This project is co-funded by the Seventh Framework Programme for Research and Technological Development of the European Union

EU Grant Agreement number: 290529

Project acronym: ANTICORRP

Project title: Anti-Corruption Policies Revisited

Work Package: WP 10, Monitoring anti-corruption legislation and enforcement in Europe

Title of deliverable: D10.1

Background report on international and European law against corruption

Due date of deliverable: 31 October 2014

Actual submission date: 31 October 2014

(Editors): Dia Anagnostou and Evangelia Psychogiopoulou

(Contributors): Dia Anagnostou, Evangelia Psychogiopoulou (ELIEEP(ELIAMEP)); Aram Khaghaghordyan (HERTIE); Andrea Wagner (SAR)

Organisation name of lead beneficiary for this deliverable: ELIEEP (ELIAMEP)

Project co-funded by the European Commission within the Seventh Framework Programme		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
Co	Confidential, only for members of the consortium (including the Commission Services)	

TABLE OF CONTENTS

Executive summary

This report sets the background and the methodology design for the WP10 of the ANTICORRP project. WP10 seeks to explore whether and the extent to which, EU states comply with international anti-corruption norms, as well as their domestic implementation and enforcement. It has four main research objectives: a) to measure state compliance and implementation of international anti-corruption norms in Europe; b) to explore whether international law has an independent causal influence over the anti-corruption laws, policies and practices adopted by EU states; c) to identify patterns of variation of state compliance and implementation, whether cross-national, or across sectors and issue areas; and d) to explore the factors that account for significant variation across sectors or states.

This report provides the empirical and analytical groundwork for pursuing the above research objectives and for defining the appropriate methodology to do so. It is divided into five main parts. In the first part, we briefly present the origins of how the fight against corruption became an issue of interest for the international community and for European and international organisations from the 1970s onwards, but especially since the 1990s. We then define corruption and its various aspects and forms, we discuss the difficulties in arriving at a commonly agreed definition and review some of the criticisms levelled against the legal approach to fighting corruption, as well as in regard to the domestic influence and effectiveness of international and EU law in this area more broadly. In the last part of this background section, we give an overview of the state of corruption in the EU28 on the basis of various indices and assessments compiled by international organisations and non-governmental organisations (NGOs).

The second part of this report provides an overview of European and international legal norms and instruments against corruption, which are directly relevant for EU member states. We review both soft and hard law, describing their origins and how they emerged, the peer-review and monitoring mechanisms that they put in place, and how they work. The third part of the report is conceptual: it defines and analyses the concepts of compliance with, as well as implementation and effectiveness of international law. Most importantly, it conceptualises their relevance and applicability in regard to anti-corruption norms and conventions, and defines a way of measuring state compliance and implementation in this area. The fourth part of this report delineates four sectors or issue areas, which have been targeted by international and European norms against corruption: international economic transactions, conflict of interest, free speech and whistle-blowers' protection and political party funding. The final part of the report defines the appropriate research methodology of the group of studies to be conducted within WP10, and identifies the sources of primary and secondary information and documentation to draw from in pursuing the aforementioned objectives.

International Anti-Corruption Norms and Monitoring Mechanisms in Europe: An Overview of Developments and Analytical Perspectives on State Compliance

1. Introduction

Over the past two decades, the issue of corruption has rapidly entered the agenda of international organisations and the European Union (EU). The profound recognition of the threat that corruption poses to institutional integrity, economic development, and to the rule of law and democracy, not only in developing countries but also at the very heart of developed European democracies, has instilled a strong determination to create rules and mechanisms to fight against it (Heineman and Heimann, 2006: 75-76). Where corrupt practices occur in any significant or widespread degree, they undermine citizens' trust and confidence in the established institutions and rules, and prevent a sense of social justice from taking hold among the society at large. In realising its deeply detrimental consequences, and under pressure by various states and business interests, organisations like the Organisation for Economic Cooperation and Development (OECD), the EU, the Council of Europe (CoE) and the United Nations (UN) have actively been seeking to strengthen the legal norms and policy frames to mitigate corruption. While initially limiting their scope to bribery of foreign officials, international norms and instruments progressively expanded to address various forms of misconduct occurring in domestic institutions and national societies, but also in transnational economic transactions, foreign development aid and organised crime across borders.

In Europe, the political will and the legal arsenal to curb various form of corruption rapidly grew after the dissolution of communist regimes. Early on, the democratisation of the former communist states in Central, Eastern and Southeastern Europe (CESE countries) became closely intertwined with the processes of accession and membership in the CoE and the EU. Both organisations have sought to pressure and influence candidate states to step up their legislation and efforts to combat corruption in conformity with international standards, as a prerequisite for gaining membership (Gadowska, 2010: 188). The ratification and implementation of international and European conventions designed to fight corrupt practices, were prerequisites, evaluated under the EU's political criteria in the preparation of the CESE states for membership (Szarek-Mason, 2010: chapter 4). Apart from the former communist states that are now full members of the EU, the remaining EU Member States have also promoted laws, administrative measures and policies aimed at preventing, investigating and prosecuting corrupt practices.

The establishment of a widespread and well-entrenched consensus on the deeply detrimental consequences of corruption among the international community of states though is relatively new. So is the proliferation of declarations, norms and other standard-setting activities in the international and European landscape. It was not until the 1990s that the first international norms and conventions in this area were drafted and adopted. Perhaps this partly accounts for the pronounced paucity of studies that explore state compliance with and implementation of international anti-corruption norms, in stark contrast to a burgeoning scholarship of state compliance with international law more broadly.

To be sure, the study of corruption in its various forms, its causes and consequences, has been flourishing in the disciplines of economics, comparative politics and policy studies,[1] sociology and international relations and international law (Abbott and Snidal, 2002). However, most studies are either

[1] For an overview of the vast corruption related scholarship, see Rose-Ackerman and Truex (2012).

descriptive, providing overviews of the international legal framework and its origins (Wouters, Ryngaert and Cloots, 2013; Brunelle-Quraishi, 2011), or they examine the causes, manifestations and consequences of corruption in one or more countries (Fritzen, 2006; Persson, Rothstein and Teorell, 2013). By contrast, there have not been studies that systematically examine whether and the extent to which international anti-corruption legislation influences state laws and policies, and whether governments comply with the respective norms. We also lack comparative studies that investigate the factors and conditions under which states comply and implement international norms and rules designed to fight against corruption.

The research designed within the frame of Work Package 10 (WP10) of the ANTICORRP project seeks to start filling the above gap in the scholarly study and knowledge of state compliance with international anti-corruption norms and their domestic effects. WP10 seeks to contribute to the broader and flourishing area of anti-corruption studies by drawing from, but also in turn contributing to, the international relations scholarship about the effects of international law on domestic politics and policies more broadly. Alongside academic scholarship, the WP10 research also seeks to contribute to important policy questions and debates. A central issue that is debated among scholars and non-scholars alike is whether the proliferation of international regulatory activities actually has any positive influence on states' efforts to mitigate corruption, and whether, as a result, resources and energies must be channelled towards developing such activities. Many either assume or explicitly argue that international anti-corruption norms that promote the creation or strengthening of national legal and regulatory frames make a positive contribution in tackling state-level corruption – at least to some degree (Wolf, 2010). However, not few are those who question any direct positive impact, claiming that international regulatory norms have little actual effects. Some even argue that anti-corruption norms and regulations may actually create more problems and incur costs, instead of having any positive benefits in effectively reducing state corruption (Bryane, 2010; Anechiarico and Jacobs, 1996).

The WP10 of the ANTICORRP project will explore whether and the extent to which, EU states comply with international anti-corruption norms, as well as their domestic implementation and enforcement. Our emphasis on the enforcement and implementation among the more developed states of the international system, the EU Member States, is based on the assumption that corruption, whether in the form of bribery of foreign officials, or misconduct among domestic high-ranking government officials, can more readily be exposed and prosecuted in established democracies (see Heineman and Heimann, 2006: 77). We seek to design a research project that pursues the following four main objectives: a) measure state compliance and implementation of international anti-corruption norms in Europe; b) explore whether international law has an "independent" influence over the anti-corruption laws, policies and practices adopted by EU states; c) identify patterns of variation of state compliance and implementation, whether cross-national, or across sectors and issue areas; and d) explore the factors that account for significant variation across sectors or states. In this report, we provide the empirical and analytical groundwork for pursuing these research objectives and defining the appropriate methodology to do so.

This report is divided into five main parts. In the first part, we briefly present the origins of how the fight against corruption became an issue of interest for the international community and for European and international organisations from the 1970s onwards, but especially since the 1990s. We then define corruption and its various aspects and forms, discuss the difficulties in arriving at a commonly agreed definition and review some of the criticisms levelled against the legal approaches to fighting corruption, and the domestic influence and effectiveness of international and EU law in this area more broadly. In the last part of this background section, we give an overview of the state of

corruption in the EU28 on the basis of various indices and assessments compiled by international organisations and non-governmental organisations (NGOs).

The second part of this report provides an overview of European and international legal norms and instruments against corruption, which are directly relevant for EU Member States. We review both soft and hard law, describing their origins and how they emerged, the peer review and monitoring mechanisms that they put in place, and how they work. The third part of the report is conceptual: it defines and analyses the concepts of compliance with, implementation and effectiveness of international law. Most importantly, it conceptualises their relevance and applicability in regard to anti-corruption norms and conventions, and defines a way of measuring state compliance and implementation in this area. The fourth part of this report delineates four sectors or issue areas, which have been targeted by international and European norms against corruption: international economic transactions, conflict of interest, free speech and whistle-blowers' protection, and political party funding. The final part of the report defines the appropriate research methodology of the group of studies to be conducted within WP10, and identifies the sources of primary and secondary information and documentation to draw from in pursuing the aforementioned objectives.

2. Corruption and anti-corruption norms in Europe and beyond

2.1 The slow emergence of anti-corruption norms at the European and international levels

Prior to the 1990s, corruption in developing countries was viewed as unavoidable. It was even seen as desirable in so far as it expedited the implementation of development projects by enabling private economic interests, foreign donors and aid agencies to cut through red tape – a view earlier shared even by the World Bank (Abbott and Snidal, 2002: 158-159; Kubiciel, 2012: 420). However, by the 1980s and especially the 1990s, there was a perceptual sea change, whereby corruption was no longer seen as an instrument facilitating global trade, development and businesses, but was viewed as a major barrier in these areas (Kubiciel, 2012: 419). International condemnation of corruption became vocal and NGOs such as Transparency International (TI) were established to mobilise against it. At the same time, the eruption of a series of bribery scandals in European democratic countries also raised awareness around the issue and underscored that corruption is not only a 'southern' but also a 'northern' problem that must be tackled.

The first efforts of international cooperation in the fight against corruption focused on bribery in the context of international trade (Szarek-Mason, 2010). The story of how the first initiatives to combat transnational bribery came about is all too well known, but it is still worth briefly referring to it here. In the 1970s, revelations of how the US aeronautics manufacturer Lockheed had bribed foreign officials caused an uproar in a society that was in that period also shaken by the Watergate scandal. The 1977 Foreign Corrupt Practices Act (FCPA) prohibited the bribing of foreign officials by American companies. What underpinned the FCPA initiative were concerns about the volatility in share prices resulting from the reliance of companies on major contracts that were often induced by bribes. Thus, the FCPA did not necessarily reveal a high moral standard but more of a utilitarian approach to corruption (Carver, 2003). Moreover, the FCPA attracted the criticism of numerous business groups blaming the act for promoting what they perceived as a competitive disadvantage (see Posadas, 2000).

The growing economic interdependence through the internationalisation of markets of goods, services and financial assets revealed that unilateral nation-based measures, such as the FCPA, were insufficient in addressing transnational corruption. Once the US government made it a criminal offence

for its citizens and businesses to engage in bribery abroad, it could not but persistently pressure for the internationalisation of such rules. Limiting the ability of firms in other states to bribe was essential in order to at least level off the playing field of international commercial interests and business competition.[2] At the same time, globalisation amplified the opportunities for corrupt practices by bringing together actors situated at the opposing ends of the corruption continuum while also making it more difficult to detect such practices due to the surge of offshore financial centres and the proliferation of electronic commerce (Williams and Beare, 1999). The mobilisation of public opinion further galvanised momentum to set up international rules against foreign bribery. Such mobilisation was facilitated by campaigns launched by NGOs like TI, founded in 1993 by Peter Eigen, which was establishing an increasing roster of TI chapters in several European countries. Abbott and Snidal (2002) convincingly demonstrate that both instrumental motivations and value-based commitments on the part of states and non-state actors coexisted and were closely intertwined in the process that led to the internationalisation and legalisation of anti-corruption norms.

The end of the Cold War and the geopolitical developments in Europe accelerated the international workings to establish international standards and rules against corruption. The costs that businesses incurred for engaging in corrupt practices had risen in a context of growing privatisation of state companies and opening up of markets. At the same time, the rationale of enabling allied regimes in the so-called Third World to be financed through corruption faded after the Cold War ended (Kubiciel, 2012: 421-422).[3] In the process of EU enlargement in Central, Eastern and Southeastern Europe, the EU defined the reduction of corruption as a central goal towards enhancing democracy and the rule of law and reforming the public administration of former communist states. In 1997, 28 states signed the OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* (the Anti-Bribery Convention or ABC), as the first global instrument against foreign bribery. In the 1990s, the CoE took the leading role in developing a political strategy and a comprehensive set of norms and rules against corruption in Europe, with the EU soon following suit.

Since the end of communism and the transition to democracy in the 1990s, most, if not all, CESE countries have ratified the main international and European conventions against corruption. The aspiration to gain membership in European institutions, such as the CoE, and the accession process with the EU were central motivating forces behind their willingness to do so. Many scholars see a distinctive pattern of corruption characterising CESE countries (Wolf, 2010; Mungiu-Pippidi, 2006). Since the 1990s, and also following treaty ratifications, CESE countries amended existing legislation and adopted a significant amount of new laws, or perfected existing ones, with the aim of curbing corruption and fraud (Dorhoi, 2007: 21). Until well into the 2000s, CESE anti-corruption laws and policies mainly targeted low level corruption rather than the corrupt practices of high level officials and state capture. Legislation had failed to put into place the necessary checks and balances to ensure the accountability of public officials and transparency of their dealings. In the course of 2000s though, many countries were pressured to adopt legal rules to limit the scope of immunities, conflict of interest, and political influence over institutions and bodies charged with anti-corruption responsibilities, among others (Dorhoi, 2007, 24; Kubiciel, 2012: 431-432). Yet, ongoing and substantial reluctance stems from the fact that promoting such reforms disaffects the personal interests of the same law-makers and government officials who are responsible for enforcing them (Kubiciel, 2012: 432).

[2] For an account of these developments, see Abbott and Snidal (2002).
[3] See also Council of Europe (2014: 112).

2.2 Defining corruption

Corruption is deeply rooted in a wide range of cultural and economic practices. Large variation in its nature and scope across countries has rendered its conceptualisation and definition difficult. It is an umbrella term for a wide range of phenomena involving deception and fraud, bribery and deliberate subordination of common interests to specific interests among others, in a variety of sectors (health, public procurement, private economy, tax collection, political campaigns, etc.) and levels (firm/household, local/regional government, national government, transnational relations). Corruption takes a variety of forms besides bribing, such as embezzlement (appropriation or theft of public resources by an entrusted authority), favouritism (biased distribution of state resources regardless of qualifications), extortion, and trading in influence (the exchange of undue advantages between a public official and an individual) (Council of Europe, 2014: 12-16). A distinction is typically drawn between grand corruption involving high-ranking officials with discretionary power over government policy, and petty corruption. The latter refers to the exchange of small amounts of money or minor favours (may be referred to as 'grease' or facilitation payments) between citizens and lower level officials who often control access to basic services such as health or education. Corruption also has an active and a passive dimension, capturing the offer and the acceptance of a bribe, respectively. In countries afflicted by high levels of systemic corruption, corrupt practices may also occur in the judiciary, undermining the independence and accountability of judges.

How we conceptualise and define corruption is important and has implications for the compatibility and potential effectiveness of international norms and conventions. However, its multifaceted character, as indicated above, makes it difficult to agree on a universal definition of corruption (Szarek-Mason, 2010: 11). In the first place, identifying phenomena that are labelled as corrupt is premised on a clear distinction between private and public spheres, which remains blurred in some societies and countries. The standard and shorthand definition of corruption stresses the (mis)use of public office and power for private gain (Council of Europe, 2014: 12). The corrupt act takes place when the responsible individual or legal entity accepts an illegitimate advantage or reward, such as money or other kind of compensation, or violates conflict of interest rules. While this is undoubtedly a central underlying aspect of most practices that we label as corruption, it does not take into account its highly distinctive manifestations across countries, and its often close association with, if not rootedness in, prevailing societal norms and understandings. Different national approaches to fighting corruption reflect the divergent norms that underpin and sustain practices such as offering a gift to a public employee, i.e. in the healthcare sector. In some countries, such as Germany, this is considered bribery, while in others such as Bulgaria, it is in line with long-standing traditions and practices (see Kubiciel, 2012: 430-431).

The ANTICORRP project has defined in its Milestone Report (Mungiu-Pippidi, 2013) *control of corruption* as the capacity of a society to constrain corrupt behaviour (defined as abuse of public influence for private gain) in order to enforce the norm of individual integrity in public service and politics, as well as to uphold a state that is free from capture by particular interests and therefore able to promote social welfare and the public interest on the basis of ethical universalism (everyone treated similarly). The opposite of a governance regime that has reached control of corruption is one with systemic or institutional corruption consisting in the non-universal allocation of public goods due to particular ties between the office holder and various groups or individuals in the society.

The above generic definition that emphasises the use of public office for private gain also fails to capture the ambivalent and contradictory meanings that complicity with and engagement in corrupt practices may have in particular societies depending on whether they are concentrated among the elites

or they are diffused among the society at large. While phenomena such as bribery and fraud undoubtedly erode the legitimacy basis of a political system, those same practices have in some societies and regimes also been viewed as coping strategies to deal with the distortions and injustices that a system may breed. For instance, in Central and East Europe under state socialism, bribery was widespread as a coping strategy to ease the endemic shortages that the centrally planned economy regularly produced (Gadowska, 2010: 180). Informal and illegal practices that develop at the grassroots level may be as much in complicity with as in opposition to corruption from the top. As it is argued, "'informal practices' are not only forms of compliance and complicity with the 'corrupt system' but also forms of everyday resistance to ineffective governance and reactions to the 'corrupt practices' at the top. Such practices contribute to the spread of corruption but also represent a form of mobilisation against corruption, which presents a problem both in terms of perception and its measurement" (Ledeneva, 2009: 80-81).

Scholars have time and again noted the far-reaching qualitative and quantitative differences in the nature and scope of the same phenomenon that we call bribery and corruption. In the European context, Mungiu-Pippidi (2006: 86-87) argues that this phenomenon is inherently different in Western Europe, where it usually designates "individual cases of infringement of the norm of integrity" that occur as deviations in societies where otherwise equal treatment of all citizens by the state and fair and equal access to public goods for all are prevailing norms and assumptions (universalism). By contrast, in Central-Eastern and South- Eastern Europe, corruption is far more pervasive and intricate because it is strongly rooted in a culture of particularism, where unequal treatment is the norm. Access to public goods and services depends on belonging to a privileged group and on personalised connections, at the antipode of any notion of impartiality and fairness (ibid: 87-89). During the transition to market capitalism, corrupt practices and irregularities were perpetuated in the process of privatisation of state assets and property accumulation.

The far-reaching differences in the manifestations of corruption and the variable degrees of social censure against some practices associated with it make it very difficult to establish common legal and normative standards towards eradicating it. Furthermore, in societies were corruption is widespread, legal mechanisms, such as those promoted by international norms and conventions, are unlikely to be effective as long as the essentials of institutionalised particularism and/or state capture are not dismantled (Fritzen, 2006). In such countries, found not only in Central, Eastern and South-Eastern Europe, but also in other parts of the world, such as the former Soviet Union, Africa, Asia and Latin America, where corrupt practices prevail, terms such as "state capture" are used "to describe contexts in which powerful businesses [such as firms, interest groups, oligarch clans] are able to obtain the passing of favorable legislation or regulation in exchange for the transfer of significant material favors (bribes, equity stakes, informal control) to politicians or legislators" (Council of Europe, 2014: 18).

The pervasiveness of corruption is not only rooted in prevailing social norms, but, as many authors argue, is also strongly dependent on the structure of incentives and cost-benefit calculations that various actors in the public administration, the private sector, the political system or the society at large are faced with in engaging in or reporting corruption, and in collaborating with authorities to put an end to it. The intricacy and pervasiveness of corrupt practices and their variable connection with prevailing social norms in several countries infused corruption with profound ambivalence and uncertainty as to whether it is an evil that must be eradicated. This perhaps partly accounts for the fact that international standard-setting activities in the anti-corruption sector did not gain momentum until the late 1980s and in the 1990s. Once they did, international anti-corruption arguably overlooked the national and cultural specificities in how various practices subsumed under the term of corruption are viewed in different

parts of the world. Significant criticisms have been voiced against the international normative standards in this area that are arguably devised without specifically taking into account the cultural context and background of the societies that are expected to put those into practice. As Ledeneva observes (2009: 76), "the pressure of international organizations on governments to pursue an anti-corruption course […] is associated with prescribed norms of good governance and policies imported into a country in exchange for closer integration in the world community".

2.3 Can international law effectively mitigate corruption in European states?

Existing studies have strongly debated the effects of legal regulation and the effectiveness of complying with international treaties. Kubiciel (2012) argues that the legal approach to anti-corruption has had limited effectiveness because the adopted laws may not be in line with entrenched social norms and practices, or because they are insufficiently enforced by domestic legal and government officials whose interests may be at stake (i.e. in regard to immunities). In a critical appraisal of the monitoring carried out by the CoE Group of States against Corruption (CRECO), Wolf (2010) also raises questions about the validity of its evaluations. Wolf points out that while CESE countries have a good record in complying with and implementing the relevant norms, their citizens still perceive corruption to be widespread, as this is reflected in TI's Corruption Perception Index (CPI) (ibid.: 109). There is an evident disjunction between good compliance with international standards on the one hand, and serious deficiencies in their actual enforcement and effectiveness in reducing corruption on the other (Wolf, 2010: 114; Batory, 2012: 67). Despite a proliferation of laws and a well-developed legal frame in some countries, adopted in compliance with international treaties or EU accession-related criteria to fight against it, corruption in CESE remains rampant (Batory, 2012).

Similarly, Bryane (2010) questions the effectiveness of the legal approach to regulating corruption, and agrees that the ratification of treaties has not led to any discernible reduction in domestic levels of corruption as these are captured in the various indexes and indicators. The new laws (adopted to comply with international and European norms) are either ill-conceived because they ignore the often high monitoring and enforcement costs of regulatory action (such as the cleaning of party finance or the international asset seizure), or they are not being implemented by executive agencies that are particularly prone to corruption, such as the police, customs, and tax inspection agencies.

A main criticism is directed at the criminalisation approach that is predominantly reflected in international instruments against corruption. International conventions, according to Bryane (2010: 280), are ineffective in tackling corruption domestically because they place excessive emphasis on the criminalisation while overlooking the need to provide incentives to civil servants (i.e. by diminishing responsibility of the superiors for the corrupt activities of their subordinates) to cooperate, detect and report bribery and corruption. Furthermore, the criminalisation of corruption and severity of penalties imposed when detected is not effective if it does not alter the structure of incentives for those whose behaviour it seeks to alter, i.e. for citizens who are expected to report related incidents or abstain from corrupt practices (Batory, 2012).

Despite the compelling challenges to legal approaches in combating fraud and corruption, as well as the strong reservations voiced about the effectiveness of the corresponding international norms in this regard, we start from the assumption that legal regulation is an indispensable component of any anti-corruption strategy. Having a set of laws that recognise the various forms that corruption and bribery practices can take, as well as the need to condemn and eradicate them in defence of the rule of law, democracy and social justice, is an essential precondition. Few would deny that a legal frame

against corruption is a necessary, even if not sufficient condition, in the process of seeking to mitigate it. Involving both public and private actors, a diffused and multifaceted set of practices in a number of countries that partly extend across state borders, international cooperation, and politically divisive and possibly costly action, corruption is a highly intricate and complex phenomenon to disentangle. The CoE instruments encompass a wide range of criminal and civil aspects with a corresponding set of norms aimed at extricating such a complex phenomenon.

2.4 Overview of the state of corruption in EU28

The first EU Anti-Corruption Report (European Commission, 2014) states that corruption continues to be a challenge for Europe and costs the European economy approximately €120 billion per year.[4] According to the Report, anti-corruption rules are not always vigorously enforced, systemic problems are not tackled effectively, and the relevant institutions do not always have sufficient capacity to enforce the rules. Declared intentions are still too distant from concrete results, and genuine political will to eradicate corruption often appears to be missing.

The majority of Europeans consider corruption to be a systemic problem, albeit more in some countries than in others. The results of the special Eurobarometer Report on Corruption,[5] prepared on the basis of a survey conducted in 2013, show that three quarters (76%) of Europeans think that corruption is widespread[6] and more than half (56%) think that the level of corruption in their country has increased over the past three years. According to the Eurobarometer survey, three quarters of Europeans (73%) say that bribery and the use of connections is often the easiest way of obtaining certain public services in their country.[7] Around one in 12 Europeans (8%) say that they have experienced or witnessed a case of corruption in the past 12 months,[8] yet, only 12% of those who have encountered corruption say that they reported it. Another 2013 Eurobarometer survey, the business focused Flash survey, shows that at the European level, more than four out of 10 companies consider corruption to be a problem for doing business, including practices of patronage and nepotism.[9] When asked specifically whether corruption *is a problem for doing business*, 50% of the respondents from the construction sector and 33% of the respondents from telecommunications/information technology (IT)

[4] According to ANTICORRP's own calculation that if EU Member States would all manage to control corruption at the Danish level as a benchmark, tax collection in Europe would bring in yearly about €323 billion more, so the double of the EU budget for 2013 (Mungiu-Pippidi and Martínez B. Kukutschka, 2013).

[5] See Special Eurobarometer 397, 'Corruption', February 2014. A total of 27,786 persons (representative sample) participated in this survey in late February and early March of 2013. The survey dealt with corruption perception generally, personal experience with corruption as well as attitudes towards favours and gifts. It is available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf (date accessed 25/9/2014).

[6] The countries where respondents are most likely to think corruption is widespread are Greece (99%), Italy (97%), Lithuania, Spain and the Czech Republic (95% each).

[7] This belief is most widespread in Greece (93%), Cyprus (92%), Slovakia and Croatia (89% each).

[8] Respondents are most likely to say they have experienced or witnessed corruption in Lithuania (25%), Slovakia (21%) and Poland (16%) and least likely to do so in Finland and Denmark (3% each), Malta and the UK (4% each).

[9] This Flash Eurobarometer survey, which was a phone-based survey, covered six sectors in EU28. Businesses from the energy, healthcare, construction, manufacturing, telecommunications and financial sectors were requested to provide their opinion. The survey was launched for the first time in 2013 and was carried out between 18 February and 8 March. It is available at: http://ec.europa.eu/public_opinion/archives/flash_arch_374_361_en.htm#374 (date accessed 25/9/2014).

companies felt it was a problem to a serious extent. The smaller the company, the more often corruption and nepotism were considered as problematic in doing business.[10]

According to one of the most influential indices on corruption, namely the World Bank's Worldwide Governance Indicators' (WGI) Control of Corruption, while many EU Member States are doing quite well in the rankings, there are some states that are lagging behind (see Table 1).

Table 1
WGI Control of Corruption 2012

Country	Score	EU rank	Global rank
Denmark	2.39	1	1
Sweden	2.31	2	3
Finland	2.22	3	5
Netherlands	2.13	4	8
Luxembourg	2.12	5	9
Iceland	1.86	6	12
Germany	1.78	7	14
United Kingdom	1.64	8	17
Belgium	1.55	9	20
Ireland	1.45	10	21
France	1.42	11	22
Austria	1.35	12	24
Cyprus	1.24	13	32
Spain	1.05	14	39
Estonia	0.98	15	40
Malta	0.96	16	43
Portugal	0.93	17	46
Slovenia	0.81	18	54
Poland	0.59	19	60
Lithuania	0.31	20	72
Hungary	0.28	21	75
Czech Republic	0.23	22	77
Latvia	0.15	23	79
Italy	-0.03	24	89
Croatia	-0.04	25	90
Bulgaria	-0.24	26	101
Greece	-0.25	27	103
Romania	-0.27	28	104

Note: WGI's Control of Corruption is measured on a scale from -2.5 (most corrupt) to 2.5 (least corrupt);
Data Source: World Bank (2012)

[10] Corruption is most likely to be considered a problem when doing business in the Czech Republic (71%), Portugal (68%), Greece and Slovakia (both 66%).

While Denmark, Sweden, Finland, the Netherlands and Luxembourg are among the top five, in the EU Member States' ranking, many Members States, including older members (such as Italy and Greece), are not doing so well in terms of controlling corruption: Bulgaria, Croatia, Greece, Italy and Romania are in the bottom five. Moreover, there is a big gap between the countries with good anti-corruption performance, and those with a poor record. For example, while Denmark is first in the ranking, Bulgaria, Greece and Romania are ranked 101st, 103rd, and 104th respectively. Such great differences among EU Member States make it all the more challenging to adopt instruments and create mechanisms that will effectively fight corruption across the EU28.

3. European and international law against corruption: norms and monitoring mechanisms

3.1 The EU in the fight against corruption: hard and soft law instruments

Given the lack of the EU's explicit competence in the area of corruption, it is no surprise that its interventions in this area have mostly been by means of soft law, except where the vital financial interests and the resources of EU institutions are affected. Since the mid-1990s, a variety of resolutions, action plans and strategies have been put forth by the EU to combat corruption and organised crime. Such initiatives became more resolute at the turn of the millennium, acquiring heightened significance with the creation of an *area of freedom, security and justice* as a main goal of the EU, and after the accession process in Central, Eastern and Southeastern Europe. [11]

In its 1996 *Resolution on Combating Corruption in Europe*, the European Parliament called on the Council of the EU (Council) to issue recommendations to the Member States to take appropriate and effective anti-corruption measures in connection with the protection of the EU's financial interests (European Parliament, 1996). It also called on Member States to define bribery and the acceptance of bribes as offences and to waive or appropriately reduce the penalties for criminals who, prior to being discovered, voluntarily reveal their crimes and help to expose other crimes. The Council, in its *1997 Action Plan against organised crime*, advocated a comprehensive policy against corruption, primarily focusing on preventive measures (Council of the EU, 1997a). The European Commission in turn suggested measures, including the banning of tax deductibility of bribes, rules on public procurement procedures, and the introduction of accounting and auditing standards, with a view to formulating an EU strategy on corruption both within and outside the EU borders (European Commission, 1997). The *1998 Vienna Action Plan*, the *Tampere European Council* in 1999 and the *2000 Millennium Strategy on the Prevention and Control of Organised Crime* noted the need for the approximation of national legislations in the fight against corruption and organised crime, and urged anew the Member States to ratify the EU and CoE anti-corruption instruments (Council of the EU and European Commission, 1998; European Council, 1999; Council of the EU, 2000).

Through further soft law action, the EU institutions in 2003 defined principles for improving the fight against corruption in acceding, candidate and other third countries. They also called on Member States to render active and passive corruption in the private sector criminal offences, for which legal persons could be held liable (Council of the EU, 2003). In its *Resolution on Aid Effectiveness and Corruption in Developing Countries*, adopted in 2006, the European Parliament called on the European Commission, when designing its development programmes, to focus more specifically on issues of

[11] In 2002, Article 29 of the Treaty on European Union listed the prevention and combating of corruption, organised or otherwise, as one objective enabling the creation and safeguarding of a European area of freedom, security and justice. See Treaty on European Union, OJ C 325/5, 24 December 2002.

accountability and transparency, since weak accountability mechanisms tend to facilitate corruption (European Parliament, 2006). It also called for more transparency in programmes for budget aid granted by the EU, including the requirement to publish relevant information about the aid spent in the recipient country and involve parliaments and inform civil players in this process. In 2011, in its *Communication on Fighting Corruption in the EU* (European Commission, 2011a), the European Commission set up a new mechanism, the EU Anti-Corruption Report (European Commission, 2011b). Supported by an expert group (European Commission, 2011c) and a network of research correspondents, the EU Anti-Corruption Report aims to monitor and assess Member States' efforts against corruption, and consequently encourage more political engagement. Published every two years,[12] the report seeks to: provide a fair reflection of the achievements, vulnerabilities and commitments of all Member States; identify trends and weaknesses that need to be addressed; and stimulate peer learning and exchange of best practices. Alongside this mechanism, the EU envisages participating in the CoE's *Group of States against Corruption* (GRECO) (European Commission, 2012), discussed further below.

The EU has adopted two hard law instruments against corruption, narrowly defined in connection to its financial interests, which apply to all 28 Member States. The first hard law instrument, the *Convention on Protection of the European Communities' Financial Interests* (Council of the EU, 1995a), deals with fraud affecting EU revenue and expenditure. It was adopted by the EU in 1995 and entered into force in 2002. The Convention's definition of fraud also covers the corrupt act of embezzling EU funds, and calls on Member States to take the necessary and appropriate measures to transpose this definition into their national criminal law and render it a criminal offence (art. 1). The 1996 *Protocol to the Convention on the Protection of the European Communities' Financial Interests* (Council of the EU, 1996a) deals specifically with corruption, involving national and EU officials, that damages, or is likely to damage, the EU's financial interests. In May 1997, a *Second Protocol to the Convention on the Protection of the European Communities' Financial Interests* was introduced (but only entered into force in 2009), requiring states to ensure that legal persons can be held liable and punished accordingly for fraud, active bribery and money laundering, which damage or are likely to damage the European Communities' financial interests (Council of the EU, 1997b). In the event of disputes between EU countries as to the interpretation or application of the *Convention on the Protection of the European Communities' Financial Interests* or its protocols, the case must first be examined within the Council. If the Council does not find a solution within six months, a party of the dispute may ask the Court of Justice of the European Union (CJEU) for advice.

In 1997, the Council adopted what can be considered as the most important anti-corruption instrument of the Union, the *Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union* (Council of the EU, 1997c), which entered into force in 2005. The Convention requires parties to criminalise the request from or receipt by a public official of any advantage or benefit in exchange for the official's action or omission in the exercise of his/her functions ("passive corruption", art. 2), and the promise or giving of any such advantage or benefit to a public official ("active corruption", art. 3). In serious cases, criminal charges could include penalties involving deprivation of liberty, which can give rise to extradition (art. 5). In addition, Member States must take the necessary measures to allow heads of businesses, or any persons having power to take decisions or exercise control within a business, to be declared criminally

[12] The first Anti-Corruption Report was published in January 2014. Besides paying particular attention to lingering problems in public procurement, it also highlighted incidences of corruption in the healthcare system, in party financing, and at the level of local government. See European Commission (2014).

liable in cases of active corruption by a person under their authority, or by a person acting on behalf of the business (art. 6). On 3 December 1998, an Explanatory Report was adopted by the Council that provides a detailed commentary on the Convention (Council of the EU, 1998).

The central body with the specific task to detect and combat corruption damaging the EU's financial interests is the European Anti-Fraud Office (OLAF), established in 1999 (European Commission, 1999). OLAF protects the financial interests of the EU by investigating fraud, corruption and any other illegal activities. It also detects and investigates serious matters relating to the discharge of professional duties by members and staff of the EU institutions and bodies that could result in disciplinary or criminal proceedings. OLAF's additional competences include the support of EU institutions, in particular the European Commission, in the development and implementation of anti-fraud legislation and policies, and fraud investigations across all EU Member States and within the European institutions themselves. OLAF can conduct two types of investigations: internal and external (European Parliament and Council of the EU, 1999; Council of the EU, 1999). Internal investigations are conducted by OLAF within the EU institutions, bodies, offices and agencies (European Parliament, Council of the EU and European Commission, 1999). External investigations involve OLAF's intervention in the Member States and they are governed by formal EU legislation (Council of the EU, 1995a; 1996b).

In addition to the above tasks, OLAF has twice examined the implementation by Member States of the *Convention on the Protection of the European Communities' Financial Interests* and its protocols. The first examination was carried out in 2004 (European Commission, 2004) and it focused on the implementation of the Convention and its protocols by the 15 EU Member States prior to the enlargement of 1 May 2004. Although the examination concluded that progress had been made in the criminal law protection of the then European Communities' financial interests thanks to the national legislation adopted by the EU countries, it expressed regret that none had taken all the measures needed to fully comply with the Convention. In the second report (European Commission, 2008), the European Commission examined the progress made by the 27 EU Member States in ratifying and implementing the instruments for protecting the European Communities' financial interests. The report highlighted the problems arising from the frequent delays in ratification and from cases of incorrect implementation. In the end, all Member States were invited to improve their efforts to reinforce their national criminal legislation to protect the European Communities' financial interests by addressing the shortcomings identified in the report.

At the EU level there are also several instruments that address corruption indirectly, namely in the field of public procurement. There is a so-called "classical" directive on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (European Parliament and Council of the EU, 2004a) and a "sector" directive coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (European Parliament and Council of the EU, 2004b). In addition, there is also an interpretative communication, issued by the European Commission, on the EU legislation applicable to contract awards not or not fully subject to the provisions of the public procurement directives (European Commission, 2006). This interprets existing EU case-law and suggests best practices to comply with internal market requirements, including a minimum of transparency and non-discrimination when awarding low-value contracts.

3.2 The Council of Europe conventions and the Group of States against corruption

From 1990 onwards, the CoE followed the international trend of legalising the combat of anti-corruption and began to actively engage in the establishment and adoption of relevant norms and mechanisms. The end of the Cold War, the democratisation and EU accession of the former communist states in Central, Eastern and Southeastern Europe and the regime transitions in the countries of the former Soviet bloc were additional developments that strengthened a more active engagement (see Wouters, Ryngaert and Cloots, 2012: 5-13, 22). The approach of the CoE and of the relevant working groups and bodies that it set up to curb corruption was a broad one, reflecting the view that it was not merely a phenomenon that was only problematic because of the economic distortions and costs that it caused (the approach prevailing in the World Bank and the OECD). Instead, corruption was understood to be a far more intricate and multifaceted phenomenon that affected the political system and the efforts to build or maintain a robust democracy, and undermined the workings of the public administration and the building of citizens' trust in government and democracy. Therefore, the most important instruments adopted by the CoE, the *Criminal Law Convention on Corruption* (Criminal Law Convention) and the *Civil Law Convention on Corruption* (Civil Law Convention), both have a wide scope, reflecting the CoE's comprehensive approach to the fight against corruption as a threat to democratic values, the rule of law, human rights, and social and economic progress.

One of the early CoE instruments implicitly dealing with corruption was the *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* adopted in 1990 (the 1990 Convention) (Council of Europe, 1990). It was opened for signature on 8 November 1990 and entered into force on 1 September 1993. Currently it has been signed and ratified by 48 states, but countries are permitted to make reservations to its application. Parties to the 1990 Convention are required to criminalise the laundering of the proceeds of crime and to confiscate instrumentalities and proceeds (or property of value equal to that of the proceeds from corruption). In 2005, a more detailed instrument was adopted, namely the CoE *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism* (Council of Europe, 2005). This entered into force in 2008 and was the first international treaty covering both the prevention and the control of money laundering, and the financing of terrorism.

In the second half of the 1990s, the Committee of Ministers (CoM) of the CoE adopted the *Twenty Guiding Principles for the Fight against Corruption* (Twenty Guiding Principles) (Committee of Ministers, 1997), which formed a stepping stone for the first hard law instrument of the CoE directly concerned with corruption. Despite their non-binding character, these principles are regularly invoked in the ongoing process of monitoring states' performance by GRECO (see below). The principles highlight the need for specialised institutions and persons in the area of detection, investigation, prosecution and adjudication of corruption offences. Their normative content and standards were incorporated in the *Criminal Law Convention*, which was negotiated among the CoE states in 1998 together with the participation of a number of non-member observer states, including Canada, Japan, Mexico and the USA (Council of Europe, 1999a). It was adopted in Strasbourg, France, on 4 November 1999 and entered into force on 1 July 2002. As of August 2014, it was signed by 50 and ratified by 45 states.

The *Criminal Law Convention* covers active and passive[13] bribery of domestic and foreign public officials, national and foreign parliamentarians and members of international parliamentary

[13] Article 2 of the Criminal Law Convention defines "active bribery" as "the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions." Article 3 of the Criminal Law Convention defines "passive bribery" as "the request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for

assemblies, as well as of judges and officials of international courts, while also extending its scope to the private sector. In addition, it covers active and passive trading in influence (art. 12); money laundering of proceeds from corruption offences (art. 13); and accounting offences (invoices, accounting documents, etc.) connected with corruption offences (art. 14). It also incorporates provisions concerning aiding and abetting (art. 15), immunity (art. 16), criteria for determining the jurisdiction of states (art. 17), corporate liability (art. 18), the setting up of specialised anti-corruption bodies (art. 20), protection of persons collaborating with investigating or prosecuting authorities (art. 22), gathering of evidence and confiscation of proceeds (art. 23).

A pioneering aspect of the *Criminal Law Convention* is that it extends criminal responsibility for bribery to the private sector, which is absent in the OECD Anti-Bribery Convention (discussed in the following section). This reflects recognition of the need to limit the differences in the rules applicable to the private and public sector, which becomes especially important in view of the transfer of public functions to the private sector. The weakness of the *Criminal Law Convention* is that it is open to reservations but there was an appeal by the CoM to states to limit as much as possible their reservations. In 2003, the *Additional Protocol to the Criminal Law Convention* (Council of Europe, 2003) extended the scope of the *Criminal Law Convention* to arbitrators in commercial, civil and other matters. It requires from the states that have ratified it to adopt the necessary measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors.

In November 1999, the CoE adopted the *Civil Law Convention* (entered into force in 2003), which defined common international rules in the field of civil law and corruption (Council of Europe, 1999b). Unlike the *Criminal Law Convention* and its *Additional Protocol*, the *Civil Law Convention* does not allow for any reservations (art. 17). It requires States Parties to provide in their internal law for effective remedies for persons who have suffered damage as a result of acts of corruption, and to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage. Corruption is broadly defined as the "requesting, offering, giving or accepting of a bribe or any other undue advantage or the prospect thereof" (art. 2), which gives the *Civil Law Convention* a relatively wide scope. The *Civil Law Convention* further deals with compensation for damage (art. 3), liability (including state liability for acts of corruption committed by public officials) (arts. 4 and 5), contributory negligence (art. 6), limitation periods (art. 7), validity of contracts (art. 8), whistle-blower protection (art. 9), accounts and audits (art. 10), the acquisition of evidence (art. 11), interim measures (art. 12) and international cooperation (art. 13).

Centering on the Civil and Criminal Law Conventions, but not limited to those,[14] the wide range of anti-corruption norms adopted by the CoE instruments are accompanied by a well-established monitoring and implementation mechanism. Responsibility rests with GRECO, which was established in 1999 as a flexible follow-up mechanism, aimed at evaluating and monitoring domestic compliance through a process of mutual evaluation and peer pressure. Full GRECO membership has been reserved to CoE members that accept to be evaluated and actively form part of its monitoring process. States that are not members of the CoE can join GRECO. GRECO's review procedures include country self-assessments, on-site visits by experts, plenary discussions with state appointed permanent representatives, and the publication of reports containing country recommendations and the assessment of the national measures taken for their uptake. GRECO's objective is to generate pressure for

himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions."

[14] The additional soft law instruments include the *Twenty Guiding Principles,* as well as the *Model Code of Conduct for Public Officials* and the *Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.*

improving the capacity of its members to fight corruption by monitoring their compliance with the CoE anti-corruption standards. It seeks to do so by identifying deficiencies in national anti-corruption policies, and by promoting the necessary legislative, institutional and practical reforms. The evaluation reports examined and adopted by GRECO contain recommendations to the countries under review, aimed at improving their level of compliance with the provisions under consideration.[15] Measures taken to implement the recommendations are subsequently assessed by GRECO under a separate compliance procedure.[16]

So far, GRECO has conducted four rounds of evaluation and compliance monitoring, each one dealing with specific provisions of the Twenty Guiding Principles (and associated provisions of the *Criminal Law Convention*). The first evaluation round, launched on 1 January 2000, dealt with several issues, including the independence, specialisation and means of the national bodies engaged in the prevention and fight against corruption, and the extent and scope of immunities of public officials from arrest and prosecution. The second evaluation round, launched on 1 January 2003, focused on the identification, seizure and confiscation of corruption proceeds, the prevention and detection of corruption in public administration, and the prevention of legal persons (corporations, etc.) from being used as shields for corruption. The third evaluation round, launched on 1 January 2007, addressed the incriminations provided for in the *Criminal Law Convention* and the transparency of party funding. GRECO's fourth evaluation round, launched on 1 January 2012 and still ongoing, deals with the prevention of corruption in respect to members of parliament, judges and prosecutors. It covers a range of issues including: ethical principles and rules of conduct; conflict of interest; prohibition or restriction of certain activities; declaration of assets, income, liabilities and interests; enforcement of the rules regarding conflicts of interest; and awareness of the legal framework and expected conduct more broadly.

The legal standard-driven work of GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The compliance reports and addenda thereto adopted by GRECO contain an overall conclusion, on the basis of which GRECO decides whether to terminate the compliance procedure in respect of a particular state. Interestingly, GRECO's Rules of Procedure[17] foresee a special procedure, based on a graduated approach, for dealing with country members whose response to the recommendations made has been found to be globally unsatisfactory.

3.3 The OECD anti-corruption treaties and instruments

As early as 1989, the OECD began working on international bribery at the initiative of the United States. The initial steps in establishing multilateral measures and treating corruption as a transnational

[15] The *evaluation process* follows a well-defined procedure, where a team of experts is appointed by GRECO for the evaluation of a particular member. The conclusions of the evaluation reports may state that domestic legislation and practice comply – or do not comply – with the provisions under scrutiny. The conclusions may lead to *recommendations*, which require action within 18 months, or to *observations* which members are supposed to take into account but are not formally required to report on in the subsequent *compliance procedure*.

[16] The *compliance procedure* is one of the strengths of GRECO's monitoring. The assessment of whether a recommendation has been implemented (satisfactorily or partly) or has not been implemented, is based on a situation report, which is accompanied by supporting documents submitted by the member under scrutiny 18 months after the adoption of the evaluation report.

[17] Available at: http://www.coe.int/t/dghl/monitoring/greco/documents/Greco(2012)26_RulesOfProcedure_EN.pdf (date accessed 25/9/2014).

policy problem involved the creation in 1989 of an OECD ad hoc working group responsible for carrying out a comparative review of national jurisdiction over offences occurred in a domestic or foreign context. In addition, the working group focused on administrative, criminal, civil and commercial laws, accounting requirements, banking and financial provisions, and laws and regulations concerning public subsidies and contracts. Although the review revealed that some countries had effective legislation when it came to the bribery of foreign public officials, a stronger multilateral initiative was considered to be necessary. Thus, as a first response, the OECD Ministerial Council adopted the *Recommendation on Bribery in International Business Transactions* (OECD Council, 1994). The Recommendation considered bribery to be a "widespread phenomenon in international business transactions, including trade and investment, raising serious moral and political concerns and distorting international competitive conditions".[18] It urged member countries to take effective measures to "deter, prevent and combat the bribery of foreign public officials" in international business transactions.[19] In 1996 the OECD also adopted the *Recommendation on the Tax Deductibility of Bribes to Foreign Public Officials*, calling on member countries to deny such deductibility since it distorted fair competition (OECD Council, 1996). At the same time, the *Working Group on Bribery in International Business Transactions* (WGB) was set up with the responsibility to determine the most effective approach in criminalising bribery in international business transactions. In rejecting the idea of introducing identical provisions, the WGB instead agreed on *functional equivalence* and minimal uniformity, emphasising that differences in national legislation could be tolerated as long as they translated to equally effective anti-bribery measures.

The above-mentioned initiatives and cooperation laid the foundations for the 1997 OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* (Anti-Bribery Convention) (OECD, 1997). Twenty-six OECD Member States and five non-Member States adopted it.[20] Before the Anti-bribery Convention came into force on 15 February 1999, international corruption was happening in a 'legal vacuum' (Galtung and Pope, 1999: 259). Currently, 41 countries are parties to the Anti-Bribery Convention. The Anti-Bribery Convention consists of 17 articles and is only focused on active bribery of foreign public officials. A "bribe" is defined as an "…offer, promise, or giving of any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business" (art. 1).

The WGB, composed of government experts from participating countries, is responsible for monitoring state compliance with the standards contained in the Anti-Bribery Convention and the related recommendations, on the basis of specifically agreed upon principles.[21] Review and monitoring take place in three phases. Phase 1 evaluates the adequacy of a country's legislation to implement the Anti-Bribery Convention. Phase 2 assesses whether a country is applying this legislation effectively. It includes country visits in which a team of examiners meets with government representatives, and civil society and private sector representatives. The evaluation process includes both self-evaluation (countries respond to a questionnaire) and mutual evaluation (each country is examined in turn by the WGB, with teams made up of members from different participating countries). For each country

[18] See Preamble, OECD Council (1994).
[19] Ibid., para. I.
[20] The non-members were Argentina, Brazil, Bulgaria, Chile and the Slovak Republic.
[21] Country Monitoring Principles for the OECD Anti-Bribery Convention, available at: http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/countrymonitoringprinciplesfortheoecdanti-briberyconvention.htm (date accessed 25/9/2014).

reviewed, the WGB adopts and publishes a report which includes an evaluation of the country's performance. Phase 3 focuses on maintaining an up-to-date assessment of the structures put in place by parties to the Anti-Bribery Convention in order to enforce the laws and rules that implement the Anti-Bribery Convention and other applicable OECD instruments. It involves a shorter and more focused evaluation than phase 2, and concentrates on the following three pillars: a) progress made by parties to the Anti-Bribery Convention on weaknesses identified in phase 2; b) issues raised by changes in the domestic legislation or institutional framework of the parties; and c) enforcement efforts and results, and other key group-wide cross-cutting issues. All the country monitoring reports are published on the OECD website.[22]

Besides the Anti-Bribery Convention, the OECD has developed a variety of soft law anti-bribery and integrity-related instruments, frequently employed by the WGB. These soft law instruments vary in scope from narrow to wide. The instruments, which are narrow in scope, focus on such aspects as disallowing the tax deduction of bribes to foreign public officials or combating bribery in international business transactions that benefit from official expert credit support. They also attempt to disrupt the flow of bribes from foreign companies to public officials by suggesting best practices in making companies liable for such bribes. The instruments, which are broad in scope, have the goal to strengthen integrity in the public sector. They consist of different sets of principles and guidelines that call on States Parties to take action ensuring well-functioning institutions and systems for promoting ethical conduct and managing conflict of interest in public service. They focus on enhancing integrity throughout the entire public procurement cycle and providing decision makers with directions and guidance to foster transparency and integrity in lobbying.

3.4 The United Nations instruments against corruption

In the UN, corruption as a tool of organised crime was addressed in 2000 by the *United Nations Convention against Transnational Organised Crime* (United Nations, 2000).[23] Within the UN General Assembly, however, there emerged a common understanding that there was need for an international legal instrument against corruption as such (Webb, 2005: 204). The first global agreement comprehensively addressing corruption is the 2003 *United Nations Convention against Corruption (*UNCAC) (United Nations, 2003).[24] The ratification of UNCAC (entered into force in 2005) has been high on the agenda of the global anti-corruption movement, representing "a crucial step in building a worldwide framework to combat corruption" (Heimann and Dell, 2006: 1). UNCAC identifies a much wider range of offences than other anti-corruption conventions, going well beyond defining corruption as bribery, and calls on State Parties, by means of article 5 "[…] to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability". This article reflects the conviction of the States Parties that anti-corruption measures should be embedded in coordinated policies instead of being carried out in isolation or an ad hoc manner.

[22] The country monitoring reports are available at: http://www.oecd.org/daf/anti-bribery/countryreportsontheimplementationoftheoecdanti-briberyconvention.htm (date accessed 25/9/2014).

[23] United Nations (2000). It was adopted by the UN General Assembly by Resolution 55/25 on 5 December 2000, 40 I.L.M. 353, and entered into force on 19 September 2003.

[24] United Nations (2003). It was adopted by the UN General Assembly by Resolution 58/4 on 31 October 2013, 2349 U.N.T.S. 41.

UNCAC rests on four pillars: prevention, criminalisation, international cooperation, and asset recovery. However, the majority of the UNCAC requirements are practical and fairly demanding in so far as states seek to accomplish their underlying goals. By becoming a party to UNCAC, states display their willingness to resist corruption, but the positive effects of such initiative quickly fade, if governments do not attempt to seriously fulfil the obligations of the Convention. UNCAC requires from the governments of the countries that join it to achieve at least the following:

- Adopt preventive anti-corruption policies and practices;
- Establish and operate a preventive anti-corruption body or bodies;
- Establish and enforce codes of conduct for public officials;
- Establish and operate appropriate systems of public procurement and management of public finances based on transparency, competition and objective criteria;
- Establish public reporting mechanisms; and
- Promote the active participation of society in the prevention of and fight against corruption.

Most of the UNCAC provisions require States Parties to enact new laws or incorporate and amend the existing laws. However, the obligations that are inscribed in the different provisions of the Convention vary in terms of how binding they are, ranging from being mandatory to optional (Babu, 2006).

UNCAC offers a comprehensive reference framework for anti-corruption work and provides new opportunities to orient policies and anti-corruption measures at the national level. However, it also poses considerable new challenges. In 2006, TI set up a study group to examine the implementation of the Convention, which pointed to the need for a strong follow-up monitoring programme (Heimann & Dell, 2006). After slow progress of the signatories towards developing a consensus about the nature of the review mechanism and its terms of reference, States Parties meeting in Doha in 2009 called for the adoption of an "effective, transparent and inclusive mechanism for the review of implementation" (Conference of the States Parties to the UN Convention against Corruption, 2009). The newly established Review Mechanism set up the Implementation Review Group, an open-ended intergovernmental group of States Parties, which operates under the authority of and reports to the Conference of the States Parties to UNCAC. Meeting bi-annually in Vienna, the Implementation Review Group supervises the review process in order to identify challenges and good practices. It also considers technical assistance requirements in order to ensure the effective implementation of the Convention (Conference of the States Parties to the UN Convention against Corruption, 2011). The review of each State Party is conducted by two peer governments supported by the UN Office on Drugs and Crime (UNODC) in Vienna, which serves as the secretariat for UNCAC.

The UNCAC review process is overseen by the Implementation Review Group, and consists of the following three-steps: a) a self-assessment report is produced by the country under review by completing a comprehensive checklist; b) the self-assessment report is reviewed by experts from two countries, and this phase may include a country visit if requested by the country under review; and c) the reviewers produce a final country report, which is finalised in agreement with the country being reviewed.[25] The process is divided into two five-year cycles: the first cycle (2010-2014) review of

[25] The Conference of the States Parties to the UN Convention against Corruption endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports as finalised by the Group at its first session and the practices followed by it with regard to the procedural issues arising from the drawing of lots. See Conference of the States Parties to the UN Convention against Corruption (2009) and U4 Anti-Corruption Resource Centre (2013).

Chapter III (Criminalisation and Law Enforcement) and IV (International Cooperation); and the second cycle (2015-2019) review of Chapter II (Preventive Measures) and V (Asset Recovery) (Transparency International, 2013a: 2). However, according to TI, the review process is significantly behind schedule with approximately 120 country reviews still to be completed in the two years remaining in the first cycle of reviews. In addition, no follow-up process has been established to address the implementation by governments of the recommendations made in the country reviews (ibid.: 4).

4. State compliance, implementation and effectiveness: concepts and definitions

Over the past 15 years, studies on compliance with international law have boomed, attracting massive interest among international relations, international law and comparative politics scholars (for an overview, see Simmons, 2010). A large amount of theoretical and empirical work in this field has shifted attention to the expanded processes of legalisation observed in world politics. Legalisation involves the adoption of legally binding rules at the international level in a wide range of sectors and issues ranging from environmental protection, trade, human rights, landfill mines, or nuclear weapons, as well as anti-corruption. It is a particular form of institutionalisation that takes place through the decision of groups of states to impose international legal constraints on governments in particular issue areas (Goldstein *et al.*, 2000).

Codifying normative principles into international legally binding commitments increases the perceived and actual importance for states to adhere to those principles, along with the reputational and other costs that flouting those norms may mean. Furthermore, it empowers domestic groups to appeal to internationally recognised norms in order to pressure governments for change, and influences judges and state officials to reconceptualise what is lawful and what is not (Abbott and Snidal, 2002: 151). The proliferation of norms and the creation of international bodies to monitor state adherence with those norms is an extremely important phenomenon that has been changing the nature of world politics and traditional precepts of state sovereignty. Such proliferation is nowhere as pronounced as it is in Europe where a wealth of international and supranational institutions and legal rules create an especially dense and binding normative frame beyond the state.

The growth of international legal norms against corruption, which we reviewed in the previous sections, is one area of international legalisation, which has received relatively limited attention. In contrast to the numerous studies across disciplines exploring the factors that led to the creation of international legal arrangements to fight against corruption and probing into the causes of corruption and different approaches of how to tackle it, domestic compliance with international legal standards in this area has not so far formed the object of extensive analysis. In part, and as already mentioned in the beginning of this report, such limited attention is due to the relatively recent adoption of international treaties and their ratification by states.

International anti-corruption norms and institutional arrangements often blend elements of ‘hard’ and ‘soft’ law. Scholars typically distinguish between ‘hard’ and ‘soft’ law along three dimensions: bindingness, precision and delegation (see Abbott and Snidal, 2000: 421-422). ‘Hard’ law is inscribed in treaties and conventions that create obligations for states that are parties to these (bindingness) – they must comply with these – in contrast to ‘soft’ law that is voluntary and mainly declaratory. Furthermore, ‘hard’ law includes legally codified norms and precise rules rather than abstract principles, or at least the latter must be rendered precise through the issuance of detailed regulations or recommendations. Finally, delegation refers to the designation of an authority that is independent from the state and that is responsible for interpreting and implementing the international legal standards. Scholars have debated

the advantages and disadvantages of 'hard' and 'soft' law. While the distinction between 'hard' and 'soft' law is usually drawn along these three dimensions, the line between the two if often quite blurred (Shelton, 2000: 10-11).

Compliance refers to the conformity of a state's laws and practices with international normative standards. Yet, it is delimited conceptually and analytically in a variety of different ways that must be specified. In focusing on a state's observance of international law, some studies see compliance as a broad notion conveying various degrees of commitment that range from formal or ostentatious conformity to substantive adherence with particular normative prescriptions. In this view, compliance encompasses the ratification of a treaty, a state's acceptance of international supervision and monitoring, but also the enforcement and implementation of its legal norms domestically (Cardenas, 2007). From this broad perspective, compliance may be characterised by contradictions between manifest and actual adherence to norms – the so-called "compliance gap". Dwelling on the fact that states may ratify a treaty to signal their professed commitment to international law, while continuing to violate its normative prescriptions in practice, Cardenas (ibid: 10) sees compliance to be primarily concerned with the public aspects of a norm. In this view, compliance signals a state's manifest commitment, or its intent not to violate a norm, but it does not necessarily indicate the acceptance or embeddedness of this norm in a state's internal structures and practices. Similarly conceiving of a state's adherence to international law as progressing from coincidental abiding with a rule to its full internalisation domestically, Koh (1999: 628) sees compliance as a more advanced, nonetheless instrumental (as opposed to principled), phase of conformity.

In sum, these authors adopt an extended notion of compliance that stretches fairly far along the continuum from an ostentatious, legalistic, and superficial observance of international legal standards to their substantive incorporation in the internal rules and practices of a state and its society. The existence of a robust international monitoring mechanism significantly addresses or possibly constrains states' inclinations or attempts to display only a token commitment to the norms of a treaty that they have ratified. It certainly instils pressures to reduce or eliminate the gap between professed commitment and actual behaviour and practice, at least in so far as such gap is persistent and recurring.

In other studies though, international relations and international law scholars delimit more narrowly the concept of compliance, and clearly distinguish it from implementation. From this perspective, compliance refers to mere adherence to a legal rule and is distinct from implementation that denotes the behavioural change that such adherence produces (Raustiala, 2000: 387; Neyer and Wolf, 2005: 42; Raustiala and Slaughter, 2002: 539). *Compliance* specifically refers to the discrepancy between the legal text of a regulation or convention, and the actions of its addresses (Neyer and Wolf, 2005: 42). *Implementation*, on the other hand, shifts attention to the efforts of, and degree to which national authorities enforce and put international commitments into practice domestically through the passage of legislation, the creation of institutions and the enforcement of rules (Raustiala and Slaughter, 2002: 539; Shelton, 2000: 5). Compliance and implementation by no means ensure or are equivalent to *effectiveness*, namely, the efficacy of a given norm and its corresponding prescriptions to tackle the social problem that it is intended to redress, to induce change in state behaviour and to achieve its policy objective. These outcomes are not similar but reflect different aspects of effectiveness: a treaty may be effective in attaining its policy objectives but still fail to redress the underlying social problems (Jacobson and Brown Weiss, 1995: 124).

The above narrower conceptualisation of compliance as mere adherence to a legal rule, has important analytical, empirical and policy implications. In the first place, the degree of a state's compliance with international law may be a mere reflection of the legal standard grafted onto a treaty,

and say nothing about the influence of international norms over national law or practice. In so far as an international legal standard matches a state's current practice, compliance is *ex ante* achieved with limited domestic implementation or without any implementation at all. In this regard, "compliance levels are largely an artefact of the legal standard employed, therefore, the significance of high and low compliance levels in any given case is not self-evident" (Raustiala, 2000: 397). As it is pointed out, international treaties and conventions often reflect the lowest common denominator and codify existing practice, thus facilitating inter-state negotiations and the reaching of consensus for their adoption. In embodying standards that are not demanding but tending to reflect common practice, they allow for 'easy' compliance but result in little change in state behaviour and practice. In this sense, state compliance with international legal standards may be entirely unrelated to the ratification of a convention (Raustiala, 2000: 393).

It follows from the above that in order to explore the impact of international law on domestic laws, policies and practices, it is necessary to identify a *baseline* against which to measure the degree of compliance or non-compliance of a state's current practice in relation to treaty norms and tenets. As it is noted, "the critical factor here is the relationship between the stringency of the legal standard and the baseline of [a state's] behaviour. When the legal standard mimics or falls below the baseline – whether intentionally or coincidentally – compliance is high but effectiveness is low" (Raustiala, 2000: 394). International law can be said to elicit compliance and implementation only if it induces behavioural and policy change that observably advances the level of normative commitment beyond the baseline, that is, beyond what was already in place prior to treaty ratification. Apart from the amount of actions and degree of adjustment that a state may need to undertake in order to reach conformity with an international legal norm, the scope and complexity of the underlying issue can also influence the likelihood of observed compliance (Raustiala and Slaughter, 2002: 545).

In order to assess state compliance, international norms must be translated into specific rules that detail clearly formulated prescriptions or proscriptions. Otherwise, it is difficult to evaluate whether and the extent to which a country's laws, policies and practices are compliant with the corresponding norms (Neyer and Wolf, 2005: 42). From the perspective of some authors, such as Raustiala, compliance is primarily a function of the legal incorporation of international norms (what in EU studies is termed as "transposition"). From this view, compliance is only a starting point of implementation, namely the process whereby the legal standard is enforced and upheld in policy and practice domestically. Others, though, view compliance as requiring more than legal adaptation to international norms, and involving also institutional reforms, policy responses, as well as changes in administrative and other practices. In this sense, compliance stretches along the entire process through which actual behavioural and policy change is (or is not) achieved – it is not the starting point of implementation, but rather its end result (see Batory, 2012: 69; Treib, 2008).

Between the view of compliance as mere legal adaptation to an international norm and as a full-fledged implementation of the legal norms in domestic policy and practice, in this study we take a middle-of-the road view. We view compliance as involving more than the mere enactment of international anti-corruption norms into domestic law, thus also including a broader set of reforms in the institutions and policy approaches to fight against corruption. Any good evaluation of compliance must not solely rely on verifying whether particular laws exist domestically; it must also take a broader perspective by taking into account whether these are being enforced and implemented in practice. In the present study, we are interested in substantive, as opposed to procedural, compliance (on this distinction, see Jacobson and Weiss, 1995: 123). We do not assume though that a multifaceted set of reforms that include but also go beyond legal adaptation necessarily provide an effective response to the

underlying problems, in this case, *effectiveness* in mitigating corruption. Some kinds of state responses and measures may be more appropriate and, therefore, more effective in potentially redressing the underlying social problem or dispute, while other kinds of measures may reflect only a minimalist set of actions by state authorities that are ostensibly but not substantively responsive to the underlying normative prescriptions (Neyer and Wolf, 2005: 41-42).

As it becomes evident from the above discussion, the relationship between compliance, implementation and effectiveness is far from straightforward. A state's compliance with an international rule may be poorly related to the ratification of the treaty that prescribes it, while compliance in and of itself also tells us little about the effectiveness of this rule in changing behaviour. While high levels of compliance can indicate high levels of effectiveness, they may also reflect easily met but ineffective standards, thereby coexisting with low or zero effectiveness (Raustiala and Slaughter, 2000: 539). On the other hand, a state's failure to comply with an international norm does not necessarily rule out the possibility that the same state is effective in changing its behaviour in line with the underlying prescriptions of the norm. For example, it may be the case that compliance is low with a legal standard, which, however, is so demanding that even some minimal level of observance correlates with desired behavioural changes (Raustiala, 2000: 387).

International law lacks an enforcement apparatus and compliance largely relies on the good will and voluntary commitment of national governments. Therefore, it is well known that the key challenge in the potential of international law to exert any effects at the state level lies in its enforcement. Some international instruments, mainly (but not only) those of hard law, are accompanied by review and monitoring mechanisms that evaluate whether states comply with their norms and prescriptions, mostly through peer review pressure and publication of their findings. Monitoring and supervision refer to the procedures and institutions that are in place in order to assess state compliance (Shelton, 2000: 5). In international monitoring mechanisms, it is often the case that the existence of significant non-compliance of a state at the start of the review process forms the basis for negotiating with the monitoring bodies the kind of subsequent or additional actions that a state must take towards meeting treaty standards. In sum, "if we seek to understand how and why legal rules or standards operate as they do and when they are effective, we must self-consciously analyse the underlying sources of behaviour and their relationship to the legal rule or standard. Indices of compliance, without more, are helpful but insufficient" (Raustiala, 2000: 399).

5. The nature and kind of corruption targeted by European and international norms

The international and European anti-corruption conventions and instruments presented in the previous section are not self-executing. Instead, they require transposition in and enforcement through national laws and the relevant domestic authorities must ensure that these laws are enforced and implemented in practice. In response to the international and European hard and soft law instruments introduced, but also as a result of domestic pressures, states have adopted a variety of laws and practices: to impose criminal and civil sanctions on persons engaging in corruption; to promote transparency and accountability through asset declarations of public officials; to introduce public procurement legislation; to reinforce protection of freedom of expression and media freedom; and to regulate and promote transparency in political party funding and election campaign financing. The purpose of this section is to present and discuss selected corruption related issues and areas, which are covered by international and European instruments, and which have been under review through monitoring processes by supranational bodies. By analysing the relevant anti-corruption laws, policies and practices that states

commonly put in place, in conjunction with the deficiencies noted by the instruments responsible for the monitoring of state action, this section lays the groundwork for measuring existing levels of state compliance in these selected issue areas. This will be the key objective of the research carried out in the subsequent phase of WP10, which will cover a set of additional issue areas as well.

5.1 OECD monitoring: bribery in international businesses

Bribery in international business transactions raises serious moral, political and economic concerns. It can pose a risk to good governance while destabilising economic prosperity, impeding development, and distorting international competitiveness. As already discussed earlier, competitiveness considerations played a pivotal role in the adoption of the OECD Anti-Bribery Convention (OECD, 1997). In addressing corruption in the narrow context of international trade, the Anti-Bribery Convention defines "bribery" as the "offering or paying of bribes", sidestepping the distinction between "passive" and "active" bribery. It calls on national governments to make the bribery of foreign public officials a criminal offence, regardless of whether the home country of these officials has ratified the Convention or not, and to legislate "effective, proportionate and dissuasive criminal penalties" (art. 3). It does not however, require States Parties to criminalise acts of bribery of national officials or acts involving a bribe paid for purposes unrelated to international business.

An important goal of the Anti-Bribery Convention is to ensure that the countries cooperate with each other for the purposes of investigating and prosecuting bribery and in particular that they do not refuse to cooperate on grounds of bank secrecy. The parties are also obliged to make bribery of foreign officials an extraditable offence and to prosecute even in cases where national laws make the extradition of a country's nationals impossible. Despite the success in ratification of the Anti-Bribery Convention, in a large number of countries, there is inadequate enforcement. The most successful enforcement countries are those whose governments have shown political will and support in that direction (Transparency International, 2012: 6).

There are five types of corruption related cases that occur in transnational business transactions and international procurement. Firstly, a considerable number of cases concern international procurement in the form of bribes paid to foreign officials by private companies in connection to acquiring contracts abroad. In a second set of cases, private companies pay kickbacks in order to facilitate the implementation of their business plans in a foreign country where they may encounter problems. Thirdly, bribing occurs in transnational business transactions involving the purchase of a company. In a fourth set of cases, natural persons or companies pay bribes for the provision of secret information or the provision of services. Lastly, bribing can be linked to the breach of embargo related programmes. In a number of instances, private firms offered bribes to high-ranking officials, through intermediaries or in the form of a suspicious compensation, for obtaining a contract. Moreover, bribing is not only directed at national bureaucrats in developing or CESE countries, but it can also be paid to officials of international institutions.

A number of legal standards, rules, and institutions that national governments have put in place in order to mitigate and fight corruption are directly or indirectly associated with the normative content of the Anti-Bribery Convention. Besides stipulating that sanctions should be effective, proportionate and dissuasive, the Convention has entrenched the rejection of any consideration of economic interests intervening against the prosecution of bribery offences. The principle of the 'statute of limitations' stipulated in Article 6 of the Convention requires an adequate time for the investigation and the prosecution of the offence to occur. Likewise, the Convention emphasises sound accounting principles

for practitioners in the field and penalties against them in the eventuality of a breach or multiple breaches, while defending the principle of mutual legal assistance for parties that come under investigation and prosecution. According to the WGB, most of the problems in the implementation stage are attributable to the difficulties of legal harmonisation with reference to the Convention's first six articles on the offence of bribery, responsibility of legal person, sanctions, jurisdiction, enforcement and statute of limitations (International Monetary Fund, 2001).

By now, the majority of states have criminalised the bribery of foreign officials. Bribery is generally seen as an undue advantage paid to the officer employed by another state for the performance of its duties and functions. The extent and nature of improvements brought about as a result of OECD monitoring and pressure differ across countries. For some states, the problem resides with the definition of what is a foreign official. In some cases, this definition has to do with its comprehensiveness. For instance, in section 74, para. 1 (4b) of the Austrian Penal Code, a "public official" refers to "an organ or employee [who] discharges tasks of legislation, administration or justice for another state", so the OECD raised the question whether more elements should be added to the current definition. In other cases, the definition has to do with clarity and precision. While the lawmakers in Sweden have specified active and passive bribery in the Swedish Criminal Code (arts 5a and 5b), they have, at the same time, removed the specific categories of the persons falling under the definition of foreign official. Similarly, state authorities in Hungary had not fine-tuned the notion of foreign official as the lead examiners of the WGB had recommended, citing as a justification the irrelevance of some of the recommendations in relation to the concrete manifestations of the phenomenon. For other states, the problem resides with cases that the legislation still does not cover. For instance, even if the 2012 Bulgarian Penal Code provided for the criminal liability of foreign public officials on all types of bribery, it failed to incorporate "bribes given to third party beneficiaries" as a type of foreign bribery offense.[26]

For other states, the remit of jurisdiction is a cause of concern. Belgium, for instance, has jurisdiction on the matter of foreign bribery on a Belgian citizen who exercises a public function in a foreign state or international organisation. In other cases, when the briber is a Belgian national, jurisdiction is conditional on the offence being "punishable under the laws of the country in which it was committed" (art. 10q. para. 2 of the Belgian Code of Criminal Procedure). Thus, by involving a dispute on jurisdiction, dual criminality[27] curtails the effectiveness of the provisions on foreign bribery and puts a harder onus on the prosecutor.

Sanctions constitute another important element of the legislation on foreign bribery that also serves as a mechanism of dissuasiveness. There are two kinds of sanctions, those for natural persons and those for legal persons. Sanctions for natural persons include fines, imprisonment and forfeiture. Sanctions for legal persons include fines (e.g. Hungary, Sweden, and Germany), confiscation (e.g. Slovakia) or a confiscatory fine (e.g. stipulated in the German legislation when the benefit is higher than the amount of statutory fine), dissolution of the legal entity or curtailment of its activity (e.g. Hungary). A number of problems are associated with the legal situation and enforcement of sanctions. For instance, the lead examiners' concerns were about the effectiveness, proportionality and dissuasiveness of the sanctions in Hungary and Slovakia. In Slovakia, the confiscation measures did not seem to have been consistently applied in foreign bribery cases. In a number of countries, such as Sweden, Belgium

[26] See OECD Working Group on Bribery (2013: 10).

[27] *Dual criminality* requires that an accused be extradited only if the alleged criminal conduct is considered criminal under the laws of both the surrendering and requesting nations. See http://www.duhaime.org/LegalDictionary/D/DualCriminality.aspx (accessed 25/9/2014).

and Germany, the levels of administrative fines (e.g. Germany), corporate fines (e.g. Sweden) and pecuniary sanctions (e.g. Belgium) against legal persons were insufficient.

In terms of national institutions, the main authorities in charge of prosecuting bribery crimes are the police and the prosecutors. There are strong ad hoc investigative authorities such as the Central Investigation Office of the Public Prosecution Service (CIOPPS) in Hungary, the Federal Bureau of Anticorruption in Austria, or the Bureau for the Fight against Corruption of the Police Forces Presidium in Slovakia. Prosecution is a hierarchical structure. For instance, in Austria, public prosecutors report to senior prosecutors, who then report to the Minister of Justice. There are six prosecutorial divisions in Sweden that reported on a monthly basis about their results to the Director of Prosecution. In other cases, special bodies with a large degree of autonomy have been created in response to rampant corruption. This is the case of the Special Prosecutor's Office (SPO) in Slovakia.

There are a number of problems associated with the institutions of investigation and prosecution. First among these problems is the difficulty in establishing jurisdiction for the effective prosecution of the offence. Moreover, the reluctance of the national authorities, especially of the country where the foreign official is a citizen, to use the mechanism of mutual legal assistance may lead to a stalemate in the investigations. In other cases, such as that of Germany, legal mechanisms including special statutory provisions on the investigation proceedings of bribery do not exist and the decision of a prosecutor not to prosecute a legal person is not appealable.

In regard to the institutions in charge of investigation and prosecution, and the role of politics vis-à-vis laws and institutions, there are notable distinctions that emerge across the EU28 states. In Germany, it is not the Federal Government, but the Länder which are responsible for the prosecution of the offences. In Belgium, there are 27 prosecutors spread around the Belgian territory that are at the service of the Court of First Instance. However, when it comes to foreign bribery offences, both the OECD, on the one hand, and the States Parties themselves have sought to shift competence at the national/federal level rather than leaving it to the territorial/subnational levels. Other states, such as France, Hungary and Slovakia, have more centralised structures in place, especially, with respect to the investigative agencies. Centralisation/decentralisation does not seem to play a role in the effectiveness of investigation and prosecution as much as the weakness of the legal framework (including the absence of clear definitions) and the difficulty of establishing jurisdiction. Politics is more important in some countries than the prosecutors or members of the judiciary, most notably in Austria and Slovenia. In Austria, for example, under section 8 of the Public Prosecution Act, the Minister of Justice must approve the final settlement of the criminal proceedings involving a supra-regional public interest. Indeed, senior prosecutors in the country report to him/her, but the Minister of Justice dismisses a case based on the national economic interest. In most of the cases, high government figures are not at all involved. Foreign bribery offences are new concepts in some CESE countries like Slovakia, Hungary and Bulgaria and authorities have hardly encountered these phenomena.

Overall, a number of recommendations made by the OECD have not yet been fulfilled. These recommendations have to do with: a) improvements to the legal framework and related rules for a more effective fight against corruption; b) strengthening the capacity of the institutions in charge of investigating and prosecuting the bribing of a foreign official; and c) raising public awareness and increasing citizens' protection. OECD's feedback on the improvement of the legal framework addresses the issue in many directions. One of the recommendations for improvement had to do with the liability of legal persons (France and Germany), corporate liability (Ireland), and the punishment of bribery through an intermediary. In France, for instance, the OECD had insisted on further clarification in the legislation of the criminal liability of legal persons. At the same time, the OECD invited the German

authorities to further work on the effectiveness of the applicability of the provisions related to the liability of legal persons by prosecutors in such a way as to limit their discretion through guidelines.

A second recommendation (related to the first) had to do with the level of fines (France, Sweden and Germany). A peculiar concern of the OECD was to ensure that fines as sanctions complied with the principle of effectiveness, proportionality and dissuasiveness and, hence, that they were high enough to hold offenders responsible for their actions and deter potential offenders. Likewise, the ban on the tax deductibility of undue advantages was a pending demand on the Belgian authorities. Subsequent recommendations had to do with the extension of the statute of limitations, considerations related to the potential impact on the reputation of trading or political interests (the case of the Netherlands), the improvement of the legal framework, and the strengthening of the capacity of the institutions (addressed to Bulgaria), as well as the lifting of bank secrecy to facilitate financial investigations on the matter.

Strengthening the capacity of the institutions in charge of investigating and prosecuting offences related to bribery of foreign officials was another focal point in the OECD mission. One important recommendation for institutional capacity building was the independence of the prosecutorial authorities from the executive and their empowerment when it came to the monopoly of initiating investigations (France). A second set of institutional recommendations consisted of requests to remove hurdles to investigation (defence classifications in France), or to reduce time for the performance of the tax audits for the largest companies (Germany). Article 5 of the Anti-Bribery Convention was also prominent in the OECD recommendation to France on the ability of the judicial police to exert their investigative duties unhindered by considerations of national economic interest. In other cases, recommendations on institutional capacity-building touched on a number of related practices, such as the slow-paced investigation of foreign bribery allegations (Portugal and Hungary), the lack of coordinated expertise and information exchange between specialised units (Slovenia and Bulgaria), and the lack of sufficient resources and training (Portugal, Sweden, Slovenia).

The third set of recommendations concerned the protection of citizens, who chose to report an offence covered by the Anti-Bribery Convention, and raising awareness among stakeholders. In France, the OECD requested domestic authorities to initiate prosecution anytime a victim complains. In Slovenia and the Czech Republic, the OECD noticed that whistle-blowers were unprotected by the law. In Belgium, small and medium-sized enterprises (SMEs) had a low level of awareness of foreign bribery, while in Slovenia steps were taken to raise this awareness. In sum, there are three overlapping key areas: a) legislation, b) institutions and processes, and c) protection of citizens. There cannot be effectiveness of prosecution and investigation without a clear framework that defines the nature of the offence, identifies the offenders, determines when an investigation begins, and stipulates the jurisdiction and its remit, and the power of authorities. Finally, well-drafted legislation and highly efficient institutions can protect citizens who decide to denounce corruption acts.

5.2 Council of Europe monitoring: the role of GRECO in the fight against corruption

The first GRECO evaluation round started in January 2000 and was completed in December 2002. GRECO members were asked to report on the means put in place to fight corruption, indicating the principal components and priorities of their anti-corruption policies. Information was compiled on the various corruption-related offences provided for by national laws, the sanctions foreseen, the functioning of domestic criminal systems, and participation in international anti-corruption initiatives, including through multilateral and bilateral agreements concluded outside the auspices of the CoE and mutual legal assistance in corruption cases. For the most part, however, the first GRECO evaluation

round focused on the implementation of a set of selected provisions of the CoE's Twenty Guiding Principles, in particular Guiding Principles 3, 6 and 7 on: the functioning of domestic bodies and institutions in charge of the fight against corruption; their specialisation means and training; and immunities from investigation, prosecution or adjudication of corruption offences. GRECO members were invited to report on: a) the existence or not of specialised bodies within the police, the prosecution service, the judiciary or other state authorities; b) their composition, expertise and functions; c) their powers with reference to the prevention, investigation and repression of corruption; d) the measures taken to provide the specialised bodies with appropriate training, ensure their independence and autonomy, avoid conflicts of interest and promote their cooperation; and e) the obstacles encountered in the fulfilment of their duties, and in investigative and evidentiary procedures more broadly. The evaluation exercise also involved gathering information on the protection of vulnerable groups from intimidation in corruption cases, and national legislation on immunities and other privileges enjoyed by certain categories of persons during the conduct of inquiries, prosecution and sentencing of corruption offences.

The material collected offered in-depth insight into national legislations, regulations, anti-corruption policies and institutional set-ups for combatting corruption. It also identified shortcomings, which were addressed with tailored recommendations for reform. These differed substantially, ranging from requests for meticulous studies of the causes of corruption in society and the formulation of comprehensive, full-fledged anti-corruption strategies, to recommendations for increased coordination, strengthened cooperation between the bodies and institutions forming part of the institutional anti-corruption arsenal of states, and increased emphasis on the prevention and detection of corruption cases.

Evidently, the wealth of information generated by GRECO as part of this first evaluation round dealt with general policy design and the institutional structures which required the application and implementation of the devised anti-corruption policies. Subsequent GRECO rounds became more targeted in focus, endorsing a narrower scope, with specific themes chosen for national evaluation, in light of their importance and relevance to the fight against corruption. The following sections discuss selected topics from the second and third GRECO evaluation rounds.

5.2.1 Conflicts of interest, whistle-blowers and freedom of information

GRECO's second evaluation procedure tackled three main topics. The first one pertained to the identification, seizure and confiscation of corruption proceeds in the light of a discussion over the connections between corruption and money laundering/organised crime. The second topic concerned the relationship between public administration and corruption, in particular, the implementation of Guiding Principles 9 (public administration) and 10 (public officials). The third theme was on legal persons and business related anti-corruption fiscal and financial legislation with emphasis on Guiding Principles 5 (legal persons) and 8 (fiscal legislation). The law-making and law-implementation processes in the area of conflict of interest, whistle-blowing protection and freedom of information, which are of key monitoring interest under *Theme II Public Administration and Corruption*, are briefly discussed in the following paragraphs.

5.2.1.1 Conflicts of interest

The CoE describes conflict of interest as a situation "in which the public official has a private interest which is such as to influence or appear to influence, the impartial and objective performance of his or

her official duties" (European Commission for Democracy through Law, 2005). Moreover, in concrete terms, a public official's "private interest" refers to "any advantage to himself or herself, to his or her family, close relatives, friends and persons or organizations with whom he or she has or has had business or political relations" (ibid.). The latter applies to both financial and civil liabilities (see Committee of Ministers, 2000). In addition to monitoring and evaluation, two important documents, the CoE's Criminal Law and Civil Law Conventions on Corruption, exert a non-negligible influence on national law (Webb, 2005). These texts place special emphasis on criminalising particular conducts involving a public/private conflict of interest, demanding state authorities to install the procedural and institutional mechanisms for its effective prosecution, and prescribing, in civil cases, necessary court actions that would restore justice.

After two decades of confusion, the European Commission came to the realisation that the onerous task of combating corruption required a serious consideration of the distinctive social, political and cultural conditions, which have helped breed corruption in the first place. The European Commission recognised that there was no 'one size fits all' approach and took the conscious decision of omitting recommendations that would fail to take into account the multitude and complexity of the forms of corruption within each Member State. According to the EU Anti- Corruption Report "what (legislative or other) solutions are needed to address the challenge related to conflict of interests depends on a variety of factors, including the degree to which conflicts of interest are already perceived as an issue in a country, what cultural norms are in place, and the degree to which recognised societal norms need to be reflected in legislation" (European Commission, 2014: 40).

In fact, regulations and sanctions applicable to conflicts of interest vary greatly across the EU. In some Member States, legislation on corruption and conflict of interest in particular, applies to a wide range of elected and appointed officials and is usually reinforced by specialised investigative agencies. What also varies across the Member States is the level and magnitude of control. Some States have independent agencies. Others have either ethics commissions, which, in the aftermath of the verification process are accountable to Parliament, or just weak ad hoc commissions that conduct checks on asset declarations and conflict of interest. Indiscriminately, three features are prominent in these institutional arrangements: a) formalism in the verification (usually restricted to administrative checks); b) insufficient monitoring capacity and remit; and c) inability to secure the execution of their decisions through vigorous sanctions. In relation to the third feature, when it comes to conflicts of interest, the codes of conduct of various elected assemblies do not contain dissuasive sanctions with party discipline. Moreover, the cancellation of contracts and procedures produced in a situation of conflict of interest or the recovery of estimated damages are relegated to general civil regulations and are almost never thoroughly implemented.

GRECO's second evaluation round dealt extensively with conflicts of interest in individual Member States and provided valuable feedback on their practices. Some States have enacted laws that construe the conflict of interest as a public ethics concern and, in this vein, they have adopted formal policies regulating day-to-day government/bureaucracy practices and attached penalties in the event of breaches. Several other States have established different standards within their conflict of interest legislation through the differential treatment of their public officials. Overall, the majority of Member States have incorporated conflicts of interest as an offence in their respective Criminal Codes. Some States have expanded the conflict of interest reach to include the public official's immediate family members and their interests. In other instances, States have enacted laws that compel public officials who have found themselves in a conflict of interest situation to recuse themselves from acting in a particular official capacity. Member States also differ widely on which leading authority has the final

say on conflicts of interest (including situations of incompatibility), and on the sanctioning mechanisms applicable to elected and appointed officials who have been found in such situations.

The GRECO review mechanism has assessed the rigor and effectiveness of conflict of interest laws, rules, regulations and draft laws under *Theme II Public Administration and Corruption* for each Member State at the national level. Moreover, GRECO enlarged its remit to encompass implementation of conflict of interest protection at the subnational/local level. Several number of States successfully passed the rigour/effectiveness test at the national level, but fewer States successfully passed the same test on laws, rules and regulations at the municipal/local level. Conversely, some Member States failed the test at the national level and a handful of them at the local/municipal level.

The definition of conflict of interest in a number of national judicial systems remains problematic. Although the conclusions of the GRECO review were overall positive in terms of the definition issue, they nevertheless identified weaknesses and oversights in the legislation of certain Member States. Moreover, the GRECO review reports indicated that several States had written draft legislation with the purpose of either enacting or expanding the legal definition of the conflict of interest.

Several GRECO Member States have indicated that they have enacted national codes of conduct with wide-ranging impacts on their governments and society. Although some of these codes are in existence, they have limited effects because they are based on extremely broad definitions or are discretionary in terms of certain applications. Several codes were identified as lacking muscle and others have been created but are not yet fully implemented. While some Member States have opted for national codes of conduct or ethics, others have opted for codes that apply to certain entities and areas, such as administrative agencies and quasi-governmental entities.

On the problem of incompatibilities, GRECO's second evaluation round identified several Member States with weak legislation in the area. Some of the enacted special restrictions targeted incompatibilities in contract solicitations and negotiations, in the concurrent occupying of multiple positions, in potentially conflicting business interests, in situations involving the judiciary, and in relation to participation in certain activities or membership in political parties and associations.

Offering gifts to public officials may also involve a conflict of interest and the GRECO review reports indicate that a number of Member States have envisaged strong legislation against gifts to public officials as a measure for averting the potential of a conflict of interest. Yet, other States have paid lip service to legislating on the matter. The training of government officials and employees in conflict of interest laws and their application is a critical phase in the process of combating the problem. The GRECO review reports take a look at the Member State's different types of awareness raising initiatives of conflicts of interest, ranging from intra-department training exercises, guidelines and pamphlets to public campaigns and administrators' education programmes. GRECO called on some States to work further on the improvement of their training regimes against conflicts of interest.

Overall, the laws regulating conflicts of interest are either weak or ineffective. In Austria, incompatibility rules apply only to members of the national and Länder governments and top-ranking national (but not Länder) parliamentarians.[28] In Croatia, legislation is also insufficient since it addresses only the declaration of assets forms rather than illicit enrichment and conflict of interest. The same situation prevails in Belgium, where a public official, upon taking seat or leaving the office, is only required to deposit a declaration of assets in a sealed envelope with the Court of Audit. In Germany, the

[28] E.g. the three presidents of the National Council and the leaders of the parliamentary party groups.

legislation does not cover city mayors or Presidents of District Authorities, and only some Länder implemented laws that extended to the highest city or district authorities.

In many Member States, enforcement mechanisms are insufficient or are undermined by the country's government or parliament. For instance, in Belgium, no control from an independent judicial authority accompanies the filing of the declaration of the assets by a public official. Moreover, sanctions in Belgium lack muscle. The decisions of the Immunities Committee proving incompatibility breaches would have to be followed by an application to the Constitutional Court for loss of the political function or be subject to a vote of no confidence. In Bulgaria, the Commission for the Prevention and Ascertainment of Conflict of Interest has been entirely inefficient in preventing and detecting the risk of political corruption. On a positive note, Croatia's Law on Civil Service at the municipal level empowers the County Civil Service Tribunal (as a first instance deliberator) and the High Civil Service Tribunal (as a second instance deliberator) to adjudicate serious breach of duty cases.

5.2.1.2 Freedom of information and whistle-blower protection

Beyond integrity related issues and anti-corruption strategies, the GRECO second evaluation reports addressed only briefly the problem of transparency in public administration. The underlying rationale behind the legislation on the freedom of information and in particular, on the freedom of access to information, is that any institution making use of public funds or exerting public regulatory power must be accountable to the citizens. However, this process has yet to take hold in some CESE institutional cultures. Indeed, grey areas of applicability invite public and legal disputes by the media and civil society in order to set precedents and invigorate already codified procedures. Hence, privacy and secrecy considerations trump the transparency principle. In this respect, GRECO's second evaluation round failed to distinguish between existing legislation and the concomitant lack of an enforcement mechanism.

When it comes to transparency and the freedom of information, Germany has legislation on the matter (*Informationsfreiheitsgesetz*) at the federal level, but not in all Länder. In Austria, access to information, despite the existence of apposite legislation, remains a problem and requests for information on politically "sensitive issues", such as those cloaked by a fog of secrecy or whose disclosure would be upsetting to the higher authorities, are systematically refused. In France, a unified register of ethics breaches and disciplinary offences by auditors (that can be available for public scrutiny) does not exist. In Germany, citizens may request information, which they can obtain, and only a list of policy areas (national security, foreign affairs and private business secrets) are insulated from public scrutiny. In Croatia, the promise and reassurance of information access has no infrastructure to support it. Countries also differ on the remedies they offer to applicants whose request for access has been rejected. Only Germany has an Administrative Court complaint procedure (*Verwaltungsgericht*) available to the public, but this application process atypically has a high rate of rejection because of the wide interpretation of the exemptions contained in the relevant act. Overall GRECO found that legal frameworks are incomplete or absent, mechanisms are ineffective, and transparency is averse or absent. Such a situation infringes on the rights of the public and shelters the power holders.

As part of *Theme II Public Administration and Corruption*, GRECO also dealt with whistle-blowing. GRECO focused on the inadequate protection of whistle-blowers (Portugal) and the setting up of mechanisms that protect whistle-blowers (Bulgaria and Czech Republic) and compel civil servants to report acts of corruption (Latvia). Related to the questions of mechanisms is the improvement of the efficiency of methods for handling allegations of corruption within the public service (Portugal). The

protection of whistle-blowers remains an acute problem in the EU because legislation on whistle-blowing is generally weak. Austria has taken some steps to protect whistle-blowers in the public sector from any action undertaken against them by their employer. However, the legislation does not cover the Länder or the private sector, and does not create a positive incentive to report corruption or other type of abuse. Also, only private well-established international companies have their own whistle-blower protection system. In the Czech Republic, there is no specific legislation on the protection of whistle-blowers except for labour legislation (protecting employees) or an ethical code (with an obligation to report corruption). Furthermore, institutions and mechanisms are almost absent so public authorities are more likely to assail the whistle-blowers than protect them. In Denmark there is no apposite legislation with clear provisions about the compensation of whistle-blowers or incentives to report corruptive practices. Also, there are no hotlines to report corruption outside the line Ministries. Therefore, generally speaking whistle-blowers face discrimination and other dire consequences, as is especially the case in the Czech Republic. But, on the other hand, Denmark stands out as a positive example establishing the Association on Legal Aid for Whistle-Blowers, which is committed to the protection and defence of whistle-blowers. GRECO's reports also shed light on countries such as Bulgaria and Slovenia, whose citizens either do not feel protected when they are determined to report corruption or they have difficulties accessing valuable information on the finances and assets of their politicians and officials.

The protection of whistle-blowers is important for the immunisation of public administration and institutions against corruption. Local and regional governments in CESE countries are particularly problematic in this respect, as they appear to be the weakest performers in the field of whistle-blowers' protection. Even when mechanisms are in place, citizens do not seem to trust them.

5.2.2. Political party funding

Fighting against political finance corruption is currently perceived as one of the greatest challenges facing European democracies. TI's 2013 Global Corruption Barometer revealed that in almost half (51) of the 107 countries surveyed, political parties were seen as being among the institutions that are most affected by corruption, compared to 11 other institutions (Transparency International, 2013b). Although no details were disclosed as to why respondents held such views, the financing of political parties is generally considered to be highly susceptible to the development of corrupt practices, which arguably explains the barometer results.

As vectors and vehicles of political ideas, political parties are essential for the existence and development of modern democracies. Regulation of party funding can, in consequence, play an important role in ensuring a stable and viable democratic process of representation (Smilov, 2007). Political parties and electorate candidates need sufficient resources in order to fulfil their representative functions. Therefore, they should in principle be allowed to receive and benefit from funding in various forms and through various means. Financial support to political parties may stem, besides members' contributions, from public and private sources (Council of Europe Directorate General I, 2001: 30). State support may involve financial transfers, mainly through public subsidies and grants, as well as free or preferential access to specific state services (i.e. transport, media, property, etc.). Although it has been argued that tax payers should not be compelled to financially assist and bear the costs of political parties whose political positions they do not endorse, reliance on state resources can minimise the risk of undue influence by private funding and ensure equality of opportunity between political parties (ibid: 31). However, if state funding is left unregulated, it can be used to penalise opposition parties by

essentially favouring those parties in government (Smilov, 2007) or lead to party dependence on the state (Council of Europe Political Affairs Committee, 2001). Private funding, for its part, can boost civic engagement (ibid.). However, it also creates dependencies and may increase the vulnerability of a party system to corruption by inducing political parties to purposefully promote and pursue the interests of their funders, thus thwarting genuine representation (Smilov, 2007). This is a problem in both more established and younger European democracies.

Most European countries have opted for a mixed system of public and private funding of political parties. The laws governing political party funding are relatively recent and display significant variance on account of the different characteristics of the constitutional and electoral system of European states, as well as their historical and cultural background. Although countries have been focusing on regulating political finance in order to ensure the fairness and integrity of electoral processes, regulation has often been inadequate and unsuccessful in preventing illicit party funding while curbing the influence of money in politics.

It should, therefore, come as no surprise that party funding has gradually become a key issue in the fight against corruption, permeating the anti-corruption agenda of several international organisations, advocacy bodies and NGOs. Crucially, it has also received significant attention in the context of EU enlargement, leading to important legislative reforms, following detailed assessments of the party funding legislation of candidate countries by the European Commission as part of political conditionality for joining the EU. For the most part, however, energies for monitoring respect for the EU's anti-corruption requirements differ substantially from candidate country to candidate country, entailing irregular and uneven results. Clear benchmarks and common standards have not been established for the evaluation of national laws and practices. In the case of certain candidate countries, the assessment of national legislation by the European Commission has proved to be particularly intrusive, whereas for others, the issue has been partly or not at all addressed, despite considerable deficiencies in domestic laws (Walecki, 2007).

In view of its importance for European democracies, the transparency of political party funding was an issue taken up at the third GRECO evaluation round, launched in January 2007, with reference to the CoE Committee of Ministers' *Recommendation (2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns* (Committee of Ministers, 2003). The Recommendation sets comprehensive and pan-European standards concerning transparency in the funding of political parties and electoral campaigns with a view to both preventing and fighting against the phenomenon of corruption. It built on earlier work in this field, undertaken amidst calls for the CoE to introduce "a Protocol to the Criminal Convention on Corruption providing for the coordinated criminalisation of the illegal financing of political parties and the personal and unjustified enrichment of elected representatives during their term of office" (Specialised Services in the Fight against Corruption, 2000). The CoE's Multidisciplinary Group on Corruption (GMC) opted for the formulation of non-binding guidelines instead of a legally binding instrument. A special working group on the funding of political parties was subsequently established, whose activities, in conjunction with those of the GMC, culminated in the adoption of the Recommendation.[29]

Considering political parties to be a fundamental element of democracy and an essential tool of expression of citizens' political will, the Recommendation invites national governments to adopt, in the

[29] In addition to feedback received from the CoE Member States on the basis of a questionnaire prepared to inquire into domestic laws and practices, the Recommendation also built on Recommendation 1516 (2001), Financing of political parties, of the CoE Parliamentary Assembly (Council of Europe Parliamentary Assembly, 2001).

absence of effective and well-functioning alternatives, measures reflecting the common rules laid down in an Appendix. The Appendix addresses six key issue areas: external sources of funding of political parties; the funding sources of election candidates and elected officials; electoral campaign expenditure; transparency; supervision; and sanctions. Concerning the funding sources of political parties, the Recommendation recognises that states and their citizens are entitled to support political parties, provided that such support does not interfere with the independence of the latter. States must actually support political parties, but their support, including in the form of financial contributions, must be reasonable and distributed on the basis of objective, fair and reasonable criteria (art. 1).

A central aspect of CoE standard-setting in political party funding concerns donations. Donations are defined as "any deliberate act to bestow advantage, economic or otherwise, on a political party" (art. 2). They must be governed by rules that help avoid conflicts of interest and prejudice to the activities of political parties, while ensuring transparency and independent party behaviour (art. 3). Donations must be made public and respect existing value ceilings. The Recommendation allows taxpayers to deduct donations from their taxable income. Donations by legal entities must be registered in the accounts of the relevant entities and form the object of concrete information provided to the shareholders or any other individual member of the entities concerned (art. 5). Donations from legal entities providing goods and services to the public administration must be strictly regulated, if not outright prohibited, and donations from legal entities under the control of the state and public authorities are forbidden (art. 5). Donations emanating from abroad or non-citizens must be rigorously controlled or even outlawed.

States are urged to consider measures that limit electoral campaign expenditure (art. 9), and to require that direct and indirect election expenditure records be kept in respect of each political party, list of candidates and single candidates (art. 10). Political parties, as well as their interconnected entities, must keep proper accounts (art. 11),[30] specifying the nature and volume of the donations received (art. 12), and in the case of donations of a certain value, also disclose the identity of the donors. Moreover, political parties must render their accounts (or a summary of these, including information on election expenses) public and present them to an independent authority, entrusted with monitoring tasks, on a regular basis and at least annually (arts. 13 and 14). Member States are generally required to establish an independent authority supervising political party and electoral campaign funding, including with respect to the presentation and publication of political parties' accounts and election expenditure (art. 14). Domestic authorities are also mandated to promote the specialisation of the judiciary, police or other personnel in the fight against the illegal funding of political parties and electoral campaigns (art. 15), and to introduce effective, proportionate and dissuasive sanctions to curb and deter infringement of the funding rules in force (art. 16).

The Recommendation deals with the aspects of the funding of political parties and election campaigns that are prone to corruption, and puts forward common minimum standards that should guide domestic legislation and practices. Although it is a non-legally binding instrument, some of its provisions are drafted in the form of a legal obligation (using the word 'should'), which indicates desirability for the straightforward introduction of the standards at issue, subject to the existence of effective alternative solutions. Other provisions, however, rely on softer wording (using the word 'may'), which shows that the national legislator enjoys considerable leeway in adopting or not the recommendations made. In addition, the Recommendation offers national authorities a broad margin of

[30] According to the Recommendation, the accounts of political parties must be consolidated to include the accounts of their interconnected entities (see art. 11).

manoeuvre as regards interpretation issues and the concrete actions to be taken for the implementation of its general principles. For instance, the Recommendation provides no definition of what a 'political party' is, an issue that is key to implementation. Furthermore, it leaves to the discretion of national authorities the determination of the measures devised to ensure objectiveness and fairness in the distribution of reasonable state support to political parties or the type of sanctions (i.e. penal, administrative, etc.) in case of breach of the rules established. Hence, although the attempt to produce a pan-European framework for political finance is certainly commendable, the Recommendation is characterised by a high level of abstraction. In other instances, the Recommendation allows Member States to choose among different regulatory outcomes. For example, with regard to donations made by legal entities that provide goods or services to the public administration or foreign donations, States may choose to limit such donations, prohibit them entirely or otherwise regulate them strictly.

The substantial leeway given to States as to how to comply with the above standards shows that the Recommendation seeks to respect the specificities and the particular political and economic circumstances of the CoE members. At the same time, it also discloses the absence of consensus on the regulatory path to follow and the divergent views and arguments, originating in distinct legal traditions and entrenched socio-political practices, which buttress the efforts to restrain and curtail corruption in the field of political party and election campaign funding. As aptly observed by Smilov, "[a]s is often the case with joint European standards, the desire to reconcile different legal traditions leads to abstract and general norms, which themselves create scope for significant discretion at the level of implementation and supervision" (Smilov, 2007: 20). This raises and underlines the need for effective control and monitoring by the instruments of the CoE that are responsible for checking compliance with the standards of the Recommendation.

As part of its third evaluation round, GRECO examined the legislation of 46 of the group's 49 members,[31] using a common analytical approach based on the answers to a written questionnaire and on-the-spot visits, revealing a wide variety of policies and practices in the CoE Member States. Key areas of state intervention for promoting transparency and integrity in party and election campaign funding include: private funding regulation; setting limits on electoral spending; introducing disclosure requirements; establishing institutional oversight of regulations; and providing for sanctions in case of violations. Control of private funding has been reinforced by banning certain types of private donations (for instance, anonymous and foreign donations) and by setting donation thresholds. Concurrently, limits on election expenditure have sought to reduce overall costs and mitigate risks of undue influence resulting from strong dependence on contributors. Countries have also taken steps to promote transparency and public scrutiny by mandating the provision of comprehensive, detailed, timely, and accessible data on the finances of political parties and election candidates, both as regards the contributions received and incurred expenditure. Monitoring has been strengthened through the establishment of bodies and institutions specifically assigned with supervisory tasks, and sanctions were introduced to discourage infringement of the rules.

Although GRECO's monitoring disclosed that progress has been made in certain areas (Doublet, 2012), there still remains much to be done in order to align domestic legislation to the standards of the Recommendation, mostly by filling gaps and loopholes in existing provisions in line with GRECO's recommendations. According to Marin Mrčela, President of GRECO, "the poor record […] of responding positively and swiftly to GRECO recommendations is […] a source of concern. In most of the cases, this situation reflects the difficulty (or sometimes impossibility) to reach a viable agreement

[31] Belarus, Lichtenstein and San Marino have not yet been evaluated. See GRECO (2014a).

among political parties in the countries concerned to improve the transparency of political financing" (GRECO, 2014b: 5). Notably, the intensification of efforts for meeting the standards of the Recommendation also needs to extend beyond bringing national legislation into line with its principles: it has to address implementation aspects as well, since all too often significant differences exist between the letter of the law and how it is applied in practice.

States have been invited to improve their compliance performance in five key issue areas (Doublet, 2012). First, with respect to the *sources of political funding*, the questions raised by threshold limits, in-kind donations, sponsorship, loans and rewards for public contracts exemplify the complexities involved in establishing, implementing and enforcing rules that genuinely abide by the prescriptions of the Recommendation. Definitional flaws reduce the ability of national laws to capture different forms of donations and inconsistencies as regards the donation rules applicable per type of election or in relation to party funding on the one hand and electoral campaign funding on the other. Failure to declare donations as such go hand in hand with the establishment of high value thresholds for reporting purposes. This encourages donations of a lower value to avoid disclosure. In-kind donations are often overlooked by party and campaign funding regulations or they are made subject to unclear declaration guidelines, which thwarts their assessment and valuation in market terms, creating room for the circumvention of the donation thresholds introduced.

In countries where party donations from legal persons are banned, sponsorship of political parties by businesses renders such prohibition meaningless. Where donations from legal persons are, in turn, allowed, sponsorship constitutes an additional form of financial assistance granted to political parties from firms and corporations. However, national laws generally refrain from imposing any disclosure requirements similar to those applicable on donations. The rules on donations can further be evaded through loans: loans usually do not come within the scope of the rules enacted on party and campaign funding and they are often governed by regulations with vague terms and conditions as regards their maximum value, permissible lenders, terms of payment, and declaration obligations. As a result, they can be used to circumvent domestic donation rules as regards both the ceilings of allowed donations and the nature of donors in those countries where donations from legal entities are prohibited. Significant gaps are also detected in national regulations with respect to business donations and public contract rewards. Whereas some countries prohibit business donors from bidding for public contracts, relevant laws are sometimes incomplete, permitting, for example, donations from firms bidding for public contracts to bodies that are linked to political parties such as political associations and foundations.

As far as the transparency of *party accounts* is concerned, several issues merit closer attention. Domestic regulations do not always make provision for accounting records in a standardised form that disclose political parties' income and expenditure figures with accuracy and in sufficient detail. Consolidated party accounts, including the accounts of the legal entities that are directly or indirectly connected to political parties, are rarely kept. This raises key questions about the links of political parties with other bodies, especially when national laws abstain from defining what entities should be considered as being related to political parties or otherwise under their control. Furthermore, many countries' legislation ignores the regional and local branches of political parties, establishing no obligation for their financial data to be included in the latter's accounts. Specifically, as regards election campaign expenditure and its accounting, the absence of clarity in national laws concerning the period to be covered is problematic. This is also the case as regards accounting obligations imposed over a short election campaign period. Caps on expenditure can easily be outwitted by assigning election campaign expenses, as pre-election costs, outside the reporting period. Third parties' election expenses

also raise concern. It makes little sense, for instance, to set a ceiling on party election campaign spending when other entities, such as trade unions, associations or interest groups, can devote unlimited amounts of money to support or conversely, oppose a specific political party stance. More widely, in many countries, problems are encountered with respect to distinguishing between ongoing party expenditure and election campaign costs for accounting purposes, mainly due to hindrances in defining election and campaign periods in an accurate manner.

Turning to the *presentation and publication of political party accounts*, some countries have refrained from requiring political parties and their affiliated bodies and entities to make their accounts public. In other countries, legislation does not set a specific deadline for disclosure and does not explain what type of information should be made available. Moreover, publication obligations may differ, depending on the type of election (presidential elections, national assembly elections, local elections, etc.) or the political players involved (political parties v. independent candidates).

Concern has also been voiced about the s*upervision* practices followed in relation to political party and election campaign funding. Certain countries lack supervisory structures as such. In others, the independence of the supervisory bodies is not adequately safeguarded. To illustrate, party membership is not always rendered incompatible with the function of a certified auditor. The independence of public supervisory bodies may also be open to doubt when these constitute parliamentary bodies or bodies under the supervision of the executive. Furthermore, in several instances, the powers of the supervisory bodies have been found wanting. Investigative powers are not regularly granted and the scope and breadth of the supervisory action taken is often restricted to political parties' accounts, without encompassing the electoral expenditure of political parties or individual candidates. In addition, supervision rarely concerns the accounts of third parties affiliated to political parties, and frequently takes place on the basis of constrained resources with limited accountability safeguards.

Finally, with respect to *sanctions*, these vary widely, ranging from financial and administrative sanctions to criminal or electoral penalties. GRECO's evaluation has shown that all too often these are not applied or they are inappropriate. Several factors render sanctions inadequate: their weak and insufficient dissuasive effect (when only light penalties are imposed, in the form of financial sanctions or other penalties, such as the mere confiscation of illicit funds), and their lack of flexibility (when penalties are of a limited range, disproportionate and, therefore, unable to address both minor and more severe infringements). Other factors that may render sanctions inadequate pertain to their narrow scope (when national legislation does not provide for penalties for any possible breach of national party and campaign financing regulations), to cumbersome or unclear procedures for their application, and to short statutes of limitation for their imposition. Failings in the application of sanctions have mainly been noted in the case of criminal sanctions and other types of penalties.

GRECO's evaluation documents and reports do not correlate the level of comprehensiveness and robustness of national regulations with the levels of perceived corruption in domestic political funding systems. Also, they do not consider whether or not the absence of or defects in key regulatory instruments are indicators of more widespread corruption practices. Significantly, no country or group of countries are shortlisted for offering a regulatory model for others to copy and imitate. Flaws can be found even in countries whose regulatory systems and practices are generally regarded as being highly satisfactory. However, it would not be irrational or arbitrary to conclude that, as a general principle, effective and properly enforced regulations are better than no regulation (see also Krishnan, 2014).

The preceding analysis allows one to confidently argue that a country is better equipped to diminish corruption levels and risks in its political financing system if it benefits from vigorous, well-drafted regulations: ensuring that state contributions to political parties and election campaigns are made on the basis of fair and objective criteria; restricting and/or limiting external sources of private funding to counter undue dependencies; enabling effective monitoring and public oversight; and making provisions for proportionate and dissuasive sanctions in case of breach of the rules.

6. Methodology and research design of WP10

In this last section of the report we define the main objectives and empirical questions of our study, as well as an appropriate research methodology for pursuing these. As already stated in the beginning of this report, the main objectives of WP10 are:

a) to measure state compliance and implementation of international and European anti-corruption norms in Europe;

b) to explore whether international and European law has an independent influence in the adoption and implementation of anti-corruption laws, policies and practices of EU Member States. We will focus on international business relations, and political party funding, but will also expand our scope to include public procurement and money laundering in connection with organised crime (Deliverable 10.2);

c) to identify patterns of variation of state compliance and implementation, whether cross-national, or across sectors and issue areas; and

d) to explore the factors that account for significant variation across sectors or states (Deliverable 10.3).

As already explicated in earlier sections of this report, international supervision, as exemplified in the GRECO and the OECD mechanisms, includes review and monitoring of the domestic legal standards and their conformity with the norms embedded in the respective conventions and instruments, and further examination of how these are effectively applied and enforced in practice The GRECO and the OECD mechanisms provide in-depth consideration of how the legal standards are applied (or not applied) in practice, but do not go so far as to systematically evaluate the results of the instituted laws and regulations in undermining corruption. In other words, these international supervision mechanisms review both state compliance *and* implementation of treaty-based norms and prescriptions, as these are distinctly defined and conceptualised in part 3 of this report. As we have observed, the evaluation and compliance review procedures that characterise both the GRECO and the OECD monitoring mechanisms are not limited to assessing the domestic legal standards against corruption, but also their enforcement. They also evaluate how national authorities respond to and implement the country-specific recommendations for practical improvements in the entire body of anti-corruption measures and strategies (laws, institutions, regulations, practices). In these dynamic processes of mutual evaluation and peer review, “rules and standards within domestic legislation are not final targets, but rather are often starting points in an ongoing interaction and negotiation between regulators and regulates” (Raustiala, 2000: 395).

The planned study on domestic compliance with anti-corruption norms seeks to take into account at the outset that a state may *ex ante* achieve compliance with a standard of a treaty or other instrument, either because the standard itself is low and reflects/codifies then current practices, or because a state already has in place the necessary legal rules. In devising a set of criteria for measuring state compliance, we will look beyond compliance in the narrow sense of enactment of international

norms into domestic law; we will also seek to capture application and enforcement in practice, which is an important part of the implementation phase. To what extent do the international norms, as set out in international instruments and specified in the recommendations issued by their monitoring bodies, promote the enactment of new legal standards domestically or improve existing ones, and the enforcement mechanisms in place? Does international treaty-based monitoring lead to reducing or eliminating the existing compliance gap between domestic anti-corruption laws and policies, and international norms?

While both institutional and enforcement related factors and legal standards, do not in and of themselves ensure systematic implementation (let alone effectiveness), we argue that they are a central component of implementation, besides signalling the strength of political determination to curb corruption. As it is rightly pointed out, "weak legislation can produce weak compliance, but unenforced strong legislation can have the same effect. One cannot simply read domestic legislation to determine whether countries are complying" (Jacobson and Weiss, 1995: 120). Governments also tend to adopt laws that never enter into force because they are nullified before being implemented or they are never implemented at all (see Dorhoi, 2007: 5). The study will not go as far as evaluating the effectiveness of anti-corruption laws, policies and practices. Putting aside the difficulties in examining the effectiveness of international anti-corruption norms in reducing corruption domestically, this is the subject of a different research project altogether.

In employing a broader (beyond legal rules) conception of compliance that also extends to implementation, we will distinguish between *'goodness of fit'* and *international norms-induced compliance*. This is necessary in order to isolate the effects of international legal standards, and to be able to determine the degree of a state's adherence that results from international supervision and monitoring, and not from congruence of pre-existing national standards with international norms. In determining baseline compliance in each of the selected issue areas, we draw from the study of Monica Dorhoi (2007) that undertook an assessment of anti-corruption laws and policies in CESE in the mid-2000s. Dorhoi employed two distinct concepts, that of *anti-corruption strategy* and *anti-corruption policy*. Anti-corruption strategy referred to the *existence of an overall strategy* comprising of a set of anti-corruption laws and/or programmes, as well as the existence of specialised bodies or agencies to implement and monitor the anti-corruption programme. The term of anti-corruption policy sought to capture the *comprehensiveness of anti-corruption legislation*, in providing a clear definition of corruption and in comprising an all-embracing set of criminal, penal, civil and administrative codes and regulations.

In measuring 'goodness of fit', we will draw from both concepts of anti-corruption strategy and policy in order to formulate a set of criteria, on the basis of which we will measure each state's anti-corruption frame in the selected issue areas. In particular, these criteria pertain to: a) the legal and institutional frame that is in place in each country; and b) the capacity to enforce the legal regulations and the policy objectives that underpin them. Such capacity refers to the resources with which existing or newly created anti-corruption institutions and bodies are endowed, their mandate and independence, the coordinating potential of all existing bodies, their political clout, or other. Subsequently, on the basis of the *same* criteria, we will measure the extent to which states have undertaken actions to incorporate and enforce the more advanced standards and rules as these are enshrined in the relevant international and European instruments, as well as to respond to the recommendations of the supranational bodies entrusted with monitoring tasks on top of their original 'goodness of fit'. In this way, we will be able to detect and isolate the 'goodness of fit' (degree of pre-existing state compliance with international and European standards) from the degree of compliance that is achieved as a result of pressure exercised by

international monitoring bodies (*international norms-induced compliance*). In order to do so, we shall extensively draw on the information and documentation contained in the various evaluation and compliance reports issued by GRECO for the countries reviewed.

In sum, the study that we design in the frame of WP10 will be the first systematic exploration of state compliance with and implementation of international and supranational anti-corruption norms and across all 28 EU states. Through it, we shall identify patterns of variation across countries and issue areas and seek through comparative analysis to explain the factors and conditions that account for variable levels of conformity with international and European legal standards.

ANNEX 1: INDICATIVE LIST OF EUROPEAN AND INTERNATIONAL ANTI-CORRUPTION LAWS

Anti-corruption instrument	Date of adoption	Date entered into force	Soft law (SL) or Hard law (HL)	Allows for reservations	Issue areas	Number of states parties	International monitoring mechanism/type
EUROPEAN UNION							
Convention on Protection of the European Communities' Financial Interests	26 July 1995	17 October 2002	HL	Yes	Fraud affecting Community revenue and expenditure.	28	OLAF has twice examined implementation by Member States (2004 and 2008)
European Parliament Resolution on Combating Corruption in Europe	22 January 1996	N/A	SL	N/A	Effective anti-corruption measures both in connection with the protection of the EU's financial interests and beyond such protection.	28	N/A
Protocol to the Convention on the Protection of the European Communities' Financial Interests	27 September 1996	17 October 2002	HL	Yes	Definition of the concepts of "official" and "active and passive corruption", and harmonisation of penalties for corruption offences.	28	OLAF has twice examined implementation by Member States (2004 and 2008)
Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the Protection of the European Communities' Financial Interests	29 November 1996	17 October 2002	HL	No	Allows national courts to petition the Court of Justice for preliminary rulings interpreting the Convention on the Protection of the European Communities' Financial Interests and its Protocols.	28	Court of Justice of the EU

Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union	26 May 1997	28 September 2005	HL	Yes	Active and passive corruption involving officials of the European Communities or officials of Member States of the European Union.	28	N/A
Second Protocol to the Convention on the Protection of the European Communities' Financial Interests	19 June 1997	19 May 2009	HL	Yes	Liability of legal persons, confiscation, money laundering and cooperation between EU countries and the European Commission for the purpose of protecting the European Communities' financial interests and personal data related thereto.	28	OLAF has twice examined implementation by Member States (2004 and 2008)
The 2000 Millennium Strategy on the Prevention and Control of Organised Crime	03 May 2000	N/A	SL	N/A	Actions to be taken at European level to combat organised crime and details of priorities, bodies responsible for implementation, and target dates.	28	Council of the EU
2003 Council Framework Decision on Combating Corruption in the Private Sector	22 July 2003	N/A	SL	N/A	Aims to ensure that active and passive corruption in the private sector is a criminal offence in all Member States and that legal persons may be held liable for such offences.	28	N/A
European Parliament Resolution on Aid Effectiveness and Corruption in Developing Countries	6 April 2006	N/A	SL	N/A	Issues of accountability and transparency in designing development programmes and transparency in budget aid granted by the EU.	28	N/A
Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on	6 June 2011	N/A	SL	N/A	Monitoring and assessment of Member States' efforts against corruption.	28	EU Anti-Corruption Report

Fighting Corruption in the EU							
UNITED NATIONS							
Resolution 3514 on Measures against Corrupt Practices of Transnational and Other Corporations, their Intermediaries and Others Involved	15 December 1975	N/A	SL	N/A	Condemns all corrupt practices, including bribery, by transnational and other corporations, their intermediaries and other involved parties.	193	N/A
United Nations Declaration against Corruption and Bribery in International Commercial Transactions	21 February 1997	N/A	SL	N/A	Corruption and bribery in international commercial transactions.	193	N/A
United Nations Convention against Transnational Organised Crime	8 January 2001	19 September 2003	HL	Yes	Fight against transnational organised crime.	182	Conference of the Parties to the Convention
United Nations Convention against Corruption (UNCAC)	31 October 2003	14 December 2005	HL	Yes	Four issue areas: prevention, criminalisation, international cooperation, and asset recovery.	172	Implementation Review Group (IRG)
COUNCIL OF EUROPE							
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	8 November 1990	1 September 1993	HL	Yes	Laundering of the proceeds of crime and confiscation of the instrumentalities and proceeds from crime.	49	N/A
Twenty Guiding Principles for the Fight against Corruption	6 November 1997	N/A	SL	N/A	Principles on preventing and combating corruption and on the need for specialised institutions and persons in the area of detection, investigation, prosecution and adjudication of corruption offences.	49	GRECO, Peer review; evaluation and compliance

Criminal Law Convention on Corruption	4 November 1999	1 July 2002	HL	Yes	Active and passive bribery of domestic and foreign public officials, national and foreign parliamentarians, members of international parliamentary assemblies, judges, and officials of international courts.	Signed by 50 and ratified by 45	GRECO, Peer review; evaluation and compliance
Civil Law Convention on Corruption	4 November 1999	1 November 2003	HL	No	Remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage.	Signed by 42 and ratified by 35	GRECO, Peer review; evaluation and compliance
Model Code of Conduct for Public Officials	11 May 2000	N/A	SL	N/A	Provisions concerning persons employed by a public authority or performing public services on reporting unlawful, improper or unethical actions, conflicts of interest, incompatible outside interests, misuse of official position, gifts and improper offers.	49	N/A
European Code of Police Ethics Recommendation	19 September 2001	N/A	SL	N/A	Objectives of the police, the legal basis of the police under the rule of law, the relationship between the police and the criminal justice system, the organisational structures of the police, police action and intervention, police accountability and control, and research and international cooperation.	49	N/A

Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns	8 April 2003	N/A	SL	N/A	Rules against corruption in the funding of political parties and electoral campaigns.	49	GRECO, Peer review; evaluation and compliance
Additional Protocol to the Criminal Law Convention	15 May 2003	1 February 2005	HL	Yes	Extends the scope of the Criminal Law Convention to arbitrators in commercial, civil and other matters, as well as to jurors, thus complementing the Convention's provisions aimed at protecting judicial authorities from corruption.	Signed by 46 states, ratified by 36 states	GRECO, Peer review; evaluation and compliance
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	16 May 2005	1 May 2008	HL	Yes	Prevention and control of money laundering, and terrorism financing.	Signed by 37 and ratified by 25 states	N/A
OECD							
Recommendation of the Council on Bribery in International Business Transactions	27 May 1994	N/A	SL	N/A	Bribery of foreign public officials in connection with international business transactions.	34	N/A
Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	21 November 1997	15 February 1999	HL	No	Focus on active bribery of foreign public officials.	41	OECD Working Group on Bribery
Recommendation of the Council on Improving Ethical Conduct in the Public Service	23 April 1998	N/A	SL	N/A	Ethical conduct in the public service; integrity of management systems.	34	N/A
Recommendation of the Council for Managing Conflict of Interest in the	28 May 2003	N/A	SL	N/A	Guidelines for managing conflict of interest in the public service.	34	N/A

Public Service							
Recommendation of the Council on Bribery and Export Credits	14 December 2006	N/A	SL	N/A	Bribery in international business transactions benefiting from official export credit support.	34	N/A
Recommendation of the Council on Enhancing Integrity in Public Procurement	16 October 2008	N/A	SL	N/A	Principles for enhancing integrity throughout the entire public procurement cycle.	34	N/A
Recommendation of the Council on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions	25 May 2009	N/A	SL	N/A	Prohibiting tax deductibility of bribes to foreign public officials for all tax purposes.	34	N/A
Recommendation of the Council for Further Combating Bribery of Foreign Public Officials	9 December 2009	N/A	SL	N/A	Best practices for making companies liable for foreign bribery and compliance programmes and measures to prevent and detect bribery.	34	N/A
Recommendation of the Council on Principles for Transparency and Integrity in Lobbying	18 February 2010	N/A	SL	N/A	Transparency and integrity in lobbying.	34	N/A

BIBLIOGRAPHY

Abbott, K.W. and D. Snidal (2002), "Values and Interests: International Legalization in the Fight against Corruption", 31(S1) *Journal of Legal Studies* S141-S177.

Abbot, K.W., and D. Snidal (2000), "Hard and Soft Law in International Governance", 54(3) *International Organization* 421-456.

Anechiarico, F. and J. B. Jacobs (1996), *The Pursuit of Absolute Integrity. How Corruption Control Makes Government Ineffective* (Chicago/London: The University of Chicago Press).

Babu, R. (2006), "The United Nations Convention against Corruption: A Critical Overview", http://ssrn.com/abstract=891898 (date accessed 25/9/2014).

Batory, A. (2012), "Why do Anti-corruption Laws Fail in Central Eastern Europe? A Target Compliance Perspective", 6(2) *Regulation and Governance* 66-82.

Brunelle-Quraishi, O. (2011), "Assessing the Relevancy and Efficacy of the United Nations Convention against Corruption: A Comparative Analysis", 2(1) *Notre Dame Journal of International and Comparative Law* 101-166.

Cardenas, S. (2007), *Conflict and Compliance: State Responses to International Human Rights Pressure* (Philadelphia: University of Pennsylvania Press).

Carver, J.P. (2003), "Combating Corruption: The Emergence of New International Law", 5(1) *International Law Forum* 119-123.

Committee of Ministers (2003), *Recommendation Rec (2003) 4 to member states on common rules against corruption in the funding of political parties and electoral campaigns*, http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/cy%20activity%20interface2006/rec%202003%20(4)%20pol%20parties%20EN.pdf (date accessed 25/9/2014).

Committee of Ministers (2000), *Recommendation No. R (2000) 10 to member states on codes of conduct for elected officials*, http://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf (date accessed 25/9/2014).

Committee of Ministers (1997), *Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption*, https://wcd.coe.int/ViewDoc.jsp?id=593789&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75 (date accessed 25/9/2014).

Conference of the States Parties to the United Nations Convention against Corruption (2011), *Resolution 4/1 - Mechanism for the Review of Implementation of the United Nations Convention against Corruption*, https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/ResolutionsDecision/COSP4_-_Resolutions_Decision_E.pdf (date accessed 25/9/2014).

Conference of the States Parties to the United Nations Convention against Corruption (1999), *Resolution 3/1 - Review mechanism*, https://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V1051985e.pdf (date accessed 25/9/2014).

Council of Europe (2014), *Anti-Corruption – Basic Concepts* (Strasbourg: Council of Europe Publishing, 2014).

Council of Europe (2005), *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism*, CETS 198, 16 May 2005, http://conventions.coe.int/Treaty/EN/Treaties/Html/198.htm (date accessed 25/9/2014).

Council of Europe (2003), *Additional Protocol to the Criminal Law Convention on Corruption*, E.T.S. 191, 15 May 2003, http://conventions.coe.int/treaty/en/Treaties/Html/191.htm (date accessed 25/9/2014).

Council of Europe (1999a), *Criminal Law Convention on Corruption*, 2216 U.N.T.S. 225, 4 November 1999, http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=173&CM=8&DF=08/08/2014&CL=ENG (date accessed 25/9/2014).

Council of Europe (1999b), *Civil Law Convention on Corruption*, 2246 U.N.T.S. 3, 4 November 1999, http://conventions.coe.int/Treaty/en/Treaties/Html/174.htm (date accessed 25/9/2014).

Council of Europe (1990), *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, CETS 141, 8 November 1990, http://conventions.coe.int/Treaty/en/Treaties/Html/141.htm (date accessed 25/9/2014).

Council of Europe Directorate General I (2001), *Draft Explanatory Memorandum to the Draft Recommendation Rec(2002)… of the Committee of Ministers to Member States on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns*, CM(2001)195 revised addendum, 24 April 2002, http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/cy%20activity%20interface2006/rec%202003%20(4)%20pol%20parties%20EN.pdf (date accessed 25/9/2014).

Council of Europe Parliamentary Assembly (2001), *Recommendation 1516 (2001), Financing of political parties*, http://www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta01/EREC1516.htm (date accessed 25/9/2014).

Council of Europe Political Affairs Committee (2001), *Financing of Political Parties*, Report, Doc. 9077, 4 May 2001, http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=9300&Language=en (date accessed 25/9/2014).

Council of the EU (2003), Council Framework Decision on Combating Corruption in the Private Sector 2003/568/JHA, 22 July 2003, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003F0568&from=EN (date accessed 25/9/2014).

Council of the EU (2000), *The Prevention and Control of Organised Crime: A European Union Strategy for the Beginning of the New Millennium*, 27 March 2000, OJ C 124, 3 May 2000, p. 1.

Council of the EU (1999), Regulation (Euratom) No. 1074/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF), OJ L 136, 31 May 1999, p. 8.

Council of the EU (1998), *Explanatory Report on the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union*, 98/C 391/01, 3 December 1998 http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51998XG1215&from=EN (date accessed 25/9/2014).

Council of the EU (1997a), *Action Plan to Combat Organised Crime*, 28 April 1997, OJ C 251, 15 August 1997, p. 1.

Council of the EU (1997b), *Act of 19 June 1997 drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests*, OJ C 221, 19 July 1997, p. 11.

Council of the EU (1997c), *Act of 26 May 1997 drawing up the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union*, OJ C 195, 25 June 1997, p. 1.

Council of the EU (1996a), *Act of 27 September 1996 drawing up a Protocol to the Convention on the Protection of the European Communities' Financial Interests*, OJ C 313, 23 October 1996, p. 1.

Council of the EU (1996b), *Regulation No. 2185/96 of 11 November 1996 concerning On-the-spot Checks and Inspections Carried out by the Commission in order to Protect the European Communities' Financial Interests against Fraud and Other Irregularities*, OJ L 292, 15 November 1996, p. 2.

Council of the EU (1995a), *Act of 26 July 1995 Drawing up the Convention on the Protection of the European Communities' Financial Interests*, OJ C 316, 27/11/1995, p. 48.

Council of the EU (1995b), *Regulation 2988/95 of 18 December 1995 on the Protection of the European Communities' Financial Interests*, OJ L 312, 23 December 1995, p. 1.

Council of the EU and European Commission (1998), *Action Plan on How Best to Implement the Provisions of the Treaty of Amsterdam on an Area of Freedom, Security and Justice* ("Vienna Action Plan"), 3 December 1998, 1999/C 19/01, http://www.refworld.org/docid/3f5341ce2.html (date accessed 25/9/2014).

Dorhoi, M. (2007), "Anti-Corruption Assessment Index: A Comparative Review of Anti-Corruption Strategies (ACS) of 15 Central and Eastern European Countries (1995-2003)", Paper presented at the 2007 Annual Conference of the Midwest Political Science Association, Chicago, April 14, 2007.

Doublet, Y.-M. (2012), "Fighting corruption. Political funding", Thematic review of GRECO's third evaluation round, http://www.coe.int/t/dghl/monitoring/greco/general/DOUBLET_EN.pdf (date accessed 25/9/2014).

European Commission (2014), *EU Anti-corruption Report*, COM(2014) 38, 3 February 2014.

European Commission (2012), *Communication to the European Parliament, the Council and the European Economic and Social Committee on the Participation of the European Union in the Council of Europe Group of States against Corruption (GRECO)*, COM(2012) 604, 19 October 2012.

European Commission (2011a), *Communication to the European Parliament, the Council and the European Economic and Social Committee – Fighting Corruption in the EU*, COM(2011) 308, 6 June 2011.

European Commission (2011b), *Decision of 6 June 2011, Establishing an EU Anti-corruption Reporting Mechanism for Periodic Assessment ("EU Anti-corruption Report")*, C(2011) 3673, http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/com_decision_c(2011)_3673_final_en_en.pdf (date accessed 25/9/2014).

European Commission (2011c), *Decision of 28 September 2011 setting up the Group of Experts on Corruption*, OJ C 286, 30/9/2011, p. 4.

European Commission (2008), *Second Report on Implementation by Member States of the Convention on the Protection of the European Communities' Financial Interests and its Protocols*, COM(2008) 77, 14 February 2008.

European Commission (2006), Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives (2006/C 179/02), http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006XC0801(01)&from=EN (date accessed 28/10/2014).

European Commission (2004), *Report on Implementation by Member States of the Convention on the Protection of the European Communities' Financial Interests and its Protocols*, COM(2004) 709, 25 October 2004.

European Commission (1999), *Decision of 28 April 1999 establishing OLAF*, OJ L 136, 31/5/1999, p. 20.

European Commission (1997), *Communication to the Council and the European Parliament on a Union policy against corruption*, COM(97) 192, 21 May 1997.

European Commission for Democracy through Law (Venice Commission) (2005), Rules for the Resolution of Conflicts of Interest ("Frattini Law"), Opinion no. 309/2004, 8 February 2005, http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL%282005%29011-e (date accessed 25/9/2014).

European Council (1999), *Presidency Conclusions*, 15-16 October 1999, Tampere, http://www.europarl.europa.eu/summits/tam_en.htm (date accessed 25/9/2014).

European Parliament (2006), *Resolution on Aid Effectiveness and Corruption in Developing Countries*, OJ C 293 E, 6/4/2006, p. 316.

European Parliament (1996), *Resolution on Combating Corruption in Europe*, OJ C 17, 22/1/1996, p. 443.

European Parliament and Council of the EU (2004a), Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0018-20090821&from=EN (date accessed 28/10/2014).

European Parliament and Council of the EU (2004b), Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0017-20140101&from=EN (date accessed 28/10/2014).

European Parliament and Council of the EU (1999), *Regulation No. 1073/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)*, OJ L 136, 31/5/1999, p. 1.

European Parliament, Council of the EU and European Commission (1999), *Inter-institutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF)*, OJ L 136, 31/5/1999, p. 1.

Fritzen, S. (2006), "Beyond 'Political Will': How Institutional Context Shapes the Implementation of Anti-Corruption Policies", 24(3) *Policy & Society*, 79-96.

Gadowska, K. (2010), "National and International Anti-corruption Efforts: The Case of Poland", 11(2) *Global Crime* 178-209.

Galtung, F. and J. Pope (1999), "The Global Coalition against Corruption: Evaluating Transparency International", in A. Schedler, L. Diamond and M.F. Plattner (eds.) *The Self-Restraining State* (London: Lynne Rienner) 257-284.

Goldstein, J., M. Kahler, R.O. Keohane and A.M. Slaughter, "Introduction: Legalization and World Politics", 54(3) *International Organization* 385-399.

GRECO (2014a), *64th GRECO Plenary Meeting, Decisions* (Strasbourg, 16-20 June 2014), Greco (2014) 8E, http://www.coe.int/t/dghl/monitoring/greco/documents/2014/Greco(2014)8_DecisionsGRECO64_EN.pdf (date accessed 25/9/2014).

GRECO (2014b), *14th General Activity Report (2013) of the Group of States against Corruption*, 24-28 March 2014, http://www.coe.int/t/dghl/monitoring/greco/documents/2014/Greco(2014)1_General%20Activity%20Report%202013_EN.pdf (date accessed 29/5/2014).

Heimann, F., and G. Dell (2006), Report of TI Study on Follow-up process for UN Convention against Corruption, Transparency International Report, http://www.transparency-usa.org/documents/UNCACReportFinal6-13-06.pdf (date accessed 25/9/2014).

Heineman, B.W. Jr., and F. Heimann (2006), "The Long War Against Corruption", 85(3) *Foreign Affairs* 75-86.

International Monetary Fund (2001), *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, http://www.imf.org/external/np/gov/2001/eng/091801.pdf (date accessed 29//5/2014).

Jacobson, H.K., and E. Brown Weiss (1995), "Strengthening Compliance with International Environmental Accords: Preliminary Observations from a Collaborative Project", 1 *Global Governance* 119-148.

Koh, H.H. (1999), "The 1998 Frankel Lecture: Bringing International Law Home", 35(3) *Houston Law Review* 623-681.

Krishnan, C. (2014), "Tackling Corruption in Political Party Financing: Lessons from Global Regulatory Practices", Edmond J. Safra Working Papers, No. 43, Harvard University.

Kubiciel, M. (2012), "International Legal Development and National Legal Change in the Fight Against Corruption", in D.K. Linnan (ed.), *Legitimacy, Legal Development and Change – Law and Modernization Reconsidered* (Surrey: Ashgate) 419-436.

Ledeneva, A. (2009), "Corruption in Postcommunist Societies in Europe: A Re-examination", 10(1) *Perspectives on European Politics and Society* 69-86.

Michael, B. (2010), "Issues in Anti-Corruption Law: Drafting Implementing Regulations for Anti-Corruption Conventions in Central Europe and the Former Soviet Union", 36(2) *Journal of Legislation* 272-296.

Mungiu-Pippidi, A. (2013, ed.), *The Anticorruption Report (vol. 1): Controlling Corruption in Europe*, Barbara Budrich Publishers, http://anticorrp.eu/publications/the-anticorruption-report-1-european-union-member-states/ (date accessed 25/9/2014).

Mungiu-Pippidi, A. (2006), "Corruption: Diagnosis and Treatment", 17(3) *Journal of Democracy* 86-99.

Mungiu-Pippidi, A. and R. Martínez B. Kukutschka (2013), "European Union Member States", in A. Mungiu-Pippidi (ed.), *The Anticorruption Report (vol. 1): Controlling Corruption in Europe*, Barbara Budrich Publishers, http://anticorrp.eu/publications/the-anticorruption-report-1-european-union-member-states/ (date accessed 25/9/2014).

Neyer, J. and D. Wolf (2005), "The Analysis of Compliance with International Rules: Definitions, Variables, and Methodology", in M. Zürn and C. Joerges (eds.), *Law and Governance in Postnational Europe* (Cambridge: Cambridge University Press) 40-64.

OECD (1997), *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, 37 I.L.M. 1, http://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf (date accessed 25/9/2014).

OECD Council (1996), *Recommendation on the tax deductibility of bribes to foreign public officials*, C(96)27/FINAL, http://www.oecd.org/tax/crime/oecdrecommendationonthetaxdeductibilityofbribestoforeignpublicofficials.htm (date accessed 25/9/2014).

OECD Council (1994), *Recommendation on Bribery in International Business Transactions*, C(94)75, http://www.oecd.org/investment/anti-bribery/anti-briberyconvention/1952622.pdf (date accessed 25/9/2014).

OECD Working Group on Bribery (2013), Phase 3 Report on Implementing the OECD Anti-bribery Convention in Bulgaria, http://www.oecd.org/daf/anti-bribery/Portugalphase3reportEN.pdf (date accessed 25/9/2014).

Persson, A., B. Rothstein and J. Teorell (2013), "Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem", 26(3) *Governance: An International Journal of Policy, Administration, and Institutions* 449-471.

Posadas, A. (2000), "Combatting Corruption under International Law", 10 *Duke Journal of Comparative and International Law* 346-414.

Raustiala, K. (2000), "Compliance and Effectiveness in International Regulatory Cooperation", 32 *Case Western Reserve Journal of International Law* 387-440.

Raustiala, K. and A.-M. Slaughter (2002), "International Law, International Relations and Compliance", in W. Carlsnaes, T. Risse and B.A. Simmons (eds.), *Handbook of International Relations* (London: Sage Publications) 538-558.

Rose-Ackerman, S. and R. Truex (2012), "Corruption and Policy Reform", Working Paper Prepared for the Copenhagen Consensus Project, April 2012.

Shelton, D. (2000), "Law, Non-Law and the Problem of 'Soft Law'", in D. Shelton (ed.), *Commitment and Compliance – The Role of Non-Binding Norms in the International Legal System* (Oxford: Oxford University Press) 1-18.

Simmons, B. (2010), "Treaty Compliance and Violation", 13 *Annual Review of Political Science* 273-296.

Smilov, D. (2007), "Introduction: Party Funding, Campaign Finance and Corruption in Eastern Europe", in D. Smilov and J. Toplak (eds.), *Political Finance and Corruption in Eastern Europe* (Surrey: Ashgate) 1-28.

Specialised Services in the Fight Against Corruption (2000), "Conclusions", in Council of Europe (ed.), *Trading in Influence and the Illegal Financing of Political Parties: Programme of Action Against Corruption, Third European Conference of Specialised Services in the fight against corruption, Madrid (Spain), 28-30 October 1998, Vol. 763* (Strasbourg: Council of Europe Publishing) 117-120.

Szarek-Mason, P. (2010), *The European Union's Fight against Corruption: The Evolving Policy towards Member States and Candidate Countries* (Cambridge: Cambridge University Press).

Transparency International (2013a), *UN Convention against Corruption: Progress Report*, http://www.transparency.org/whatwedo/pub/un_convention_against_corruption_progress_report_2013 (date accessed 25/9/2014).

Transparency International (2013b), 'Institutions Perceived by Respondents to be among the Most Affected by Corruption', Global Corruption Barometer 2013, http://www.transparency.org/gcb2013/results (date accessed 25/9/2014).

Transparency International (2012), *Exporting Corruption? Country Enforcement of the OECD Anti-bribery Convention, Progress Report 2012*, 6 September 2012, http://www.transparency.org/whatwedo/pub/exporting_corruption_country_enforcement_of_the_oecd_anti_bribery_conventio (date accessed 25/9/2014).

Treib, O. (2008), "Implementing and Complying with EU Governance Outputs", 3(5) *Living Reviews in European Governance* 4-30.

United Nations (2003), *Convention against Corruption*, 31 October 2003, A/58/422, 2349 U.N.T.S. 41, http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf (date accessed 25/9/2014).

United Nations (2000), *Convention against Transnational Organized Crime (UNCTOC)*, 8 January 2001, A/RES/55/25, 40 I.L.M. 353, http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf (date accessed 25/9/2014).

U4 Anti-Corruption Resource Centre (2013), "The Role of Civil Society in the UNCAC Review Process", http://www.u4.no/publications/the-role-of-civil-society-in-the-uncac-review-process-moving-beyond-compliance/ (date accessed 25/9/2014).

Walecki, M. (2007), "The *Europeanization* of Political Parties: Influencing the Regulations on Political Finance', EUI Working Paper MWP No. 2007/29.

Webb, P. (2005), "The United States Convention against Corruption: Global Achievement or Missed Opportunity?" 8(1) *Journal of International Economic Law* 191–229.

Williams, J.W., and M.E. Beare, "The Business of Bribery: Globalization, Economic Liberalization, and the "Problem" of Corruption", 32(2) *Crime, Law & Social Change* 115-146.

Wolf, S. (2010), "Assessing Eastern Europe's Anti-corruption Performance: Views from the Council of Europe, OECD, and Transparency International", 11(2) *Global Crime* (May 2010), 99-121.

World Bank (2012), *Worldwide Governance Indicators 2012*, http://info.worldbank.org/governance/wgi/index.aspx#reports (date accessed 25/9/2014).

Wouters, J. C. Ryngaert, and A.S. Cloots (2013), "The International Legal Framework against Corruption: Achievements and Challenges", 14(1) *Melbourne Journal of International Law* 205-280.

This project is co-funded by the
Seventh Framework Programme for
Research and Technological
Development of the European Union

Project profile

ANTICORRP is a large-scale research project funded by the European Commission's Seventh Framework Programme. The full name of the project is "Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption". The project started in March 2012 and will last for five years. The research is conducted by 21 research groups in sixteen countries.

The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP
Project full title: Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption
Project duration: March 2012 – February 2017
EU funding: Approx. 8 million Euros
Theme: FP7-SSH.2011.5.1-1
Grant agreement number: 290529
Project website: http://anticorrp.eu/