



# ANTI-CORRUPTION in an EU accession context

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**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 with increased focus on **results**.*

*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 alone do 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 priority in enlargement countries.
- EU needs civil society to help as pressure from "Brussels" alone will not do.
- Reflections ongoing on a more comprehensive approach beyond CH 23 to more effectively address state capture



# Questions?

*THANK YOU!*