



**COUNCIL OF
THE EUROPEAN UNION**

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Subject: DRAFT POSITION of the Council of the European Union and of the representatives of the Governments of the Member States, meeting within the Council, on the United Nations Convention against Corruption
- Technical Assistance
= Preparation of the 2nd Conference of the Parties to the UN Convention against Corruption on 28 January - 1 February 2008

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



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THE EUROPEAN UNION**

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"A" ITEM NOTE

From : COREPER

To : Council

Subject : DRAFT POSITION of the Council of the European Union and of the representatives of the Governments of the Member States, meeting within the Council, on the United Nations Convention against Corruption

- Technical Assistance

= Preparation of the 2nd Conference of the Parties to the UN Convention against Corruption on 28 January - 1 February 2008

With a view to preparing the 2nd Conference of the Parties to the United Nations Convention against Corruption (Nusa Dua, Bali, Indonesia, 28 January - 1 February 2008) a draft Position on "Technical Assistance" was discussed.

At COREPER on 17 January 2008, full agreement was reached on the text which is set out in Annex I to this note ¹.

¹ The recitals of the original draft Common Position have been included as explanatory notes (see Annex II).

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The Council and the representatives of the Governments of the Member States, meeting within the Council, are invited to confirm this text and adopt the Position.

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ANNEX I

(Draft)

POSITION OF THE COUNCIL OF THE EUROPEAN UNION AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of [21 January] 2008

on the United Nations Convention against Corruption (Technical Assistance), preparation of
the 2nd Conference of the Parties to the UN Convention against Corruption
(Nusa Dua, Bali, Indonesia, 28 January - 1 February 2008)

- The Member States and the European Community shall support the COSP in identifying effective methods for providing technical assistance in the context of the implementation of and effective compliance with the Convention, in accordance with its mandate and in line with the principles laid down in the 2005 Paris Declaration on Aid effectiveness.

- In particular, the Member States and the European Community shall promote:
 - initiatives ensuring that sufficient resources be available to comply with the provisions of the Convention dealing with technical assistance;
 - initiatives enabling the COSP to collect comprehensive and reliable information on the needs for technical assistance;
 - support for States Parties requiring technical assistance in formulating their needs;
 - the coordination of technical assistance through existing channels and between all involved parties in order to avoid overlaps and misuse of resources.

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- The Member States and the European Community shall uphold the proposals for making technical assistance effective, including the proposals laid down in the report ¹ adopted by the interim Open-ended Intergovernmental Working Group on Technical Assistance at its meeting on 1 - 2 October 2007.

- The Member States and the European Community shall, particularly, support any initiative aiming at:
 - making use of the self-assessment checklist approved by the first COSP and exploring other sources for gathering information on needs' requirements;
 - indicating priorities for technical assistance aiming at implementation of and effective compliance with the Convention, taking into account the assistance provided by the European Commission and bilateral Member States initiatives;
 - establishing or further improving rule of law programmes involving all relevant provisions on preventing and combating corruption, in particular by supporting good governance and integrity and reforms in the legislative, regulatory, administrative, law enforcement and/or judicial area, depending on the needs manifested by the requesting States;
 - facilitating the meeting between the donors' offers for technical assistance and the needs of the requesting States;
 - encouraging the coordination of existing bilateral and multilateral initiatives in the area of asset recovery with a view to avoiding duplication of work and overlap with existing initiatives;

¹ See in particular section IV of the report.

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- international organizations having the possibility to provide relevant expertise and technical assistance to States Parties to promote the implementation of the Convention and having the possibility to receive technical assistance for this purpose if deemed necessary.
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ANNEX II

Explanatory notes to the draft Position of the Council of the European Union and of the representatives of the Governments of the Member States, meeting within the Council,

of [21 January] 2008,

on the United Nations Convention against Corruption (Technical Assistance), preparation of the 2nd Conference of the Parties to the UN Convention against Corruption on 28 January - 1 February 2008

- (1) The European Union recognises that preventing and combating corruption is a key objective to be achieved worldwide.
- (2) a number of legal instruments have been adopted by the European Union with a view to developing a comprehensive EU anti-corruption policy both in the public and in the private sector,
- (3) in April 2005, the Council adopted a Resolution concerning a comprehensive EU policy against corruption with the aim of achieving further progress in preventing and combating corruption at European level and outside the EU and of defining those areas where further improvements are needed,
- (4) the European Consensus on Development Policy (2006/C 46/01) calls the European Community to promote a participatory in-country dialogue on governance, in areas such as anti-corruption, public sector reform, access to justice and reform of the judicial system which can be supported through the external aid instruments managed by the European Community,
- (5) the Council adopted the Decision establishing the programme Prevention of and Fight against Crime¹ as part of the general programme Security and Safeguarding Liberties, one of the objectives being to promote and develop horizontal methods and tools necessary for strategically preventing and fighting corruption, mainly involving the European Union Member States,

¹ Decision 2007/125/JHA.

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- (6) it is desirable that the existing international anti-corruption instruments are ratified and effectively implemented by all States without further delay,
- (7) several Member States are parties to the United Nations Convention against Corruption (UNCAC) while the ratification process is underway in other Member States,
- (8) the Council of the European Union is in the process of adopting the Decision on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption (UNCAC),
- (9) the Conference of the States Parties (COSP) at its first session in December 2006 agreed about the need to establish an interim Open-ended Intergovernmental Working Group on Technical Assistance to assist it in implementing its mandate on technical assistance,
- (10) the interim Open-ended Working Group has met in Vienna on 1-2 October 2007 and has produced a report ¹ including conclusions and recommendations to be submitted to the second COSP.

¹ Doc. UNODC: CAC/COSP/2008/5.