



**2023/0135(COD)**

18.10.2023

# **AMENDMENTS**

## **12 - 56**

### **Draft opinion**

**Caterina Chinnici**

(PE753.561v02-00)

Combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council

Proposal for a directive

(COM(2023)0234 – C9-0162/2023 – 2023/0135(COD))

AM\_Com\_LegOpinion

**Amendment 12**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) Corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. Corruption undermines democratic institutions and universal values on which the Union is founded, particularly the rule of law, democracy, equality and the protection of fundamental rights. It jeopardises development, prosperity and the sustainability and inclusiveness of our economies. In order to effectively prevent and combat corruption, a comprehensive and multidisciplinary approach is required. The purpose of this Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities.

*Amendment*

(1) Corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. Corruption undermines democratic institutions and universal values on which the Union is founded, particularly the rule of law, democracy, equality and the protection of fundamental rights. It jeopardises development, prosperity and the sustainability and inclusiveness of our economies. In order to effectively prevent and combat corruption, a comprehensive, **systemic** and multidisciplinary approach is required. The purpose of this Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities.

Or. en

**Amendment 13**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Transparent and liable institutions represent the bedrock of political systems that serve citizens; whereas corruption and fraud represent a constant danger to the integrity of public decision making.***

Or. en

**Amendment 14**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) The existing legal framework should be updated and strengthened to facilitate an effective fight against corruption across the Union. This Directive aims to criminalise corruption offences when committed intentionally. Intention and knowledge may be inferred from objective and factual circumstances. As this Directive provides for minimum rules, Member States remain free to adopt or maintain more stringent criminal law rules for corruption offences.

*Amendment*

(3) The existing legal framework should be updated and strengthened to facilitate an effective fight against corruption across the Union. This Directive aims to criminalise corruption offences when committed intentionally. Intention and knowledge may be inferred from objective and factual circumstances. As this Directive provides for minimum rules, Member States remain free to adopt or maintain more stringent criminal law rules for corruption offences. ***In this sense, the Directive should take into consideration the specificities of each Member State and provide the necessary flexibility; at the same time, all Member States must be treated in a correct manner.***

Or. en

**Amendment 15**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Stresses that prevention and communication are key to combat corruption and fraud, and that the European Commission should support Member States in implementing effective measures in this sense.***

Or. en

**Amendment 16**  
**Ryszard Czarnecki**  
on behalf of the ECR Group

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**(9a) Corruption can occur within the public sector and the private sector, and at the interface between public administration and economic activities. Corrupt relations occur between the representatives of various types of stakeholders that may be active in almost all areas of social life. Within the public sector, corruption occurs mainly in those areas where economic and administrative decisions are made. The large number of concessions, licences and permits being issued and the large number of institutions controlling economic activities create opportunities for corruption.**

Or. pl

**Amendment 17**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**(9a) Reiterates that within the European Commission there must be a zero-tolerance policy towards corruption, which should be properly communicated in the context of the European elections, to increase the voter turnout and citizens' trust in public institutions.**

Or. en

**Amendment 18**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) It is necessary to strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with the necessary tools. In bribery of public officials, there are two sides to distinguish. Active bribery exists when a person promises, offers or gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantages in order to act or to refrain from acting in a certain way. This Directive should also set minimum rules on bribery and other forms of corruption in the private sector, where the immediate victims include companies that are impacted unfairly and where free competition is diminished by each bribe offered or accepted.

*Amendment*

(10) It is necessary to strengthen the legal framework to combat bribery, **grand corruption** and to provide law enforcement and prosecution with the necessary tools. In bribery of public officials, there are two sides to distinguish. Active bribery exists when a person promises, offers or gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantages in order to act or to refrain from acting in a certain way. This Directive should also set minimum rules on bribery and other forms of corruption in the private sector, where the immediate victims include companies that are impacted unfairly and where free competition is diminished by each bribe offered or accepted.

Or. en

**Amendment 19**  
**Victor Negrescu**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) In order to ensure that public officials do not intentionally use funds for purposes other than they were intended, it is necessary to lay down rules on the offence of misappropriation by public officials of property whose management is entrusted to them. In order to take a comprehensive approach to the fight against corruption, this Directive should

*Amendment*

(11) In order to ensure that public officials do not intentionally use funds for purposes other than they were intended, it is necessary to lay down rules on the offence of misappropriation by public officials of property whose management is entrusted to them. In order to take a comprehensive approach to the fight against corruption, this Directive should

also cover misappropriation in the private sector. In order for misappropriation to be criminal, it should lead to an advantage for the public official or a third party.

also cover misappropriation in the private sector. In order for misappropriation to be criminal, it should lead to an advantage for the public official or a third party. ***In this sense, attention should also be given to grand corruption.***

Or. en

## Amendment 20

**Ryszard Czarnecki**

on behalf of the ECR Group

## Proposal for a directive

### Recital 33

#### *Text proposed by the Commission*

(33) To combat corruption effectively, efficient exchange of information between competent authorities responsible for the prevention, detection, investigation or prosecution of corruption offences is crucial. Member States should ensure that information is exchanged in an effective and timely manner in accordance with national and Union law. This Directive, which aims to lay down common definitions of corruption offences, should serve as a benchmark for information exchange and cooperation between the competent national authorities under Directives (EU) XX/2023<sup>52</sup>, (EU) 2019/1153<sup>53</sup>, (EU) 2016/681<sup>54</sup> of the European Parliament and of the Council, Regulations (EU) 2018/1240<sup>55</sup>, (EU) 2018/1862<sup>56</sup> and (EU) 603/2013<sup>57</sup> of the European Parliament and of the Council, Council Decision 2008/633/JHA<sup>58</sup>.

---

<sup>52</sup> See Proposal for a Directive of the European Parliament and of the Council on information exchange between law

#### *Amendment*

(33) To combat corruption effectively, efficient exchange of information, ***both at national and Union level, as well as*** between competent authorities responsible for the prevention, detection, investigation or prosecution of corruption offences is crucial, ***particularly in view of the links between corruption and international serious and organised crime.*** Member States should ensure that information is exchanged in an effective and timely manner in accordance with national and Union law. This Directive, which aims to lay down common definitions of corruption offences, should serve as a benchmark for information exchange and cooperation between the competent national authorities under Directives (EU) XX/2023<sup>52</sup>, (EU) 2019/1153<sup>53</sup>, (EU) 2016/681<sup>54</sup> of the European Parliament and of the Council, Regulations (EU) 2018/1240<sup>55</sup>, (EU) 2018/1862<sup>56</sup> and (EU) 603/2013<sup>57</sup> of the European Parliament and of the Council, Council Decision 2008/633/JHA<sup>58</sup>.

---

<sup>52</sup> See Proposal for a Directive of the European Parliament and of the Council on information exchange between law

enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.

<sup>53</sup> Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.

<sup>54</sup> Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132), Annex II, point 6.

<sup>55</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), Annex, point 7.

<sup>56</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, (OJ L 312, 7.12.2018, p. 56). Reference to corruption is made indirectly in the SIS II Council Decision by delimiting its scope with a reference to the European Arrest Warrant, for instance in Article 8.

<sup>57</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of

enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.

<sup>53</sup> Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.

<sup>54</sup> Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132), Annex II, point 6.

<sup>55</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), Annex, point 7.

<sup>56</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, (OJ L 312, 7.12.2018, p. 56). Reference to corruption is made indirectly in the SIS II Council Decision by delimiting its scope with a reference to the European Arrest Warrant, for instance in Article 8.

<sup>57</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of



26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>58</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129). Reference to corruption is made indirectly in the VIS Council Decision for law enforcement by delimiting its scope with a reference to the European Arrest Warrant in recital 6.

26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>58</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129). Reference to corruption is made indirectly in the VIS Council Decision for law enforcement by delimiting its scope with a reference to the European Arrest Warrant in recital 6.

Or. pl

## **Amendment 21**

**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 1**

##### *Text proposed by the Commission*

1. 'prevention of corruption' refers to the detection and elimination of the causes of and conditions for corruption, through

##### *Amendment*

1. 'prevention of corruption' refers to the detection and elimination of the causes of and conditions for corruption, through

development and implementation of a system of appropriate measures, as well as deterrence against corruption-related acts.

development and implementation of a system of appropriate measures **and necessary tools**, as well as deterrence against corruption-related acts.

Or. en

**Amendment 22**  
**Caterina Chinnici**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

2. ‘property’ means funds or assets of any kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or an interest in, such assets.

*Amendment*

2. ‘property’ means funds or assets of any kind, **including crypto assets**, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or an interest in, such assets.

Or. en

**Amendment 23**  
**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) any other person assigned and exercising a public service function in relation with the implementation of the EU budget.**

Or. en

**Amendment 24**  
**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *'conflict of interests' exists where the impartial and objective exercise of the functions of any person as referred to in this article is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.*

Or. en

**Amendment 25**  
**Ryszard Czarnecki**  
on behalf of the ECR Group

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

8. 'high level officials' are heads of state, heads of central and regional government, members of central and regional government, as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister's private office, **and senior political officials**, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions.

8. 'high level officials' are heads of state, heads of central and regional government, members of central and regional government, as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister's private office, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions.

Or. pl

**Amendment 26**  
**Cristian Terheş**

## Proposal for a directive

### Article 2 – paragraph 1 – point 8

#### *Text proposed by the Commission*

8. ‘high level officials’ are heads of state, heads of central and regional government, members of central and regional government, as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister’s private office, and senior political officials, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions.

#### *Amendment*

8. ‘high level officials’ are heads of state, heads of central and regional government, members of central and regional government, as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister’s private office, and senior political officials, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions, ***ambassadors and diplomatic personnel, high ranking military officers and heads of intelligence services, as well as high ranking prosecutors, such as general prosecutors and chief prosecutors.*** .

Or. en

## Amendment 27

Carlos Coelho

## Proposal for a directive

### Article 3 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness of corruption and reduce the overall commission of corruption offences ***as well as the risk of corruption.***

#### *Amendment*

1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness ***and real impact on public budgets*** of corruption and reduce the ***risk and*** overall commission of corruption offences.

Or. pt

## Amendment 28

Ryszard Czarnecki

on behalf of the ECR Group

### Proposal for a directive

#### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness of corruption and reduce the overall commission of corruption offences as well as the risk of corruption.

*Amendment*

1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, ***including those which aim to have a positive social impact, in particular by increasing public awareness and socially acceptable responses to the prosecution of perpetrators of acts of corruption,*** to raise public awareness on the harmfulness of corruption and reduce the overall commission of corruption offences as well as the risk of corruption.

Or. pl

## Amendment 29

Isabel García Muñoz, Hannes Heide, Sándor Rónai

### Proposal for a directive

#### Article 3 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. Member States shall take measures to create a strong public service culture based on independence, integrity, transparency and accountability, including the provision of fair remuneration, adequate support and anti-corruption training and tools for public officials.***

Or. en

## Amendment 30

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive  
Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. These efforts shall be systematically integrated into all levels of education programs, designed to develop ethical values and promote a culture of integrity. Member States shall provide opportunities for educators to receive specialized training in anti- corruption education methodologies and strategies to insure the effective delivery of these programs.***

Or. en

**Amendment 31  
Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive  
Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall take measures to ensure the highest degree of transparency and accountability in public administration and public decision-making with a view to prevent corruption.

2. Member States shall take measures to ensure the highest degree of ***integrity***, transparency and accountability in public administration and public decision-making with a view to prevent corruption, ***in particular through the development of national anti-corruption strategies in consultation with the relevant specialised bodies referred to in Article 4.***

Or. en

**Amendment 32  
Cristian Terheș**

**Proposal for a directive**

## Article 3 – paragraph 2

*Text proposed by the Commission*

2. Member States shall take measures to ensure the highest degree of transparency and accountability in public administration and public decision-making with a view to prevent corruption.

*Amendment*

2. Member States shall take measures to ensure the highest degree of transparency and accountability in public administration and public decision-making with a view to prevent corruption, ***including to file yearly, under the penalty of perjury, a declaration of assets and of interests.***

Or. en

## Amendment 33

Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu

## Proposal for a directive

### Article 3 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Member states shall implement the highest standard of transparency regarding public procurement processes, establishing open, competitive bidding procedures, with clear and standardized procurement rules accessible to all stakeholders. Public procurement procedures should be channelled through e-procurement systems, making processes more transparent and accountable. Member states shall take measures to publish all information online, whether it be tender notices, contract awards and details of awarded contracts. Member states shall conduct regular audits of public procurement activities to detect irregularities and misconduct that could amount to fraud and corruption.***

Or. en

#### **Amendment 34**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

#### **Proposal for a directive**

#### **Article 3 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Members States shall establish anti-corruption training for all public procurement officials, evaluators and contractors on the risks of corruption, its detection and reporting, as well as ethical conduct and anti-corruption laws.**

Or. en

#### **Amendment 35**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

#### **Proposal for a directive**

#### **Article 3 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States shall take measures to ensure that key preventive tools ***such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector*** are in place.

3. Member States shall take measures to ensure that key preventive tools are in place, ***such as:***

Or. en

*Justification*

*All sections are developed further below*

#### **Amendment 36**



**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive  
Article 3 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall take measures to ensure that key preventive tools such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector are in place.

*Amendment*

3. Member States shall take measures to ensure that key preventive tools such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector, ***particularly revolving doors and interest representation***, are in place.

Or. en

**Amendment 37**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive  
Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. An open access to information of public interest, enacting laws and regulations that guarantee the public's right to access government information. Public information shall be made accessible through interoperable systems, making data available in a timely manner, in a standardized, machine-readable format, downloadable in bulk.***

Or. en

**Amendment 38**

**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**  
**Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall take the appropriate measures to set up clear internal and external reporting channels that can guarantee confidentiality for whistle-blowers in both public and private sectors to protect the EU financial interests.**

Or. en

**Amendment 39**  
**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive**  
**Article 3 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Effectives rules for the disclosure and management of conflict of interest in the public sector, through a clear comprehensive policy framework, defining procedure for public officials to recuse themselves from any decision or activities in which they have a potential conflict of interest, including abstaining from decision making or divesting conflicting interests. Those rules shall include ad- hoc disclosure of new conflict as they arise, and establish sanctions for failure to report conflict of interest.**

Or. en

**Amendment 40**  
**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive**  
**Article 3 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Effective rules for disclosure and verification of assets, income and financial interest of public officials, establishing sanctions for failure to report substantial assets or interests. The disclosure should be made regularly and updated as necessary, ensuring that asset disclosure information is properly handled and treated in a way that serves the purpose of detecting corruption offenses.**

Or. en

**Amendment 41**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive**  
**Article 3 – paragraph 3 d (new)**

*Text proposed by the Commission*

*Amendment*

**3d. Effective rules regulating, where appropriate, interactions between the private and public sector such as: regulating revolving doors situations, enforcing cooling off periods, during which former public officials are restricted from engaging in activities that could exploit their previous positions or relationships; regulating lobbying activities of all organisations engaging in representation of interest, through mandatory registration in transparency registers.**

Or. en

**Amendment 42**

**Luke Ming Flanagan**

**Proposal for a directive**

**Article 3 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Member States shall adopt comprehensive and up-to-date measures to prevent corruption in both the public and private sectors, adapted to the specific risks of an area of activity. Such measures shall at least include actions to strengthen integrity and to prevent opportunities for corruption among:

*Amendment*

4. Member States shall adopt comprehensive and up-to-date measures to prevent corruption in both the public and private sectors, adapted to the specific risks of an area of activity. Such measures shall at least include actions to ***identify and fight against organised crime or other serious crime and to*** strengthen integrity and to prevent opportunities for corruption among:

Or. en

**Amendment 43**

**Cristian Terheş**

**Proposal for a directive**

**Article 3 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) members of law enforcement and the judiciary, including measures relating to their appointment and conduct, and by ensuring adequate remuneration and equitable pay scales.

*Amendment*

(b) members of law enforcement, ***intelligence agencies*** and the judiciary, including measures relating to their appointment and conduct, and by ensuring adequate remuneration and equitable pay scales.

Or. en

**Amendment 44**

**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**

**Article 3 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Member States shall take all necessary measures to digitalise all aspects of corruption prevention covered by this article, as well as to create a more unified and interoperable information system at the EU level.**

Or. en

**Amendment 45**  
**Carlos Coelho**

**Proposal for a directive**  
**Article 3 – paragraph 6**

*Text proposed by the Commission*

6. Where appropriate, Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities.

*Amendment*

6. Where appropriate, Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities **by promoting available reporting mechanisms and publicising rights relating to the protection of persons who report breaches of EU law.**

Or. pt

**Amendment 46**  
**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**  
**Article 3 – paragraph 6**

*Text proposed by the Commission*

6. **Where appropriate,** Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities.

*Amendment*

6. Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities.

**Amendment 47**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

**Proposal for a directive**

**Article 3 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Member states shall implement laws that protect whistleblowers who report corruption or wrongdoing, ensuring their safety and preventing retaliation; establishing confidential reporting mechanisms that allow witnesses or victims of corruption to disclose information through secure channels.**

Or. en

**Amendment 48**

**Luke Ming Flanagan**

**Proposal for a directive**

**Article 3 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Member States should take all necessary measures to promote media pluralism and media freedom and guarantee an enabling space for journalists;**

Or. en

**Amendment 49**

**Ryszard Czarnecki**

on behalf of the ECR Group

**Proposal for a directive**  
**Article 7 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the promise, offer or giving, directly or through an intermediary, of an advantage of any kind to a public official for that official or for a third party in order for the public official to act or refrain from acting in accordance with his duty or in the exercise of that official's functions (active bribery);

*Amendment*

(a) the promise, offer or giving, directly or through an intermediary, of an advantage of any kind to a public official for that official or for a third party in order for the public official to act or refrain from acting in accordance with his duty or in the exercise of that official's functions, ***or to act in excess of his powers*** (active bribery);

Or. pl

**Amendment 50**  
**Ryszard Czarnecki**  
on behalf of the ECR Group

**Proposal for a directive**  
**Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the request or receipt by a public official, directly or through an intermediary, of an advantage of any kind or the promise of such an advantage for that official or for a third party, in order for the public official to act or to refrain from acting in accordance with his duty or in the exercise of that official's functions (passive bribery).

*Amendment*

(b) the request or receipt by a public official, directly or through an intermediary, of an advantage of any kind or the promise of such an advantage for that official or for a third party, in order for the public official to act or to refrain from acting in accordance with his duty or in the exercise of that official's functions, ***or to act in excess of his powers*** (passive bribery).

Or. pl

**Amendment 51**  
**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu, Vlad Gheorghe**

**Proposal for a directive**  
**Article 15 – paragraph 4 – point f a (new)**

**(fa) When a national official is convicted of a criminal offense under this Directive, the conviction by national judicial authorities shall trigger a comprehensive assessment of the entire wealth associated with that official, as well as their close relatives and partners. This assessment encompasses all financial assets, movable and immovable properties, with the purpose of determining whether the wealth held by the official, relatives, or partners corresponds to the income officially reported by these individuals. In cases where a significant disparity exists between the reported income and the actual assets possessed by the national official or their affiliated individuals, national competent authorities shall initiate a distinct investigation into the matter. If this separate investigation reveals that the assets in question are unexplained wealth or the proceeds of illicit activities, such assets should be subject to seizure and confiscation by national authorities.**

Or. en

**Amendment 52**  
**Carlos Coelho**

**Proposal for a directive**  
**Article 24 – paragraph 1**

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their



respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities.

respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities. ***In order to do that, effective data collection and sharing shall be guaranteed among all the authorities involved, including the swift processing of requests for access by a Member State's investigation services.***

Or. pt

### **Amendment 53**

**Ryszard Czarnecki**

on behalf of the ECR Group

### **Proposal for a directive**

### **Article 24 – paragraph 1**

#### *Text proposed by the Commission*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the

#### *Amendment*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences ***and with due regard for each other's mandates***, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate

competent authorities.

the coordination of investigations and prosecutions by the competent authorities. ***These bodies shall ensure that the actions taken are properly harmonised and that duplication is avoided.***

Or. pl

#### **Amendment 54**

**Gilles Boyer, Alin Mituța, Ilana Cicurel, Olivier Chastel, Michal Wiezik, Ramona Strugariu**

#### **Proposal for a directive**

#### **Article 24 – paragraph 1**

##### *Text proposed by the Commission*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. ***To that end, where appropriate***, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities.

##### *Amendment*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. ***In the pursuit of this objective***, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities ***and the European Public Prosecutor's Office.***

Or. en

#### **Amendment 55**

**Caterina Chinnici**

#### **Proposal for a directive**

#### **Article 24 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities.

*Amendment*

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, ***including the specialised bodies referred to in Article 4,*** Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities.

Or. en

**Amendment 56**

**Isabel García Muñoz, Hannes Heide, Sándor Rónai**

**Proposal for a directive**

**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The entities referred to in the first paragraph will make all necessary efforts to carry out joint actions and to contribute to the design and implementation of EU sectoral policies and spending programmes, as well as in the external action and enlargement process, with a view to building a common anti-corruption culture based on an EU-wide approach.***

Or. en

