

**Ylva Johanson**  
Member of the European Commission  
Home Affairs

**Linas Parnavas**  
President  
EPAC/EACN

**Didier Reynders**  
Member of the European Commission  
Justice-Competition

Ylva.Johansson@ec.europa.eu  
Didier.Reynders@ec.europa.eu

**RE: Brussels, 15/11/2023 Ares S(2023)11587576**

*22 January 2024 Nr. 4-01-760*

Dear Commissioner Johansson,  
Dear Commissioner Reynders,

Thank you very much for the opportunity to contribute in the preparation of the annual Rule of Law Report, which is highly regarded as one of the key instruments in upholding and promoting anti-corruption environment in the EU Member States.

Please allow us to update the report with the recent information on EPAC/EACN activities in the year 2023, as well as with some latest developments in the activities of national anti-corruption authorities and police oversight bodies.

EPAC and EACN are two of the oldest and biggest anti-corruption networks in Europe, currently altogether comprising 115 anti-corruption and police oversight bodies from 39 Council of Europe Member Countries and European Union Member States. Over the years, the network grew to include new authorities from EU Member States. At the moment EPAC/EACN community consist of 42 anti-corruption authorities and 24 police oversight bodies and 49 members that cover both functions.

#### **The 22<sup>nd</sup> Annual Conference & General Assembly in Dublin, Ireland**

In collaboration with Garda Síochána Ombudsman Commission (GSOC) and other Irish authorities such as the Policing Authority, the Garda Inspectorate and the Department of Justice, the EPAC/EACN Annual Professional Conference and General Assembly was held on 2<sup>nd</sup>-3<sup>rd</sup> of November 2023 in Dublin, Ireland. Almost 200 participants from over 30 countries and jurisdictions represented more than 100 institutions. The two-day Conference brought together prominent speakers from international organisations, EU agencies, national authorities and EPAC/EACN members. This year's Conference focused on four main topics – whistleblowing, gender-based violence committed by state actors, safeguarding the EU's financial interests, as well as addressing emerging challenges in corruption investigations and Police oversight.

25 speakers from the European Commission, European Public Prosecutor's Office, European Union Agency for Law Enforcement Cooperation (EUROPOL), European Anti-Fraud's Office (OLAF) and national anti-corruption and police oversight institutions provided their insights and experience on relevant topics.

During the EPAC/EACN Annual Conference and the General Assembly, the Dublin Declaration<sup>1</sup> was unanimously adopted as well. It is the final document of the Conference, which addresses the members of the network, i. e. anti-corruption and police oversight bodies, as well as European national governments, European Union institutions and international organisations with proposed actions to strengthen anti-corruption commitments.

The stated declaration recommends to the EU institutions and international organisations to:

- promote effective digital governance as well as open data, information and communication technology to ensure a higher level of general transparency and accountability of government institutions;
- promote the usage of information and communication technology, such as big data technology, in preventing and combating fraud and corruption;
- facilitate access to personal data required for the detection, investigation, and analysis of corruption, in accordance with applicable data protection regulations, by developing handbooks and guidelines for the use of big data analysis methods;
- facilitate and support activities of national anti-corruption and police oversight authorities of the EU Member States by fostering cooperation and creating synergies for sharing expertise and best practices.

During the Conference, the EPAC/EACN General Assembly, which is the network's ultimate decision-making body, elected the members of the EPAC/EACN Board, including myself to the position of the EPAC/EACN President for the term of two years. The General Assembly also accepted five new members to the EPAC/EACN network from Spain, Hungary, Ukraine and Georgia, bringing the total number of anti-corruption and police oversight bodies from 39 European countries who are members of EPAC and/or EACN to 115.

### **Exchange of best practices by concrete actions**

On 28-29 September 2023, members of the EPAC/EACN convened for a workshop dedicated to the topic of whistleblowing. The workshop took place in Vienna, Austria, and was hosted by the Austrian Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung - BAK). With 25 participants and 5 experts from 12 countries and 19 anti-corruption agencies and police oversight bodies, the event spanned a day and a half, filled with intense discussion, knowledge sharing and collaboration. The recordings and forthcoming publication are available on the EPAC/EACN homepage<sup>2</sup>.

Furthermore, EPAC/EACN Secretariat is currently implementing the EU funded project "Best Anti-Corruption Practice Exchange (BACPE)". The project allows funding best practice exchange study visits between EPAC/EACN member organisations for sharing know-how and best practices in combatting corruption and fraud. It provides with an opportunity to visit other EPAC/EACN members, personally meet direct counterparts, learn from one another, and collaborate to prevent and combat corruption in Europe. The aim of this project is to assist EPAC/EACN members – European national anti-corruption authorities – in sharing their best practices and expertise in the field of fighting corruption and related phenomena, including fraud that affects EU financial interests.

---

<sup>1</sup> [https://www.epac-eacn.org/fileadmin/Documents/Conferences/2023/Dublin\\_Declaration.pdf](https://www.epac-eacn.org/fileadmin/Documents/Conferences/2023/Dublin_Declaration.pdf)

<sup>2</sup> [https://www.epac-eacn.org/news?tx\\_news\\_pi1%5BactbackPid%5D=4&tx\\_news\\_pi1%5Baction%5D=detail&tx\\_news\\_pi1%5Bcontroller%5D=News&tx\\_news\\_pi1%5Bnews%5D=182&cHash=dffcf6c5f3426d8792f233c00a969cb](https://www.epac-eacn.org/news?tx_news_pi1%5BactbackPid%5D=4&tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=182&cHash=dffcf6c5f3426d8792f233c00a969cb)



The best practice exchange visits are organised in two cycles. The first cycle, which covers topics of Whistle-blower protection, Asset recovery, and Corruption risk assessment and management, has already begun. The project team received 20 applications for the first cycle. The exchange visits are organised between the 1<sup>st</sup> of August 2023, and 31<sup>st</sup> of March 2024. The second cycle will cover topics of anti-corruption awareness-raising, criminal investigation of corruption and fraud, Big Data analysis and will take place in the second half of 2024. In total 48 best practice exchange visits are planned within the project.

### **Challenges and main priorities for EPAC/EACN**

Given the opportunity to contribute in the preparation of the annual Rule of Law Report, I would like to emphasise that the previous EPAC/EACN contributions to the Rule of Law Reports for the year 2021, 2022 are still of high importance and the issues raised there remain a concern.

I would like to briefly overview the main aspects that our network leads.

#### **1. Organisation, accountability and operational independence of law enforcement agencies are of high importance.**

Among other, EPAC/EACN objectives are to promote independence, impartiality, and legitimacy, as well as accountability, transparency, and accessibility in all systems created and maintained for the independent oversight of policing and the anti-corruption work, and cooperating with other organisations, authorities, networks, and stakeholders in compliance with its objectives.

Speaking of current challenges and main priorities for anti-corruption and police oversight authorities in Europe, the EPAC/EACN continues to observe that the operational independence of some dedicated law enforcement and other related authorities, as the main actors in the fight against corruption, faces a constant threat of being limited and cut back.

Moreover, upon recent motions from its members and after careful consideration of the publicly available information, EPAC/EACN Board is closely monitoring the situation concerning some of its member organisations based in several EU Member States. In all these cases, the newly elected governments are preparing plans and publicly endorsing abolishing specialized anti-corruption institutions.

With full respect to each country's legislative and executive system and its prerogative to plan and implement own national policies, as well as plan and use its resources, it is also important to underline the international obligations stemming from the instruments elaborated and adopted within the framework of organisations such as the United Nations, OECD, Council of Europe, as well as the European Union.

While underlying reasons for considering dismantling any national anti-corruption institution may be different and each situation may have convincing arguments, EPAC/EACN wishes to raise the importance of the international standards that highlight the continuous need for specialised institutions and persons in the area of detection, investigation, prosecution and adjudication of corruption offences:

1. Council of Europe Resolution (97) 24 on the twenty guiding principles for the fight against corruption<sup>3</sup>, adopted in 1997. Guiding principle 3 requires to "Ensure that those in charge of the prevention, investigation, prosecution and adjudication of corruption offences enjoy the independence and autonomy appropriate to their functions, are free from improper

---

<sup>3</sup> <https://rm.coe.int/16806cc17c>



influence and have effective means for gathering evidence, protecting the persons who help the authorities in combating corruption and preserving the confidentiality of investigations". Principle 7 calls upon promoting „<...> the specialisation of persons or bodies in charge of fighting corruption and to provide them with appropriate means and training to perform their tasks".

2. Criminal Law Convention on Corruption (CETS 173), adopted in 1998 by the Council of Europe, Article 20 imperatively determines that "Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption. They shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. The Party shall ensure that the staff of such entities has adequate training and financial resources for their tasks".
3. Articles 6 and 36 of the United Nations Convention against Corruption (UNCAC) require member states not only to ensure specialisation of law enforcement, but also to establish specialised preventive anti-corruption bodies "Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and co-ordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption" as well as emphasize the importance of the independence of the state body " Each State Party shall grant the body or bodies <...> the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence <...>".
4. Article 5 of the OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention) and Recommendation VII of the Recommendation of the Council to Further Combatting Bribery of Foreign Public Officials in International Business Transactions underline the principle of independent investigation and prosecution of the bribery of foreign public officials.
5. The very first Rule of Law Report adopted by the European Commission in 2020 states that "the fight against corruption is essential for maintaining the rule of law. <...> It is also of key importance for the institutions entrusted with enforcement of criminal law to work in an effective and impartial manner. It is fundamental for the judiciary, prosecution and law enforcement bodies to be equipped with adequate funding, human resources, technical capacity and specialised expertise."
6. EPAC/EACN own developed documents, such as Anti-corruption Authority Standards and Police Oversight Principles<sup>4</sup> and numerous EPAC/EACN Declarations adopted between 2004 and 2023<sup>5</sup>, underline the importance of independence and impartiality of anti-corruption bodies, as well as the need to prevent from any undue influence (direct and indirect) upon bodies responsible for combatting corruption.

Law enforcement agencies, as executive institutions dealing specifically with corruption and other related violations of acts, play indispensable roles in safeguarding democracy. They provide supplementary oversight mechanisms for dysfunctional and corrupt political systems and often possess greater expertise, integrity, and accountability than any other institutions.

Grand corruption and fraud are often executed by those under the protection of policy-makers, and sometimes even by those in power themselves. In conjunction with technical and procedural difficulties

---

<sup>4</sup> [https://www.epac-eacn.org/fileadmin/Documents/Recommendations/EPAC\\_Handbook\\_Online.pdf](https://www.epac-eacn.org/fileadmin/Documents/Recommendations/EPAC_Handbook_Online.pdf)

<sup>5</sup> <https://www.epac-eacn.org/documents>



in investigating violations, it is important to take under consideration the chance of undue impacts on authorities in charge of monitoring and investigating such activities. It must be ensured that any such influence is avoided in order for law enforcement authorities to carry out their tasks.

I would like to stress that the law enforcement authorities dealing with corruption should have sufficient operational independence in practice from the political level, and their officers should always comply with the duty to implement the existing rules on integrity and impartiality and carry out their functions in a neutral manner.

## **2. Whistle-blowers protection must be improved in order to enable a better Law enforcement authorities oversight**

A sense of individual responsibility and courage is needed to report suspected corruption. Whistle-blowers are often the main source of information on corruption and therefore play a major role in exposing such acts, which should trigger correct responses by oversight mechanisms and judicial systems. Whistle-blowers often put themselves and others close to them at risk by reporting corruption; in some cases the risks can be life threatening.

In most EPAC/EACN member organisation countries, which are members of the EU, the legislative frameworks for whistle-blower protection is already adopted by transposing the 2019 EU Whistle-blower protection Directive, formally known as the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Ensuring that the national laws are transposed into practice is equally important, not only for the purpose of ensuring a consistent and extensive whistle-blower protection legislation, but also in order to achieve this objective. Effective support for whistle-blowers requires appropriate procedures and practical measures to be put in place. In order for these systems to function, they should prove that the available safeguards are safe and reliable; otherwise, there will still be a high risk of reporting which would make it harder for those wishing to report.

In order to protect those, who report corruption from the abuse of criminal proceedings, the protection offered should not be limited. Effective protection against retaliation should also be covered, together with measures and appropriate penalties against those who take reprisals should thus be put in place.

It is important to raise awareness about existing protection systems, including by increasing training in targeted ways at all level of the hierarchy with a view to changing people's perceptions and attitudes towards protected disclosures and whistle-blowers. It is essential to have an internal report mechanism which has adequate staff and resources, as well as a level of operating autonomy from the institution's top officials or outside bodies.

## **3. Personal data protection and law enforcement institutions activities must create an area of freedom, security and justice**

It is important to stress that quite often the reality of the application of personal data protection rules in practice shows that the right to the protection of personal data is somewhat made absolute, where the fundamental public purpose of this right is forgotten and made incompatible with other fundamental rights based on the principle of proportionality. Combating corruption, which has a negative impact on all indivisible in interrelated human rights, including civil, cultural, economic, political and social rights, is much more difficult, when access to personal data is not granted or seriously limited through substantive or procedural obstacles. Practice showed that strict privacy regulation, in addition to having a generally



positive impact on the protection of human rights, may also have a detrimental impact on other common goods in society – difficulties for law enforcement agencies accessing personal data to tackle corruption.

#### **4. Advancing and harmonisation of the legal frameworks address challenges for an effective fight of corruption**

Corruption, in all its forms, has extremely negative political, social and economic effects. It is a breeding ground for poverty and a real threat to democracy, leading to the violation of human rights, a loss of citizens' trust in institutions, and is an important factor in undermining peace and endangering stability in the world. At the global level, several instruments of international law have been adopted to fight corruption more effectively, notably including the United Nations Convention against Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials, Council of Europe Resolution (97)24 on the twenty guiding principles for the fight against corruption, Criminal Law Convention on Corruption (CETS 173). In order to harmonise the rules of the international legal obligations it is important to pool the joint efforts through the simultaneous adoption of shared principles and standards.

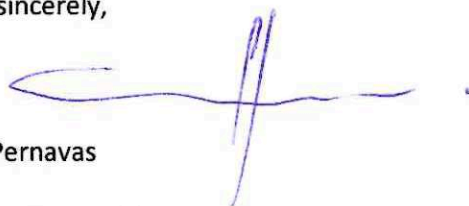
Here I would like refer you to the previous contribution letter of the EPAC/EACN to the Rule of Law Report for the year 2023. In Europe there is still no agreed-upon definition of what corruption is including definitions such as trading of influence, abuse of power and illegal enrichment are only a few examples. Differences in criminal legislature make it difficult for state authorities to work together practically in cases of corruption.

Bearing in mind that there are almost no internationally binding standards for anti-corruption authorities, including on their independence, these standards and their practical application is left for development and application for individual countries, which sometimes produces quite different systems that face difficulties when it comes to international cooperation.

In this regard, we welcome the recent decisive steps taken by the European Commission to fight corruption in the EU and worldwide and endorse discussions within the EU Council and European Parliament on the proposed new instruments to curb corruption, in particular, the Proposal for Directive on combatting corruption. At the same time, further efforts are needed to develop and align anti-corruption standards to be applied by the EU Member States, as well as other European countries with the EU accession perspective.

Finally, let me conclude by thanking for your continuous attention to the challenges corruption is causing in Europe. EPAC/EACN remains your strong ally in preventing and combating this phenomenon and looks forward to continuing to cooperate and contribute to the work done by the European Commission in this field.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Linas Parnas', is written over a horizontal line.

Linas Parnas

EPAC/EACN President

Director of Special Investigation Service (STT) of the Republic of Lithuania