

From “Corruption, Bribery and the Ten European Anti-Corruption Principles”

The combating and prevention of corruption is an integral part of the European Union’s internal and external policies. *Internal*, in that it is a priority in respect of the existing Member States and has also formed a key aspect of the *acquis* for the accession countries; *external*, in that it is a priority in respect of the European Union’s approach to international relations, whether in the context of the wider Europe initiative, development policies, and the negotiation of international instruments.

A clear definition of the term “corruption” should contain the two criminal offences of bribery of which it is composed:

(1) to promise, offer or give, to a person or entity, directly or indirectly, an undue advantage, for the person himself or herself or another person or entity, in order that the person act or refrain from acting in the exercise of his or her duty

(2) to solicit or accept, directly or indirectly, an undue advantage, for oneself or another person or entity, in order to act or refrain from acting in the exercise of one’s duty.

At the same time, any discussion of the term “corruption” broadens out into a range of related policy topics such as principles of good governance, openness and transparency in elections, financing of political parties and election campaigns, the continuing reform of public administration, as well as conflicts of interest, whistle-blowing, ethics, public access to official information, asset recovery, witness protection etc. Clearly, tackling something so broad and with so many aspects poses a considerable challenge.

The European Union’s policy in relation to corruption has been brought up-to-date in the Communication on Corruption which was published in May 2003 by the European Commission. The Communication calls for the detection and punishment of all acts of corruption, confiscation of illegal proceeds and reductions of the opportunities for corrupt practices through the establishment of transparent and accountable public administration standards. It appeals to Member States to enact swiftly all relevant supranational and international anticorruption instruments. The Communication emphasises the crucial role of monitoring and peer review evaluation between countries participating in these initiatives.

The Communication proposes a list of ten principles for improving the fight against corruption in acceding, candidate and other third countries. The Commission takes the view that it is reasonable to expect that each candidate country should ideally subscribe to these principles, and integrate them into their national political, legal and administrative systems. The ten anti-corruption principles call for:

- the need for strong, political support to address corruption
- becoming fully aligned with the relevant international instruments
- implementation of legislation in an effective manner
- safeguards in relation to recruitment etc of civil and public servants
- the integrity, accountability and transparency of all sections of the public administration
- development of codes of conduct for all sections of the public administration
- protection for whistle-blowers in both the public and private sector
- encouraging the general public to recognise the impact of corruption
- ensuring that particular entities do not have undue influence over the policy-making process
- supporting the private sector in recognising and combating corruption