

## Dear Ladies and Gentlemen, Dear Colleagues and Friends,

We have the pleasure of presenting the first edition of our newsletter this year which provides a brief retrospective of 2014 and also projects into the New Year.

We are also pleased to inform you that the two Working Groups set up by the EPAC/EACN General Assembly in Sofia have been formed and their activities will be launched shortly.

The Working Group dedicated to an EPAC/EACN communication tool based on the Europol Platform of Experts/EPE is chaired by the National Crime Agency (UK). The Working Group to provide the contribution of EPAC/EACN to the EU Anti-Corruption Report is chaired by the Anti-Corruption Office of Catalonia (Spain) with its first meeting tentatively scheduled for 10 March 2015.

If interested to join either of the Working Groups, EPAC/EACN members are advised to contact the Chairs.

Please do share topic proposals for the next editions of our newsletter as well as events, seminars and conferences which could be of interest for all members. We look forward to receiving your ideas.

On a final note, the updating of the EPAC/EACN Contact Catalogue is almost done. For any last minute input, please send a copy of the data update form to <secretariat@epac-eacn.org> at your earliest convenience. As in previous years, the hardcopy Contact Catalogue 2015 will be distributed by post, while an electronic version will be available on the EPAC/EACN website.

Your Secretariat

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### Retrospective 2014

The **14<sup>th</sup> EPAC/EACN Annual Professional Conference and General Assembly** took place in Sofia from 16 to 18 November 2014, attended by over 80 delegates from EPAC/EACN anti-corruption authorities and police oversight bodies. Participants came together for an exchange of experiences and best practices as well as to discuss challenges and plans ahead. The General Assembly set up two Working Groups – one to look into the practical details of the possible adoption of a dedicated communication tool for EPAC/EACN within the Europol Platform for Experts (EPE) and the second to provide the contribution of EPAC/EACN for the upcoming European Commission Anti-Corruption Report. In addition, two new members from Moldova were accepted to EPAC - the National Anti-Corruption Centre and the Anti-Corruption Prosecutor Office. More information, including the adopted Sofia Declaration and all presentations, is available at: [www.epac-eacn.org/news/annual-conference](http://www.epac-eacn.org/news/annual-conference).

The first **EU Anti-Corruption Report** was published in February 2014. Apart from a general chapter summarising the main findings, describing corruption-related trends across the EU, and analysing how Member States deal with corruption in public procurement, the report also consists of 28 Country chapters. The latter provide a snapshot of the situation regarding corruption, identify issues that deserve further attention, and highlight good practices which might inspire others. The report, together with the Eurobarometer surveys on the perception of corruption amongst European citizens on the one hand and companies on the other, is available at: <http://ec.europa.eu/anti-corruption-report>.

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In March 2014, France set up a **Financial Prosecutor's Office** to deal with, *inter alia*, high-level corruption and tax evasion. More information is available at (in French only): [www.justice.gouv.fr/la-garde-des-sceaux-10016/mieux-combattre-la-delinquance-financiere-et-la-fraude-fiscale-26778.html](http://www.justice.gouv.fr/la-garde-des-sceaux-10016/mieux-combattre-la-delinquance-financiere-et-la-fraude-fiscale-26778.html).

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In December 2014, the British Government adopted the **UK Anti-Corruption Plan** – a cross-government plan that brings together, for the first time, all of the UK's activity against corruption in one place. The government recognises that corruption harms societies, undermines economic development and threatens democracy. The plan demonstrates the breadth of the UK's current anti-corruption activities; clearly setting out the actions that government will take to improve how corruption is tackled domestically, and setting out the priorities for raising international standards and leading the global fight against corruption. The plan will ensure that future activity to tackle corruption is joined up and collaborative across government, civil society organisations, law enforcement and other partners. The documents is available at: [www.gov.uk/government/publications/uk-anti-corruption-plan](http://www.gov.uk/government/publications/uk-anti-corruption-plan).

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From January 2013 to June 2014, the Romanian National Anticorruption Directorate, in partnership with the Anti-Fraud Office of Catalonia, Spain and the Central Service for Prevention of Corruption from France, implemented the project "**Promoting the exchange of best practices in detecting, investigating and sanctioning corruption in EU Member States**". The project was co-financed by the Prevention and Fight against Crime Programme (ISEC) of DG Home Affairs, European Commission.

Gathering practitioners from 20 EU Member States – representatives of law enforcement and anti-corruption agencies, judges, prosecutors – the project contributed to promoting the exchange of best practices and enhancing dialogue between relevant anti-corruption organizations within EU Member States in efficiently combating corruption through penal means.

During the three workshops organized in Spain, Romania and France, the participants discussed technical issues relevant for the main stages of criminal proceedings in corruption cases, i.e. crime detection, investigation and sanctioning of the defendants.

The project was concluded with the adoption of the ***Declaration containing proposals on the best practices in the detection, investigation and sanctioning of corruption*** by the representatives of

all participating Member States' organizations. The document has been sent to the European Commission. The Declaration is enclosed to this Newsletter.

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Over 130 investigators from 40 international agencies, financial institutions and United Nations bodies attended the **15<sup>th</sup> annual Conference of International Investigators (CII)** held in Riva del Garda, Italy on 8-10 October 2014. This conference was hosted by the European Anti-Fraud Office (OLAF) and focused on the broad theme of delivering justice through international cooperation in fraud and corruption investigations. In a context where investigations are increasingly cross-border, the conference provided an opportunity for practitioners in international organisations to exchange views and expertise. More information is available at: [http://ec.europa.eu/anti\\_fraud/media-corner/press-releases/press-releases/2014/20141013\\_01\\_en.htm](http://ec.europa.eu/anti_fraud/media-corner/press-releases/press-releases/2014/20141013_01_en.htm).

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Between 2012 and 2014, the Anticorruption General Directorate within the Romanian Ministry of Internal Affairs, in partnership with six national NGOs involved in anti-corruption activities and public policies (Expert Forum, Freedom House, Pro Democracy Association, the Centre for Independent Journalism, the Institute for Public Policies and the Association for Implementing Democracy), as well as experts from the Centre for the Study of Democracy (Bulgaria) and Saxion University (the Netherlands), implemented the ISEC project "**Development of the civil society involvement in drafting, implementing and assessing anticorruption policies**".

With the Anticorruption General Directorate as the main beneficiary, the project aimed at bringing together NGOs, public and academic institutions, from the three countries in a joint endeavor to fight corruption and enhance cooperation.

One of the products of the project is the best practices manual which offers relevant guidelines for consolidating cooperation between NGOs, public and academic institutions in fighting corruption. It also describes the positive examples in this field, as developed in Romania, Bulgaria, the Netherlands and other EU Member States. The manual can be found at: [www.csd.bg/artShow.php?id=17122](http://www.csd.bg/artShow.php?id=17122).

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The **3<sup>rd</sup> Assembly of Parties of the International Anti-Corruption Academy (IACA)** took place in Baku from 19 to 24 November 2014. More information is available at: [www.iaca.int/governance/assembly-of-parties.html](http://www.iaca.int/governance/assembly-of-parties.html).

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The **World Bank's 3<sup>rd</sup> International Corruption Hunters Alliance Conference** took place in Washington, DC on 8-10 December 2014. More information is available at: <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/ORGANIZATION/ORGUNITS/EXTDOI/0,contentMDK:23195265~pagePK:64168427~piPK:64168435~theSitePK:588921,00.html>.

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**Transparency International's Corruption Perceptions Index 2014** was published in early December 2014 and is available at: [www.transparency.org/cpi2014/](http://www.transparency.org/cpi2014/).

## Events, conferences and trainings 2015

24-27 February 2015	SIENA for Anti-Corruption Authorities (S4ACA) Kick-Off-Conference, Krakow
23-26 March 2015	OECD Integrity Week, Paris
12-19 April 2015	13 <sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, Doha
27-28 April 2015	Academy of European Law (ERA) Annual Forum on Combating Corruption Trier
4-6 May 2015	2015 Legal Incentives for Corporate Integrity Training (application open until 22 March 2015), IACA, Laxenburg/Vienna
11-12 May 2015	Corporate Fraud & Corruption Forum, Amsterdam
11-13 May 2015	6 <sup>th</sup> Symposium of ICAC (Independent Commission against Corruption), Hong Kong
14-15 May 2015	3 <sup>rd</sup> Annual Meeting of the Economic Crime Agencies Network (ECAN), Hong Kong
2-11 July 2015	Summer Academy (application open until 15 March 2015), IACA, Laxenburg/Vienna
24 August –	Procurement Anti-Corruption Training (application from 3 April to 5 July),
18 September 2015	IACA, Laxenburg/Vienna
2-4 September 2015	International Anti-Corruption Conference, Putrajaya
30 September – 2 October 2015	16 <sup>th</sup> Conference of International Investigators Montreux
November 2015 (tbc)	15 <sup>th</sup> EPAC/EACN Annual Professional Conference and General Assembly, tbc
November 2015 (tbc)	Conference of the State Parties to the UN Convention against Corruption, Saint Petersburg
November/ December 2015 (tbc)	Assembly of Parties of the International Anti-Corruption Academy (IACA) tbc

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## **“Promoting the Exchange of Best Practices in Detection, Investigation and Sanctioning of Corruption in EU”**

*the project is co-financed by the Program Prevention of and Fight against Crime (ISEC) of the European Commission*

## **Proposals on the best practices in the detection, investigation and sanctioning of corruption**

### **DECLARATION OF THE PARTICIPANTS AT THE PROJECT’S FINAL PLENARY CONFERENCE BUCHAREST, MAY 2014**

*The aim of these conclusions is to reflect the discussions held in the project’s workshops and conferences. They are not to be regarded as a representation of the views or position of the national authorities or the Member States to whom the participating experts belong.*

*The participants consider that the following actions could contribute to the progress towards the effective investigation, prosecution and sanctioning of corruption within the EU:*

1. To consider the feasibility of establishing a compatible legal framework across the European Union for whistleblowing, so as to promote common definitions and minimum standards of protection against retaliation and public awareness.
2. To promote the penalization of deliberate and wrongful non-reporting, beyond the establishment of a general duty of denunciation without legal consequences.
3. To undertake an in-depth study and comparative analysis focused on high risk areas, at European level, on the possibility and feasibility of promoting the reward of complaints/whistleblowing.
4. To promote the establishment of policies for the prevention of corruption based on a culture of transparency in public and private entities; establishing ethical norms with legal consequences; and training public officials on ethical dimension of governance.
5. To consider the feasibility of a common European legal framework supporting the creation of database/databases with information from the national banking system, as well as information on the identity of Politically Exposed Persons and beneficial ownerships of legal persons and providing the competent judicial authorities with the right of accessing it promptly and effectively, also in the interest of the international judicial cooperation, in compliance with data protection rules.
6. To promote the use of data analytics methods and tools in identifying/investigating corruption in vulnerable sectors to corruption, including public procurement, based on objective indicators.



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7. To consider the feasibility of establishing EU minimum standards on the use of special investigative means in the detection and investigation of corruption, including undercover agents.
8. To promote the direct and swift access of the prosecutors and judicial police officers to the relevant information detained by public institutions (i.e. criminal record, personal record, passports, vehicles registration, border police data, register of immovable property, etc.).
9. To consider the feasibility of enhancing the European legal framework concerning financial information exchange aiming at the implementation of its automatic exchange as the standard for corruption investigations, following the G20 recommendations adopted in St. Petersburg's G-20 Leaders Declaration of September 2013.
10. To promote the development of the full potential of and ensure adequate resources for the European Anti-Corruption Network (EPAC/EACN) as a tool to facilitate direct contact and exchange of information and experience between anticorruption authorities within the EU, actively involving OLAF, Eurojust and Europol.
11. To consider the feasibility of establishing, within Eurojust, a specialized unit for the fight against transnational corruption.
12. To foster greater coordination of judicial actions at European level, and in this regard, the use of the Joint Investigation Teams should be enhanced and the potential and possibilities of the future European Prosecutor might also be considered.
13. To encourage training activities for police officers and prosecutors on financial analysis and investigations related to corruption cases. Including judges in the anticorruption training dedicated to prosecutors and promote their specialisation in financial and economic criminality.
14. To encourage setting up specialized structures or multidisciplinary investigative teams to investigate complex corruption cases; provide continuous training for the investigative personnel, technical facilities and adequate financial resources.
15. To ensure the adequate level of independence, autonomy and protection from undue influence to the anticorruption authorities.
16. To eliminate any kind of administrative or procedural obstacles in the opening of corruption and fraud investigations.
17. To consider the feasibility of EU minimum standards on immunities and privileges in so far as they impact on the investigation, prosecution and sanctioning of corruption.



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18. To encourage the EU Member States to put, where compatible with the national criminal justice system, the judiciary police under the sole authority of the prosecutor or investigative judge.
19. To declare the fight against corruption as a strategic European priority.
20. To stimulate the exchange of ideas and practice related to the investigation of corruption offences in order to harmonize the knowledge of the practitioners and to develop inter-institutional cooperation between the EU Member States.
21. To consider the feasibility of establishing minimum standards on limitation periods for the prosecution of corruption offences.
22. To promote the establishment by all the EU Member States of the liability for legal entities as regards corruption committed for their benefit
23. To consider the feasibility of establishing EU minimum standards for the procedural rules in order to guarantee that the appeal regimes are not used systematically to draw out procedures of corruption.
24. To consider the feasibility of establishing EU minimum standards for secondary penalties for corruption offences, such as: bans, incapacity, ineligibility and encouraging their enforcement.
25. To promote incentives to encourage the adoption of corruption prevention as an integral part of corporate good governance
26. To reinforce the cooperation of Asset Recovery Offices across EU Member States.