Basic information

1997/2116(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Union policy against corruption **Subject** 7.30.30.06 Action to combat economic fraud and corruption	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	BONTEMPI Rinaldo (PSE)	19/06/1997

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	MCINTOSH Anne Caroline B. (PPE)	01/07/1997
DEVE Development and Cooperation	POMÉS RUIZ José Javier (PPE)	26/11/1997
CONT Budgetary Control	BÖSCH Herbert (PSE)	22/07/1997

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2029	1997-10-06
General Affairs	1996	1997-03-24

Key events

Date	Event	Reference	Summary
24/03/1997	Debate in Council		
21/05/1997	Non-legislative basic document published	COM(1997)0192	Summary
13/06/1997	Committee referral announced in Parliament		
06/10/1997	Debate in Council		Summary
22/07/1998	Vote in committee		Summary
22/07/1998	Committee report tabled for plenary	A4-0285/1998	

05/10/1998	Debate in Parliament		
06/10/1998	End of procedure in Parliament		
26/10/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/2116(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/08961

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0285/1998 OJ C 313 12.10.1998, p. 0007	22/07/1998	
Text adopted by Parliament, single reading		T4-0546/1998 OJ C 328 26.10.1998, p. 0017-0046	06/10/1998	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1997)0192	21/05/1997	Summary

Union policy against corruption

1997/2116(COS) - 06/10/1997

The Council approved an initial joint position of the European Union on negotiations in the Council of Europe and the OECD relating to corruption. The substance of this common position may be augmented at a later date. These negotiations follow on from a programme of action against corruption which includes the drawing up of a criminal law convention adopted by the Committee of Ministers of the Council of Europe in November 1996 and from a recommendation on corruption in international commercial transactions adopted by the OECD Council at Ministerial Level in May. On that occasion the Council at Ministerial Level of the OECD had also decided to start negotiations on an international convention to make bribery of foreign public officials a criminal offence, which could be opened for signature by the end of 1997. The joint position adopted today stipulates that Member States will support the drawing up of appropriate international instruments providing for bribery of foreign officials and officials of international organizations to be made a criminal offence. Without prejudice to questions of jurisdiction the offence should cover corruption with regard to any State or international organization. In addition, Member States will ensure that instruments drawn up within the Council of Europe and the OECD are compatible with the instruments drawn up between them, in particular with regard to judicial assistance, extradition, combating corruption and the protection of the Community's financial interests. During these negotiations Member States will ensure that proceedings are coordinated to avoid unnecessary duplication or any incompatibility between the two international instruments to be drawn up by the Council of Europe and the OECD in this field. It should be noted that the European Union has already adopted legislative instruments in this area, viz. the Protocol of September 1996 to the Convention on the protection of the European Communities' financial interests and the Convention of May 1997 on the fight against corruption involving officials of the Communities or officials of Member States of the EU.

Union policy against corruption

1997/2116(COS) - 06/10/1998 - Text adopted by Parliament, single reading

In adopting the report by Mr Rinaldo BONTEMPI (PSE, I), the European Parliament fully endorsed the Commission's call in its communication for practical and coordinated measures against corruption to be worked out as part of an overall project. Parliament called on the Council, the Commission and the Member States to assign priority to the following aspects in the context of their respective competencies: - preventing corruption: transparency, simplification, reduction of the bureaucracy connected with important administrative decisions, audits, codes of conduct for the public administration and the private sector; - penalties for all forms of corruption (active and passive in the public and private sectors, at home and abroad, committed by a natural or legal person): in addition to criminal-law provisions, greater use should be made of administrative, civil and disciplinary penalties; in particular, compensation should be payable for damage caused to the public purse; - the establishment of the principles of responsible government, transparency and judicial independence as a condition for concluding trade and cooperation agreements with third countries. More particularly, the Commission was called upon to: - submit legislative proposals to clarify the conditions for access by bidders to public procurement procedures, in order to exclude those convicted of corruption; - draw up practical measures to prevent corruption in other sectors (e.g. audit Directive); - work out training programmes and public awareness programmes; - (once the Amsterdam Treaty has entered into force), make use of its right of initiative in the field of police and judicial cooperation; - submit specific proposals for combating corruption within the Community institutions; - apply, in the context of its policy on cooperation with third countries, the essential principle of proper administration by making a general practice of including specific anti-corruption clauses in contracts; - adopt measures, possibly in the form of legislative proposals, for abolishing the tax-deductibility of bribes paid to foreign officials. The Commission should submit a timetable for each measure by the end of 1999. Parliament called on the Member States to: - eliminate immediately and completely from their legal systems and fiscal practices all scope for tax- deductibility of bribes, without linking the abandonment of this practice to judicial conviction of either of the parties to corruption; - speed up the Council of Europe negotiations on the convention against corruption, to enable it to be signed in 1998. The Council was called upon to implement by the end of 1998 the anti-corruption guidelines contained in the action programme against organised crime adopted by the Amsterdam European Council on 17/06/1997. Parliament called on all political institutions to ensure that politicians could not abuse their immunity to evade prosecution if suspected of corruption.

Union policy against corruption

1997/2116(COS) - 21/05/1997 - Non-legislative basic document

OBJECTIVE: The aim of this communication is to present the main elements of a global Union policy against corruption. SUBSTANCE: The Commission considers that it is in the Union's interest to develop a coherent anti-corruption strategy, to apply both within and outside its frontiers while fully respecting the international laws on jurisdiction. This strategy should comprise international trade and competition, the Community's external spending and own resources, cooperation and the pre-accession strategy. The communication does not advocate the total harmonization of the Member States' legislation and policies on corruption. However, a joint approach at Union level is desirable in certain areas: 1) Corruption and the criminal law: Ideally, within the Union, legislation here would cover bribery of EU officials, bribery of officials of other Member States, bribery of officials from outside the Union and corruption in the private sector. With this in mind, the Commission suggests that the Member States should: - undertake to ratify and implement the first protocol to the convention on the protection of the Communities' financial interests, by mid-1998; - undertake to adopt and ratify the draft convention on the fight against corruption involving officials of the Union or of its Member States, by the end of 1998; - reach an agreement on the criminalization of the corruption of foreign officials, to be open to as many countries as possible. To this end, the Commission supports the adoption of a common position under the third pillar (justice and home affairs). The Commission also wishes to see private-sector corruption criminalized under the third pillar, and supports the adoption of a common position in the context of the negotiations under way in the Council of Europe. 2) Tax deductibility: As a first measure, the Commission will raise with the appropriate bodies of the Member States the question of the tax deductibility of bribes, with a view to reaching a consensus on the removal of any such provisions in the context of a joint action. 3) The single market and the other internal policies: - public contracts: following the consultation launched by the Green Paper (see COS0509), the Commission will examine possible means of improving the provisions on public contracts with a view to fighting corruption; - financial transactions: following the consultative stage marked by the Green Paper on 'the role, the position and the liability of the statutory auditor within the European Union', the Commission will submit a communication with specific proposals on means of improving the effectiveness of the directives on accounting matters and their application in the fight against corruption; - financial institutions: the Member States should define the laundering of the proceeds of corruption as a crime. The Commission has already made an official proposal in this sense in its draft 'second protocol' concerning corruption affecting the Community's financial interests; - other measures and policies: the Commission will examine the possibility of introducing a system of 'blacklists' and anti-corruption commitments relating to areas benefiting from Community funding. It will propose the adoption of a common position on anti-corruption civil suits. The Member States should examine and, if necessary, amend their existing legislation to ensure that persons denouncing cases of corruption are protected from reprisals. 4) External aid and corruption: The Commission will define an anti-corruption strategy in relation to third countries which receive Community aid or have concluded cooperation or assistance agreements with the Community. It will re-examine its rules on public contracts and contracts relating to aid to third countries, while endeavouring to harmonize the rules for the various country groupings. This revision will also apply to the question of penalties on undertakings found guilty of corruption. Special anti-corruption programmes are also desirable, especially in the applicant countries from central and eastern Europe. The principle of 'sound management' could also be included in all international assistance, cooperation and development agreements, and anti-corruption clauses could be incorporated in contracts where aid is involved. The Commission will insist that an ambitious and coordinated action policy line against fraud be followed in all relevant international forums, including the G7 meeting scheduled for June 1997 in Denver.