

### **Short WORKSHOP REPORT FORM**

**Number and title of workshop:** Can the EU Lisbon Treaty Drive Change?

**Coordinator:** Dr.iur. Janina Berg, TI Liaison Office to the European Union (TI-EU)

**Date and time of workshop:** 12 November 2010, 15.00-17.00

**Moderator:** Andrea Mott, Journalist and Producer

**Rapporteur:** Des Carney, TI Liaison Office to the European Union (TI-EU)

#### **Panellists**

David Lipman, Ambassador and Head of EC Delegation to Thailand (European Commission)  
Francesca Mosca, Director, Directorate-General EuropeAid (European Commission)  
Paul Lachal Roberts, Advisor to the Director-General, European Anti-Fraud Office (OLAF)  
Ana Maria Gomes, Member of the European Parliament  
Cornelis de Jong, Member of the European Parliament

#### **Main Issues Covered**

The overall theme was whether the European Union's (EU) Lisbon Treaty could be a catalyst for change in the fight against corruption, both within the Union and around the world.

The institutional change, by which the EU has assumed legal personality and thus the capacity to enter into international treaties, has the potential to reshape European policy in its various areas. The Union's common foreign policy and justice and home affairs can now, for instance, be streamlined, while external relations will become more coherent and decisive, to reflect the 'shared cultures and values' that make up the Union. Particularly, Article 83 of the Treaty declares 'corruption is a serious crime'.

To combat corruption there are an increasing number of legal instruments. The EU's five-year roadmap in the area of justice and home affairs (commonly called Stockholm Programme) invites the European Commission to measure anti-corruption efforts in EU Member States, and also to develop a comprehensive anti-corruption policy. This currently debated anti-corruption package that will allow the European Union institutions to take up a political voice is expected to be presented in 2011, as is the accession of the EU to the Group of States against corruption (GRECO), while the European Commission's Directive on corruption in the private sector (2003) will be updated.

Within its development policies, the EU (through the Commission) fights corruption by introducing the debate in dialogue with partner countries, strengthening the integrity of the justice sector and also the financial control mechanisms of the country. All sector policies are infused with 'the governance dimension', while promoting the political will to act is considered vital. Difficulties in promoting good governance in partner countries will remain, but the evolution of the Commission's development policies - in which civil society can also play a vital role - potentially bodes well for the future.

OLAF, the European Anti-Fraud Offices charged with investigating corruption connected to the misuse of EU funds, will also undergo change. Currently an independent institution of the EU containing 500 staff, OLAF has no power to prosecute but to investigate, which proves tricky in cross-border crime. However, in the context of the Stockholm Programme a European Public Prosecutor Office (EPPO) will be created to enable a coherent response to crime across member states. Particularly, the EPPO will be a judicial body with powers to coordinate EU member state investigations, and perhaps even have authority to order the initiation of prosecutions. Although its mandate will be limited, the European Prosecutor will have legal competence across the EU, which will offer, for the first time, a uniformity of standards as well as consistency of approach. However, the 'how' and 'when' remain open questions.

While the EU can be a force for change against corruption across the Union and abroad, it must look to within its institutions as well. In particular, the European Parliament, which has been strengthened by the Lisbon Treaty, must improve its codes of conduct / practice, and provide measures (including an inter-institutional lobbying register) against the undue influence of lobbyists. On the other hand, the Commission is hampered by inactivity and fraudulent practice, which call into question its competence against corruption.

In sum, much remains to be done at the EU-level, but the underlying Treaty offers numerous opportunities for a more comprehensive and lasting fight against corruption.

### **Main Outcomes**

While there are differing opinions on the strength of the EU's commitment to anti-corruption, and the methods with which it will wage the fight, it was declared that

- corruption is a global issue;
- corruption and measures to counter corruption are now on the political agenda – a relatively new phenomenon of the past 20 years as compared to development assistance and development policy;
- European Commission delegations abroad are called upon to coordinate EU action in country;
- the European Union's new treaty does have the potential to drive change both within the European Union's member states as well as abroad;
- what will actually be taken up of the many opportunities the Lisbon Treaty offers remains to be, ultimately, a question of political will.

### **Main Outputs**

The European Commission now has the mandate to tackle corruption more comprehensively from both angles, internally within EU member states as well as externally.

The strengthened European Parliament now has greater political clout to hold the European Commission accountable for its stated policy targets.

Civil society needs to play a vital role to ensure that the Lisbon can promote change.

### **Recommendations, Follow-up Actions**

The European Union institutions must ensure a comprehensive anti-corruption policy that may not be watered down. Internally, a coherent policy would contain an anti-corruption package covering all aspects and sectors vulnerable to corruption. As to the external dimension, the EU should promote transparent and accountable governance, which must also include civil society. However, in order to uphold its credibility, the European institutions themselves must also look within and enhance the integrity and accountability of both their actions and their staff.

### **Workshop Highlights (including interesting quotes)**

As David Lipman, Head of the EC delegation to Thailand, states, “the new Lisbon Treaty of the European Union is designed to simplify and bring up-to-date the institutions of the EU.”

Yet, MEP Ana Gomes stressed that “a lot of homework remains to be done”.

However, “since the EU is already a State Party to numerous international and regional anti-corruption instruments, the EU institutions are actually in the position to move the anti-corruption package forward quickly, as all details have already been agreed upon, such as in the UNCAC, the OECD as well as in Council of Europe Conventions.”