








Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) 2023/0135(COD) Directive	Awaiting committee decision
Combating corruption Repealing JHA act 2003/568 2002/0817(CNS) Amending Directive 2017/1371 2012/0193(COD) Subject 7.30.30 Action to combat crime 7.30.30.06 Action to combat economic fraud and corruption 7.40.04 Judicial cooperation in criminal matters 8.40.09 European officials, EU servants, staff regulations Legislative priorities Joint Declaration 2023-24	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	 STRUGARIU Ramona	06/07/2023
		Shadow rapporteur	
		 MELO Nuno  YONCHEVA Elena  FREUND Daniel  BUXADÉ VILLALBA Jorge  GUSMÃO José	
	Committee for opinion	Rapporteur for opinion	Appointed
	CONT Budgetary Control (Associated committee)	 CHINNICI Caterina	18/07/2023
	JURI Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union European Commission	Commission DG Migration and Home Affairs	Commissioner JOHANSSON Ylva	

Key events			
03/05/2023	Legislative proposal published	COM(2023)0234	Summary
01/06/2023	Committee referral announced in Parliament, 1st reading		
14/09/2023	Referral to associated committees announced in Parliament		

Forecasts	
22/01/2024	Vote scheduled in committee

Technical information	
Procedure reference	2023/0135(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing JHA act 2003/568 2002/0817(CNS) Amending Directive 2017/1371 2012/0193(COD)
Legal basis	Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 283-p2; Treaty on the Functioning of the EU TFEU 83-p1-a3; Treaty on the Functioning of the EU TFEU 083-p2; Treaty on the Functioning of the EU TFEU 083-p1-a1; Treaty on the Functioning of the EU TFEU 082-p1
Stage reached in procedure	Awaiting committee decision
Committee dossier	LIBE/9/11968

Documentation gateway					
Legislative proposal		COM(2023)0234	03/05/2023	EC	Summary
Committee draft report		PE753.573	21/09/2023	EP	
Amendments tabled in committee		PE754.808	16/10/2023	EP	
Committee opinion	CONT	PE753.561	07/11/2023	EP	

Combating corruption

PURPOSE: to update and strengthen the EUs rules on combating corruption.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. In order to effectively prevent and combat corruption, a comprehensive and multidisciplinary approach is required. The purpose of this Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities.

[Council Framework Decision 2003/568/JHA](#) lays down requirements on the criminalisation of corruption concerning the private sector. The Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union addresses certain acts of corruption involving officials of the European Communities or officials of the Member States in general. These instruments are, however, not sufficiently comprehensive, and the current criminalisation of corruption varies across Member States hampering a coherent and effective response across the Union. Enforcement gaps and obstacles in cooperation between the competent authorities of different Member States have also emerged.

This proposed Directive aims to amend and expand the provisions of those instruments. Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced in their entirety in relation to the Member States bound by this Directive. Moreover, it is necessary to strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with the necessary tools.

CONTENT: the proposed Directive seeks to establish minimum rules concerning the definition of criminal offences and sanctions in the area of corruption, as well as measures to better prevent and fight corruption. It modernises the existing EU anti-corruption legal framework by:

- harmonising definitions of criminal offences prosecuted as corruption to cover not only bribery but also misappropriation, trading in influence, abuse of functions, as well as obstruction of justice and illicit enrichment related to corruption offences. The proposal makes all offences under the United Nations Convention against Corruption mandatory under EU law and brings together public and private sector corruption;
- underlining the need to address the fight against corruption from a preventive perspective. It aims to explore activities to raise awareness on the fight against corruption, through education and research programmes, involving civil society and non-governmental organisations;
- requiring Member States to put or have in place bodies in their national legal orders that are specialised in the prevention and repression of corruption. Such bodies need to be independent, have sufficient human, financial, technical and technological resources and have the necessary powers for the exercise of their tasks;
- setting the minimum maximum penalty between four and six years, depending on the seriousness of the offence, which is an increase in comparison to the existing penalties at EU level for bribery (one to three years for bribery in the private sector);
- establishing a list of sanctions and measures, which are not necessarily of a criminal nature, such as the temporary or permanent exclusion from public procurement;
- ensuring that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive can be lifted through an effective and transparent process pre-established by law, and in a timely manner;
- laying down provisions on limitation periods to allow the competent authorities to investigate, prosecute and adjudicate the criminal offences covered by this proposal, as well as the execution of relevant sanctions, for a sufficient time period. This proposal sets the minimum length of the limitation periods between eight to fifteen years, depending on the seriousness of the offence;
- establishing rules and procedures to protect individuals who report information they acquired in a work-related context on breaches of EU law in key policy areas;
- ensuring investigative tools which are provided for in national law for organised crime or other serious crime cases can also be used in cases of money laundering;
- envisioning enhanced cooperation between Member States authorities, the Commission, Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutors Office.