

**Draft compromises for the LIBE opinion to CONT on the report  
‘Evaluation of preventive measures for avoiding corruption, irregular spending and  
misuse of EU and national funds in case of emergency funds and crisis-related  
spending’**

rapporteur: Tomáš Zdechovský

**The rapporteur proposes to have a bloc vote covering all Compromises.**

**AM 14, AM 25 and 30 are voted separately.**

**COMPROMISE A - Paragraph 1 and 1a(new)**

**Covers AMs 2 (Greens), 3 (Renew), 4 (Left), 6 (S&D), 13part (Greens), 40 (Left)**

**Falls: AM 1 (S&D)**

1. Acknowledges that crisis *measures (Greens, AM2) can have (Left AM4)* a direct impact on the balance between the different powers of the state and recognises that governments and local authorities may be forced to adopt emergency measures with less public consultation than would generally be expected *to prevent grave economic and social crises from undermining democracy and the rule of law (S&D AM6); believes that those measures should always be limited in time, proportionate, necessary and never be used as a pretext for changing the balance of powers more permanently (Greens AM2, S&D AM6); recalls that great importance should be given to (Renew AM3)* upholding an effective system of checks and balances *and to respecting the rule of law, fundamental rights and democratic accountability (Greens, AM2)* for all actions taken in response to an emergency;

1a(new). *Recalls that, regardless of the method of implementation, Member States have to respect these principles whenever they implement the Union budget; considers the effective prevention and prosecution of fraud, corruption, and conflicts of interest to be preconditions for compliance with sound financial management as enshrined in Article 317 TFEU (Greens AM13part); recalls further that strategies against corruption, irregular spending and misuse of Union funds should be comprehensive and transparent; (AM 40)*

**COMPROMISE B - Paragraph 1b(new)**

**Covers AMs 5 (Left), 7 (Greens), 8 (Left), 18 (Left)**

*1b(new). Stresses the need to put in place effective mechanisms to monitor the implementation of emergency funding to ensure that all emergency funding reaches the beneficiaries and is in full compliance with transparency requirements, fundamental rights, the rule of law and other legal obligations, notably sound financial management (Left AM5); believes, therefore, that public funding must always be traceable to meet the requirements in terms of accountability, transparency and monitoring of funding (Left AM18); expresses its concern about a certain level of resistance in some Member States concerning anti-corruption measures and transparency reforms, which can partly be explained with personal interests of some law-makers and government officials (Greens AM7); calls on the Member States and the relevant Union bodies, within the scope of their competences, to carry out independent investigations into reports of non-compliance with funding rules and expects*

*the Commission to make use of its powers to suspend or recover Union funding in cases where non-compliance has been established (AM 8):*

**COMPROMISE C - Paragraph 2**

**Covers AMs 9 (Greens), 10 (Renew), 12 (S&D)**

**Falls: AM 11 (Left)**

2. *Underlines* that the *emergency* response to the current COVID-19 crisis *has created a favourable environment for increased criminal activities and, specifically, for corruption (Greens AM9), confirmed by high-level prominent cases in some Member States; (Renew AM10); considers, therefore, that responses to this crisis from international organisations, states, and private entities should also include mechanisms for preventing and detecting corruption (Greens AM9);* believes that the response to the COVID-19 crisis *must abide by the highest standards of* openness, transparency, accountability and law enforcement, as essential components of *rule of law based (SD AM12)* democratic governance;

**COMPROMISE D - Paragraphs 3 and 3a(new)**

**Covers AMs 13part (Greens), 16 (ID), 17part (Renew)**

**Falls: AM 15 (Left)**

3. Calls on the Member States and the Commission to carefully review the policies they enacted during the COVID-19 crisis and to *enhance existing* and define new mechanisms and protocols for any future emergency spending *in order to increase the level of transparency of public spending (ID AM 16), with a particular focus on preventive measures (Renew AM 17); notes that the Commission can exercise ex-ante and ex-post control over EU funds;*

*3a(new). Underlines further the necessity of ex ante verification of anti-corruption legislation and practices in Member States; calls on the Commission to include anti-corruption milestones in the proposals for a Council Decision on the approval of the assessment of the recovery and resilience plans in cases where a risk of misuse of funds exists; stresses the fact that Directive 2014/24/EU of the European Parliament and of the Council on public procurement ('EU Public Procurement Directive') already allows for quick and less administratively burdensome procedures and that Member States' governments should not manage these procedures outside of the legal requirements (Greens AM 13);*

**AM14 - to be voted separately, as an addition to Paragraph 3**

*regrets, in this respect, the reluctance of the Commission to use the means at its disposal, notably the measures foreseen in the rule-of-law conditionality regulation which entered into force on 1 January 2021; (S&D AM14);*

**COMPROMISE E - Paragraph 4**

**Covers AMs 19 (Left), 20 (Greens), 21 (Renew), 22 (S&D), 31 (Renew)**

4. Points out that corruption in general undermines the functioning of the state and public authorities at all levels and is one of the key enablers of organised crime *and even more so in a crisis (S&D AM22);* emphasises that *independent institutions, such as independent*

*judiciary and prosecution (S&D AM22, Renew AM 31), effective anti-corruption frameworks and transparency and integrity in the exercise of state power can strengthen legal systems and trust in public authorities and democratic processes; calls on all Member States to develop or update their national anti-corruption strategies with dedicated sections on public spending in times of crisis (Renew AM21) and to conduct a comprehensive evaluation of the equipment and human resources needs of law enforcement authorities, taking into account the rapid evaluation and diversification of irregular and illegal paths, and to provide them with the necessary resources, including IT tools, to enhance their capability to prevent and fight corruption (Renew AM 31); believes that various forms of transnational corruption affect not only the integrity of national economies, but impacts the economy on a European and international scale (Left AM19) and thus reiterates the need to increase the overall transparency of the economic and financial environment of the Union (Greens, AM20);*

**COMPROMISE F - Paragraph 5**  
**Covers AM 23 (Renew), 24 (Greens)**

5. Stresses that the incorrect management of public funds and ineffective responses to a crisis may intensify growing distrust in government; believes that the public has the right to be informed and to be provided with up-to-date, transparent and reliable information and data during crises; *regrets that during the Covid-19 pandemic, several Member States adopted measures that hampered public access to documents, limiting especially media professionals; recalls the role of the free press as a key component of a functional democracy and stresses the importance of protection mechanisms at national and European level in order to preserve and strengthen a free media (Renew AM23); believes that public availability of relevant, non-confidential data on public procurement and convictions in a machine-readable format could significantly foster the prevention and detection of potential cases of corruption; considers therefore that all public procurement contracts awarding public funding should be published with minimum redaction on a dedicated, publicly accessible website in an open and standardised format to allow for analysis and thereby ensure transparency and scrutiny of public spending (Greens AM24)*

**COMPROMISE G - Paragraph 6**  
**Covers AMs 27 (Greens), 28 (Renew)**  
**Falls AM 29 (ID)**

6. Welcomes the critical role of civil society organisations in fighting corruption; emphasises that the success of any emergency response greatly depends on the active participation of all actors in society; believes that the current COVID-19 crisis has highlighted the importance of maintaining a robust system of citizen participation in public decision-making; *notes the particular importance of the protection of whistleblowers reporting suspicions of corruption; is concerned by recent reports from the Whistleblowing International Network (WIN) and Transparency International that 14 Member States have either not started or made minimal progress towards implementing the EU Directive on Whistleblowing, in light of its transposition deadline of 17 December 2021 (Greens AM27) regrets that, during the COVID-19 crisis, several Member States adopted emergency legislation imposing restrictive measures on the activities of the civil society; urges Member States to develop comprehensive crisis management plans in order to prepare for future similar situations and to include safeguards for the civil society's role; (Renew AM28)*

### **COMPROMISE H - Paragraph 7**

**Covers AMs 17part (Renew), 32 (Greens), 33 (Renew), 34 (ECR)**

Acknowledges the current role and future potential of using artificial intelligence and big data in fighting corruption and the misuse of public funds; *calls on the Commission and the Member States to make full use of the available tools, such as the Early Detection and Exclusion System (EDES), Arachne and the Irregularities Management System (IMS), to effectively and efficiently identify problematic economic operators and the natural persons linked to them both in direct and indirect management; encourages Member States to exchange information both among themselves and with the Commission and to cooperate more closely with a view to improving data collection and enhancing the effectiveness of controls; regrets the fact that OLAF does not have full access to the Arachne Risk Scoring Tool; (Greens AM32) reiterates its calls on the Commission to make the use of ARACHNE mandatory for EU funding (Renew AM17); points out that all publicly available information and data should be easily accessible (Renew AM33); points out information and data must be processed in compliance with the norms concerning data protection and the right to privacy of individuals (Renew AM33); stresses that enforcement authorities have to be ahead of criminals who increasingly use new technologies and seize any opportunity to expand their illegal activities, online or offline; (ECR AM34)*

### **COMPROMISE I - Paragraph 8**

**Covers AMs 37 (Greens), 38 (Renew)**

*8. Reminds that the Group of States against Corruption (GRECO) issued several recommendations concerning the use of public money in crisis situations, in the context of the COVID-19 pandemic (Renew AM38); Notes that in its 21st General Activity Report, the GRECO states that governments should rigorously manage the corruption risks that have emerged due to the need to take extraordinary measures to combat the Covid-19 pandemic (Greens AM37); calls on the Member States to follow all of the GRECO recommendations as well as its guidelines and welcomes the possibility of the EU joining GRECO as a full member. (Greens AM37; Renew AM38)*

### **COMPROMISE J - Paragraph 8a(new)**

**Covers AMs 35 (Greens), 36 (Left), 41 (Left)**

*8a(new). Calls on Member States and the Commission to review and, where appropriate, strengthen national and Union bodies, legal procedures and practices against various forms of corruption (Left AM 36); insists on the need for closer cooperation between the competent Union bodies, namely the European Public Prosecutor's Office (EPPO), Eurojust, Europol and the European Anti-Fraud Office (OLAF), within their respective mandates, when carrying out criminal investigations into and prosecutions of corruption (Greens AM35); recalls, in this respect, the importance of effective information flows and enhanced communication between the different relevant national authorities and between Union bodies (Renew AM 31); calls for closer cooperation between the European Union, its Member States, intergovernmental organisations, notably the United Nations, and non-governmental organisations in the fight against corruption (Left AM 41);*