

European Parliament  
Resolution on Combating  
Corruption in Europe

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**Other instruments cited:**

593IP0346.....  
594IP0033.....  
192MB-TIR4.. . . .  
192MF.....  
192MK01-PT5 . . . . .  
192MK01-PT7.. . . .  
192MK01-PT9  
192MK06.....  
192E003-PTH.. . . .  
192E100..  
192E220.....  
192E235.....  
192E085.....  
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**A4-0314/95**

Resolution on combating corruption in Europe

The European Parliament,

- having regard to its resolution of 16 December 1993 on combating international **fraud** (( OJ C 20, **24.01.94**, p. 185.)),
- having regard to its resolution of 11 **February** 1994 on criminal activities in Europe (( OJ C 61, 28.2.1994, **p. 235.**)),
- having regard to **Articles** B, fourth indent, F, **K. 1(5)**, (7) and (9) and **K.6** of the Treaty on European Union and Articles 3(h), 100,220 and 235 of the EC Treaty,
- having regard to the OECD recommendations regarding the payment of bribes in international **business**,
- **having** regard to Rule 148 of its Rules of **Procedure**,
- having regard to the report of the Committee on **Civil Liberties and Internal Affairs (A4-03 14/95)**,

- A. whereas corruption is not a new phenomenon and manifests itself in various forms and to varying extents,
- B. whereas the exploitation of commercial and financial circuits by fraudulent organizations set up with criminal objectives in mind is an established fact (transit, arms, drugs, etc.) and makes the Union's international trade field responsive to the risks of corruption, by exposing to such risks operators, transport undertakings and officials, in particular those responsible for monitoring operations,
- C. whereas corruption, particularly in conjunction with organized crime, poses a threat to the functioning of the democratic system and thus destroys public confidence in the integrity of the democratic constitutional State,
- D. whereas combating organized crime can help to curb corruption and whereas cooperation at European level between all prosecuting authorities must be improved as a matter of urgency,
- E. having regard to Member States' and third countries' legal provisions for combating corruption,
- F. having regard to the need for cooperation within the European Union and with third countries in combating corruption,
- G. whereas the European Union must equip itself with its own policy of combating corruption which will enable it to establish both the requisite preventive and repressive measures,
- H. whereas the European legal area will have no meaning unless there is broader mutual recognition of judicial decisions and extradition mechanisms, in order to prevent the existence of areas where impunity can be enjoyed; whereas this question should be a priority at the 1996 IGC,
- I. stressing that combating corruption nationally and internationally concerns all Member States and that the agreements concluded between the Member States on this subject are inadequate,
- J. in the belief that legal provisions and stiffer penalties for crimes of corruption are not enough on their own and that success will be achieved primarily through society's resolute condemnation of corruption and the determination of the responsible authorities to combat it,
1. Defines **corruption** as the behaviour of persons with public or private responsibilities who fail to fulfil their duties because a financial or other advantage has been granted or directly or indirectly offered to them in return for actions or omissions in the course of their duties;
  2. Supports the efforts of the Council to reach decisions on the protection of the Community's financial interests and calls on the Council speedily to conclude its deliberations and adopt measures which would enable **fraud and corruption** at European level to be combated effectively;
  3. Calls on the Council to address recommendations to the Member States so that appropriate and effective anti-corruption measures are taken, both in connection with the protection of the EU's financial interests and beyond such protection;
  4. Takes the view in particular that all measures taken by the Council to combat active and **passive** bribery should regard as crimes the demanding, granting or acceptance of offers, promises or advantages both directly and indirectly;
  5. Calls 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;
  6. Recommends that Member States abolish any tax legislation and other legal provisions or rules which indirectly encourage corruption and make it a punishable **offence** for national or foreign officials and decision-makers to be granted or to accept advantages;
  7. Calls on the Member States to carry out the necessary legislative reforms to enable national legal systems to be approximated not only with regard to transparency in **funding** political parties but also to ensure that their management is more clearly understood by the public;
  8. Calls on the Council of Justice and Home Affairs Ministers at its next meetings to adopt a common position establishing guidelines for the Commission for drawing up a model proposal for the harmonization of Member States' legal provisions and procedures in relation to crimes of **corruption**;
  9. Calls on the Commission to combat corruption on the basis of Articles 3, 85 and 100 (functioning of the internal market, distortion of competition, e.g. because bribes can be set off against tax);
  10. Calls for the publication in the Official **Journal** of the European Communities of the names and occupations of legal or natural persons definitively convicted on charges of corruption connected with Community decisions or **financing**;
  11. Stresses the importance of the Commission submitting a programme on preventive anti-corruption measures by July 1996;
  12. Considers that it is desirable and necessary, in connection with crimes of corruption, to expand the functions of the European Court of Auditors to coordinate the work of Member States' audit offices and therefore recommends that the remit of the European Court of Auditors be extended to take in the second

and third pillars of the Maastricht Treaty;

13. Recommends that the institutions of the European Union and Member States' administrations introduce organizational and technical measures to prevent corruption, reinforce their internal audit procedures in particular and generally make decision-making processes more transparent;

14. Calls on Member States' parliaments to hold public hearings on the development and **consequences** of corruption, **particularly** in public administration; the findings of these hearings should be the basis for an exchange at European level which would enable the foundations to be laid for enhanced interparliamentary cooperation at European level as regards combating corruption;

15. Calls on the Commission and the Member States to take precautionary measures to exclude corrupt market operators from competing for public contracts for given periods of time and from entitlement to any other form of subsidy;

16. Recommends that in all Member States the rules on declarations of interest by Members of Parliament are clarified, so that they are neither difficult to interpret nor to apply; undertakes to supplement its own Rules of Procedure in this regard;

17. Recommends that a statute for the Members of the European Parliament be drawn up, laying down rules for the conduct of parliamentary duties and private professional activities so that conflicts of interest may be avoided,

18. Considers that frequent exchanges of opinion between Member States' officials should be held with a view to more rapid and efficient coordination of investigations into corruption;

19. Calls for the European Documentation and Research Network to undertake an inventory and analysis of corruption detected and dealt with in the Member States since 1990, with a view to obtaining a systematic understanding of the nature and extent of this phenomenon;

20. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the countries which have begun accession negotiations with the European Union.