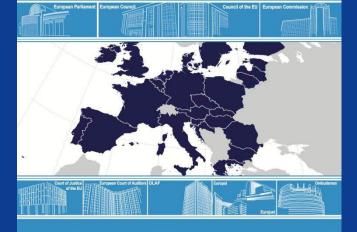


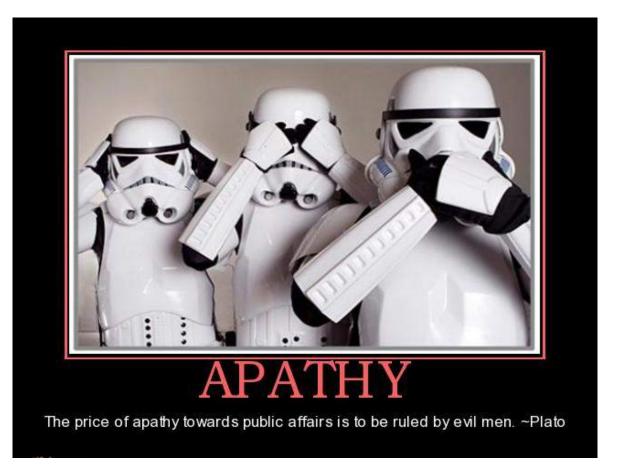
TRANSPARENCY INTERNATIONAL the global coalition against corruption EU OFFICE

Uncovering corruption risks in European Union institutions

Mark Perera, EUIS Lead Researcher and Advocate Transparency International EU Office 11 July 2014 TI School on Integrity



THE EUROPEAN UNION INTEGRITY SYSTEM





Large volume of legislation made by the EU...

1071 Legislative acts passed 2009-2014

1355

Legislative acts passed 2004-2009



(Photo source: ec.europa.eu)





Value of contracts governed by EU procurement rules (2009 – EU27) =

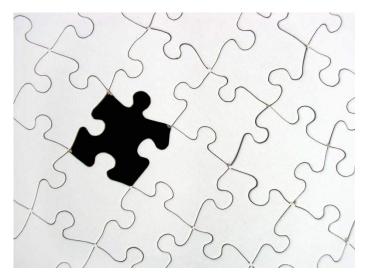
420bn EUR

Annual EU budget =

140bn EUR

(Photo source: ec.europa.eu) TRANSPARENCY INTERNATIONAL the global coalition against corruption

- Corruption risks remain a threat to national level in Europe
 - 2012: TI did studies in 25 European countries
 - 2014: EU Anti-Corruption Report (ACR) identified problems in all MS



...missing piece of the puzzle: **EU level**...



• Trust in EU institutions is low: confidence, legitimacy needs to be restored

70%

of EU citizens think corruption exists in the institutions

52%

don't think institutions help in reducing corruption in Europe (Source: Eurobarometer)



• **Recent <u>scandals</u>** show vulnerability of EU to corruption....



The EU Integrity System study

- The EU Integrity System (EUIS) report
- Released in April 2014
- 1st study of its kind at the EU level





What do these terms mean?

- Based on 'National Integrity System' methodology developed by TI
 - assesses anti-corruption efforts in gov. sectors at national level
- Integrity system
 - 'Key institutions and actors in EU governance system that have role to play in preventing corruption and promoting integrity'
- Corruption
 - 'The abuse of entrusted power for private gain'
- Integrity
 - 'Behaviours/actions consistent with moral and ethical principles/standards that create a barrier to corruption'



What does the EUIS study assess? (I)

- **10 EU institutions**, bodies and agencies ('institutions') covered
 - 4 'core': European Parliament, European Council, Council of Ministers, European Commission
 - 6 'control': Court of Justice of EU, European Court of Auditors, OLAF, Europol & Eurojust, European Ombudsman



THE EUROPEAN UNION INTEGRITY SYSTEM



What does the EUIS study assess? (II)

- Assessment of how EU institutions
 - Deal with internal corruption risks
 - Foster public sector integrity
 - Contribute to the **fight against** corruption in Europe
- The EUIS is <u>NOT</u>:
 - a comparison with national level or other international bodies, or
 - an investigation into specific corruption cases





How was study done?

- **Review of rules and practice** on independence; transparency; accountability; integrity (internal ethics)
- *Also*: resources; role(s) contributing to integrity/anti-corruption in system
- **Desk research** on rules and legal framework (analysis of 'law')
 - Inc. requests for access to EU documents
- **Interviews** with figures within EU institutions (analysis of 'practice')
- **Research carried out over 9 months** from mid-2013 to early 2014
- Advisory Group of experts to guide research, gathering
 - Current/former members of institutions
 - Representatives from civil society, media, academia, private sector



Positive findings: overall system

- General rules provide good foundation to support integrity, transparency and accountability e.g.
 - Financial regulation
 - Internal financial controls at all institutions
 - General staff rules
 - Legal right of public access to documents
 - Mechanisms for investigating maladministration, fraud, corruption and mechanisms for judicial oversight and review
 - being used actively, with variation across institutions





Positive findings: overall system

- Growing sensitivity to ethics issues and anticorruption
 - Commission 'ethics correspondents' in each department
 - Anti-fraud strategies at dept level being developed with OLAF
 - Ethics trainings for staff e.g. at ECA, COM
 - Ombudsman's 'Public Service Principles'
 - Anti-corruption dimension in European Council roadmaps for justice, freedom and security
 - EU anti-fraud/anti-corruption legislation e.g. anti-money laundering
 - EU Anti-Corruption Report in 2014





But despite the good foundation, the structure is shakier than expected due to complex rules, complacency, and lack of follow-up by the institutions, meaning corruption risks persist at the EU level

...for example...



Opaque EU decision-making & lobbying

- **1549** trilogue meetings from 2009-2014 but **no public record**
- **15000** lobbyists in BXL but **no mandatory rules** on contact or input
- **79%** of docs requested from EP in 2012 were already public: concerns on **quality and usability of information** published by institutions

RECOMMENDATION: PROMOTE A POLICY OF 'TRANSPARENCY BY DEFAULT' IN EU DECISION-MAKING

- Introduce a 'legislative footprint'
- Mandatory EU lobby register
- Publish all documents from law-making process
- Proactively publish documents on decision-making



Poor mgmt of conflicts of interest; complex/inconsistent ethics rules (I)

- Checks on asset declarations largely a '**box-ticking**' exercise
- Self-regulation the norm: ethics c'ttees lack independence and teeth
- 3 years, 18 months, or... 'cooling' off periods vary by institution
- >1/3 of staff queries to COM HR dept in 2012 on rules on ext. activities
- **Clearing House** meetings between OLAF and COM: no oversight

RECOMMENDATION: MANAGE EFFECTIVELY CONFLICTS OF INTEREST OF SENIOR EU DECISION-MAKERS

- Objective, transparent appointment procedures for all key positions.
- Bring conflicts of interest policies up to international standards (e.g. OECD)



Poor mgmt of conflicts of interest; complex/inconsistent ethics rules (II)

RECOMMENDATION: MANAGE EFFECTIVELY CONFLICTS OF INTEREST OF SENIOR EU DECISION-MAKERS

- Introduce **fully independent ethics bodies** at all institutions
- Empower OLAF or ECA to verify asset declarations
- Establish OLAF's full organisational independence



Weak protection for EU whistle-blowers

• **1 out of 10** institutions has internal whistle-blowers procedures despite legal duty on staff to report illegal/unethical activity

RECOMMENDATION:

PUT IN PLACE EFFECTIVE INTERNAL WHISTLE-BLOWING PROCEDURES

• All institutions should develop **harmonised**, **internal whistle-blowing procedures**.



Weak sanctions for corrupt companies

- 7 companies banned (debarred) from EU public procurement at end 2013 due to evidence of corruption
- **30** EU actors banned by World Bank between 2010-2013

RECOMMENDATION: IMPROVE THE EU'S DEBARMENT SYSTEM

 COM should make concerted use of its discretionary powers to exclude legal entities guilty of 'grave professional misconduct' from EU public procurement, and make database of debarred companies public



Inconsistent follow-up to corruption cases

- **46%** of OLAF cases passed on to MS followed up by judicial authorities (*Source: OLAF*)
- **2%** of Eurojust cases registered as corruption-related in 2012

RECOMMENDATION:

ESTABLISH AN INDEPENDENT EUROPEAN PUBLIC PROSECUTOR WITH BROAD ANTI-CORRUPTION POWERS

 The Council should ensure the establishment of a European Public Prosecutor, and the European Council should ensure that serious, crossborder EU crimes, including corruption, are a part of its mandate



Next steps

- EU should address corruption risks before they become corruption scandals
 - Growing attention paid to ethics and anti-corruption, but too often the EU has reacted to events to push forward the agenda
- EU at a moment of change
 - The EUIS report identifies integrity gaps that require action and is a tool for new leadership
- New leadership must **demonstrate renewed commitment** to open and ethical governance
 - Not only to change public perceptions and bolster legitimacy
 - But also to **contribute to better governance** in EU and ensure highest possible standards of public service in EU



How can YOU hold the institutions to account?

• Getting hold of **information** on how the EU is working is key....but what is out there and how can you access it?



 Access to EU documents is a fundamental right

(Charter of Fundamental Rights, art. 42)

 How to make use of the right to access EU documents (not information!) is defined in a specific EU law (Regulation 1049/2001)



Accessing information on the EU: general activities/law-making (I)

es over presidency of the EU employment, strengthening citizens' rights and a stronger role for ne world will be Italy's priorities during its 6-month presidency of job opportunities, says EU			Search Advancede.g.Stay colhttp://ec.europa.euImage: Fail Image: Euhttp://europarl.europa.eu					
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		03/04/2006	Debate in Pa	reament		4 5)		
		04/04/2006	Results of vo	te in Parliament		4		
		04/04/2005	Decision by	Parliament, 1st reading/single reading		T6-0122/2006	Summary	



Accessing information on the EU: finding documents

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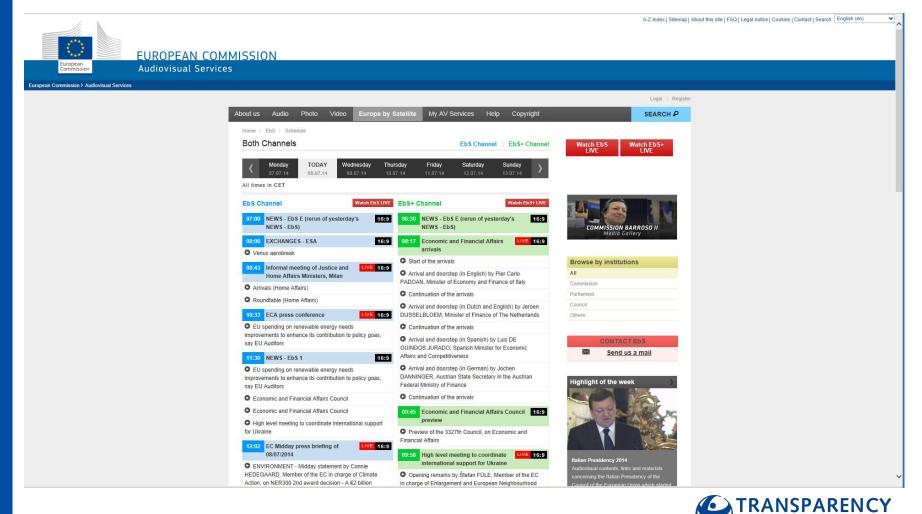
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e.g.

http://ec.europa.eu/tran sparency/access_docume nts/registers_of_docume nts_en.htm

Accessing information on the EU: general activities/law-making (II)



the global coalition against corruption

ec.europa.eu/avservices/ebs/schedule.cfm

Accessing information on the EU: who gets money from the COM?



http://ec.europa.eu/budget/fts/index_en.htm



Accessing information on the EU: who is lobbying the institutions?

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http://ec.europa.eu/transparencyregister/info/homePage.do

Accessing information on EU figures

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EUROPEAN COMMISSION

European Commission > The Commissioners (2010-2014) > Financial interests

Commissioners' declarations of interests

This declaration includes all the interests that Members of the Commission are required to declare under their Code of Conduct information on former and current outside activities, financial interests and assets, and spouses' activities. It must be complete the Commission takes office and revised during his or her term of office if the information changes.

The texts shown below are in PDF format. To view a PDF file, it is necessary to have Adobe Acrobat Reader installed on

José Manuel Barroso	Catherine Ashton	Viviane Reding 🖾 🖆	Joaquín Almunia	<u>Siim Kall</u> i
Neelie Kroes	Antonio Tajani 🖾 🗹	<u>Maroš Šefčovič</u>	Janez Potočnik	<u>Olli Rehn</u>
Andris Piebalgs	Michel Barnier 🖾 fr	Androulla Vassiliou	<u>Alqirdas Šemeta</u>	<u>Karel De</u>
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Connie Hedegaard	<u>Štefan Füle</u>	László Andor	Cecilia Malmström	<u>Kristalina</u>
Dacian Cioloș 🕲 ff	Tonio Borg	Neven Mimica		

CODE OF CONDUCT FOR COMMISSIONERS

ANNEX 1 - DECLARATION OF INTERESTS

Full name: BARROSO, JOSÉ MANUEL DURÃO

I. PREVIOUS ACTIVITIES

I.I. Posts held over the last 10 years, in foundations or similar bodies

Non-executive member of "Instituto Francisco Sá Carneiro"

- I.2. Posts held over the last 10 years in educational institutions

 Head of the International Relations Department, Lusiada University 95,99
 - Professor of International Relations, Lusiada University 95/99
 Visiting Professor at the Department of Government and School of
 - Foreign Service (Centre for German and European Studies), Georgetown University, Washington DC 96/98
- L3. Post held over the last 10 years in the governing, supervisory and advisory organs of companies and other bodies devoted to commercial or economic activities.
- I.4. Other professional activities held over the last 10 years, including services, liberal profession, consulting activities.
- II. OUTSIDE ACTIVITIES
 - II.1. Posts currently held in foundations, similar bodies or educational institution
 - Honorary Patron of the "European Union Youth Orchestra" (orchestra of 140 players from all 27 Member States)
 - Honorary member of the Board of Patrons of the "European Strategy Forum" (strategic instrument to develop the scientific integration of Europe)



Accessing information on MEPs (I)

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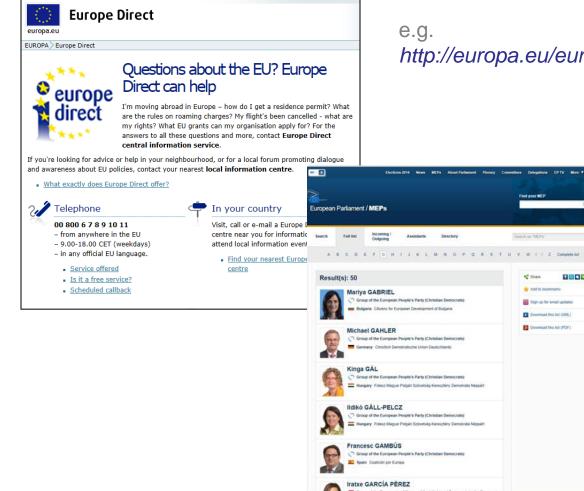
Accessing information on MEPs (II)



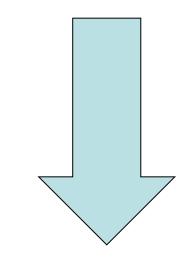


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Getting (non-)public information: where to go?

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Delegationer EP TV

2 3

NASTA STEG

Getting (non-)public information: submitting a request

- To request a **document**, you don't have to know the exact name/number of a document, you just need to describe what you need
- Most institutions have **15 working days** (3 weeks) to give a reply, but they can prolong it for another 3 weeks in difficult cases
- There are **some exceptions** allowing access to be refused
 - E.g. protection of personal data, protection of decision-making, public security
- If access is refused, you can **appeal** this decision
 - Same deadlines as above
 - Can often lead to partial access to document(s)



Getting (non-)public information: appealing refusals

At your service	Activities	Press	Cases	Resources	The wall
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