not effective**.
4. **64% of Europeans** think **corruption is unacceptable**.
5. The survey results show that corruption continues to be perceived as a **significant problem across EU member states**, despite ongoing efforts to combat it.
6. There is a slight increase in the percentage of Europeans who believe corruption is widespread in their country compared to the previous year's survey.
7. The data suggests that many **EU citizens are not satisfied with their governments' anti-corruption efforts** and believe **more effective measures are needed** (ECa – Eurobarometer, 2023: 27; ECb – Eurobarometer, 2023).

These findings highlight **the persistent challenge of corruption in the EU** and the need **for continued efforts to address** this issue at both **national and EU levels**. While concerns about the rule of law persist in some EU Member States, the report has played a crucial role in driving change and fostering positive reforms. In fact, **65% of last year's recommendations have been addressed, either fully or partially**. This demonstrates that significant efforts are underway in Member States to implement the previous year's

suggestions. Given that reforms to strengthen the rule of law take time, this represents considerable progress over just one year. However, **systemic challenges remain in certain countries**. Proposed package includes a Communication that evaluates the situation across the EU and 27 country chapters detailing notable developments in each Member State since July 2022. The report assesses the progress on last year's recommendations and once again provides specific suggestions for improvement. The report focuses on **four key areas**: national justice systems, anti-corruption frameworks, media pluralism, and other institutional checks and balances.

a. Justice reforms

Justice reforms have remained a top priority on the political agenda over the past year, with many Member States making progress on the 2022 recommendations and implementing reforms under the Recovery and Resilience Facility (RRF). Several Member States have made significant strides or completed key reforms to enhance judicial independence. These include legislative changes to strengthen the independence and effectiveness of Judicial Councils, improvements in judicial appointment processes, and efforts to enhance the functioning of their highest courts. Some countries are also taking steps to reinforce the autonomy of prosecution services.

Member States have also introduced measures aimed at improving the efficiency and quality of justice, as well as ensuring better access to justice. Investments in justice systems have continued, although in some countries, concerns about the remuneration of judges and prosecutors have led to difficulties in recruiting qualified judicial personnel. Despite these advancements, structural issues related to judicial independence remain in a few Member States. The 2023 justice recommendations address challenges such as the need for safeguards in judicial appointment processes, reforms to the composition of Judicial Councils, strengthening the autonomy of the prosecution service, and ensuring adequate resources for the judiciary, including fair salaries for judges and prosecutors.

b. Anti-corruption frameworks

Corruption continues to be a major concern for both EU citizens and businesses. The 2023 Special Eurobarometer on Citizens' Attitudes towards Corruption in the EU reveals that a growing majority of citizens (70%) and businesses (65%), according to the Flash Eurobarometer on Businesses' Attitudes towards Corruption in the EU, believe that corruption is widespread in their country. Europeans are becoming increasingly skeptical about national efforts to combat

corruption, with approximately 67% of people thinking that high-level corruption cases are not being adequately pursued. In response, several Member States have implemented measures aligned with the 2022 Rule of Law report's recommendations on anti-corruption. Many have introduced criminal law reforms to bolster the fight against corruption. While some countries have maintained a strong record of investigating, prosecuting, and penalizing high-level corruption, others have enhanced the capacity of prosecution authorities by providing additional resources and specialization.

On the preventive front, several Member States have updated or are revising their existing anti-corruption strategies and action plans. Other countries have taken steps to strengthen integrity frameworks, such as establishing or updating codes of conduct and lobbying regulations. This year's recommendations focus on strengthening preventive measures, particularly in areas like lobbying and conflicts of interest, as well as ensuring the effective investigation and prosecution of corruption cases.

In the majority of Member States, public officials are required to disclose assets and interests, though the scope, transparency, and accessibility of the disclosed information vary. The effectiveness of verification and enforcement also differs across countries. In some Member States, corruption investigations and prosecutions are prolonged, and there is still a

lack of a solid track record, particularly in high-level cases. To promote a more unified and effective approach to corruption across the EU, the Commission proposed new EU-level legislation on corruption in May 2023.

c. Media freedom and pluralism

Several Member States have introduced, strengthened, or are discussing measures to improve the safety and working conditions of journalists, building on recent Commission initiatives such as the Recommendation on ensuring the protection, safety, and empowerment of journalists, as well as the Recommendation on protecting journalists and human rights defenders from manifestly unfounded or abusive court proceedings. Since the last report, certain Member States have passed legislation to increase the transparency of media ownership and have taken steps to enhance the independence or broaden the scope of their media regulatory authorities. However, several issues remain, particularly regarding the lack of transparency in the allocation of state advertising, conflicts of interest, and access to public documents—key concerns highlighted in the report that require more attention. While some Member States have begun reforms to strengthen the

independence of their public service broadcasters, challenges in this area remain unaddressed in others.

The report's findings on media freedom are based on multiple sources, including the Media Pluralism Monitor (MPM 2023), the Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists, and the Mapping Media Freedom Platform. The Commission has issued a series of recommendations covering, among other issues, the transparent and equitable distribution of state advertising, the independent governance of public service media, measures to enhance journalists' safety, and the right to access public documents. In September 2022, the Commission proposed the Media Freedom Act, which is currently under negotiation. This legislation aims to establish EU-level safeguards to protect media pluralism and editorial independence.

d. Institutional checks and balances

Member States have continued to enhance the quality of their legislative processes and engage stakeholders in these efforts, a trend noted in previous Rule of Law Reports. Constitutional Courts remain vital in ensuring checks and balances and have

made significant decisions regarding the structure of national justice systems. In several Member States, the status of National Human Rights institutions, ombudspersons, and other independent authorities has been further strengthened. In most Member States, civil society operates in a supportive environment, and some are taking additional steps to offer further support.

However, in some Member States, there is still no formal framework for stakeholder consultation, or it is not consistently implemented. Civil society organizations and human rights defenders continue to face challenges, including funding difficulties and restrictions on their ability to operate. Concerns have also been raised in several countries regarding the continued use of emergency powers.

The report includes updates on the implementation of judgments by the European Court of Human Rights in Member States. It also addresses the responses of national checks and balances to the use of spyware.

To address these challenges, the Commission has reiterated recommendations that remain partially or fully unaddressed and has issued new recommendations where relevant. These include ensuring effective stakeholder involvement in the legislative process, the establishment and proper functioning of accredited National Human Rights Institutions, and ensuring a supportive

and open environment for civil society (EC, Press Release, 2023).

A **fifth chapter** is expected to be added in the future – based on the 2024-29 Political Guidelines

– which will cover a ‘single market dimension’, addressing rule of law issues that affect companies, particularly small- and medium-sized enterprises (SMEs) (CEPS, 2024: 137).

2. THE EXISTING EU LEGAL FRAMEWORK

The anti-corruption package unveiled by the European Commission in May 2023 emphasizes the continued focus on combating corruption crimes across the EU. To address the inconsistencies and fragmentation within national legal systems, the proposed new EU Directive on combating corruption aims to foster greater alignment at the European level. By utilizing the EU's 'non-exclusive' competence in criminal matters, the directive seeks to jointly tackle serious corruption offenses, especially given their potential cross-border nature. However, some experts have raised concerns that certain provisions of the directive may not fully respect the principle of proportionality, exhibit an excessive tendency to

equate responses to corruption in both the public and private sectors, and risk undermining foundational principles of criminal law, such as legality and the necessary level of clarity regarding offenses (Bellingeri – Luppi, 2023).

Corruption does not have a universally accepted definition due to variations in cultural norms and contexts; what is considered corrupt behavior in one society may not be viewed the same way in another. Even a widely used definition—abuse of power for private gain—might not encompass all forms of collusion and exploitation (Bakowski, 2022). Beyond the legal perspective of corruption, which often focuses on active and passive bribery, corruption can be seen as a broader socio-economic issue, manifesting through various practices such as:

1. Conflict of Interest: This occurs when an individual has a private interest that could interfere with their professional duties, leading to decisions made for personal benefit instead of the public good.

2. Clientelism: This involves a reciprocal exchange of resources or favors in an imbalanced power relationship between a “patron” and a “client,” often resulting in dependency and exploitation.

3. Forms of Favoritism:

- **Nepotism and Cronyism:** Misuse of an official position to provide favors, such as employment, to family members or friends, regardless of merit.
- **Patronage:** Selection of individuals for jobs or benefits based on political affiliations, social connections, or loyalty instead of qualifications or capabilities.

Although such practices may not always be deemed criminal under the law, they can have significant negative impacts on states and societies, particularly when they become widespread. These behaviors can erode trust, impair economic efficiency, entrench inequality, and weaken institutional integrity. The harm they cause depends on the influence and power of the individuals or entities involved. Recognizing these issues, the EU has progressively enacted regulatory measures since 1997 to address and mitigate various forms of corruption. These provisions reflect a growing understanding of corruption's complexities and its broader socio-political dimensions. The 2023 European Commission proposal for a new anti-corruption directive seeks to further strengthen these efforts by introducing measures aimed at harmonizing anti-corruption laws and ensuring a more robust response to corruption across the EU. Subsequent sections of this analysis will explore the evolution of

these provisions and analyze the key features of the recent proposal to ensure a consistent and effective approach to combating corruption within the EU (Bellingeri – Luppi, 2023).

The European Union's legal anti-corruption framework has evolved significantly over time to establish common standards and practices among its Member States. The legal instruments in place underscore the EU's commitment to fighting corruption at both the national and transnational levels. Here is a brief overview of the main components:

- 1. The 1997 Convention on Fighting Corruption Involving EU and Member State Officials:** This Convention aims to criminalize acts of corruption committed by EU officials and national officials in the context of the EU's institutional framework. It was one of the earliest steps towards ensuring that corruption involving public officials is tackled comprehensively across the EU¹.
- 2. The 2003 Council Framework Decision on Combating Corruption in the Private Sector:** This framework criminalizes both active bribery (offering or giving bribes) and passive bribery (soliciting or receiving bribes) within the

¹ 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 OJ C 195, 25.6.1997, 2.

private sector. It serves to address corruption beyond the public sphere, reflecting the EU's recognition of the damaging impact of corruption on private enterprises and economic fairness².

3. The 2008 Council Decision on a Contact-Point Network Against Corruption: This decision established a network of contact points across Member States aimed at fostering cooperation, information sharing, and coordination among authorities engaged in anti-corruption efforts³.

4. Directive (EU) 2017/1371 on the Fight Against Fraud to the Union's Financial Interests (PIF Directive): The PIF Directive represents a significant milestone in harmonizing criminal law to protect the EU's financial interests. It replaced the 1995 PIF Convention and sets common standards on various criminal offenses, including fraud, corruption, money laundering, and misappropriation, with a specific focus on safeguarding EU funds. One of its distinctive features is its focus on cross-border value added tax (VAT) fraud causing damages of at least €10 million,

² Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector, OJ L 192, 31.7.2003, 54

³ Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption, OJ L 301, 12.11.2008, 38. This Decision established a network of EU Member States contact points to prevent or suppress corruption. Its purpose is to improve cooperation between the authorities combatting corruption at the EU level. The network consists of the relevant authorities and agencies in each EU Member State and performs the following tasks: 1) providing a forum for the exchange of best practices and experiences in the prevention and suppression of corruption; 2) facilitating the creation and maintenance of contacts among its members.

underscoring the cross-national dimension of financial crimes. The PIF Directive also has a direct bearing on the work of the European Public Prosecutor's Office (EPPO), which has jurisdiction over PIF-related offenses. The EPPO's scope is thus shaped by the PIF Directive's definitions and criminal standards as adopted by Member States⁴ (Juszczak – Sason, 2017).

5. **Influence of the United Nations Convention against Corruption (UNCAC):** European anti-corruption measures have also been influenced by international frameworks, particularly the UNCAC, which is the only legally binding global anti-corruption treaty. Adopted in 2003 and entered into force in 2005, the UNCAC has had a substantial impact on shaping EU policies and legislation, promoting a comprehensive and coordinated approach to addressing corruption globally.

Despite these instruments and the adoption of various frameworks, **significant disparities remain across Member States** in terms of enforcement, scope, and effectiveness of anti-corruption measures. For instance, differences in national laws, institutional capacities, and political will create inconsistencies that challenge

⁴ 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, OJ L 198, 28.7.2017, 29.

comprehensive anti-corruption enforcement within the Union. This fragmentation calls for continued efforts to harmonize and strengthen Member States' legal frameworks, with a focus on ensuring robust and coherent standards throughout the EU. By building upon and enhancing existing measures—such as those introduced by the PIF Directive and the EPPO—**EU legislation seeks to create a more unified front against corruption**, one that not only addresses financial and administrative abuses but also mitigates the broader socio-economic impacts of corruption on society (Bellingeri – Luppi, 2023).

3. THE EU PROPOSAL FOR A NEW EU DIRECTIVE ON COMBATING CORRUPTION

The European Commission's proposal for a Directive on Combating Corruption through Criminal Law in May 2023 represents a significant shift in the EU's approach to anti-corruption enforcement, underscoring the need for a more consistent and coordinated response to corruption across Member States. This proposal acknowledges that existing instruments, including the 1997 Convention on Combating Corruption, the 2003 Council Framework Decision on combating private-sector corruption, and the PIF

Directive, have not fully delivered on their objectives. The proposed directive aims to harmonize how corruption is defined and penalized within the EU, ensuring that certain corrupt acts are consistently treated as criminal offenses across Member States. The initiative's primary goals are to standardize anti-corruption legislation, impose effective and dissuasive penalties, and foster a coherent EU-wide response to combat corruption⁵.

Key elements of the Commission's proposed directive and broader anti-corruption strategy include:

1. Enhanced Legal Harmonization: The directive seeks to establish a uniform legal framework to combat corruption by ensuring that specific acts—whether in the public or private sectors—are recognized as criminal offenses throughout all Member States. This uniformity will address the current discrepancies that undermine collective anti-corruption efforts within the EU.

2. Strengthened Penalties and Enforcement: Effective, proportionate, and dissuasive penalties are intended to create a deterrent effect, ensuring that corrupt practices are met with stringent consequences that discourage their occurrence.

⁵ Proposal for a Directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council, COM (2023) 234 final, 5 May 2023.

3. Integration of Anti-Corruption Measures: The proposal emphasizes the integration of anti-corruption considerations into the design and implementation of EU policies and programs. This preventive approach aims to address corruption at its roots by fostering a "culture of integrity" within Member States.

4. Support for National Anti-Corruption Efforts: The Commission plans to bolster Member States' capacities to combat corruption through legislative support, guidance, and other targeted measures. The annual Rule of Law Report cycle will continue to serve as a key mechanism for identifying challenges, tracking progress, and issuing recommendations to Member States in their anti-corruption efforts.

5. CFSP Sanctions Regime Proposal: Complementing the directive is a proposal by the High Representative (with the Commission's support) to establish a Common Foreign and Security Policy (CFSP) sanctions regime specifically targeting serious acts of corruption worldwide. This initiative demonstrates the EU's commitment to combating corruption beyond its borders, aligning with broader global efforts to curb corrupt practices (Wahl, 2023).

6. Focus on Prevention and Cultural Change: By emphasizing preventive measures and fostering a culture of integrity within both the public and private sectors, the initiative aims to create an environment where corruption is less tolerated and more readily addressed.

The directive represents a holistic approach that not only focuses on legal enforcement but also on preventive measures, highlighting the EU's determination to root out corruption in all its forms. By creating stronger and more consistent legal standards, the EU seeks to enhance trust in its institutions, protect public funds, and foster fair economic competition. However, the success of the directive will depend on Member States' willingness and ability to implement these changes uniformly, and on ensuring that enforcement mechanisms are robust and effectively coordinated across national boundaries (Bellingeri – Luppi, 2023).

The European Commission's legislative initiative to update the EU anti-corruption framework aims to address persistent issues in national enforcement and cross-border cooperation, while aligning with international standards, including those set by the United Nations Convention against Corruption (UNCAC). While the initiative represents a positive step toward more robust and unified

anti-corruption efforts across the EU, it also raises challenges and potential problems that merit further scrutiny. The publication highlights below.

3.1 Key Challenges and Gaps in National Enforcement

Key challenges and gaps in national enforcement regarding anti-corruption efforts within the EU include:

1. Judicial Proceedings Length and Limitations: One of the major obstacles in combating corruption is the excessive duration of judicial proceedings in some Member States. Protracted legal processes can hinder timely justice, lead to the weakening of evidence, and contribute to public distrust in the justice system. Additionally, short statutes of limitation may result in the inability to prosecute long-running or complex corruption cases, further undermining accountability.

2. Immunity and Privilege Rules: In many Member States, rules on immunity for certain officeholders or officials present obstacles to investigating and prosecuting corruption. The extent and nature of such immunity protections vary widely across the EU, creating a patchwork of enforcement capabilities that may shield corrupt acts from scrutiny.

3. Resource Constraints: Limited financial and human resources within law enforcement and judicial institutions pose significant challenges to effectively investigating, prosecuting, and adjudicating corruption cases. These constraints are particularly acute in Member States with smaller budgets or higher caseloads, undermining consistent enforcement efforts.

4. Lack of Specialized Training: Anti-corruption efforts often require highly specialized expertise in areas such as financial crimes, forensic accounting, digital evidence gathering, and complex legal frameworks. Limited training opportunities for prosecutors, judges, and law enforcement officers can impede the effective handling of corruption cases.

5. Restricted Investigative Powers: In some Member States, the scope of investigative powers granted to anti-corruption authorities may be limited or inconsistent with best practices. This includes issues related to accessing financial records, conducting surveillance, and gathering evidence in a timely and legal manner.

Addressing these challenges is essential for improving national enforcement mechanisms against corruption and ensuring that EU-wide anti-corruption initiatives are effective and impactful.

3. 2 Further Potential Issues and Challenges with the Proposal

The proposal for a new EU directive on combating corruption, while aiming to enhance anti-corruption measures across member states, presents several potential issues and challenges:

1. Proportionality and Legal Certainty: While harmonizing penalties is desirable, the proposed directive must balance effective deterrence with proportionality. Overly harsh or broad penalties could lead to disputes about fairness and legality, particularly if applied inconsistently across different Member States. Ensuring legal certainty is crucial for both effective enforcement and upholding fundamental rights.

2. Equal Treatment of Public and Private Sector Corruption: The Commission's approach to treating public and private sector corruption similarly raises concerns about proportionality and context-specific enforcement. While both forms of corruption are harmful, they often manifest differently and may require tailored responses.

3. Practical Implementation Gaps: Even if harmonized legislation is adopted, the practical capacity of Member States to implement and enforce these standards varies significantly. Without sufficient resources, training, and institutional support, the intended effects of the directive may be diluted.

4. Preserving National Legal Traditions: Efforts to harmonize legal standards must respect national legal traditions and frameworks. There is a risk of resistance or challenges from Member States with divergent legal systems, which could complicate or delay effective implementation (De Schamp – Stiegel, 2023).

5. Difficulty in finding a common definition: *“Even though corruption is a transnational phenomenon, finding a common definition in the legal frameworks is a continuous challenge.¹⁴ Therefore, the Commission proposal follows the traditional approach, consisting in categorising specific manifestations of corruption in a broader sense: misappropriation of funds (Art. 9)¹⁵; trading in influence (Art. 10); abuse of functions (Art. 11); obstruction of justice (Art. 12); and enrichment through corruption offenses (Art. 13); these offences are supplemented by rules on accessory conduct (i.e., incitement, aiding and abetting, and attempt – Art. 14)”* (Bellingeri – Luppi, 2023).

6. Lack of impact assessment⁶: *“proposal is exceptionally presented without an accompanying impact assessment. Moreover, the initiative is not likely to have significant economic, environmental, or social impacts and costs, or those entailing significant spending. At the same time, it*

⁶ Explanatory Memorandum, COM (2023) 234, op. cit. (n. 12), pp. 13-14 (Bellingeri – Luppi, 2023).

should benefit the economy and society as a whole. This approach can be criticised in several aspects. The impact of criminal law enforcement usually involves some degree of social cost. For instance, in the Italian experience, the provision of abuse of function (Art. 323 of the Italian Criminal Code) perfectly demonstrates the impact that overly extensive and unclear criminalisation can have on the effectiveness of administration. In 2021, only 40 of 5500 criminal proceedings in Italy resulted in convictions or a plea bargain. For public officials, especially those in elected positions, being subjected to criminal proceedings can result in severe reputational damage, regardless of the final outcome of the case, which may take months or even years to be ultimately resolved. To avoid this inconvenience, we recommend that an impact assessment is due” (Bellingeri – Luppi, 2023).

As **positive aspects** of the legislative proposal can be recognized: harmonization of criminalization and penalties, liability of legal persons⁷, alignment with international standards, cross-border cooperation. By facilitating improved cross-border cooperation among Member State authorities, the directive addresses

⁷ The directive emphasizes holding legal entities, such as corporations, accountable for corruption offenses. This is significant because legal persons often play a central role in facilitating or benefiting from corruption schemes, and targeting them can disrupt corrupt networks more effectively

a critical challenge in prosecuting corruption cases with a transnational dimension. Enhanced cooperation can lead to better coordination of investigations, sharing of evidence, and joint prosecution efforts (Bellingeri – Luppi, 2023).

Tackling these potential challenges will be essential to ensure that the proposed directive fulfills its objective of enhancing anti-corruption efforts across the EU in a comprehensive and effective manner.

4. ANTI-CORRUPTION MEASURES IMPLEMENTED WITHIN THE EU

In her 2022 State of the Union address, President von der Leyen emphasized the urgency of taking decisive action against corruption. Corruption inflicts severe harm on society, democracy, the economy, and individuals. It erodes the credibility of institutions, undermining their capacity to implement public policies and deliver quality services. Furthermore, it facilitates organized crime and foreign interference. Effectively preventing and combating corruption is crucial for upholding EU values, ensuring the efficacy of EU policies, maintaining the rule of law, and fostering trust in governance and public institutions.

In recent years, the EU has been shaken by high-profile scandals such as the *Azerbaijani Laundromat*, the *Uber Files*, and *Qatargate*, illustrating that corruption remains a pervasive issue within the bloc. Repeatedly, significant instances of misuse of both state and EU funds have surfaced. Estimates suggest that corruption could **cost the EU as much as EUR 990 billion annually** (Transparency International, 2024). On a national level, political corruption has weakened the rule of law and, in the most severe cases, even led to state capture. Currently, member states lack a unified approach to addressing these issues. Their regulations often fall short of being comprehensive and robust enough to effectively prevent and criminalize corruption. Moreover, there is inconsistency across the EU regarding which acts of corruption are criminalized and how they are prosecuted.

On the global stage, the EU's efforts to combat cross-border corruption have also been insufficient. EU-based companies involved in bribing officials abroad frequently go unpunished, and authorities are not doing enough to deter foreign corrupt officials and their associates from laundering or investing illicit assets within the EU. It's no surprise, then, that public concern about corruption in the EU is significant. According to the 2021 Global Corruption Barometer survey, nearly half of EU citizens believe their government is performing poorly in combating corruption, with only 21 percent

confident that corrupt officials face appropriate consequences (Transparency International, 2024).

The EU faces **five significant challenges** in its fight against corruption, reflecting both internal and external vulnerabilities:

- 1. Abuse of EU Funds by Authoritarian Regimes:** European subsidies have been misused by governments to undermine the rule of law and strengthen autocratic systems. For instance, Hungary's Prime Minister Viktor Orbán has been accused of channeling EU funds into a patronage network that serves his political interests. Similarly, Czech prosecutors charged former Prime Minister Andrej Babiš in 2022 with fraud involving millions of euros in EU agricultural subsidies.
- 2. Money Laundering Hub:** The EU remains a major destination for illicit financial flows. Criminal networks exploit its ports, property markets, and art trades to launder money. High-profile anti-money laundering cases, such as the 2022 arrest in Spain of a prominent money launderer suspected of funneling €200 million through shell companies and luxury goods, are rare successes amidst systemic challenges.

3. **Influence Peddling and Conflicts of Interest:** Scandals like *Qatargate* and lobbying abuses in sectors such as climate policy reveal significant gaps in transparency and accountability. Wealthy individuals and authoritarian regimes exploit these loopholes to gain disproportionate influence over EU decision-making and fund political campaigns, perpetuating inequities.
4. **Facilitation of Corruption Abroad:** EU-based entities have been implicated in sustaining corruption in foreign countries, either through bribery or by exploiting lax compliance systems. For example, Ericsson's bribery admissions in multiple nations highlight how such activities exacerbate global inequality and destabilize governance.
5. **Strategic Corruption and Security Risks:** Decades of tolerance for kleptocratic practices have left the EU vulnerable, as demonstrated by Russia's actions leading up to its war against Ukraine. Russian oligarchs have used the EU to launder money, build influence, and spread disinformation, undermining European stability (Koytcheva, 2024).

Addressing these interconnected challenges requires collaboration among policymakers, civil society, citizens, and independent media, ensuring that the EU's responses uphold its

commitment to liberal values and freedoms. The European Affairs Committee acknowledges that the "*Qatargate*" scandal represented a significant "democratic explosion," casting widespread doubt on the integrity of European Union officials. In response, the Committee commends the swift adoption of internal ethical reforms by the European Parliament in 2023, following the "**14 points**" proposed by its President, Roberta Metsola, in January of that year. Key measures include:

- Enhancing transparency in Members of the European Parliament's declarations of interest.
- Introducing mandatory asset declarations for Members of the European Parliament.
- Requiring interest representatives to register in the common Transparency Register before meeting with Members of the European Parliament.
- Establishing an internal protection scheme for whistleblowers.

These reforms mark a significant step towards restoring trust and strengthening ethical governance within the EU institutions (Committee on European Affairs, 2024). The measures introduced aim to significantly strengthen existing transparency rules in the European Parliament. Lead MEPs on legislative files will now be

required to declare and address potential conflicts of interest, including those stemming from their "emotional life." Additionally, more MEPs will be obligated to disclose meetings related to parliamentary business, including interactions with representatives from non-EU countries. New rules will also mandate the disclosure of outside income exceeding €5,000, with added transparency about the sector, particularly in professions like law or consulting. Furthermore, negotiators have agreed to double potential penalties for breaches of the rules, allowing for the suspension of daily allowances and exclusion from most parliamentary duties for up to 60 days. However, the **Parliament's history of enforcing these rules is weak**. While an internal advisory committee can recommend sanctions, the final decision rests with the president. Despite identifying 26 violations of transparency rules over the years, **no MEP has been penalized**. Penalties have been imposed only for issues like harassment and hate speech under President Roberta Metsola's tenure. Moreover, hopes for a robust enforcement mechanism through an independent EU-wide ethics body were tempered when the European Commission scaled back its long-awaited proposal for such an entity. This leaves questions about the effectiveness of enforcement measures unresolved (Politico, 2023).

In 2023, the European Commission introduced a directive aimed at combating corruption, with the goal of aligning anti-corruption laws across all 27 EU member states and mandating that

offenses listed in the **United Nations Convention against Corruption (UNCAC)** be criminalized within EU law. This initiative represents a promising step towards addressing gaps in legal frameworks, increasing criminal penalties, and expanding the investigative and prosecutorial tools available to enforcement agencies.

Significant progress was also made in February, when the European Parliament adopted its position on the **directive** (EP – Report, 2024). The Parliament’s approach goes beyond the original Commission proposal and incorporates several key elements that were long advocated for, such as recognizing the rights of corruption victims and allowing civil society organizations to represent these victims in legal proceedings. The Parliament is expected to negotiate with the Council on the final version of the directive later this year. Transparency International claims that it is crucial for EU policymakers to seize this opportunity to establish strong measures that will empower member states to more effectively combat corruption (Transparency International, 2024).

The Directive of the European Parliament and of the Council on combating corruption aims to replace the Council Framework Decision 2003/568/JHA and amend Directive (EU) 2017/1371, which addresses fraud against the EU's financial interests. This new directive is part of a broader effort to strengthen anti-corruption measures across the EU by establishing a unified legal framework

that aligns with international standards, including those set by the United Nations Convention against Corruption (UNCAC). Directive Key Features are highlighted below:

1. Harmonization of Definitions: The directive seeks to standardize definitions of corruption offenses across member states, including active and passive bribery, misappropriation of property by public officials, trading in influence, abuse of functions, obstruction of justice, and illicit enrichment. This harmonization is intended to ensure that all forms of corruption are criminalized uniformly within the EU.

2. Criminalization and Penalties: Member states will be required to criminalize specific acts of corruption and impose effective, proportionate, and dissuasive penalties. The directive establishes minimum penalties for various offenses, including maximum prison terms ranging from four to six years for serious offenses.

3. Liability for Legal Persons: The directive stipulates that legal entities can be held liable for corruption offenses committed for their benefit. This includes provisions for sanctions against companies, such as fines based on turnover and exclusion from public benefits.

4. Preventive Measures: Member states are encouraged to adopt preventive measures to combat corruption, including raising public awareness about its harmful effects and

ensuring transparency in public administration. Establishing dedicated anti-corruption bodies or units is also emphasized.

5. Strengthening Cooperation: The directive aims to enhance cooperation between national authorities and across borders in tackling corruption. This includes improved mechanisms for information sharing and joint investigations among member states.

6. Public Participation: The proposal highlights the importance of involving civil society in monitoring compliance and advocating for accountability in anti-corruption efforts.

7. Monitoring and Reporting: The European Commission will monitor the implementation of the directive through regular assessments and reports, ensuring that member states adhere to the established standards (EUR-Lex, COM/2023).

4.1 Better Regulation at the European Level of the Activities Of Interest Representatives Acting On Behalf Of Third Countries

The European Affairs Committee emphasizes the importance of **preventing corruption** through measures aimed at regulating the activities of interest representatives, particularly those working on

behalf of third countries. It highlights the Proposal for a Directive **COM(2023) 637 final**, which aligns with the broader push for transparency through the planned Interinstitutional Agreement for an **interinstitutional ethics body** and the **Directive on Combating Corruption**. The Committee stresses that ensuring transparency in interest representation—aimed at influencing the development or implementation of EU policies—is vital for preserving the integrity of democratic debate. However, it warns that these activities pose a risk of being exploited by third countries seeking to weaken the EU and its Member States.

The Committee acknowledges the value of initiatives such as the **2021 Transparency Register** and the accompanying **Code of Conduct** for representatives engaging with the European Parliament, Council, and European Commission. However, it raises concerns about the **effectiveness of current monitoring mechanisms** tied to the Register. To address this, the Committee suggests delegating oversight responsibilities to a future **European ethics committee**.

While recognizing the potential of **Proposal COM(2023) 637** to regulate lobbying, the Committee expresses reservations. It notes that the reform could weaken oversight by introducing a **single registration procedure** for the EU, allowing interest representatives to choose the Member State in which they register. This risks creating a "race to the bottom," with representatives likely registering in the Member State with the least stringent requirements.

Additionally, the proposal could prohibit more stringent national regulations, such as those in France, thereby undermining the ability of advanced Member States to enforce stronger controls.

Lastly, the Committee observes that corruption does not only originate from third countries but also involves **domestic actors within the EU**, underscoring the need for a comprehensive approach to combating corrupt practices (Committee on European Affairs, 2024).

4.2 Corporate Criminal Liability in Practice – Companies Held Accountable

In 2020, Airbus reached a US\$4 billion settlement with anti-corruption authorities in France, the UK, and the US over bribery offenses. This resolution exemplifies the growing trend of non-trial resolutions—negotiated settlements instead of formal trials—in cases of foreign bribery and white-collar crime. Globally, more than 80% of such cases are now resolved through these mechanisms. However, concerns remain about their ability to deter misconduct effectively, as many countries lack clear frameworks to ensure transparency and fairness in these settlements.

Prosecutors' reliance on non-trial resolutions underscores the need for robust standards. The European Parliament's recent call for a transparent and effective framework to hold legal entities accountable in foreign bribery cases is a welcome step in addressing this issue.

Initially, the European Commission's proposal for corporate liability targeted companies for failing to prevent corruption by a “leading person,” such as high-level executives. However, this narrow definition risked excluding other key players, such as intermediaries or “business partners” used to facilitate bribes, as seen in the Airbus case. This concern has been addressed by the European Parliament, which now advocates for accountability extending to any “associated person.”

The Parliament also supports strengthening corporate responsibility beyond the Commission’s initial proposals. It calls for liability not only when companies fail to implement supervision or control measures to prevent corruption but also when these measures are ineffective. This critical enhancement ensures that companies cannot evade liability by maintaining superficial or inadequate compliance systems. Retaining this provision in the final legislation would be a significant step forward in preventing corporate misconduct (Transparency International, 2024).

Corporate criminal liability has become a cornerstone of modern criminal justice systems, particularly in civil law

jurisdictions, over the last two decades. It acknowledges that corporations, as legal entities, can bear responsibility for criminal acts committed in their name or through their operations. However, the practical implementation of corporate liability varies significantly across jurisdictions, presenting both opportunities and challenges.

The introduction of corporate criminal liability marks a significant evolution in the criminal justice systems of most civil law countries over the last two decades. However, the regulations and legal frameworks governing corporate criminal liability differ across Member States. The Commission's proposal still contains a few contentious elements.

The draft directive does not explicitly state that corporate liability is “criminal” in nature. Additionally, it appears that the term “legal person” (as defined in Article 2, No. 7) does not extend to entities lacking legal personality. This is a questionable choice, as individuals within these unincorporated entities can also engage in criminal activities. The proposed structure of liability adheres to the traditional EU approach, wherein liability arises either from the commission of a crime by someone in a senior position within the organization or from a senior individual’s failure to supervise an employee’s criminal actions. This approach is considered somewhat outdated.

An emerging alternative model emphasizes corporate liability based on the organization’s compliance efforts and contribution to

criminal acts, particularly through organizational weaknesses or ineffective preventive systems. Countries such as Italy, Spain, the Czech Republic, Austria, Poland, and the UK have adopted this more modern approach. While the draft recognizes the role of internal control mechanisms, ethics awareness, and compliance programs to preemptively deter corruption, these measures are considered mitigating factors only during sanctioning. Consequently, companies may not be sufficiently motivated to adopt proactive compliance measures if penalties are reduced equally for post-crime compliance initiatives (as per Article 18(2)b). In contrast, an independent mitigating factor tied to voluntary reporting of crimes, alongside corrective measures (outlined in Article 18(2)c), is a positive step forward.

Regarding **penalties for legal entities**, calculating fines based on total worldwide turnover (Article 17(2)a), including associated corporate entities, is noteworthy and aligns with existing EU directives related to market abuse, anti-money laundering, and data protection. However, varying maximum fine thresholds based on entity size may warrant consideration. The list of sanctions applicable to legal persons raises further concerns. The broad range of potential sanctions, including permanent business disqualification or even judicial liquidation, lacks clarity regarding when severe measures should be applied. The phrasing implies that all measures may be mandatory for any corporate bribery offense, which would

conflict with the principle of proportionality. A more balanced interpretation would allow national legislators to select appropriate sanctions from the provided list, without an obligation to adopt all measures or apply them uniformly. Clarification of this point in the legal text is essential to ensure adherence to the proportionality principle (Bellingeri – Luppi, 2023; Zoli, 2023).

4.3 Proposed Penalties For Violations, And How Will They Differ From The Current System In The EU

The European Commission's new anti-corruption proposals, including those within Directive COM(2023) 637, introduce significant changes to penalties for corruption-related violations in the EU. These measures aim to ensure penalties are effective, proportionate, and dissuasive, targeting both individuals and legal entities involved in corruption offenses. Penalties for legal persons (e.g., companies) can include substantial fines and mandatory compliance programs, as seen in countries like France, which already imposes fines on companies lacking compliance programs. For individual offenders, particularly public officials or those involved in high-level corruption, the directive includes provisions for harsh penalties, including the possibility of prison sentences and significant financial sanctions (Reeves, 2023).

The updated framework also aims to strengthen penalties through a more unified approach across member states, requiring clearer provisions for bribery and corruption offenses, which will apply to all forms of corruption—both public and private. The new rules also align with international standards, like those set out in the UN Convention Against Corruption (UNCAC), ensuring that corruption offenses can be criminalized effectively in all EU Member States, with particular emphasis on holding legal entities accountable . However, the actual implementation of these penalties remains dependent on the local legal frameworks and resources available in each Member State. The proposed penalties for violations under the new directive on combating corruption and the violation of EU sanctions represent a significant shift from the current system in the EU. The key aspects of the proposed penalties and how they differ from existing frameworks and **proposed penalties:**

1. For Natural Persons:

Imprisonment: The directive establishes maximum terms of imprisonment ranging from one to five years, depending on the severity of the offense. Specifically:

- **One year** for less severe violations.
- **Three years** for more serious offenses.
- **Five years** for the most serious offenses, particularly those involving significant financial thresholds (e.g.,

violations involving goods or services exceeding €100,000) or military equipment.

Ancillary Penalties: In addition to imprisonment, member states must impose ancillary penalties, which may include: fines, withdrawal of permits and licenses and disqualification from holding public office or leading positions within organizations.

2. For Legal Persons (Companies):

Fines: The directive mandates that fines for legal entities be calculated as a percentage of their worldwide turnover, with proposed fines ranging from 3% to 5% of total turnover in the preceding business year or fixed amounts of at least €24 million to €40 million, depending on the offense.

Additional Sanctions – Legal entities may also face: exclusion from public benefits or aid, withdrawal of permits and licenses necessary for conducting business activities related to the offense, judicial supervision or even dissolution in severe cases (EUR-Lex, COM/2023).

Differences from the current system is mainly harmonization across member states. The new directive aims to create a uniform framework for penalties across all EU member states, addressing the current fragmentation where penalties for similar offenses can vary significantly between countries. As well as increased severity of penalties. The proposed penalties are generally more severe than

those currently in place. For instance, many member states have lower maximum imprisonment terms and do not impose fines based on turnover, which can lead to significantly higher financial repercussions under the new directive. The directive places a stronger emphasis on corporate liability, holding companies accountable for violations committed by their employees if these actions benefit the company. This is a notable enhancement compared to many existing legal frameworks that may not adequately address corporate misconduct. The directive introduces mechanisms for voluntary self-disclosure, allowing companies to potentially receive reduced penalties if they cooperate with authorities in investigating violations. This contrasts with existing systems that may not offer such incentives. The directive specifies clear definitions of offenses and establishes monetary thresholds (e.g., €100,000) that determine the severity of penalties, which is less clearly defined in many current national laws. The proposed penalties under the new directive represent a comprehensive effort to strengthen anti-corruption measures and ensure more effective enforcement across the EU. By harmonizing penalties and increasing their severity, the directive aims to deter corruption and enhance accountability among both individuals and corporations involved in corrupt practices. Member states will need to implement these changes by transposing the directive into their national laws by May 2025 (EUR-Lex, COM/2023).

In order to summarize, **several specific anti-corruption measures** and stricter rules are being proposed for top EU decision-makers:

- 1. Broader scope of covered officials:** The European Parliament wants to expand the category of "high-level officials" to include top EU decision-makers like Members of the European Parliament (MEPs), European Commissioners, and the President of the European Council. The proposal also aims to cover *"any person entrusted with tasks of public interest or in charge of a public service"* (Clementucci – Miekina, 2023).
- 2. Stricter penalties:** MEPs are pushing for stricter penalties, particularly related to an offender's ability to hold public office and exclusions from access to public funding.
- 3. New criminal offenses:** The proposal aims to criminalize offenses such as concealment, misconduct in public office, and illicit political financing.
- 4. Conflict of interest measures:** New rules would require ad-hoc disclosure of new conflicts of interest and impose sanctions for failure to report substantial assets.
- 5. Lobbying regulations:** The proposal includes minimum requirements to disclose information and mandatory registration of interest representatives.

- 6. "Revolving door" restrictions:** There would be regulations and restrictions on post-term employment for public officials.
- 7. Transparency in public procurement and political financing:** Special provisions are added to enable public scrutiny through better access to information.
- 8. Ban on certain schemes:** A proposed ban on citizenship and residency by investment schemes.
- 9. Limits on pardons and amnesty:** Prohibition of pardoning or giving amnesty to people for corruption-related crimes.
- 10. Immunity limitations:** Limiting privileges and immunities only to acts carried out in performance of official duties and while in office.
- 11. Creation of new roles and bodies:** The European Parliament is calling for the establishment of an EU Anti-Corruption Coordinator role. Member states would be required to set up specialized independent anti-corruption bodies.
- 12. Regular reporting:** A demand for the Commission to produce an annual EU Anti-Corruption report (EP – Press Releases, 2024; Bellingeri – Luppi, 2023; Clementucci – Miekina, 2023).

These measures aim to create a more comprehensive and stringent anti-corruption framework across the EU, with a particular focus on high-level officials and decision-makers. According to the latest **“Citizens’ attitudes towards corruption in the EU in 2024”** – Europeans continue to express skepticism about the effectiveness of national governments in tackling corruption. A significant 65% of citizens feel that high-level corruption cases are not adequately pursued, and only 30% believe that their governments are effectively combatting corruption. Furthermore, 68% of Europeans perceive corruption as widespread in their respective Member States. Despite this, most Europeans regard corruption as unacceptable. They firmly believe that it is never acceptable to offer money, gifts, or favours in exchange for services from public administration, reinforcing the public’s strong stance against corrupt practices.

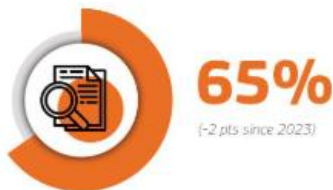


Source: Eurobarometer

Europeans remain skeptical about the effectiveness of efforts to tackle corruption. The image highlights two key statistics: 65% of Europeans believe that high-level corruption cases are not pursued adequately, and 57% feel that government actions to combat

corruption are ineffective. Additionally, a majority of Europeans continue to view corruption as widespread in their country.

Nearly two-thirds
THINK that high-level
corruption cases are
not pursued sufficiently



More than half of
Europeans **DO NOT** think
that government efforts to
combat corruption are effective



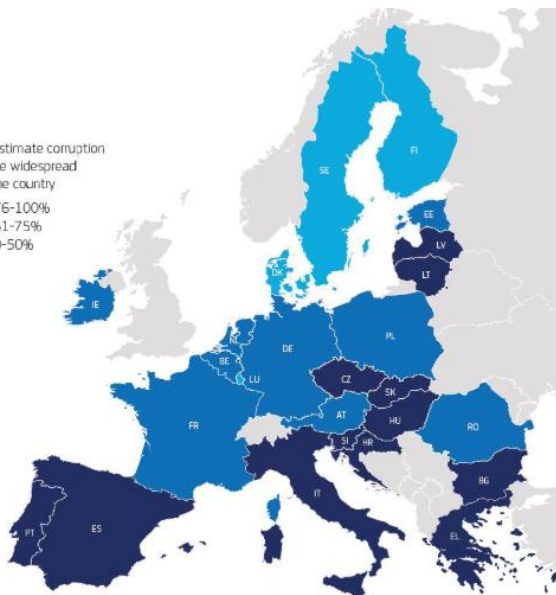
Source: Eurobarometer

EU
68%
(-2 pts since 2023)

EL 98%	RO 75%
PT 96%	FR 70%
MT 95%	BE 66%
SI 95%	IE 57%
HR 92%	AT 55%
CY 91%	NL 54%
ES 90%	PL 52%
HU 88%	DE 51%
BG 85%	EE 51%
LT 83%	SE 49%
CZ 79%	LU 43%
IT 78%	DK 26%
SK 77%	FI 18%
LV 76%	

% Estimate corruption
to be widespread
in the country

- 76-100%
- 51-75%
- 0-50%



Source: Eurobarometer

CONCLUSION

The EU's role as a promoter of norms and values faces enduring challenges, both domestically and internationally, when it comes to strengthening the rule of law and fighting corruption. This remains a critical issue, but the EU's deep experience and the lessons learned from those working directly on these matters can provide valuable insights for re-evaluating its agenda and refining its approach to fostering rule of law and anti-corruption efforts in partner regions.

To move forward, the EU should expand beyond a "thin" understanding of the rule of law, which traditionally focuses on institutional reforms and justice access. Instead, adopting a "thicker" perspective is necessary one that includes crucial elements like accountability, equitable access to public goods and services, transparent governance, sector-wide anti-corruption measures, fiscal fairness, and effective domestic resource mobilization. Such a comprehensive approach would enable the EU to develop more nuanced strategies, enhancing the consistency and synergy between its internal rule of law efforts and its global initiatives.

According to CEPS the current issue facing the EU is that even individuals occupying the highest offices within its institutions are often deterred from voicing opinions that challenge the stance of

their institutional leaders. This makes it even less likely that Commission staff members will feel empowered to expose internal misconduct. A small yet meaningful step would be to provide an explicit assurance that staff, members, and EU institutions as a whole are genuinely bound by the principles laid out in Article 2 of the Treaty on European Union (TEU). This article should underpin all institutional actions, including legislative and non-legislative outputs as well as policy objectives. Article 2 TEU encompasses fundamental principles that go beyond broad ideals; it enshrines democracy, fundamental rights, and the rule of law as the core tenets of public service. These principles are foundational, ensuring that EU institutions serve the interests of the European people through the creation of laws and policies that reflect these values. This is why the EU should implement a **'Rule of Law Compass'** for all institutional members—whether elected or otherwise—as well as staff, as a commitment that all aspects of their work, including their interactions with citizens, are consistently guided by the rule of law. This principle should be incorporated into the Staff Regulations signed by officials and the codes of conduct applicable to members. Such a 'compass' must ensure that individuals prioritize serving citizens above merely following directives from the 'political level' of their institutions or the agendas of leaders at the top of EU bodies. It underscores the importance of personal integrity, particularly when political decisions conflict with the EU's founding principles as set

out in Article 2 of the Treaty on European Union (TEU) and the EU Charter of Fundamental Rights. Therefore, it is essential to guarantee that staff and members have the freedom to voice concerns over potential violations of Article 2 TEU within institutions, with robust safeguards in place to protect against retaliation. Public service inherently demands a degree of discretion and restraint from civil servants. Nevertheless, to combat corruption, misconduct, and abuse of office effectively, it is critical to provide a safe environment where witnesses can speak out without fear. While loyalty to the institution is important, loyalty to citizens, democratic rule of law, and the 'European general interest' takes precedence. A culture that intimidates those defending the principles the institutions claim to uphold ultimately discourages adherence to EU Treaty values and emboldens those seeking to evade accountability and weaken the Union from within (CEPS, 2024: 146-147).

The inclusion of aggravating offenses in the Directive is a positive step forward. However, for the most serious corruption crimes, often referred to as "**grand corruption**"⁸ by Transparency International, law enforcement agencies must be equipped with additional tools and measures to enhance the chances of effective investigation and prosecution.

⁸ Gillian Dell (September 2023), Tackling Grand Corruption Impunity: Proposals for a Definition and Special Measures (Transparency International), p. 12

The **omission of victims of corruption** in the Directive is a significant oversight. The enforcement of corruption crimes remains incomplete if victims of these offenses are not provided with adequate remedies. Our proposal is to introduce a new article that mandates member states to establish a clear process ensuring that both state and non-state victims of corruption are properly considered during the investigation and prosecution stages. Additionally, member states should enable non-state entities to represent the interests of victims in criminal cases, including the appointment of a victim's ombudsperson. Finally, this Directive should be aligned with the Victims' Rights Directive to ensure consistency in victim protection.

The inclusion of a harmonized definition of "high-level officials" and "public officials" in Article 2 is a positive step, but amendments are needed to align them with international best practices. The definition of "public official" should be broader, covering anyone who exercises a public function or provides a public service, not just those assigned a public function. It should also include individuals classified as public officials under domestic law.

For instance, according to Transparency International – Member states and the European Commission should establish a standardized and interoperable system for collecting and publishing high-value anti-corruption data. National legal frameworks should be updated to define and regulate lobbying activities and political party

financing. Additionally, member states should ensure that anti-corruption agencies, election bodies, ethics bodies, ombudspersons, financial intelligence units, tax authorities, and law enforcement have clear rules and protocols for efficient data sharing, both domestically and across the EU, to support their responsibilities.

While there is no international definition for "high-level official," the Financial Action Task Force's (FATF) definition of Politically Exposed Persons (PEPs) is broader and should be adopted in the Directive. Additionally, the aggravated circumstances in Article 18(1)(a) should not only apply to high-level officials but also to their family members and close associates, as outlined in the United Nations Convention Against Corruption (UNCAC).

The Commission's initiative underscores the EU's commitment to a robust anti-corruption agenda, which is vital for upholding democratic values, economic integrity, and social trust across Member States. However, its success hinges on addressing challenges related to enforcement capabilities, resource allocation, legal proportionality, and cooperation. By fostering a consistent, collaborative, and well-supported approach, the EU can enhance its efforts to combat corruption and promote integrity at all levels of society and governance.

The European Commission's proposed **anti-corruption directive of May 2023** underscores the EU's strong political

commitment to tackling corruption. If **adopted** by the Council and European Parliament, the **legislation will significantly influence national legal frameworks**. However, while the proposal contains promising elements, it also raises certain concerns. The EU's involvement in combating corruption brings undeniable added value, which cannot be achieved solely through individual state-level enforcement. Aligning the criminal laws of Member States is essential to creating a fair and coordinated legal landscape. Using a directive as the legislative instrument is a prudent choice, as it seeks to harmonize the divergent criminal law frameworks across the Union. This approach is binding for Member States regarding the outcomes but allows flexibility in the means of implementation.

The directive aims to establish a common "minimum" standard for corruption offenses across all Member States, as permitted under Articles 83(1) and (2) TFEU. However, it would be beneficial to define these standards with greater precision while adhering to the principle of proportionality in EU law. Such clarity could ensure more consistent justice across Member States, addressing disparities like varying limitation periods, which could otherwise incentivize corrupt practices in jurisdictions with weaker enforcement.

If the directive fails to achieve true harmonization of corruption offenses, it risks perpetuating unequal treatment and undermining the efficiency of the EU's anti-corruption framework.

This concern is amplified by the challenges Member States have faced in implementing the semi-binding provisions of the UNCAC, which the directive now seeks to transform into fully binding obligations. Simply replicating UNCAC provisions without adapting them to the EU context would be insufficient and ineffective. The proposed directive presents a critical opportunity to reinvigorate and enhance anti-corruption efforts at the European level. It is imperative not to squander this chance for meaningful reform.

It is more than certain that to assess reductions in corruption and improvements in public perception within the EU, several metrics and benchmarks will be utilized, such as Corruption Perceptions Index (CPI), Eurobarometer Surveys or Rule of Law Reports. These metrics collectively aim to provide a comprehensive picture of both perceived and actual levels of corruption within the EU, facilitating ongoing assessments of the effectiveness of anti-corruption measures and strategies implemented by member states. Overall, while the impact of these reforms on public trust will depend on their effective implementation and enforcement, they represent a critical step towards enhancing transparency, accountability, and integrity within EU institutions. By addressing corruption comprehensively, the EU has the potential to significantly improve public perception and restore confidence among its citizens.

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SIRET's number : 823 400 239 00021

contact@id-foundation.eu - www.pfe-foundation.eu

Director: Raphaël Audouard

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