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the global coalition against corruption

Contribution of Transparency International to the Public Consultations:
European Commission Freedom, Security and Justice
What will be the future?

THE EU SHOULD DO MORE IN THE FIGHT AGAINST CORRUPTION

Relevant questions from European Commission, Directorate-General Justice, Liberty and Security:

– *9.2. Should the EU do more in the fight against corruption?*

– *13. Which area should in your opinion definitely be a priority for 2010-2014 in the area of Freedom, Security and Justice? Why?*

Transparency International is convinced that the prevention of and fight against corruption should be a priority in the EU because corruption undermines good governance, rule of law and fundamental rights. It leads to the misallocation or misuse of EU resources, harms the private sector and distorts the EU internal market.

Moreover, the EU should do more in the fight against corruption because EU citizens' trust in public institutions at every political level (i.e. national, local and regional) is very low. Various high profile corruption scandals in some of the EU Member States' public and private sectors underscore the need for anti-corruption measures to be made a priority.

A variety of independent research demonstrates that EU citizens are very concerned about the issue of corruption:

– The European Commission Eurobarometer survey on the attitudes of Europeans towards corruption (released on 30 October 2008), reveals that, overall, corruption in the European Union Member States is perceived to be widespread with three out of four citizens expressing the view that it is a major problem in their country. Please, click here: http://ec.europa.eu/public_opinion/archives/ebs/ebs_291_sum_en.pdf)

– Another independent source which shows that the fight against corruption in the EU is more important than ever, is the most recent Transparency International Corruption Perception Index (CPI) 2008. The broad decline of EU Member State's CPI scores and the high profile scandals in the public as well as private sectors in some EU Member States point to the fact that anti-corruption measures should be made a priority.

– Transparency International, the leading global coalition against corruption, with national chapters in nearly every EU Member State, interprets the CPI results as sign that there is an increasing awareness of the issue of corruption in the EU.

– The overarching critical perception displayed in some EU Member States can be seen as an indication that anti-corruption reforms should continue as part of an ongoing process after countries join the European Union. If you wish to read more, please click here: http://www.transparency.org/policy_research/surveys_indices/cpi/2008/regional_highlights_factsheets.

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In addition, the fight against corruption in the EU should be as important as it is in countries aspiring for EU membership. It seems that in some cases, the push for progress in the fight against corruption considerably slows down as soon as countries become EU Member States. The special monitoring ('Verification Mechanism') in Bulgaria and Romania constitutes a welcomed exception and should be a model for future EU newcomers.

14. How do you think existing legislation in the area of Freedom, Security and Justice can be improved or simplified? Please, give (maximum five) examples? For what reasons?

Transparency International (TI) is convinced that EU legislation should be changed to strengthen the prevention of and fight against corruption in the EU.

Transparency International recommends:

- The review and implementation of the existing EU anti-corruption policy based on the United Nations Convention against Corruption (UNCAC).
- The implementation and enforcement of the UNCAC at EU level and in EU Member States, which was ratified by the European Community (as regional economic integration organisation) and a majority of the EU Member State governments.
- The systematic check of compliance of Member States with the different EU anti-corruption instruments (e.g. 2003 Council Framework Decision) and, more generally, with anti-corruption related parts in the "acquis communautaire" as it is imposed on candidate countries during accession negotiations.
- The monitoring (and as appropriate sanctioning) of anti-corruption reform progress in EU Member States even after they have become members of the EU, as in the case of Bulgaria and Romania. This would prevent setbacks in the fight against corruption and would encourage countries to continue anti-corruption reforms and the development of effective anti-corruption policies beyond accession.
- The increase of judicial and police cooperation in the fight against corruption and simplify cross-border prosecutions. *(Answer to question 7.6*)
- The support for Member States to seize and confiscate profits from criminal activities in order to ensure that crime does not pay. *(Answer to question 7.5*)
- The creation of a European Prosecutor, with a mandate to deal with trans-border corruption-related cases.
- The promotion of the assurance of resources and independence of judiciary, anti-corruption agencies, prosecution and investigative services in EU Member States.
- The promotion of longer statute of limitation periods within EU Member States for corruption-related offences.
- The insurance that illegally acquired assets of targeted individuals held in European bank accounts are investigated, frozen and repatriated to the country of origin in line with requirements to support mutual legal assistance and promote asset recovery under the UNCAC.

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About Transparency International

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide (i.e. in almost every EU member state and accession candidate and potential candidate country) and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it. One of Transparency International's main areas of expertise and experience is the transparent public contracting and public finance management.

We look forward to continue discussing these issues with you. If you need further information, please contact:

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