

First Statements on Commission's Anti-corruption Proposal

Thomas Wahl



News

European institutions started to examine the Commission's proposal for a directive on combating corruption (→ [eucrim 2/2023, 140-141](#)).

On 21 September 2023, the competent [EP rapporteur Romana Strugariu](#) presented a [first draft report](#) on the proposal. She generally welcomes that the proposal brings EU legislation in line with the UN Convention against Corruption (UNCAC) and she acknowledges the main objective to achieve a coherent and unified framework for addressing corruption in the EU. *Strugariu* proposes the definition of further two offences, namely concealment of property gained by means of corruption and misconduct in public office, in order to curb activities by corruption rings. In addition, she pushes for introducing new rules on sanctions and procedural safeguards (aiming to eliminate any avenues of avoiding prosecution of corruption), raising some of the minimum sentences of imprisonment, and establishing the concept of grand corruption. Modifications are also proposed with regard to the protection of victims of corruption and the identification of perpetrators behind legal entities. Looking at the prevention of corruption, interfaces between the public and private sectors, potential conflicts of interest and unexplained assets of public officials are to be made more transparent. Lobbying activities as well as political party and election campaign financing should be more strictly regulated. The draft report is open to other amendments by MEPs. A vote in the LIBE Committee is scheduled for the end of January 2024.

On 25 October 2023, the [European Economic and Social Committee \(EESC\)](#) adopted its [opinion](#) on the Commission's initiative on the fight against corruption. The EESC pleads for a parallel legal framework addressing in a binding way the Union legal system since the obligations deriving from the UNCAC apply to all contracting parties in the same way and to the same extent. In this context, the powers of the EPPO should be extended to include corrupt conduct, even if without implications for the integrity of the financial interests of the Union. Looking at prevention, the EESC calls on more stringent and precise rules regarding the obligations of the Member States relating to conflicts of interest as well as on a more effective and powerful institutional anti-corruption framework. With regard to repressive measures, the EESC welcomes the choice to intervene for the same type of crime against conduct perpetrated in both the public and private sectors, but criticises the lack of precision in some criminal definitions, such as trading in influence (Art. 10) and abuse of functions (Art. 11).

In its opinion (adopted at the end of November 2023), the [Committee of Regions \(CoR\)](#) approves the [general objective](#) of the proposed anti-corruption directive to harmonise the relevant legislation across the Member States. The CoR considers the proposal in line with the principles of subsidiarity and proportionality, but warns that the implementation of the directive into national criminal law will be a difficult and long-lasting

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process. The CoR emphasised that comprehensive instruments already exist at international, European and national level to combat corruption but their effectiveness continues to be hampered by implementation and enforcement gaps and obstacles in cooperation which is where more effort is needed. In particular, it calls on the promotion and follow-up of the "European Code of Conduct for all Persons Involved in Local and Regional Governance" adopted by the Congress of Local and Regional Authorities of the Council of Europe.

Next to these European institutions, the Austrian, Czech, Portuguese and Italian parliaments submitted [contributions](#) to the European Commission proposal for a directive to combat corruption. On 13 November 2023, the Legal Affairs Committee of the German Bundestag also dealt with the proposal. In a [hearing](#), legal experts were largely critical and called for considerable improvements in many respects.

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