

## **EU contribution on EU-level anti-corruption policy/ practice**

Following the invitation received from the Office of the High Commissioner for Human Rights in view of the thematic report that will be presented at the forty-fourth session of the Human Rights Council in June 2020

*(based on EU statements delivered at the last UNCAC Conference of State Parties – Vienna 2017 and the Implementation Review Group Meeting, Vienna 2019)*

1. Corruption is a threat to democracy, good governance and fair competition. It undermines the rule of law and the fundamental values of our societies. Corruption has wide-reaching social, political and economic consequences. Furthermore, corruption is often a facilitator of crimes threatening security. The international community has recognized the damaging effects of corruption on economic and social development in the 2030 Agenda for Sustainable Development.
2. The fight against corruption has a central place in the EU's internal and external policies. It forms part of the EU acquis. Preventive actions, criminalisation, freezing, confiscation and recovery of assets, international cooperation: these are the key elements of any strategy to roll back corruption. The EU and its Member states have taken action in these areas.
3. Across the EU, we have been striving to set in place measures to tackle corruption. For instance, the European directive on protecting whistleblowers was agreed among the EU institutions in March and will be formally adopted before the end of this year. The directive and the national implementing legislations will guarantee a high level of protection for whistleblowers who report breaches of EU law by setting EU-wide standards. It will establish safe channels for reporting both within an organisation and to public authorities and will protect whistleblowers, both in the public and the private sector, against retaliation, broadly defined. This Directive will significantly contribute to the fight against corruption by effectively protecting whistleblowers who feed enforcement authorities with information. It will contribute to the prevention and deterrence of fraud and other illegal activities affecting the EU's financial interests and to the effective application of EU rules in a wide range of policy areas, including public procurement, financial services and anti-money laundering.
4. The EU rules against money laundering have also been recently reinforced to better address issues of beneficial ownership and due diligence. The EU institutions have

been working with Member States to improve the mutual recognition of freezing orders in the EU.

5. The 2018 reform of EU rules against money laundering delivered fundamental enhancement to the EU framework by setting up beneficial ownership registries of companies and other legal arrangements, setting up central registries of bank account information, enhancing supervisory cooperation and broadening the criteria for listing high-risk third countries. In addition, a new Directive facilitating the access and exchange of financial and other information and improving the cooperation between law enforcement authorities and Financial Intelligence Units (FIUs) and between FIUs has been adopted in June 2019. This Directive is an important milestone which will speed up financial investigations on serious and organised crime. By virtue of this Directive, by mid-2021 the Asset Recovery Offices and other competent authorities will have direct access to the national centralised bank account registries or data retrieval systems that all Member States are required to establish under new EU AML directive and will be able to expediently exchange information on bank accounts. In justified cases, Europol will also be able to obtain bank account information through the national authorities, which will enable Europol to support Member States' investigations more effectively.
6. The EU has also set up the European Public Prosecutor's Office, which is envisaged to take up its functions by the end of 2020 and will be competent to investigate and prosecute crimes, such as fraud, corruption and money laundering where they affect the EU budget in 22 participating EU Member States.
7. Sharing good practices is a corner stone of our work at EU level. In 2015, the Commission launched an EU anti-corruption experience-sharing programme. This offers anti-corruption practitioners a forum to seek inspiration from legislative, institutional and policy reforms in other Member States. The format is open and collaborative, allowing for a frank exchange on successful measures, but also on challenges and obstacles in effectively setting these in place.
8. All EU Member States and the EU itself have ratified UNCAC and are actively participating in its work. The review of implementation of the UNCAC plays an important role in the global fight against corruption. The review helps us assess where we stand and what gaps need to be addressed. The EU has welcomed the steps taken by UNODC on concrete actions to enhance synergies, to avoid duplications in the conduct of international reviews and, bearing in mind the need for an efficient,

transparent and cost effective conduct of international reviews, strongly encouraged the UNODC to continue its reflection. The EU has also strongly encouraged all involved secretariats of other review mechanisms and bodies to consider the conclusion of a cooperation framework such as a Memorandum of Understanding and present practical suggestions and start implementing those.

9. In the implementation of the UN Convention Against Corruption, the EU and its Member States are actively supporting constructive dialogue between States Parties and civil society, as such dialogue will improve the impact and implementation of the convention. The EU and its Member States has called for a more effective civil society involvement in the second review cycle.
10. Corruption undermines development and reduces the effectiveness of development aid, hurting the most disadvantaged people disproportionately. We are working to implement the commitments of the Global Partnership for Effective Development Co-operation, which contribute to the implementation of the UNCAC, and the OECD Anti-Bribery Convention.