


Procedure file

Basic information		
CNS - Consultation procedure Decision	2006/0023(CNS)	Procedure completed
Fight against crime: conclusion of the United Nations Convention against Corruption UNCAC, October 2003		
Subject 7.30.30 Action to combat crime		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development	The committee decided not to give an opinion.	
	CONT Budgetary Control	The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2890	25/09/2008
	Justice and Home Affairs (JHA)	2768	04/12/2006
European Commission	Commission DG Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
02/03/2006	Legislative proposal published	COM(2006)0082	Summary
03/04/2006	Committee referral announced in Parliament		
23/10/2006	Vote in committee		Summary
26/10/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0380/2006	
14/11/2006	Results of vote in Parliament		
14/11/2006	Decision by Parliament	T6-0477/2006	Summary
25/09/2008	Act adopted by Council after consultation of Parliament		
25/09/2008	End of procedure in Parliament		

29/10/2008	Final act published in Official Journal		
Technical information			
Procedure reference	2006/0023(CNS)		
Procedure type	CNS - Consultation procedure		
Procedure subtype	Legislation		
Legislative instrument	Decision		
Legal basis	EC Treaty (after Amsterdam) EC 223-p6; EC Treaty (after Amsterdam) EC 195-p4; EC Treaty (after Amsterdam) EC 260-p2; EC Treaty (after Amsterdam) EC 207-p3; EC Treaty (after Amsterdam) EC 264-p2; EC Treaty (after Amsterdam) EC 057-p2; EC Treaty (after Amsterdam) EC 218-p2; EC Treaty (after Amsterdam) EC 047-p2; EC Treaty (after Amsterdam) EC 283; EC Treaty (after Amsterdam) EC 199; EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 224-p5; EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 248-p4-a5; EC Treaty (after Amsterdam) EC 190-p5; EC Treaty (after Amsterdam) EC 181A; EC Treaty (after Amsterdam) EC 255-p2/3; EC Treaty (after Amsterdam) EC 280; EC Treaty (after Amsterdam) EC 266-p3; EC Treaty (after Amsterdam) EC 225A-p5; EC Treaty (after Amsterdam) EC 107-p5; EC Treaty (after Amsterdam) EC 245-p2; EC Treaty (after Amsterdam) EC 279; EC Treaty (after Amsterdam) EC 179		
Stage reached in procedure	Procedure completed		
Committee dossier	LIBE/6/34480		

Documentation gateway					
Legislative proposal		COM(2006)0082	02/03/2006	EC	Summary
Committee draft report		PE378.518	12/09/2006	EP	
Amendments tabled in committee		PE378.817	05/10/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0380/2006	26/10/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0477/2006	14/11/2006	EP	Summary
Commission response to text adopted in plenary		SP(2007)0054	11/01/2007	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2008/801 OJ L 287 29.10.2008, p. 0001 Summary

Fight against crime: conclusion of the United Nations Convention against Corruption UNCAC, October 2003

PURPOSE : to proceed with the conclusion, of behalf of the EC, of the UN Convention against Corruption, following its signature on 15 September 2005.

PROPOSED ACT : Council Decision.

CONTENT : the UN Convention against Corruption (UNCAC) was signed, on behalf of the European Community, in New York on 15 September, 2005. This proposal seeks the Council's approval for the conclusion of the Convention.

The United Nations Convention against Corruption is the first global instrument on the prevention of, and fight against, corruption. It provides a comprehensive framework and a variety of important minimum standards for all participating States. Consequently, the European Community is pleased to note that it entered into force on 14 December 2005.

The attached proposal for a Council Decision constitutes the legal instrument for the conclusion of the UNCAC by the European Community.

The proposal contains two Articles:

- the first Article approves the UNCAC on behalf of the European Community;
- the second Article authorises the President of the Council to designate the person empowered to deposit, on behalf of the European Community, the instrument of approval.

The text of the UNCAC is provided at Annex I. Annex II comprises the declaration on the extent of the European Community's competence with respect to matters governed by the UNCAC, as required by Article 67 (3) UNCAC. Annex III contains a statement reminding all parties that, in disputes involving the Community only dispute settlement by way of arbitration will be available.

The Convention concerns public officials in all institutions of the EC. Accordingly, and without prejudice to the procedures of Article 300 EC, the Commission suggests to the Council informing those institutions concerned, namely the Court of Justice of the European Communities, the Committee of the Regions, the European Economic and Social Committee, the European Central Bank, the European Court of Auditors and the European Investment Bank.

For these reasons, the Commission proposes to the Council to adopt the attached decision.

The institutions already have in place a comprehensive framework of anti-corruption measures. Nevertheless, it is possible that meeting the requirements of the Convention in respect of the institutions of the EC may require minimal additional expenditure for administrative purposes etc.

Fight against crime: conclusion of the United Nations Convention against Corruption UNCAC, October 2003

The committee adopted the report by Giusto CATANIA (EUL/NGL, IT) approving the proposed decision on the conclusion, on behalf of the EC, of the UN Convention against Corruption. MEPs tabled one amendment under the consultation procedure, introducing a new recital stressing that "it is of the utmost importance that all Member States that have not yet done so sign and ratify the Convention without any further delay".

Fight against crime: conclusion of the United Nations Convention against Corruption UNCAC, October 2003

The European Parliament adopted a resolution drafted by Giusto **CATANIA** (EUL/NGL, IT) approving the conclusion of the UN Convention against Corruption, and made one amendment to the proposal. (Please see the summary dated 23/10/2006.)

Fight against crime: conclusion of the United Nations Convention against Corruption UNCAC, October 2003

PURPOSE: to conclude, on behalf of the European Community, the United Nations Convention against Corruption.

LEGISLATIVE ACT: Council Decision 2008/801/EC on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption.

BACKGROUND: in its resolution 55/61 of 4 December 2000, the United Nations? General Assembly recognised that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organised Crime, was desirable. Negotiations on the Convention were completed in October 2003 and the UN General Assembly adopted the text at its 58th session in October 2003, and opened it for signature at a high-level political conference in Mérida, Mexico, from 9 to 11 December 2003.

The Commission actively participated in the UN negotiations, in close cooperation with EU Member States and non-EU G8 countries. Since the Convention is not only open for signature by States but also by regional economic integration organisations, such as the EC, the Council authorised its signing, on behalf of the European Community.

In preparation for the fourth conference of parties to the United Nations Convention against Transnational Organised Crime (8-17 October 2008), the Council adopted a common position on the follow-up of the implementation of the Convention as well as the instrument aimed at approving the Convention on behalf of the Community.

CONTENT: the United Nations Convention against Corruption is the first global instrument on the prevention of, and fight against, corruption. It provides a comprehensive framework and a variety of important minimum standards for all participating States.

In particular, it contains:

- a) provisions on corruption which fall within Community competence. These provisions are consistent with the Community's legislation

applicable to the public administration of the Community, and with the relevant Community acquis. The main points of the Convention on this point can be summarised as follows:

- provisions which set out obligations with respect to the organisation of the public sector of the State Parties (Chapter II), which in principle are susceptible to being applied to the European Community, once it has become a party to the Convention (Article 67 para. 2). Moreover, since Article 2 (a) of the Convention defines "public official" as "any person holding a legislative, executive, administrative or judicial office of a State Party?" this definition would include officials of the European Community once it has acceded to the Convention;
 - as regards the Community's civil service, most of the matters dealt with in Chapter II of the Convention are governed by provisions of Community law. Moreover, the European Community has an exclusive competence to accept such obligations with respect to its own public administration
- b) provisions affecting public procurement: The Community acquis provides for measures to ensure the free movement of goods, capital and services which includes public procurement legislation intended to ensure transparency and the equal access of all candidates for the public contracts and services markets while preventing fraud, corruption and collusion between those submitting tenders. The Community acquis also contains measures on accounting and auditing. To the extent that provisions of the Convention affect such instruments, the Community has, in accordance with the case law of the Court of Justice, an exclusive competence to accept the corresponding international obligations;
- c) provisions on money laundering: the Convention provides for a high standard of measures to combat money laundering which conform to the Community acquis on measures to prevent the financial system, as well as other institutions and professions considered to be vulnerable, from being used to launder money. The Community is competent in respect of measures concerning cooperation between Financial Intelligence Units by virtue of the third antimony laundering Directive, which repealed and replaced the first and second antimony laundering Directives. On the same date, a Regulation on controls of cash entering or leaving the Community was adopted;
- d) provisions to combat corruption in the framework of cooperation with third countries: Community policy in the sphere of external action, including development cooperation and cooperation with other third countries, complements policies pursued by Member States and includes provisions to combat corruption, for example Art. 97 of the Cotonou Partnership Agreement of 23 June 2000, amended on 23 February 2005, which provides for a consultation procedure "in serious cases of corruption" with the ultimate possibility of suspending assistance.

Finally, the Community acquis also comprises the development of policies and practices aimed at preventing and fighting corruption affecting the financial interests of the European Communities. In addition, it ensures the existence of appropriate bodies which prevent corruption, such as the European Commission, the European Anti-fraud Office (OLAF), the European Court of Auditors, the Ombudsman, the Court of Justice of the European Communities and the European Parliament (Budgetary Control Committee) as well as the existence of appropriate procedures, such as those set out in Articles 22 (a) and 22 (b) of the Staff Regulations which concern disclosure of information.

ENTRY INTO FORCE: the Convention shall enter into force when all of the procedures provided for to this end have been carried out.