COMMISSION PROPOSAL FOR A DIRECTIVE ON COMBATING CORRUPTION - Q3 2023

CONTENT

On 3 May 2023, the Commission presented an anti-corruption package, including a proposal for a directive aimed at combating corruption. Based on Article 83 TFEU, the proposed directive defines criminal offenses and sanctions associated with corruption that is one of the 'areas of particularly serious crime with a cross-border dimension' as outlined in this treaty provision. Moreover, the proposal encompasses measures to enhance preventing and combating corruption, including the requirement to establish independent specialised bodies at the national level.

The proposal mandates that Member States impose 'effective, proportionate, and dissuasive criminal penalties' for various activities, including bribery in both public and private sectors, misappropriation, trading in influence, abuse of function, obstruction of justice, and enrichment from corruption offenses. It provides for criminal liability for not only natural persons but also legal ones, detailing specific sanctions applicable to the latter.

Some national parliaments have expressed doubts regarding the proposal's compliance with the principles of subsidiarity and proportionality.

In the European Parliament, the proposal was referred to the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which appointed Ramona Strugariu (Renew Europe, Romania) as rapporteur. The Committee on Budgetary Control (CONT) will act as associated committee, with Caterina Chinnici (EPP, Italy) serving as rapporteur. The Committee on Legal Affairs (JURI), designated as the committee for opinion, has opted not to provide one.

The rapporteur presented her draft report on 21 September 2023. The CONT Committee presented its opinion (as part of associated committee procedure) on 7 November 2023, proposing multiple amendments to the Commission proposal. The LIBE Committee adopted the report on 31 January 2024. The Committee decision to enter into interinstitutional negotiations was confirmed by plenary on 27 February 2024.

MEPs have put forward various amendments to the Commission's proposal. These include broadening the list of individuals considered persons of interest to encompass 'any person entrusted with tasks of public interest or in charge of a public service.' Additionally, EU decision-makers, such as Commissioners and MEPs, are suggested to be included in the category of 'high-level officials.' The report also mandates that Member States formulate and regularly review national strategies for preventing and
combating corruption. The proposed amendments offer more specificity on sanctions compared to the Commission’s original proposal. Furthermore, new provisions have been introduced concerning the rights of victims and the public involved, particularly in terms of compensation and participation in the proceedings.

References:

- European Commission, Proposal for a directive on combating corruption, COM(2023)234 final, 3 May 2023

Further reading

- Piotr Bąkowski, *Combating corruption in the European Union*, EPRS, December 2023

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