

GIVE US A DATE!

When and how will the EU live up to its UN Convention against Corruption (UNCAC) obligations?

- BACKGROUND INFORMATION -

The UN Convention against Corruption (UNCAC) is the only legally binding international anti-corruption instrument to outlaw corruption in most of its aspects and to harmonise anti-corruption efforts among its signatories. Adopted by the UN General Assembly in October 2003 (Res. 58/4) and in force since December 2005, the European Commission and the Council Presidency have signed the UN Convention against Corruption (UNCAC) on behalf of the European Community on 15 September 2005. Approximately three years later, Council approved the UNCAC on behalf of the Community (Council Decision 2008/801/EC of 25 September 2008). As such, the EU has become the only supra-national organisation being a party to the Convention, offering a true chance for change also at the EU-level.

The UNCAC embodies a comprehensive approach to corruption, recognising the importance of both preventive and punitive measures. It also addresses the cross-border nature of corruption, and includes provisions on the return of ill-gotten assets. This convention holds great promises for civil because it provides a mandate for the participation of citizens and civil society organisations in accountability processes. In this regard, the UNCAC provides a unique opportunity to mount a global response to a global problem that is also prevalent within the EU and increasingly recognised by citizens as one of the issues that the EU should do more about.

The year 2011 has seen an increased commitment at the EU-level to fight corruption. For example, in June this year, the European Commission has launched a 'comprehensive anti-corruption package', including for example an anti-corruption report to measure EU member state efforts in combating corruption that has been welcomed by the European Parliament and Transparency International.

The missing piece in the puzzle of fighting corruption for the EU is, however, to live up to its international obligations arising from the UNCAC. The EU is due to submit the UNCAC self-assessment questionnaire to the UNODC Secretariat since 2007. With the changes of the EU's mandate following the entry into force of the Lisbon Treaty in December 2009, the EU's competences listed in the Declaration of Competences (Annex II to Council Decision 2008/801/EC) will also have to be amended.

This roundtable aims at bringing together experts from the UN Office on Drugs and Crime, the European Parliament, the European Commission as well as civil society and the media to address a selection of issues:

Questions for discussion:

1. What is the state of affairs with regards to the UNCAC review of EU member states?
2. The EU's competences are already clear and defined since the early negotiation phase of the UNCAC treaty. It is therefore also clear for long, which aspects and fields the EU has to report on. Until now, the EU has, however, failed to do so. Will there be a roadmap for fulfilling the EU's international obligation?
3. With the entry into force of the Lisbon Treaty, the EU has gained additional competences, following to which implementation of the UNCAC becomes a more complex and thus complicated issue for the EU. However, wouldn't it make sense for the EU to report, at least, already on those areas of competence that have been clear and defined from the beginning, i.e. before the entry into force of the Lisbon Treaty?
4. How is the Commission to rouse the necessary cooperation among the different Directorate-Generals, among the EU institutions and bodies, as well as with regards to EU member states?
5. What could and should happen after the Commission has defined the scope and exercise of EU competence?
6. EU Member States signatories to the UNCAC have already submitted self-assessment reports to assess compliance with the Convention. How is the EU going to use the EU Member State information resulting from these reports?
7. What can the EU do to support the online publication of EU Member State peer review results for transparency reasons and to make a good example for other non-EU member states?
8. To what extent will the EU be responsible for the national reports of EU Member States?
9. Will the EU speak with one political voice (for all EU Member States) or, at least, manage to present a coherent and harmonised common position at the next Conference of State Parties (CoSP) in Morocco in October 2011?
