

THE CHALLENGES OF COMBATING CORRUPTION THROUGH SYSTEMIC/STRATEGIC APPROACH IN THE EU LAW

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ABSTRACT

Purpose: The purpose of this paper is to underscore the sluggish pace of corruption's conceptualisation, as governments have long been unable to comprehend its gravity and the catastrophic consequences it has on human rights and democratic systems. Conversely, it is a social and cultural phenomenon and a crime that needs to be combated on a global and local level. Despite the numerous regulatory measures implemented at the European and international levels, it still confronts many obstacles in its discovery and repression.

Design/Methods/Approach: The battle against corruption has now expanded to a global scale and, in the European regional context, has taken on systemic significance for the stability of the EU legal system itself. In light of this, this article will analyse the global response to the phenomenon/crime, with a particular emphasis on the European Union's stance, following a brief reconstructive meditation on the various forms of corruption. It will look at the Union's latest strategy, which combines internal and external action to combat corruption in order to take a systematic approach that safeguards the Union's and its Member States' democratic systems.

Findings: The findings will highlight the challenges of a crime that is affected by differing approaches across Member States, as evidenced by the difficult adoption of the Anti-Corruption Directive proposed by the European Commission in March 2023 and the subject of widespread debate in Member States. Its complexity necessitates a multifaceted approach, combining law enforcement and public authorities' efforts with social initiatives aimed at prevention and emergence of conducts.

Originality/Value: Its critical interpretation of the systemic/strategic approach that the European Union advocates in the fight against corruption is what makes the work unique and valuable. In actuality, this strategy needs to include the different legal traditions in the Member States' criminal justice systems. By acknowledging these, the analysis highlights how different legal orders and cultural attitudes towards corruption can influence the effectiveness of the EU policies

Keywords: abuse of functions, corruption, democracy, EU Strategy, UNCAC

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INTRODUCTORY REFLECTIONS ON THE CONCEPTUALIZATION OF THE CRIME OF CORRUPTION

The study of corruption reveals the absence of a clear-cut, widely accepted definition of what defines a corrupt act. This concept poses disciplinary, cultural, methodological, and regulatory issues that are the topic of continuous discussion among sociologists, economists, and jurists who study various facets of the phenomena (Gardiner, 2009). Undoubtedly, a criminal strategy that offers a thorough reconstruction of the different corrupt activities plays a crucial role in their suppression; yet, it is less successful when the analytical viewpoint is focused on preventing them, *i.e.*, anti-corruption measures (Poszgai-Alvarez & Bratu, 2025). In fact, the notion of corruption prevention cannot be confined to the categorisation of various criminal offences. In this sense, as underlined by the Council of Europe, “[n]o precise definition of corruption can be found which applies to all forms, types and degrees of corruption, or which would be accepted universally as covering all acts, which are considered in every jurisdiction as constituting corruption” (Multidisciplinary Group on Corruption, Programme of Action against corruption CM (96) 95, point 2: 14). Furthermore, “the concept of corruption is wider than that of criminal corruption. This differentiation is important for the simple reason that no comprehensive and all-embracing strategy in the fight against corruption can ever be formulated if one were to limit such measures to criminal corruption alone. Putting it differently, a corrupt practice or system might not as yet be considered by law an offence, but such an omission would not render it less corrupt in its character. It would only mean that under the current law or under a given system, no court may as yet be taken to suppress it – it is not considered to be a crime and, of course, no punishment can ever be meted out” (*ibidem*, point 17: 16). As a result, there is no widely agreed-upon definition of corruption; nonetheless, the most commonly used one characterises it as the abuse of the public authority or power that has been entrusted to an individual for personal gain. These advantages should be interpreted as both a financial gain and a rise in status or authority. It may be present or future, and it may involve other people who have some sort of connection to the individual misusing power (friends, family, interest groups, *etc.*). Public authority and power are exercised by elected politicians and public administration bureaucrats, while “abuse” encompasses both the pursuit of private interests at the expense of larger public interests and deviant behaviour with regard to formal tasks and duties associated with the public role held.

Nevertheless, corruption can be defined and classified in various ways: active and passive; grand corruption and petty corruption (Myint, 2000: 42–43). Political corruption is considered a type of grand corruption due to its severity and the high rank of the public officials involved (Heidenheimer & Johnston, 2009). As is well known, corruption can also be distinguished based on its public or private nature. The difference lies in the sectors in which the participants in the illicit activity operate. Public corruption involves a public official, whether national or foreign, as a party to the act of corruption, while private corruption involves only individuals in the private sector. More recently, a new type of corruption has been identified and much debated internationally: strategic corruption. It differs from other types of corruption in that in strategic corruption personal gain is present, at least for some of the actors, but it is not an essential component of the corruption system. The ultimate goal is to help the corrupt government influence the outcomes of its foreign policy, destabilising the States targeted



by this form of corruption (Roumegoux Rouvelle & Kowalewski, 2022). Furthermore, acts of corruption can be committed by commission or omission. A public official may refrain from acting or act in the exercise of his or her duties in exchange for an advantage from an individual or a company. Furthermore, the incidence of corruption varies across societies and can be rare, widespread, or systemic. Its causes can be economic-institutional, political-institutional, or even socio-cultural (Mauro, 1998: 13; Cartier-Bresson, 2000: 11–28). However, despite the difficulties inherent in its conceptualisation, there is unanimity of opinion on the unfavourable effects that corruption has on investments, especially foreign ones, on competition, on business activity, on government efficiency, but also on environmental quality, on human health and safety, on income distribution and interpersonal trust, and on respect for democracy and human rights (Hensgen, 2013: 197–219; Peters, 2019: 1251–1287; Racca & Cavallo Perin, 2014: 23–47). Additionally, despite numerous regulatory measures implemented at the European and international levels (Rose, 2015), corruption still faces many obstacles in its discovery and repression.

Given this, the present work intends to analyse the international response to the phenomenon - crime of corruption, with a particular emphasis on the European Union's stance. It will look at the Union's latest strategy, which combines internal and external action to combat corruption to take a systematic approach that safeguards the Union's and its Member States' democratic systems. The findings will highlight the challenges of a crime that is affected by differing approaches across Member States, as evidenced by the difficult adoption of the Anti-Corruption Directive proposed by the European Commission in March 2023 and the subject of widespread debate in Member States. In actuality, this strategy needs to include the different legal traditions in the Member States' criminal justice systems. By acknowledging these, the analysis highlights how different legal orders and cultural attitudes towards corruption can influence the effectiveness of the EU policies (Kaiafa-Gbandi, 2011: 7–34).

THE EMERGENCE OF THE PHENOMENON AT AN INTERNATIONAL LEVEL AND THE PROMOTION OF INTERSTATE COOPERATION ON THE MATTER

Corruption was long believed to be an issue that only existed in particular kinds of States and to be specific to certain States. On the contrary, a flurry of international corruption scandals drastically changed how the most developed nations viewed corruption. These incidents demonstrated that corruption was not just a problem in the underdeveloped nations but also in the developed democracies. Even in Western Europe, in the 1980s and early 1990s, corruption was initially considered a marginal or occasional problem, then it became an endemic issue to be addressed. Furthermore, globalisation has amplified the opportunities for corruption and made it more difficult to identify, also due to the new technologies and the emergence of offshore financial centres (Feathers, 2014: 287–292; McCoy & Heckel, 2001: 65–90). The phenomenon's significance on the global stage has also been aided by the increasing power of non-governmental organisations (NGOs), especially Transparency International, which introduced its Corruption Perceptions Index in 1995 (Borlini, 2019: 180–215).

Therefore, since the late 1990s, the fight against corruption has become the subject of international cooperation with the active involvement of non-State actors and international organizations, also thanks to the effort of some regional organisations (Rose-Ackerman & Carrington, 2013). With the specific reference to the European area, the Organisation for Economic Co-operation and Development (OECD) adopted the well-known Convention against Bribery of Foreign Public Officials (Pieth, Low & Cullen, 2007), as well as recommendations and reports that help member countries strengthen anti-corruption policies, monitor the effectiveness of measures, address new challenges such as new



technologies, and improve public integrity. Furthermore, the OECD provides analysis and support to combat corruption in the public and private sectors and oversees the implementation of its own recommendations. The OECD monitoring system is managed by the Working Group on Bribery in International Business Transactions (WGB), composed of experts appointed by the governments of participating countries. There is also the Organization for Security and Co-operation in Europe (OSCE) who supports as well the fight against corruption by promoting good governance, transparency, and international cooperation among participating States. It provides assistance to States to strengthen democratic institutions, improve anti-corruption legislation, and implement fair procedures in public procurement through the Office of the Coordinator of Economic and Environmental Activities (OCEEA) and the Office for Democratic Institutions and Human Rights (ODIHR). In addition, the Council of Europe has addressed corruption as a serious threat to democracy, the rule of law, and human rights. At the pan-European level, it is by far the most active organisation in addressing the phenomenon of corruption through its multidisciplinary approach, which is essentially based on the definition of European norms and standards. The Group of States against Corruption (GRECO), established in 1999 to monitor compliance with the Twenty Guiding Principles and the implementation of the Criminal Law Convention, the Civil Law Convention on Corruption, and two recommendations on codes of conduct for public officials and on the financing of political parties, also provides monitoring (Eser & Kubiciel, 2005; Rau, 2017: 444–460; Razavi Fard & Hassanpour, 2016: 47–58; Vannata, 2021: 182–198).

Globally, the problem of corruption was initially addressed through the United Nations Convention against Transnational Organised Crime (UNTOC), adopted in 2000 (Schloenhardt et al., 2023). However, the United Nations' commitment to combating corruption as a transnational phenomenon was formalised in 2003, with the adoption of the United Nations Convention against Corruption (UNCAC), which represents the first global agreement and the most comprehensive international instrument in the fight against corruption (Weilert, 2016: 216–240; Heimann, 2018: 103–116). The UNCAC preamble recognises that corruption is no longer a local issue but a transnational phenomenon that affects all societies and economies, making international cooperation essential to prevent and control it. It also recognises the seriousness of the problems and threats that corruption poses to the stability and security of societies, undermining the institutions and values of democracy, ethical values, and justice, jeopardising sustainable development and the rule of law. What makes the Convention unique is its holistic approach, which addresses the problem of corruption through a combination of preventive and repressive measures, involving the public and private sector, and civil society. Everyone has a crucial role to play in the fight against corruption. Hence, UNCAC provides implementation obligations for States Parties through preventive measures; prosecution, detection, and repression; international cooperation; asset recovery; and technical assistance and information exchange.

The adoption of international legal instruments has also led to the creation of various monitoring mechanisms to ensure their effective implementation, generally based on the “peer review” technique, *i.e.*, the systematic examination and evaluation of a state's performance by other states, with the ultimate goal of helping the state in question improve its policies, adopt best practices, and comply with the established standards and principles (Nicchia, 2014: 451–472). The UNCAC also provides a review mechanism for its signatories under Chapter VIII of the Convention. The Conference of the States Parties to UNCAC, held in Doha, Qatar, in November 2009, adopted the mandate for the review mechanism for the implementation of this Convention. However, the final outcome of a peer review is not binding. Furthermore, the UNCAC calls on Member States to consider criminalising certain offences, such as abuse of office, private sector corruption, influence peddling, and illicit enrichment, thus allowing states to have some discretion in their implementation.



THE MULTIPLE IMPLICATIONS OF THE FIGHT AGAINST CORRUPTION IN EUROPEAN UNION LAW

Compared to other international organisations, the European Union was late in defining its own strategy for combating corruption and, in fact, is still in the process of defining it. This is a consequence of the nature of its legal system, which did not provide for competences in the field. As is well known, the legal basis for the fight against corruption was introduced by the Maastricht Treaty on European Union (1992-1993) within the so-called Third Pillar on cooperation on justice and home affairs, which considered it a matter of common concern for the Member States. The methodology was intergovernmental in nature, and the regulatory instrument was the framework decision (Mitisilegas, 2008; Russo, 2024: 55–66). Corruption was initially considered a particularly serious threat to the financial interests of the Union with the adoption of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union (TEU) on the protection of the European Communities' financial interests of 26 July 1995 and the Protocols thereto of 27 September 1996, 29 November 1996 and 19 June 1997 to establish minimum rules concerning the definition of criminal offences and sanctions in the area of fraud affecting the financial interests of the Union. It was noted that fraud affecting the Union's revenue and expenditure was in many cases not confined to a single country and was often committed by organised crime networks. Therefore, it was already recognised in the Convention that the protection of the Union's financial interests required the criminal prosecution of any fraudulent conduct affecting those interests (White, 1998). In parallel, Council Regulation (EC) 2988/95 on the protection of the European Communities financial interests was adopted to establish general rules on homogeneous controls and on administrative measures and sanctions concerning irregularities relating to the Union law, while referring at the same time to sectoral rules in that area, to fraudulent conduct as defined in the Convention and to the application of the criminal law and criminal proceedings of the Member States. Similarly, the convention on the fight against corruption involving officials of the European Communities or officials of the European Union Member States was adopted in 1997 on the basis of Article K.3(2)(c) TEU. Later, on July 22, 2003, the Council Framework Decision 2003/568/JHA on combating corruption in the private sector was approved. Additional anti-corruption provisions were adopted in respect to a number of areas, including procurement and money laundering (Parisi & Rinoldi, 2019: 385–424) until the most recent Directive (EU) 2019/1937 on the protection of persons reporting breaches of Union law (the so-called Whistleblowing Directive).

With the Treaty of Lisbon, the Union's competences in this area are expressly formalised, as the European area of freedom, security and justice of the Union becomes an objective that the Union aims to promote in order to ensure a high level of security, including the prevention and fight against crime and the approximation of criminal laws on the basis of Article 67(3) of the Treaty on the Functioning of the European Union (TFEU). The new Article 83(1) of the TFEU includes corruption among the forms of particularly serious crime with a cross-border dimension, thus granting the EU legislative powers to regulate it (Yakut, 2009: 1–52; Rozmus et al., 2014; Riza & Halili, 2016; Sicurella, 2021: 1–23). The fight against corruption thus becomes an internal-external objective, as the EU is committed to promoting good governance, prosperity, and fundamental values such as the rule of law not only among Member States but also with respect to third countries in its neighbourhood (European Parliament Resolution of 14 December 2011 on the review of the European Neighbourhood Policy (2011/2157(INI)), 2013/C 168 E/05) and, even more so, to the accession countries (Szarek-Mason, 2010). It is a priority for the governments of the acceding countries, where corruption continues to affect many sectors, from the judiciary to public administration and public procurement to the economy in general, including vulnerable sectors such as energy, healthcare, construction, and the media. However, corruption remains a problem within the Union as well. In this direction, the Rule of Law Report mechanism was created



precisely to address the democratic backsliding of Member States in four key areas, including the anti-corruption framework, and it has only recently been extended to Albania, Montenegro, North Macedonia, and Serbia. In fact, corruption undermines the very stability of the Union legal order and its identity, inherent in the values enshrined in Article 2 TEU (Ristei Gugiu, 2012).

THE NEED FOR A SYSTEMIC/STRATEGIC APPROACH

Thus, in May 2023, the Commission presented an Anti-Corruption Package, or Anti-Corruption Strategy (Szarek-Mason, 2010; Taseva, 2012: 344-362; Gaglio et al., 2023; Airey et al., 2023; Salazar, 2023; Salazar & Clementucci, 2023: 69-85). This package, adopted with a Joint Communication to the European Parliament, the Council, and the European Economic and Social Committee, reviews the existing legislation and policies in this area, highlighting how corruption is an integral part of nearly all organised crime activities, with 60% of organised crime using it to infiltrate the public or private sector. The stated objective is to strengthen the effectiveness of preventive and anti-corruption measures through a broader strategic approach. This involves complementing the existing actions with the development of new tools, both at the EU and Member State levels. At the same time, there is a commitment to combating corruption beyond the Union's borders and globally. Along these lines, the various measures presented in the Communication include a proposal for a Council decision on restrictive measures against serious acts of corruption, presented by the High Representative of the Union for Foreign Affairs and Security Policy (HR(2023)108), and a joint proposal for a Council regulation on restrictive measures against serious acts of corruption (JOIN(2023)13). The High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, proposes integrating into the instruments of the Common Foreign and Security Policy (CFSP) a regime of specific sanctions to combat corruption where acts of corruption seriously harm or threaten to seriously harm the fundamental interests of the Union and the objectives of the CFSP, as established by Article 21 TEU.

However, the most innovative aspect of the Communication is the proposed Directive on combating corruption (COM(2023) 234 final), which aims to harmonise Member States' anti-corruption legislation and make the criminalisation of various corruption offences mandatory (Zimmermann, 2024: 27-48; Bąkowski, 2024; Clementucci & Miekina, 2023: 276-279; Mongillo, 2023: 1-21; Izzo, 2025). The Directive, which will replace both the Framework Decision and the Anti-Corruption Convention and amend Directive (EU) 2017/1371, is intended as a unifying measure aimed at harmonising the institutions and legal instruments needed to prevent and combat corruption, given that the results achieved have been unsatisfactory. Anti-corruption laws, which are subject to national implementation, are not systematically applied with determination and incisiveness, highlighting the lack of effective political will to eliminate corruption (Rudik, 2020: 35-44) or the need for a broader view of good public governance (Merenda, 2025: 39-74). In this regard, the proposed Directive aims to harmonise national anti-corruption laws, including by extending them to cover crimes such as influence peddling, illicit enrichment, obstruction of justice, and abuse of functions, so as to make them mandatory under the EU law. It aims to strengthen sanctions, providing for more severe penalties for corruption offences, strengthen cooperation, improve collaboration between Member States' judicial and police authorities, and increase coordination between national authorities and the establishment of a new network of law enforcement agencies, thus creating a single and stronger legal framework for the public and private sectors. It also intends to promote preventive measures to foster a culture of integrity and ensure the protection of whistleblowers, supporting those who report corruption. However, the proposals leave room for discretion to Member States, which will have to transpose the



directive's content, ensuring the results are achieved and adapting their national legislation, including through reforms that guarantee the independence of anti-corruption authorities and promote best practices at the national level.

CRITICAL ISSUES RELATING TO THE CRIMINALISATION OF CERTAIN CRIMES: THE ITALIAN CASE OF ABUSE OF FUNCTIONS

Indeed, the implementation of the UNCAC's international instruments had already raised several critical issues regarding the criminalisation of certain crimes (Micheal, 2003; Babu, 2006). Prior to the presentation of the proposed directive, the European Commission's analysis found that Member States already included in their national legislation the crimes of corruption in the public and private sectors, embezzlement, misappropriation, obstruction of justice, and abuse of functions. However, definitions vary, particularly with regard to embezzlement or abuse of functions, or are significantly different from the relevant provisions of the UNCAC, or are only partially covered, as in the case of influence peddling. Furthermore, illicit enrichment was criminalised by only eight Member States, while other States included it in their legislation regarding money laundering or asset confiscation.

Similar critical issues arose during the negotiations for the adoption of the directive. At the proposal of the Italian government at a meeting held in June 2024, the Council of the European Union approved an amendment to Article 11 of the Directive, transforming the obligation to criminalise the abuse of functions into a mere option. The amendment adopted by the Council is significant, given that a heated debate has erupted among Italian scholars regarding the decriminalisation of the abuse of functions and the resulting regulatory vacuum. Specifically, the issue arose following the adoption of a law (no. 114 of August 9, 2024, known as the "Nordio Law", entered into force on August 25, 2024) that repealed Article 323 of the Italian Criminal Code on abuse of functions and amended the crime of illicit influence peddling (Garofoli, 2023; Gatta, 2024a; Manna, 2024; Mattevi, 2024). Then, the Italian government introduced the crime of embezzlement through distraction, involving the misappropriation of money or movable property by a public official (Gatta, 2024b).

The repeal of the crime of abuse of functions has led some national judges to raise the issue of constitutionality, such as the Court of Florence (Gatta, 2024c), which was the first to appeal to the Italian Constitutional Court, complaining that the repeal of Article 323 of the Criminal Code would raise doubts of constitutionality due to the failure to comply with the constraints deriving from international law (Articles 11 and 117(1) of the Constitution), with specific reference to Articles 7(4), 19, and 65(1), of the UNCAC, as well as the serious shortcomings in the protection of the proper functioning and impartiality of public administration (Article 97 of the Constitution). The Constitutional Court declared some questions inadmissible and others unfounded. Specifically, regarding the compatibility with the Convention's provision on abuse of functions, the Court ruled that the issue was unfounded. According to the Court, this provision merely establishes that States Parties are obliged to consider ("shall consider adopting") the criminalisation of conduct largely corresponding to that covered by the repealed provision of Article 323 of the Criminal Code. Unlike other provisions of the Convention that impose a specific obligation on States Parties to criminalise (in particular, Articles 15 and 16 on corruption, Article 17 on embezzlement, Article 23 on money laundering, and Article 25 on obstruction of justice), Article 19 simply configures – in the language of the Legislative Guide to the Convention, developed by the United Nations Office on Drugs and Crime (UNODC) – a "non-mandatory offence": that is, a conduct whose possible criminalisation States have a mere (procedural) obligation to "consider".



Ultimately, according to the Constitutional Court, nothing in the text or rationale of Article 19 of the Convention allows the conclusion that a State would be obliged to introduce (or maintain) in its legal system the criminalisation of abuse of functions. In the reasoning of the Court, the unequivocal text of the provision merely states an obligation to “consider” such an introduction to ensure the criminalisation’s compatibility with the general principles of the national criminal law, but also to carefully weigh the pros and cons of such an option. For the Court, in fact, each criminalisation option presents obvious advantages in terms of protecting the interests harmed by the conduct to be criminalised but also a wide range of disadvantages in terms of its impact on the fundamental rights of the recipients of the provision. In this direction, the Court concludes that the Convention has chosen to entrust the comparative assessment of the expected benefits and negative consequences of criminalising the abuse of functions to the prudent discretion of each State’s legislator (see Constitutional Court, judgement 3 July 2025, No. 95).

Therefore, the proposed amendment would merely replicate the UNCAC formula, which clearly distinguishes between crimes for which adoption is mandatory and those for which it is only optional. Additionally, the Court briefly discussed the compatibility of other more problematic crimes with the general principles of national law, such as illicit enrichment under Article 13 of the proposal, which is a crime in only eight Member States. Consequently, there will be application challenges in the successful implementation of the Directive into national legislations.

CONCLUSIONS BETWEEN EXPECTATIONS AND REALITY

In conclusion, the adoption of the proposed directive has sparked considerable enthusiasm among professionals due to the high expectations for its implementation. Conversely, some Member States, such as Italy, but also Ireland, Portugal, and Sweden, have expressed negative opinions on certain parts of the proposal, complaining of a potential conflict with national legislation and interference with national sovereignty through definitions and sanctions that do not conform to their own legal tradition. Thus, the Swedish Parliament deemed that certain provisions of the proposal violate the European Union’s principles of subsidiarity, undermining the independence and autonomy of national legislation and going well beyond the objectives set by the European Commission. More specifically, the Swedish Parliament criticised the inclusion of a ban on running for elected office among the additional sanctions of termination or disqualification from public office for those convicted of corruption offences. According to the Swedish Parliament, the EU’s legislative competence in criminal law would thus extend to establishing the conditions for democracy in national elections in Member States. However, given the above, the issue over which the majority has resisted is the abuse of functions. The potential conflict between European provisions and Italian reform has already been highlighted by the European Commission in its Rule of Law Report. Furthermore, the proposed directive also contains provisions that are already covered by other crimes in Italy. For example, it requires the introduction of abuse of functions in the private sector, an area already protected by other provisions, such as private corruption and financial disloyalty, as well as aggravated embezzlement. Furthermore, the proposal establishes specific limitations, maximum and minimum penalties, and statutes of limitations to be implemented in judicial systems that, however, differ among Member States. Furthermore, the proposal’s broad and vague definitions, such as “unfair advantage” or “public interest”, could be interpreted differently in the Member States, entailing uneven application and legal uncertainty. Finally, the risk of political abuse cannot be ruled out: in countries where the judiciary is not fully independent, the new rules could be used selectively.



Aside from criticism and opposition from Member States, the text of the Directive itself contains significant gaps, for example regarding preventive measures, as the Commission refused to establish common minimum standards for the main factors that favour corruption (corruption facilitators). The lack of common minimum standards on lobbying, revolving doors, or reporting obligations effectively obstructs any attempt to harmonise national legislation on key corrupt practices, creating a regulatory patchwork that is often inconsistent and negatively impacts the functioning of the internal market. Furthermore, in many Member States, the competent authorities lack sufficient resources (human, financial, or technological) to effectively enforce the Directive. The rules thus risk remaining merely on paper or being applied ineffectively. The national transposition process is often slow and uneven, resulting in disparities in actual implementation across countries. Furthermore, public bodies, and particularly small and medium-sized enterprises, will be affected by new compliance requirements, such as internal whistleblowing systems, anti-corruption controls, and ethics audits, which will require time-consuming transposition and implementation and will increase bureaucracy.

Finally, the Directive has entered the critical phase of interinstitutional negotiations, where the positions of the European Parliament and the Council are very distant, with a clear conflict between expectations and reality. So much so that on June 2, 2025, 57 civil society organisations, including Transparency International, published an open letter calling on the Council of Ministers and the European Parliament to support and strengthen the anti-corruption measures adopted by the European Parliament as part of the proposed EU Anti-Corruption Directive. The signatories call on the EU leaders to demonstrate genuine political will to fight corruption and establish higher standards of integrity and accountability across the Union. All this demonstrates that any systematic/strategic approach to fighting corruption has strong political implications because it involves defining strategic political objectives, adopting plans, and modifying administrative and personnel structures that affect the established interests. The fight against corruption takes the form of policies that define government priorities, influence the appointment of officials, and require transparency and impartiality in public decision-making. Therefore, despite European legislation, the fight against corruption remains largely the responsibility of Member States, especially in terms of implementation.

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