



*Special Committee on Organised Crime, Corruption and Money Laundering (CRIM)  
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**Thematic Paper on Corruption**

**Areas of systemic corruption in the public administration of the  
Member States and measures in order to counter its negative  
effect for the EU**

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## How extensive is systemic corruption?

*In the EU there are at least 20 million bribes paid (petty corruption experiences) every year*

Corruption is notoriously difficult to measure. The data based on perceived corruption shows that the problem is real and extensive, and its impacts are widely felt by EU citizens. According to a 2012 Euro barometer poll (special euro barometer 374), 74% of Europeans state that corruption is a major problem in their country.

The reported, personal or family, experiences of petty corruption in 18 Member States reveal a picture of systemic corruption in a significant number of Member States. The Transparency International (TI) “Global Corruption Barometer” 2010/2011, which is based on hard evidence, illustrates the percentage of the population that have answered positively when asked whether they (or someone in their household) has paid a bribe to various institutions of the public administration of the Member States.

These numbers refer to actual (but underestimated<sup>1</sup>) experiences of corruption and should be interpreted as the absolute minimum level of corruption occurring in the Member States (they cover 18 Member States and 90% of the EU population). In total, at least 20 million cases of petty corruption occur in the 18 Member States covered.

The areas in which reported petty corruption is higher, in terms of number of cases, are the **medical services** (8.1 million cases), **utilities** (2.8 m), **education system** (1.9 m), **registry** and **permit services** (1.8 m), **tax revenue** (1.8m), **police** (1.5 m), **land services** (1.4 m), **judiciary** (0.8 m) and **customs** (0.6m).

The areas in which reported petty corruption is higher, in terms of percentage of bribe cases per contact, are on average: **Medical services** 6.2 %, **land services** 5 %, **customs** 4.8 %, **judiciary** 4.2%, **police** 3.8 %, **registry and permit services** 3.8 %, **education system** 2.5 %, **utilities** 2.5 %, **tax revenue** 1.9%.

It is obvious from the data presented here that there are extensive areas of systemic petty corruption in a large number of Member States. It is also important to notice that there are huge differences between the Member States. The picture varies from almost zero corruption, in some sectors, in selected Member States to massive systemic corruption (where 15-35% of the households that come into contact with the institution, end up paying a bribe), in specific sectors in other Member States. There are also sectors with relatively low reported bribing, in Member States that are high in the TI perceived corruption index and vice-versa.

According to the corruption literature, petty corruption is closely related to medium and large corruption and to various forms of “legal corruption” (influence peddling, weak oversight, ineffective regulations, state capture etc.). They are related aspects of the same wider phenomenon. Thus though we cannot measure large or medium corruption directly, we can safely infer that they are at least as wide as petty corruption and share in most cases a similar geographic and institutional pattern.

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<sup>1</sup> The reason for this underestimation is the tendency of people not to reveal illegal activities (medium and grand corruption are obviously excluded), the possible lack of knowledge of corrupt activities by other members of the household and the instances of multiple bribes for the same institution.

The above conclusions coincide with the conclusions of the most recent corruption risk assessment for the EU region, conducted by TI<sup>2</sup>. According to this assessment **“no country comes out with a completely “clean bill of health” after this integrity health check”**. Furthermore in some countries of Central and Eastern Europe *“there has been a rolling back of positive progress on anti-corruption measures since the accession to the EU”* while in Southern Europe a number of countries have *“deep rooted problems of inefficiency, malpractice and corruption, which are neither sufficiently controlled nor sanctioned. **The links between corruption and the on-going financial and fiscal crisis in these countries can no longer be ignored”***.

### **Impact of systemic corruption in the Member States and the EU financial interests**

According to the most recent Commission Communication, on fighting corruption in the EU, corruption is estimated to cost 120 billion euros per year or one percent of the GDP, *“inflicts financial damage by lowering investment levels, hampering the fair operation of the internal market and reducing public finances. It causes social harm as organised crime groups use corruption to commit other serious crimes, such as trafficking in drugs and human beings”*.

There is no safe way to measure the effects of corruption on EU financial interests from the data on petty corruption experiences. By their nature they cannot cover areas like procurement and management of EU programs and projects, which can be influenced by medium and large scale corruption. Neither do they cover corruption related fraud, especially in the agricultural sector, the EU social funds, etc.

**However, when there are at least 20 million cases of petty corruption in the public sectors in the EU, it is obvious that the phenomenon also has a spillover effect in the parts of the public administration of the Member States (and the corresponding political persons), that have the responsibility of the management of EU funds and other financial interests.** These numbers (which are neither gathered in a systematic and harmonised manner throughout the EU, nor have they been sufficiently analysed or discussed), not only prove the existence of systemic corruption in a large number of Member States, but also reveal the inherent weaknesses of their administrations in fighting systemic corruption in general, including of course fraud and corruption in the use of EU funds and other areas of EU financial interest.

It is quite disturbing for example that in the customs sector, where there is a direct and important EU financial interest, the analysis of TI bribe-data shows that corruption is very extensive (600,000 cases of petty corruption are reported in spite of the small number of citizens involved in these kinds of transactions).

The Member States which are the bigger recipients of EU funds are the ones with high numbers of petty corruption cases and in general score low in TI’s integrity scoreboard. So the EU financial interests are more vulnerable than suggested by the EU average scores reported here.

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<sup>2</sup> Transparency international, 2012, Corruption risks in Europe

## How effectively do Member States fight systemic corruption?

We are only partly able to answer this question. As the Commission sincerely admits: *“To date there is no mechanism in place monitoring the existence, and assessing the effectiveness, of anti-corruption policies at EU and Member State level in a coherent crosscutting manner”*<sup>3</sup>. At international level, the main monitoring and evaluation mechanisms are the Council of Europe Group of States against Corruption (**GRECO**), the **OECD** Working Group on Bribery and the review mechanism of the UN Convention against Corruption (**UNCAC**). *“Given the limited visibility of the intergovernmental GRECO evaluation process and its follow-up mechanism, it has, so far, not generated the necessary political will in the Member States to tackle corruption effectively.”*<sup>4</sup>

*“However according to the **OECD’s** Convention on Combating Bribery of Foreign Officials in International Business Transactions (**Anti-Bribery Convention**), active enforcement occurred in only four EU Member States and little or no enforcement in 12 EU Member States.”*<sup>5</sup>

**Several EU Member States have ratified all or most of the existing international anti-corruption instruments. However,** three EU Member States have not ratified the Council of Europe’s Criminal Law Convention on Corruption, twelve have not ratified its additional Protocol and seven have not ratified the Civil Law Convention on Corruption. Three Member States have not yet ratified the UNCAC. Five EU Member States have not ratified the OECD Anti-Bribery Convention.<sup>6</sup>

**Even in cases where active monitoring and evaluation mechanisms exist, the results are not encouraging.** Regarding the implementation of the part of the anti-bribery convention referring to bribing foreign officials, the OECD reports on a big EU Member State that has one of the better scores in the TI Corruption Perceptions Index (6<sup>th</sup> among EU countries in 2011), illustrates how acts of corruption of foreign officials (including officials of other Member States), are treated in practice. In this Member State from 2005 to the end of 2010, **69 individuals were sanctioned**, out of which 30 were criminally convicted and 35 were sanctioned under an arrangement under which they only had to pay fines. Out of the 30 convicted individuals, 23 received suspended prison sentences and **4 served time in prison**. Among the suspended prison sentences, four concerned individuals **convicted for “especially serious” cases of bribery of foreign public officials** (cross-border dimension of corruption).

When we examine those EU countries at the lower end of the TI Corruption Perceptions Index, the picture is worse because the tools to correct the problem are themselves deficient. We have already reported on the high level of systemic petty corruption in the public administration in many Member States. As TI points out, the situation is just as bad at the political level, as in the EU region as a whole: *“...a bleaker picture emerges of the core governance institutions, such as parliaments and governments. They are particularly weak when it comes to putting in place and enforcing anti-corruption safeguards...”* and *“there is*

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<sup>3</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final), p. 5.

<sup>4</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final), p. 5.

<sup>5</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final), p. 5.

<sup>6</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final), p. 9.

*a clear gap between the letter of the law and what happens in practice across the institutions in general, practical implementation lags significantly behind the legal framework across the region”<sup>7</sup>.*

Even in more specific anti-corruption efforts, like the protection of whistleblowers and the punishment of public officials involved, the situation is highly problematic. According to TI<sup>8</sup>, only two countries in the EU provide sufficient protection from reprisals to whistleblowers, while there are Member States where only a small percentage of corruption related proceedings for public sector employees end in a conviction<sup>9</sup>. And of course this refers only to petty corruption. In large corruption cases involving high ranking officials, politicians and political parties, the situation is even worse. **In cases where the bribers of public officials in a Member State received a light and limited punishment as mentioned earlier, the receivers of bribes in the other Member State, including politicians and political parties, have as yet to be effectively prosecuted.**

### **How effectively does the EU protect its own financial interests from corruption and fraud?**

According to the 2010 Commission report on the protection of the Union's financial interests, suspected fraud amounts to approximately 600 million euro annually on the revenue and expenditure side, despite the legal framework in place. The Commission believes that the actual amount is even higher as not all cases are detected and reported.<sup>10</sup>

We do not have adequate data on the percentage of cases of corruption and fraud affecting the EU financial interests that were successfully prosecuted by the Member States.

As far as OLAF cases are concerned, according to the responsible EU Commissioner, Algirdas Semeta, *“since the year 2000, 281 out of a total of 647 cases transferred by OLAF to national judicial authorities were dismissed”* thus *“no further follow-up was given to these cases by the national judicial authorities”*. In the rest of the cases the conviction rate is also low *“with an EU average of 41%”*.

However, in just one area directly affecting EU financial interests (customs), we have evidence of a minimum number of 600, 000 cases of petty corruption. It is thus obvious that the existing EU anti-corruption efforts in terms of achieving the prosecution of cases affecting its financial interest are in some areas at least ineffective to the point of irrelevance.

This is not difficult to explain. Until now most of its efforts were based almost solely on preventative measures, in terms of rules and regulations, which are usually as effective as the administrations implementing them. However there are significant areas of systemic corruption within these administrations and the political motives for revealing fraud in EU funds and financial interests are negative (if a case is revealed there is loss of national status and a return of funds to the EU budget paid by the national taxpayer). In addition, the EU has a very weak own-investigation mechanism.

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<sup>7</sup> Transparency international, 2012, Corruption risks in Europe

<sup>8</sup> Transparency international, 2012, Corruption risks in Europe

<sup>9</sup> Transparency international, 2012, Corruption risks in Europe

<sup>10</sup> COM (2012)363 final, Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union’s financial interests by means of criminal law.

The Commission itself and the OLAF Director who has the responsibility to pursue these anti-fraud efforts describe this reality in their own words:

- *“Differences in the legal framework of the Member States and the resulting operational and organisational barriers to cross-border investigations within the EU mean that the financial interests of the European Union are not equivalently protected across the EU<sup>11</sup>.”*
- Giovanni Kessler, OLAF Director: *“We have already 1300 incoming information per year. I am not in a position with cuts of the staff etc. to additionally go around and looking for other information... OLAF does not have the legal basis, the staff and the power to make own-initiative investigations. If you ask me to do, I would be happy. How can I do that? I cannot. I cannot even go and look at the bank account of any investigated person.”*

### **New challenges**

As we progress towards a closer economic, banking and fiscal union, the economic and political effects of corruption are increasingly important for the Union as a whole and this is even more evident for the Eurozone Member States.

The major enemy of the Eurozone is the divergence of productivity gains among the Member States. These create, in the medium and long term, a divergence in terms of competitiveness that cannot be dealt by monetary devaluation and leads to harsh and politically unsustainable austerity programs aimed at internal devaluation. Systemic corruption in the public sector, which acts as a major impediment for efficiency, foreign direct investment and innovation, is thus preventing the proper functioning of the monetary union.

This, as TI points out, has already happened (*“Research suggests a strong correlation between corruption and fiscal deficits, even in so-called rich countries. Those European countries that perform worst on global indicators measuring the ‘control of corruption’ also run the highest budget deficits”*<sup>12</sup>), and **it will happen time and time again if together with the convergence in other economic indicators, Member States do not also converge in terms of corruption levels (towards the greener part of the spectrum)**. A monetary Union where some Member States have low or very low levels of corruption and others have numerous sectors where systemic corruption prevails, is a Union that cannot function properly. It is a trapped Union.

Corruption, especially when it involves EU funds, also undermines the political will for transfers within the Union. Thus in countries that are net supporters of the EU budget there is strong resistance for a bigger EU budget, which is however a prerequisite for a more integrated and functional economic and fiscal Union.

In countries where austerity programs are currently underway, systemic corruption is undermining the political legitimacy of the austerity, as it is seen as a vehicle for unjust distribution of the sacrifices that ordinary people have to make.

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<sup>11</sup> European Commission Roadmap on the Proposal to set up the European Public Prosecutor's Office (9/2011).

<sup>12</sup> Transparency international, 2012, Corruption risks in Europe.

Huge differences in the levels of corruption (especially in customs and tax authorities), also undermine the perspective of a significant increase of the EU own resources, as these will mean unequal contributions between the Member States (due to tax or customs evasion).

**We cannot have an effective economic & fiscal union without an anti-corruption Union.**

### **There are legal instruments to step up the anti-corruption effort in the EU**

According to the Article TEU 3 (2) the Union shall offer its citizens an area of freedom, security and justice ...in conjunction with appropriate measures with respect to the prevention and combating of crime.

The area of freedom security and justice falls among the shared competences between the Union and the Member States. At the same time, according to Article 6 TFEU, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States in the area of administrative cooperation at European level; thus there is ground for cooperation among the two levels of governance.

The Treaty provides adequate legal instruments to seriously step up the anti-corruption effort at EU level. First, the TFEU explicitly provides a possibility of Union legislation against corruption, as corruption is included in the list of particularly serious crimes which the Treaty presumes to have "*a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis*" (Article 83(1), first subparagraph, TFEU).

According to Article 325(1) TFEU, "*the Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union*". As stated in the previous chapters of this paper, systemic corruption entails illegal activities which affect the Union's financial interests.

At EU level, the anti-corruption legal framework has developed by the adoption of legislation on corruption in the private sector and the accession of the EU to the United Nations Convention against Corruption (UNCAC)<sup>13</sup>. The Treaty on the Functioning of the European Union recognises that corruption is a serious crime with a cross-border dimension which Member States are not fully equipped to tackle on their own.

In the area of judicial cooperation in criminal matters, the Treaty also allows for the adoption of legislative acts on mutual recognition (such as a European Investigation Order, currently under negotiation upon the initiative of a group of Member States).

As regards police cooperation, the Treaty allows certain horizontal legislative measures to be taken (Article 87(2) TFEU). These concern in particular the collection, use and transfer of relevant information (Article 87(2)(a) TFEU) and common investigative techniques in relation to the detection of serious forms of organised crime (Article 87(2)(c) TFEU).

Finally, as regards the institutional aspects, the Treaty allows for the modification, within certain limits, of the structure, operation, field of action and tasks of Eurojust (Article 85

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<sup>13</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final), p.3.

TFEU) and of Europol (Article 88 TFEU). The Treaty also contains a specific legal basis for the establishment of a **European Public Prosecutor's Office** which would *a priori* be competent for investigating, prosecuting and bringing to judgment the perpetrators of offences against the Union's financial interests (Article 86 TFEU), but whose **mandate may be extended to other crimes, if they are serious and have a cross-border dimension** (such as serious forms of organised crime, corruption and money laundering), by a decision of the European Council (Article 86(4) TFEU).

Regarding corruption, among other serious crimes, to the extent that it is serious and has a cross-border dimension, because of the effects of the crime or because of prosecution requirements, Article 85 TFEU allows the legislature to give Eurojust the tasks of initiating or proposing the initiation of criminal investigations, coordinating investigations and prosecutions, and/or the strengthening of judicial cooperation. It should also be noted that, according to Article 86(1) TFEU, a potential future European Public Prosecutor's Office would be established "from Eurojust".

As regards Europol, Article 88(2) TFEU allows the legislature to give that body, but only for the prevention and combating of serious crime affecting two or more Member States (which is less broad than for Eurojust), tasks including information collection, processing, analysis and exchange, as well as concerning the coordination, organisation and implementation of investigative and operational action. In the carrying out of such tasks, Europol cooperates with the Member States' competent authorities.

### **Commission's new initiatives**

The European Commission is making a sincere and important effort to combat corruption affecting EU financial interests and economic policies, but the extent of the challenge demands an even bolder approach, for which the European Parliament can and must take the initiative.

The Commission will set up a new mechanism, the EU Anti-Corruption Report, to monitor and assess Member States' efforts against corruption, which will be published every two years, starting in 2013. Alongside this mechanism, the Commission is of the opinion that the EU should participate in the Council of Europe Group of States against Corruption (GRECO).

According to Commissioner Semeta: *"in June next year, the Commission plans to put forward a proposal for the establishment of a European Public Prosecutor's Office, the so-called EPPO."* It will also propose *"a separate Directive on the harmonisation of procedural criminal law in the Member States in 2013. A proposal for the reform of Eurojust will complete this 2013 legislative package."*

The Commission is also moving forward with modernised EU rules on the confiscation of criminal assets and an Action Plan on how to improve crime statistics. It will along with OLAF try to step up judicial and police cooperation and improve training of law enforcement officials.

**Though the Commission is taking all these positive initiatives, currently most policies pursued against corruption are passive.** They form an unmanned wall of passive defences, through rules and procedures (anti-lobbying regulations, codes of conduct, post employment restrictions, asset declaration systems, better/free access to public information, transparency in public finances etc.), that make corruption more difficult or sophisticated but they

obviously fail to have a strong deterrent effect in countries and sectors where systemic corruption is entrenched. **As long as the prosecution of cases of corruption is weak and not based on effective own-initiative investigations<sup>14</sup> but on information from third parties, these passive policies cannot by themselves overcome the trap of systemic corruption.** Especially in sectors and countries caught in the trap of systemic corruption, where the political and administrative systems are compromised by the extent of corruption, **there is a clear need for stronger active anti-corruption policies, implemented by strengthened EU institutions.**

### **Towards a bolder EU effort against systemic corruption**

In the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> the progressive movement in the USA managed to severely limit corruption and fraud by exposing pockets of systemic corruption stemming from local political machines. This movement assisted in the creation of powerful federal institutions (like the FBI and the IRS), that have played a very important role in the economic and social achievements of the Union of the United States of America.

The extent of systemic corruption in areas and sectors of the EU and its devastating effects, require a similar, in terms of boldness and vision, progressive reform in the EU institutions addressing corruption (especially corruption affecting EU financial interests or having a strong cross border nature).

Of crucial importance in this effort is the creation of a strong **European Public Prosecutor's Office (EPPO) as soon as possible**, which should *“contribute in a decisive manner to the criminal investigation and prosecution of offences against the EU budget. It could without difficulty gather evidence in all Member States and would possess the necessary expertise to investigate complex fraud cases (Commissioner Semeta).”*

**The EPPO should be harmoniously integrated** (where competences are similar or relevant), **with Europol, Eurojust and OLAF**, functionally and, if possible, in terms of location. It should also be provided (at least as far as corruption is concerned) with all the competences permitted in the Treaty and the same should also apply to Europol (including the power of arrest), Eurojust and OLAF.

Thus a family of closely related institutions can be created which can be **the nucleus in the future, and as the EU integration deepens, of strong Union-wide authorities, like the FBI in the USA.**

This should be done in accordance with the principles of subsidiarity and proportionality, which in this case are respected since the extent and impact of systemic corruption is huge (an estimated 120 billion cost, tens of millions of bribes in petty corruption only etc.) and the inability of Member States institutions to deal effectively with it, especially in cross border cases and as far as the protection of EU financial interests, is self evident.

Additional ideas that can be incorporated in the Commission's overall anti-corruption and

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<sup>14</sup> The policy difference between investigations of corruption and fraud cases, based on own initiative, and investigations initiated because of third party information, is huge. **The deterrent effect of own initiative investigations is very high and the limited investigative and prosecution resources are channelled to really important corruption and fraud areas.**

anti-fraud strategy are:

- The creation of an **effective European whistleblowers protection program**, as far as cross border and EU financial interests related corruption is concerned.
- Securing an **adequate percentage (e.g. 50%) of own-initiative investigations by the anti-fraud EU investigative authorities**, aimed at sectors and areas where systemic and large scale corruption affecting EU financial interests is suspected.
- The creation of a **uniform reporting system** and a transparent **EU data base facilitating** the immediate **comparison of procurement prices** of products and services, in cases where there is an EU financial interest.
- Promote the research of the use of new technologies in various control systems exercised by Member States and facilitate their application. These could include for example the **on line observation and recording of on-sight tax, customs and other kinds of controls, by centralised anti-corruption units**.
- The creation of a **uniform reporting system and an accessible European data base of all the fraud and corruption cases** that are being prosecuted (with adequate protection of personal data and the presumption of innocence).
- **Increase the resources** available to the institutions responsible for the protection of EU financial interest, **by linking** a variable part of **their budget to** the, additional to the current level, **successes** in returning EU funds in cases where they have revealed fraud and corruption.

## **Annex I**

### **Relevant major EU and international legislation and documents referring directly or indirectly to corruption**

#### **Community policies, decisions, and initiatives**

- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee of 6 June 2011 entitled Fighting corruption in the EU (COM(2011) 308)<sup>15</sup> and Commission Decision (C(2011) 3673 final establishing an EU Anti-corruption reporting mechanism for periodic assessment ('EU Anti-corruption Report')<sup>16</sup>,
- EU Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the protection of the European Communities' financial interests<sup>17</sup>,
- EU Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union criminalising fraud and corruption disconnected from EU financial interests<sup>18</sup>,
- 2003 Council Framework decision on combating corruption in the private sector<sup>19</sup>,
- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on a comprehensive EU policy against corruption (COM(2003) 317 final),<sup>20</sup>
- ECA Opinion No 1/2010 - Improving the financial management of the EU budget: risks and challenges, OJ C35, 12.2.10<sup>21</sup>,
- Report from the Commission to the European Parliament and the Council; Protection of the European Union's financial interests - Fight against fraud Annual report, (COM(2012) 408 final)<sup>22</sup>
- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Fighting Corruption in the EU (COM(2011) 308 final)<sup>23</sup>,
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the protection of the financial interests of the European Union by criminal law and my administrative investigations: An integrated policy to safeguard taxpayers' money (COM(2011) 293 final)<sup>24</sup>,
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the Court of Auditors on the Commission anti-fraud strategy (COM(2011) 376 final)<sup>25</sup>,
- European Parliament resolution of 25 October 2011 on organised crime in the European Union (2010/2309INI) (Alfano Report)<sup>26</sup>

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<sup>15</sup>[http://ec.europa.eu/home-affairs/news/intro/docs/110606/308/1\\_EN\\_ACT\\_part1\\_v12\[1\].pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110606/308/1_EN_ACT_part1_v12[1].pdf)

<sup>16</sup>[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/com\\_decision\\_2011\\_3673\\_final\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/com_decision_2011_3673_final_en.pdf)

<sup>17</sup>[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41995A1127\(03\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41995A1127(03):EN:HTML)

<sup>18</sup>[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41997A0625\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41997A0625(01):EN:HTML)

<sup>19</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:192:0054:0056:EN:PDF>

<sup>20</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0317:FIN:EN:PDF>

<sup>21</sup><http://eca.europa.eu/portal/pls/portal/docs/1/10618727.PDF>

<sup>22</sup>[http://ec.europa.eu/anti\\_fraud/documents/reports-commission/2011/report\\_en.pdf](http://ec.europa.eu/anti_fraud/documents/reports-commission/2011/report_en.pdf)

<sup>23</sup>[http://ec.europa.eu/home-affairs/news/intro/docs/110606/308/1\\_EN\\_ACT\\_part1\\_v12\[1\].pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110606/308/1_EN_ACT_part1_v12[1].pdf)

<sup>24</sup>[http://ec.europa.eu/justice/criminal/files/comm\\_pdf\\_com\\_2011\\_0293\\_f\\_communication\\_en.pdf](http://ec.europa.eu/justice/criminal/files/comm_pdf_com_2011_0293_f_communication_en.pdf)

<sup>25</sup>[http://ec.europa.eu/anti\\_fraud/documents/preventing-fraud-documents/ec\\_antifraud\\_strategy\\_en.pdf](http://ec.europa.eu/anti_fraud/documents/preventing-fraud-documents/ec_antifraud_strategy_en.pdf)

<sup>26</sup><http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-0459>

- European Parliament resolution of 15 September 2011 on the EU's efforts to combat corruption (B7-0481/2011)<sup>27</sup>
- proposal for a directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (COM(2012)/0193 (COD))<sup>28</sup>,

### **Council of Europe**

- Criminal Law Convention on Corruption (STE 173, adopted on 27 January 1999) and its additional Protocol (ETS 191, adopted on 15 May 2003); Civil Law Convention on Corruption (STE 174, adopted on 4 November 1999), and the Twenty Guiding Principles against Corruption (Council of Europe's Committee of Ministers' Resolutions (97) 24)<sup>29</sup>,

### **International level**

- accession of the EU to the United Nations Convention against Corruption (UNCAC)<sup>30</sup>
- OECD's Convention on Combating Bribery of Foreign Officials in International Business Transactions (Anti-Bribery Convention)<sup>31</sup>

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<sup>27</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B7-2011-0481+0+DOC+PDF+V0//EN>

<sup>28</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0363:FIN:EN:PDF>

<sup>29</sup> [http://www.coe.int/t/dghl/monitoring/greco/general/1.%20The%20Fight%20against%20Corruption%20-%20A%20Priority%20for%20the%20CoE\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/general/1.%20The%20Fight%20against%20Corruption%20-%20A%20Priority%20for%20the%20CoE_en.asp)

<sup>30</sup> Council Decision 2008/801/EC (OJ L 287, 29.10.2008, p.1)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:287:0001:0110:EN:PDF>

<sup>31</sup> <http://www.oecd.org/daf/briberyininternationalbusiness/anti-briberyconvention/38028044.pdf>

## Annex II: Tables

Based on the Transparency International “Global Corruption Barometer” 2010/2011

**Table 1: Contact Rates: Percentage of households that had come into contact with each of the institutions listed** (“In the past 12 months, have you or anyone living in your household had a contact with the following institution/organization?”)

	Education system	Judiciary	Medical services	Police	Registry & permit services	Utilities	Tax Revenue	Land services	Customs
Austria	28%	11%	61%	19%	16%	46%	44%	12%	3%
Bulgaria	30%	7%	81%	13%	13%	82%	56%	10%	4%
Finland	46%	12%	90%	34%	38%	84%	70%	21%	13%
France	40%	8%	63%	14%	20%	48%	37%	11%	5%
Germany	48%	14%	70%	26%	31%	66%	61%	13%	9%
Greece	35%	12%	69%	18%	34%	71%	64%	30%	4%
Hungary	40%	8%	73%	11%	31%	36%	18%	8%	2%
Ireland	61%	12%	83%	37%	31%	89%	68%	24%	17%
Italy	30%	2%	65%	12%	29%	41%	32%	11%	2%
Latvia	40%	10%	65%	18%	15%	77%	33%	11%	9%
Lithuania	35%	14%	65%	19%	24%	65%	43%	16%	6%
Netherlands	37%	5%	63%	14%	33%	38%	57%	5%	11%
Poland	41%	15%	65%	18%	15%	42%	45%	12%	5%
Portugal	33%	10%	72%	13%	18%	48%	48%	8%	2%
Romania	24%	8%	55%	15%	15%	49%	45%	8%	4%
Slovenia	54%	19%	88%	26%	45%	68%	51%	22%	12%
Spain	49%	23%	83%	26%	37%	76%	71%	36%	10%
UK	30%	7%	68%	27%	13%	74%	44%	12%	12%

**Table 2: Experiences of corruption: Percentage of households -from those that have contacted each institution- that have paid a bribe to each of 9 institutions (“In the past 12 months have you or anyone living in your household paid a bribe in any form to each of the following institutions/organizations?”)**

	Education System	Judiciary	Medical services	Police	Registry & Permit Services	Utilities	Tax revenue	Land services	Customs
<b>GLOBAL</b>	<b>11%</b>	<b>23%</b>	<b>12%</b>	<b>29%</b>	<b>17%</b>	<b>10%</b>	<b>10%</b>	<b>20%</b>	<b>23%</b>
Austria	4%	3%	6%	4%	4%	5%	3%	5%	0%
Bulgaria	3%	11%	6%	16%	6%	1%	1%	3%	13%
Finland	2%	1%	1%	1%	1%	1%	1%	1%	1%
France	3%	2%	5%	2%	3%	4%	3%	8%	5%
Germany	1%	1%	1%	2%	2%	1%	0%	1%	1%
Greece	1%	2%	20%	3%	4%	2%	3%	5%	17%
Hungary	4%	1%	26%	2%	3%	4%	1%	4%	7%
Ireland	2%	3%	2%	2%	2%	2%	1%	6%	3%
Italy	6%	30%	10%	4%	6%	9%	7%	13%	15%
Latvia	6%	11%	15%	21%	7%	2%	3%	6%	6%
Lithuania	10%	23%	35%	32%	14%	2%	3%	16%	24%
Netherlands	2%	0%	1%	2%	3%	1%	1%	0%	0%
Poland	2%	10%	16%	13%	9%	2%	2%	7%	5%
Portugal	1%	2%	2%	3%	6%	3%	1%	1%	0%
Romania	9%	14%	30%	17%	12%	3%	3%	7%	7%
Slovenia	2%	4%	3%	2%	2%	1%	1%	2%	4%
Spain	3%	3%	2%	4%	3%	2%	2%	4%	7%
UK	1%	3%	1%	1%	4%	1%	1%	4%	5%

**Note: The estimated minimum number of bribe cases was calculated using the percentages of contacts, the percentages of bribe experiences (Tables 1&2) and the number of households in the Member States according to Eurostat data for 2011.**