



ANTI-CORRUPTION in an EU accession context



European Commission

DG NEAR

Centre of Expertise on Rule of Law and
Fundamental Rights

STRUCTURE

(1) The new approach in the accession negotiations in the rule of law chapters.

(2) What does this mean for the fight against corruption ?

1. The new approach to chapters 23 /24 in a nutshell

*Presented in 2011, applied on MNE as of 2012, SR as of 2013.
Not applicable on TR. Based on lessons learned.*

Provides a more structured framework for negotiations,

Takes into account the time needed for reforms to be properly implemented:

- ▶ *Ch. 23/24 to be opened early in the process and closed at the end to allow maximum time for solid track records to develop with the aim of irreversibility of reforms.*

- ▶ *EU to provide substantial guidance as basis for comprehensive reform action plans, which are required as opening benchmarks and serve as a catalyst for reforms.*
- ▶ *Introduction of 'interim benchmarks' to further guide the reform process and keep the reforms on track.*
- ▶ *Closing benchmarks only set once substantial progress made across the board, including on track records of implementation on the ground.*

- ▶ *Safeguards and corrective measures, for example the updating of benchmarks and to ensure an overall balance in the progress of negotiations across all chapters, a mechanism to stop negotiations on other chapters if progress on chapters 23/24 lags behind.*
- ▶ *Greater transparency and inclusiveness of the process, with wide stakeholder consultation expected on the reforms, to ensure maximum support for their implementation.*



2. What does this mean for the fight against corruption ?

- *Comprehensive assessment of legal and institutional framework as well as its impact*
- *Concrete recommendation to be reflected in a comprehensive action plan reflecting a long term vision on how to address corruption (2 track approach)*
- *Initially focus on completing legal framework and establishing/strengthening institutions*



- *Obligation to establish an "initial track record".*
- *Once we have assessed that the legal and institutional framework is of a good quality and starts producing first results, focus shifts towards **sustainable results**.*
- *Aim : to make anti-corruption efforts irreversible*

Timeline ? *Entirely in the hands of the country concerned. Closure of accession negotiations only when results are satisfactorily*



Tools to check/monitor

- Official information
- Information from local NGOs/academics/independent bodies
- Assessments from specialised international organisations
- Peer-review missions
- Track record tables

Findings so far ?

- Fairly developed legal framework (some gaps) and required institutions mostly in place, although weak.
- HOWEVER, shortcomings in terms of real **results.**



- (1) **Sensitive areas** remain untouched (e.g. real control and checks on political party financing and financing of electoral campaigns).
Test case for real political will

- (2) Important **tools remain underused** or are not well understood :
 - Asset declaration and verification systems and in particular looking into inexplicable wealth
 - Asset confiscation – too little too late
 - The concept of conflict of interests not well understood
 - Legal persons are rarely held accountable



- (3) **Lack of pro-activeness** (no risk assessments) in general but especially in law enforcement/justice – "wait and see" attitude.
- (4) **Formalism** in legislation (procedural codes) as well as in the interpretation of legislation.
- (5) **"soft" preventive tools** (code of conduct, integrity plans etc...) not effectively enforced

= very limited results, especially in prosecuting P.E.Ps



Conclusions

- Effective results in fighting corruption take time.
- Good laws and institutions do still not provide a guarantee for success in fighting corruption.
- Mentality change needed (education?).
- BUT above all **political will** is the most important pre-requisite for tackling corruption
- Fighting corruption is still not a real priority in enlargement countries.
- EU is making it one but needs civil society to help as pressure from "Brussels" alone will not do.



Questions?

THANK YOU!