



2023/0135(COD)

8.11.2023

OPINION

of the Committee on Budgetary Control

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council
(COM(2023)0234 – C9-0162/2023 – 2023/0135(COD))

Rapporteur for opinion (*): Caterina Chinnici

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_Legam

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

1. ‘prevention of corruption’ refers to the detection and elimination of the causes of and conditions for corruption, through development and implementation of a system of appropriate measures, as well as deterrence against corruption-related acts.

Amendment

1. ‘prevention of corruption’ refers to the detection and elimination of the causes of and conditions for corruption, through development and implementation of a system of appropriate measures **and necessary tools**, as well as deterrence against corruption-related acts.

Amendment 2

Proposal for a directive

Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. ‘financial and economic crimes’ refers to illegal acts committed by an individual or a group of individuals, from the civil society or those with a political or administrative accountability, to obtain economic or professional gain or political influence and includes, inter alia, corruption, misappropriation, fraud, coercion, collusion, obstruction, money laundering and terrorist financing, including when such crimes affect the Union’s financial interests;

Amendment 3

Proposal for a directive

Article 2 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

1b. ‘nepotism’ or ‘cronyism’ refers to the practice where a public official gives a preferential treatment to family members, friends or associates, by restricting access to public positions or services or distributing financial resources under his/her control only on the ground of his/her personal or political connections;

Amendment 4

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

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

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

Amendment 5

Proposal for a directive

Article 2 – paragraph 1 – point 3 – point b a (new)

Text proposed by the Commission

Amendment

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

Amendment 6

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

5. 'national official' means any person holding an executive, administrative, or judicial office at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority. Any person holding a legislative office at national, regional or local level is considered a national official for the purpose of this Directive.

Amendment

5. 'national official' means any person holding an executive, administrative, or judicial office at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority, ***or any person entrusted with tasks of public interest or in charge with a public service.*** Any person holding a legislative office at national, regional or local level is considered a national official for the purpose of this Directive.

Amendment 7

Proposal for a directive

Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 9

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

Text proposed by the Commission

Amendment

1 a. Member States shall take measures to implement education for public integrity in the school system and in the classroom with a view to prevent corruption.

Member States shall provide opportunities for educators to receive specialized training in anti- corruption education methodologies and strategies to ensure the effective delivery of these programs.

Amendment 10

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

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to prevent favouritism, nepotism or cronyism in public recruitment and in administrative procedures, and to ensure that all public human resource processes strive to develop a systematic approach based on: identification of possible risks; establishment of strong preventive mechanisms; ensuring policy compliance, reporting and sanctioning of misconduct.

Amendment 11

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take measures to ensure the highest degree of transparency and accountability in public

2. Member States shall take measures to ensure the highest degree of **integrity**, transparency and accountability in public

administration and public decision-making with a view to prevent corruption.

administration and public decision-making, ***ensuring that citizens are adequately informed***, with a view to prevent corruption, ***in particular through the development of national anti-corruption strategies in consultation with the relevant specialised bodies referred to in Article 4.***

Amendment 12

Proposal for a directive Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 13

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

Text proposed by the Commission

Amendment

2 a. Member States shall take measures to create a strong public service culture, based on integrity, transparency and accountability, ensuring that national officials are adequately remunerated, have the appropriate information,

training and support to deal with both the increased professional standards and the tasks in implementing their mandate, and that they are aware of conflict of interest situations and of the risks of corruption and financial and economic crimes.

Member States shall furthermore establish specific anti-corruption training for public procurement officials, evaluators and contractors.

Amendment 14

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *Member States shall take the necessary measures to digitalise all aspects of corruption prevention covered by this article and to ensure that relevant information, in particular on anti-corruption policies and legal framework, is disseminated by means of a digitally accessible publication on interoperable databases open to individuals and entities whose activity may be involved in a corruption scheme.*

Member States shall furthermore take the necessary measures to ensure an open access to information of public interest, by means of a digitally accessible publication on interoperable databases, making data available in a timely manner, in a standardized, machine-readable format, downloadable in bulk.

The databases shall be designed to create a more unified and interoperable information system at EU level, allowing comparing, crosschecking and aggregating the data. The information accessible via the digital channel shall be suitable for legitimate use.

Amendment 15

Proposal for a directive

Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

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

Amendment 16

Proposal for a directive

Article 3 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 17

Proposal for a directive

Article 3 – paragraph 4 – point b

Text proposed by the Commission

Amendment

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

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

Amendment 18

Proposal for a directive

Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. In any case and irrespective of the level of risk, Member States shall adopt or update a minimum set of measures, including:

(i) a policy on gifts and entertainment;

(ii) effective rules for the disclosure and management of conflicts of interests in the public sector, including procedure for public officials to recuse themselves in situations of conflict of interests and sanctions for failure to report these situations;

(iii) effective rules for disclosure and verification of assets, income and financial interest of public officials, establishing sanctions for failure to report substantial assets or interests; and

(iv) a corruption reporting system easily accessible and made adequately known to the public.

The reporting system may be linked to a wider whistle-blowing policy or by setting clear internal and external reporting channels that can guarantee confidentiality for whistle-blowers in both public and private sectors, also in order to protect the EU financial interests.

The corruption risk assessment under this paragraph is intended to be the continuous and systematic process of identifying, analysing, evaluating,

prioritising, controlling and monitoring situations that are liable to result in corruption. In performing such assessment, Member States shall take into account, in particular, the Commission's annual Rule of Law Report.

Amendment 19

Proposal for a directive Article 3 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a directive Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 21

Proposal for a directive Article 3 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

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

Amendment 22

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

Text proposed by the Commission

Amendment

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

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

Amendment 23

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

Text proposed by the Commission

Amendment

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

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

Amendment 24

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

Text proposed by the Commission

Amendment

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

Amendment 25

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

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

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, ***including the specialised bodies referred to in Article 4***, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences,

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

cooperate with each other in the fight against the criminal offences referred to in this Directive.

Amendment 26

Proposal for a directive Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In the pursuit of this objective, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities.

Amendment 27

Proposal for a directive Article 24 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

In order to do that, effective data collection and sharing shall be guaranteed among all the authorities involved, including the swift processing of requests for access by a Member State's investigation services.

Amendment 28

Proposal for a directive Article 24 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

The entities referred to in this article shall ensure the avoidance of duplication.

Amendment 29

Proposal for a directive

Article 24 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

Where appropriate, the working arrangements established under Chapter X of the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') shall be amended accordingly.

Amendment 30

Proposal for a directive

Article 24 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

The results of the cooperation established under the present provision shall be reported by Europol, Eurojust, the EPPO and OLAF and the Commission, without prejudice to their obligation of discretion and confidentiality as regards individual cases and personal data, in a specific section of their annual reports to the European Parliament and to the Council.

Amendment 31

Proposal for a directive

Article 24 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

The entities referred to in the first paragraph will make all necessary efforts to carry out joint actions and to contribute to the design and implementation of EU

sectoral policies and spending programmes, as well as in the external action and enlargement process, with a view to building a common anti-corruption culture based on an EU-wide approach.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur for the opinion. The rapporteur has received input from the following entities or persons in the preparation of the [draft opinion / opinion, until the adoption thereof in committee]:

Entity and/or person
The Rapporteur declares that she did not receive input from any entity or person.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council
References	COM(2023)0234 – C9-0162/2023 – 2023/0135(COD)
Committee responsible Date announced in plenary	LIBE 1.6.2023
Opinion by Date announced in plenary	CONT 1.6.2023
Associated committees - date announced in plenary	14.9.2023
Rapporteur for the opinion Date appointed	Caterina Chinnici 18.7.2023
Discussed in committee	12.10.2023
Date adopted	7.11.2023
Result of final vote	+: 23 –: 0 0: 1
Members present for the final vote	Matteo Adinolfi, Gilles Boyer, Joachim Stanislaw Brudziński, Olivier Chastel, Caterina Chinnici, Ilana Cicurel, Carlos Coelho, Beatrice Covassi, Corina Crețu, Ryszard Czarnecki, Luke Ming Flanagan, Daniel Freund, Isabel Garcia Muñoz, Monika Hohlmeier, Jean-François Jalkh, Mislav Kolakušić, Joachim Kuhs, Alin Mituța, Victor Negrescu, Jan Olbrycht, Younous Omarjee, Markus Pieper, Michèle Rivasi, Sándor Rónai, Petri Sarvamaa, Nico Semsrott, Eleni Stavrou, Cristian Terheș, Angelika Winzig, Lara Wolters
Substitutes present for the final vote	Jorge Buxadé Villalba, Katalin Cseh, Arnaud Danjean, Bas Eickhout, Eider Gardiazabal Rubial, Maria Grapini, Hannes Heide, Niclas Herbst, Sophia in 't Veld, David Lega, Jeroen Lenaers, Bogusław Liberadzki, Marian-Jean Marinescu, Andrey Novakov, Mikuláš Peksa, Tsvetelina Penkova, Sabrina Pignedoli, Wolfram Pirchner, Elżbieta Rafalska, Antonio Maria Rinaldi, Pirkko Ruohonen-Lerner, Ramona Strugariu, Viola von Cramon-Taubadel, Michal Wiezik, Juan Ignacio Zoido Álvarez
Substitutes under Rule 209(7) present for the final vote	Dominique Bilde, José Manuel Fernandes, Seán Kelly

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

23	+
ECR	Pirkko Ruohonen-Lerner
ID	Joachim Kuhs
PPE	Carlos Coelho, José Manuel Fernandes, Seán Kelly, Marian-Jean Marinescu, Jan Olbrycht, Markus Pieper, Eleni Stavrou, Angelika Winzig
Renew	Gilles Boyer, Olivier Chastel, Ilana Cicurel, Alin Mîtuța
S&D	Beatrice Covassi, Isabel García Muñoz, Maria Grapini, Hannes Heide, Tsvetelina Penkova, Sándor Rónai
The Left	Luke Ming Flanagan
Verts/ALE	Daniel Freund, Mikuláš Peksa

0	-

1	0
ID	Dominique Bilde

Key to symbols:

+ : in favour

- : against

0 : abstention