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From: Presidency
To: Delegations

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Subject: EU Action against corruption
- Report from the Finnish Presidency

Delegations will find in Annex a report from the Finnish Presidency on its activities in the area of EU Action against corruption.

EU ACTION AGAINST CORRUPTION

Report from the Finnish Presidency

I. Background

As corruption continues to be a challenge for the development of the Union, the Presidency decided to launch a debate on the way forward in the area of EU Action against corruption. The Presidency considered it appropriate to address the issue from a horizontal perspective. The aim of the debate was to examine the current framework of EU anti-corruption efforts and explore whether it was advisable and necessary to introduce further actions at EU level in the fight against corruption.

In this context, the Presidency issued a Presidency note (12276/19) outlining the state of play in the area and offering an overview of existing EU anti-corruption tools and possible future actions in the fight against corruption. After examining the note with the Member States (in a meeting of the CATS Committee on 19 September 2019 as well as in JHA Counsellors meetings), it was presented to ministers as a basis for an exchange of views in the Council (Justice and Home Affairs) on 7 October 2019.

On the basis of the discussions held at the JHA Council, the Presidency has drafted the attached report which aims to provide assistance in the process of further developing the EU's anti-corruption efforts.

II. The problem of corruption

Corruption continues to be a challenge affecting the development of the EU. It concerns all Member States and the EU institutions. Corruption constitutes a threat to security, and may lead to other types of criminality and human rights violations. Corruption undermines citizens' trust in democratic institutions and the rule of law in particular, as it negatively affects the principles of legality and legal certainty.

Tackling corruption can contribute significantly to promoting growth, stimulating competition and investment, and enhancing the beneficial effects of the EU's internal market. In addition, fighting corruption is one way to enhance mutual trust between the Member States. A strong anti-corruption effort helps to strengthen good governance and democracy and build transparent, effective and accountable institutions. As emphasized by the European Parliament in its resolutions, there is also a need to ensure the accountability and integrity of the EU institutions. The international community has recognised the damaging effects of corruption on economic and social development. In the United Nations 2030 Agenda for Sustainable Development, the aim is to reduce corruption and bribery substantially in all their forms (SDG 16.5).

III. Discussion in Council

As a basis for the exchange of views on the future of EU action against corruption, the Presidency presented the following three questions to the ministers at the JHA Council meeting.

- I. Is there a need for an EU strategy or action plan in the EU institutions and Member States to ensure a coordinated, comprehensive and coherent approach to preventing and fighting corruption in the EU institutions and Member States, including upholding the principles of good administration?
- II. How could the EU put the information collected by international anti-corruption mechanisms to more effective use? What added value could an EU-wide element of assessment bring, for instance in terms of increasing mutual trust and cooperation?
- III. How could the EU strengthen its role in the global fight against corruption? Should the EU become a full member of the Group of States against Corruption (GRECO)?

The Presidency would summarise the outcome of the discussions as follows:

- I. In general, the Member States welcomed the discussion, and a majority of the Member States stated that the fight against corruption should be one of the EU's key priorities. The EU should actively support the anti-corruption efforts of all Member States and EU institutions, and play a leading role in the fight against corruption at international level. As stated by a number of Member States, the fight against corruption is intrinsically linked to the principle of the rule of law and efforts to enhance democracy, as well as to the principles of equality, open and accountable government and public institutions.
- II. A majority of the Member States supported the idea of an anti-corruption strategy at EU level, but some Member States argued that the kind of added value an EU strategy would generate should be evaluated first. There was a strong consensus among the Member States that synergies should be found with the existing anti-corruption efforts in order to support their effective implementation.
- III. Discussion of a possible monitoring mechanism focused on seeking synergies with the existing anti-corruption evaluations conducted by international organisations, and utilising the information collected through them more effectively and in a coherent manner at EU level too. Member States also sent a clear message that the EU institutions should be subject to the anti-corruption monitoring mechanism (the EU being a state party to the United Nations Convention against Corruption (UNCAC)).

It was also indicated that an anti-corruption evaluation could be linked to the rule-of-law review cycle, as proposed by the Commission Communication on strengthening the Rule of Law within the Union (July 2019).
- IV. Based on the views expressed by the Member States, the Presidency concludes that the EU should actively support anti-corruption efforts and play a leading role in the fight against corruption at international level. The Member States welcomed and acknowledged the EU's observer status at GRECO, but the vast majority voiced their opinion that the EU should become a full member. However, some Member States added that the legal implications of a full membership should first be assessed and analysed.