

Transparency International EU

The global coalition against corruption

EU anti-corruption: Less is less

Carl Dolan · Thursday, June 21st, 2018

This article is based on the transcript of Transparency International EU's Director Carl Dolans speech in European Parliament's workshop 'How to better combat fraud? Follow up of the Commission's anti-corruption experience sharing programme' on 20 June 2018. The recording of the speech can be accessed at [the European Parliament's multimedia service](#).

Thank you Madame Chair, Honourable Members,

We do not have too much to say about experience sharing programme. It is a good initiative and who could object to sharing of experience, expertise and best practices? Indeed, individuals from TI national chapters and the TI secretariat have been invited as expert speakers to various workshops. However, we have not been party to the majority of the discussions and have not seen any consequences or outputs of this programme beyond the reports on the DG HOME website. So it is difficult to evaluate how useful or effective this programme has been.

Rather, I would like to focus my remarks on the context for this discussion, and why, in 2018, in addressing the question posed by this workshop "How to Better Combat Fraud in the EU"?, we are reduced to discussing a handful of seminars with Member State officials over 3 years.

Cast your minds back seven years ago to 2011. We didn't know it then, but under former Home Affairs Commissioner Cecilia Malmström, this was the high point of the European Commission's ambitions for an EU-wide anti-corruption policy. The previous year, in 2010, the European Council had asked the Commission to "develop a comprehensive anti-corruption policy" as part of the so-called Stockholm programme in the area of justice and home affairs. We are still waiting for this comprehensive policy, but in its place the Commission published a communication on "Fighting Corruption in the EU" in June 2011. That communication promised a number of things with regard to EU's overarching anti-corruption policy:

- A specific EU monitoring and assessment mechanism, The EU anti-corruption report to be published every two years
- To create an expert group to oversee the report
- A Eurobarometer survey to be published every two years
- An experience-sharing programme

- Accelerate negotiations on EU participation in the Council of Europe's Group of States Against Corruption (GRECO)
- To fulfil the EU's obligation following the ratification of the UN Convention Against Convention in 2008 to carry out a self-assessment of its anti-corruption capacities, following a legal analysis on the implications of the ratification of the Lisbon Treaty for the Union's competences in the areas of Justice and Home Affairs.

2011 was also the year that we saw a new innovation on the EU policy landscape, the European Semester. From its inception, the Semester was concerned with issues such as corruption in the public administration and the shadow economy, with Country Specific Recommendations (CSRs) for Slovakia and Poland in the first exercise.

Let's be clear. There were those who said at the time, including Transparency International, that this did not go far enough. After all this amounts to mainly monitoring, analysis and soft pressure, rather than, for example, a common EU anti-corruption statute for which some were advocating. But this was a good start and a step in the right direction.

Fast forward seven years and a new Commission and what remains of this ambitious programme?

- The [anti-corruption report](#), after one appearance, has been abolished, never to appear again
- The expert group is now dormant and has not met for a year and a half
- The European Commission is still negotiating participation with GRECO, with no progress
- The European Commission is still conducting the legal analysis that would allow it to complete the self-assessment mandated by UNCAC. It is the only major jurisdiction to ratify UNCAC that has failed to complete this assessment.

All that remains are the surveys, the workshops and the European Semester process.

Far from seeing a step-change in the EU's efforts to fight fraud and corruption in the intervening seven years, from the point of view of anti-corruption policy, this Commission is doing nothing new and considerably less than the last Commission.

A word on the European Semester. The Commission says that it is now pursuing the objectives of the anti-corruption report through the Semester. In 2014, when the EU anti-corruption report was published, there were [11 countries that received CSRs on corruption or the judiciary](#). The Semester was not seen as an alternative to the report then, and it is not clear why it seen as an alternative now. I do not believe that the Commission has adequately answered this question.

On the contrary, the Semester is a poor substitute for the anti-corruption report, for the following reasons:

- First of all, it is not comprehensive. The anti-corruption report had a list of recommendations for all Member States. By contrast, there are country-specific recommendations for only [7 Member States in the most recent Semester process](#). The reasons why recommendations are issued for only some countries and not others are not clear (there are recommendations for Malta and Hungary, for example, but not for Portugal and Cyprus, despite corruption issues being highlighted for these countries in

previous reports). There has been some progress here in the last year, but there is still no robust and transparent assessment conducted by the Commission on corruption risks in MS.

- Secondly, it only addresses those aspects of corruption that have an impact on growth and competitiveness, leaving aside issues that have an impact on governance or rule of law, such as illegal political party financing.
- Perhaps most importantly, it gives the impression that fighting corruption is a bureaucratic exercise, to be conducted largely behind closed doors, rather than a deeply political exercise that require a visible and vocal presence.

Two final thoughts. One is on the value of a comprehensive anti-corruption strategy. More and more Member States are developing anti-corruption strategies, including countries that are ranked highly on TI's CPI such as Estonia, Finland and most recently the UK. Countries and international institutions will benefit from such anti-corruption strategy: one that takes into account and integrates trans-national, national, sectoral and local government priorities. Formalising the strategy means that each part of government agrees on the objectives, the rationale and the priorities. Published strategies play a role too in signalling the government's intent and ambition in fighting corruption; and they make it easier for civil society and other stakeholders to hold governments to account.

Finally, none of this would matter if were not for the mounting evidence of serious and widespread back-sliding by many Member States on the rule of law and anti-corruption commitments. In the seven year's since the publication of the Commission's communication, Hungary has fallen by 10 points on TI's CPI and 7 EU member states – a quarter of the total – score 50 or less, indicating serious problems with corruption. This is not simply a paper exercise, but the fate of our economies and political institutions hang in the balance.

This entry was posted on Thursday, June 21st, 2018 at 12:32 pm