



By: Tomorrow's Affairs Staff

European anti-corruption laws - crisis management, not a systemic solution



One of the most important conditions to become a member of the EU club is to have low-level corruption and a powerful and effective anti-corruption mechanism that discourages bribery, influence peddling, or other corrupt practices. The EU traditionally presents itself as a champion in the fight against corruption, which it understands as a global license to arbitrate the extent of someone else's corruption. This was until its image was hit by the Qatargate scandal, where the highest-level influence peddling emerged. The European Commission President Ursula von der Leyen, in her State of the Union Address to the European Parliament last September, called for clearing up her own backyard of corruption. Otherwise, she would lose credibility as a global promoter of the rule of law. Last Wednesday, her "government" announced an anti-corruption regulations package, where the EU launches measures to combat corruption within its institutions and member states. The package is ambitious and seems like a legacy that Ms. Von der Leyen and her commissioners would be keen to bequeath, given that they have already entered the last year of their mandate. There is an overwhelming impression that the bribery of some of the highest officials of the EU was decisive for Brussels executives to start repairing the damage by proposing new anti-corruption regulations.

Actual and desired corruption image

Europeans do not have much reason to hold themselves in much esteem when it comes to the perception of corruption, given its prevalence. According to Eurobarometer, more than two-thirds of EU citizens (68%) believe that corruption is widespread, and only one-third have confidence in the efforts of their governments and the EU bureaucratic procedures to combat it. The conviction of almost half of Europeans (48%) is even more devastating. They believe there is no point in reporting corruption cases because the system will not act on their reports. The investigation into the bribery of Euro parliamentarians,

lobbyists, and their family members, launched in Belgium last July, brought significant results. Qatargate has left a significant stain on the EU because those arrested and the targets of the investigation showed that bribery, organised crime, and influence peddling have reached the top of European institutions. The package of anti-corruption laws that the European Commission adopted last Wednesday has been a direct crisis response to this affair, even if it aims to act as a systemic regulation, which would reduce the scope for corruption within the EU in the long term.

Long and complicated road to new laws

The EC's objective is for EU member states to harmonise their anti-corruption laws because the current variety of regulations makes cooperation in the fight against corruption difficult. There is also a tightening of penalties for corrupt criminal acts and an expanded list of what is considered to be corruption, since at EU level, it only consisted of bribery until now. "Today's package will raise the bar for EU-wide definitions and penalties of corruption crimes and will help authorities to catch and punish the criminals, be it from public or private sector, no matter where they happen", EC Vice President Věra Jourová said last Wednesday. These laws, however, have a long and complicated road ahead until they come into effect in the form proposed by the Commission. They must be confirmed in the European Parliament and all 27 member states. Apart from the framework principles for the fight against corruption, they have not had common legislation in this area. Harmonising anti-corruption regulations will be difficult because national laws differ, even in some fundamental principles, such as the definition of corruption, the number of penalties, or the treatment of whistle-blowers. The disparities are even greater in terms of the effects in the fight against corruption, where the new common European legislation is likely to have a bigger problem. There are countries with a long tradition of the rule of law, and there are "culprits on duty", such as Bulgaria, Romania,

Hungary, and even Poland, that the EU has been pressurising for years to do more to combat corruption.

The fight against corruption is a low priority for the EU

The EU has kept the fight against corruption at a low level for a long time. It was never a priority, except at the level of principles, the respect of which was left to the member states and their national laws. Such a relationship made the EU resemble a glazed box, where billions of euros flow illegally under the surface. Some earlier estimates of the extent of corruption within the EU were frightening enough. A European Commission 2014 report estimated as much as 120 billion euros in annual corruption, which was close to the EU's annual budget at the time. Two years later, the European Parliament study estimated that corruption costs the EU as much as 990 billion euros annually, eight times more than estimated. Qatargate brought this long-standing self-delusion to the surface and forced bureaucrats in Brussels to raise the fight against corruption to the top of their priority list. This reaction does not give much confidence in a deep, systematic fight against a systemic problem. It acts more like crisis management to save the reputation of one of the most important EU brands, the fight against corruption.