



# ***Handbook of good practices in the fight against corruption***

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## List of abbreviations

AC	Anti-corruption
ANAP	National Agency for Public Procurement, <i>Romania</i>
cap	capita
CEC	Central Electoral Commission, <i>Bulgaria</i>
CEPOL	European Union Agency for Law Enforcement Training
Col	Conflict of Interest
CPC	Commission for the Prevention of Corruption of the Republic of Slovenia
CPCB	Corruption Prevention and Combatting Bureau, <i>Latvia</i>
CPI	Corruption Perception Index
CRS	The Central Register of Contracts, <i>Slovakia</i>
CS	Case Study
DEPABD	Directorate for Personnel Records and Database Administration, <i>Romania</i>
DGPC	Directorate General of Cultural Heritage, <i>Portugal</i>
ECHR	European Court for Human Rights
EKÁER	Electronic Public Road Trade Control System, <i>Hungary</i>
ENAC	National Anticorruption Strategy, <i>Portugal</i>
FIU	Financial Intelligence Unit, <i>Latvia</i>
FOI	Forum Freedom of Information (Forum Informationsfreiheit), <i>Austria</i>
FoIA	Freedom of Information Act
GDP	Gross Domestic Product
GEIU	Grey Economy Information Unit, <i>Finland</i>
GIZ	German Agency for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit), <i>Germany</i>
GRECO	Council of Europe Group of States against Corruption
HATVP	High Authority for Transparency in Public Life, <i>France</i>
HR	Human Resources
ICAC	Independent Commission Against Corruption
ICT	Information and Communication Technology
IP	Integrity Pact
KVE	Corruption-free Estonia (Korruptsioonivaba Eesti), <i>Estonia</i>
MS	Member State
NGO	Non-Governmental Organization
NIA	National Integrity Agency, <i>Romania</i>
NVA	National Tax and Customs Administration, <i>Hungary</i>
OCDS	Open Contracting Data Standard
OECD	The Organisation for Economic Co-operation and Development
OGP	Open Government Partnership
ONRC	National Office for Trade Registry, <i>Romania</i>
p.p.	Percentage points
QA	Quality Assurance
REC	Regional Electoral Commission, <i>Bulgaria</i>
SEAP	National Electronic Procurement Platform, <i>Bulgaria</i>
SIPO	Standards in Public Office Commission, <i>Ireland</i>

SIS	Special Investigative Service, <i>Lithuania</i>
SME	Small and Medium-sized Enterprise
SOE	State-owned Enterprise
TI	Transparency International
ToC	Theory of Change
UNCAC	United Nations Convention Against Corruption
WKStA	Economic and Corruption Prosecutor's Office, Austria

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## Glossary

Transparency	Authorities providing relevant, accessible, timely, and accurate data to the public in order to assess government action (accountability), exercise a voice in decision-making (deliberation), and unlock social and economic value (public reuse).
Accountability	If a public authority is transparent about its activities, it justifies and explains its decisions. In addition, there must be an independent controlling agency present with the means to sanction the public authority if its actions are unlawful or unjust.
Societal control	A system of checks and balances where civil society is in a position to exert a controlling function over the public authority.
Collective Action	Any action undertaken by a united group of people rather than by individuals.
Civil Society	The sphere that exists outside the state or the market and within which individuals take collective action on shared interests. <sup>1</sup>
Principal-agent theory	Theory of interaction between an agent and the principal for whom they act, the point being to structure incentives so that the agent will act to benefit the principal. <sup>2</sup>
Standardisation	The process of creating a single approach to a process that is shared among and utilized by the different parties that engage in that process.
Lobbying	Efforts made on behalf of individuals, groups, or organisations to influence the decisions made by elected officials or bureaucrats. <sup>3</sup>
Clientelism	Politics substantially based on patron-client relationships. A powerful figure (patron) provides protection to a number of lower-status clients who, in exchange, offer their unqualified allegiance and support. <sup>4</sup>
Advocacy	Activities undertaken with the aim of influencing political decisions.
Institutionalisation	The process of embedding a certain conception within the formal structures or procedures of the government.
Public procurement	The process by which public authorities, such as government departments or local authorities, purchase work, goods, or services from companies. <sup>5</sup>
Watchdog NGO	An (international) NGO which aims to critically monitor the actions of (a) government(s).
Social norms	Unwritten rules present within a specific society that dictates how one should act, i.e., what is and is not socially acceptable.

<sup>1</sup> Hague, R., Harrop, M. and McCormick, J. *Comparative Government and Politics* (10th edition). Palgrave Macmillan. 2016, p. 305

<sup>2</sup> Gauld, R. (2016). Principal-Agent Theory of Organizations. In: Farazmand, A. (eds) *Global Encyclopedia of Public Administration, Public Policy, and Governance*. Springer, Cham. [https://doi.org/10.1007/978-3-319-31816-5\\_72-1](https://doi.org/10.1007/978-3-319-31816-5_72-1)

<sup>3</sup> Hague, R., Harrop, M. and McCormick, J. *Comparative Government and Politics* (10th edition). Palgrave Macmillan. 2016, p. 313

<sup>4</sup> Hague, R., Harrop, M. and McCormick, J. *Comparative Government and Politics* (10th edition). Palgrave Macmillan. 2016, p. 230

<sup>5</sup> European Commission. (z.d.). *Public procurement. Internal Market, Industry, Entrepreneurship and SMEs*. From [https://single-market-economy.ec.europa.eu/single-market/public-procurement\\_en](https://single-market-economy.ec.europa.eu/single-market/public-procurement_en)

Patronage	Support, encouragement, access, and privilege bestowed by one individual on another. The use of state resources by leaders to those providing support to the government. <sup>6</sup>
Legitimacy	A legitimate system of government is one based on authority, and those subject to its rule recognise its right to make decisions. <sup>7</sup>
Pro bono	Professional services that are offered free of charge, often legal support.
Embezzlement	Withholding assets that are entrusted to you but belong to someone else.
Misappropriation	see Embezzlement.
Ballot stuffing	Illegally submitting more than one ballot during an election. Ballot stuffing is a specific act of electoral fraud.
Integrity	The consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector. <sup>8</sup>
Policy capture	When public decisions over policies are consistently or repeatedly directed away from the public interest towards a specific interest. <sup>9</sup>
Whistleblowing	Revealing information regarding illegal or immoral behaviour within a public or private institution which would otherwise have remained hidden from the general public.
Grassroots	A bottom-up (political) movement which starts at the local level to achieve change at the regional or national level.
Civic engagement	A process in which people take collective action to address issues of public concern. <sup>10</sup>
Shadow economy	Includes illegal activities and unreported income from the production of legal goods and services, either from monetary or barter transactions. A shadow economy comprises all economic activities that would generally be taxable were they reported to the tax authorities. <sup>11</sup>

<sup>6</sup> Hague, R., Harrop, M., and McCormick, J. *Comparative Government and Politics* (10th edition). Palgrave Macmillan. 2016, p. 61

<sup>7</sup> Hague, R., Harrop, M. and McCormick, J. *Comparative Government and Politics* (10th edition). Palgrave Macmillan. 2016, p. 10

<sup>8</sup> Keudel, O., ed., *Module on Public Ethics, Integrity, and Open Local Government* (Congress of Local and Regional Authorities of the Council of Europe), 2021, p. 19.

<sup>9</sup> OECD. *Preventing Policy Capture: Integrity in Public Decision Making*. OECD Public Governance Reviews. 2017. <https://dx.doi.org/10.1787/9789264065239-en>

<sup>10</sup> Checkoway, B. and Aldana, A. Four forms of youth civic engagement for diverse democracy. *Children and Youth Services Review*, 35(11). 2013. pp. 1894–1899. <https://doi.org/10.1016/j.childyouth.2013.09.005>

<sup>11</sup> Enste, D. and Schneider, F. *Hiding in the Shadows: The Growth of the Underground Economy*. IMF. 2002. <https://www.imf.org/external/pubs/ft/issues/issues30/#:~:text=the%20official%20economy.-,What%20is%20the%20Shadow%20Economy%3F,from%20monetary%20or%20barter%20transactions.>

## Executive summary

The [goal](#) of this Handbook is to map a variety of anti-corruption practices in EU Member States (MS) that have proved to be useful in solving problems related to corruption, and which can inspire similar initiatives elsewhere. For this purpose, one good anti-corruption practice either established or innovative, with positive impact aspirations in each EU Member State was selected, and clustered into eight types of anti-corruption approaches. The Handbook is structured along these identified types. Each chapter consists of a theoretical part about the respective type of anti-corruption approach and is illustrated by corresponding case studies. To ensure transferability, analysis of the case studies focuses on implementation mechanisms, the estimated costs of such a practice, and its outcomes and limitations. This Handbook has been a collaborative effort between the research team at Ecorys and Local Research Correspondents on Corruption (LRCC) in each Member State. This ensured an “insider understanding” of the context of each case study. This was done through desk research and expert interviews (n=30) conducted between April 2022 and October 2022.

There are three important considerations resulting from the conceptual understanding of anti-corruption in a broad sense and methodological approach to defining good practices. First, to cover good practices in all Member States, [effectiveness is defined with regard to a specific country context](#) high or low level of trust, high or low capacity to control corruption, etc. As a result, in some MS, indirect anti-corruption practices were proposed, while direct anti-corruption practices were assessed as less useful. Second, it is recognised that counteracting corruption is a complex effort that in most cases is non-linear. Instead, it consists of a [chain of outcomes](#). To ensure transferability, the analysis of each case study starts with the definition of a common problem the practice in place is supposed to solve. By solving a specific problem, anti-corruption practices contribute to one or several steps in tackling corruption and so provide a snapshot in a chain of outcomes that lead to less corruption. Finally, to [cover the trends and innovative approaches](#), the Handbook covers anti-corruption practices implemented or updated in the last five years.

This Handbook shows that there is significant [variation in anti-corruption approaches](#) across the EU Member States. These approaches include preventive and repressive measures, intra-governmental control and societal monitoring, collective action of multiple stakeholders, and the creation of special anti-corruption agencies, as well as strengthening public integrity and counteracting corruption in an indirect way such as e-citizenship. All of these approaches have advantages and limitations. These are critically reviewed in the analysis.

Based on the overview of proposed good practices, several anti-corruption [trends](#) stand out:

- The most widespread approach to counteracting corruption is based on the mechanisms of increasing [transparency](#) and [open data](#), which lays the foundation for other approaches. New practices with regard to transparency aim to tackle challenges, such as weak enforcement of freedom of information agreements, different interpretations of transparency, or making public information not only open but also comprehensible to ordinary citizens.
- Another strong trend is towards [datafication of anti-corruption](#). Multiple EU MS implement complex technological solutions, from creating new data sets to combining existing information from different databases. The sources of data vary from open government data (e.g., public

procurement contracts) to compulsory entries about companies or individuals (e.g., beneficiary owners, interest representatives' information), which increasingly become a precondition to working with public institutions (e.g., procurement, lobbying). Major challenges, common to most practices of this kind, include ensuring high-quality data, enforcing universal (not selective) obligations for transparency, and making large amounts of data understandable and useful to law enforcement agencies, experts, but also the general public (e.g., visualisation, automated data analytics)

- **Collaborative approaches**, such as engagement of citizens (e.g., direct or through consultation instruments) and other stakeholders (e.g., multi-stakeholder initiatives) are present not only as an aim of many anti-corruption initiatives but also as an implementation mechanism for other outcomes (e.g., creation of anti-corruption strategy). Collaborative initiatives are also common intra-governmentally. For example, some initiatives aim at improving collaboration between departments to reinforce corruption investigation capacities, but active interaction between agencies is also required to ensure the exchange of data or ownership of new concepts.
- **Integrity** is often regarded as a complementary approach to anti-corruption. It is evident, that governments increasingly approach corruption as a complex issue and create systemic, coherent initiatives, reaching from the definition of integrity standards to enforcing them, but also creating cultural and organisational conditions to raise awareness and promote the social norm of integrity. These initiatives mostly face the challenge of ensuring effectiveness and setting tangible goals, as they introduce educational tools and include long-term measures, which are difficult to assess.
- The direct anti-corruption practices, including **the adoption of anti-corruption strategies and the work of special anti-corruption agencies**, presented in this Handbook, aim to overcome an increasing criticism of ineffective *agencification* and bureaucratisation of anti-corruption. One way is increasing multi-stakeholder engagement in anti-corruption (e.g. in the processes of the development of the anti-corruption strategy, or a comprehensive review of the state's anti-corruption capacity). Another way is the decentralization of anti-corruption while increasing the responsibility of individual governmental agencies and the local self-government authorities for their own corruption prevention practices.

Some cases are worth highlighting, as most **pioneering and impactful practices**, that also reflect the abovementioned trends. The following cases are described in more detail in the subsequent sections:

- **One-stop shop for open public data by ERAR online application in Slovenia**: This case does not only demonstrate the broad accessibility of open data, but also the technical and organizational ways of overcoming its fragmentation and creating public value by merging different databases.
- **Education-based and app-assisted coordination of citizen engagement in Bulgaria**: The case of "You Count" Campaign for Elections Oversight in Bulgaria is an example of how the different background of citizens is levelled through the initial training regarding their engagement, and the engagement is coordinated with support of an app. This practice addresses electoral fraud.
- **Broad agenda-setting for anti-corruption in the corruption-prone sector in Sweden**: The Agreement to counter bribery and corruption (ÖMK) between the Swedish Association of local authorities and regions, Employers Association, and the Association of Private Care Providers in Sweden is an example of how to set anti-

corruption on the agenda in a healthcare sector and reach with integrity measures a vast number of employees.

- **Enforcement of integrity standards for executive and legislative branches of power in Malta:** The case of the Commissioner for Standards in Public Life is a rare example of credible investigation and punishment of high-level public officials in breach of ethics, encompassing not only for the executive stuff, but also members of parliament and persons of trust.
- **Beneficiary ownership disclosure with integrated data verification mechanisms in Slovakia:** The Public Sector Partners Register demonstrates a solid implementation mechanism of beneficiary ownership disclosure. It is also one of the rare cases that have solid ex-ante and ex-post verification mechanisms of data entered in the register and penalty for untrue or incomplete data.
- **Multi-stakeholder consultations on the National Anti-Corruption Action Plan in Greece:** This case demonstrates the advancement of its anti-corruption strategy by broad multi-stakeholder consultation and integrated monitoring mechanism of its National Anti-Corruption Action Plan 2022-2025.
- **Agency for countering systemic political corruption on the local level of governance in Spain:** The Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Region (AVAF) is a unique and successful example of the Anti-Corruption Agency on the local level of governance with the aim to tackle systemic political corruption.
- **Data analytics tool to assist law enforcement authorities in Finland:** The Harmaa (Grey)-project, is an innovative case of assisting law enforcement authorities with data analytics in processing large volumes of data in enforcement systems and identifying cases that require more detailed investigation.

Readers interested in developing anti-corruption measures in their respective countries can consult this Handbook in different ways:

- The overview of major types and trends of anti-corruption practices across the EU can be consulted as a list of conceptual ideas to estimate and improve one's own country's efforts.
- The case studies can be used as a source for technological or procedural practices, on how to overcome certain challenges or weak spots in corruption or anti-corruption policies.
- The individual practices can be used to establish a peer-learning and exchange. One can compare how other countries are implementing the same anti-corruption tool or approach and understand which challenges they face.

# 1 Introduction

This chapter presents the context and objectives (1.1), a reading guide (1.2) and the methodology used for the Handbook (1.3).

## 1.1 Background and objectives handbook

The **objective** of this Handbook is to map a variety of anti-corruption practices in EU MS that proved to be useful in a specific situation and can provide an inspiration for similar initiatives elsewhere. For this purpose, we selected good anti-corruption practices either innovative or established, with positive impact aspirations in each EU MS and clustered them into types that cover most of the approaches to anti-corruption coming from the literature. An anti-corruption practice is considered “good” when it 1) has a positive effect on countering corruption, and 2) it demonstrates a mechanism that is transferable and applicable in other Member States.<sup>12</sup> Each chapter consists of a theoretical part about the respective type of anti-corruption practice and is illustrated with corresponding case studies. To ensure transferability, the analysis of the case studies dives into the implementation mechanisms, the estimated costs of such a practice, and its outcomes and limitations.

**Corruption** – broadly defined as the misuse of power for private gain<sup>13</sup> – is detrimental to economic, social, and political development. It violates the fundamental principles of democracy, such as equality, fairness, and accountability, and further threatens the stability of political systems.<sup>14</sup> It can lead to the systematic manipulation and decay of political institutions and law, the rules of procedures and regulations, and to the misallocation of resources.<sup>15</sup> By diverting scarce resources from disadvantaged people, it damages the rule of law and social justice. It lowers the trust of citizens in political institutions and processes and even erodes general trust in the whole community.<sup>16</sup> In turn, this has perilous consequences for the legitimacy of a political system, particularly for young democracies.<sup>17</sup> Corruption is also detrimental for economic growth, as it lowers levels and quality of investment, increases levels of indirect taxation, causes misallocation of resources, and brain drain through distorted incentives.<sup>18</sup> Moreover, the cross-border dimension of corruption poses direct security threats, as the crisis through Russian aggression in Ukraine in 2022 showed.<sup>19</sup>

Transparency International (TI) states that with an average score of 66, the European Union (EU) is the highest performing region in the Corruption Perceptions Index (CPI) globally.<sup>20</sup> However, increasing public distrust due to procurement scandals during the COVID-19 pandemic and low political integrity shows worrying trends.<sup>21</sup> The

<sup>12</sup> We are not speaking of “best practices” for the methodological reasons. In order to assess one practice as the best, all practices have to be comparable. This is however impossible due to varying local context the practices are developed in as well as to the significant differences of corruption forms that the practices aim to target.

<sup>13</sup> Rose-Ackerman, S., ‘Corruption’, *Readings in Public Choice and Constitutional Political Economy*, Charles K. Rowley and Friedrich G. Schneider, Boston, MA: Springer US, 2008, pp. 551–66 ; Transparency International, *Corruption Perception Index 2017*, 8 January 2018, p. <https://www.transparency.org/country/DEU>.

<sup>14</sup> Sandholtz, W. and Taagepera, R., ‘Corruption, Culture, and Communism,’ *International Review of Sociology*, 15, no. 1, March 2005, pp. 109–31.

<sup>15</sup> Kubbe, I., *Corruption in Europe: Is It All about Democracy?*, Nomos Verlagsgesellschaft, 2015

<sup>16</sup> Mungiu-Pippidi, A., *The Quest for Good Governance: How Societies Develop Control of Corruption*, Cambridge, United Kingdom: Cambridge University Press, 2015

<sup>17</sup> Montinola, G.R., and Jackman, R.W., ‘Sources of Corruption: A Cross-Country Study’, *British Journal of Political Science*, 32.01, 2002.

<sup>18</sup> Dimant, E. and Tosato, G., ‘Causes and Effects of Corruption: What Has Past Decade’s Empirical Research Taught Us? A Survey’, *Journal of Economic Surveys*, 32, no. 2, April 2018, pp. 335–56. <https://doi.org/10.1111/joes.12198>

<sup>19</sup> Huss, Oksana, and Pozsgai-Alvarez, J., ‘Strategic Corruption as a Threat to Security and the New Agenda for Anti-Corruption’, *Corruption, Justice, and Legitimacy Program*, 17 March 2022. <https://www.corruptionjusticeandlegitimacy.org/post/strategic-corruption-as-a-threat-to-security-and-the-new-agenda-for-anti-corruption>.

<sup>20</sup> Transparency International, *CPI 2021 for Western Europe & European Union: Trouble ahead for stagnating region*, 25 January 2022. <https://www.transparency.org/en/news/cpi-2021-western-europe-european-union-trouble-ahead-for-stagnating-region>

<sup>21</sup> Transparency International, *People see low political integrity throughout the European Union*, 28 September 2021. <https://www.transparency.org/en/news/low-political-integrity-throughout-the-european-union-gcb-eu-2021>

Eurobarometer perception survey, carried out in 2022, indicates that 68% of EU citizens believe that corruption in their country is widespread.<sup>22</sup> There is an increasing perception of political corruption. Almost six out of ten respondents (58%, +5 percentage points ((p.p.)) since 2019) think that corruption is widespread amongst political parties, and almost as many say this about local, regional, or national politicians (55%, +6 p.p. since 2019). This negative tendency goes hand in hand with increasing tolerance to corruption among citizens. Almost every third respondent justifies giving gifts (28%, +5 p.p. since 2019), and every second giving money (17%, +1 p.p. since 2019) to get something from the public administration or public service.

At the same time, on the national level, there is significant variation in the public integrity scores of individual Member States (MS) within the EU, as measured by the latest European Quality of Government Index.<sup>23</sup> This variation covers a broad spectrum of performance, from the global top countries to those that barely reach the international average. The overall trend in comparison to 2019 integrity measurements is negative.

Similar to the variation in corruption levels, forms and manifestations, there is a significant variation in anti-corruption approaches across EU MS. These approaches include preventive and repressive measures, intra-governmental control and societal monitoring, collective action of multiple stakeholders and the creation of special anti-corruption bodies, as well as strengthening public integrity and counteracting corruption in an indirect way such as e-citizenship. All of these approaches have their advantages and limitations, that we critically anticipate in the analysis of this Handbook. Their effectiveness is highly dependent on the local institutional and cultural context.

### 1.2 Reading guide

The Handbook is structured into eight chapters explaining how the most widespread anti-corruption practices work in different contexts. The types of practices include:

1. Transparency & open data;
2. Citizen engagement;
3. Collective action;
4. Integrity promotion;
5. Conflict of interest management and detection;
6. Anti-corruption strategies;
7. Anti-corruption agencies;
8. Detection and investigation of corruption.

Each chapter is divided into an introductory section and a series of case studies.

The introductory section lays out the **Theory of Change (ToC)**<sup>24</sup> briefly put, a chain of outcomes that ensure a positive impact by each of the selected anti-corruption practices. In addition, the ToC generalises information from the literature and our case studies on the limitations, challenges, unintended impact, and context whether the mechanism is working or not. Some of these challenges present the problem that individual anti-corruption practices aim to overcome.

Each introductory section introduces the:

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<sup>22</sup> European Commission, *Special Eurobarometer 502: Corruption*, June 2020; European Commission, *Flash Eurobarometer 482: Businesses' attitudes towards corruption in the EU*, December 2019

<sup>23</sup> European Research Centre for Anti-Corruption and State-Building, and Center for International Private Enterprise, Public Integrity Index 2021. <https://corruptionrisk.org/ipi-ranking/>

<sup>24</sup> "A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific development change, drawing on a causal analysis based on available evidence." For more information see the UNDG UNDAF practical guide: <https://unsdg.un.org/sites/default/files/UNDG-UNDAF-Companion-Pieces-7-Theory-of-Change.pdf>

- Definition of the practice;
- Relevant international standards;
- Implementation mechanisms behind the practice;
- Potential results;
- Challenges; and
- Additional resources readers can consult.

Subsequently, each practice is illustrated with case studies. The Handbook includes 27 [case studies](#) (CS) i.e., examples of an anti-corruption practice proposed and assessed by Local Research Correspondents on Corruption (LRCC) as a practice with (potentially) high impact. Case studies exemplify implementation mechanisms for an anti-corruption practice, resources that are required, as well as conducive and limiting conditions for its effectiveness.

For example, the Register of Contracts in the Czech Republic is a case of an open data mechanism with the expected outcome to enable public monitoring in order to overcome public distrust due to scandals around corruption in public procurement. The underlying open data mechanism overcomes the challenge of fragmented public information that is not machine readable and impossible to analyse. The Register of Interest Representatives in France is a case of a disclosure mechanism with the expected outcome to increase accountability with regards to lobbying. The technological solution enables the oversight of transparency regulations for lobbyists and in this way contributes to overcoming one of the general challenges associated with transparency the lack of enforcement.

Each case study can refer to different types of anti-corruption practices or combine several implementation mechanisms. For example, most anti-corruption practices build upon transparency, or most technological solutions build upon open data. Moreover, most cases consist of several types of action needed legislation, technological solutions, engagement of different stakeholders etc. - which result in one complex implementation mechanism. The assignment of a case study to a particular chapter is an attempt to highlight one main type of anti-corruption practice, while other types can be a part of this mechanism or its outcome.<sup>25</sup> For this reason, each case study begins with a set of [key words](#), that include other associated mechanisms and types of anti-corruption that this case study may refer to.

Overall, each case study introduces the:

- Executive summary;
- Problem a case aims to tackle;
- Solution it provides;
- Results and impact it achieves;
- Conditions supportive to the practice; and
- Limitations or challenges and potentially unintended impact.

Stakeholders interested in developing anti-corruption in their respective countries can consult the Handbook in different ways:

- The overview of major types and trends of anti-corruption practices across the EU can be consulted as a list of conceptual ideas to estimate and improve own country's efforts.
- The case studies can be used as a source of practical ideas, on how to overcome certain challenges or weak spots with regards to corruption or anti-corruption policies.
- The individual practices can be used to establish a peer-learning and exchange.

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<sup>25</sup> This is a technical limitation that is inherent to the Handbook's book format. The online presentation of the case studies will overcome this limitation, because through a search function, one case study can be read under different variables, such as a type of anti-corruption practice, but also different implementation mechanisms used, or individual types of action needed (e.g., legislative, co-ordinational, organisational etc.) or along the context variables, such as the size of the country, the level of public trust or control of corruption, etc.

### 1.3 Anti-corruption trends in EU Member States

The inductive way in which the anti-corruption practices for the Handbook were generated allows for several observations about anti-corruption trends in the EU MS. The most widespread approach to counteracting corruption is based on the mechanisms of increasing [transparency](#) and [open data](#). In the original data set of case studies, one-third of the cases proposed as a good practice aimed at tackling corruption through transparency or open data. This is understandable for two reasons.

First, transparency is the [precondition](#) for several other mechanisms to counteract corruption. Citizen engagement or accountability is not possible without publicly releasing relevant information around decision-making, public finance, selection, and award procedures in public procurement. With greater transparency expectations come greater challenges regarding the practical definition and implementation of transparency. Some of the case studies aim to tackle such underlying challenges to transparency as different interpretation of access to public information (Case Study Croatia) or making public information and data not only accessible, but also understandable to the public (CS Luxembourg).

Second, [datafication](#) of politics is reinforced through accessible digital tools that are increasingly used in the public sector. This trend makes use of machine-readable large sets of open data towards the main mechanism of transparency, which goes beyond individual access to fragmented pieces of public information. In most cases, good practices of open data use are related to public procurement – the most corruption-prone area of state activities (CS Austria, Czech Republic, Romania), however their approaches vary. The Register of public contracts in Czech Republic has been created and maintained by the government, while in the case of Austria, the platform has been created by civil society using open data about the public contracts provided by the government. Thus, the availability of open data is necessary, but not a sufficient requirement to use this data to counteract corruption. The public and law enforcement agencies must be able to make sense of these data, interpret it and re-use it. The case of Romania goes even further. It is based on the obligation of all sides engaged in public procurement. They need to fill in so called integrity forms, which allows to connect procurement data with other registers about companies and people engaged, to detect potential conflict of interest in a bid and prevent lengthy investigations at the pre-contracting stage.

[Creating registers](#) and obliging private sector participants in public processes towards the compulsory filling in of integrity-related data evolves as a possible way to collect and open data systematically that is not under control of the state institutions. In case of France, some interest representatives are obliged to provide the data related to their influence of decision-making, while in Slovakia all companies engaged in public procurement are obliged to disclose the beneficial owners. In the latter case, such process design has one more critical advantage. In cases of a court trial, the reverse burden of proof is put on the companies that want to do business with the State. This mechanism of creating registers based on the obligation to publish the data works as a rule if there is an agency or governmental body responsible for the control and enforcement of disclosure.

The increasing complexity of digital platforms that [combine multiple datasets](#) from different agencies, similar as in the CS Romania, becomes accessible with the improving technological capabilities and the availability of diverse datasets and registers. The case study of ERAR in Slovenia, as well as the case of Prevent in Romania, demonstrates possibilities and advantages of combining different data sources for better analytics, corruption prevention and investigation. Ever-growing amounts of data require automated ways for processing and to be presented in a comprehensible way to the user. Thus, data visualisation is becoming an important feature of the open data platforms. For example, the CS of Harmaa (Grey) in Finland is an attempt to integrate [automated data analytics](#) to identify red flags and assist in this way the investigation work.

Open data opens new possibilities for the counteraction of corruption, but also brings new [challenges and risks](#) with these regards. [Quality of data](#) is the major issue, mentioned in all the cases relying on systematic data collection and processing of open data. The register of beneficiary owners in Slovakia is the only case among the selection that has integrated procedures of verifying the accuracy of the data records. Further challenges include [privacy issues](#), [updating legislation](#) to consider the use of new technologies, [insufficient IT expertise](#) and training to maintain and use digital tools. An important challenge is that the effectiveness of digital platforms is often undermined by underlying legislation that [exempts](#) selected groups from obligations to publish relevant data, which undermines the mechanisms of accountability (e.g., CS Czech Republic, France).

Transparency is a necessary, but not sufficient condition to counteract corruption effectively. To be an effective mechanism of anti-corruption, [citizen engagement](#) is often combined with transparency. Participatory initiatives against corruption are critical, especially in face of declining trust towards representative democracy. Direct citizen engagement can be one effective way of countering corrupt influence in the processes that form political system – elections and policy making (e.g., CS Bulgaria and Poland). Further, enabling civic monitoring in public contracting is a precondition towards building trust because most corruption scandals are related to procurement procedures. Integrity pacts proved to be a broadly accepted practice across several EU countries (e.g., CS integrity pact Portugal).

The [role of technologies](#) is also critical for citizen engagement mechanisms, because digital platforms allow coordination of large numbers of people who want to engage in public life. For instance, the civic monitoring of elections in Bulgaria was supported by a special App, and public consultations in the legislation process became possible online – the only way to conduct them under the conditions of the COVID-19 pandemic. Open data can not only enable civic monitoring of public contracting, but also can be re-used by NGOs to create own tools and technologies for accountability (e.g., CS OffenVergaben.at platform in Austria).

[Collective action and integrity-based logic of anti-corruption](#) are becoming increasingly widespread, as they complement the control- and enforcement-based direct anti-corruption approaches. The underlying assumption is that control and enforcement have high costs and significant limitations to counteract corruption. Instead, the collective action and integrity-based practices aim at creating conditions under which key stakeholders understand the advantage of fair play and trust in commitments of each other not to engage in corruption. In other words, the anti-corruption mechanisms in this logic work towards integrity as social norm. The case of the multi-stakeholder agreement to counter bribery and corruption in Sweden does not only envisage the most corrupt sector of health care, but also sets anti-corruption on the agenda of large employer organisations and local self-governance. The case of the Alliance of Integrity in Germany deals with corruption in supply chains and raises the issue in the private sector on the transnational level – both the scope that would be impossible to reach by direct anti-corruption activities. The main challenges these types of practices face involve ensuring their sustainability, as they work based on voluntary partnerships; as well as measure specific anti-corruption outcomes, as they aim at awareness-raising around corruption issues which are difficult to assess.

The [integrity promotion](#) is conceptualised as multi-faceted framework, while the case studies cover the setting of integrity standards in the Code of Conduct (CS Cyprus, Denmark, Italy, Malta), monitoring by means of self-assessment of corruption risks (CS Estonia), as well as enforcing integrity standards (CS Malta). The case of setting up an entire integrity framework in the public prosecutors' service in Cyprus is an example of a complex endeavour to restore trust into the whole sector after corruption scandals. [Whistle-blower protection](#) is an integral part of a comprehensive integrity framework. While the trend is towards more systemic work in this direction, the mechanisms of whistle-blower protection are often emerging as an outcome of anti-corruption practices (e.g., CS Sweden, Spain).

The main [challenge the integrity-based practices face](#) is that in order to be effective they prerequisite the change of organisational culture, which can face a lot of resistance simply because of convenience. Furthermore, when setting integrity standards (e.g., in the Codes of Ethics or Conduct), it is difficult to find a middle ground between setting specific rules and providing general guidance. This decision should not only correspond to the context, but also be regularly updated in line with the changing norms in the society and organisation (e.g., CS Denmark). Enforcement is another major challenge (e.g., CS Italy), while the case of the Commissioner for Standards in Public Life in Malta provides a good practice towards overcoming this challenge.

[Conflict of interest \(Col\)](#) management and disclosure can also be considered a part of a complex integrity framework. The digital platforms in Romania and Slovakia are groundbreaking for conflict-of-interest detection and management: The Prevent system in Romania allows ex-ante verification and enforcement mechanism for Col at the stage of public procurement before the contract has been signed, which also saves resources from lengthy procedures associated with ex-post Col management. The register of public sector partners in Slovakia was the first system to ensure beneficiary ownership disclosure and trace corruption to the roots of shell companies. Both practices have the major challenges in common: the exemptions from obligations to publish either contracts or beneficiary owners. This challenge has been reinforced through the COVID-19 pandemic when the trade-off between rules and discretion in public procurement became critical. The practice of an advisory body for public procurement (CS Belgium) can bridge this trade-off and mitigate corruption risks in public procurement while avoiding overregulation of procedures.

A direct and more systemic approach to anti-corruption implies the creation of a normative and institutional framework for anti-corruption, such as [anti-corruption strategies and specialised anti-corruption agencies](#). Our quantitative analysis showed that a comprehensive anti-corruption strategy and infrastructure was a common feature to most countries that showed positive tendencies and improved at least three corruption-related indexes in the last five years.<sup>26</sup> Anti-corruption strategies and special bodies do not only increase accountability, but also ensure prevention of corruption, conflict of interest regulation and monitoring. At the same time, there is an increasing criticism of *agencification* of anti-corruption without expected results and improvements.<sup>27</sup> Thus, the selected practices show the trend to overcome this criticism. For instance, the new anti-corruption strategy in Greece has been developed in an intense consultation process and contains specific result indicators in order to track its implementation and the effectiveness. By means of multi-stakeholder engagement, the practice of a comprehensive review of the state's anti-corruption capacity took place in Ireland with the aim to create a holistic anti-corruption reform beyond anti-corruption agencies. In a similar way, the practice of decentralisation of anti-corruption responsibilities in Lithuania is based on the assessment methodology to evaluate the resilience to corruption in the public sector's bodies. Additionally, the Corruption Prevention and Combating Bureau (CS Latvia) follows the trend of opening to the public and conducts consultations to address corruption. The Valencian Antifraud Office (CS Spain) provides an example of an anti-corruption agency created on the local level of governance.

In addition to the above mentioned datafication trend, the corruption [detection and investigation practices](#) indicate at the increasing role of collaboration between multiple agencies (CS Finland, Netherlands). This trend is also clearly visible in other practices, especially those that rely on combination of different data sets, which goes in hand with the challenge of complex coordination and intense inter-agency communication.

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<sup>26</sup> We have reviewed quantitative indicators for the main indexes and surveys that measure corruption-related issues. We have identified 8 Member States that show positive tendencies on three different corruption-related measures. The data includes Index of Public Integrity (ERCAS); Eurobarometer (European Commission); Corruption Perception Index (Transparency International); European Quality of Government Index (Quality of Government Institute, University of Gothenburg, Sweden); Control of Corruption in the Worldwide Governance Indicators (World Bank). The results are provided in the complementary Excel table.

<sup>27</sup> Krambia-Kapardis, M., 'Disentangling Anti-Corruption Agencies and Accounting for Their Ineffectiveness', *Journal of Financial Crime*, 26, no. 1, 1 January 2019, pp. 22–35. <https://doi.org/10.1108/JFC-01-2018-0016>  
Schütte, Sofie Arjon. 'Bespoke Monitoring and Evaluation of Anti-Corruption Agencies', 2017: Schütte, S. A., *Bespoke Monitoring and Evaluation of Anti-Corruption Agencies*, 2017. <https://www.u4.no/publications/bespoke-monitoring-and-evaluation-of-anti-corruption-agencies>.

Table 1.1 Overview of Case Studies per EU Member State

Country	Name of the Case Study	Sub-chapter	Type of Practice
<b>Austria</b>	Re-Use of Open Data by Citizens – OffeneVergaben.at platform	3.2.2	Citizen engagement
<b>Belgium</b>	Ensuring consultation - Advisory Body for Public Procurement	6.2.3	Conflict of Interest management and detection
<b>Bulgaria</b>	Civic monitoring of elections - “You Count” Campaign for Elections Oversight	3.2.1	Citizen engagement
<b>Croatia</b>	Access to Public Information – Information Commissioner’s database for Ensuring the Freedom of Information Act (FoIA)	2.2.1	Transparency & open data
<b>Cyprus</b>	Creating an Integrity System in Public Prosecutor’s Offices	5.2.4	Integrity promotion
<b>Czech Republic</b>	Open data in public procurement - Register of Contracts	2.2.3	Transparency & open data
<b>Denmark</b>	Setting integrity standards - The Updates in the Code of Conduct for Public Employees	5.2.1	Integrity promotion
<b>Estonia</b>	Monitoring integrity - Self-Assessment Online Environment for Corruption Risk Assessment on the Local Level of Governance	5.2.2	Integrity promotion
<b>Finland</b>	Data Analytics for Detection - Harmaa (Grey)-project	9.2.1	Detection and Investigation of Corruption
<b>France</b>	Disclosure for Accountability – Register of interest representatives	2.2.2	Transparency & open data
<b>Germany</b>	Alliance for Integrity	4.2.4	Collective Action
<b>Greece</b>	Comprehensive National Strategy and the National Anti-Corruption Action Plan	7.2.1	Anti-corruption strategy
<b>Hungary</b>	Digitalisation of VAT information collection	9.2.3	Detection and Investigation of Corruption
<b>Ireland</b>	“Hamilton Review” – An Engaged and Holistic Approach to Anti-Corruption Reform	7.2.2	Anti-corruption strategy
<b>Italy</b>	Collective and deliberation-based Code of Conduct adoption - “Carta di Avviso Pubblico” for Local Politicians	4.2.3	Collective action

Country	Name of the Case Study	Sub-chapter	Type of Practice
<b>Latvia</b>	The Corruption Prevention and Combating Bureau	8.2.1	Anti-Corruption Agencies
<b>Lithuania</b>	Special Investigative Service (SIS) Assessment of the Anti-Corruption Architecture	7.2.3	Anti-corruption strategy
<b>Luxembourg</b>	Making open data understandable - "Renow" repository	2.2.5	Transparency & open data
<b>Malta</b>	Enforcing integrity standards - The Commissioner for Standards in Public Life	5.2.3	Integrity promotion
<b>Netherlands</b>	Intra-governmental collaboration and the Knowledge Platform against Subversive Crime	9.2.2	Detection and Investigation of Corruption
<b>Poland</b>	Citizen engagement in legislative process – Online public consultations	3.2.3	Citizen engagement
<b>Portugal</b>	Collaborative public contracting monitoring - Integrity Pact	4.2.2	Collective action
<b>Romania</b>	Ex-ante Verification and Enforcement Mechanism for Col - PREVENT system for public procurement	6.2.1	Conflict of Interest management and detection
<b>Slovakia</b>	Beneficiary ownership disclosure - The Register of Public Sector Partners	6.2.2	Conflict of Interest management and detection
<b>Slovenia</b>	Combining Open Data sources for public reuse - ERAR online application	2.2.4	Transparency & open data
<b>Spain</b>	Anti-Corruption on the Local Level of Governance Valencian Antifraud Office	8.2.2	Anti-Corruption Agencies
<b>Sweden</b>	Multi-stakeholder Agreement to counter bribery and corruption in health care	4.2.1	Collective action

## 2 Transparency & open data

### 2.1 Introduction to the practice

#### Definition

Transparency means relevant, accessible, timely, and accurate data that authorities make available to the public in order to assess government action (accountability), exercise a voice in decision-making (deliberation), and unlock social and economic value (public re-use).

Information should be:<sup>28</sup>

- Relevant, meaning tailored to the specific need of different audiences;
- Accessible, meaning comprehensible and in an appropriate format for reuse;
- Timely, meaning up-to-date, accurate and complete.

#### International standards

The most relevant international agreements and regimes on transparency are:

- Art. 15 of the Treaty on the Functioning of the European Union gives the right to access documents of the European Parliament, the Council, and the European Commission to citizens and residents of EU countries.<sup>29</sup>
- Congress of the Council of Europe's Resolution and Recommendation on Transparency and open government.<sup>30</sup>
- Council of Europe's Convention on Access to Official Documents (No. 205).<sup>31</sup>
- OECD Recommendation of the Council on Open Government.<sup>32</sup>
- Open Data Charter.<sup>33</sup>
- Open Government Partnership.<sup>34</sup>
- UNECE Aarhus Convention.<sup>35</sup>

#### Mechanisms

Three mechanisms of transparency are key:

- **Mechanism 1: Access to information** is a legal right for citizens to request information from government, which must be provided unless it fits a specific exemption in law.<sup>36</sup> It is often enacted by Freedom of Information legislation.
- **Mechanism 2: Disclosure** is the act of routinely publishing certain information, sometimes required by law. It can, for example, support anti-corruption practices by requiring the routine publication of assets and declarations of conflict of interest.<sup>37</sup> Disclosure is primarily important to ensure accountability.

<sup>28</sup> Bremers, J. and Deleu, W., *Towards Faster Implementation and Uptake of Open Government. Final Report*, Brussels: European Commission, Directorate-General for Communications Networks, Content and Technology, 2016. <https://ec.europa.eu/digital-single-market/en/news/final-report-study-towards-faster-implementation-and-uptake-open-government-smart-20150041>.

<sup>29</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, OJ C306 (TFEU).

<sup>30</sup> Galster, G., *Transparency and Open Government*, 35th Session, Strasbourg: Congress of Local and Regional Authorities, Council of Europe, 7 November 2018. <https://rm.coe.int/16808d341c>.

<sup>31</sup> Council of Europe, *Convention on Access to Official Documents (CETS No. 205)*, 1 December 2020. <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=205>.

<sup>32</sup> OECD, *Recommendation of the Council on Open Government*, 14 December 2017. <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>.

<sup>33</sup> Open Data Charter, *International Open Data Charter*, September 2015. <https://opendatacharter.net/principles/>.

<sup>34</sup> Open Government Partnership, *Open Government Declaration*, 2011. <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>.

<sup>35</sup> United Nations Economic Commission for Europe, *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, Aarhus, 25 June 1998. <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

<sup>36</sup> Galster, G., *Transparency and Open Government*, 35th Session, Strasbourg: Congress of Local and Regional Authorities, Council of Europe, 7 November 2018. <https://rm.coe.int/16808d341c>.

<sup>37</sup> OECD, *Asset Declarations for Public Officials: A Tool to Prevent Corruption*, Fighting Corruption in Eastern Europe and Central Asia (OECD Publishing, 2011), <https://doi.org/10.1787/9789264095281-en>.

- **Mechanism 3: Open data** is “initiatives which facilitate the free and proactive release of large volumes of information held in government databases in formats and under conditions that permit re-use.”<sup>38</sup>

Data is open if it is:<sup>39</sup>

- Open by default;
- Timely and comprehensive;
- Accessible and useable;
- Comparable and interoperable;
- For improved governance and citizen engagement;
- For inclusive development and innovation.

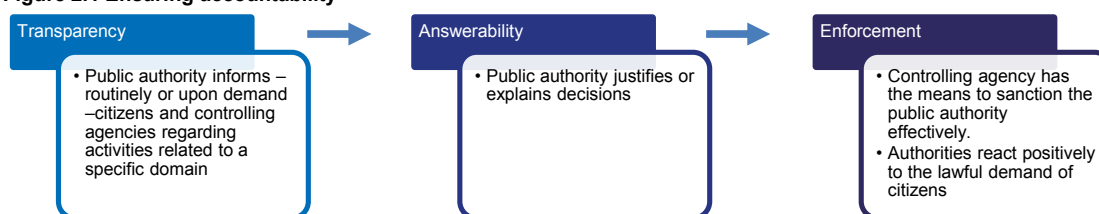
It is important to identify the purposes and stakeholders for which information has to be disclosed.

### Potential results

Key potential transparency and open data results are:

- **Ensuring accountability.** This consists of three components as illustrated in the figure below.

**Figure 2.1 Ensuring accountability**



Transparency does not automatically lead to accountability, but accountability is not possible without transparency.

- **Ensuring citizen/stakeholder engagement.** For an extensive and meaningful participation in and societal oversight of the decision-making process, the public needs to understand the workings of their government. Thus, another function of transparency is to provide citizens with all necessary information (e.g., open law- and policymaking, open contracting, open budget, etc.) to enable their engagement.<sup>40</sup>

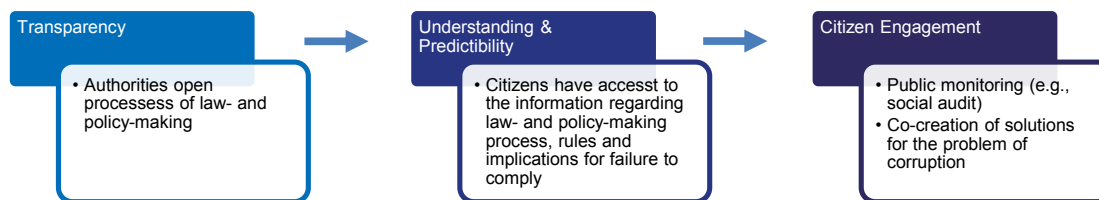
Information regarding rules and procedures, as well as implications for the violation of the rules, provide a basis for predictability and trust, which are the preconditions for citizen engagement.<sup>41</sup>

<sup>38</sup> OECD, “Investing In Trust: Leveraging Institutions For Inclusive Policy Making” (Paris, 2013), 20, <https://www.oecd.org/gov/ethics/Investing-in-trust.pdf>.

<sup>39</sup> Open Data Charter, *International Open Data Charter*, September 2015. <https://opendatacharter.net/principles>

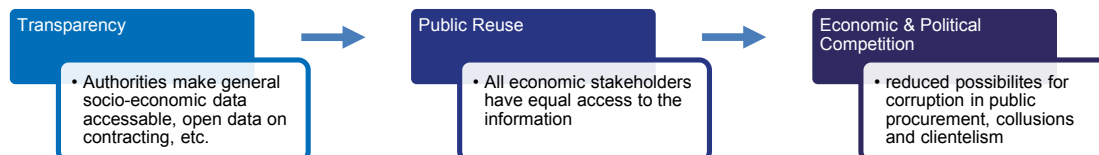
<sup>40</sup> Huss, O. and Keudel, O., *Open Government in Education: Clarifying Concepts and Mapping Initiatives*, Ethics and Corruption in Education, Paris: UNESCO. IIEP, 2020. <http://www.iiep.unesco.org/en/open-government-education-clarifying-concepts-and-mapping-initiatives-13372..>

<sup>41</sup> Bauhr, M. and Grimes, M., “Transparency to Curb Corruption? Concepts, Measures and Empirical Merit,” *Crime, Law, and Social Change*, 68, no. 4, November 2017, pp. 431–58. <https://doi.org/10.1007/s10611-017-9695-1>.

**Figure 2.2 Citizen engagement components**


Transparency necessarily leads to citizen participation, it means however, that citizen participation is impossible without transparency.

- **Public reuse of information.** Transparency for public reuse is grounded in the idea that the information maintained by the government is a national asset with social and economic value, that should be unlocked to the maximum extent possible.<sup>42</sup> Mainly this function is based on the open data mechanism, while relevant information can foster economic competition and reduce collusion, bid rigging, and clientelism.

**Figure 2.3 Public reuse components**


### Challenges

There are several challenges when aiming to ensure positive impact by implementing transparency:

- **Fragmented and low-quality data.** Introduce records management through efficient and systematic control of the creation, use, and maintenance of public information. Good records management ensures that information is accessible, authentic, comprehensive, and reliable, and therefore underpins both access to information and open data.<sup>43</sup>
- **Irrelevant data.** In order to provide relevant data, identify the purposes and stakeholders for which information has to be disclosed.<sup>44</sup>
- **Unequal access to data.** Design processes to ensure access to information to all interested parties, especially if transparency is provided by means of ICT and excludes those who have limited capacity to use it.<sup>45</sup>
- **Security issues.** Keep the balance between public access, national security, and privacy.<sup>46</sup>
- **Interpretation of data.** Design processes to ensure that relevant stakeholders are able to interpret the data.<sup>47</sup>
- **Lack of enforcement.** Transparency without accountability in a context of endemic corruption can be counterproductive, it leads to frustration and may demobilise civic activism. Thus, it is crucial to ensure enforcement procedures by the authorities (ref. horizontal accountability) in case of revealed corruption and responsiveness to citizens (ref. vertical accountability).<sup>48</sup>

<sup>42</sup> T O'Reilly, T., "Government as a Platform," *Innovations: Technology, Governance, Globalization* 6, no. 1, January 2011, pp. 13–40.

<sup>43</sup> Galster, "Transparency and Open Government," 11.

<sup>44</sup> Bauhr and Grimes, "Transparency to Curb Corruption?"; Harrison, T.M., Guerrero, S., Brian, B.G., Cook, M., Cresswell, A., Helbig, N., Hrdinova, J., Pardo, T., "Open Government and E-Government: Democratic Challenges from a Public Value Perspective," *Information Polity*, 17, no. 2, 9 July 2012, pp. 83–97. <https://doi.org/10.3233/IP-2012-0269>.

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<sup>46</sup> Hansson, K., Belkacem, K. and Ekenberg, L. "Open Government and Democracy: A Research Review," *Social Science Computer Review*, 33, no. 5, October 2015, p. 547, <https://doi.org/10.1177/0894439314560847>; Linders and Wilson, "What Is Open Government?," 266.

<sup>47</sup> Fung, A., "Infotopia: Unleashing the Democratic Power of Transparency," *Politics & Society*, 41, no. 2, June 2013, pp. 183–212, <https://doi.org/10.1177/0032329213483107>; Hansson, Belkacem, and Ekenberg, "Open Government and Democracy," 547.

<sup>48</sup> Bauhr and Grimes, "Transparency to Curb Corruption?"; Bauhr, M., Grimes, M. and Haring, N. "Seeing the State: The Implications of Transparency for Societal Accountability," *QoG Working Paper Series*, 15, June 2010; Galster, "Transparency and Open Government";

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<sup>51</sup> Carolan, L., *Open data, transparency, and accountability: Topic guide*, 2016, Birmingham, UK: GSDRC, University of Birmingham, 2016. [https://assets.publishing.service.gov.uk/media/5857fde40f0b60e4a0000d6/OpenDataTA\\_GSDRC.pdf](https://assets.publishing.service.gov.uk/media/5857fde40f0b60e4a0000d6/OpenDataTA_GSDRC.pdf).

<sup>52</sup> Rellya, J.E., Sabharwal M., Perceptions of Transparency of Government Policy Making: A Cross-National Study (2009). *Government Information Quarterly*, 26, no.1, 2009, pp. 148-157. <https://www.sciencedirect.com/science/article/abs/pii/S0740624X08000877?via%3Dihub>.

<sup>53</sup> Lnenicka, M., Nikiforova, A., Transparency-by-design: What is the role of open data portals? *Telematics and Informatics*, Volume 61, 2021. <https://www.sciencedirect.com/science/article/abs/pii/S0736585321000447?via%3Dihub>.

<sup>54</sup> Mayernik, M.S., Open data: Accountability and transparency. *Big Data & Society*, 2017. <https://journals.sagepub.com/doi/10.1177/2053951717718853>.

<sup>55</sup> Hollyer, J., Rosendorff, B., and Vreeland, J. Measuring Transparency, *Political Analysis*, 22(4), 2017, pp. 413-434. <https://www.cambridge.org/core/journals/political-analysis/article/abs/measuring-transparency/91C492FD6723A63448F1B887EA50DA1D>.

<sup>56</sup> World Bank, Open data readiness assessment tool. Washington D.C.: World Bank, May 2014. <https://data.worldbank.org/about/open-government-data-toolkit/readiness-assessment-too>

<sup>57</sup> Transparency International, *International Standards for Lobbying Regulation*, 2015. <https://lobbyingtransparency.net/lobbyingtransparency.pdf>.

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<sup>59</sup> OECD, *Transparency, and Integrity in Lobbying*, 2013. <https://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>.

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## 2.2 Case studies

### 2.2.1 Croatia: Access to Public Information – Information Commissioner's Database for Ensuring the Freedom of Information Act (FoIA) Implementation

#### Executive summary

The Information Commissioner's search-engine/ database ("Tražilica odluka i mišljenja – TOM") is an online platform launched in 2016<sup>61</sup> to display decisions and opinions issued by the Information Commissioner, who is acting as the second instance for appeal if access to public information is denied. The search engine contains the rulings of the High Administrative Court, the Constitutional Court, and the Supreme Court of the Republic of Croatia, as well as important decisions and acts of the European Court for Human Rights (ECHR) and other EU institutions, such as the EU Ombudsman, pertaining to access to information.<sup>62</sup>

#### Key words

Transparency, Freedom of Information Act, search engine, database, Croatia

Table 2.1 Good practice fiche

General information	Specifics
<b>Name</b>	Search engine of decisions and opinions related to access to information
<b>Context</b>	Croatia GDP/cap – (2021) EUR 15,575 – below average World Bank Control of Corruption – (2020) 61.54 – below average Trust in public administration – (2021) 29 % – below average Population: 4.1 m - small
<b>Timeframe</b>	Since 2016
<b>Reference</b>	<a href="https://tom.pristupinfo.hr/pregledfilter1.php">https://tom.pristupinfo.hr/pregledfilter1.php</a>
<b>Aim and objectives</b>	Increase transparency of public bodies by standardising the practice of implementation of FoIA through: Publication of decisions and opinions of the Information Commissioner Publication of rulings of High Administrative Court and Constitutional Court pertaining to access to information Publication of decisions of EU institutions pertaining to access to information
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Low (Below 3 or volunteers' engagement) Tech: Medium (One register or one database, or App)
<b>Expected impact</b>	Strengthen FoIA as an anti-corruption mechanism
<b>Category of corruption risk/ sector prone to corruption</b>	Transparency of public bodies
<b>Implementation mechanism</b>	Legislation on Transparency => Publication of opinions and decisions reached by the Information Commissioner and the relevant courts in open format => search engine by numerous parameters => standardisation of implementation of FoIA in Croatia on part of public bodies and assistance to beneficiaries in their appeals in case of refusal of access to information.
<b>Similar practices</b>	<a href="https://www.ip-rs.si/mnenja-gdpr/">https://www.ip-rs.si/mnenja-gdpr/</a>

<sup>61</sup> Povjerenik za informiranje, „Izvrješće o provedbi Zakona o pravu na pristup informacijama za 2016. godinu“, p.99, [pristupinfo.hr](https://www.pristupinfo.hr/wp-content/uploads/2018/10/1.-Izvrješće-o-provedbi-Zakona-o-pravu-na-pristup-informacijama-za-2016.pdf?x57830), Zagreb, 2017. <https://www.pristupinfo.hr/wp-content/uploads/2018/10/1.-Izvrješće-o-provedbi-Zakona-o-pravu-na-pristup-informacijama-za-2016.pdf?x57830> (Accessed 18 May 2022).

<sup>62</sup> Povjerenik za informiranje, *Kako koristiti TOM*, 2022. <https://tom.pristupinfo.hr/pregledkktp.php> (Accessed 18 May 2022).

General information	Specifics	
Stakeholder's mapping	Target group	Public bodies, beneficiaries
	Implementation	Information Commissioner

### Problem

The violation of Freedom of Information Acts (FoIA) is, in some countries, a widespread practice, while access to public information is the basic pre-condition that enables effective anti-corruption. For instance, in 2021, the Information Commissioner, as an independent body, ruled against the public bodies' decisions to refuse access in as many as 57% of cases.<sup>63</sup> This violation can have two forms:

- So-called "silence of administration": when authorities deny responses to an information request. For instance, in Croatia, those types of complaints represented 55.53% of all complaints received by the Information Commissioner.<sup>64</sup>
- Misinterpretation of FoIA, due to the lack of standard practices and different interpretation of the FoIA can also lead to a high number of unjustified denials. For instance, over 5,000 information officers in a relatively small country like Croatia often lack guidance and information about the precedent cases to enforce FoIA.

The case of TOM in Croatia demonstrates a way to improve the FoIA implementation through a database of the court rulings, decisions and opinions issued by the Information Commissioner, to inform public officers about the precedent cases with regards to FoIA application.

### Solution

The primary purpose of the TOM search engine in Croatia is to assist information officers in public bodies when dealing with public information requests and enable them to respond in accordance with the Act. In responding to specific information requests, information officers can consult the practice of the Information Commissioner and the judicial practice concerning similar requests for information on which the Commissioner or the courts have already decided upon, thus leading to standardisation in implementing FoIA.

The search engine<sup>65</sup> enables simple and advanced searches.<sup>66</sup> The simple search enables searching by any word/term that the search engine recognises within the text of the decisions. The advanced search enables searching by type of act (decision, opinion, instruction, other), type of public body (11 types), type of beneficiary (seven types) and year (2013 onwards), as well as by searching by key words. It includes a total of 50 key words/filters arranged by:

- Specific FoIA sections (access to information, re-use of information, proactive publication, public consultations, publicity of work);
- 25 limitations to access to information as prescribed by FoIA;
- Outcome of appeal (rejected, granted in full or granted in part);
- 16 other non-categorised keywords. It enables simultaneous use of various filters.

The filter returns a table specifying the type of act, date of the act, official number of the act, name of the act (beneficiary and full name of defendant), type of public body, type of plaintiff, keywords, and linked acts if the act has been challenged before the court and the court has reached its decision. Hence, linked court rulings are also available with one click.

<sup>63</sup> Povjerenik za informiranje "Izješće o provedbi Zakona o pravu na pristup informacijama za 2021. godinu", , pristupinfo.hr, Zagreb, 2022, p.22. <https://pristupinfo.hr/wp-content/uploads/2022/03/1.-Izješće-o-provedbi-ZPPI-za-2021.docx?x57830> (Accessed 18 May 2022).

<sup>64</sup> Information Commissioner, "Annual Report on the Implementation of the Act on the Right of Access to Information for 2021 (Summary)", pristupinfo.hr, Zagreb, 2022, p.4. <https://pristupinfo.hr/wp-content/uploads/2022/05/IC-Annual-Report-2021-Summary.docx?x57830> (Accessed 18 May 2022).

<sup>65</sup> Available at: <https://tom.pristupinfo.hr/pregledfilter1.php?np=1&startrow=2150>, created in open licence (Accessed 13 June 2022).

<sup>66</sup> Available at: <https://tom.pristupinfo.hr/pregledkktip.php> (Accessed 18 May 2022).

Clicking on the name of an [individual act](#) opens the act, which contains all metadata and the text in .html format, without the beneficiary's personal data. The .html format was chosen specifically to enable users to copy/paste various parts of the decisions. Apart from information officers, the search engine also [assists beneficiaries](#) in exercising their right to access to public sector information, as they can (and do) cite the Information Commissioner's decisions or court rulings in their first instance appeals to bodies that initially refused access to information, as well as in their appeals to the Information Commissioner. Finally, the search engine is also of use to [academics and other researchers](#) interested in FoIA implementation in Croatia, given that the entire database is exportable in open format (.csv). One can either download the entire database, or the results of the filtered database, currently containing 3,114 decisions on appeals or opinions concerning access to public sector information issued by the Information Commissioner.

The tab "Court Rulings" enables filtering by year (2014 and onwards), type of plaintiff and outcome of court proceeding. The returned table provides the following information: date of ruling, official number of the ruling, official number of the Information Commissioner's decision, subjects of the administrative proceeding, key words, type of plaintiff and outcome of court proceeding. These tables are not exportable.

Finally, the tab "other decisions" provides [summaries of decisions](#) of the Constitutional Court pertaining to access to public sector information and links to full decisions, the link to the portal of judicial practice of the Supreme Court, which itself enables searching by, for instance, name of legal act<sup>67</sup> as well as 10 decisions made by the Agency for Personal Data Protection which was mandated to monitor implementation of FoIA prior to 2013. On this tab, one can also find summaries of 11 relevant decisions reached by ECHR, as well as links to the decisions of the European Court of Justice and the European Ombudsman.

As of 2021, apart from the database, the Information Commissioner also prepares and makes [public summarised information](#) on standards reached in implementing FoIA. So far, eight summaries pertaining to frequent breaches of FoIA have been published related to personal data protection, charging for access to information, and trade/professional secrets.<sup>68</sup>

### Input

In order to implement the practice, the following input was required:

#### *Learning from experience*

- Prior to developing the database, the Information Commissioner and her staff reviewed other practices to determine what type of functionalities they liked/disliked and would like to implement in their own database, including:
  - Similar practices in other countries, such as Slovenia, Ireland, Scotland;
  - Databases of Croatian public bodies, such as the State Commission for Supervision of Public Procurement Procedures, the Croatian Competition Agency, and the High Administrative Court.

#### *Funds and human resources*

- The process was part of a two-year-long project funded by the British Embassy in Zagreb. Once the functionalities were decided upon, the developer was chosen by means of public procurement.
- The cost of the design of the database (during 2016) was HRK 68,000.00 HRK (approx. EUR 9,000), with an additional cost of HRK 22,000 (approx. EUR 3,000) for initial data input (some 600 decisions at the time).
- The process of preparing and uploading the initial batch of decisions took 2 persons and approximately 4 months and was performed by Information Commissioner's staff members outside official working hours.

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<sup>67</sup> Available at: <https://sudskapraksa.csp.vsrh.hr/search> (Accessed 18 May 2022).

<sup>68</sup> Available at: <https://pristupinfo.hr/praksa-povjerenika-za-informiranje/> (Accessed 13 June 2022)

### Maintenance

- Apart from designing the database and its public interface, the developer also had an obligation to maintain the database in its first year of functioning.
- Nowadays, maintenance is performed by one of the staff members of the Information Commissioner at no additional cost.
- Similarly, the preparation and uploading of new decisions is also performed by staff members.
- On average, database maintenance and updating takes up to 30% of working hours of one person per month, and does not require any specialised technological skills, apart from basic computer literacy.

### Data

- In order to ease transferring the decisions to the database, standardised procedures are used in writing up the decisions themselves, including the structure of the decisions, the font, and font size.
- Up until 2022, the rulings of the High Administrative Court (published in .pdf) were being converted first into .doc and then into .html in order to appear on “linked decisions”.
- Nowadays, only the link to the Court's decision in .pdf is provided.

### Outcome and impact

The Information Commissioner's Annual reports<sup>69</sup> state the most common grounds for irregular refusal of access to public sector information:

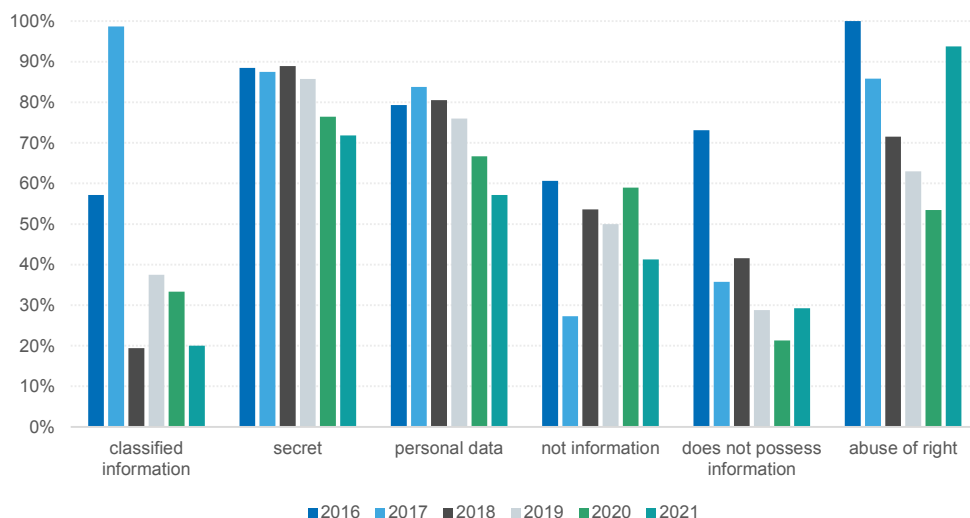
- Classified information;
- Abuse of right to information;
- Personal data protection;
- Bodies claiming, they do not possess the requested information;
- Protection of business/trade/tax secrets;
- Bodies claiming that the requested information is not considered information as defined by law.

The figure below depicts the trends of irregular refusals between 2016 and 2021 on each of these grounds, indicating that standardisation has been more successful in some cases than in others. One could conclude that progress has been reached in the case of classified information, bodies claiming they do not possess the requested information, as well as bodies claiming abuse of the right to information. In the latter case, 2021 represents an outlier as a total of 84 complaints were submitted by a single plaintiff who requested the same type of information from more than 100 cities.<sup>70</sup> On the other hand, only some progress can be observed in the case of tax/professional/trade secrets and personal data protection.

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<sup>69</sup> Available at: <https://pristupinfo.hr/dokumenti-i-publikacije/izvjesca-o-provedbi-zppi/> (Accessed 18 May 2022).

<sup>70</sup> Information Commissioner, “Information Commissioner's Report for 2020”, , [pristupinfo.hr](https://pristupinfo.hr), Zagreb, 2021, p. 38. <https://pristupinfo.hr/wp-content/uploads/2021/04/1.-Izvjesce-o-provedbi-ZPPI-za-2020.docx?x57830> (Accessed 18 May 2022).

**Figure 2.4 Share of irregular refusals of access to public sector information**

Source: Author's calculations based on Information Commissioner's Annual Reports between 2016 and 2021

In other words, the search engine has contributed to the standardisation of practice in implementing FoIA in Croatia, but there is still a long way to go. Therefore, in 2022, the Office of the Commissioner will amplify its efforts and activities aimed at familiarising the public authorities and all interested stakeholders of the right of access to information with its practice.<sup>71</sup>

Another indicator of a positive outcome is the **active use** of TOM by its beneficiaries. For instance, beneficiaries and/or their attorneys cite previous decisions and court rulings in their complaints to the Information Commissioner. Additionally, the search engine remains one of the most used parts of the Information Commissioner's webpage.

## Context

The following conditions are supportive to the practice:

### Legal framework

- Access to public sector information, amongst other functions, is a powerful tool in the prevention of corruption.<sup>72</sup> Freedom of Information Act (FoIA) was first enacted in Croatia in 2003<sup>73</sup>, and became a constitutional right in 2010<sup>74</sup>.

### Institutions

- The 2013 changes to FoIA introduced an independent body – the Information Commissioner – to protect this constitutional right.<sup>75</sup> The Information Commissioner acts as the second instance appellate body in cases of refusals of information by public bodies, as well as in cases where public bodies do not respond to information requests within the legal deadline of 15 days. Also, the institution is mandated to monitor FoIA implementation

<sup>71</sup> Information Commissioner, "Summary of the Report on the Implementation of the Right of Access to Information Act for 2021", *pristupinfo.hr*, Zagreb, 2022, p.16, <https://pristupinfo.hr/wp-content/uploads/2022/05/IC-Annual-Report-2021-Summary.docx?x57830> (Accessed 19 May 2022).

<sup>72</sup> Bevanđić D. and Musa, A., "Primjena Zakona o pravu na pristup informacijama: Priručnik za službenike za informiranje u tijelima javne vlasti", *pristupinfo.hr*, Zagreb, 2016, p.5, [https://www.pristupinfo.hr/wp-content/uploads/2018/10/Prirucnik\\_za\\_sluzbenike\\_e\\_book.pdf](https://www.pristupinfo.hr/wp-content/uploads/2018/10/Prirucnik_za_sluzbenike_e_book.pdf) (Accessed 18 May 2022).

<sup>73</sup> Hrvatski Sabor, *Zakon o pravu na pristup informacijama*, NN 172/2003, 2003. [https://narodne-novine.nn.hr/clanci/sluzbeni/2003\\_10\\_172\\_2491.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2003_10_172_2491.html) (Accessed 18 May 2022).

<sup>74</sup> Hrvatski sabor, "Konačni prijedlog Zakona o pravu na pristup informacijama", *sabor.hr*, 2013, p.26, <https://edoc.sabor.hr/DocumentView.aspx?entid=13458> (Accessed 18 May 2022).

<sup>75</sup> Hrvatski sabor (2013), "Konačni prijedlog Zakona o pravu na pristup informacijama", p.26, *sabor.hr*, <https://edoc.sabor.hr/DocumentView.aspx?entid=13458> (Accessed 18 May 2022).

at all levels and to conduct educational and promotional activities targeting public bodies and the general public. Parliament appoints the Information Commissioner to a 5-year mandate.<sup>76</sup>

- The necessary precondition for designing and making the search-engine functional was the willingness and perseverance of the first Information Commissioner to find funding for the development of the database and the willingness of the Information Commissioner to uphold the practice and allow the necessary staff time to update the database on a regular basis.
- Additionally, the High Administrative Court, the Supreme Court and the Constitutional Court need to continue making their rulings and decisions publicly available or available upon request, so that they can be linked to the decisions of the Information Commissioner and on the relevant court-dedicated tabs in the search-engine.

### Limitations

The limitations of the practice are:

- **Personal data protection.** The main challenge is the process of anonymisation of the decisions, as it is done manually.
- **Data preparation.** Assigning key words to each of the decisions is a task that requires high thoroughness to ensure the database is accurate and useful in the search.
- **Integrating the tool into working processes.** Initially, planned that by the 10<sup>th</sup> of each month, all decisions pertaining to the previous month would be uploaded to the database. However, this schedule could not be fulfilled. Namely, legal deadlines related to issuing the opinions and decisions of the Information Commissioner's office naturally take precedence. Hence, during the periods when the Office has many complaints to deal with, the updates of the database are not prioritised.
- Despite the standardisation of FoIA-related rulings of the Commissioner and the High Administrative Court, information officers used the administrative practices, confirmed by a court, insufficiently and inconsistently.

**Table 2.2 Analysis fiche**

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Need to standardise the FOIA implementation in over 5,500 public bodies, and to enable a more efficient exercise of the right to public sector information by beneficiaries.	Cost of launching the search engine: ca. EUR 11,000. The maintenance and updates: ca. 30% of the workload of one person per month.	Search engine available at: <a href="https://tom.pristupinfo.hr/pregledfilter1.php">https://tom.pristupinfo.hr/pregledfilter1.php</a>	Gradual lowering of the share of irregular refusals of FoIA requests (e.g., classified information); Active use of the data base by beneficiaries and lawyers	High potential for increasing transparency of public bodies, yet dependent on educating information officers, ensuring the will of heads of bodies to increase transparency and more consistent use of the search-engine by information officials in individual public bodies.

<sup>76</sup> Information Commissioner "O Povjereniku za informiranje", *pristupinfo.hr*, Zagreb, 2022: <https://pristupinfo.hr/o-povjereniku-za-informiranje/> (Accessed 6 June 2022).

## 2.2.2 France: Disclosure for Accountability – Register of interest representatives

### Executive summary

*Le répertoire des représentants d'intérêts* (register of interest representatives) is a public electronic register of interest representatives who are legally obliged to report their lobbying activities in this register. Published declarations contain detailed information about previous and current activities and interests. Declarations are published in open data format, which makes them reusable. The High Authority for Transparency in Public Life (HATVP) is responsible for the enforcement of the relevant legislation on transparency.<sup>77</sup>

### Key words

Transparency, open data, lobbying, register, France

Table 2.3 Good practice fiche

General information	Specifics	
<b>Name</b>	Register of interest representatives	
<b>Context</b>	France GDP/cap – (2021) EUR 43,134 – above average World Bank Control of Corruption – (2020) 84.62 – above average Trust in public administration – (2021) 58 % – above average Population: 65.3 m – large	
<b>Timeframe</b>	Since 2018	
<b>Reference</b>	<a href="https://www.hatvp.fr/le-repertoire/">https://www.hatvp.fr/le-repertoire/</a>	
<b>Aim and objectives</b>	Accountability in interest representation through: Mandatory registration of interest representatives Disclosure of lobby activities Monitoring and enforcement	
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: Medium (One register or one database, or app)	
<b>Expected impact</b>	Fostering public trust in political decision-making by making lobbying activities public	
<b>Category of corruption risk/ sector prone to corruption</b>	Lobbying	
<b>Implementation mechanism</b>	Legislation on Transparency => Disclosure through Open data => Monitoring & Enforcement through special authority	
<b>Similar practices</b>	EU Transparency Register <sup>78</sup>	
<b>Stakeholder's mapping</b>	Target group	Interest representatives
	Implementation	High Authority for Transparency in Public Life (HATVP)

### Problem

Lobbying is a common form of interest representation that aims to influence legislation. Lobby practices are often associated with high corruption risks unless they are clearly regulated and transparent. Once clear and substantial regulations for transparency of lobbyists are in place, incl. organisations and individuals, as well as national and local levels of government, a digital register of disclosed information about lobby activities can be a useful tool to

<sup>77</sup> Available at: <https://www.hatvp.fr/en/>

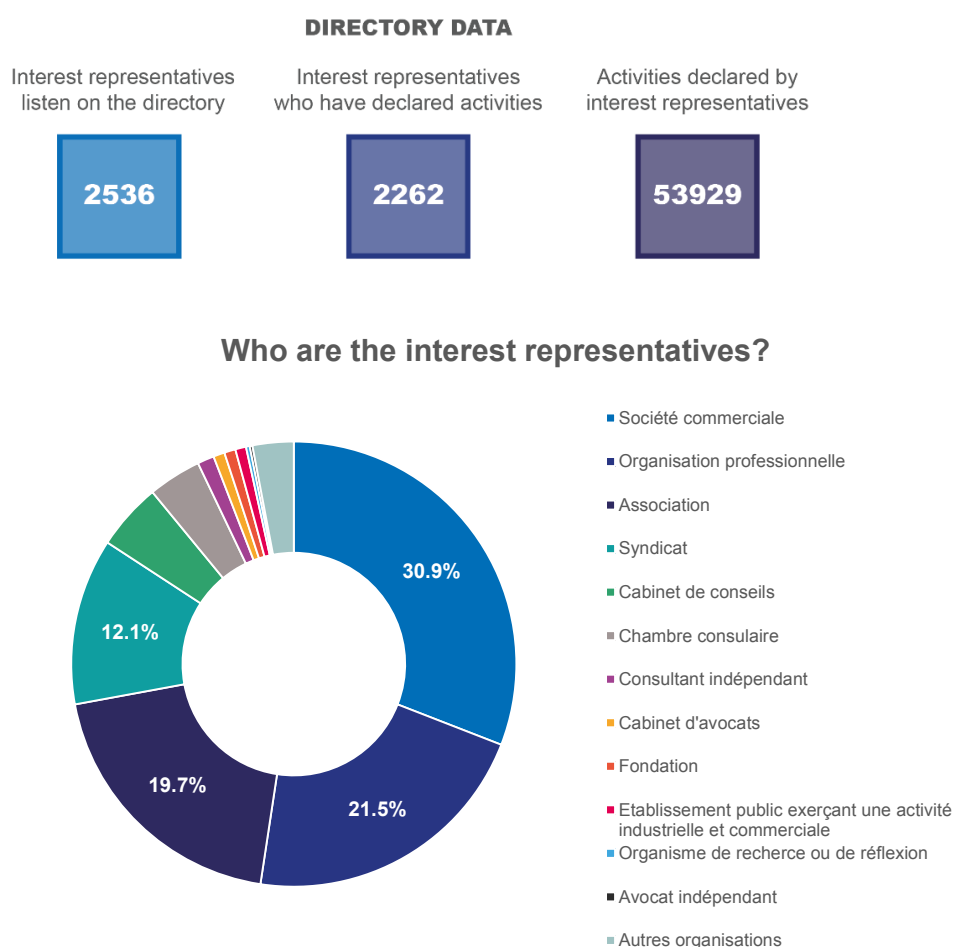
<sup>78</sup> European Parliament, the Council of the European Union and the European Commission, Transparency Register, 2022. <https://ec.europa.eu/transparencyregister/public/homePage.do> (Accessed 23 December 2022).

monitor and enforce lobby regulations in place. The case of the Répertoire register in France demonstrates an example of a technological solution for the implementation of transparency regulations for lobbyists.

## Solution

France introduced a public electronic register of interest representatives (“**répertoire**”) to implement the regulations for transparency. Some interest representatives active in France are legally obliged to report their lobbying activities in this repertoire. Among those bound to disclose, published declarations contain detailed information about previous and current activities and interests. Declarations are published in open data format, which makes them reusable.

**Figure 2.5 Directory data on France's lobby register**



<https://www.hatvp.fr/le-repertoire/> (as of 19/12/2022)

Source:

The register visualises following information, that is also accessible in open data format:

- Information about the entity representing its interests, incl. corporate information, names of the leadership and lobbyists;
- Type and extent of interest representation, amount of expenses related to interest representation;
- Statistics about interest representation since 2017;
- Guidelines to support interest representatives in their reporting procedures.

The [High Authority for Transparency in Public Life \(HATVP\)](#)<sup>79</sup> is responsible for the enforcement of the relevant legislation on transparency. In particular, the HATVP informs interest representatives on the national and local levels of governance of their obligations and oversees declarations and compliance with rules. The HATVP has access to fiscal information. “The authority handles alerts and complaints and may obtain any document on request, or with a court order, and by inspection on site. Where legal requirements have not been met, and the registrant does not comply with an injunction of the HATVP, sanctions may go up to a €15,000 fine and one year imprisonment.”<sup>80</sup>

### Input

#### Learning from experience

The High Authority for Transparency in Public Life (HATVP), which is an independent administrative authority [with limited investigative](#)<sup>81</sup> and [sanctioning powers](#)<sup>82</sup>, is responsible for the implementation of the transparency regulations for the lobby activities. Its role and resources have continuously grown since its establishment in 2014:

- As of 2020, the HATVP functioned on a budget of EUR 7.1 million, employing 65 full-time agents, both permanent civil servants and contractual staff.<sup>83</sup>
- In 2020, ten of these 65 agents were dedicated to managing the register and putting together the cases that will be examined by the Council of the HATVP (against 7.5 full-time staff in 2021).

With regards to the register, the HATVP:

- maintains the register;
- collects information from some interest representatives;
- provides assistance in filling out declarations;
- controls the content and enforces these transparency obligations, notably through “naming and shaming” techniques (publicity of non-compliant organisations etc.) and sanctions.

Three types of skills are necessary for the implementation of this instrument:

- [Legal knowledge and understanding of the practice of lobbying](#). As a parliamentary evaluation undertaken in 2021 of the assessment of the impact of Act No. 2016-1691 of 9 December 2016 (Law Sapin 2) on transparency, combating corruption and on modernising economic life suggests, Law Sapin 2 (regulatory framework for lobbying activities) and the implementation decree that created the register (establishment of a mandatory national register for lobbyists with an accompanying Code of Conduct) are vague with regards to the definition of interest representatives and the activities that need to be declared, which requires that the implementing agents have a certain legal savvy and understanding of the practice of lobbying to understand what crucial information might be missing, asking for clarification, etc.<sup>84</sup>
- [Diplomatic/strategic skills](#). Ensuring a certain level of transparency over lobbying practices requires strategic and diplomatic skills to ensure that the target population complies with the obligations and provides sufficient

<sup>79</sup> Available at: <https://www.hatvp.fr/en/>

<sup>80</sup> E Bauer, E. and Thiel, M., *New Lobbying Law in France*, Brussels: European Parliamentary Research Service, July 2018, pp. 1–2, [http://www.epgencms.europa.eu/cmsdata/upload/e02ce1fa-3fb1-4df0-b202-c99d5987875d/EPRS\\_BRI\(2018\)625104\\_EN\\_lobbying\\_law\\_france.pdf](http://www.epgencms.europa.eu/cmsdata/upload/e02ce1fa-3fb1-4df0-b202-c99d5987875d/EPRS_BRI(2018)625104_EN_lobbying_law_france.pdf).

<sup>81</sup> The HATVP has the power to search for non-registered entities, to control the completeness and veracity of declarations, and control that interest representatives comply with their ethical obligations. The HATVP relies on open-source intelligence through access to traditional and social media -particularly political and legislative news, specialised databases, and open agendas. The HATVP has less investigative powers than other independent administrative agencies who enjoy a power of seizure, power to affix seals, and for whom an obstruction to their operations can be criminally sanctioned.

<sup>82</sup> The HATVP relies primarily on ‘naming and shaming’ sanctions. By publishing a list of non-compliant entities. When the HATVP identifies a breach of a declaration or ethical obligation, it can send formal notice (which can be made public) to the concerned entity. The entity then has two months to put an end to the breach of their obligations. The HATVP may then refer the case to the public prosecutor’s office if the entity does not comply. If an entity fails, again, to respect the obligation within three years, it is liable to a one-year prison sentence and a fine of €15,000.

<sup>83</sup> Haute autorité pour la transparence de la vie publique (HATVP). *2020 Activity Report*, Paris, 2021. [https://www.hatvp.fr/wordpress/wp-content/uploads/2021/07/HATVP\\_RA20\\_EN.pdf](https://www.hatvp.fr/wordpress/wp-content/uploads/2021/07/HATVP_RA20_EN.pdf).

<sup>84</sup> Assemblée nationale. *Rapport d’information déposé par la commission des lois constitutionnelles, de la législation et de l’administration générale de la république, En conclusion des travaux d’une mission d’information ([1]) sur l’évaluation de l’impact de la loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique, dite « loi Sapin 2 »*, Paris, 2021. [https://www.assemblee-nationale.fr/dyn/15/rapports/cion\\_lois/115b4325\\_rapport-information](https://www.assemblee-nationale.fr/dyn/15/rapports/cion_lois/115b4325_rapport-information).

relevant and timely information. As the parliamentary evaluation highlights, the quality of the information provided by interest representatives varies significantly and depends on the goodwill of those declaring.<sup>85</sup>

- **Technical / technological skills.** Given that this is a tech-based tool, an organisation in charge of developing and implementing such a register will need to have data management skills within its team, as well as programming skills in case the tool is developed in-house. Using a register to make lobbying actors and practices more transparent requires investment in information technology that allows for the management and publication of data. It is indeed crucial that the information collected is standardised and made accessible to the public in a machine-readable format. The register publishes data in .JSON and .CSV format.<sup>86</sup>

### Outcome and impact

When Law n°2016-1691 on transparency, the fight against corruption and the modernisation of economic life was adopted in 2016,<sup>87</sup> it set out the following objective *inter alia*: to strengthen the transparency of the political decision-making process, including allowing citizens to know how public decisions are taken, how policy is elaborated, and with which experts and lobbies.<sup>88</sup> The generality of this policy goal makes it difficult to gauge the policy's success, especially in terms of its impact.

- As of December 2021 – after significant follow-up efforts from the HATVP, almost 2400 interest representatives were listed in the register, which represents 85% of the target group.<sup>89</sup> According to the parliamentary evaluation, the quantity and quality of declarations have improved over the years.<sup>90</sup> The register thus provides and **centralises a significant amount of information about lobbying** (national, for the time being) political institutions that were unknown before its creation.
- In terms of **lobby oversight**, in 2021, the HATVP undertook 92 controls linked to potential non-compliance of organisations potentially falling within the target group, 95 controls regarding the content of annual declarations and one control regarding ethical obligations. The HATVP does not have actual sanctioning power and so mostly relies on 'naming and shaming' techniques to make interest representatives comply; it sent out formal notices calling on organisations to comply, 236 notification letters for failing to submit a declaration and added 97 organisations to its public list of non-complying entities.<sup>91</sup>
- The information published through the **register offers a previously unknown picture of lobbying in France**. For instance, we now know that companies and professional organisations represent more than 50% of the entries, followed by NGOs and associations (18%) and trade unions (11%). 25% of the declared activities of interest representatives concern the transmission of information and expertise, 21% are informal and/or one-to-one meetings, and 21% are the transmissions of text suggestions to influence the drafting of a text.
- The register provides information about the amount of money spent by various groups on lobbying, which makes it **possible to compare the financial influence of different actors** seeking to influence political decision-making.<sup>92</sup>
- The register contributes to the **maintenance of the issue of lobby groups' influence on the public agenda**, as its implementation (and the advocacy work of the HATVP) provides advocates with (relatively) high-quality, up-to-

<sup>85</sup> Haute autorité pour la transparence de la vie publique (HATVP). 2020 *Activity Report*, Paris, 2021. [https://www.hatvp.fr/wordpress/wp-content/uploads/2021/07/HATVP\\_RA20\\_EN.pdf](https://www.hatvp.fr/wordpress/wp-content/uploads/2021/07/HATVP_RA20_EN.pdf).

<sup>86</sup> These are two different file formats commonly used for open data. .JSON means JavaScript Object Notation and is an open standard lightweight data-interchange format. CSV (Comma Separated Values) is the most common import and export format for spreadsheets and databases.

<sup>87</sup> Assemblée nationale, *Loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique*, 9 December 2016. <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528> (Accessed 4 June 2022).

<sup>88</sup> Gouvernement de la République française, *La loi pour la transparence, l'action contre la corruption et la modernisation de la vie économique*, 2016. <https://www.gouvernement.fr/action/la-loi-pour-la-transparence-l-action-contre-la-corruption-et-la-modernisation-de-la-vie> (Accessed 4 June 2022).

<sup>89</sup> These are the entities that are required to register : (i) legal entities for which 1 officer, 1 employee or 1 member carries out an interest representation activity (legal entities governed by private law, public establishments carrying out industrial and commercial activities, consular chambers) or natural persons in the context of a professional activity, (ii) conducting interest representation as its: main activity (more than half of its time over 6 months) or as regular activity (at least 10 communications in the last 12 months) ; (iii) who take the initiative to contact a public official to influence a public decision.

<sup>90</sup> Ibid.

<sup>91</sup> HATVP, *Rapport d'activités 2021*, Paris, 2022. <https://www.hatvp.fr/wordpress/wp-content/uploads/2022/05/Rapport-dactivite-HATVP-2021.pdf> (accessed 4 June 2022).

<sup>92</sup> HATVP, *Rapport d'activités 2021*, Paris, 2022. <https://www.hatvp.fr/wordpress/wp-content/uploads/2022/05/Rapport-dactivite-HATVP-2021.pdf> (accessed 4 June 2022).

date information and policy recommendations. It has helped to institutionalise the issue of lobby transparency and raised the issue of legislative footprint.

### Context

#### Legal framework

The following acts have provided the most support for openness:

- Legislation on transparency (Sapin II package)<sup>93</sup> was adopted on 9 December 2016, providing a regulatory framework for lobbying activities and establishing a mandatory national register ('le repertoire') for lobbyists with an accompanying Code of Conduct. "The law provides numerous anti-corruption practices to be introduced in the financial sector and the economy and aims to improve the transparency of public decision-making in general."<sup>94</sup>
- The precise definitions of activities, public officials and the public decisions covered under the scope of the law are listed in the annexes of a government decree.<sup>95</sup>

#### Institutions

The existence of an independent body responsible for the monitoring and enforcement is critical to ensure the effectiveness of the register.

- The High Authority for Transparency in Public Life" (HATVP) was created in January 2014, replacing the previous commission for financial transparency in public life and giving more powers and means of oversight than its predecessor. It was founded as an independent administrative authority acting in full autonomy, in order to pursue a number of different tasks, such as:
  - Auditing the assets of public officials
  - Preventing conflicts of interest
  - Counselling and training public officials on ethical principles
  - Promoting transparency in public life.

#### Limitations

The [parliamentary evaluation](#) undertaken in 2021 indicates that the register is a step in the right direction, but that it has not yet reached its objectives, especially since the register is increasingly viewed as a means to trace the legislative footprint – an expression that means that all steps taken and actors involved in the making of a law can be identified.<sup>96</sup> There is number of limitations that prevent the register to reach its objectives. These limitations concern three themes: (i) the inappropriate definition and boundaries of actors and activities that should be listed), (ii) the resources dedicated to the register, and (iii) the quality of the information provided by the register.

The [definition of the target group](#) excludes some actors and activities from transparency obligations:

- Firstly, interest representatives lobbying the President of the Republic or members of the Counsel of State or Constitutional Counsel are not included in the target group.
- The definition retained in 2017 indicates that an organisation having at least a physical person dedicating for 50% of their work time to lobbying public decision-makers needed to register its activities. According to the parliamentary evaluation, the physical person criteria create inequalities because large organisations can divide the work across several staff members, which is impossible for smaller ones.
- Lastly, currently only activities initiated by the lobby group need to be declared, which excludes all the activities that might result from the initiative of public officials.<sup>97</sup>

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<sup>93</sup> Assemblée nationale, *Loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique*, 9 December 2016, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528>

<sup>94</sup> Bauer and Thiel, "New Lobbying Law in France," 2.

<sup>95</sup> Premier ministre de la République française, *Décret n° 2017-867 du 9 mai 2017 relatif au répertoire numérique des représentants d'intérêts*, 9 May 2017m <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034633293?r=FL4OMqcrHo>

<sup>96</sup> Assemblée nationale. *Op. cit.* 2021.

<sup>97</sup> Assemblée nationale. *Op. cit.* 2021.

The **financial and human resources** dedicated to the complex and challenging task of managing the register, controlling declarations, and following up/incentivising the target group are insufficient.<sup>98</sup> This is all the more relevant that the obligation to register is currently being extended to interest representatives that lobby local decision-makers. In 2020, only 10 full-time staff were employed to undertake this task – knowing that there are over 2000 organisations and over 10,000 lobbying activities registered. This might be an example of overreliance on tech-based anti-corruption tools without sufficient consideration for the human resources necessary to make such a tool actually work.

The last category of limitations concerns the **quality of information and the difficult exploitation of the data**.

- Indeed, due in part to the imprecision of the categories and criteria, the **granularity of information is insufficient**, and the amount and precision of information largely depend on goodwill of declarants.
- To ensure the register can be used for tracing the legislative footprint, it would require for **additional information to be published**, such as the specific texts, debates, and discussions that interest representatives have sought to influence and what they did to do so.
- **The insufficient standardisation of the language** used in declarations makes it hard to utilise the data and identify the different actors that reached out to public officials to influence various decisions.
- Besides, many stakeholders interviewed by parliamentary rapporteurs said that declarations were **not frequent enough**, making too much time go by between an activity and its declaration.<sup>99</sup>

**Table 2.4 Analysis fiche**

Ensuring transferability and applicability		Verifying effectiveness	
Input: Resource analysis	Output: Implementation analysis	Outcome: Medium-term effect	Impact: Long-term effect
<ul style="list-style-type: none"> <li>• 10 full-time agents</li> <li>• Budget of €65M for the running of the whole agency (65 agents)</li> <li>• Software to run the register and manage data, and capacity to publish the data in open-source format.</li> </ul>	<ul style="list-style-type: none"> <li>• Register of interest representatives</li> <li>• Implemented by the HATVP, an independent administrative agency</li> <li>• Supported by Etalab for the open data component</li> <li>• Barriers to implementation: dependent on client compliance, inadequate disclosure requirements making circumvention easy, lack of understanding or interest of the media and public</li> </ul>	<ul style="list-style-type: none"> <li>• Change of behaviour in terms of information disclosure (85% of target group complies)</li> <li>• Any further change cannot be measured in the medium term.</li> </ul>	<ul style="list-style-type: none"> <li>• Main benefit: new information available regarding the lobbying landscape (actors, practices, etc.)</li> <li>• The tool is not sufficiently used to create significant change.</li> <li>• The causal effect on public trust is impossible to establish.</li> <li>• If additional information on lobby targets was included, it could help trace legislative footprint.</li> </ul>

<sup>98</sup> Assemblée nationale. *Rapport d'information déposé par la commission des lois constitutionnelles, de la législation et de l'administration générale de la république, En conclusion des travaux d'une mission d'information ([1]) sur l'évaluation de l'impact de la loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique, dite « loi Sapin 2 »*. Paris, 2021. [https://www.assemblee-nationale.fr/dyn/15/rapports/cion\\_lois/l15b4325\\_rapport-information](https://www.assemblee-nationale.fr/dyn/15/rapports/cion_lois/l15b4325_rapport-information)

<sup>99</sup> Ibid.

### 2.2.3 Czech Republic: Open data in public procurement – Register of Contracts

#### Executive summary

The *Register of Contracts* is a system of public administration that serves as a platform for the publication of contracts in the Czech Republic. The Register displays all contracts in which one party belongs to an obligatory entity and the amount of the contract is above CZK 50,000 (ca EUR 2000). The platform is actively used by civil society activists, investigative journalists, public authorities, and other stakeholders, and contributes to increasing public awareness and control over public funds. At the moment, the register contains over 4 million of contracts published and their total value reaches ca EUR 1 billion.<sup>100</sup>

#### Key words

Transparency, open data, citizen engagement, public procurement, Czech Republic

Table 2.5 Good practice fiche

General information		Specifics
<b>Name</b>	Register of contracts (Public Procurement contracts published online)	
<b>Context</b>	Czech Republic GDP/cap – (2021) EUR 24,667 – below average World Bank Control of Corruption – (2020) 71.15 – below average Trust in public administration – (2021) 48 % – average Population: 10.7 m - medium	
<b>Timeframe</b>	Since 2017	
<b>Reference</b>	<a href="https://smlouvy.gov.cz/">https://smlouvy.gov.cz/</a>	
<b>Aim and objectives</b>	Fostering transparency, accountability and control over public procurement contracts and public expenditure. Minimisation of corruption, fraud, and bid-rigging in the field of public procurement	
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: Medium (Department of 4-9 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	The increased trust of civil society in the public procurement system and government expenditures	
<b>Category of corruption risk/ sector prone to corruption</b>	Public procurement / Government tenders	
<b>Implementation mechanism</b>	Legislation on Register of Contracts => Disclosure through Register => Monitoring & Enforcement	
<b>Similar practices</b>	Slovak Register of Contracts <sup>101</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Public at large, procurement specialists, bidders, media/NGOs, representatives of business community
	<b>Implementation</b>	Ministry of Interior

#### Problem

The platform has been created to overcome several problems, common to public procurement across most countries:

- **Low trust level** in the public procurement system and tenders carried out by public authorities: the close intersection of the private and public sectors, as well as large amounts of money spent through public procurement procedures, increase incentives for corruption schemes in tenders.
  - Specific to the Czech Republic, a political crisis occurred in 2013, due to a series of corruption-related scandals, numerous investigations of bid-rigging, fraud, and dramatic overpricing of government contracts, which undermined citizens' trust.

<sup>100</sup> Hlídač státu (en. Statistics of Register of Contracts). <https://www.hlidacstatu.cz/Report/7/>, (Accessed 3 June 2022).

<sup>101</sup> Available at: <https://www.crz.gov.sk/>

- A new societal demand appeared as a result of this crisis. The demand was about providing more control over public funds and the launch of an independent instrument to oversee them.
- These events opened up the room for new reforms in the country, including a new Act of Registry of contracts (Act No. 340/2015 Coll.)<sup>102</sup>, which came into force on 1 July 2016.
- Open data requirements lead to a change in requirements to allow for increased transparency. This raised the need to change [the old system of tracing information](#) about government expenditures that existed before 2016, based on FoIA requests towards the format that is open by default and machine readable.

The register of contracts in the Czech Republic was initiated to increase the [transparency](#) of the management of public funds, [enable the public to monitor the country's economic activities](#) and [efficiency](#) of financial and property management,<sup>103</sup> as well as [oversight of the government expenditures](#).<sup>104</sup>

### Solution

The register of contracts was launched on 1 July 2017, after a one-year test period. From this date, special provisions on the consequences for non-publication of contract details entered into force. Accordingly, all contracts must be published during three months from the date of conclusion. If not published, a contract does not come into force.

**Figure 2.6 Snapshot of information available in the Register of Contracts**

The latest contracts

Publishing Contracting Party ▼ ▲	Object of the contract ▼ ▲	Published ▼ ▲	Contract value ▼ ▲	Contracting Party (ies) ▼ ▲	
Institute of Physics AS CR, vviQ	resources	06/03/2022	EUR 2 955	PREVAC sp.zoo	<a href="#">Detail</a>
South-Moravian regionQ	Agreement on the provision of a subsidy from the budget of the South Moravian Region for the implementation of the project "Probat program Kompas", fv 31.1.2023	06/03/2022	138 600 CZK without VAT	The company Podané ruce ops	<a href="#">Detail</a>
The town of Nový JičínQ	Contract for work - Repair of public spaces in the basement of U Jičinky 2007/25	06/03/2022	95 232 CZK VAT excl	Aktiv Novostav, sro	<a href="#">Detail</a>
Labor Office of the Czech Republic - Regional Branch in Ústí nad Labem - Contact Office Ústí nad Labem (Labor Office of the Czech Republic)Q	Amendment to the contract for the lease of non-residential premises No. 04 / 12AD	06/03/2022	145 244 CZK VAT incl	Regina Wimmerová	<a href="#">Detail</a>
South-Moravian regionQ	Agreement on the provision of a subsidy from the budget of the South Moravian Region for the implementation of the project "Hard & Smart", fv 31.1.2023	06/03/2022	218 600 CZK VAT excl	The company Podané ruce ops	<a href="#">Detail</a>

Source: <https://smlouvy.gov.cz/vyhledavani>

As for the functioning, the platform allows:

- [Search for contracts](#) using simple as well as advanced search. The latter one includes a number of filters, such as Contract ID, Name of publishing entity, Object of the contract, etc.
- [Publish contracts](#) (available for the representatives of public authority that concluded a contract. It is mandatory for the system to publish:
  - A contract and addendum;
  - Metadata including cost, content, volume, time of delivery of goods or services, contracting parties, definition of the subject of the contract and the date of conclusion of the contract.
- The platform also includes sections with Methodology, Frequently asked questions, Legal frameworks, and other informative blocks to make use of the register easier and more understandable for users.
- In terms of technologies, the register operates on modern software as part of digitalisation and e-government strategies in the Czech Republic, including IT databases and secured access to particular information for users.

<sup>102</sup> Parliament of the Czech Republic, *Act on Special Conditions of Effectiveness of Certain Contracts, Publication of These Contracts and on the Register of Contracts* (Act on the Register of Contracts), 2015. <https://www.zakonyprolidi.cz/cs/2015-340>, (Accessed 3 June 2022).

<sup>103</sup> Moderní obec, *Zákon o Registru smluv by měl přinést úspory desítek miliard* (The law on the Register of Contracts should save tens of billions), 2013. <https://moderniovec.cz/zakon-o-registru-smluv-by-mel-prinest-uspory-desitek-miliard/>, (Accessed 3 June 2022).

<sup>104</sup> Ministerstvo vnitra (Czech Ministry of the Interior), *Registru smluv* (Register of Contracts), 2022 <https://smlouvy.gov.cz/stranka/pravni-ramec> (Accessed 3 June 2022).

### Input

#### *Learning from experience*

The Register of Contracts has been conceptualised as a user-friendly system with a straightforward interface and functions understandable for government contracting authorities, business partners and the public.

#### *Funds and human resources*

The **development** of the platform required:

- **Initial investment** in order to purchase specific software and develop a reliable internet portal.
  - The **budget** for the platform development amounted up to EUR 400,000;
  - The Register has been developed within a **broader infrastructure of e-government tools**.
- Such human resources as:
  - A team of web-developers to create the platform;
  - A small team of competent IT professionals within the e-government section of Ministry of Interior was involved;
  - The Register was developed similarly to other e-government databases<sup>105</sup> and did not involve additional efforts beyond a regular IT department of the Ministry;
  - A group of dedicated government officials who had to upload the first array of information and contracts.

Once the Register has been launched, the Ministry of the Interior conducted **trainings for contracting authorities**. The training was held by representatives of the IT department in cooperation with the Department of Public Service, who familiarised public servants with the navigation and basic functionalities of the Registry. The Ministry has also published **instructions and technical clarifications** on platform modifications, and changes in its interface and functionalities.

#### *Maintenance*

There was also the **trial period of 1 year** (2016) prior to making platform use compulsory. This helped contracting authorities to adjust to a new system and the IT department to identify technical issues that needed to be fixed. **The testing environment** of the Register of Contracts<sup>106</sup> was also created for the staff of contracting authorities in order to test the functionality of the web portal and the application interface. The environment is designed in a way to test all processes associated with the publication of contracts.

#### *Data*

At the moment, the Ministry of the Interior operates the Registry as part of the e-government section together with other databases. The Ministry facilitates system **updates and maintenance**<sup>107</sup>, provides **methodological guidance** and **user support**.

### Outcome and impact

- With over 5 million public contracts published, the Register of Contracts has **increased oversight** and contributed to **awareness raising**, enabling representatives of civil society to oversee the government expenditures.<sup>108</sup> Being a preventive anti-corruption tool used for monitoring and controlling activities, it minimises the risks of corruption and related offences in public procurement by increasing the cost of being corrupt for government authorities, whose contracts are now visible to the public;
- The tool is useful for civil society organisations, initiatives and watchdog groups who utilise the register for their own **analysis and journalistic investigations**. For instance, watchdog organisation “Hlídač státu” processes the

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<sup>105</sup> Ministerstvo vnitra (Czech Ministry of Interior), *eGovernment*, 2022. <https://www.mvcr.cz/egovernment.aspx>, (Accessed 7 June 2022).

<sup>106</sup> Ministerstvo vnitra (Czech Ministry of Interior), *Testovací prostředí Registru smluv* (Testing environment of the Register of Contracts), 2022. <https://www.mvcr.cz/clanek/registr-smluv.aspx?q=Y2hudW09OA%3d%3d> (Accessed 7 June 2022).

<sup>107</sup> Ministerstvo vnitra (Czech Ministry of Interior), *Register of Contract, Frequently Asked Questions*. 2017. <https://www.mvcr.cz/clanek/registr-smluv.aspx?q=Y2hudW09NQ%3D%3D>, (Accessed 3 June 2022).

<sup>108</sup> Available at: <https://www.hlidacstatu.cz/smlouvy>

data from contracts available online and prepares sectoral analyses.<sup>109</sup> Thanks to the register, investigative journalists discovered that hospitals were sending bills to health insurance companies for reimbursement, in which the sum included bonuses that were returned to pharmaceutical companies.<sup>110</sup> Another investigation case was the state contracting a number of opaque companies.<sup>111</sup>

## Context

### Institutions

- The political and public will is one of the most important factors in achieving success in developing new anti-corruption tools such as the Register of Contracts. It became possible in the Czech Republic due to a strong coalition of several members of Parliament and anti-corruption NGOs in the country, given the strong resistance to transparency by groups of interest who profit from the lack of it. Watchdog organisations worked on the arguments and consulted and advocated for the Law together with several reform-minded MPs from Parliament.<sup>112</sup>
- Another crucial factor that contributed to the Law adoption and the creation of the Register was the ability of anti-corruption organisations to [bring their message](#) to the civil society, [mobilise](#) it and [gain the support](#) of the public. This made the campaign successful and led to the adoption of the Act of Registry of Contracts. In conclusion, the necessary conditions included the existence of public demand and civil advocacy in order to achieve more transparency in public procurement, as well the strong desire of politicians to vote for more public accountability.
- The Czech Republic had the opportunity to learn from the [experience of Slovakia](#), which introduced the Central Register of Contracts (CRS) in 2011. The CRS is a web portal operated by the Office of the Government of the Slovak Republic in which contracts concluded by the Slovak state are published<sup>113</sup>.

### Limitations

There are several challenges that have to be overcome in the process of implementation of the Register of Contracts platform. Some of them include:

- A narrow scope of institutions obliged to publish their contracts leads to limited impact. At the moment, the register is limited to government contracts only. To diversify the platform beyond government contracts, the next step would be adding data on subsidies, EU funds and other types of public expenditure. Another step would be expanding the scope of entities that publish contracts and include state-owned enterprises. This would contribute to improved government integrity and increase of accountability. There is also a political debate on the potential extension of the Register to cover other types of public expenditures as well. This effort will need close cooperation of the government, private sector, and civil society.
- Possibility to lobby for exemptions, which prevents from achieving full transparency. For example, several public figures had been engaged in development of the Register, including Czech Television and Radio. Those advocated for exemptions towards publication of contracts on broadcasting rights or sports events. This resulted in making some exceptions for Czech Television, Radio, and other institutions. Similarly, some state enterprises and companies, regions and municipalities were partially exempted from the compulsory publication of contracts in the online register of contracts as well.<sup>114</sup> This led to certain legislative amendments, disturbing the sense of equality among institutions.
- Systematisation and filtering the information about contracts are challenging due to the growing amount of data.

<sup>109</sup> Hlídač státu, *Analytical and summary reports*. 2022, <https://www.hlidacstatu.cz/reporty>. (Accessed 7 June 2022).

<sup>110</sup> Týdeník Dotyk. *Zpětné bonusy nemocnic. Finta, před níž kontroly zavírají oči*. January 2017. <https://dotyk.denik.cz/byznys/zpetne-bonusy-nemocnic-finta-pred-niz-kontroly-zaviraji-oci-20170130.html>. (Accessed 7 June 2022).

<sup>111</sup> eGOV.cz. *Smlouvy v registru smluv: stát toleruje netransparentní společnosti*. September 2017. <http://www.egov.cz/clanky/smlouvy-v-registru-smluv-stat-toleruje-netransparentni-spolecnosti>. (Accessed 7 June 2022).

<sup>112</sup> NGO Reconstruction of State was deeply and continuously involved in drafting of the initial proposal, they closely collaborated with group of MPs in making legal adjustments and versions during legislative process. See also: Echo 24. *Activists lobby for Register of Contracts*. <https://echo24.cz/a/iivgx/aktiviste-tlaci-na-sobotku-chce-polopit-registr-smluv> and Oldřich Kužilek, Blog. <https://blog.aktualne.cz/blogy/oldrich-kuzilek.php?itemid=19693>

<sup>113</sup> Krátký, R. *Slovakian Online Central Register of Contracts (CRS)*. May 2015 <https://joinup.ec.europa.eu/collection/egovernment/document/slovakian-online-central-register-contracts-crs>. (Accessed 7 June 2022).

<sup>114</sup> Parlament České republiky. *Regulation 340/2015 Coll.* December 2015. <https://www.psp.cz/sqw/sbirka.sqw?o=7&t=42>. (Accessed 3 June 2022).

In particular, there is an issue with certain contracts that cannot always be found immediately and searching for them may be too time-consuming. In order to tackle this, the system has to be technically adjusted to the new demand.

- The database is **not sufficiently accessible and user-friendly**.

Modernising the interface and making it more user-friendly is necessary. This will provide a more convenient analysis of prices, comparison of procurement practice of institutions, provide better feedback to award entities and enhance procurement planning and strategising. As a result, the Register's efficiency would be increased, minimising the possibilities for fraud and bid-rigging.

- The number of **errors** is comparatively high.

As long as contracts are submitted by people, the chances of making a mistake are high enough. One of the most widespread errors is caused by uploading a contract in a format which cannot be read by a machine. While the system may allow such data to be published, it makes such contracts unsearchable through keywords.<sup>115</sup> In order to make data from the Register more reliable, further methodological guidance needs to be provided.

**Table 2.6 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• Low trust in the public procurement system and tenders carried out by public authorities</li> <li>• The demand in civil society to provide more control over public funds</li> <li>• Corruption in public procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Initial investment in the software needed</li> <li>• Human resources (government officials in order to upload the first array of data on contracts)</li> <li>• The Ministry of the Interior responsible for maintaining and updating the system</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation (Act No. 340/2015 Coll. and related amendments) making the publishing of contracts mandatory for public authorities</li> <li>• Ability to search contracts and their metadata (including publishing Contracting Party, Object of the contract, time when the contract was published, Contract value and Contracting Party)</li> </ul>	<ul style="list-style-type: none"> <li>• The control over public spending increased</li> <li>• Civil society has become more aware of the government expenditures</li> <li>• Platform helps civil society organisations, initiatives, and watchdog groups to analyse data and carry out journalistic investigations</li> </ul>	<ul style="list-style-type: none"> <li>• There is potential for increasing public trust in public authorities and the system of public procurement due to more transparency provided by the Register</li> </ul>

<sup>115</sup> Rekonstrukce státu. *Konec skenování, začátek digitalizace. Nová metodika k registru smluv vyjasnila podmínky pro zveřejňování smluv* (End of scan, start of digitization. The new methodology for the register of contracts clarified the conditions for publishing contracts). 2020. <https://www.rekonstrukcestatu.cz/archiv-novinek/konec-skenovani-zacatek-digitalizace-nova-metodika-k-registru-smluv-vyjasnila-podminky-pro-zverejnovani-smluv>. (Accessed 3 June 2022).

## 2.2.4 Slovenia: Combining Open Data sources for public reuse - ERAR online application

### Executive summary

ERAR, previously known as Supervisor, is an online application that provides comprehensive tracking and visualisation of public sector transactions, including public procurement in Slovenia. The application covers data on all financial transactions from the public sector, notably information on contracting parties, recipients of funds, and related legal entities, as well as dates, amounts and purposes of transactions. The Commission launched it for the prevention of corruption in Slovenia in 2016.

### Key words

Transparency, open data, data analytics, public spending, public contracting, lobbying, conflict of interest, gifts, Slovenia

Table 2.7 Good practice fiche

General information		Specifics
<b>Name</b>	ERAR – platform for public expenditure transparency and political integrity	
<b>Context</b>	Slovenia GDP/cap – (2021) EUR 26,941 – below average World Bank Control of Corruption – (2020) 79.33 – above average Trust in public administration – (2021) 28 % – below average Population: 2.1 m -small	
<b>Timeframe</b>	Since 2011, re-launched in 2016	
<b>Reference</b>	www.erar.si	
<b>Aim and objectives</b>	<ul style="list-style-type: none"> <li>Improve transparency of public spending</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	<ul style="list-style-type: none"> <li>Higher level of transparency of public spending</li> <li>Raised integrity of decision-makers in public spending</li> </ul>	
<b>Category of corruption risk/ sector prone to corruption</b>	Public spending, lobbying, conflicts of interest, gifts	
<b>Implementation mechanism</b>	Legislation on Transparency => combining open data & providing a search engine => Monitoring & Enforcement through special authority	
<b>Similar practices</b>	EU Transparency Register <sup>116</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	<ul style="list-style-type: none"> <li>Decision makers in public spending</li> <li>General public, journalists, and NGOs</li> </ul>
	<b>Implementation</b>	Commission for the Prevention of Corruption

### Problem

Public expenditures are among state activities most susceptible to corruption across all countries<sup>117</sup> and must be addressed for two reasons: first, most public money is spent through public procurement procedures. Due to intense interaction between public and private sectors, corruption risks and conflicts of interest are massive in public procurement. Second, even if no law is broken, dense links and networks between politicians and companies can decrease public trust.<sup>118</sup> This twofold problem makes transparency in public procurement insufficient and requires proactive trust building through making open data accessible and comprehensible to ordinary citizens.

<sup>116</sup> European Parliament, the Council of the European Union and the European Commission, Transparency Register, 2022. <https://ec.europa.eu/transparencyregister/public/homePage.do>

<sup>117</sup> European Commission, Directorate-General for Regional and Urban Policy, *Stock-taking of administrative capacity, systems and practices across the EU to ensure the compliance and quality of public procurement involving European Structural and Investment (ESI) Funds : final report*, Publications Office, 2016, <https://data.europa.eu/doi/10.2776/311087> (Accessed 24 September 2022).

<sup>118</sup> European Commission, Flash Eurobarometer 482 – Businesses' attitudes towards corruption in the EU, pp. 105, 117. Available at: <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=71823> (Accessed 20 April 2022).

In most countries, even if available, [open data is scattered between multiple public bodies](#), which makes it difficult for authorities and watchdog civil society organisations to use open data in a meaningful way and monitor conflict of interest and corruption risks related to public expenditures.

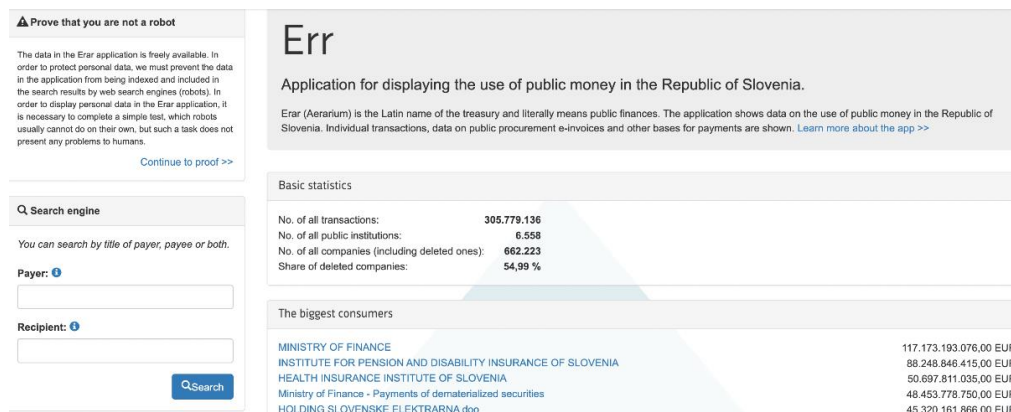
The case of ERAR demonstrates a way in which [open data from many public bodies can be merged and accessed free of charge in one virtual place](#), while also providing multiple search and analytical tools for the users. ERAR proved to increase corruption reports, improved investigation capacities of police, and supported civil society organisations in their watchdog activities.

## Solution

In 2016, the Commission for the Prevention of Corruption of Slovenia (CPC) re-launched its transparency tool *Supervizor* and extended the functionalities in a new tool: [ERAR](#). ERAR is an online application that provides comprehensive tracking and visualisation of public sector transactions, including public procurement.

The application covers data on [all financial transactions from the public sector to domestic recipients](#),<sup>119</sup> notably recipients of funds and related legal entities, as well as dates, amounts and purposes of transactions. This transparency tool was introduced to provide citizens with comprehensive information on public sector spending to make public authorities more accountable for the use of taxpayer money. ERAR is directly linked to the Administration of the Republic of Slovenia for Public Payments database. The latter includes all public spending data of public entities. As this body provides a payment system for the public sector, it has all the spending data. There has been one instance where some transactions were omitted, however. This was done by the CPC at the request of another body claiming secrecy, but this was spotted by civil society and there have been no such cases recorded since. There is no threshold of public contract below which transactions are not recorded.

**Figure 2.7 Snapshot of information available in the ERAR application**



Source: <https://erar.si/>

ERAR features several functionalities by using databases available within the public sector<sup>120</sup> free of charge<sup>121</sup>.

The Home Page enables users an easy overview over the most used functions, including:

- Basic statistics:
  - number of transactions,
  - number of institutions,

<sup>119</sup> ERAR is automatically connected to the Administration of the Republic of Slovenia for Public Payments database. The latter includes all public spending data of public entities. As this body provides a payment system for the public sector (a bank of sorts) it has all the spending data. There is no threshold of public contracts to be included in the database.

<sup>120</sup> See point 3 below for more information on the sources.

<sup>121</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022

- number of companies listed
- proportion of deleted companies.
- Largest [spenders and recipients of public funds](#), which further enable clicking on specific legal person in order to observe details of the selected legal person through the main feature of the platform – the spending data.
- [Search engine](#) where users can search legal persons either by recipient or spender or both.
- The [legal entity page](#) is available if searching for spenders, recipients, specific legal persons, including:
  - Financial transactions overview;
  - electronic invoices;
  - basic data regarding the legal entity (from the business register);
  - a timeline of legal representatives;
  - a timeline of key<sup>122</sup> events and restrictions on business activities;
  - for [payees \(public bodies\)](#) there is an additional tab that features [gifts](#);
  - for [recipients](#) an additional tab features data on founders and affiliated companies; supervisory board member timeline (additional to the legal representative data), bank accounts and filed annual reports.
- The most powerful and used function of ERAR is [the overview of financial transactions](#) of the public sector bodies with the [possibility to visualise](#) the overall spending or receiving amount. ERAR includes a number of other functionalities, which makes this platform unique in comparison to other similar tools across the EU (e.g.):
  - [List of tax debtors](#) enables the user to select one of the monthly published lists of tax debtors since 2013 and observe which legal persons received public funds;
  - The list of entities with [restrictions on business activities due to conflict of interest](#)<sup>123</sup> shows the name of public body and the name of the entity whose activities are restricted, the starting date of the restriction, duration of the restriction and the number of transactions in time when the restriction was in place;
  - The list of [reported gifts](#) received by public officials and employees features data on the date the gift was received, the name of the public body, recipient category, donor, type of gift, how the gift was given, description of the gift, the value of the gift and the method how the value of a gift was estimated;
  - [Lobbying data](#) enables the user to view and search through the reported lobbying contacts;<sup>124</sup>
  - Additionally, the platform enables the user to [download spending data](#) in an open data format. It also features 5 additional representations of data that, according to the description, enable a different or additional perspective.
- The overview of financial transactions provides a wider picture on the issue. In the authors' view, the data is also transparently and clearly presented so it does not confuse the user of the platform. It should also be noted that according to most use-cases known to research, most users do not go beyond the platform's initial functionality (public spending), which would suggest that other functionalities are supplementary and intended for in-depth researchers that are familiar with the content and are not confused by it.

### Input

#### *Learning from experience*

According to the CPC, for effective development and management of the tool, the following resources are required:

- A comprehensive [legal framework](#),<sup>125</sup> which grants legitimacy and provides the basis for cooperative relations with other public bodies and regulates what data can be published and what is prohibited. In the Slovenian case, the legislation also enabled free access to data for which the CPC needed to pay before the legal framework was adopted.

#### *Funds and human resources*

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<sup>122</sup> Changes in the business register, data from the tenders portal, Central Securities Clearing Corporation, Office of the Republic of Slovenia for Money Laundering Prevention and Financial Administration of the Republic of Slovenia

<sup>123</sup> As stipulated by the Integrity and the Prevention of Corruption Act in Article 35. See: Pravno-informacijski sistem. Zakon o integriteti in preprečevanju korupcije. Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523> (Accessed 19 April 2022).

<sup>124</sup> As stipulated by the Integrity and the Prevention of Corruption Act in Article 68. See: Pravno-informacijski sistem. Zakon o integriteti in preprečevanju korupcije. Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523> (Accessed 19 April 2022).

<sup>125</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022

- Vast IT resources, including IT developers, hard- and software, server to host ERAR, primary data in the open data format.
- Substantial initial investment: the CPC estimates development costs for a comparable platform to be over EUR 600,000;<sup>126</sup>

### Maintenance

- Maintenance of the tool is also costly and varies based on the hours spent.<sup>127</sup>
- Internal resources for management of content and individual disputes related to the information published on such a platform<sup>128</sup>

### Data

To make the open data accessible for users, ERAR application combines data from the following sources<sup>129</sup>:

**Table 2.8 ERAR application data**

Source	Database	Comment
Administration of the Republic of Slovenia for Public Payments (UJP)	Financial transactions E-invoices	The most important source for ERAR as it is providing data on all data about financial transactions from budget users to private companies. <sup>130</sup> Data is updated on a daily basis.
Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES)	Business register Register of transaction accounts Database of annual reports	Data from Slovenian Business Register and Register of legal entity's bank accounts are updated on a daily basis
Central Securities Clearing Corporation (KDD)	Data on the ownership of joint stock companies	
Official Gazette of the Republic of Slovenia – Public Procurement Portal (eProcurement)	Data on public procurement	Database contains information about all public procurements, procurements of a small value and notices of awards of the contracts under a framework agreement.
Ministry of Finance (MF)	MFERAC database	MFERAC database includes accounting data on transactions, including small value procurement and is used by all direct budget users in Slovenia. <sup>131</sup>
Office of the Republic of Slovenia for the Prevention of Money Laundering (UPPD)	Data on major transactions abroad	Data are specifically focusing on financial transfers to the so-called favourable tax environments ("tax havens"). <sup>132</sup>
Bank of Slovenia (BS)	Daily exchange rate for currency conversion	
Public Procurement Directorate (MPA)	List of tenderers with negative references	

<sup>126</sup> Podčrto. Zavajanja, natočevanja in laži okoli ugasnitve Supvizorja (Deception, deception and lies surrounding the shutdown of the Supervisor). 2015 <https://podcrto.si/zavajanja-natocevanja-in-lazi-okoli-ugasnitve-supvizorja/>. (Accessed 20 April 2022).

<sup>127</sup> Email correspondence with the CPC. 19.5.2022.

<sup>128</sup> Ibid.

<sup>129</sup> Available at: <https://erar.si/doc/> (Accessed 19 April 2022).

<sup>130</sup> Kovacic, M. and Cerle, G. Government transparency through technology. 2014. [https://alilab.ijs.si/dunja/SIKDD2014/Papers/Kovacic\\_Supervisor.pdf](https://alilab.ijs.si/dunja/SIKDD2014/Papers/Kovacic_Supervisor.pdf) (Accessed 22 April 2022).

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

Technologically, ERAR is hosted on a cloud server of the Slovenian Ministry of Public Administration. The author and the owner of the code is CPC. ERAR is coded in PHP 8, hosted on a PHP-FPM application server and a NGINX web server. Data is stored managed by a PostgreSQL based system and is a free and open-source relational database management system.

### Outcome and impact

According to the CPC, reports of [compliance breaches](#) in business activities significantly increased since ERAR has been launched.<sup>133</sup> The tool is often used also by police for its [investigative purposes](#).<sup>134</sup>

The transparency tool has received a [great deal of attention from the media and the general public](#). At its launch in 2011, the tool received a lot of attention, as CPC registered 1.2 million pageviews during the first 14 hours. It received international recognition of excellence in public service, notably winning the UN Public Service Award in 2013.<sup>135</sup>

Civil society organisations, like Transparency International Slovenia, acknowledged new possibilities for [civic monitoring of public money](#) with this tool.<sup>136</sup> It is used by [watchdog NGOs](#)<sup>137</sup> to [create new platforms](#) based on the data provided by ERAR.<sup>138</sup> The tool is widely cited by media in articles, mainly in stories connected to public spending. This involves major as well as niche investigative outlets.<sup>139</sup>

#### Box 2.1 Example of civic monitoring of public money

Državljan D, a non-profit organisation, specialising in media monitoring, started its investigations of money flows from state-owned companies and public bodies in 2018<sup>140</sup>. Since then, the organisation has used ERAR to monitor public money flows to specific news outlets and investigated in detail a number of advertising campaigns, questioning value-for-money and standards set for such campaigns. This has resulted in several articles by the organisation<sup>141</sup> and the media<sup>142</sup>. The director of Državljan D received an honorary mention by the jury of the 2021 Watchdog award, organised by the Slovene Journalist Association<sup>143</sup>. In 2022 an investigation committee was formed in the National Assembly that will investigate the financing of specific media outlets<sup>144</sup>.

Academic researchers also endorse that the creation of the tool, its adoption by key multipliers (media, NGOs) and its institutional support improves the transparency of public spending and increases accountability of the public sector.

<sup>133</sup> Komisija za preprečevanje korupcije (Commission for the Prevention of Corruption) *Ocena Stanja in Letno poročilo 2011* (An Assessment of the situation and Annual Report 2011): 2013. pp. 173, 224. [https://www.kpk-rs.si/kpki/wp-content/uploads/2021/06/Letno\\_porocilo\\_KPK\\_2011.pdf](https://www.kpk-rs.si/kpki/wp-content/uploads/2021/06/Letno_porocilo_KPK_2011.pdf) (Accessed 20 April 2022).

<sup>134</sup> Ibid.

<sup>135</sup> United Nations information service. *Slovenia wins UN Public Service Award*. 2013. <https://unis.unvienna.org/unis/en/pressrels/2013/unisin479.html> (Accessed: 20 April 2022).

<sup>136</sup> Transparency International Slovenia. *Nacionalni sistem integritete*. February 2012. p. 11. [https://www.transparency.si/wp-content/uploads/2014/10/nis\\_integriteta\\_2012.pdf](https://www.transparency.si/wp-content/uploads/2014/10/nis_integriteta_2012.pdf) (Accessed 20 April 2022).

<sup>137</sup> For example, see: CNVOS. *Obseg javnega financiranja nevladnih organizacij v letu 2019*. Available at: [https://www.cnvos.si/media/filer\\_public/d4/65/d465b1c7-4cbo-4532-96bd-efcf166ebd4/analiza\\_obseg\\_javnega\\_financiranja\\_nvo\\_2019.pdf](https://www.cnvos.si/media/filer_public/d4/65/d465b1c7-4cbo-4532-96bd-efcf166ebd4/analiza_obseg_javnega_financiranja_nvo_2019.pdf) (Accessed 20 April 2022).

<sup>138</sup> For example, see Varuh Integritete by Transparency International Slovenia. Available at: <https://varuhintegritete.transparency.si/about.php> (Accessed 20 April 2022).

<sup>139</sup> The researcher searched for a term "erar" in a search engine limiting the hits on websites of major and investigative media outlets to establish the use of the tool in news articles.

<sup>140</sup> Savič D. *Kronologija preučevanja sovraštva*. June 2021. <https://www.dsavic.net/2021/06/10/kronologija-preucevanja-sovrastva> (Accessed 6 June 2022).

<sup>141</sup> The L files. *Gledanost sovraštva v Sloveniji*. Available at: <https://www.dsavic.net> (Accessed 6 June 2022).

<sup>142</sup> Rtvsl. *Podjetja, ki z oglasi financirajo medije s sovražno vsebino, v veliki meri državna*. 2018. <https://www.rtvsl.si/slovenija/podjetja-ki-z-oglas-financirajo-medije-s-sovrazno-vsebino-v-veliki-meri-drzavna/469472> (Accessed 6 June 2022).

<sup>143</sup> Društvo novinarjev Slovenije (Slovene Association of Journalists). *Čestitamo Čuvajem 2021!*. 2021. <https://novinar.com/novica/cestitamo-cuvajem-2021> (Accessed 6 June 2022).

<sup>144</sup> Državni zbor. *Besedilo Zahteve za odreditev parlamentarne preiskave za oceno dejanskega stanja in za ugotovitev politične odgovornosti nosilcev javnih funkcij zaradi suma nezakonitega financiranja volilne kampanje za volitve poslancev v Državni zbor leta 2022 političnih strank*. 2022. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran/lut/p/z/1/04\\_Sj9CPYkssy0xPLMnMz0vMAfjo8zivSy9Hb283Q0N3E3dLQwCQ7z9g7w8nAwnMz1w9EUGAWZGgS6GDn5BhsYGwQHGPHEaPFAAdwNCBOPx4FUFiNL8gNDQ11VFQEAAxcoa4/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=DF1E1609AA873FAFC1258844004FDFDF&db=pre\\_akt&mandat=IX&tip=doc](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran/lut/p/z/1/04_Sj9CPYkssy0xPLMnMz0vMAfjo8zivSy9Hb283Q0N3E3dLQwCQ7z9g7w8nAwnMz1w9EUGAWZGgS6GDn5BhsYGwQHGPHEaPFAAdwNCBOPx4FUFiNL8gNDQ11VFQEAAxcoa4/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=DF1E1609AA873FAFC1258844004FDFDF&db=pre_akt&mandat=IX&tip=doc) (Accessed 6 June 2022).

## Context

### Legal framework

- Spending data was available to the general public through Freedom of Information Act that was passed in 2003<sup>145</sup> and enhanced a number of times since then.
- a regulation to acquire and process datasets was passed by the National Assembly in 2020;<sup>146</sup>
- the legislation is in place that allows the CPC to obtain the necessary data free of charge;<sup>147</sup>
- The CPC additionally highlights that a comprehensive legal framework in place enables constructive collaboration with other public bodies that provide the data.<sup>148</sup>

### Institutions

- Technical capacities:
  - Sufficient technical capacities (an estimate by the CPC showed that such a platform would, if procured on the market, cost anywhere from 600,000 to over a million EUR), internal and external, are necessary for establishing and maintaining such a platform, incl. IT specialists, technological infrastructure to ensure interoperability of databases, availability of secure server to host the data (e.g., ERAR ran on an external server provided pro bono by an external provider<sup>149</sup>);
  - the data should be available in open data formats.<sup>150</sup>
- Multi-stakeholder engagement:
  - The experience with Supervisor shows that [support from other public bodies](#) is crucial for the success of such a platform. This support can have different forms:
    - agreements of related public bodies to [provide access to the data](#) by the CPC (it was necessary despite the available legal framework obliging to publish open data).<sup>151 152</sup>
    - [Capacity building](#) among public servants about the scope and the responsibilities under an FOI framework, along with a strong institutional support from an FOI oversight body.
    - [Sharing the data free of charge](#) to be used in public interest, while some public institutions are charging for the data provided (e.g., AJPES business registry).
- Adoption of the tool by relevant stakeholders:
  - Communication campaign to key audiences, to showcase the tool's benefits and how to use it, with concrete examples.
    - The CPC, for example, showed some of the data's potential in 2011 already, by analysing shifts in public money flows after a government change.<sup>153</sup>
    - Similarly, the CPC highlighted some issues it detected when upgrading the tool in 2015.<sup>154</sup>
  - Use of the tool by the general public, journalists, NGOs, and the police.<sup>155</sup>

### Limitations

There are several challenges that influence the efficient functioning of the platform, including:

<sup>145</sup> Pravno-informacijski sistem. *Zakon o dostopu do informacij javnega značaja*. 2022. <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3336> (Accessed 20 April 2022).

<sup>146</sup> Državni zbor. *Predlog Zakona o spremembah in dopolnitvah zakona o integriteti in preprečevanju korupcije*. 2018. <https://imss.dz-rs.si/Imis/ImisAdmin.nsf/ImisnetAgent?OpenAgent&2&DZ-MSS-01/eeecf751ab7ef5b0337e7c737f8032ffa1fc10fb8b3d4ad03a895a6bfc030cf3> (Accessed 20 April 2022).

<sup>147</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022

<sup>148</sup> Ibid.

<sup>149</sup> Delo. *Če v nekaj verjamem, sem pripravljen delati zastoj. Nisem pa pripravljen delati zaman*. 2015. <https://old.delo.si/sobotna/ce-v-nekaj-verjamem-sem-pripravljen-delati-zastoj-nisem-pa-pripravljen-delati-zaman.html> (Accessed 20 April 2022).

<sup>150</sup> Delo. *Če v nekaj verjamem, sem pripravljen delati zastoj. Nisem pa pripravljen delati zaman*. 2015. <https://old.delo.si/sobotna/ce-v-nekaj-verjamem-sem-pripravljen-delati-zastoj-nisem-pa-pripravljen-delati-zaman.html> (Accessed 20 April 2022).

<sup>151</sup> Komisija za preprečevanje korupcije (Commission for the Prevention of Corruption). *Letno poročilo 2011*. 2013. pp. 157-158. [https://www.kpk-rs.si/kpk/wp-content/uploads/2021/06/Letno\\_porocilo\\_KPK\\_2011.pdf.pdf](https://www.kpk-rs.si/kpk/wp-content/uploads/2021/06/Letno_porocilo_KPK_2011.pdf.pdf) (Accessed 20 April 2022).

<sup>152</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022. Those agreements are still in place today primarily because CPC collects additional data which are not necessarily published on ERAR but CPC uses them for the performance their tasks.

<sup>153</sup> Komisija za preprečevanje korupcije (Commission for the Prevention of Corruption). *Letno poročilo 2011*. 2013. p. 256. [https://www.kpk-rs.si/kpk/wp-content/uploads/2021/06/Letno\\_porocilo\\_KPK\\_2011.pdf.pdf](https://www.kpk-rs.si/kpk/wp-content/uploads/2021/06/Letno_porocilo_KPK_2011.pdf.pdf) (Accessed 20 April 2022).

<sup>154</sup> Komisija za preprečevanje korupcije (Commission for the Prevention of Corruption). *Posodobitev aplikacije Supervisor: Milijarda evrov za avtorske in podjemne pogodbe*. 2015. <https://www.kpk-rs.si/blog/2015/03/05/posodobitev-aplikacije-supervisor-milijarda-evrov-za-avtorske-in-podjemne-pogodbe/> (Accessed 20 April 2022).

<sup>155</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022.

- **Varying rate of digital transformation** among public institutions challenges ERAR's maintenance because any change in primary data collection or dataset can affect ERAR. At the same time, CPC must rely on other public bodies taking care of their data.<sup>156</sup> In times of rapid developments, different public institutions have different levels of progress. When a public institution changes anything in its dataset, this can affect ERAR and the representation of the tool. Generally speaking, there is lack of budget for holistic development and maintenance of the tool.
- Limited budget, assigned to ERAR maintenance, leads to the **lack of human (IT professionals) and technical resources** (hardware, software). As a compromise, CPC outsources the development and maintenance of ERAR.<sup>157</sup>
- **Maintaining interest from key stakeholders**: CPC needs to be constantly involved with main stakeholders (public bodies, journalists, non-governmental organisations) to ensure the collaboration and sustain political will, especially for ensuring necessary budget.<sup>158</sup>
- **Adapting legal framework to existing or additional functionalities**: The legal framework has to consider several aspects and balance between several rights (right to know vs privacy) and their respective frameworks, which is challenging;<sup>159</sup>
- **Privacy issues**: It can occur that information published on ERAR is incorrect or should not be published, most often due to protection of personal data of individuals (e.g., salaries). ERAR combines and publishes data from different sources and cannot guarantee its accuracy.<sup>160</sup> The CPC receives a relatively large number of complaints from individuals related to published information and also coordinates the processing of those complaints.<sup>161</sup>
- Public institutions do not use cash payments, financial instalment/transactions need to be made. The tool gives insight in to the (official) financial part and is highly useful as an “additional” source. There are a number of cases (journalism, police, NGO) where this information is highly useful.

Table 2.9 Analysis fiche

Ensuring transferability and applicability			Verifying effectiveness	
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• Improve the transparency of public expenditure;</li> <li>• Counteract corruption in public administration;</li> <li>• Decrease mismanagement and avoid conflicts of interest.</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive legal framework;</li> <li>• Vast IT resources;</li> <li>• Budget: 600.000 EUR;</li> <li>• Internal resources for management of the content and individual disputes.</li> </ul>	<ul style="list-style-type: none"> <li>• ERAR – an online application that provides comprehensive tracking and visualisation of public sector transactions, including public procurement.</li> <li>• It provides an open access to:</li> <li>• overview of financial transactions,</li> </ul>	<ul style="list-style-type: none"> <li>• The platform is actively used by several key stakeholders including journalists, oversight bodies and the general public.</li> </ul>	<ul style="list-style-type: none"> <li>• The platform should contribute to more accountability of public authorities in terms of the use of taxpayer money.</li> </ul>

<sup>156</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022

<sup>157</sup> Interview with an advisor at the Commission for the Prevention of Corruption. 10.5.2022

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

Ensuring transferability and applicability			Verifying effectiveness	
		<ul style="list-style-type: none"> <li>List of tax debtors,</li> <li>electronic invoices,</li> <li>Lobbying data, etc.</li> </ul>		

### 2.2.5 Luxembourg: Making open data understandable - “Renow” repository

#### Executive summary

*Renow repository* is both an approach and assistance in terms of web quality for state and public sector bodies. The Renow approach integrated such aspects of the web-based communication of public authorities, as:

- quality standards for all State websites,
- web accessibility standards,
- aspects of project management,
- a user-centric approach (UX - User eXperience),
- assessment tools.

The repository unfolds the methods and UX techniques, as well as providing a checklist and practical guidance for public authorities to facilitate the communication with citizens in a most inclusive, accessible, and understandable way. The public budget website in Luxembourg demonstrates an example of how the Renow approach is implemented.

#### Key words

Transparency, public budget, open data, communication, inclusiveness, UX - User eXperience, Luxembourg

**Table 2.10 Good practice fiche**

General information	Specifics
<b>Name</b>	Application of Renow approach to display the budget information
<b>Context</b>	Luxembourg GDP/cap – (2021) EUR 131,168 – above average World Bank Control of Corruption – (2020) 96.63 – above average Trust in public administration – (2021) 83% – above average Population: 0.6 m - small
<b>Timeframe</b>	Since 2018
<b>Reference</b>	<a href="https://budget.public.lu/lb/budget2022.html">https://budget.public.lu/lb/budget2022.html</a>
<b>Aim and objectives</b>	Display and explain the content of the State budget: General view of budget situation Detail and monthly monitoring
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)
<b>Expected impact</b>	Fostering public trust in political decision making by explaining the budget situation
<b>Category of corruption risk/ sector prone to corruption</b>	Access to information (Budget presentation)

<b>Implementation mechanism</b>	Legislation on a more Transparent administration => Open data & user-centric design => Accessibility of Budget information that is understandable to the general public	
<b>Similar practices (in France)</b>	French Budget information <sup>162</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	General public and economic partners
	<b>Implementation</b>	State Information Technology Centre

### Problem

The right to information is considered the basis of any credible anti-corruption policy because it allows transparency, control, and accountability. Public budget, as a primary target of corrupt transactions, deserves special attention in terms of transparency. Transparent public finance is not only the basis to prevent and investigate corruption, but also an important means to build trust in society and decrease perception of corruption.

- There are two challenges with regards to the [transparency of public finance](#):
- [Interpretation and implementation of transparency standards may vary](#). Misinterpretation leads to a situation when public authorities publish scattered information about the income and expenditures of public budget. The formats of the published data may also vary, including .pdfs and Word documents, which prohibits meaningful use of data either for accountability or for the public reuse purposes. The Open Data Charter<sup>163</sup> sets specific requirements to the data that is published, incl. its machine-readable format.
- Another challenge is not only making the budget transparent, but to [make it comprehensible for the regular citizen](#). Budget data, when presented according to accounting standards, is rarely understood outside of finance departments. Yet, understanding of government expenses is the function of transparency of budget data that enables accountability and builds trust.

[Technically](#), putting budgetary information online is part of setting up many specialised official websites online so that everyone can find the information they are looking for. Bringing together all the government's Internet sites in an official "directory of sites<sup>164</sup>" is a good practice that could be duplicated, especially if, together with all dedicated websites listed, there is some context of what to expect.

The case study of Renow repository and its application to public communication on public finance in Luxembourg provides an example of how public budget data can be presented not only in a transparent and accessible way, but also made understandable to the general public. In particular, the application of the UX design) and quality assurance were useful additional efforts to ensure accessibility and adoption of the tool by different stakeholders and the broader public.

### Solution

The "Renow" repository<sup>165</sup> (Website Standardisation Repository) was defined to implement the Luxembourg government's web strategy (also in line with "accessibility rules"). This repository is an initiative and support with regard to web design quality for governmental and public institutions. The Renow process can be easily duplicated in other countries, especially as there are guidelines available online too<sup>166</sup>.

<sup>162</sup> Available at: <https://www.budget.gouv.fr/budget-etat>

<sup>163</sup> Open Data Charter, *International Open Data Charter*, 2015. <https://opendatacharter.net/principles/> (accessed 8 June 2022)

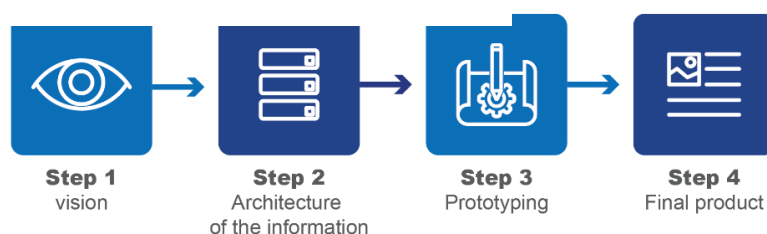
<sup>164</sup> Le gouvernement du Grand-Duché de Luxembourg. *L'annuaire des sites publics luxembourgeois*. <https://etat.public.lu/fr.html/> (accessed 8 June 2022)

<sup>165</sup> Le gouvernement du Grand-Duché de Luxembourg. *Renow*. <https://renow.public.lu/fr.html> (accessed 8 June 2022)

<sup>166</sup> Le gouvernement du Grand-Duché de Luxembourg. *Guides pratiques*. 2020. <https://renow.public.lu/fr/guides-pratiques.html> (accessed 8 June 2022)

The steps to a “Renow” project are as follows:

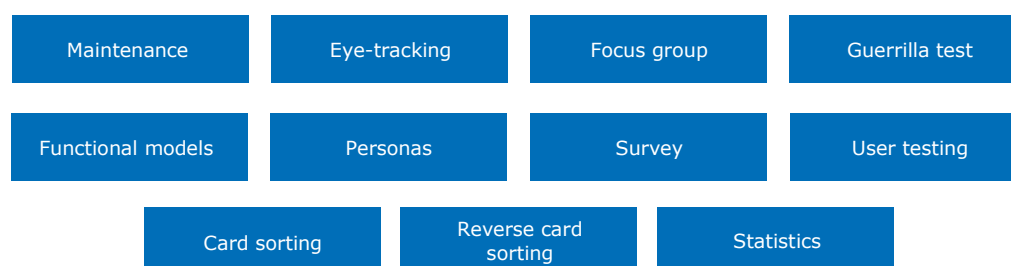
**Figure 2.8 The stages of a Renow project**



Source: edited from Renow website<sup>167</sup>

The following UX methods have been used to create such a Renow website and are explained in detail:

**Figure 2.9 UX methods used to create the Renow website**



Source: edited from Renow website

The **quality of a website** is based on its ability to offer information and services that meet the needs of users. The Renow approach also provides a checklist made up of around a hundred categorised criteria that guarantee accessibility, ergonomics, referencing, and consistency of government sites.

Renow is applicable whenever there is a user (citizen, company, etc.) on the one hand, and a government internet presence on the other, regardless of the technology used. It therefore concerns:

- all web portals, all institutional websites;
- all mobile versions of these sites, such as the “Guichet” ( The administrative guide of the State of Luxembourg) mobile version;
- all services, procedures or applications that are publicly accessible online, such as the services offered on the “citizens” and “businesses” sections of the Guichet site or the Luxembourg mapping portal.

### Input

#### *Learning from experience*

Renow is carried out by Web and UX Office Team of the State Information Technology Centre. Public authorities and other stakeholders ask the Web and UX Office Team of the State Information Technology Centre for advice on the accessibility of various interfaces within the framework of state bodies. The team provides expert advice to service providers and institutions and provides tailored recommendations. Furthermore, accessibility is easier to achieve and more sustainable over time when the people in charge of construction and maintenance understand the rules of accessibility. This is why the Web and UX Office Team offers guidelines to better understand their accessibility recommendations on different topics: their implementation and the reasons for guaranteeing access

<sup>167</sup> Available at: <https://renow.public.lu/fr/methode-renow.html>

to content for all people regardless of their ability to consult the information and according to the assistive technologies used.<sup>168</sup> The team also advises on accessibility in general, on specific cases and evaluate the level of accessibility of your site by a simple contact form. Furthermore, the National Institute of Public Administration (INAP) also offers training on accessibility for writers and managers of state sites in its catalogue.<sup>169</sup>

### *Funds and human resources*

The funding of activities comes from the annual budget of the State Information Technology Centre, which amounted to EUR 224,432,755 for 2023. The team has various expertise and skills:

- web project management assistants,
- web designers,
- visual communication specialists,
- user experience specialists,
- interaction designers,
- web developers,
- web writing specialists and accessibility experts.

### *Maintenance*

**Quality assurance** (QA) is carried out at each stage of the creation of a site:

- when designing the tree structure (informational structure of the site);
- when a prototype is made;
- before posting;
- in the case of an iteration.

QA is carried out by ergonomists or accessibility experts but also by project management assistants (AMO) in order to reduce the distance of understanding with the writers and project managers.

### **Outcome and impact**

The Renow strategy has been applied to the visualisation of the public budget in Luxembourg. Putting budget information online follows the principles of clarity, monitoring, completeness, and explanation. This is done from the main page and especially in the sub-menus, which go very far into the detail of each budget item.

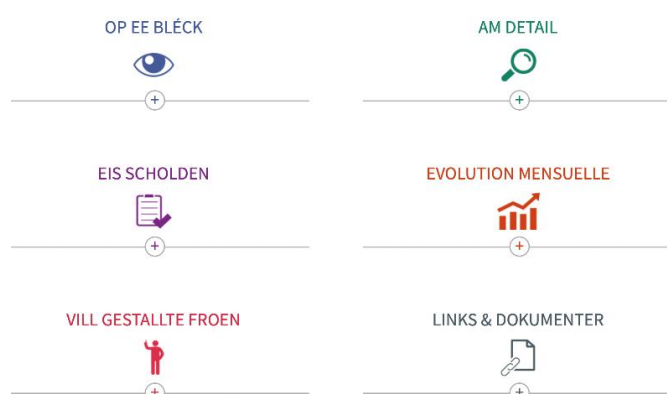
- **Clarity of displayed information:** Clarity starts from the homepage with clear choices that are all accompanied by a "+" symbol to open the related sub-menu. These choices are: "Outlines" (op ee bléck"), evolution of the debt ("eis scholden", literally: "what we owe"), what can be brought to the attention of the Chamber of Deputies ("will gestallte froen"), Details of the budget ("am detail"), monthly change ("évolution mensuelle") and official documents and links ("links & documenter").

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<sup>168</sup> Available at: <https://renow.public.lu/fr/accessibilite/technologie-assistance.html>

<sup>169</sup> Available at: <https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations.html>

Figure 2.10 Snapshot of the Official website of Budget information

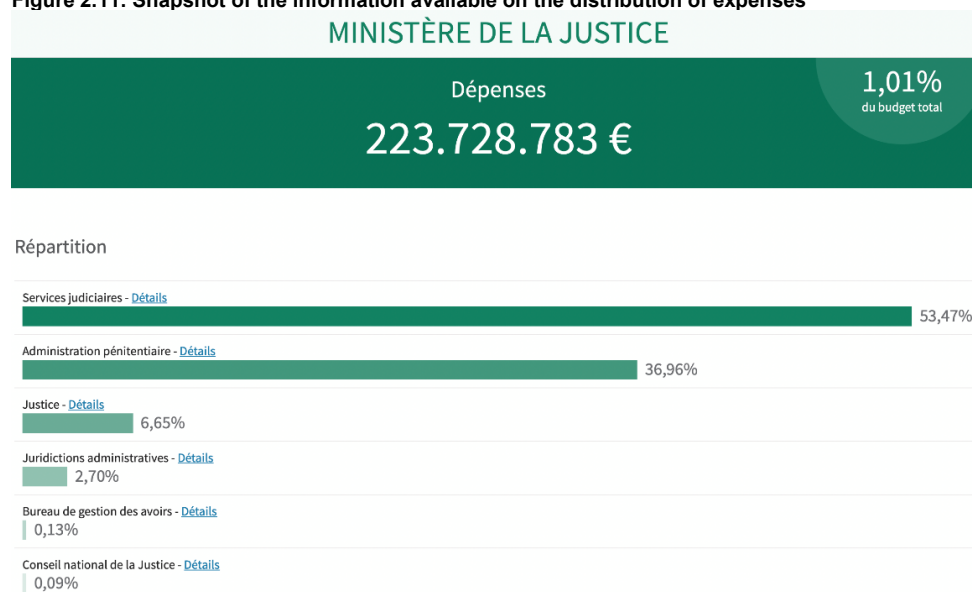


Source: Official website of Budget information

Depending on one's search, the user can easily select the proper item / menu. Some are deeper than others, depending on the amount of information displayed. Essentially, the left column is "at a glance" and the "right column" is deeper in content.

- **Completeness of displayed information:** As much as the left column is informative and concise, the "monthly change" and "details" menus are very exhaustive. They each have between 3 and 5 sub-menus, each with an explanatory / more detailed link to the lower sub-menu. The user can thus follow the monthly changes by revenue/expenditure item (monthly change) or the general budget of such and such a state service by ministry and sector (detail menu).
- Another indicator of completeness in the presentation, in the "detail" menu, the figures are also accompanied by a percentage in relation to the total budget of the State and the total budget of the ministry in question. This greatly helps in understanding and reading the elements. Here is an example of "details" for the "Ministry of Justice": (1.01% of total budget and a link next to each area).

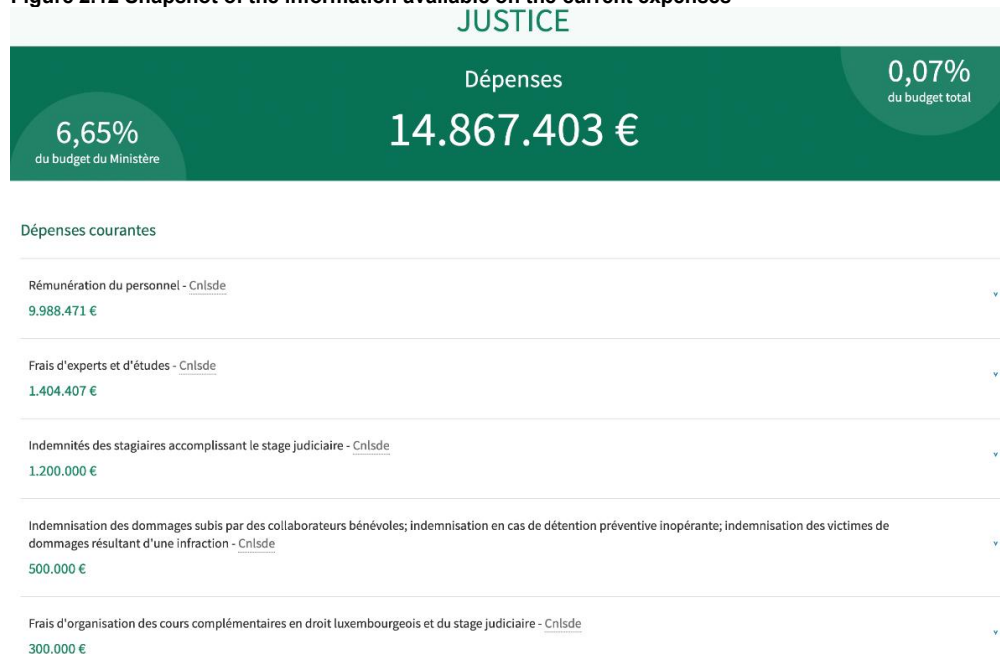
Figure 2.11: Snapshot of the information available on the distribution of expenses



Source: <https://budget.public.lu/lb/budget2022/am-detail.html?chpt=depenses&dept=7>

If one clicks on the link “details” next to “Justice”, here is the information displayed: “0.07% of the total budget and 6.65% of the Budget of the Ministry, together with the figure for each item.

**Figure 2.12 Snapshot of the information available on the current expenses**



Source: <https://budget.public.lu/lb/budget2022/am-detail.html?chpt=depenses&dept=7&sect=51>

- **Explanation of displayed information:** As we have seen in the previous point, each element has a link to an explanation or a lower menu that details and therefore explains the content of the element. Navigation is thus easy and guided in order to ensure that the nature of the information is fully understood. In addition, the site includes a history of budgetary information since 2015, which makes it possible to make useful comparisons both in terms of "detail" and "monthly monitoring".
- **Availability of official documents and infographics:** In addition to the details provided in the "monthly changes" and "detail" menus, the left column provides global information accompanied by clear infographics and explanations. This is particularly the case in the "at a glance" and "debt" menus.
- To complete the availability of information, the last link, "documents and links" provided for downloading the related official documents and the links to the sites of the ministries or administrations concerned by the budgetary information made available in case there is a need for a more precise piece of information.

## Context

### Legal framework

- The evaluation of the Council of Europe Group of States against Corruption (GRECO) within the framework of the 5th evaluation round issued recommendation IV,<sup>170</sup> in which it was recommended that the right of access to information should be enshrined in law and that the principle of transparency of documents held by public authorities should be enshrined in law. This also implies that the right of every person to have access to these documents should be guaranteed and that responsibility for monitoring compliance with the rules in such matters should be assigned to an appropriate authority".

<sup>170</sup> Council of Europe. *GRECO 5th evaluation round initial report for Luxembourg*. June 2018. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-/16808b7252> (accessed 20 May 2022)

- **The law on transparent and open administration** of 14 September 2018<sup>171</sup> provided the foundation to apply Renow principles to the public budget information. The Law has been adopted in response to the GRECO recommendation by (1) granting a right to access to administrative documents and (2) the principle of automatic display of information.

### *Institutions*

Institutionally, the Commission on Access to Documents (Commission d'Accès aux Documents)<sup>172</sup> has been created as an independent administrative body of consulting nature in 2018, with the mandate to:

- ensure the right of access to documents in the conditions foreseen by the law;
- to give advice to relevant entities on any question regarding the application of the law;
- to publish an annual report.

### **Limitations**

Communication with the general public, based on Renow principles, requires real work of information reprocessing and presentation. The focus goes beyond the simple posting of documents online (in particular, the finance law) but in the posting of additional explanatory information (as opposed to the administrative document). This **requires significant IT and communication skills and digital tools** (which have an impact on the needed resources).

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<sup>171</sup> Chambre Des Deputés. *Loi du 14 septembre 2018 relative à une administration transparente et ouverte*. September 2018. <https://legilux.public.lu/eli/etat/leg/loi/2018/09/14/a883/jo> (accessed 20 May 2022)

<sup>172</sup> Available at : <https://cad.gouvernement.lu/en.html> (accessed 20 May 2022)

Table 2.11 Analysis fiche

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Implementing Access to Information obligation, which is a request for all EU member states.	<ul style="list-style-type: none"> <li>• web project management</li> <li>• web designers,</li> <li>• visual communication specialists,</li> <li>• UX specialists,</li> <li>• interaction designers,</li> <li>• web developers,</li> <li>• web writing specialists and accessibility experts.</li> </ul>	<p>The implementation goes from an official pattern to display official information to a law imposing the automatic display of administrative documents.</p> <p>It is based on budget transparency and clarity to all principle.</p>	The process is ongoing for some time now and has contributed to budget understanding by the general public.	The expected impact is increasing trust into the public finance by the general public

## 3 Citizen engagement

### 3.1 Introduction to the practice

#### Definition

Citizen engagement means that “the public can influence workings of their government by engaging in the governmental policy process.”<sup>173</sup> The idea of citizen oversight of public authorities is the cornerstone of democratic politics: competitive elections are the main feedback mechanism, how citizens can punish politicians who do not fulfil their expectations (*vertical accountability*).<sup>174</sup> Another feedback mechanism in a democracy is the widespread popular protests (*societal accountability*) that were often triggered by corruption in past decades.<sup>175</sup>

For effective citizen engagement, public authorities consider citizens not only as the clients of public services who provide feedback to adjust policies. **Citizens are considered partners** who contribute expertise and co-create solutions for common problems. The main task of the authorities is to ensure and manage the communication process (in a broad sense) with citizens, which can have different intensities<sup>176</sup>:

- **Inform**: to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and/or solutions;
- **Consult**: to obtain public feedback on analysis, alternatives, and/or decisions;
- **Involve**: to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered;
- **Collaborate**: to partner with the public on each aspect of the decisions, including the development of alternatives and the identification of the preferred solution; and
- **Empower**: to place final decision-making in the hands of the public.

The idea of public engagement has been boosted by the use of **new information and communication technologies (ICTs)** in two ways<sup>177</sup>: First, the emerging **open data** (see Chapter on Transparency) provides a new foundation for citizens to monitor corruption and engage in the creation of new analytical tools that re-use open data sets. Second, **e-governance and e-democracy instruments** (e.g., information bots, e-petitions, e-voting etc.) minimise the costs of coordination when public authorities inform the broader public or engage with them in a dialogue.

#### International standards

- Article 15 of the Treaty on the Functioning of the European Union sets the standards for the Union’s institutions, bodies, offices, and agencies “to work as openly as possible”, in order to “promote good governance and ensure participation of civil society.”<sup>178</sup>
- Council of Europe’s Guidelines for civil participation in political decision making<sup>179</sup>
- International Association for Public Participation<sup>180</sup>

<sup>173</sup> Heller, N., A Working Definition of ‘Open Government. *Global Integrity: Data, Learning & Action for Open Governance*, 2015, <https://www.globalintegrity.org/2012/05/working-definition-opengov/>.

<sup>174</sup> Bauhr, M. and Grimes, M., Democracy, and the Quality of Government, in *The Oxford Handbook of the Quality of Government*, ed. Andreas Bågenholm et al. (Oxford University Press, 2021), 180–208, <https://doi.org/10.1093/oxfordhb/9780198858218.013.10>.

<sup>175</sup> della Porta, D. and Mattoni, A., Civil Society against Corruption,” in *The Oxford Handbook of the Quality of Government*, ed. Andreas Bågenholm et al. (Oxford University Press, 2021), 289–308, <https://doi.org/10.1093/oxfordhb/9780198858218.013.15>.

<sup>176</sup> IAP2, “Core Values, Ethics, Spectrum – The 3 Pillars of Public Participation,” International Association for Public Participation, accessed December 11, 2018, <https://www.iap2.org/page/pillars>.

<sup>177</sup> Kossow, N and Dykes, V. “Embracing Digitalisation: How to Use ICT to Strengthen Anti-Corruption,” Anti-Corruption and Integrity Programme (Bonn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, March 2018), <https://www.giz.de/de/downloads/giz2018-eng ICT-to-strengthen-Anti-Corruption.pdf>; Mattoni, A., Digital Media in Grassroots Anti-Corruption Mobilizations, in *The Oxford Handbook of Digital Media Sociology*, ed. Deana A. Rohlinger and Sarah Sobieraj (Oxford University Press, 2021), <https://doi.org/10.1093/oxfordhb/9780197510636.013.46>.

<sup>178</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, OJ C306 (TFEU).

<sup>179</sup> Available at: <https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf>

<sup>180</sup> Available at: <https://www.iap2.org/mpage/Home>

- Open Government Partnership<sup>181</sup>
- The United Nations Convention against Corruption (UNCAC) provides the foundation for citizen participation in anti-corruption efforts in the Art. 13.1<sup>182</sup>

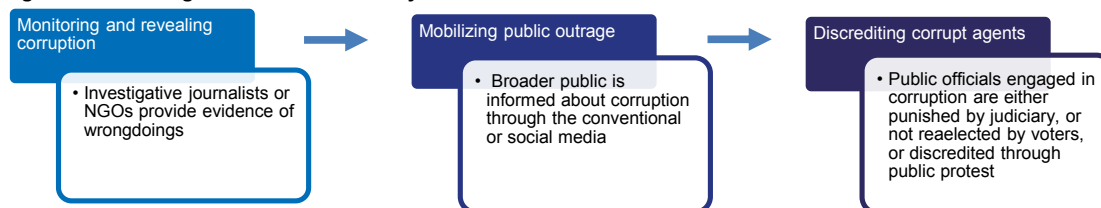
### Mechanisms

- Mechanism 1: **Civic monitoring** refers to the *watch-dog activities* of civil society, including independent analysts, journalists, as well as general public, with the aim to have oversight of the government's decisions and actions. This mechanism is closely connected to the transparency and access to public information as a precondition for the society to effectively engage in monitoring. The techniques of monitoring include citizens report cards, community scorecards, social audit, citizen councils, etc.<sup>183</sup>
- Mechanism 2: **Citizen participation** is the *direct engagement* of citizens in the political process in different capacities and at different stages of policy process. Direct participation can vary from mere consultation during decision-making to direct engagement in actual implementation of policies.
- Mechanism 3: **Collaboration** is about the *co-creation of solutions* for problems in the form of new institutions, processes, technologies, etc., based on the partnership approach between citizens and government. Collaboration is different from participation, as it requires significant power sharing and partnering, whereas with participation, the government maintains full decision-making powers.<sup>184</sup>

### Potential results

- **Ensuring societal accountability**

Figure 3.1 Ensuring societal accountability



<sup>181</sup> Available at: <https://www.opengovpartnership.org/>

<sup>182</sup> United Nations, *United Nations Convention Against Corruption*. 2004.

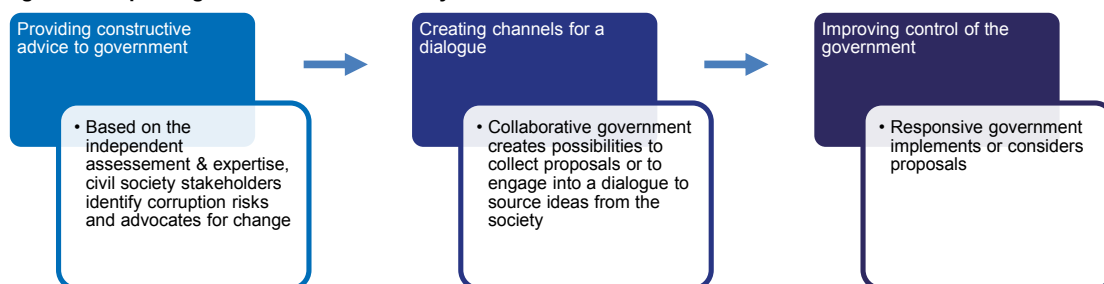
[https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

<sup>183</sup> Boräng, F. and Grimes, M., Social Accountability and Quality of Government: Effectiveness and Recursive Effects, in *The Oxford Handbook of the Quality of Government*, ed. Andreas Bågenholm et al. (Oxford University Press, 2021), 267–89, <https://doi.org/10.1093/oxfordhb/9780198858218.013.14>.

<sup>184</sup> Linders and Wilson, "What Is Open Government?" 268.

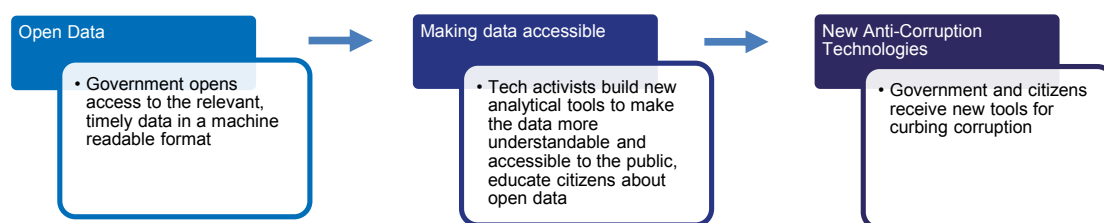
### • Improving horizontal accountability

Figure 3.2 Improving horizontal accountability



### • Creating anti-corruption technologies

Figure 3.3 Creating anti-corruption technologies



### Challenges

Barriers to citizen engagement can appear on the side of citizens, authorities, or in communication between them.

- Citizens' apathy** to participate is the widespread challenge in 'contemporary climates of civic and political disengagements and successful experiments of engagement are difficult to sustain'<sup>185</sup> => stakeholder mapping to identify those groups of the public, who are affected by the problem and have intrinsic incentive to engage
- Heterogenous public** which includes diverse interests, preferences, and abilities => pre-analysis of the target audience of a specific initiative, their preferences, and skills; proactively obtaining a broad spectrum of opinions if relevant.
- Disproportion** and unfounded expectations in partnerships between public authorities and citizens, including diffusion of responsibilities and power asymmetries in collaboration between public authorities and citizens<sup>186</sup>
- Imbalances in the use of civic technologies

### Additional sources

- The **Community of Practice** of the Competence Centre on Participatory and Deliberative Democracy provides space for sharing experiences and recommendations regarding different methodologies to engage citizens.<sup>187</sup>
- The **OECD's Focus on Citizens: Public Engagement for Better Policy and Services** examines how public engagement can be used to improve government performance.<sup>188</sup>
- The **OECD's Observatory of Public Sector Innovation** lists useful toolkits and resources.<sup>189</sup>
- Education for Justice UNODC training module **Citizen Participation in Anti-Corruption**.<sup>190</sup>

<sup>185</sup> Fung, A and Wright, E.O., *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, The Real Utopias Project 4 (London: Verso, 2003); Hansson, Belkacem, and Ekenberg, "Open Government and Democracy."

<sup>186</sup> Linders and Wilson, "What Is Open Government?"

<sup>187</sup> Available at: <https://cop-demos.jrc.ec.europa.eu/>

<sup>188</sup> Available at: [https://www.oecd-ilibrary.org/governance/focus-on-citizens\\_9789264048874-en](https://www.oecd-ilibrary.org/governance/focus-on-citizens_9789264048874-en)

<sup>189</sup> Available at: <https://oecd-opsi.org/>

<sup>190</sup> Available at: <https://www.unodc.org/e4j/index.html>

## 3.2 Case studies

### 3.2.1 Bulgaria: Civic monitoring of elections - “You Count” Campaign for Elections Oversight

#### Executive summary

*Ti Broish* campaign for citizen’s election oversight was implemented in order to prevent electoral fraud from corrupting democracy during the 2021 parliamentary elections in Bulgaria. The initiative relied on the civic engagement of 12,000 volunteers. Each volunteer was responsible for covering one polling station in the country. The initiative was organised and implemented by the political formation “Yes Bulgaria” (“Da Bulgaria”). These involved volunteers observing the polling stations on election day. Before election day, the observers were trained by *Ti Broish*’s legal team, educating them about all of the electoral process’ procedures, the rights of observers, and the duties of the Central Electoral Commission.

#### Key words

Citizen engagement, civic monitoring, electoral misconduct, reporting App, machine voting, Bulgaria

Table 3.1 Good practice fiche

General information		Specifics
Name	Ti Broish	
Context	Bulgaria GDP/cap – (2021) EUR 10,853 – below average World Bank Control of Corruption – (2020) 46.15 – below average Trust in public administration – (2021) 38 % – below average Population: 5 m - small	
Timeframe	December 2020 to Present	
Reference	<a href="https://tibroish.bg/results/president-2021-11-21/">https://tibroish.bg/results/president-2021-11-21/</a>	
Aim and objectives	Transparency of the electoral process and combatting electoral fraud: <ul style="list-style-type: none"><li>• Parallel counting of the vote;</li><li>• Reporting complaints during the election day;</li><li>• Controlling the implementation of the electoral processes according to the existing legal framework.</li></ul>	
Estimated cost of the practice	Budget: Low (Below EUR 50,000 or pro bono) HR: Low (Volunteers engagement) Tech: Medium (One register or one database, or app)	
Expected impact	Reducing electoral fraud and increasing accountability of the Central Electoral Commission	
Category of corruption risk/ sector prone to corruption	Elections	
Implementation mechanism	Engagement of volunteers => Monitoring of Elections => Filing Complaints => Increasing Efficiency of the Elections Oversight Authority	
Similar practices	Other political parties such as the Bulgarian Socialist Party conduct parallel counting of votes, but for internal purposes, and they collect the electoral protocols via their party affiliated representatives in the sections.	
Stakeholder's mapping	Target group	Voters
	Implementation	Political party – Yes Bulgaria

#### Problem

**Electoral manipulations** are indirectly but strongly linked to political corruption, as they skew democratic interest representation at the stage, when the political system is formed. Moreover, electoral accountability is the central anti-corruption mechanism for regular citizens to dismiss or “punish” corrupt politicians.<sup>191</sup>

<sup>191</sup> Bågenholm, A., Electoral Accountability and Corruption, in *The Oxford Handbook of the Quality of Government*, ed. Andreas Bågenholm et al. (Oxford University Press, 2021), 208–27, <https://doi.org/10.1093/oxfordhb/9780198858218.013.11>.

There are at least **two forms of corruption during elections** that undermine the core democratic procedure: one of these, and the most explicit form, is **vote buying**, which can take place not only by material means, but also in exchange for food, especially widespread among communities with socio-economic vulnerabilities.<sup>192</sup> Another form is **misuse of administrative resources**<sup>193</sup> during elections, for example through forging voting registers, the miscounting of votes, ballot stuffing, and corporate voting. Sometimes, this form of corruption manifests through passive non-intervention into electoral manipulations by the public authorities, who are responsible for the organisation and the oversight of elections. If elections are manipulated, citizens are deprived of the instrument to punish corrupt politicians by voting them out, which is an additional negative impact of electoral manipulations. This creates a closed loop and makes corruption to the systemic problem that reinforces itself.

Direct citizen engagement can be one effective way of breaking the corrupt system. The case of citizen's election oversight in Bulgaria is an example of how citizen monitoring of elections not only improves the electoral process, but also contributes to citizens' education about their rights and possibilities to resist manipulations.

A main challenge for citizen engagement is the coordination of a large number of different people. The presented initiative is an example of how the different background of citizens is levelled through the initial training regarding their engagement. The co-ordination and communication challenges are solved through the use of new technologies, in this case an app.

### Solution

The initiative was organised and implemented by the political formation *Yes Bulgaria* (Da Bulgaria), but it recruited volunteers regardless of their political affiliations and preferences. The organisational team also included members of other parties.

*Ti Broish* is an initiative that relied on the civic engagement of **12,000 volunteers**, also called vote keepers. Each volunteer was responsible for covering one polling station in the country for at least four hours on the election day.

<sup>194</sup>

- Before the electoral day, observers underwent a **training** organized by *Ti Broish's* legal team, educating them about all of the electoral process' procedures, the rights of observers, and the duties of CEC.
- Their **duties** were to oversee the counting of ballots, collect the filled voting protocol of the respective section, and send pictures of the protocols to validators at *Ti Broish's* Counting Centre via the mobile application.

At the designated **Counting Centre**, validators counted election results according to the protocols. With the information from each protocol, a parallel counting was then conducted. The final results are uploaded on *Ti Broish's* website.

*Ti Broish* relied on a **mobile application**, designated for the initiative, via which the volunteers could regulate the initiative's implementation by sending copies of election protocols and reporting violations throughout the election process.

The initiative *Ti Broish* relied on a **mobile application** to facilitate quick reporting in case of violations, registered by the volunteers. The App has following functions:

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<sup>192</sup> Some examples of vote buying, investigated in Bulgaria: <https://euelectionsbulgaria.com/vote-buying-was-mass-sport-in-bulgaria-again/>; <https://btvnovinite.bg/bulgaria/razsledvane-na-btv-kandidat-deputat-poluchi-oferta-ot-dilari-na-glasove.html>

<sup>193</sup> Misuse of administrative resources means that public institutions and civil servants (e.g. Electoral Commission), who are supposed to fulfill their duties impartially, act in support of a political party or candidate, and misuse their organizational powers for partisan ends.

<sup>194</sup> According to the unofficial statistics of *Ti Broish*, the highest number of complaints received in April was during the counting process between 6 pm and 12 am on election night. More than 2 500 complains were submitted by observers in this period. In comparison, during the first half of election day – from 7 am until midday – roughly 2,000 signals were submitted by observers.

<ul style="list-style-type: none"> <li>To file a complaint</li> </ul>	<p>The volunteer writes down a short text describing the violation or misbehaviour that they have witnessed at the polling station. Afterwards, a member of the legal team receives the complaint and handles it, by either filing an official complaint to the Centre Electoral Commission, calling the police, communicating with other volunteers who can help out on the ground or other public authorities that can act immediately to help. (a picture of the interface for sending complaints is available in <i>Table 1</i>)</p>
<ul style="list-style-type: none"> <li>To send the voting results</li> </ul>	<p>The volunteer takes a photo of the official copy of the voting protocol, including the voting results, from the chair of the polling station (a CEC member) and uploads it into the app.</p>
<ul style="list-style-type: none"> <li>To livestream the counting process</li> </ul>	<p>The volunteer can stream the counting via the app. The app turns on the camera and transmits the video to the headquarters of <i>Ti Broish</i>.</p>

Another important function of *Ti Broish* was [reporting violations](#). *Ti Broish*'s app had a tab where observers could make a note of any misconduct and/or violation that they witnessed. After submitting their concern or signal via the app, the legal team either submitted an official complaint to the Central Electoral Commission or another authority that could immediately fix the problem, such as the police. The legal team could also communicate with other volunteers and coordinators on the ground who could intervene to resolve the situation.

**Figure 3.4 Visualisation of the interface of the application**

The image shows a screenshot of the 'Ti Broish' app interface for reporting a violation. The interface is in Bulgarian. Blue arrows point from English labels to the corresponding fields in the app:

- Municipality** points to 'Плевен' (Pleven).
- Name of settlement** points to 'Община \* Плевен' (Municipality \* Pleven).
- Polling** points to 'Населено място \* гр. Плевен' (Settlement \* City of Pleven).
- Polling section ID** points to 'Номер на секция 022' (Section number 022).
- Description of the violation** points to 'Единен номер на секция 152400022' (Unique section number 152400022).
- Send a picture** points to the 'Описание на нарушението\*' (Description of the violation\*) text area, which includes the instruction 'Опишете нарушението. Моля въведете повече от 20 символа.' (Describe the violation. Please enter more than 20 symbols).

At the bottom, there is a button labeled 'Изпрати снимка' (Send picture).

Source: *Ti Broish* – the application (training video). The English text is a non-official translation by the author.

Just before the second parliamentary elections in July 2021, the Electoral Code was amended to utilise [machine voting](#) exclusively at polling stations with more than 300 votes.<sup>195</sup> This amendment implied a change in strategy for *Ti Broish*, since machine voting reduced the potential for misreporting votes at every stage of counting by reducing

<sup>195</sup> Radio Free Europe, *Machine voting, new CEC, and no limit for sections abroad. What has changed in the Electoral Code* April 2021. <https://www.svobodnaevropa.bg/a/31229254.html>

the ability for human interference in the counting process. As a result, *Ti Broish* did not conduct a parallel counting where the machine voting took place. The main focus of *Ti Broish*'s platform remained on [election violation reporting](#). After the implementation of machine voting, reported violations dropped by half.

### Box 3.1 *Ti Broish* mobile application

[Machine voting](#) means the use of voting machines in elections. The machine fills in the ballot electronically after the voter selects the preferred party / candidate on the machine's touchscreen and prints a receipt with a QR code instead of using pens to fill in the preference on a ballot paper. After selection, the machine requests a confirmation of the choice and corrections are allowed. The voter folds the printed receipt and puts it in the ballot box. At the end of election day, the machine prints out a report of votes cast through the machine.

### Input

#### [Funds and human resources](#)

- The [budget](#) for establishing the initiative was around EUR 10,000. No person participating in the implementation has received remuneration. The cost of the initiative was mainly dedicated to the PR campaign – the digital campaign for advertisements and billboards.
- The main team of the initiative consisted of the IT specialists developing and maintaining the app (most of them volunteers), PR managers, and coordinators.
- The [legal team of 8 lawyers](#) recorded videos to train the volunteers, formed the legal basis to use the reporting app
- For the elections, [12,000 volunteers](#) (who needed IT literacy), who were also called 'vote keepers'
  - The volunteers were recruited by registering on the website's platform. There are no requirements in order to become a vote keeper, except having a mobile phone.
  - Their [training](#) was based on the methodological instructions presented by the CEC. *Ti Broish* published the trainings (9 videos of ca. 30 mins) <sup>196</sup> and sent to each vote keeper via email. There was also training on how to use the app and a visual interactive presentation on how to vote via machine. <sup>197</sup>
- [500 validators](#) (part of which were the volunteers) were stationed in the so-called Counting Centre of *Ti Broish* where they check the photos received via the app from the vote keepers and extract the numbers from the reports and to enter them in the data basis, so that they can be counted.
- The [pro-bono form of engagement](#) was based on the idea to target people who are interested in civic activism and to withstand any financial incentives that can distort the accountability of their actions.

### Outcome and impact

- [Increasing electoral accountability](#) of the Central Electoral Commission because the votes were counted in parallel to the official counting process. More complaints were filed to the CEC than in previous elections, potentially reducing the scope for misconduct and misuse of administrative resource. Regarding the complaints submitted by the observers, they have been dealt with through the legal team. Unfortunately, no report about their number or frequency of misconduct types has been published, so the information gathered about them has been retrieved through interviews. There is no further information regarding the storage of this data and its further use.
- [Increasing efficiency](#) of the state agencies (CEC and the State Agency Information Services), because of the civic pressure and machine voting at some stations. In comparison to previous elections, when the results were published in 3-4 days, in the 2021 elections publishing the results took 24 hours, given the parallel counting by the You Count initiative, as well as the public pressure to prevent parallel voting between election day and the

<sup>196</sup> The videos are available on the youtube page of *Ti Broish*: <https://www.youtube.com/channel/UCsJRBvGSb40XMP48R6AC-gw/videos>

<sup>197</sup> The interactive presentation is available here: <https://tibroish.bg/ti-glasuvash>

day when the results are published. In previous elections it took 3-4 days for election results counting to be finalised.

- Improving [knowledge about electoral procedures](#) in society: since the trained volunteers were strictly applying the most recent methodological instructions by the CEC and were pointing out violations or deviations from the established procedures, they indirectly trained and held to account the representatives of the CEC and improved their capacity for compliance with existing legislation. The representatives of the CEC are obliged to undergo training via the organisation that posts them. However, there is no mechanism supervising whether this training actually occurs or not, besides the requirement to present a document in which the representatives of the CEC have signed a statement that they received the instructions.

## Context

### Legal framework

Few conditions were necessary for the implementation of the practice:

- Amendments in the Electoral Code<sup>198</sup> provided the [legislation basis](#), which allowed the participation of observers in the election process, granting their access to monitor the voting and counting process, access to the final voting reports of each polling station and granting transparency, through measures that allow taking pictures of these voting reports.

### Institutions

- Openness to cooperate with the volunteers by the CEC representatives;
- A high level of civic engagement to exercise oversight over the responsible institutions.

## Limitations

- Observers' rights were sometimes violated due to [information gaps about the updates in the Electoral Code](#). These violations included prohibiting observers from watching vote counting or taking pictures of the protocols and Insufficient training of CEC representatives on what constituted violations and infringements.
  - E.g., in a few areas, volunteers were denied entrance due to their declarations being signed with electronic signatures. Many CEC representatives encountered electronic signatures for the first time and had doubts about proving its legitimacy.
- Technological limitations:** The mobile application crashed at the end of election day after 12,000 protocols were uploaded at more or less the same time.

Table 3.2 Analysis fiche

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>Increase transparency and accountability of the electoral process and bring more fairness to elections.</li> </ul>	<ul style="list-style-type: none"> <li>100 professional staff members:</li> <li>jurists</li> <li>IT specialists</li> <li>Coordinators</li> <li>PR team</li> <li>12,000 volunteers (to cover all</li> </ul>	<ul style="list-style-type: none"> <li>The initiative relies on 12 000 volunteers.</li> <li>The volunteers use a mobile application to report any infringements during election day.</li> </ul>	<ul style="list-style-type: none"> <li>There was an increase of reported infringements in comparison to any other previous elections.</li> <li>The Central Electoral Commission</li> </ul>	<ul style="list-style-type: none"> <li>The potential for problem solving is high due to:</li> <li>the indirect civil pressure that the volunteers apply to the institutions responsible</li> </ul>

<sup>198</sup> [Electoral Code](#) was adopted in 2014 and published in State Gazette, last amended on 31 April 2022

<ul style="list-style-type: none"> <li>Electoral fraud.</li> </ul>	<ul style="list-style-type: none"> <li>Bulgarian electoral areas)</li> <li>Validators (to enter the data from the pictures to the data basis)</li> <li>advanced IT equipment:</li> <li>mobile phones (for each volunteer)</li> <li>computers for gathering, validating, and analysing data.</li> <li>The initiative's preparation took 4 months.</li> </ul>	<ul style="list-style-type: none"> <li>The legal team handles the reports by the volunteers and sends them to the relevant authorities in the appropriate official manner.</li> <li>The volunteers send pictures from the electoral protocols via the app once the votes have been counted by the CEC representatives.</li> <li>After the polling stations close, a group of 500 validators enter the data from the protocols at the Counting Centre and count the votes, which are later aggregated and published on the initiative's website.</li> </ul>	<ul style="list-style-type: none"> <li>representatives acted with more accountability in the presence of volunteers serving to exercise civil control over the electoral processes.</li> <li>The State Information Service responsible for counting and publishing the votes (after the Central Electoral Commission counts them) published the election results more quickly than ever before. The initiative put indirect pressure on the public institutions to be more effective.</li> </ul>	<ul style="list-style-type: none"> <li>for implementing electoral processes</li> <li>the knowledge of the volunteers regarding the legal electoral framework</li> <li>the legal help volunteers received from lawyers involved with the initiative who immediately found legal solutions to challenges.</li> </ul>
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### 3.2.2 Austria: Re-Use of Open Data by Citizens – OffeneVergaben.at platform

#### Executive summary

The *OffeneVergaben.at* is an online platform to make public procurement contracts transparent and available for the public. Unlike similar governmental projects in other countries, like the Czech Republic or Slovakia, the platform has been created as a civil society initiative by the NGO "Forum Informationsfreiheit". The platform has been aggregating open data on procurement procedures and the award of contracts over EUR 50,000 from governmental sources and publishing it online since March 2019 in accordance with the Federal Procurement Act 2018.

#### Key words

Transparency, open data, citizen engagement, public procurement, Austria

**Table 3.3 Good practice fiche**

General information	Specifics
<b>Name</b>	OffeneVergaben.at (procurement search tool)
<b>Context</b>	Austria GDP/cap – (2021) EUR 51,631 – above average World Bank Control of Corruption – (2020) 90.87 – above average

General information		Specifics
		Trust in public administration – (2021) 66% – above average Population: 8.9 m - medium
<b>Timeframe</b>		Since 2020
<b>Reference</b>		<a href="https://www.offenevergaben.at">https://www.offenevergaben.at</a>
<b>Aim and objectives</b>		Transparency in public procurement: <ul style="list-style-type: none"> <li>• Searchable database</li> <li>• Disclosure of data including names of contractors and contract value</li> <li>• Alert system for law-enforcement authorities, investigative journalists and other key groups involved in revealing corruption and conflict of interests</li> </ul>
<b>Estimated cost of the practice</b>		Budget: Low (Below EUR 50,000 or pro bono) HR: Medium (Department of 4-9 people) Tech: High (AI or digital platform combining multiple data sets)
<b>Expected impact</b>		Fostering trust in public procurement by providing a minimum level of transparency.
<b>Category of corruption risk/ sector prone to corruption</b>		Public procurement
<b>Implementation mechanism</b>		Online platform => Disclosure through Open data => Monitoring & Enforcement through special authority (i.e., WKStA but also other public prosecutors' offices).
<b>Similar practices</b>		<ul style="list-style-type: none"> <li>• Opener (Estonia and Latvia)<sup>199</sup></li> <li>• Redflags (Hungary)<sup>200</sup></li> <li>• Tendersguru (Hungary, Poland, Romania, Spain)<sup>201</sup></li> <li>• Manovalstybe (Lithuania)<sup>202</sup></li> <li>• Tenderbase (various CEE countries)<sup>203</sup></li> <li>• Defence Elvis (various EU countries)<sup>204</sup></li> <li>• See also the umbrella NGO<sup>205</sup></li> </ul>
<b>Stakeholder's mapping</b>	<b>Target group</b>	<ul style="list-style-type: none"> <li>• Companies bidding for public contracts</li> <li>• Journalists</li> <li>• NGOs</li> <li>• Public sector</li> <li>• Start-ups</li> <li>• Special interest groups</li> <li>• General public</li> </ul>
	<b>Implementation</b>	<ul style="list-style-type: none"> <li>• NGO Forum Informationsfreiheit</li> <li>• Technical support:</li> </ul>

<sup>199</sup> Available at: <https://opener.ee/>

<sup>200</sup> Available at: <https://www.redflags.eu/>

<sup>201</sup> Available at: <https://tenders.guru/>

<sup>202</sup> Available at: <http://www.manovalstybe.info/>

<sup>203</sup> Available at: <https://transparencee.org/scaled-tool/tenderbase/>

<sup>204</sup> Available at: <https://defence.tenders.exposed/>

<sup>205</sup> Available at: <https://www.open-spending.eu/>

General information	Specifics
	<ul style="list-style-type: none"> <li>- Interactives OG, software development<sup>206</sup></li> <li>- Elvira Stein, design<sup>207</sup></li> </ul>

### Problem

The *OffeneVergaben.at* platform<sup>208</sup> has been created to overcome several problems, common to public procurement across most countries:

- **Low trust and high perception of corruption** in the public procurement system and tenders carried out by public authorities: the close intersection of the private and public sectors, as well as large amounts of money spent through public procurement procedures, increase incentives for corruption schemes in tenders. Specifically in Austria, about one in three (29%) businesses thinks that corruption has prevented them from winning a public tender or a public procurement contract.<sup>209</sup>
- **Weak whistle-blower protection** (e.g., Austria has yet to implement the EU whistle-blower directive)<sup>210</sup> often prevents exposure of conflict of interest in public procurement and increases demand for the external oversight by the watch-dog organisations, businesses, and the general public.
- If available, open data published by governments is often **difficult to analyse and understand for the regular citizens**. For instance, when hundreds of data sets had been published in line with open data requirements in Austria,<sup>211</sup> the gap of having accessible information remained, nevertheless.

The civil society initiative *OffeneVergaben.at* aims at reusing open data from public sector contracts and make it **accessible and comprehensive to the general public**, all groups of stakeholders are able to receive information about procurements realised by the government to detect possible red flags and indicate wasteful spending, problematic procedures, and conflicts of interest.

### Solution

OffeneVergaben.at fetches public procurement data from official sources, predominantly represented on the website <https://www.data.gv.at/>. Then it processes, cleans, and archives data on a daily basis.<sup>212</sup>

The main features of the *OffeneVergaben.at* platform include:<sup>213</sup>

- Representation of the **profiles** of all procuring government agencies (clients) and all supplying companies (contractors), as long as they appear in the open data;
- **Standardisation of the open data** with a help of source numbers (e.g., company register numbers) enabling correct assignment of orders to specific clients or contractors;
- **Interactive industry overview**;
- Comprehensive **search and filter options** for contracts allowing users to find and filter contracts that are relevant to them using a wide variety of criteria;

<sup>206</sup> Available at: <https://interactives.eu/>

<sup>207</sup> Available at: <https://elvira.stein.com/>

<sup>208</sup> Available at: <https://offenevergaben.at/>, (Accessed 8.06.2022).

<sup>209</sup> European Commission, *Flash Eurobarometer 482: Businesses' attitudes towards corruption in the EU*, December 2019

<sup>210</sup> Integrity Line. *Expert Guide: Whistleblowing Laws in the European Union*. 2022. <https://www.integrityline.com/expertise/white-paper/expert-guide-whistleblowing-laws-eu/> (Accessed 30 May 2022).

<sup>211</sup> Available at: <https://www.data.gv.at/>

<sup>212</sup> Netidee, *Offene Vergaben - Staatliche Auftragsvergaben werden nachvollziehbar – Endbericht* (Open contracts - State contracts become comprehensible - Final report), June 2020, pp. 4-5, [https://www.netidee.at/sites/default/files/2020-06/prj4012\\_Call13\\_Endbericht\\_V01\\_1.pdf](https://www.netidee.at/sites/default/files/2020-06/prj4012_Call13_Endbericht_V01_1.pdf) (Accessed 29 April 2022).

<sup>213</sup> Netidee, *Offene Vergaben - Staatliche Auftragsvergaben werden nachvollziehbar - Endbericht* (Open contracts - State contracts become comprehensible - Final report), June 2020, pp. 5-7, [https://www.netidee.at/sites/default/files/2020-06/prj4012\\_Call13\\_Endbericht\\_V01\\_1.pdf](https://www.netidee.at/sites/default/files/2020-06/prj4012_Call13_Endbericht_V01_1.pdf) (Accessed 29 April 2022).

Figure 3.5 Snapshot of the information available at the OffeneVergaben.at website

Offene Vergaben.at

Industry sectors client Suppliers assignments Downloads news

Seek

## assignments

Limit results

**text filter**  
Filter by designation, customer or supplier (enter at least 5 characters)

**order type**  
☐ tender  
☐ order

**Period**  
 from: dd.mm.yyyy  
 until: dd.mm.yyyy  
 parameter: Record updated

**Order or concession type**  
☐ construction contract  
☐ service contract  
☐ delivery order  
☐ building concession  
☐ service concession  
☐ delivery concession

**order volume**  
 from... - ...until

**bidder**  
 from... - ...until

**Category (CPV body)**  
 e.g. "construction work"

**Place of fulfillment**  
☐ International  
☐ Burgenland  
☐ Carinthia  
☐ Lower Austria  
☐ Upper Austria  
☐ Salzburg  
☐ Styria  
☐ Tyrol  
☐ Vorarlberg  
☐ Vienna

Filter

about 95,100 results

Set up notification for this search

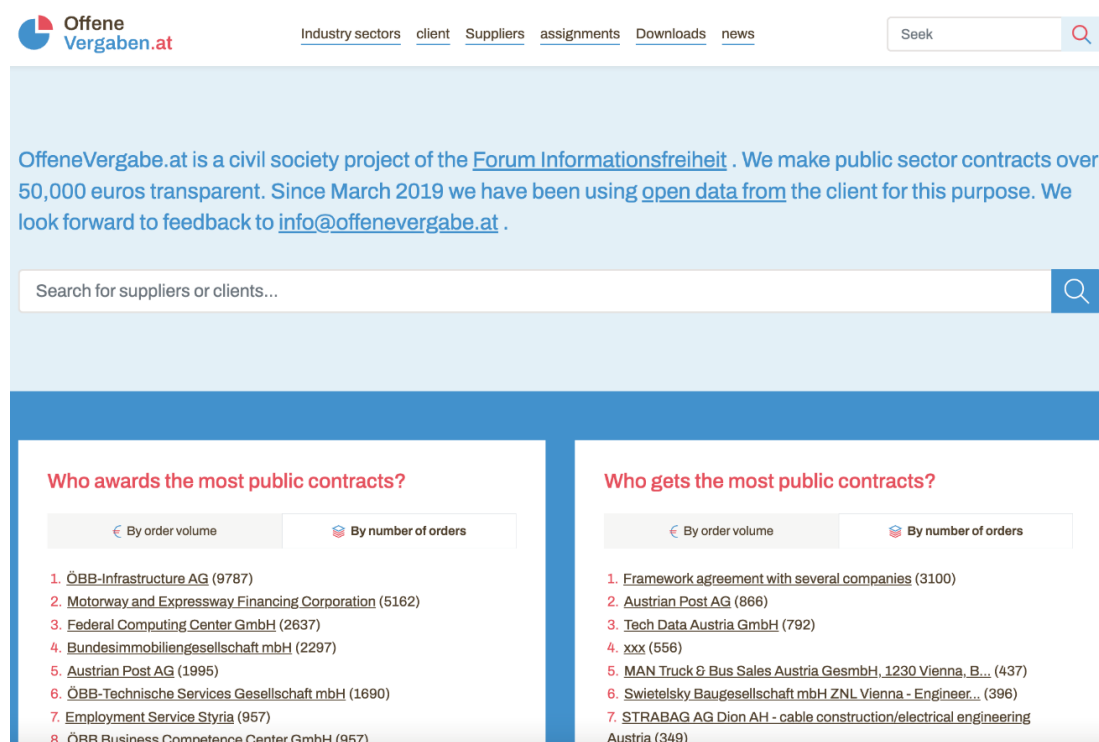
designation	client	supplier	bidder	total	updated
Re-entry with a future	Carinthia Labor Market Service	Carinthian Vocational Training Institute GmbH	1	423,837.87	05.10.2022
Package: Accounting / Payroll 2023	Carinthia Labor Market Service				05.10.2022
Retrieval from framework agreement Test-DL 2020, TLA, 4224822	Federal Computing Center GmbH	EBCONT group GmbH	1	53,600.00	05.10.2022
Classicism experiences in Austria - study	Federal Chancellery	SORA Institute for Social Research and Consulting	1	66,280.00	05.10.2022

Source: <https://offenevergaben.at/aufr%C3%A4ge>

- **Individualised notifications** allow users to subscribe to a corresponding email notification and be notified once new data records that match the searched results appear;
- **Bulk download of all data** allows one to save the platform's entire database<sup>214</sup> as a .CSV file, updated daily and automatically.

214 Forum Informationsfreiheit, <https://offenevergaben.at/downloads>, (Accessed 30 April 2022).

Figure 3.6 Snapshot of the information available at the OffeneVergaben.at website



Source: <https://offenevergaben.at/>

## Input

### Funds and human resources

The initiative to launch OffenVergaben.at was sponsored as part of the “netidee.at” call in 2018<sup>215</sup> and was funded by the Internet Foundation Austria.<sup>216</sup>

The resources needed for the development of the platform included:

- **Budget:** a one-time grant of EUR 40,000
- **Human resources:** the platform was created by a small team of *Forum Informationsfreiheit (FOI)* - an NGO committed to more transparency in administration, including two software developers and a user interface designer.

### Maintenance

Developers provide bug fixes to some extent on a pro bono basis to keep the system running.

## Data

- **Data sourcing:** continuous **automatic updating** of the platform’s content is provided by the actual procurement data available and continuously provided by public authorities via the open procurement data on the official website<sup>217</sup> and several other sources<sup>218</sup>, from which the data is extracted by the *OffeneVergaben.at* system.
- After it was created, the **source code** of the data scraper<sup>219</sup> and the platform<sup>220</sup> became **available on Github** under a **BSD 2-Clause “Simplified” License**, which permits free modification, distribution, private and commercial use without liability and warranty.

<sup>215</sup> Netidee, *Offene Vergaben - Staatliche Auftragsvergaben werden nachvollziehbar* (Open contracts - State contracts become comprehensible), Project Call #13, 2018, <https://www.netidee.at/offene-vergaben>, (Accessed 29 April 2022).

<sup>216</sup> Available at: <https://www.internetstiftung.at/>, (Accessed 29 April 2022).

<sup>217</sup> Available at: <https://www.data.gv.at/>

<sup>218</sup> The list of datasets/services used by OffeneVergaben.at, <https://www.data.gv.at/anwendungen/offenevergaben-at/>, (Accessed 31 May 2022).

<sup>219</sup> Available at: <https://github.com/Forum-Informationsfreiheit/OffeneVergaben-Scraper>, (Accessed 30 April 2022).

<sup>220</sup> Available at: <https://github.com/Forum-Informationsfreiheit/OffeneVergaben>, (Accessed 30 April 2022).

### Outcome and impact

Since its launch, the platform has seen a steady increase in users, as well as of processed data.<sup>221 222</sup> In its turn, *OffeneVergaben.at* has provided added value by bringing together, processing, enriching, and visualising the publicly available data sets and making them easily accessible to broader user groups,<sup>223</sup> besides promoting a general discourse on the usefulness of open data.

The positive effect of the *OffeneVergaben.at* platform is relevant to a broad spectrum of stakeholders, from public officials, law enforcement, private sector, academics, to civil society and citizens.<sup>224</sup> In particular, the platform:

- Improve **accountability** and the **possibility of detecting corruption** in public procurement:
  - The platform has been used as a source in journalistic articles<sup>225</sup> and parliamentary enquiries;<sup>226</sup>
  - As a result of journalist investigation, public prosecutors' offices investigated suspected procurement crimes. As a rule, this is the task of the Federal Public Prosecutor's Office for Economic Crime and Corruption (WKStA), which deals with corruption offences, economic criminal cases and financial crimes exceeding EUR 5 m.;
  - Control bodies, such as internal audits and audit offices, use the platform to analyse and control the use of public funds;
  - It provides an overview of whether a certain company supplies to the public sector, which allows tracing possible conflicts of interest or check the reliability to the provider;
- *OffeneVergabe.at* improves an **overview of the market**,
  - Public bodies can analyse each other's procurement experiences;
  - Pricing information for the public sector pays for certain services and goods has become more comprehensive;
  - Private sector can re-use the data to analyse the available and potential market, in particular, based on which goods and services the government is buying;
  - Private sector can analyse competitors and improve due diligence through the information, which companies are handling larger orders for the public sector
- The **public can understand** what the public sector is buying from whom, what is being done with taxpayers' money and whether the legal provisions are being implemented (for example, whether data on orders are published in accordance with the law).

### Context

#### Institutions

- **Institutional conditions:** The launch of the Federal Procurement Act 2018 (*Bundesvergabegesetz 2018*)<sup>227</sup>, which obliged public contracting authorities within the scope of the Federal Government to publish open data on contract awards amounting to EUR 50,000 or more on the official website <https://www.data.gv.at/>;

<sup>221</sup> Netidee, *Offene Vergaben - Staatliche Auftragsvergaben werden nachvollziehbar - Endbericht* (Open contracts - State contracts become comprehensible - Final report), June 2020, p. 4. [https://www.netidee.at/sites/default/files/2020-06/prj4012\\_Call13\\_Endbericht\\_V01\\_1.pdf](https://www.netidee.at/sites/default/files/2020-06/prj4012_Call13_Endbericht_V01_1.pdf), (Accessed 29 April 2022).

<sup>222</sup> Available at: <https://offenevergaben.at/auftraege>, (Accessed 30 April 2022).

<sup>223</sup> Federal Ministry for Digital and Economic Affairs, *Open Data Österreich - Anwendung OffeneVergaben.at* (Application *OffeneVergabe.at*, February 2020, <https://www.data.gv.at/anwendungen/offenevergaben-at/>, (Accessed 29 April 2022).

<sup>224</sup> Netidee, *Offene Vergaben - Staatliche Auftragsvergaben werden nachvollziehbar - Endbericht* (Open contracts - State contracts become comprehensible - Final report), June 2020, p. 3-4, [https://www.netidee.at/sites/default/files/2020-06/prj4012\\_Call13\\_Endbericht\\_V01\\_1.pdf](https://www.netidee.at/sites/default/files/2020-06/prj4012_Call13_Endbericht_V01_1.pdf), (Accessed 29 April 2022).

<sup>225</sup> Ibid.

<sup>226</sup> Widmann, A., "Kaufhaus Österreich", "Stopp Corona"-App und die vielen Aufträge für Accenture, <https://www.derstandard.at/story/2000124141852/kaufhaus-oesterreich-stop-corona-app-und-die-vielen-auftraege-fuer>, (in German only), (Accessed 31 May 2022).

<sup>227</sup> Available at: [https://www.parlament.gv.at/PAKT/VHG/XXVII/J/J\\_06577/fname\\_955310.pdf](https://www.parlament.gv.at/PAKT/VHG/XXVII/J/J_06577/fname_955310.pdf), (in German only), (Accessed 31 May 2022).

<sup>227</sup> Federal Chancellery Legal Information System, 65. *Bundesgesetz, mit dem ein Bundesgesetz über die Vergabe von Aufträgen (Bundesvergabegesetz 2018) und ein Bundesgesetz über die Vergabe von Konzessionsverträgen (Bundesvergabegesetz Konzessionen 2018 - BVergGKonz 2018) (Vergaberechtsreformgesetz 2018)* (Amendment of the Federal Act on Public Tenders), StF: BGBl I 65/2018, § 66, 2018 [https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA\\_2018\\_I\\_65/BGBLA\\_2018\\_I\\_65.html](https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_I_65/BGBLA_2018_I_65.html), (in German only), (Accessed 29 April 2022).

- **Technical conditions:** The platform is **dependent on the availability of open data**, which should already be provided by all EU member states, given the EU minimum standards. In case of Austria, this data is provided via API by the Federal open data portal;
- **Technical cooperation of civil society and governmental agency:** constructive relationships with developers from the portal, run by the Austrian Federal Computing Centre (Bundesrechenzentrum, BRZ) were important to make the project successful. The positive factor which helped achieve success is a comprehensive understanding of the structure of public procurement data by the software developers created OffeneVergaben.at.<sup>228</sup> This knowledge helped them interact and manipulate the data effectively;
- **Engagement of civil society:** Stakeholders like journalists and NGOs provide additional benefits in promoting the platform.

### Limitations

- The most important challenges relate to regulatory framework:
  - the **lack of full contract data** which would allow much more sophisticated analysis;
  - As of today, the platform can only work with limited keywords (one or two sentences that describe the nature of the contract) because the Austrian government does not provide full procurement contracts compared to some other EU member states.
- problems with **data quality** provided by the government:
  - there are gaps or misspellings in bidding data, making it difficult in some cases to identify contracting partners;
  - According to FOI, Austria does not use the emerging Open Contracting Data Standard (OCDS), which would facilitate public scrutiny;<sup>229</sup>
  - unclear procurement framework agreements and ex-post contract changes make data processing difficult.

For these reasons, the platform does not currently facilitate drawing any conclusions about whether the government, e.g., overpaid a contractor. Furthermore, according to the law, there is no guarantee that the government provides all contracts. There have been cases where State-owned enterprises refused to disclose the number of bidders, without any consequences, given the lack of oversight by a competent authority (such as an ethics office) that could check the compliance.

Additional value could be generated by connecting OffeneVergaben.at with other public databases. As of today, the public has **no access to the beneficial ownership registry** (WiReG<sup>230</sup>). Access to this database would allow OffeneVergaben.at to discover (currently undisclosed) conflicts of interests of politicians and government officials.

**Table 3.4 Analysis fiche**

Ensuring transferability and applicability		Verifying effectiveness		
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• lack of a freedom of information act and whistle-blower protection</li> <li>• low trust in public procurement.</li> </ul>	<ul style="list-style-type: none"> <li>• Budget: EUR 40,000</li> <li>• Two software developers and one user interface designer</li> </ul>	<ul style="list-style-type: none"> <li>• Source code freely available to third parties</li> <li>• Profiles of procuring</li> </ul>	<ul style="list-style-type: none"> <li>• Improved possibility for law enforcement agencies, journalists and watch dog</li> </ul>	<ul style="list-style-type: none"> <li>• The tool should save public funds by disclosing conflicts of interest if connected to beneficial</li> </ul>

<sup>228</sup> Available at: <https://offenevergaben.at/>

<sup>229</sup> Available at: <https://standard.open-contracting.org/latest/en/>, (Accessed 30 April 2022).

<sup>230</sup> Ministry of Finance, Beneficial owners register, <https://www.bmf.gv.at/en/topics/financial-sector/beneficial-owners-register-act/Register-of-Beneficial-Owner.html>, (Accessed 30 April 2022).

Ensuring transferability and applicability			Verifying effectiveness	
<ul style="list-style-type: none"> <li>Lack of transparency in tendering procedures</li> </ul>	<ul style="list-style-type: none"> <li>Open procurement data shared by public entities (via API) available.</li> </ul>	<ul style="list-style-type: none"> <li>government agencies</li> <li>Interactive industry overview</li> <li>Search and filter contracts.</li> <li>Individualised notification</li> <li>Bulk download of data</li> </ul>	<ul style="list-style-type: none"> <li>organisations to detect corruption in public procurement</li> <li>Increased transparency: public procurement has become more transparent and competitive.</li> <li>Allows economic re-use of data through better market overview</li> </ul>	<ul style="list-style-type: none"> <li>ownership register, which is currently not available to the public.</li> <li>The platform should also contribute to maintaining high level of trust in the public procurement process with full transparency and minimal corruption risks possible.</li> </ul>

### 3.2.3 Poland: Citizen engagement in legislative process – Online public consultations

#### Executive summary

The *Government Legislative Process* online portal in Poland is an example of the ICT-based solution for both increasing transparency as well as citizen engagement on the input side of decision-making. The portal aims to improve the legislation process in three ways: by increasing transparency, enabling the oversight of lobbying, and fostering public consultations.

#### Key words

Citizen engagement, public consultation, online, legislative process, lobbying, transparency, Poland

**Table 3.5 Good practice fiche**

General information	Specifics
<b>Name</b>	Government Legislative Process online portal and online public consultation conferences
<b>Context</b>	Poland GDP/cap – (2021) EUR 16,873 – below average World Bank Control of Corruption – (2020) 73.08 – below average Trust in public administration – (2021) 38%– above average Population: 38.3 m - large
<b>Timeframe</b>	Since 2011/ 2020
<b>Reference</b>	<a href="https://legislacja.rcl.gov.pl/">https://legislacja.rcl.gov.pl/</a>
<b>Aim and objectives</b>	<ul style="list-style-type: none"> <li>increasing transparency of legislative process,</li> <li>enabling the oversight of lobbying</li> <li>fostering public consultations</li> </ul>
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)

General information		Specifics
<b>Expected impact</b>		Fostering public trust in political decision making by making decision making more transparent and public consultation more accessible
<b>Category of corruption risk/ sector prone to corruption</b>		Undue influence and corruption in the legislative process
<b>Implementation mechanism</b>		Opening the process of drafting laws to the public for oversight and consultations => disclosing positions of interest representatives => enabling public monitoring and engagement of a broad range of stakeholders and regular citizens
<b>Similar practices</b>		Article 15 of the Treaty on the Functioning of the European Union; <sup>231</sup> Chapter VII of the European Commission's Better regulation guidelines <sup>232</sup>
<b>Stakeholder's mapping</b>	<b>Target group</b>	Interest representatives, participants of public consultation, watch-dog NGOs, and journalists
	<b>Implementation</b>	Government Legislation Centre; Ministries responsible for concrete legislative processes

### Problem

Undue influence and corruption in legislative process are challenging for several reasons:

- These practices are **difficult to trace and to criminalise** due to the lax regulations;
- The **legislation is difficult to improve**, because vague legislation is in interest of political parties, who would bring about the change only upon external pressure;
- The **outcome of corruption on the input side of policy-making** - in the legislative process – is damaging because it results in legislation that benefits individual interests and can be ineffective or even harmful to the public.

**Transparency** of the legislative process is a necessary but insufficient step to improve the legislative process in the interest of the broader public. Different forms of **citizen engagement** – e.g., in form of public hearings, consultations, petitions, etc. – open up the legislative process for monitoring, as well as communication of citizens' preferences between elections. In addition to complex coordination, the COVID-19 pandemic challenged participatory practices in person. However, constantly improving technology creates new opportunities not only for better transparency, but also for online coordination and facilitation of citizen engagement, such as public consultations.

The case of the *Government Legislative Process* online portal in Poland is an example of the ICT-based solution for both, increasing transparency as well as citizen engagement on the input side of decision-making. The shortcomings to its impact, especially with regards to lobby regulations, are rather related to the general gaps in legislation. However, the combination of three functions – publishing legislation drafts, facilitating public consultations, as well as disclosing the lobby propositions of interest groups – is worth considering in other EU countries.

### Solution

The Government Legislative Process portal (hereafter: the portal) is an ICT system that presents the Government's work on legislation. It was launched in 2011 and since then it brings together all previously dispersed information on the government's legislative process.

The portal aims to improve the legislation process in three ways: increasing transparency, enabling the oversight of lobbying, and fostering citizen engagement.

<sup>231</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, OJ C306 (TFEU)

<sup>232</sup> European Commission. *Better Regulation Guidelines*. November 2021. [https://commission.europa.eu/system/files/2021-11/swd2021\\_305\\_en.pdf](https://commission.europa.eu/system/files/2021-11/swd2021_305_en.pdf)

First, to **increase transparency of the legislative process**, the portal:

- provides access to the contents of drafts of legal acts (including justification and regulatory impact assessment);
- presents information on the stage of the legislative process together with documents created during these stages (i.e., opinions of entities and authorities engaged in a process);
- allows for tracking the changes occurring in the texts of drafts;
- covers information on drafts of new acts and ordinances prepared by ministers, the Council of Ministers, the Prime Ministers, as well as the Chairperson of the Public Benefit Committee;
- publishes drafts of ex-post impact assessments of legislation;
- includes an advanced search engine,<sup>233</sup> covering such search categories as draft, stage of a legislative process, draft status, date of creation, title of a draft, keywords, name of the entity responsible for a draft or name of legal acts changed by a draft, as well as a notification system for registered users by which they can subscribe to a newsletter with information regarding a specific legislative process or a subject category.<sup>234</sup>

Every draft has its own dedicated webpage which may be accessed from the main site of the portal or through a dedicated search engine. Each draft's webpage contains specific links<sup>235</sup> to:

- the list of legislative and program work of the Council of Ministers or specific ministers, which include basic descriptive information about concrete legislative plans of the government and its members<sup>236</sup>;
- the pages of the lower house of parliament (Sejm), where it is possible to follow the further development of the bills within the parliamentary legislative process;
- the Journal of Laws of the Republic of Poland if the bill has become binding law.

Access to documents is publicly opened without any registration. Drafts of acts, their justifications and impact assessments are usually published in electronic formats, such as .pdf, .doc or .docx, while the documents sent by participants of public consultations or bodies issuing opinions on drafts can be scanned.<sup>237</sup>

Second, the portal is a basic tool for entities interested in monitoring legislative processes or concerned with specific regulation drafts. It **discloses documents provided by lobbyists**, who are professionally representing groups of interest.

Third, to improve **citizen engagement** in legislation, the portal

- informs the stakeholders about the ongoing consultation,
- if consultations are conducted, announcements about them are published on the webpage of a draft with the information of how stakeholders can send their positions. Information includes the deadline, a form, whether an entity conducting consultations decided to use one, and an email address to which positions may be sent;
- publishes stakeholders' positions and government replies. The portal also allows users to submit their comments directly from the project website;<sup>238</sup>
- publishes a report from consultations, that each public body that is conducting a consultation is obliged to provide;<sup>239</sup>
- in case of high interest in the draft law, when a lot of entities take an active part in the written stage of a consultation process and issue a significant number of remarks to the bill, a consultation conference will be

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<sup>233</sup> Available at: <https://legislacja.rcl.gov.pl/szukaj?>

<sup>234</sup> Registration is open to anyone interested. <https://legislacja.rcl.gov.pl/konto/rejestruj>

<sup>235</sup> See for example the draft of the act on special solutions related to special use of forest land <https://legislacja.rcl.gov.pl/projekt/12348950> (Accessed 8 July 2022)

<sup>236</sup> The list run by the Council of Ministers is published in accordance with article 3 of the act on lobbying activities in the law-making process and is accessible at <https://www.gov.pl/web/premier/wplip-rm>.

<sup>237</sup> See for example the draft of the act amending the act on spatial planning and development and certain other acts where both PDF and DOC files were published: <https://legislacja.rcl.gov.pl/projekt/12359051/katalog/12873801#12873801> (Accessed 8 July 2022)

<sup>238</sup> Rządowy Proces Legislacyjny. Opis działania. Pomocnik użytkownika, Rządowe Centrum Legislacji, 2018. p. 7. <https://legislacja.rcl.gov.pl/help/PomocnikUzytkownika.pdf> (Accessed 9 July 2022)

<sup>239</sup> See §51 of the Rules of procedure of the Council of Ministers. See for example results of public consultations on the draft of act on transparency of public life: <https://legislacja.rcl.gov.pl/projekt/12304351/katalog/12465407#12465407> (Accessed 8 July 2022)

organised. During such conferences, a ministry usually presents the result of consultations and seeks compromises between their own draft law and the expectations presented by the stakeholders.<sup>240</sup>

Since 2020, the [online format of consultation conferences](#) was set up, to guarantee that the conferences will be conducted even in the time of the COVID-19 pandemic and that the engaged stakeholders have the same access to the legislative process as before. The aim of the conference is to give a definitive answer to the comments made in the consultation and to publicly explain the outcome of the consultation in a transparent way.

In the [preparation](#) stage of the online public consultation, the invitation for the conference is sent directly to the stakeholders participating in the written stage of public consultation,<sup>241</sup> or additionally published on the website of the Government Legislative Process portal.<sup>242</sup> The invitation includes information about the online format of a conference and an e-mail address to register with for the conference. The link for participation in the conference was sent before its beginning. The rest of the conference did not differ from its ordinary, offline format.

### Input

#### [Learning from experience](#)

The body responsible for running of the portal is the Government Legislation Centre, which additionally “ensures the coordination of the legislative activity of the Council of Ministers, the Prime Minister and other government administration bodies, and provides legal services to the Council of Ministers”.<sup>243</sup>

#### [Funds and human resources](#)

The implementation of the online portal requires:

- [Intragovernmental collaboration](#), in which several entities are engaged:
  - [A Coordinator, who](#) is responsible for the technical aspects of a legislative portal, including frontend and backend, delivery of support to users (including stakeholders and representatives of authorities responsible for uploading documents), back up and IT security. In the case of Poland, this role is performed by the Government Legislation Centre.
  - [Implementors](#) are representatives of other public authorities, leading specific legislative processes, maintaining the legislation drafts' webpages, and conducting public consultation.
- [Technical support](#), incl.
  - properly trained staff,
  - an appropriate website with server facilities,
  - security solutions and the possibility of making backups.
- [Financial resources](#):<sup>244</sup>
  - creation and implementation (including trainings) of the IT tools - ca. EUR 500,000 (PLN 2.5 million)
  - technical support for the portal - ca. EUR 30,000 (PLN 135,000)
  - audit of IT solutions – ca. EUR 22,500 (PLN 110,000)
  - backup services – ca. EUR 175,000 (PLN 850,000)
  - security services ca. EUR 160,000 (PLN 770,000).

<sup>240</sup> Paragraph 47 of the Resolution no 190 of the Council of Ministers of 29 October 2013 - Rules of Procedure of the Council of Ministers (Uchwała nr 190 Rady Ministrów z dnia 29 października 2013 r. - Regulamin pracy Rady Ministrów), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20220000348/O/M20220348.pdf> (Accessed 20 May 2022)

<sup>241</sup> As it was in the case of the Bill amending the Act on Electromobility and Alternative Fuels and certain other acts, <https://legislacja.rcl.gov.pl/projekt/12340506/katalog/12740110#12740110> (Accessed 20 May 2022)

<sup>242</sup> As it was in the case of the Bill on open data and re-use of public sector information, <https://legislacja.rcl.gov.pl/docs/2/12337400/12711408/12711413/dokument474446.pdf> (Accessed 20 May 2022)

<sup>243</sup> Available at: <https://rcl.gov.pl/o-rcl/kim-jestesmy/> (Accessed 9 July 2022)

<sup>244</sup> Two last categories are related to all web-based services run by the Government Legislation Centre, while all other were directly related to the portal. All figures mentioned should be considered indicative only as they undoubtedly do not cover all costs in the categories described, nor do they include personnel and equipment costs, which are likely to be substantial.

### Maintenance

If a public consultation procedure exists and the authorities use remote communication software, the introduction of the practice does not entail additional costs or increased use of human resources. A certain exception may be the provision of software licences allowing a significant number of users (even several hundreds of people) to participate in a meeting and the possible technical support for maintaining such a large online meeting. In the absence of appropriate tools, their purchase, staff training and implementation of the software (possibly involving equipment costs) is required.

### Outcome and impact

Some positive outcomes of the online portal include:

- **Transparency:** Before introducing the portal, information on the government legislative process was scattered across a dozen pages.<sup>245</sup> There was no common standard of publication, file formats, conducting public consultation nor informing on which stage the process is. Currently, the portal contains information on over 18,600 drafts<sup>246</sup> and is the main source of information for stakeholders<sup>247</sup> and media.<sup>248</sup> The portal increases transparency of legislative process and makes it easier to access public information on specific drafts. In addition, it leads to increased equality of access to such information.
- **Public monitoring:** The portal enables tracing the legislative footprint. If all procedures are implemented properly, it allows tracking stakeholders influence on the content of a draft law.<sup>249</sup> The portal is used by many watchdog organisations and media. It is one of the main tools used by the Citizens' Legislative Forum – a group of experts representing civic society who monitor transparency and the quality of the legislative processes. The Forum also monitors compliance with the rules for publishing documents on the portal.<sup>250</sup>
- **Citizen engagement:** The practice of online public consultations proved, that it is possible to organise consultation despite the pandemic. Moreover, online consultations sped up the process (in comparison to organising an ordinary face-to-face meeting), lowered the costs of participation, and enabled more stakeholders to participate in a consultation conference (especially those who are located outside Warsaw).

### Context

#### Legal framework

- An active **cooperation** between the body coordinating the operation of a legislative portal with the bodies substantively responsible for the specific legislative process is crucial.

#### Institutions

- Institutional conditions:
  - The portal functions based on the Rules of Procedure of the Council of Ministers, which regulate in detail who is responsible for publishing concrete documents on every stage of a legislative process.<sup>251</sup>

<sup>245</sup> Rządowy Proces Legislacyjny. Opis działania. Pomocnik użytkownika, *Rządowe Centrum Legislacji*, p. 3, <https://legislacja.rcl.gov.pl/help/PomocnikUzytkownika.pdf> (Accessed 9 July 2022)

<sup>246</sup> As of 10 July 2022, the number of published drafts equals exactly 18 622 dated since 8 February 2011. <https://legislacja.rcl.gov.pl/szukaj?pSize=0&#list> (Accessed 10 July 2022)

<sup>247</sup> See reports prepared by the Citizens' Legislative Forum for which the portal remains one of the main sources of information. The latest 14th report may be downloaded at: <https://www.batory.org.pl/publikacja/polski-bezlad-legislacyjny-raport-obywatelskiego-forum-legislacji-z-pierwszych-dwoch-lat-ix-kadencji-sejmu/> (Accessed 8 July 2022)

<sup>248</sup> See one of the articles informing about the content of legislation based on documents disclosed on the portal: M. Siudaj, Podatek minimalny zostanie zawieszony na rok? Opublikowano projekt ustawy, *Gazeta Prawna*, 28 June 2022, <https://podatki.gazetaprawna.pl/artykuly/8480910.zawieszenie-podatku-minimalnego-projekt-ustawy.html> (Accessed 10 July 2022)

<sup>249</sup> See reports published in the process concerning the draft of the regulation of the Minister of Climate and Environment amending the regulation on detailed rules for shaping and calculating tariffs and settlements in electricity trade which show substantial influence of the regulation content made by energy companies. <https://legislacja.rcl.gov.pl/projekt/12353512/katalog/12830921#12830921> (Accessed 8 July 2022)

<sup>250</sup> Polski Bezład Legislacyjny. Rządowy i parlamentarny proces legislacyjny w pierwszych dwóch latach IX kadencji (15 listopada 2019 – 15 listopada 2021). XIV raport Obywatelskiego Forum Legislacji, *Fundacja Batorego*, 2022, p. 57, [https://www.batory.org.pl/wp-content/uploads/2022/04/Polski.BezLad.Legislacyjny\\_XIV.Raport.Obywatelskieg.Forum\\_.Legislacji.pdf](https://www.batory.org.pl/wp-content/uploads/2022/04/Polski.BezLad.Legislacyjny_XIV.Raport.Obywatelskieg.Forum_.Legislacji.pdf) (Accessed 9 July 2022)

<sup>251</sup> See §52, 57, 70, 80, 80e, 97, 131, 138, 146, 156 of the Rules of procedure of the Council of Ministers.

- The portal fulfils governmental obligations set in the Act on lobbying activities in the law-making process at the same time.<sup>252</sup>
- The effective implementation of the practice requires appropriate [legislative amendments](#), that will eliminate the risk of circumventing the procedure of publishing the course of the legislative process and corresponding documents on a portal. Such guarantees may be based on a rule that a legislative process cannot be conducted or continued without complying with a procedure of disclosure of documents on a portal.
- [Openness of administration, citizens and legislation to new technologies and digital solutions](#): A very important element of the practice is the informalisation of the legislative procedure, primarily in the field of public consultations, and enabling it to be conducted in electronic form. The implementation of the practice will not be successful without [proper training](#) of the officials.
- [Technological conditions](#), incl.:
  - proper IT security of a portal, including backup procedures;
  - user friendly form of a portal and machine-readable formats of documents, guaranteeing easy access and use for stakeholders as well as representatives of authorities responsible for documents upload.

The proper implementation of the [online public consultations](#) should additionally include:

- an adequate form of informing about the organisation of a meeting which will be addressed to a broad catalogue of stakeholders potentially interested in the legislative process;
- recording of a meeting;
- online publication of the recording and minutes;
- online publication whether and to what extent the meeting influenced the content of a legislative act.

## Limitations

Main limitations are connected to the gaps in the underlying [regulations](#):

- It can happen that reports are published with a severe delay (even after the government legislative process stage is finished<sup>253</sup>) or not published at all.<sup>254</sup> Such situations should be [recognised as a violation](#) of the Rules of Procedure of the Council of Ministers.
- Due to the [narrow definition of professional lobbying](#),<sup>255</sup> usually no documents are published in that section as registered professional lobbyists are not undertaking any official activities during a legislative process and bypass the obligation for disclosure in this way.<sup>256</sup>
- After the online public consultation conferences that were recorded, recordings were published.<sup>257</sup> Moreover, sometimes no results of the conferences were published.<sup>258</sup>
- The practice should be applied not only to the legal acts, but also to the regulations, so that it can be permanently embedded in the legislative process. Otherwise, its effectiveness might be questionable, and the practice can easily vanish.
- [Technical limitations](#):

<sup>252</sup> See articles 5 and 6 of the act of 7 July 2005 on lobbying activities in the law-making process (Ustawa z dnia 7 lipca 2005 r. o działalności lobbingskiej w procesie stanowienia prawa), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20051691414/U/D20051414Lj.pdf> (Accessed 8 July 2022)

<sup>253</sup> See for example the draft of the act amending the act on providing information about the environment and its protection, public participation in environmental protection and environmental impact assessments, and some other laws where report was published a week after a parliamentary stage of the legislative process had started. <https://legislacja.rcl.gov.pl/projekt/12321402/katalog/12578819#12578819> (Accessed 8 July 2022)

<sup>254</sup> See the draft of the act amending the act on electromobility and alternative fuels and certain other laws in case of which a report has not been published. <https://legislacja.rcl.gov.pl/projekt/12340506/katalog/12740116#12740116> (Accessed 8 July 2022)

<sup>255</sup> Kwiatkowski, B., Lobbying – a risk or an opportunity? Lobbying regulation in the Polish, Slovak, and Czech perspective, *Frank Bold*, 2016, p. 21, <https://blog.frankbold.pl/frank-bold-lobbying-a-risk-or-an-opportunity/> (Accessed 8 July 2022)

<sup>256</sup> Kwiatkowski, B., Pozorna regulacja lobbingu. Stosowanie ustawy lobbingskiej przez wybrane organy władzy publicznej, *Frank Bold*, 2017, [https://blog.frankbold.pl/wp-content/uploads/2020/10/B.-Kwiatkowski\\_Pozorna-regulacja-lobbingu.-Stosowanie-ustawy-lobbingowej-przez-wybrane-organy-w%C5%82adzy-publicznej.pdf](https://blog.frankbold.pl/wp-content/uploads/2020/10/B.-Kwiatkowski_Pozorna-regulacja-lobbingu.-Stosowanie-ustawy-lobbingowej-przez-wybrane-organy-w%C5%82adzy-publicznej.pdf) (Accessed 8 July 2022)

<sup>257</sup> Izdebski, K., Wpływ pandemii COVID-19 na proces legislacyjny [in:] Polski BezŁad Legislacyjny. Rządowy i parlamentarny proces legislacyjny w pierwszych dwóch latach IX kadencji (15 listopada 2019 – 15 listopada 2021). XIV raport Obywatelskiego Forum Legislacji, *Fundacja Batorego*, 2022, p. 21, <https://www.batory.org.pl/wp-content/uploads/2022/04/Polski-BezŁad-Legislacyjny-XIV-Raport-Obywatelskiego-Forum-Legislacji.pdf> (Accessed 20 May 2022)

<sup>258</sup> See legislative processes mentioned in footnotes 3 and 4. In terms of the Bill amending the Act on Electromobility and Alternative Fuels and certain other acts the Ministry of Climate and Environment has not published till today its replies to comments of stakeholders nor any information about the conference which was held on 12-13 January 2021.

- Insufficient accessibility
- Digitally excluded people, whose access to the portal might be hindered, should be considered;
- The portal does not include an option to compare different versions of published drafts, nor are consolidated versions of amended acts published. If users want to make a comparative analysis of different versions of a draft or to see drafted amendments incorporated to a text of an original act, they have to download them from different sections of a draft webpage and compare by themselves.

**Table 3.6 Analysis fiche**

	Ensuring transferability and Verifying effectiveness applicability			
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Fragmented information about the decision-making; Unregistered lobbying and untransparent influence of a legislative process; Limited possibilities for public consultations in person.	Budget for technological implementation: up to EUR 1 million; Properly trained IT staff; Coordination body, ensuring collaboration of the implementing bodies	Publishing the legislative footprint; Disclosing influence of interest representatives; Engaging broader public and stakeholders through consultations	Improved: Transparency of legislative process; Accessibility to the public consultations; Public monitoring of legislation process.	Increasing equality in the legislative process; Decreasing possibilities for undue influence

## 4 Collective action

### 4.1 Introduction to the practice

#### Definition

Collective action means multi-stakeholder collaboration to address common challenges and to achieve shared goals. Collective action for anti-corruption means sustained cooperation between stakeholders in the private and public sectors, civil society, and international organisations with the purpose to tackle shared problems of corruption and raise integrity standards.<sup>259</sup>

Table 4.1 compares **characteristics** of collective action initiatives to accountability initiatives:

**Table 4.1 Characteristics of Collective Action initiatives**

Collective action initiatives	Accountability initiatives
<ul style="list-style-type: none"> <li>• Voluntary</li> <li>• Non-hierarchical</li> <li>• Negotiation of shared values</li> <li>• Based on <i>mutual</i> accountability</li> <li>• Soft sanctioning (e.g., exclusion from the network or losing reputation)</li> </ul>	<ul style="list-style-type: none"> <li>• Compulsory</li> <li>• Hierarchical (agent is answerable to the principal)</li> <li>• Based on the formally prescribed, legal norms</li> <li>• Based on enforcement</li> <li>• Hard sanctioning measures (administrative or criminal responsibility, requires legal actions)</li> </ul>

There are several **typologies** of collective action:<sup>260</sup>

- Elite level coalitions of government, private sector, and civil society vs grass-root coalitions, involving citizens in key governance processes
- Persuasive (e.g., petitioning or lobbying) vs confrontational (e.g., demonstrations)
- Individualistic vs collectivistic
- Punishable vs unpunishable

#### International standards

- European Commission - Improving how funds are invested and managed: Integrity Pacts.<sup>261</sup>
- EU Commissions' Decision-maker's Guide to collaborative public contracting monitoring.<sup>262</sup>

#### Mechanisms

- **Mechanism 1: Integrity coalitions and networks** are communication-based platforms for dialogue and exchange about integrity-related issues, involving multiple stakeholders with the aim to foster mutual understanding, overcome information gap, share ideas and experience, initiate partnerships.
- **Mechanism 2: Integrity pacts** are "fair-play" commitments in public procurement between a government procurement authority and bidding companies, who agree to avoid bribery, corruption, or collusion. An Integrity Pact typically involves an independent monitor and a clear process for reporting, resolving and sanctioning integrity issues.<sup>263</sup>

<sup>259</sup> Available at: <https://baselgovernance.org/collective-action/faqs-collective-action>

<sup>260</sup> Wheatland, B., and Chêne, M., *Barriers to Collective Action against Corruption*. U4 Anti-Corruption Resource Centre. 2015. <https://www.u4.no/publications/barriers-to-collective-action-against-corruption.pdf>.

<sup>261</sup> Available at: [https://ec.europa.eu/regional\\_policy/en/policy/how/improving-investment/integrity-pacts/](https://ec.europa.eu/regional_policy/en/policy/how/improving-investment/integrity-pacts/)

<sup>262</sup> Available at: [https://ec.europa.eu/regional\\_policy/sources/policy/how/improving-investment/integrity-pacts/guide\\_decision\\_makers\\_en.pdf](https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/integrity-pacts/guide_decision_makers_en.pdf)

<sup>263</sup> Available at: <https://baselgovernance.org/b20-collective-action-hub/integrity-pacts>

- **Mechanism 3: Public-private partnerships for integrity** regard joint work between representatives of the public and private sectors to create a system of integrity for a specific sector or issue (e.g., public procurement). Activities range from setting and conducting review mechanisms and compliance assessment, to joint training programs and facilitation of sustained dialogue.

### Potential results

#### • Increasing trust

Collective action initiatives are based on the voluntary commitment to the shared values. Although there are no hard sanctions in place, the initiatives place a great deal of focus on observation of the process as a decisive factor in the achievement of the initiative's objectives.<sup>264</sup> The trust-building mechanisms include both detection as well as follow-up and correction mechanisms.

**Figure 4.1 Increasing trust**



#### • Ensuring integrity as a social norm

Voluntary engagement in collective action indicates that the stakeholders value long-term cooperation more than the short-term advantages of acting alone or cheating. Every stakeholder commits to the preliminary negotiated or predefined values that provide the basis for collaboration. Thus, in order to engage, every stakeholder admits the awareness of shared values. All stakeholders expect that others will comply with the negotiated norm because of the voluntary commitment and awareness about the benefits of cooperation. Mutual expectation of compliance fosters integrity as a social norm, i.e., every stakeholder behaves according to the shared values even if no one is watching, which prevents corruption.

**Figure 4.2 Ensuring integrity as a social norm**



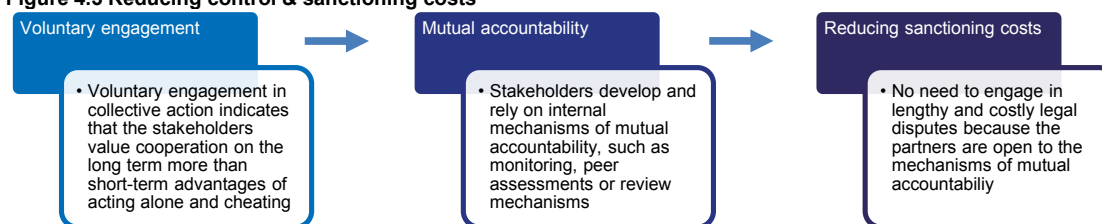
#### • Reducing control & sanctioning costs

Collaboration based on trust reduces massively control and sanctioning costs.<sup>265</sup> In addition, collective action initiatives develop internal mechanisms of *mutual* accountability, such as monitoring, peer assessments or review mechanisms.<sup>266</sup> These proactive measures to build trust reduce the need to engage in lengthy and costly legal disputes.

<sup>264</sup> Beke, M., Blomeyer, R., and Cardona, F., *Learning Review: #Integrity Pacts for Public Procurement*. Basel: Basel Institute of Governance, December 2015, p. 85. [https://baselgovernance.org/sites/default/files/2019-01/2015\\_IntegrityPacts\\_LearningReview\\_EN.pdf](https://baselgovernance.org/sites/default/files/2019-01/2015_IntegrityPacts_LearningReview_EN.pdf).

<sup>265</sup> Charron, N., and Rothstein, B., Regions of Trust, and Distrust: How Good Institutions Can Foster Social Cohesion. In *Bridging the Prosperity Gap in the EU: The Social Challenges Ahead*, edited by Ulf Bernitz, Moa Mårtensson, Thomas Persson, and Lars Oxelheim, 220–42. Edward Elgar, 2018.

<sup>266</sup> Beke, M. et al. 'Learning Review: #Integrity Pacts for Public Procurement'.

**Figure 4.3 Reducing control & sanctioning costs**


### Challenges

The barriers to collective action can include a lack of incentives, a lack of resources, the funding and sustainability of a coalition, organisational issues and issues that are specific to a country's context.

- **Lack of incentives** for stakeholders to engage => Defining diverse and convincing incentives.<sup>267</sup> In addition, **non-confrontational** approach with constructive propositions is useful to engage new or critical stakeholders into anti-corruption action, unless government is too closed to engage into anti-corruption.<sup>268</sup>
- **Costs** can be too high if **benefits are limited** => Collecting and demonstrating **good practices**, conducting systematic assessments to costs and benefits. Use of ICT can reduce coordination costs for building coalitions. Use of **social media** is useful to foster awareness raising and generate support.
- **Uncertain outcomes** given the long-term goals => Defining a clear strategy and revising it regularly to keep it sensitive to the changing demand.
- **Obstructing political environment** in form of patron-client relationships,<sup>269</sup> weak opposition<sup>270</sup> or political parties based on patronage<sup>271</sup> => Proper **timing**, e.g., the moment of political change due to crisis, elections or joining an international regime (e.g., OGP) by a country, are most suitable to "build momentum for collective action against corruption."<sup>272</sup>
- **Sustainability** due to lack of resources or lack of interest => Make coalitions self-sufficient as soon as possible, for instance through pro-bono work or membership contributions by the partners.
- **Legitimacy and reputational risks** can have three sources: "weak roots of the coalition in society; priorities of the coalition being formed by external funding support; and increasing restraints placed on the coalition by the government"<sup>273</sup> => Mobilising broad coalitions and strengthening trust between civil society and public authorities.

### Additional sources

#### Trainings

- European Commission Integrity Pact Toolbox.<sup>274</sup>
- IACA Anti-Corruption Collective Action Impact Centre certificate.<sup>275</sup>

#### Policy analysis

- Beke, Mike; Blomeyer, Roland; and Cardona, Francisco. 'Learning Review: #Integrity Pacts for Public Procurement'. Basel: Basel Institute of Governance, December 2015.<sup>276</sup>

<sup>267</sup> Wheatland, B., and Chêne, M., *Barriers to Collective Action against Corruption*. U4 Anti-Corruption Resource Centre, 2015. P.3. <https://www.u4.no/publications/barriers-to-collective-action-against-corruption.pdf>.

<sup>268</sup> Available at: <https://baselgovernance.org/b20-collective-action-hub/integrity-pacts>

<sup>269</sup> OECD DAC, *Working towards More Effective Collective Donor Responses to Corruption*. 2009. <http://www.oecd.org/dac/governance-peace/governance/docs/45019669.pdf>

<sup>270</sup> Mungiu-Pippidi, A., Controlling Corruption through Collective Action. *Journal of Democracy*, Volume 24, Number 1, January 2013. <http://www.journalofdemocracy.org/sites/default/files/Mungiu-Pippidi-24-1.pdf>

<sup>271</sup> Hollyer, J. R., Is it Better to Empower the People or the Authorities? Assessing the Conditional Effects of 'Top-Down' and 'Bottom-Up' Anti-Corruption Interventions, *Research in Experimental Economics*, 15(1), 2012, pp. 247-277

<sup>272</sup> Booth, D., *Development as a collective action problem: Addressing the real challenges of African governance*. DfID and Irish Aid. 2012. <http://www.institutions-africa.org/filestream/20121024-appp-synthesis-report-development-as-a-collective-action-problem>

<sup>273</sup> Wheatland, B. et al. (2015), p.5

<sup>274</sup> Halloran, B. and Flores, W., *Mobilizing Accountability: Citizens, Movements, and the State*. 2015. <http://transparencyinitiative.theideabureau.netdna-cdn.com/wp-content/uploads/2015/05/Movements-and-Accountability-Final.pdf> cited in: Wheatland et al. 2015.

<sup>275</sup> Available at: [https://ec.europa.eu/regional\\_policy/en/policy/how/improving-investment/integrity-pacts/](https://ec.europa.eu/regional_policy/en/policy/how/improving-investment/integrity-pacts/)

<sup>276</sup> Available at: <https://collective-action.iaca.int/certificate/>

<sup>277</sup> Beke, M. et al. 'Learning Review: #Integrity Pacts for Public Procurement'

- European Commission: Monitoring of public contracting: Experience from 18 Integrity Pacts in the EU.<sup>277</sup>
- World Bank Institute. 2008. Fighting corruption through Collective Action – A guide for Businesses.<sup>278</sup>

#### Academic sources

- Marquette, Heather, and Caryn Peiffer. 'Corruption and Collective Action'. Research Paper. Developmental Leadership Program. Bergen: U4 Anti-Corruption Resource Centre, January 2015.<sup>279</sup>
- Wheatland, Ben, and Marie Chêne. 'Barriers to Collective Action against Corruption'. U4 Anti-Corruption Resource Centre, December 2015.<sup>280</sup>

#### Other resources

- Basel Institute on Governance – Collective Action.<sup>281</sup>
- B20 Collective Action Hub.<sup>282</sup>
- Corruption and collective action.<sup>283</sup>
- Barriers to Collective Action against corruption.<sup>284</sup>

## 4.2 Case studies

### 4.2.1 Sweden: Multi-stakeholder Agreement to Counter Bribery and Corruption in Healthcare

#### Executive summary

The Agreement to Counter Bribery and Corruption between three large employer-based organisations - the Swedish Association of Local Authorities and Regions, the Association of Private Care Providers in Sweden, and Employers Association 'Fremia', with support from the Institute Against Bribery (IMM) – is an example of public and private interest with regards to anti-corruption converging and affecting a vast number of people working within these organisations. The education and whistle blowing protection practices come at a low political cost and are easily replicable in other contexts; they are mostly meant to inform employers and employees of the issue and best anti-corruption practices, with a particular focus on the issue of bribery. The main emphasis is on 'nudging' rather than regulation for private sector actors.

#### Key words

Integrity framework, collective action, code of conduct, ethical guidelines, whistleblowing, healthcare sector, bribery, sub-national level, private sector, Sweden

**Table 4.4 Good practice fiche**

General information	Specifics
<b>Name</b>	'Agreement to counter bribery and corruption' ("Överenskommelsen för att motverka mutor och korruption" - ÖMK)
<b>Context</b>	Sweden: GDP/cap – (2021) EUR 58,736 – above average

<sup>277</sup> Available at: [https://ec.europa.eu/regional\\_policy/sources/policy/how/improving-investment/integrity-pacts/booklet\\_impact\\_case\\_en.pdf](https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/integrity-pacts/booklet_impact_case_en.pdf)

<sup>278</sup> World Bank Institute. *Fighting corruption through Collective Action – A guide for Businesses*. 2008  
[https://www.globalcompact.de/migrated\\_files/wAssets/docs/Korruptionspraevention/Publikationen/fighting\\_corruption\\_through\\_collective\\_action.pdf](https://www.globalcompact.de/migrated_files/wAssets/docs/Korruptionspraevention/Publikationen/fighting_corruption_through_collective_action.pdf)

<sup>279</sup> Marquette, H. and Peiffer, C., *Corruption and Collective Action*. Research Paper. Developmental Leadership Program. Bergen: U4 Anti-Corruption Resource Centre, January 2015.

<sup>280</sup> Wheatland, B., and Chêne, M., *Barriers to Collective Action against Corruption*. U4 Anti-Corruption Resource Centre, 2015.  
<https://www.u4.no/publications/barriers-to-collective-action-against-corruption.pdf>.

<sup>281</sup> Available at: <https://baselgovernance.org/collective-action>

<sup>282</sup> Available at: <https://baselgovernance.org/b20-collective-action-hub>

<sup>283</sup> Available at: <https://www.shareweb.ch/site/DDLG/Docs/U4%202015%20Corruption%20and%20CollectiveAction.pdf>

<sup>284</sup> Available at: <https://baselgovernance.org/publications/u4-expert-answer-barriers-collective-action-against-corruption>

General information	Specifics	
	World Bank Control of Corruption – (2020) 98.08 – above average Trust in public administration – (2021) 70% – above average Population: 10.4 m - medium	
<b>Timeframe</b>	Since 2018	
<b>Reference</b>	<a href="https://skr.se/skr/tjanster/rapporterochskrifter/publikationer/overenskom-melseomsamverkansformerforattforebyggamutorochkorruptioninomvardsektorn.65919.html">https://skr.se/skr/tjanster/rapporterochskrifter/publikationer/overenskom-melseomsamverkansformerforattforebyggamutorochkorruptioninomvardsektorn.65919.html</a>	
<b>Aim and objectives</b>	Improve anti-corruption and conflict of interest practices: Create anti-corruption 'codes of conduct' and ethical guidelines when using public funds Education and training Ethics game simulations Information on whistle-blowing laws and protections (2022)	
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Low (Below 3 or volunteers' engagement) Tech: Medium (One register or one database, or app)	
<b>Expected impact</b>	Contributing to better informed workforce regarding public integrity, clarify ethical uncertainties and combatting threats to democratic governance	
<b>Category of corruption risk/ sector prone to corruption</b>	Bribery and conflict of interest among public sector employees in local and regional government agencies.	
<b>Implementation mechanism</b>	Digital Education and training => provide employees with background information of the conflicts of interest and bribery, offer an 'ethics game' Digital portal of Whistleblowing practices => greater protections for alerting authorities of violations of anti-corruption practices	
<b>Similar practices</b>	2015 Agreement to counteract corruption between SKR and constructing industries	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Sub-national public sector employees, employer/ employees in the health care and construction sectors
	<b>Implementation</b>	<ul style="list-style-type: none"> <li>Swedish Association of local authorities and regions (Sveriges Kommuner och Landsting, SKR)</li> <li>Employers Association ('Fremia' - fmr. Arbetsgivarförbundet (KFO))</li> <li>Association of Private Care Providers in Sweden (Vårdföretagarna)</li> <li>with support from the Institute Against Bribery (Institutet Mot Mutor, IMM)</li> </ul>

## Problem

It is highly challenging to [set anti-corruption on the agenda at the edge of private and public sectors](#), especially in the areas particularly vulnerable to corruption, such as local politics,<sup>285</sup> EU Funds,<sup>286</sup> and the health and construction industries.<sup>287</sup> Even in the so-called low-corruption countries, corruption is perceived as a growing threat to

<sup>285</sup> Bergh, A., Erlingsson, G. Ó., and Wittberg, E., What happens when municipalities run corporations? Empirical evidence from 290 Swedish municipalities. *Local Government Studies*, 2020, pp. 1-24; Erlingsson, G. Ó., Bergh, A., and Sjölin, M., Public corruption in Swedish municipalities—trouble looming on the horizon? *Local Government Studies*, 34(5), 2008, pp. 595-608.

<sup>286</sup> Fazekas, M., and Tóth, I. J., Corruption in EU Funds?: Europe-wide evidence of the corruption effect of EU-funded public contracting. In *EU Cohesion Policy*. Routledge, 2016. pp. 186-205

<sup>287</sup> Rudik, N., The EU Policy of Prevention and Combating Corruption: Key Challenges and Problems. *Public administration and local government*, 46(3), 2020, pp. 35-44.

democracy and responsible for low trust towards institutions among citizens, along with outside calls for more transparency and integrity in public-private partnerships. For example, in Sweden, while large domestic bribe cases are indeed rare, and the general public is largely free from petty corruption in public services,<sup>288</sup> concerns about favouritism and higher-level corruption, such as procurement, in some industries (health, construction), and in particular in local government are and have been present in the Swedish debate. Specifically, within the health care industry, there are arguments that there are many personal contacts where people might be unaware that they could be conflicts of interest:

*“Healthcare is one of the sectors where the most bribery convictions are handed down... Often it is about the interpersonal meetings that take place. A majority of the bribery convictions relating to health care and elderly care concern cases where the line between the professional and the private role has been blurred.”*  
(Hayaat Ibrahim, General Secretary of IMM)<sup>289</sup>

The Agreement to counter bribery and corruption (ÖMK) is an example of how to set anti-corruption on the agenda in a corruption-prone sector, such as healthcare, and reach with the integrity measures a vast number of employees.

### Solution

In 2018, there was an [Agreement to counter bribery and favouritism](#) in sub-national government agencies, with a particular focus on health and elderly care, reached by three large employee/ employer-oriented organisations:

- Swedish Association of Local Authorities and Regions (SKR)
- Employers Association (KFO)
- Association of Private Care Providers in Sweden
- Support from the Institute Against Bribery (IMM)

The [output](#) of the measure is a set of [ethical guidelines](#), agreed upon by public and private actors, relevant for the staff engaged in health and elderly-care providers. Along with the main publication, the output produced user-friendly [educational information](#), which is freely available to anyone without registration. The content of the general education provided contains several key principles, of which the organisations encourage individual localities/regions to adapt to their own specific environments:

- Motivate the problem among the leadership
- Conduct an anti-corruption risk analysis of one's organisation
- Clear guidelines and examples of existing laws
- Anchoring the problem in discussion/examples
- Channels to report/whistle-blow
- Provide a checklist of corruption prevention

The ÖKM [ethical guidelines](#) are integrated into the [content of the education](#) output, and contain the following:

- [Education on fighting corruption and one's role working in a municipality/region](#)<sup>290</sup> The SKR provides a digital forum through which participants can receive information, advice, and support for how their work environments can become more professionalised, and combat threats to corruption<sup>291</sup>. The educational seminar highlights the link between civil servants working in an impartial, professional, and non-corrupt bureaucracy, and the general public's trust and confidence in their institutions, resulting in a stronger, robust, and better-performing democracy and a higher willingness to pay taxes. It provides short, clear, and concise information on the following topics:
  - a definition of corruption and its negative implications for society, and where risks are greatest for corruption, based largely from the research field on the topic;

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<sup>288</sup> Charron, N., Lapuente, V., and Annoni, P., Measuring quality of government in EU regions across space and time. Papers, *Regional Science*, 98(5), 2019, pp. 1925-1953; Special Eurobarometer 502: 'Corruption'. 2020.

<sup>289</sup> Available at: <https://www.dagenssamhalle.se/opinion/debatt/korruptionen-i-varld-och-omsorg-maste-bekampas/>

<sup>290</sup> Available at: [https://god-forvaltning.utb.skr.se/modul\\_3/](https://god-forvaltning.utb.skr.se/modul_3/)

<sup>291</sup> The author of this case study has participated in all educational training offered by the SKR

- the 'principle of openness', where participants are made aware that the public has a right to transparency in all publicly funded documents;
- essentials of corruption risk assessment;
- conflict of interest issues and several short video examples;
- bribery (defined as a gift or amount over ca. EUR 30 (SEK 300));
- invitations to trips and conferences that can create a conflict of interest.

The information is presented in the form of short 1-3-minute podcast-like snippets on anti-corruption. Along the way, respondents are asked a series of questions on the above issues of ethics and professional behaviour, and then provided detailed answers. The training takes roughly 30 minutes. It is intended that managers and employers of all firms and organisations involved instruct their employees on these practices, and/or incorporate this information at their workplace.

- **Exercises in ethical dilemmas**<sup>292</sup> Via a digital forum, employees are also provided with several practices scenarios whereby they might be confronted with difficult ethical choices at work. The SKR and other organisations provide short vignettes on various dilemmas in the following areas, which take roughly 15 minutes in total, followed by 'what would you do' type questions:
  - Exercise of authority and supervision
  - Personal meetings
  - Case management and processing cases
  - Public procurement
  - Role as a public official
- **Questions and answers on whistleblowing**<sup>293</sup> Published on 4 March 2022, the SKR now provides a user-friendly website on the scope of the newly passed law on public whistle-blower protections for organisations with 50 or more employees (which came into effect starting 17 July 2022). The site contains a number of questions and answers on who can and cannot report, what one can report on, and how one's independence and identity can be protected, along with various external reporting channels and processing rules for those receiving whistle-blower information.
- Overall, the **main emphasis is on 'nudging' rather than regulation for private sector actors**.

### Input

#### *Learning from experience*

- The output was put together by an active **working group** from which one representative from each of the organisations was a part. The lead of the group serves as a main consultant on ethical questions now.
- The above **outputs are fully digital** and made available online freely. Information and links are sent to all employers and employees of participating organisations. A website that integrates a questionnaire-style format with immediate detailed responses requires a relatively low one-time cost for the initiators of such a practice.
- The creator(s) of the educational seminars, designed with consultation **from professional anti-corruption experts** at the Institute Against Corruption (IMM). The Institute manages the Code to prevent Corruption in Business and provided anti-corruption expertise to the ÖMK.

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<sup>292</sup> Available at: <https://etiskavagval.utb.skr.se/>

<sup>293</sup> Available at : <https://skr.se/skr/demokratiledningstyrning/hotmotdemokrati ochsamhallssystem/motverkakorruption/fragorochsvarvisselblasarfunktion.61780.html>

- The aim is to incorporate aspects into workplace culture and create a more transparent environment with high integrity, with feedback is given by request to the managers of the SKR site. In terms of [dissemination](#), the responsibility falls on the management:

*"The code makes it clear that anti-corruption work is the responsibility of management. The responsibility includes clear communication on the matter and ensuring sufficient competence and resources in terms of identified risks. The executives and managers must continuously keep themselves informed about the company's anti-corruption work. The tone from the top is fundamental and involves words as well as action."*

Natali Engstam Phalén (Institut Mot Mutor)

### [Funds and human resources](#)

- Additional resources were spent on several short films and podcasts, some with pre-written scripts, and several actors were involved in the fictional ethical dilemmas, yet these are also one-time costs.
- The public sector employers did have the requirement of a [whistle-blowing portal](#). In terms of the whistle-blowing portals, the resources vary based on the approaches taken. If the mail-in approach is taken, this requires no IT costs, while the IT administration costs of an online portal are estimated between EUR 800-1,500 (SEK 8,000-15,000 SEK) per year, depending on the number of employees.

### [Outcome and impact](#)

The fact that there is buy-in from three large employer-based organisations in Sweden aligns public and private actors along the issue of anti-corruption, as these are organisations with far-reaching influence and visibility among a large proportion of Swedish employers and employees. This allows the Agreement partners - SKR, Fremia and Vårdföretagarna - [considerable potential to influence anti-corruption policy](#). In this regard:

- The Agreement provides a [useful framework to clarify uncertain ethical situations](#) in business where public funds are used, and helps actors navigate away from potential criminal activities. The guidelines of the agreement are cited by both the public and private actors when dilemmas occur and are cited in practice in court cases.

One of the direct outcomes of the ÖMK is the obligation for public organisations above 50 employees to offer a clear [forum for whistleblowing](#). Since 17 July 2022, [all public employers must have a whistle-blowing function on their official website](#), which is accessible to their employees. The template for this is from the SKR and provided to all of the regions in Sweden. The aim is that even private sector companies with a sufficient number of employees will eventually do the same, although this is still unclear. Some regions have chosen to take the complaints directly via anonymous letter in the post, as in the case of the Skåne region.<sup>294</sup> Other municipalities have chosen to allow people to send complaints directly via an online portal or to work in partnership with a third-party law firm or equivalent company that receives the complaints and assesses how to go forward.

- The ÖMK [education program](#) is easy to access without being overly time-consuming. Employers and employees are thus offered a very user-friendly starting point to discuss issues of work-place ethics and issues on corruption. All employers are expected to know the content and share it with their employees (1.5 million employees that the ÖMK encompasses).

### [Context](#)

#### [Institutions](#)

[Anti-corruption on the agenda of the lead organisation](#): The issue of corruption (or 'fighting corruption') falls under a larger category of the SKR's mission to combat <sup>threats against democracy and society</sup>, more generally, which is shared by the other

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<sup>294</sup> <https://www.lansstyrelsen.se/skane/om-oss/kontakta-oss/kanal-for-visselblasning-och-rapporter-om-missforhallanden.html>

participating organisations. The agreement defines corruption as ‘improper use of one’s public position for private benefits, and/or an improper mix between public service and private interests.’

**Previous experience of collective action against corruption in construction industry:** The ÖMK targets the sectors of the healthcare sector, which builds on <sup>previous agreement</sup> between the SKR and several large organisations representing employers’ interests in the construction industry in 2015. The 2015 agreement was put in place to give practical, ethical guidelines to suppliers and clients who obtained public funds in the construction and building sectors, where there was a growing demand for more transparency and stronger corporate responsibility. Thus, these agreements identify areas that are often prone to corruption risks, such as healthcare and construction, when public funds are used.

The fact that there is **buy-in from three large employer-based organisations** that represent over 1.5 million employees in Sweden, which aligns public and private actors along the issue of anti-corruption, are also key advantages to the ÖMK.

### Limitations

There are some shortcomings to this approach which present challenges to anti-corruption:

- codes of conduct are largely self-regulating without much follow-up on how managers of organisations actually incorporated the codes of conduct.
- it is difficult to assess the number of actual participants who have participated and the degree to which they have retained the information.
- while the whistleblowing portals are a welcome addition, they apply only to the public sector and are not uniform across all municipalities and regions (some require a physical letter, while others have more user-friendly online portals)

**Table 4.5 Analysis fiche**

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• Desire to maintain relatively high trust towards local politics</li> <li>• Target most vulnerable branches subject to conflicts of interest</li> <li>• To provide local and regional employees with voluntary educational information on public sector ethics,</li> </ul>	<ul style="list-style-type: none"> <li>• Consulting scientific experts’ and practitioners on Codes of Conduct and corruption risks.</li> <li>• Participation by significant employer (and employee) organisations in public and private sectors</li> <li>• Some technical resources required (web IT, creating short films, podcasts, questionnaires)</li> </ul>	<ul style="list-style-type: none"> <li>• The participation in the short educational course on codes of conduct requires:</li> <li>• Dissemination of the availability of the information by SKR and local and regional authorities to their employees through voluntary participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in awareness in the issue of anti-corruption and conflict of interest among employees where risks are highest (local/sub-national actors and health care and construction employees).</li> <li>• To emphasise good practices among employers to create better work-place environments and stimulate discussion that applies individually to</li> </ul>	<ul style="list-style-type: none"> <li>• Ideally, to aid in combatting anti-democratic forces and to provide high quality and impartial public services and maintain public trust in local politicians</li> <li>• As anti-corruption is becoming more of a public and political narrative, this could contribute to an increased</li> </ul>

<p>conflicts of interest and anti-corruption practices.</p> <ul style="list-style-type: none"> <li>Applies to all sub-national actors (i.e., Municipal, and Regional) civil servants and elected officials, and disseminated to healthcare and construction sectors.</li> </ul>	<p>websites available for publishing the educational content that make it visible for stakeholders and public.</p>	<ul style="list-style-type: none"> <li>Monitoring and enforcement are based on:</li> <li>Voluntary participation.</li> <li>Whistle-blowing portals for all public organisations with 50+ employees</li> </ul>	<p>each agency/workplace.</p> <ul style="list-style-type: none"> <li>More engagement by employees to report misconduct</li> </ul>	<p>willing to adopt more comprehensive rules intended to increase integrity in local/regional decision-making.</p> <ul style="list-style-type: none"> <li>Buy-in on anti-corruption narratives and norms from large, private sector organisations.</li> </ul>
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#### 4.2.2 Portugal: Collaborative public contracting monitoring – Integrity Pact

##### Executive summary

The *Integrity Pact* in Portugal is an agreement between the Portuguese Chapter of Transparency International and the Directorate-General for Cultural Heritage to prevent corruption in public procurement with regards to the conservation and restoration works in the Monastery of Alcobaça. IP has been developed to prevent corruption in public contracting by public commitment of contracting authorities and bidders to comply with the best transparency practices and a mutual agreement to a collaborative public contracting monitoring.

##### Key words

Collective action, integrity pact, public procurement, EU funds, cultural heritage, collaborative monitoring, Portugal

**Table 4.2 Good practice fiche**

General information	Specifics
<b>Name</b>	Integrity Pact
<b>Context</b>	Portugal GDP/cap – (2021) EUR 24,028 – below average World Bank Control of Corruption – (2020) 76.92– average Trust in public administration – (2021) 41% – below average Population: 10.3 - medium
<b>Timeframe</b>	2018-2021
<b>Reference</b>	<a href="https://pactodeintegridade.transparencia.pt/home/">https://pactodeintegridade.transparencia.pt/home/</a>
<b>Aim and objectives</b>	Promote and reinforce civic participation, ensuring citizens that the use of public funds is transparent, corruption free and value for money Revitalise the Integrity Pact approach to advance accountability in large scale public contracts.
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Medium (Department of 4-9 people) Tech: Low (no specific technology)
<b>Expected impact</b>	Promote integrity and prevent corruption in Public Procurement
<b>Category of corruption risk/sector prone to corruption</b>	Public Procurement

General information	Specifics	
<b>Implementation mechanism</b>	"Fair-play" commitment in public procurement between a government procurement authority and bidding companies => independent collaborative monitor => reporting process => sanctioning	
<b>Similar practices</b>	Integrity Pacts in 10 other EU countries, such as Bulgaria, Czech Republic, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Romania, Slovenia	
<b>Stakeholder's mapping</b>	Target group	Contracting Authorities Bidders
	Implementation	Contracting authority: Directorate General of Cultural Heritage Managing authority: Regional Coordination and Development Commission of Centro Monitoring lead: Transparency International Portugal

### Problem

Increasingly, corruption risks in public procurement are tackled through transparency in a first line – incl. creation of digital platforms, some of them analysed in this handbook. For instance, Portugal has made important progress in the field of public procurement with the creation of the public procurement platform (Portal BASE), containing information on all contracts concluded under the Public Procurement Code (CCP): a statistical information system on public procurement.

Nevertheless, [transparency alone does not necessary lead to trust, accountability, and civic monitoring](#), although it is a precondition for it.

- The [perception of corruption in public procurement remains high](#). For instance, despite the Portal BASE, 55% of respondents in Portugal believe that public officials who award public procurement are corrupt, and 21% think that corruption has prevented them or their company from winning a public tender or awarding a public contract.<sup>295</sup>
- [Weak procurement regulations](#) can allow direct award of contracts immediately after prior consultation procedures, which is contains serious corruption risks. In Portugal, the use of direct awards has been criticised by several other stakeholders, including the World Bank, the OECD, and the European Commission, because they reveal weaknesses in planning, do not promote competition and are less subject to monitoring and/or inspection;
- Further challenges include [low level of transparency](#) of public procurement procedures, [lack of compliance](#) with the disclosure obligations by several public bodies; [limited enforcement](#) and sanctions implementations.

The case of Integrity Pact in Portugal is an example, how to build trust in public contracting not only through transparency, but also through the mutual commitment of the key stakeholders to comply with procurement procedures and through the openness to a collaborative public contracting monitoring.

### Solution

Integrity Pacts (IP) were developed as [a tool for preventing corruption in public contracting](#). An IP is both a signed agreement and approach to public contracting, which commits a contracting authority and bidders to comply with best practices and maximum transparency. A third actor, often a civil society organisation, oversees the process throughout the procurement cycle and commitments made. All monitoring reports and results must be available to the public on an ongoing basis.

#### Box 4.1 Integrity Pacts

Integrity Pacts were created the 1990s and have been applied in [more than 15 countries and 300 separate situations](#).

<sup>295</sup> European Commission, *Special Eurobarometer 470: Corruption*, 2017

In such a way, Integrity Pacts:

- Help ensure that infrastructure projects and other public works are delivered efficiently;
- Save taxpayer money;
- Limit or even close channels for illicit gain.

- A 2016 [update](#) to the Integrity Pact concept has seen it draw on [major advances of technology and civic participation](#).

In December 2018, [the first Integrity Pact](#) was signed in Portugal.<sup>296</sup> The IP was implemented through the European Commission Directorate General for Regional and Urban Policy's "Integrity Pacts - Civil Control Mechanism for Safeguarding EU Funds, Phase II", co-funded by the EU. The European Commission's Directorate-General for Regional and Urban Policy and Transparency International have partnered since 2015 to promote the use of Integrity Pacts as a tool to enhance transparency and accountability, strengthen citizens' engagement and trust in public institutions, and promote awareness and better understanding of public procurement. European Integrity Pacts have been piloted in Bulgaria, the Czech Republic, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Romania, and Slovenia and have been accompanied by pilot projects.<sup>297</sup>

The [fair-play commitment](#) was made between the Portuguese Chapter of Transparency International as a supervisory entity, and the Directorate-General for Cultural Heritage as a contracting entity. The focus of this integrity pact is two works of conservation and restoration that will be realised in the Monastery of Alcobaça, a UNESCO world heritage, in particular:

- Convent Port and Shop, with an estimated cost of [EUR 335,631.83](#);
- West and North Facades, with an estimated cost of [EUR 718,200.28](#).

The [collaborative aspect of the public contracting monitoring](#) makes IPs different from other civic monitoring mechanisms:

- Institutional collaboration in Portugal has been set between three major stakeholders:
  - Contracting authority: Directorate General of Cultural Heritage
  - Managing authority: Regional Coordination and Development Commission of Centro
  - Monitoring lead: Transparency International Portugal
- The collaboration is also required among [different experts](#). The independent monitoring team, managed by TI Portugal, included experts in law, finance, architecture, engineering, and open procurement data.
- Finally, [citizen engagement](#) is also an important aspect of IP. The IP project in Portugal set the website to [inform citizens and to enable virtual monitoring](#) of the construction progress. There were also [public meetings and events](#) to provide updates on the main IP milestones.<sup>298</sup>

The [main task](#) of the independent monitor is to ensure the IP is implemented and the obligations of bidders and the authority included in it are fulfilled (i.e., there is no violation of the IP). More specifically, TI Portugal's monitoring team undertook a number of [activities](#), namely:

- Receive, request, and examine documents, reports, decisions, and other documentation by the authority over all the procurement cycles in order to detect irregularities or non-compliance with best practices and the agreement;
- Examine and give his/her view on the tender documents before they are issued, including watching out for specifications that may be biased in favour of one or more bidders;

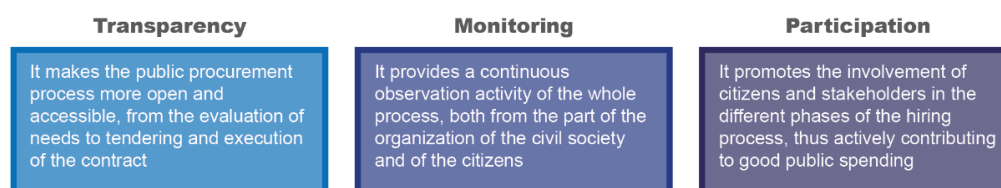
<sup>296</sup> Transparency International Portugal. *Integrity Pact*. n/d, <https://pactodeintegridade.transparencia.pt/home/>, (Accessed on 16 May 2022).

<sup>297</sup> European Commission, *Integrity Pacts*, 2022, [https://ec.europa.eu/regional\\_policy/policy/how/improving-investment/integrity-pacts\\_en](https://ec.europa.eu/regional_policy/policy/how/improving-investment/integrity-pacts_en) (Accessed on 22 December 2022)

<sup>298</sup> Available at: [https://ec.europa.eu/regional\\_policy/sources/policy/how/improving-investment/integrity-pacts/booklet\\_impact\\_case\\_en.pdf\\_p.64](https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/integrity-pacts/booklet_impact_case_en.pdf_p.64)

- Organise, lead, or facilitate meetings, training sessions, etc., where the IP is explained, and produce supporting materials;
- Inspect construction sites, visit the contractor's offices, and review contractor reports to identify signs of possible irregularities during contract execution;
- Review content and procedure for contract changes during implementation;
- Receive and deal with complaints related to the IP and offer clarification;
- Report on the monitoring process to the parties in the IP, the authority, the NGO, and the public, following the designated process;
- Suggest avenues for improvement of the contracting process based on his/her work.

Figure 4.5 Principles of the Integrity Pact



Source: <https://pactodeintegridade.transparencia.pt/integrity-pact/>

## Input

### Funds and human resources

The resources needed to develop the IP required:

- A **high level of expertise**, both in public procurement laws and regulations, as well as in architectural and engineering:
  - A reliable and **independent civil society organisation**, as well as **qualified experts** in the service or work that will be procured. For instance, given that the Portuguese case involved public work and construction, an architect and a construction engineer were required, but other cases may request expertise of different nature;
  - In addition to the **TI PT staff** (a project manager, project assistance and a communication and outreach officer), a team of five **independent experts** was set up, with know-how in auditing, law, sociology, engineering, and architecture;<sup>299</sup>
- Financial and technical resources:
  - The amount of these resources will also depend on existing public procurement expertise and resources of the contracting entity. In the specific case of the Portuguese IP, the Directorate General of Cultural Heritage (DGPC) did not have adequate internal capacitation and often resorted to outsourcing to evaluate needs and set up the tender, which demanded more from the civic monitoring entity in providing such skills and assisting the DGPC.
  - A website has been created to encourage citizen interest and provide all the necessary information about the IP together with an interactive feature to enable virtual monitoring of progress.<sup>300 301</sup>

### Outcome and impact

The Portuguese Integrity Pact was concluded with success in 2021, after some delays due to initial difficulties to find adequate public work (from the side of the contracting party) and the COVID-19 pandemic.

<sup>299</sup> Transparency International Portugal, *Integrity Pacts: who are we*. n/d. <https://pactodeintegridade.transparencia.pt/about-us/>. (Accessed on May 20, 2022)

<sup>300</sup> Available at: <https://pactodeintegridade.transparencia.pt/integrity-pact/>

<sup>301</sup> Available at: [https://ec.europa.eu/regional\\_policy/sources/policy/how/improving-investment/integrity-pacts/booklet\\_impact\\_case\\_en.pdf](https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/integrity-pacts/booklet_impact_case_en.pdf), p. 64

The most immediate and identifiable outcomes have been:

- **Cooperation and networking** between the public sector, experts, and civil society;
- **Stronger capacitation** on the side of DGPC on public contracting in general;
- **Hand-on knowledge** acquired by TI PT and the team of experts on how public procurement works in practice and the functioning of Portuguese public administration;
- The production of direct and indirect outputs, such as **reports, best practice manuals, informed opinions, and contributions to public consultations** on the side of TI PT, which can be used for outreach and advocacy, but also used by public services.

Moreover, for TI Portugal, IP was **key for creating knowledge and expertise on both public procurement and EU funds**. Besides the outputs created for the project, such as reports, conferences and networks, TI PT was able to contribute to public consultations for the revision of **the Public Contracts Code, the National Anticorruption Strategy and the Portuguese Recovery and Resilience Plan**.<sup>302</sup>

The first National Action Plan for Open Administration Portugal, created by the Open Administration Network, following Portugal's accession to the Open Government Partnership (OGP), includes IPs. The 8<sup>th</sup> commitment, Strengthening Transparency in Public Contracting, lists several measures to increase the transparency, integrity, and efficiency of public procurement, including IPs.<sup>303</sup>

The National Anticorruption Strategy (ENAC), approved by the government in April 2021, included a recommendation for the adoption of IPs. The ENAC acknowledged the DGPC's IP's success in increasing transparency and citizens' trust and suggested the tool to other projects in the future.<sup>304</sup> The IP was added to the document's final version after a public consultation process.

### Context

#### Institutions

- The implementation of the IP by **one of the smallest DGs in Portugal**, belonging to the Ministry with a lesser budget, may have contributed to **the willingness** of the department to adhere to the tool:
  - Larger DGs and Ministries tend to deal with bigger budgets, have more political relevance and thus touch upon more vested interests;
  - DGPC appeared to be **a safer bet**, with **fewer reputation risks and less probability of corruption**.
- **The network of stakeholders** was key to the success of the project, particularly the willingness of the mid-level officials at DGPC to work with organisations and experts outside the public service;
- **The outreach and reputational potential of the project** also worked as an incentive.

#### Limitations

IPs are a useful tool for civic monitoring and for the incorporation of integrity and transparency principles in public procurement. Yet there are several limitations associated with the practice:

- The implementation of the IP is deeply **dependent on third-party funding**, which makes the replication of the tool possible when EU funds are involved;

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<sup>302</sup> TI PT, *Contribution To The Review Of The Public Contracts Code*, Transparency International Portugal. 2016. <https://pactodeintegridade.transparencia.pt/download/contributo-para-a-revisao-do-codigo-dos-contratos-publicos-2/> (accessed on May 16, 2022); TI PT, *TI Portugal's Contributions To A National Strategy To Fight Corruption 20.24*, Transparency International Portugal. 2020. <https://pactodeintegridade.transparencia.pt/download/contributos-da-ti-portugal-para-uma-estrategia-nacional-de-combate-a-corrupcao-20-24-consulta-publica-2/>, (Accessed on May 16, 2022); TI PT, *Recovery And Resilience Plan: TI Pt Contribution* (Public Consultation), Transparency International Portugal. 2021. <https://pactodeintegridade.transparencia.pt/download/plano-de-recuperacao-e-resiliencia-contributo-da-ti-pt-consulta-publica-2/>, (Accessed on May 16, 2022);

<sup>303</sup> Open Administration Network, *National Action Plan for Open Administration Portugal*, Administrative Modernization Agency, 2018, p. 35. Available at first National Action Plan for Open Administration Portugal, (Accessed on May 16, 2022).

<sup>304</sup> Justice Ministry (2021), *National Anticorruption Strategy 2020-2024*, Portuguese Government, pp. 22 Available at: <https://justica.gov.pt/Portals/0/Ficheiros/Organismos/JUSTICA/ENAC010421.pdf>, (Accessed on May 16, 2022)

- There is a problem with [the legitimacy and integrity of the civic monitoring bodies](#) or, on the other spectrum of the issue, a monopoly of TI chapters:
  - TI has been widely recognised as an anticorruption movement with adequate internal compliance instruments and is a long-time EU partner. However, it should not be regarded as the only option when it comes to civic monitoring, as this may alienate other entities and citizens at large;
  - On the other hand, the credibility and expertise of other civil society groups may be difficult to assess and increase the risks of capture or fake monitoring that are put in place to cover up other stakeholders.
- [The lack of resources](#) makes the practice applicable only to smaller procurement projects or parts of larger ones.

**Table 4.3 Analysis fiche**

Ensuring transferability and Verifying effectiveness				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• Reduce corruption in public procurement and the use of EU Funds;</li> <li>• The instrument is focused on public works.</li> </ul>	<ul style="list-style-type: none"> <li>• High-level of expertise, both in public procurement laws and regulations, as in architectural and engineering</li> </ul>	<ul style="list-style-type: none"> <li>• Public commitment of key stakeholders to compliance with procurement procedures</li> <li>• Collaborative monitoring of the public procurement cycle by experts and civil society;</li> <li>• Identified risks and irregularities.</li> </ul>	<ul style="list-style-type: none"> <li>• Capacitation of a small public administration unit on public procurement;</li> <li>• Knowledge creation on civil society.</li> </ul>	<ul style="list-style-type: none"> <li>• Trust building between public administration and civil society;</li> <li>• Replication by other public bodies.</li> </ul>

#### 4.2.3 *Italy: Collective and deliberation-based Code of Conduct adoption - “Carta di Avviso Pubblico” for Local Politicians*

##### Executive summary

The [code of conduct for local politicians](#) in Italy was formulated by a panel of experts to overcome the limitation of the national code of conduct only being valid for public employees. The text of the code of conduct is publicly available on the website of the association “*Avviso Pubblico: Local Municipalities and Regions against Mafia and Corruption*”. The code of conduct has been developed as a tool to increase transparency, effectiveness and accountability in public administration and politics, implementing anticorruption policies.

##### Key words

Collective action, integrity, Code of Conduct, local level of self-governance, Italy

**Table 4.4 Good practice fiche**

General information	Specifics
<b>Name</b>	“Carta di Avviso Pubblico” - Code of conduct for local public authorities
<b>Context</b>	Italy GDP/cap – (2021) EUR 33,549 – below average World Bank Control of Corruption – (2020) 69.23 – below average

	Trust in public administration – (2021) 27% – below average Population: 59.3 m - large	
<b>Timeframe</b>	Since 2014	
<b>Reference</b>	<a href="https://www.avvisopubblico.it/home/wp-content/uploads/2014/05/20141025_carta-di-avviso-pubblico.pdf">https://www.avvisopubblico.it/home/wp-content/uploads/2014/05/20141025_carta-di-avviso-pubblico.pdf</a>	
<b>Aim and objectives</b>	To increase transparency, impartiality, and accountability in political decision-making at local level through a voluntary adoption of a code of conduct containing, among other articles: <ul style="list-style-type: none"> <li>• Obligations on limits to gift acceptance, conflicts of interest, multiple institutional roles, revolving doors</li> <li>• Public disclosure of motivations behind discretionary decisions</li> <li>• Full disclosure on financial interests, political financing, personal affiliations</li> <li>• Transparency and willingness to answer to citizen and media requests</li> <li>• Promotion of merit in public recruitment and appointments</li> <li>• Obligation to resign in case of indictment of corruption and mafia crimes</li> <li>• Obligation to control and enforce other's fulfilment of the code's provisos</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Low (Below 3 or volunteers' engagement) Tech: Low (No specific technology)	
<b>Expected impact</b>	Increasing accountability and transparency in local politics, fostering public trust in decision-makers	
<b>Category of corruption risk/ sector prone to corruption</b>	Political decision-making in local administrations	
<b>Implementation mechanism</b>	Code of conduct => Collective adoption by local councils through deliberation or individual adoption by politicians through voluntary adherence => Monitoring & enforcement through politicians' reciprocal control and public scrutiny on subscribers' conduct and activities	
<b>Similar practices</b>	<a href="https://www.sipo.ie/acts-and-codes/codes-of-conduct/local-authority-members/">https://www.sipo.ie/acts-and-codes/codes-of-conduct/local-authority-members/</a>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Politicians in local administrations and candidates to local elections
	<b>Implementation</b>	Politicians in local administration, candidates to local election, political groups in councils and political parties, citizens, media, NGOs, associations

## Problem

**Code of Conduct**, as a widespread tool for integrity, indicate multiple limitations:

- **Ineffectiveness**: Codes of conduct have traditionally been considered a weak tool to increase transparency, effectiveness, and accountability. For instance, in Italy, codes of conduct were ineffective because the “soft laws” mechanisms, aimed at persuading and educating individuals about public ethics through good examples, did not correspond with the existing practices of Italian judicial culture-making, which focused more on menacing and punishing through harsh sanctions.<sup>305</sup>
- **Limited applicability**: As a rule, codes of conduct are developed for public employees and only rarely for politicians. Even if adopted, there are only **weak disciplinary procedures** for breaching the code;

The case “*Carta di Avviso Pubblico. Un codice etico per la buona politica*” (“*An ethical code for good politics*”) is an example of a **code of conduct for the local public authorities**, developed in a collaborative way by multiple stakeholders, which can be adopted by local councils voluntarily, in a deliberation process, which adjusts the code to the local context.

<sup>305</sup> Mattarella, B. G., *Le regole dell'onestà*, Bologna, Il Mulino, 2007; “Il codice di comportamento dei dipendenti pubblici”, in *Giornale di diritto amministrativo*, 19(10), 2013, 927-930.

“The idea was that corruption beyond a certain level needs a [political response](#), not a judicial one. To rampant corruption that distorts democratic debate, the answer can only be a change in politics” (Interview).

Through the adoption of a rigorous code of conduct, local politicians can provide a [twofold contribution](#) to “good politics”:

- A tangible set of obligations and public commitment to fulfil them [raises the bar of integrity, impartiality, and transparency in local politics](#), especially in the interactions with citizens, administrative structure, stakeholders, entrepreneurs, professionals, media, and judges;
- The implementation of such commitments can [increase legitimacy and public trust](#), which is a precondition for the strong mechanisms of democratic accountability.

### Solution

A code of conduct for local politicians in Italy was formulated by a panel of experts with the input of the Association “*Avviso Pubblico - Local Municipalities and Regions against Mafia and Corruption*”. This initiative has been strengthened by national anti-corruption legislation, that induced an update of the already available code of conducts in line with the “*Carta di Avviso Pubblico. Un codice etico per la buona politica*”.<sup>306</sup>

#### Box 4.2 The Association Avviso Pubblico

The Association *Avviso Pubblico* was founded in Italy in 1996 with the aim to connect and coordinate the activities of local administrators willing to promote a culture of anti-mafia, transparency, and accountability in politics, in the public administration, in their communities. Currently, more than 500 among municipalities, unions of municipalities, metropolitan cities, provinces, and regions all over Italy have joined Avviso Pubblico. The Association collaborates with several universities to carry out research, dissemination, and training activities, and is regularly audited by several parliamentary committees of inquiry, including those on the phenomenon of mafia and the illegal waste cycle. Since 2021, *Avviso Pubblico* became permanent member of the Interior's Ministry National Observatory on the intimidation of local administrators.<sup>307</sup>

- The [basic text](#) of the “Carta di Avviso Pubblico” is accessible on the website of the Association.<sup>308</sup> In addition, the Association provides [consultations](#) about content and implementation, as well as interpretation in disputed cases, upon request. The website contains the section with most frequent questions and provides interpretation for them.<sup>309</sup>
- The approach, in which the “Carta di Avviso Pubblico” is formulated, aims for the clearest, [practically applicable, and sanctionable rules](#), going beyond general principles.
- The code of conduct can be [collectively adopted by municipal Councils through deliberation](#) (becoming binding for all members). It can also be [individually signed on a voluntary basis](#) by candidates or elected representatives in local administration. Local politicians have, therefore, the opportunity to take a [credible and verifiable public commitment](#) towards more transparent and accountable policymaking. Those who signed the Code are publicly acknowledged on the website of the “Carta di Avviso Pubblico.”

<sup>306</sup> La Carta di Avviso Pubblico, Avviso Pubblico, Available at: [https://www.avvisopubblico.it/home/wp-content/uploads/2014/05/20141025\\_carta-di-avviso-pubblico.pdf](https://www.avvisopubblico.it/home/wp-content/uploads/2014/05/20141025_carta-di-avviso-pubblico.pdf), (Accessed 9 June 2022).

<sup>307</sup> Migneco, G., Romani, P. (eds.), Vent'anni di lotta alle mafie e alla corruzione in Italia. *L'esperienza di Avviso Pubblico*, Soveria Mannelli, Rubbettino, 2017.

<sup>308</sup> Carta di Avviso Pubblico, Official website of the Avviso Pubblico, available at: <https://www.avvisopubblico.it/home/home/cosa-facciamo/carta-di-avviso-pubblico/>, (Accessed 9 June 2022); in its previous version the “Carta di Pisa” is available at: [https://archivistorico.avvisopubblico.it/news/presentata-a-roma-la-carta-di-pisa-il-codice-etico-di-avviso-pubblico-per-gli-enti-e-gli-amministratori-locali-il-testo-on-line\\_270212.shtml#adesioni](https://archivistorico.avvisopubblico.it/news/presentata-a-roma-la-carta-di-pisa-il-codice-etico-di-avviso-pubblico-per-gli-enti-e-gli-amministratori-locali-il-testo-on-line_270212.shtml#adesioni), (Accessed 9 June 2022).

<sup>309</sup> FAQ, Official website of the Avviso Pubblico, available at: <https://www.avvisopubblico.it/home/carta-2nd-content-block/faq/>, (Accessed 9 June 2022).

### Input

#### *Learning from experience*

**A panel of experts**, incl. academics and public servants who were members of the scientific committee of the Association as well as experts on “soft laws”, developed the first version of the Code. The draft was circulated, **collecting proposals for amendments** from Association members, until the final version was approved by the executive committee of Avviso Pubblico.

The Code was presented to the public at the Chamber of Deputies and at Contromafie (Conference against Organised Crime). The Carta di Avviso Pubblico is **regularly promoted by the Association** and its executives in a dedicated section of Avviso Pubblico’s website and in public meetings.

The code of conduct is enforced through a specific mechanism: those who sign or adopt the Code are taking **a double obligation** - to comply with the Code’s rules, but also to monitor and sanction the fulfilment of those rules by others.

### Outcome and impact

Since 2014 the “Carta di Avviso Pubblico” has been:

- adopted by 41 municipal and provincial councils, as well as:
- by 238 local administrators and by 185 candidates in local elections.<sup>310</sup>

Some specific direct **outcomes** include:

- In at least one case (e.g., the Province of Pisa), a **councillor’s mandate** has been **revoked** due to being convicted for corruption, according to the code’s dispositions. In another case, a mayor had his wife quit a job in a firm contracting with the Municipality;
- In several cases, the **fulfilment** of the code’s rules has been requested and **enforced** through pressure from **minority political group**’, **citizens**, and **associations**, mainly during political debates;<sup>311</sup>
- Occasionally, during political campaigns for local elections, **candidates** have been solicited by civic and anticorruption associations (e.g., Libera) to **publicly sign** or to **commit** themselves to **adopt** the “Carta di Avviso Pubblico” later.

Even though after an intense political debate several times councils have voted against its adoption, the Code of Conduct still produced some **indirect beneficial effects** in terms of **transparency of democratic confrontation** and **political accountability**, because the debates about the Code demonstrated publicly the local representatives’ stances and opinions on ethical questions.

### Context

#### *Legal framework*

The anti-corruption legislation (Law 190/2012) and related Presidential Decree 62/2013 were a necessary condition to promote the Code and increase awareness for its adoption. In particular, any new public employee must obtain a copy of the Code.

#### *Institutions*

**Anticorruption officials** within any public body have the duty to **control the fulfilment** of the Code of Conduct for public officials, eventually applying disciplinary sanctions if necessary, while the National Anticorruption Authority (ANAC)

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<sup>310</sup> The calculation is based on the information available in Avviso Pubblico website, reporting only cases in which adoptions and signatures have been communicated to the association.

<sup>311</sup> Examples of such debates are available at: <https://demetra.regione.emilia-romagna.it/al/articolo?urn=er:assemblealegislativa:resoconto:20161025:P> (Regione Emilia Romana) and <https://www.regione.toscana.it/documents/10180/13420018/Programma+di+governo.pdf/e3e30f28-a7b7-4bdd-962f-23e165821ede> (Regione Toscana)

is in charge of an **overall supervision** (and eventual punishment) of violations.<sup>312</sup> Its supervision and enforcement in case of violation is delegated to each internal disciplinary committee – and disciplinary sanctions can be eventually applied, ranging from verbal warning to dismissal without warning – with all intermediate cases (written warning, suspension without pay, etc.).<sup>313</sup> There is no unified register of sanctions applied.

Strong movement against crime in society was a precondition for the Association of Local Authorities against Mafia and Corruption, which has the leading role in developing and promoting the Code of Conduct.

The **successful implementation of the code of conduct requires**, in addition to its formal adoption:

- the triggering of a mechanism of peer pressure;
- diffused control;
- reputational incentive;
- democratic accountability.

### Limitations

There are several main challenges in the process of implementing the Code of conduct for local administrators:

As the Code is adopted in a voluntary manner, it **requires a broad dissemination**. At the same time, the knowledge about the existence of the Code of conduct in Italy remains limited.

- There is a risk that political actors use the formal adoption of the Code of Conduct to get some sort of **easy “ethical certification”**, a mere opportunity to get visibility and increase consensus, with scarce effort towards its effective application or implementation.

The voluntary adoption of the Code undermines its **sustainability**. For example, when local politicians who sign the Code are not re-elected, or the mandate of the councils, that adopted the Code ends, the validity of the Code of Conduct also ceases.

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<sup>312</sup> As observed by the former President of ANAC: “The amount of files open on issues of impartiality and conflicts of interest induced the institution of an ad hoc supervising office within ANAC, charged with an overwhelming number of reports”. See R. Cantone (with E. Carloni), *Dieci lezioni sull’anticorruzione*, Milano, Feltrinelli, 2018, p. 129.

<sup>313</sup> A document underlining the difficulties of application and explaining potentialities of codes of conduct has been elaborated by the National Anticorruption Authority. Available at : <https://www.anticorruzione.it/portal/rest/jcr/repository/collaboration/Digital%20Assets/anacdocs/Comunicazione/Eventi/2019/Rel.Linee.Guida.ANAC.cod.comp.07.10.19.rev.pdf>

**Table 4.5 Analysis fiche**

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>Need to increase public trust towards local politics.</li> <li>To allow candidates and representatives to voluntarily commit to stricter obligations in terms of transparency, disclosure, accountability.</li> <li>It is addressed against all sectors of local (i.e., Municipal, Provincial and Regional) political decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>Scientific experts and practitioners to elaborate the content of the Code of Conduct.</li> <li>Institutional and associations' websites available for publishing the content of the Code of Conduct to make it visible for stakeholders and public.</li> </ul>	<ul style="list-style-type: none"> <li>The implementation of the Code of Conduct relies on: <ul style="list-style-type: none"> <li>a collective adoption by local councils through deliberation or by individual adoption by politicians through voluntary subscription.</li> </ul> </li> <li>Monitoring and enforcement are based on: politicians' reciprocal control and public scrutiny (media, associations, NGOs).</li> </ul>	<ul style="list-style-type: none"> <li>Significant public debate on the scope, potentiality, and objectives of the code of conduct.</li> <li>In some cases, violation of the Code of Conduct led to political sanctions, forced dismissal, and reputational damage to alleged violators.</li> </ul>	<ul style="list-style-type: none"> <li>Strengthening of public trust in local politicians willing to adopt stricter constraints aimed at increasing their accountability and transparency in decision-making.</li> </ul>

#### 4.2.4 Germany: Alliance for Integrity

##### Executive summary

The Alliance for Integrity, initiated by the Federal Ministry for Economic Cooperation and Development and the Federation of German Industry, is a multi-stakeholder initiative, consisting of private and public sector and civil society representatives, which seeks to promote transparency and integrity. This platform develops tangible solutions to support businesses along the entire production chain to improve their compliance capabilities. Multi-stakeholder collaboration results also in co-creation of regulatory frameworks for stakeholders. The platform has been designed according to collective action, based on the assumption that “one actor alone in a corrupt environment cannot bring about change, but only a joint approach by the public, private and civil sectors enable achieving a long-term effect.”<sup>314</sup>

##### Key words

Collective action, integrity, supply chain, private sector, development policy, multi-stakeholder, transnational level, questionnaire-based corruption risk assessment App, Germany

<sup>314</sup> Interview with a representative of Alliance for Integrity

Table 4.6 Good practice fiche

General information		Specifics
<b>Name</b>	Alliance for Integrity, initiated by the Ministry for Economic Cooperation and Development	
<b>Context</b>	Germany GDP/cap – (2021) EUR 49,715 – above average World Bank Control of Corruption – (2020) 95.19 – above average Trust in public administration – (2021) 65% – above average Population: 83.1 m - large	
<b>Timeframe</b>	Since 2014	
<b>Reference</b>	<a href="https://www.allianceforintegrity.org/en/">https://www.allianceforintegrity.org/en/</a>	
<b>Aim and objectives</b>	Accountability through: <ul style="list-style-type: none"> <li>• fostering dialogue and collective action</li> <li>• enhancing companies' capacity to counter corruption</li> <li>• engaging the private sector in anti-corruption efforts</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: High (Over 500,000) HR: High (Whole body above 10 people) Tech: Medium (One register or one database, or app)	
<b>Expected impact</b>	To promote culture of integrity Raise awareness about companies' good practices Provide open communication between stakeholders	
<b>Category of corruption risk/ sector prone to corruption</b>	Private sector	
<b>Implementation mechanism</b>	Collective action	
<b>Similar practices</b>	Fight Against Facilitation Payments Initiative in Denmark <sup>315</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Companies and business associations
	<b>Implementation</b>	German Agency for International Cooperation ( <i>Deutsche Gesellschaft für Internationale Zusammenarbeit, GIZ</i> )
	<b>Funding</b>	German Federal Ministry of Economic Cooperation and Development (BMZ)
	<b>Steering committee members</b>	<i>Civil society:</i> German Global Compact Network & Transparency International Germany <i>Think Tank:</i> Basel Institute on Governance <i>International Organisations:</i> United Nations Office on Drugs and Crime (UNODC) & Organisation for Economic Co-operation and Development (OECD)

### Problem

**Corruption in global supply chains** broadly undermines human rights and rule of law and requires action. The EU's new supply chain law was introduced by EU Parliament in March 2021, in the form of a proposed directive to the EU Commission (European Parliament resolution of 10 March 2021 on corporate due diligence and corporate accountability (2020/2129(INL))<sup>316</sup>). This will put pressure on multinational companies in Western countries to implement compliance and anti-corruption practices along the entire supply chain. For these purposes, the companies will need the knowledge and expertise from countries of production and will have to collaborate with both business and public sectors to follow the legal obligation.

The Alliance for Integrity in Germany is a demonstrative case of tackling corruption in global supply chains. The Alliance has been initiated to overcome specific **awareness and communication issues related to anti-corruption in global supply chains**:

<sup>315</sup> Available at: <https://fafpi.org/>

<sup>316</sup> Available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.pdf)

- For multinational companies with headquarters in western Europe, it is difficult to understand the necessary context and specifics of corruption-related challenges in developing countries in order to tackle them;
- The issue of corruption did not receive serious treatment in comparison to other issues within the German Chapter of the United Nations Global Compact, which is the world's largest corporate sustainability initiative calling on companies to align strategies and operations with universal principles on human rights, labour, environment, and anti-corruption, and to take actions that advance societal goals;
- Low awareness and capacity to build compliance in small and medium-sized enterprises (SMEs) in developing countries.

### Solution

The Alliance for Integrity fosters collective action of all relevant actors from the private sector, the public sector and civil society with the [aim to strengthen the compliance capacities of companies and their supply chains](#). Among the main activities are trainings for SMEs provided by the local chapters of multinational companies, and peer-to-peer learning. The practice is implemented in 14 countries across South America, Asia, and Africa.

The network of the Alliance for Integrity [consists of](#) ca. 60 “Partners” – an organisational entity such as a civil society organisation, business association, or a public sector entity – and ca. 80 Supporters – private or state-owned companies – which has submitted an approved “Letter of Support” to the Alliance for Integrity expressing the organisation's support of and intention to advance the Alliance for Integrity's goals.<sup>317</sup>

The Alliance for Integrity operates on the global and the country level. The [governance structure](#) on the global level consists of a steering committee including multinational companies, German Business Associations, the German Federal Ministry for Economic Cooperation and Development, civil society organisations (German Global Compact Network & Transparency International Germany), the thinktank Basel Institute on Governance, UNODC, the OECD, and advisory group representatives.

On the [country level](#), where the Alliance for Integrity is active, a local multi-stakeholder Advisory Group has been established for consultations on the country level. Each Advisory Group serves as a sounding board for the network in the respective region. The body consists of supporters, thought leaders, practitioners, and experts, who guide the Alliance for Integrity, how to support responsible and clean business in the respective region.

**Figure 4.6 Governance Structure of the Alliance for Integrity**



Source: <https://www.allianceforintegrity.org/en/alliance-for-integrity/governance-structure/>

<sup>317</sup> The partners and supporters represent multiple countries apart from Germany, such as Argentina, Brazil, Chile, Colombia, Ecuador, Ghana, India, Indonesia, Mexico, Nigeria, Paraguay, Peru, and Uruguay <https://www.allianceforintegrity.org/en/alliance-for-integrity/partners-and-supporters/>

**Box 4.3 Example of a network structure by the Alliance for Integrity in Ghana<sup>318</sup>**

The Alliance for Integrity has been active in Ghana since 2015 and its office is located in Accra, where most Ghanaian headquarters of companies and organisations can be found. A multi-stakeholder Advisory Group Ghana has been established in 2016 and works towards awareness raising and capacity building for compliance. It comprises representatives of the following organisations:

- **Private sector:** Allianz Insurance Co. Ltd. Ghana, Association of Ghana Industries, Ecobank Ghana, Ghanaian-German Economic Association, Ghana Chamber of Commerce & Industry, Guinness Ghana Breweries Limited, Merck Ghana
- **Public sector:** Commission on Human Rights and Administrative Justice, Public Procurement Authority, National Board for Small Scale Industries
- **Civil society:** Ghana Anti-Corruption Coalition, Centre for Democratic Development, Ghana Integrity Initiative
- **International Organisations:** Global Compact Network Ghana, United Nations Office on Drugs and Crime
- **Academia:** Ghana Institute of Management and Public Administration

Content-wise, the Alliance aims to [link anti-corruption with the companies' business interests](#). The initiative shows cases to the companies how compliant behaviour pays off for their business development, such as better access to capital and global supply chains and hiring qualified personnel.

There are [four main pillars of work](#) of the Alliance for Integrity.

- **Compliance training and train-the-trainer programme:** Chief compliance officers of large multinational companies conduct trainings from companies for companies, usually on pro bono basis. They have up-to-date and comprehensive knowledge and share it with the local SMEs. Trainers from multinational companies are even willing to go beyond their own supply chains because they learn a lot about the challenges these SMEs face, which is often a gap in knowledge for these trainers because they have no touch points.
- **Peer-to-peer learning in countries and between regions.** This is a unique selling point of the Alliance for Integrity. For instance, female compliance officers in Argentina are coaching Indonesian women. It has shown that despite different backgrounds, they can support and empower each other.
- **Public-private dialogue:** The initiative offers a practice-oriented business perspective, when national and international business standards are developed. For instance, e-procurement has been piloted in Ghana, for which the Alliance for Integrity has acted as a sounding board. The focus was to make it SME-friendly and eliminate corruption opportunities. The way discussions play out varies by country.
- **Awareness raising and exchanging knowledge** including success stories, campaigns and publications adapted to the country's context: Corruption is a global problem, but the manifestation differs by country within the respective socio-cultural context. Behaviours are strongly shaped by the environment. The initiative invites relevant actors in countries to jointly develop strategies and offers proven products that can be adapted to specific contexts.

<sup>318</sup> Available at: [https://www.allianceforintegrity.org/en/regions/africa/#tab\\_a3b76bea587b34cda0e5c247db9bf59f\\_2](https://www.allianceforintegrity.org/en/regions/africa/#tab_a3b76bea587b34cda0e5c247db9bf59f_2)

### Box 4.4 Examples of activities supported by Alliance for Integrity in Brazil

In Brazil, the Alliance for Integrity supports the so-called Integrity Journey in the Brazilian agricultural sector, which has a great demand on the international market. The Agri Integrity Journey intends to assist enterprises, particularly SMEs, by providing them with essential information and resources to build long-term effective compliance systems. The Journey is composed of ten stages, which include a kick-off event, online seminars, and a corruption prevention program called DEPE (De Empresas para Empresas – from Companies to Companies) to support implementation and monitoring of compliance management systems.

The [Integrity App](#) is a technological tool, created by the Alliance. It is a self-assessment and corruption risk assessment tool, with a questionnaire to find out to what extent companies meet compliance standards and which compliance capacity they have. Based on the evaluation, they get further recommendations and capacity support. The app is available in 6 languages: English, German, Portuguese, Spanish, French and Bahasa.<sup>319</sup>

### Input

#### *Funds and human resources*

- The practice needs [relatively low resources](#) on the side of the governmental agency as implementor because it mainly [coordinates](#) the contributions by the multinational companies, who provide, for instance, trainings on the pro bono basis. The [budget](#) is EUR 4.5 million for 29 months, and currently, [staff](#) consists of 16 people - full-time employees at the GIZ to implement the Alliance for integrity. The team members work both in Germany and in regional offices. They coordinate the different work streams, organise events and managing the platform. In particular, they are responsible for the awareness raising and exchange of knowledge as well as the public-private dialogue. There is a respective regional manager for Asia, Africa, and Latin America. Network managers and focal points in the country. Furthermore, there is a coordinator for trainings and gender, as this is a GIZ that also works with external consultants for the systematisation of its work.

### Outcome and impact

- The initiative has reached its short-term goal of increasing knowledge, awareness, and skills regarding compliance along the supply chains. It traced changing behaviour of local SMEs in Asia, Africa. And South America towards more compliance with international standards of anti-corruption. The multinational companies are active locally and engage their locations on-site in Asia, Africa, and South America. For instance, SAP Brazil is part of the Advisory Group in Brazil.
- The Alliance for Integrity has [influenced several governments](#) to improve their compliance systems, such as in Colombia (Integrity Pacts) and Brazil (the Government of Brazil uses a pilot version of the app to measure compliance in public institutions), as well as being effective with regard to.
- The Alliance for Integrity engages in [public-private dialogue on the transnational level](#) inter alia through international organisations such as the OECD, where it can present the view of the private sector and connect public and private actors with each other.
- The practice has been [growing](#) from 4 to 14 countries in size because it triggers interest in different parts of the world. It is context-relevant because it adapts to the countries where the initiative is engaging. It is tailored in terms of training and issues and highly relevant to companies.
- The [Integrity App](#) has been cited as a best practice at the G20 Business 20 (B20).

### Context

#### *Institutions*

The German institutional development framework is supportive of the practice:

<sup>319</sup> Available at: <https://www.allianceforintegrity.org/en/offer/theintegrityapp/>

- **Institutions:** German Federal Ministry for Economic Cooperation and Development provides the support, including financial one, to the initiative, while the governmental agency GIZ takes care of its implementation.
- **Political will:** Preventing and combatting corruption is entrenched as a central concern of German development policy.
- **Structures:** Partnerships with non-governmental institutions and the commitment of the private sector to the initiative are critical for its effectiveness. The initiative actively follows recent research on corruption, e.g., through its partnership with the think tank Basel Institute on Governance.

### Limitations

The Alliance for Integrity started following a start-up model with a lot of trial and error in 4 countries before it expanded to 14. The initiative faces the following challenges, mainly due to its network nature:

- **Lack of a clear focus,** i.e., not sector-specific, which makes it difficult going in-to depth with the specific expertise. The initiative has an entry-level format for building compliance of SMEs.
- **Financial sustainability:** The aim is to separate the initiative from GIZ and make it self-sufficient. However, getting the support of the private sector proves difficult.
- **Assessment methodology:** The biggest challenge for participating companies is in assessing how far companies meet anti-corruption standards.

**Table 4.7 Analysis fiche**

Ensuring transferability and applicability		Verifying effectiveness	
Resource analysis	Implementation analysis (activities)	Short- and Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• Global- and country-level network governance structure consisting of a global Steering Committee and local Advisory Groups</li> <li>• HR: 16 people</li> <li>• Budget: EUR 4.5 million for 29 months for work in 14 countries</li> <li>• Technology: The Integrity App for capacity building</li> <li>• Knowledge: trust building methodologies and analytics on integrity provided by partners</li> <li>• Pro bono compliance trainings provided by private companies</li> <li>• Support from national governments</li> </ul>	<ul style="list-style-type: none"> <li>• Only initiative training SMEs in developing countries in compliance and anti-corruption</li> <li>• Capacity building for SMEs, businesswomen, State-owned enterprises (SOEs) and other target groups</li> <li>• Collecting and distributing good practices</li> <li>• Facilitating peer exchange to find shared solutions and broadcast successes</li> <li>• Publishing analytical work, organising events and trainings</li> <li>• Organising a mentoring programme for businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Participating SMEs know how to promote business integrity and compliance</li> <li>• Dialogue platforms are established and actively used</li> <li>• Increased awareness of the benefits of cooperation and trust between stakeholders</li> <li>• Created incentives and capacity for business integrity and compliance along global supply chains</li> <li>• Institutionalised and sustainable collective action among participating stakeholders</li> <li>• A mix of policies to promote integrity in economic system is in place</li> </ul>	<ul style="list-style-type: none"> <li>• Creating a level playing field with equal opportunities for everyone in a fair and transparent economic system through a system change</li> <li>• The initiative is changing the behaviour of local companies and governments by raising integrity as a considerable value in the economic system</li> </ul>

## 5 Integrity promotion

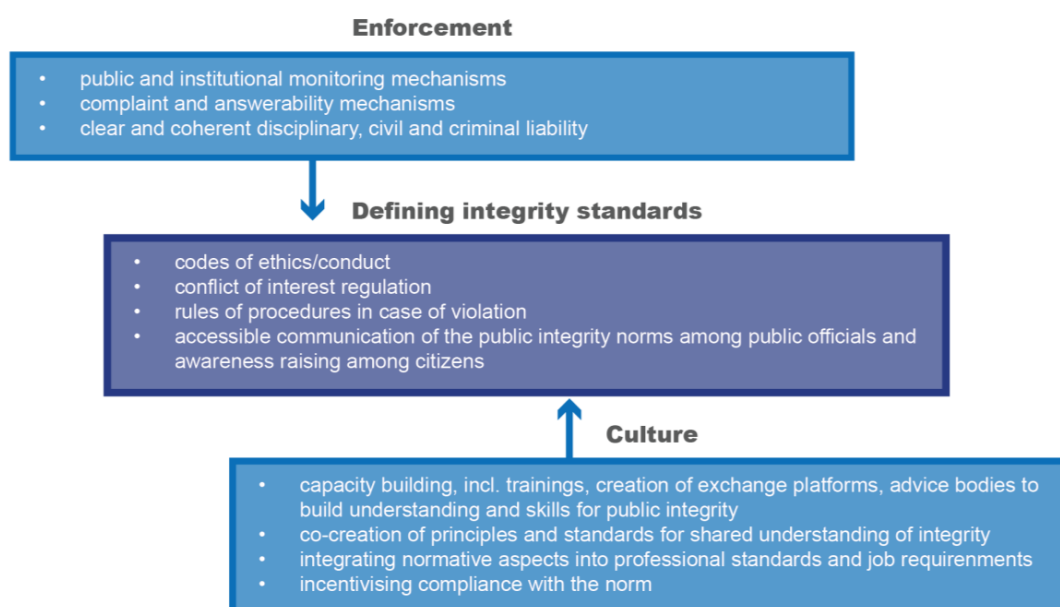
### 5.1 Introduction to the practice

#### Definition

Public integrity means the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector.<sup>320</sup>

Most often, integrity is referenced in relation to the framework of 'integrity management'.<sup>321</sup> Three parts are meaningful for a **comprehensive integrity framework**: setting standards for integrity, ensuring their enforcement, sustaining the culture. While the mechanisms of enforcement foresee rules of procedures to monitor and punish violation of integrity, the culture of integrity is based on reward mechanisms and incentives for compliance.

**Figure 5.1 The integrity framework**



Source: Own elaboration based on Rose Heywood (2013)

The integrity approach includes trust-building measures, which go beyond detection and punishment of corruption offences. The trust-building measures are important because they tackle not only criminalised forms of corruption, but also perceived forms of corruption in a society that are not necessarily criminalised but have severe damaging effects for the trust and democracy in a society (e.g., illicit enrichment, trading in influence).

As a rule, the integrity approach is social norm oriented.<sup>322</sup> It assumes that often it is impossible to counteract corruption by formal rules and punishment only (e.g., to avoid overregulation or in the case of bridges in rule of law).

<sup>320</sup> Keudel, O., ed., *Module on Public Ethics, Integrity, and Open Local Government* (Congress of Local and Regional Authorities of the Council of Europe, 2021), p. 19.

<sup>321</sup> Rose, J. and Heywood, P., Political Science Approaches to Integrity and Corruption, *Human Affairs* 23, no. 2, January 1, 2013: 152, <https://doi.org/10.2478/s13374-013-0116-6>.

<sup>322</sup> Kubbe, I. and Engelbert, A., eds., *Corruption and Norms*, Political Corruption and Governance (Cham: Springer International Publishing, 2018), <https://doi.org/10.1007/978-3-319-66254-1>.

Thus, building a social norm of public integrity – an unwritten rule that most in the society share as a norm – is more sustainable and can be done complementary to direct anti-corruption practice.

### International standards

- OECD Recommendation on Public Integrity.<sup>323</sup>
- The European Code of conduct for the political integrity of local and regional elected representatives.<sup>324</sup>
- OECD legal instruments for corruption prevention in public governance.<sup>325</sup>

### Mechanisms

The OECD [Integrity Framework](https://www.oecd.org/governance/ethics/public-integrity-toolkit.htm)<sup>326</sup> evolved around three broad mechanisms:

**Figure 5.2 Mechanisms of the OECD Integrity Framework**



Source: <https://www.oecd.org/governance/ethics/public-integrity-toolkit.htm>

- Mechanism 1: setting standards of integrity means defining integrity standards in public organisations, making them coherent with the [system of integrity](#). This includes:
  - setting standards of ethics and conduct (e.g., code of ethics/conduct, conflict of interest regulation) that prioritise the public interest and ensure coherency of those standards in administrative, civil, and criminal law;
  - developing an evidence-based strategy and action plan to mitigate risks to integrity;
  - co-ordinating the efforts between public organisations and national and subnational levels;
  - making commitments to public integrity.
- Mechanism 2: monitoring and enforcing compliance with integrity standards. This includes:
  - applying a risk management approach to integrity systems, including corruption risk assessment;

<sup>323</sup> Available at: <https://www.oecd.org/gov/ethics/recommendation-public-integrity/>

<sup>324</sup> Available at: <https://book.coe.int/en/congress-local-and-regional-action-series/4379-european-code-of-conduct-for-the-political-integrity-of-local-and-regional-elected-representatives.html>

<sup>325</sup> Available at: <https://www.oecd.org/gov/ethics/legal-instruments-for-corruption-prevention-in-public-governance.htm>

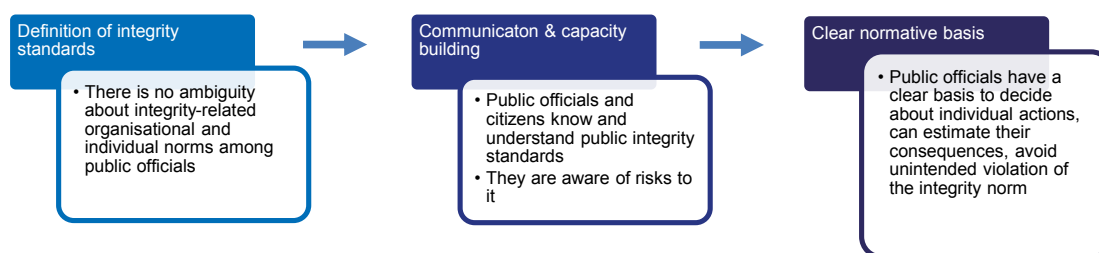
<sup>326</sup> Available at: <https://www.oecd.org/governance/ethics/public-integrity-toolkit.htm>

- introducing procedures for external oversight and regulatory enforcement agencies to strengthen accountability;
- opening to participation to prevent policy capture;
- ensuring a coherent approach to disciplinary, civil- and criminal enforcement of public integrity standards.
- Mechanism 3: a culture of integrity is about creating conditions in which one can do the right thing even if there is no control. By contrast, the accountability approach assumes 'the stricter the control, the better the behaviour'. Thus, a culture of integrity is fostered not when the norm is formally written (in the law, or a code of conduct), but when the norm of integrity is repeatedly practiced and becomes an accepted social norm. This mechanism includes:
  - whole-of-society engagement – incl. private sector, civil society, and individuals - in shaping a culture of integrity;
  - promote integrity leadership by incorporating integrity values into competency frameworks, job descriptions, assessment tools, leadership;
  - creating a merit-based system with clear qualification and performance criteria;
  - to build capacity – incl. knowledge and skills – for applying integrity standards.

### Potential results

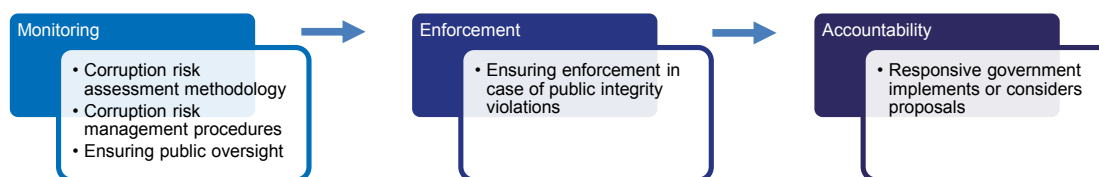
#### • Minimising unintended violation of norms

Figure 5.3: Minimising unintended violation of norms



#### • Ensuring Accountability

Figure 5.4: Ensuring Accountability



## • Ensuring Integrity as a social norm

Figure 5.5 Ensuring Integrity as a social norm



## Challenges

- The concept of integrity is very **unspecific and vague** and can contain too many aspects => defining specific standards of integrity is a first step to making in a collaborative and inclusive way with a broad spectrum of different stakeholders.
- Integrity standards are often set in the form of norms, recommendations, and guidance; thus, their **violation lacks punishment** => clear procedures for managing related risks, complaint mechanisms (e.g., Ombudsman), rules of procedures for violations of code of conduct/ethics must be in place to maintain integrity as a social norm and provide alternatives to the judicial procedures.
- The measures towards a culture of integrity often have low priority with regards to allocation of resources, as they are not compulsory, and their deliverables are tangible only indirectly (funds, human resources, maintenance) => at the stage of design, consider collaborative ways to ensure maintenance of the measures (e.g., co-creation, partnerships of stakeholders, rotating maintenance, etc.)

## Additional sources

### Trainings

- CMI/U4 Anti-Corruption Resource Centre: Corruption Risk Management online course<sup>327</sup>
- Education for Justice UNODC: Integrity and Ethics module series<sup>328</sup>
- Congress of Local and Regional Authorities of the Council of Europe: Module on Public Ethics, Integrity, and Open Local Government. 2021.
- Congress of Local and Regional Authorities of the Council of Europe: Trainer's Guide to the Module on Public Ethics, Integrity, and Open Local Government. 2021.

### International organization's guidelines and resources

- OECD Public Integrity Handbook<sup>329</sup>
- OECD Public Integrity Toolkit<sup>330</sup>
- OECD Public Integrity Maturity Models allow to assess the level of maturity based on the online self-assessment questionnaire<sup>331</sup>
- OECD Public Integrity Indicators Portal<sup>332</sup>
- Inventory of Integrity and Anti-Corruption Related Bodies, Instruments and Tools<sup>333</sup>

### Academic sources

- Global Integrity Anti-Corruption Evidence (GI-ACE) research programme
- Corruption, Justice, and Legitimacy (CJL): Social Norms & Corruption project
- CMI/U4 Anti-Corruption Resource Centre: Social norms & networks

<sup>327</sup> Available at: <https://www.u4.no/courses/corruption-risk-management>

<sup>328</sup> Available at: <https://www.unodc.org/e4j/en/tertiary/integrity-ethics.html>

<sup>329</sup> Available at: <https://www.oecd.org/corruption-integrity/reports/oecd-public-integrity-handbook-ac8ed8e8-en.html>

<sup>330</sup> Available at: <https://www.oecd.org/governance/ethics/public-integrity-toolkit.htm>

<sup>331</sup> Available at: <https://www.oecd.org/governance/ethics/public-integrity-maturity-models.htm>

<sup>332</sup> Available at: <https://oecd-public-integrity-indicators.org/>

<sup>333</sup> Available at: <https://www.oecd.org/corruption-integrity/>

## 5.2 Case studies

### 5.2.1 Denmark: Setting integrity standards - The Updates in the Code of Conduct for Public Employees

#### Executive summary

The Code of Conduct in the Public Sector applies to all public employees in Denmark. It was first published in 2007 and revised in 2017. The Code has a twofold purpose: providing a guideline for the ethical and professional behaviour of civil servants as well as summarising anti-corruption regulations that are scattered throughout different documents in Denmark. The revision of the Code of Conduct for public employees in Denmark after 10 years is an example of how to update not only the content, but also the communication style, as well as the learning approach around the Code. The new version of the Code integrated guiding documents of several public authorities, which facilitated a broad acceptance of the Code. The content of the Code is well balanced, between general principles and values, and focused description of some rules with specific examples, without an overload of details. Besides, the text has been edited in plain and understandable language.

#### Key words

Code of conduct, integrity, communication, awareness raising, value-based, principle-based, Denmark

**Table 5.1 Good practice fiche**

General information		Specifics
<b>Name</b>	Code of conduct in the Public Sector	
<b>Context</b>	Denmark GDP/cap – (2021) 67,328 - above average World Bank Control of Corruption – 100 – above average Trust in public administration – 77% - above average Population- 5.9 m - small	
<b>Timeframe</b>	Since 2017	
<b>Reference</b>	<a href="https://www.medst.dk/arbejdsomraader/publikationer/code-of-conduct-in-the-public-sector/">https://www.medst.dk/arbejdsomraader/publikationer/code-of-conduct-in-the-public-sector/</a>	
<b>Aim and objectives</b>	The guide's purpose is to convey a number of the fundamental rules and principles that apply in the public sector for both employees and the public authorities that employ them.	
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: High (Whole body above 10 people) Tech: Low (No specific technology)	
<b>Expected impact</b>	Fostering public trust in political decision-making	
<b>Category of corruption risk/ sector prone to corruption</b>	Public service	
<b>Implementation mechanism</b>	Defining shared values => Code of Conduct providing guiding principles of work in public service => awareness about public ethics => enforcement of the shared values	
<b>Similar practices</b>	Open Government Strategy 2030 in Finland has dedicated four priorities to "promote everyone's right to understand and be understood," which includes systematically and proactively using clear and understandable language <sup>334</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	All employees in the public sector
	<b>Implementation</b>	Agency for Modernisation in collaboration with Prime Minister's Office, Ministry of Justice, Ministry for Economic Affairs and the Interior, Danish Regions and Local Government Denmark

<sup>334</sup> Available at: [https://avoinhallinto.fi/assets/files/2021/03/Open\\_Government\\_Strategy2030.pdf](https://avoinhallinto.fi/assets/files/2021/03/Open_Government_Strategy2030.pdf)

### Problem

The Code of Conduct is a document that reflects context- and time-specific values of a society. Due to the changing nature of governance, new challenges and shifting expectations of citizens towards public service, there is a demand to revise the guiding documents as a Code of Conduct. This demand can arise from public debates or increasing number of questions for clarifications around the existing Code.

The revision of the Code of Conduct for public employees in Denmark after 10 years is an example of how to update not only the content, but also the communication style, as well as learning approach around the Code.

### Solution

The Code of Conduct was first published in 2007 and revised in 2017. The Code has a twofold purpose: providing a guideline for the ethical and professional behaviour of civil servants as well as summarising anti-corruption regulations, that are scattered through the different documents in Denmark.

While the initial Code clarified basic duties and responsibilities of public sector employees, the updated version of [the Code combines several guiding documents](#), developed in-between by different authorities. In particular, the Code 2017:<sup>335</sup>

- makes reference to the Ministry of Justice's Note How to Avoid Corruption;
- reflects Code VII-Seven Key Duties, published by the Danish Ministry of Finance in 2015;
- integrated Local Government Denmark's Code of Quality and Ethics in the Public Administration, which guides the relationship between local politicians and the public administration;
- Includes the section on gifts, considering the State Employer's Authority's memorandum "Accepting gifts, invitations and other benefits" from 2010.

**The structure of the Code:** The Code of Conduct is a publication of 60 pages. It is also published on the webpage of the government agency and is translated into English.<sup>336</sup> There are nine chapters with a description of the principles in a combination of examples from day-to-day operations in the public sector. There is a Bibliography with relevant links to legislation, executive orders, guidelines, and whitepapers. As an introduction, there is a description of the fundamental values as a joint responsibility for public authorities, institutions, and employees.

**The content of the Code:** In its Preface, the Code brings the trust of citizens towards in the public sector in a direct correlation with the local level of corruption in the country:

Employees in the public sector contribute greatly to ensuring that the citizens have trust in the sector and that they consider it to be reliable, efficient, and competent. That is one of the reasons that Denmark is one of the least corrupt countries in the world. (Preface of the Code)

The [fundamental values](#) in the public sector are based on "openness, democracy, the rule of law, objectivity, integrity, and impartiality as well as the principle of legality. At the same time, the public sector is expected to perform tasks in a flexible and efficient manner and to deliver services of a high standard." (Code, Ch.1, p.7)

The Code of Conduct has a holistic approach and covers the most important [obligations and rights of civil servants](#) in preventing corruption, defined as the abuse of entrusted power. Accordingly, civil servants have:

- the duty to advise and warn, the right and duty to decline unlawful orders;
- the freedom of speech on behalf of yourself;
- the right to protection as a whistle-blower;
- the duty to respect confidential information;
- the duty to report conflict of interest;

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<sup>335</sup> Available at: <https://www.oecd.org/governance/policy-framework-on-sound-public-governance/chapter-one-denmark.pdf>

<sup>336</sup> Available at: <https://modst.dk/media/18742/code-of-conduct-in-the-public-sectorforside.pdf>

- the duty to be and appear impartial.

With regards to gifts in public sector, the Code provides a number of useful examples, based on the frequent question, that has been raised over the years, as illustrated in the text box below. According to the Code, if the employee is still in doubt as to whether the gift can be accepted, the gift should be declined. The same goes with the chapter, with examples of representation expenses and travel costs.

**Box 5.1 Examples from the Code of Conduct: "Recognition of excellent work"**

As a general rule, public employees are not allowed to accept gifts, etc., that are offered as an expression of the giver's satisfaction with, for example, the service level, the handling of a case or the outcome of a specific case.

*Example:* An enterprise has won a public tender contract with a local authority, and in gratitude, a number of municipal employees receive a basket containing wine and chocolate.

The public employees must not accept the gift.

**"Gifts of gratitude"**

Employees are permitted to accept modest "gifts of gratitude" in special cases when it could appear impolite and disappoint the giver if the gift was returned. This applies particularly when there is a personal relationship between the giver and the receiver. It could apply to, for example, staff working in a care home or a day care centre.

*Example:* The parents of a child give a box of chocolates to the staff in connection with their child's last day at the day care centre.

*Example:* On being discharged from the hospital, a patient presents a bouquet of flowers to the staff.

In general, the staff in these cases would be able to accept the gift out of consideration for the citizen. These are modest gifts of gratitude for a service of personal nature for the citizen or for a relationship between the citizen and the staff member who has shown a personal touch.

Source: Code, Ch.6, p.31 ff.

**Promotion of the Code:** In addition to the content-related updates that made the Code more comprehensive in comparison to the one in 2007, the overall language of the Code was adjusted "in order to make it easier to read and to understand" (Code, Preface).

To raise awareness about the values and ethical foundation of the public sector in Denmark, the e-learning modules have been developed.<sup>337</sup> In addition, the Code of Conduct is a part of the 'onboarding package' by most of government authorities.

**Enforcement of the Code:** The enforcement of the Code is the responsibility of the management in every public body. If there are uncertainties or conflicts with regards to interpretation, such cases address the Ombudsman. In case, there is a suspect of the law violation, the investigation authorities are addressed.

### Input

#### Learning from experience

- The Code has been revised by the Ministry of Finance (the Agency for Modernisation) in collaboration with the Prime Minister's Office, the Ministry of Justice, the Ministry for Economic Affairs and the Interior, Danish Regions, and Local Government Denmark.
- The implementation of the Code is integrated into organisational routines.

#### Funds and human resources

- In addition to employee working hours, there were costs for printing and translation of the Code into English.
- An e-learning module has been developed, which cost ca. EUR 2,700 (DKK 20,000).

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<sup>337</sup> The relevant E-Learning course is available at: [https://modst.dk/media/35465/16428\\_mdst\\_kursuskatalog\\_hr.pdf\\_p.5](https://modst.dk/media/35465/16428_mdst_kursuskatalog_hr.pdf_p.5)

## Outcome and impact

- The updated Code received a positive international endorsement by the Group of States Against Corruption (GRECO) Evaluation Team, who considers the Code of Conduct to be a comprehensive document, “providing clear guidance on such issues as confidentiality, impartiality, gifts and other benefits, secondary employment and sound financial management”;<sup>338</sup>
- The strength of the concept is that it covers all sectors and has been produced in cooperation between several governmental agencies on the central and local levels of governance. The ownership among different bodies is supportive to the acceptance and practical implementation of the Code across the entire public sector;
- The Code of Conduct is well accepted and is used as the reference document whenever a question arises in practice. The Danish Ombudsman and the Supreme Court refer to the Code in specific cases;<sup>339</sup>
- The number of requests for clarification of the Code of Conduct has decreased since its update;
- If there are ‘high-profile debates’ on gifts and benefits in public service in the media, observations of social media reveal high knowledge and acceptance of the Code’s principles and provisions in Danish society.

## Context

### Legal framework

Previous guidance documents, as well as rising demands for clarifications were critical preconditions for the successful update of the Code of Conduct.

Balanced content between general principles and values and focused description with specific examples, without an overload of details. The bibliography of the Code of Conduct (Ch.10) lists all the regulations, executive orders, guidelines, and whitepapers on which it is based, for further guidance.

### Institutions

**Intra-governmental cooperation:** Integration of the values and ethical views of several agencies is crucial towards creating shared ownership of the basic principles of the Code. The efficiency of the Code of Conduct depends on general awareness, general acceptance, commitment from political and administrative top management and commitment in the whole management chain. There is common knowledge of the ethical principles, and in doubt cases, the Code of Conduct is often the primary reference to look for guidance.

## Limitations

The major challenge of the Code of Conduct is that it is a **guideline document**.

- The impact depends on the management’s support, in general, and case by case. Every time new managers are appointed, and new employees are hired, it is of high importance that the Code of Conduct is a part of the onboarding programme. In several sectors and functions, it is done by other means.<sup>340</sup>
- Regularly, there arises a demand for more specific rules, while others argue in favour of “common sense”. This is a permanent tension between the rigid and flexible approaches.

**Table 5.2 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect

<sup>338</sup> Council of Europe. *GRECO 5th evaluation round initial report for Denmark*. June 2019. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/168097203a>

<sup>339</sup> Available at: [https://www.ombudsmanden.dk/find/udtalelser/beretningssager/alle\\_bsager/2015-2/2015-2/](https://www.ombudsmanden.dk/find/udtalelser/beretningssager/alle_bsager/2015-2/2015-2/)

<sup>340</sup> See the example of the Municipality of Copenhagen, available at: <https://medarbejder.kk.dk/sites/default/files/2021-02/gaverregler.pdf>

<ul style="list-style-type: none"> <li>Need in providing a comprehensive, understandable, and accessible guidance for the public service, which corresponds to the <i>zeitgeist</i></li> </ul>	<ul style="list-style-type: none"> <li>At the government level, an editorial committee, incl. representatives from the local government.</li> <li>Translation and distribution costs of the publication</li> <li>e-learning modules</li> </ul>	<ul style="list-style-type: none"> <li>Guidance for the public ethics, based on the shared values, with the balanced content between general principles and specific examples. <ul style="list-style-type: none"> <li>e-publication</li> <li>e-learning</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Before the Code was published, the government agency received a lot of questions regarding gifts and other benefits. Currently, the number of questions decreased. <ul style="list-style-type: none"> <li>High awareness and acceptance of the Code's principles in public sector and beyond.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Denmark has a low level of corruption. The 'Code of Conduct' aims to maintain this position by advising to prevent corruption risks.</li> </ul>
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### 5.2.2 Estonia: Monitoring integrity - Self-Assessment Online Environment for Corruption Risk Assessment on the Local Level of Governance

#### Executive summary

The “www.kovriskid.ee” is a corruption risk assessment tool that was created in 2018 by NGO “Korruptsioonivaba Eesti” at the request of the Estonian Ministry of Justice. Being an electronic toolbox for the prevention of corruption in local governments, it includes guidance material on setting up anti-corruption work in local governments and a tool to identify corruption risks in local governments. The online corruption risk assessment environment is open to all Estonian local governments. The toolbox includes two questionnaires that help identify and assess corruption risks, analyse the adequacy of existing activities, and compare their results with other local governments, and also address the risks of corruption more broadly than just assessing the implementation of legal obligations.

#### Key words

Corruption risk assessment, local level of governance, online platform, Estonia

**Table 5.3 Good practice fiche**

General information	Specifics
<b>Name</b>	Local Governments' Corruption Risk Assessment Tool
<b>Context</b>	Estonia GDP/cap – (2021) EUR 25,375 – below average World Bank Control of Corruption – (2020) 92.31 – above average Trust in public administration – (2021) 65% – above average Population: 1.3 m - small
<b>Timeframe</b>	Since 2018
<b>Reference</b>	<a href="http://www.kovriskid.ee">http://www.kovriskid.ee</a>
<b>Aim and objectives</b>	Increasing awareness of corruption risks and instruments for corruption prevention in local governments.

<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Medium (Department of 4-9 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	Awareness of corruption risks and instruments for corruption prevention in local governments is increasing.	
<b>Category of corruption risk/ sector prone to corruption</b>	Corruption in local government	
<b>Implementation mechanism</b>	Tool for self-assessment of corruption risks	
<b>Similar practices</b>	<ul style="list-style-type: none"> <li>Guide to corruption risk mapping by World Customs Organisation,<sup>341</sup> Mining awards corruption risk assessment tool - 3rd edition by Transparency International,<sup>342</sup></li> </ul>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Local Government Council, Government, Administrative Agencies, and public officials
	<b>Implementation</b>	NGO Korruptsioonivastane Eesti, Ministry of Justice, Local governments

### Problem

While most anti-corruption practices are generally facilitated on the central level of governance, the local level of governance often remains neglected, even though it is highly susceptible to corruption. Overall, the main problems in preventing corruption in local governments are:

- low awareness about the problems connected to corruption;
- lack of knowledge and analysis about the areas and activities with a high corruption risk;
- consequently, activities that should prevent and mitigate the risk of corruption are not implemented.

For example, in Estonia – one of the least corrupt countries worldwide according to different indexes, approximately 40% of all criminal cases initiated by the Central Criminal Police Corruption Bureau and sent to the prosecutor's office involve local governments or their subdivisions. At the same time, only about a third of the municipalities have internal controllers, auditors, or internal auditors. Thus, the staff of the local government institution is often not aware that some of their practices are significantly increasing the corruption risk.<sup>343</sup> The case of the online environment for self-assessment of corruption risks is an example of an ICT-based tool to raise awareness about corruption risks, as well as to improve the knowledge of how to deal with those risks.

### Solution

The Corruption risk assessment tool [www.kovriskid.ee](http://www.kovriskid.ee) is an electronic toolbox for the prevention of corruption in local governments, which includes guidance material on setting up anti-corruption work in local governments and a tool to identify corruption risks in local governments.

The online corruption risk assessment environment is open to all Estonian local governments.

The toolbox includes two questionnaires:

- the first assesses the corruption risks and the implementation of risk mitigation measures by the council of the city or rural municipality,
- the second focuses on the executive branch.

The questionnaires help:

- to identify and assess corruption risks,
- analyse the adequacy of existing activities,
- compare their results with other local governments.

<sup>341</sup> Available at: [http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/integrity/instruments-and-tools/risk\\_mapping\\_guide\\_june\\_2015.pdf?la=en](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/integrity/instruments-and-tools/risk_mapping_guide_june_2015.pdf?la=en)

<sup>342</sup> Available at: <https://www.transparency.org/en/publications/mining-awards-corruption-risk-assessment-tool-3rd-edition>

<sup>343</sup> Paju, C., *Korruptsioonivabadus demokraatia kaudu* (Freedom from Corruption through Democracy), Estonian Public Broadcasting, May 2022, available at: <https://www.err.ee/1608603730/carina-paju-korruptsioonivabadus-demokraatia-kaudu>. (Accessed 31 May 2022).

The questionnaires address the risks of corruption **more broadly** than just assessing the implementation of legal obligations.

The environment is designed for **self-assessment** – the results are **confidential**, and the final result is visible only to the performer. One account has been created for each local government, with which the questionnaire can be filled in two parts.

An objective and critical self-assessment helps to ensure, that the result of answering the questionnaires offers a **real opportunity to assess** the state of the anti-corruption activities of the local government and to **compare their status** with other local governments.

### Input

#### *Learning from resources*

The [www.kovriskid.ee](http://www.kovriskid.ee) platform was created in 2018 by NGO “Korruptsioonivaba Eesti” (KVE) – the TI chapter in Estonia, - at the request of the Ministry of Justice.

#### *Funds and human resources*

In order to create and maintain the risk assessment tool, the following resources were needed:

- **Initial funding:** EUR 12,000 were spent on developing the environment for corruption risks in the period 2018-2019.
- **The annual operating costs** are about EUR 160 per year.
- **Expert support:**
  - The questionnaires and guiding materials were developed by the KVE.
  - The KVE team consisted of a few members.
  - The needed skills were mainly sociology and information technology.
- Stable access to a **server** on which the programme is run.

### Outcome and impact

The Ministry of Justice of Estonia assesses the platform facilitation as a success, although it requires constant work. For example, it is important that local governments use it, and to do so they must be constantly reminded of it.

Already in 2021, the self-assessment platform ([www.kovriskid.ee](http://www.kovriskid.ee)) was used by over **one-third of municipalities**.<sup>344</sup> On average, the entities had used 44% of available corruption prevention instruments. The use of corruption prevention instruments is even higher among the executive branch, as the awareness of corruption risks is higher there.

The **results of self-assessment informed the drafting of new legislation** on whistleblowing and encouraged relevant local regulations. For instance, the analysis of self-assessment results revealed that less than a quarter of municipal councils had guidelines and opportunities to report corruption or misconduct or the rules for the acceptance of gifts and rewards for council members.<sup>345</sup> The understanding of the problem encouraged some cities to oblige their mayors to issue guidelines for taking gifts and rewards<sup>346</sup>.

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<sup>344</sup> State of democracy, human rights and the rule of law, A democratic renewal for Europe, Report by the Secretary-General of the Council of Europe, 2021, available at: <https://rm.coe.int/annual-report-sg-2021/1680a264a2>, p 76. (Accessed 31 May 2022).

<sup>345</sup> Local Governments Corruption Risk Assessment Tool, Results, available at: <https://www.kovriskid.ee/tulemused>. (Accessed 31 May 2022).

<sup>346</sup> Prevention of corruption in the work organization of the city of Loksa, Official Gazette RT IV, 28.12.2018, 48. (Accessed 31 May 2022).

**Figure 5.6 Snapshot of the Corruption Risk Assessment Environment**


Source: <https://www.kovriskid.ee/>

## Context

### Legal framework

The Anti-Corruption Act obliges the central and local government agencies to ensure:

- awareness in the field of the prevention of corruption;
- supervision over performance of the obligations.<sup>347</sup>

### Institutions

There is long tradition of cooperation between authorities and civil society in Estonia with regards to anti-corruption. In addition to the [www.kovriskid.ee](https://www.kovriskid.ee) platform, the Ministry of Justice created several tools in cooperation with the KVE NGO:

- Whistleblowing Mechanism in the Private Sector: A Toolbox<sup>348</sup>;
- Handbook on the Prevention of Corruption in the Private Sector<sup>349</sup>;
- Value Games: Whistleblowing.<sup>350</sup>

### Limitations

There is a [sustainability challenge](#) due to [lack of resources](#) specifically assigned for the maintenance of the tool: The Ministry of Justice budget does not assign the annual resources to sustain the environment and make any necessary additional developments, nor does the KVE have such a resource, but the environment needs annual attention.

**Table 5.4 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect

<sup>347</sup> Anti-corruption Act, Official Gazette, RT I, 29.06.2012, 1 as amended by RT I, 13.04.2021, 3, available at: <https://www.rigiteataja.ee/akt/113042021004?leiaKehtiv>. English translation: available at: <https://www.rigiteataja.ee/en/eli/ee/515042021003/consolide/current>. (Accessed 31 May 2022).

<sup>348</sup> Transparency International Estonia. Vihjeandmise mehhanism ettevõttes. Tööriistakast, available at: <https://transparency.ee/publikatsioonid/vihjeandmise-mehhanism-ettevottes-tooriistakast>. (Accessed 31 May 2022).

<sup>349</sup> Transparency International Estonia. Erasektori korruptsiooni ennetamise käsiraamat, available at: <https://transparency.ee/publikatsioonid/erasektori-korruptsiooni-ennetamise-kasiraamat>. (Accessed 31 May 2022).

<sup>350</sup> Transparency International Estonia. Väärtusmängud: vihjeandmine, available at: <https://transparency.ee/publikatsioonid/vaartusmangud-vihjeandmine>. (Accessed 31 May 2022).

<ul style="list-style-type: none"> <li>• high corruption risks in local governments</li> <li>• Low awareness of corruption risks</li> <li>• Poor knowledge about anti-corruption practices on the local level of governance</li> </ul>	<ul style="list-style-type: none"> <li>• Initial funding: EUR 12,000 to develop the online environment;</li> <li>• annual operating costs: EUR 160 per year;</li> <li>• Expert support;</li> <li>• a server to run the program.</li> </ul>	<ul style="list-style-type: none"> <li>• local governments perform self-assessment of their corruption risks and compare their scores with the other local governments;</li> <li>• Survey with two questionnaires for corruption risk assessment for different stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• local governments conduct assessment of corruption risk.</li> </ul>	<ul style="list-style-type: none"> <li>• The awareness of corruption risks and instruments for corruption prevention increases;</li> <li>• Based on the assessment, the corruption risks are tackled in the new legislation.</li> </ul>
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### 5.2.3 Malta: Enforcing integrity standards - The Commissioner for Standards in Public Life

#### Executive summary

The Commissioner for Standards in Public Life in Malta is an example of an independent appointment, supported by the political majority and the opposition in the Parliament. The Commissioner investigates allegations of ethical misconduct of a broad range of public officials, incl. ministers, members of Parliament, and persons of trust (political appointees in the secretariats of ministers and parliamentary secretaries). In addition, the Commissioner has the authority to examine declarations of assets and interests, make recommendations for the improvement of the Codes of Ethics and on lobbying and the acceptance of gifts.

#### Key words

Code of Ethics, enforcement, investigation, Malta

**Table 5.5 Good practice fiche**

General information	Specifics
<b>Name</b>	The Commissioner for Standards in Public Life
<b>Context</b>	Malta GDP/cap – (2021) EUR 31,473– below average World Bank Control of Corruption – (2020) 64.9 – below average Trust in public administration – (2021) 57%% – above average Population: 0.5 m - small
<b>Timeframe</b>	Since 2018
<b>Reference</b>	<a href="https://standardscommissioner.com/">https://standardscommissioner.com/</a>
<b>Aim and objectives</b>	Among other things the Commissioner shall <ul style="list-style-type: none"> <li>• examine declarations of assets and interests submitted by ministers and other members of Parliament;</li> <li>• investigate allegations of ethical misconduct by ministers, other MPs, and persons of trust;</li> <li>• make recommendations for the improvement of the Codes of Ethics applying to MPs, ministers, and persons of trust;</li> <li>• make recommendations for the regulation of lobbying and acceptance of gifts</li> </ul>
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: Medium (Department of 4-9 people) Tech: Medium (One register or one database, or app)
<b>Expected impact</b>	Fostering public trust in the House of Representatives (MPs)

General information		Specifics
<b>Category of corruption risk/ sector prone to corruption</b>	Ethical misconduct by MPs, ministers, persons of trust	
<b>Implementation mechanism</b>	Standards in Public Life Act => appointment of the Commissioner => Monitoring & Enforcement, answering the complaints => Penalties issued where appropriate	
<b>Similar practices</b>	UK Parliamentary Commissioner for Standards	
<b>Stakeholder's mapping</b>	<b>Target group</b>	MPs (House of Representatives), ministers, parliamentary secretaries, persons of trust
	<b>Implementation</b>	Commissioner for Standards in Public Life reports to the Standards Committee of the House of Representatives

### Problem

When the integrity standards are clearly defined, the next step is **ensuring enforcement**. To be capable of trustworthy enforcement of Codes of Ethics, the person or public body in charge needs:

- Institutional independence and political impartiality
- Broad jurisdiction, covering a broad range of public officials and representatives, including the persons of trust in public service,
- Sufficient powers to investigate and decide upon consequences;
- Sufficient support to implement provided recommendations.

The case of the Commissioner for Standards in Public Life in Malta is an example of an independent appointment, supported by the political majority and the opposition in the Parliament. The Commissioner demonstrated credible enforcement of Codes of Ethics for three groups – the ministers, members of Parliament, and persons of trust.

### Solution

The Commissioner for Standards in Public Life in Malta is elected by at least two thirds of all members of Parliament, to ensure the choice of independent and impartial person, that both the majority and the opposition agree upon. The **Commissioner investigates** whether ministers, parliamentary secretaries or other members of Parliament have acted in ways that:<sup>351</sup>

- violate the law;
- breach ethical or professional conduct; or
- constitute an abuse of power.

In addition to the MPs and ministers, the **Commissioner has jurisdiction** over “persons of trust”, i.e., employees outside the public administration, serving as consultants or staff in the secretariats of public bodies.

Among other things **the Act empowers the Commissioner** to

- examine asset and interest declarations of ministers and MPs;
- investigate allegations of ethical misconduct by ministers, other MPs, and persons of trust;
- make recommendations for the improvement of the three Codes of Ethics – for MPs, ministers, and persons of trust;
- make recommendations for the regulation of lobbying and the acceptance of gifts.
- in cases with allegations of crime rather than ethical misconduct, the Commissioner can forward them to the police or directly to the Attorney General (chief prosecutor).

**Investigation procedure:** Most investigations by the Commissioner begin upon receiving a complaint. First, the complaint is screened to determine whether it merits an investigation under the Standards in Public Life Act. If the investigation is declined, the Commissioner provides substantiation of their decision. If the Commissioner decides

<sup>351</sup> Available at: <https://standardscommissioner.com/the-role-of-the-commissioner/>

that a complaint merits investigation, they may opt to refer it at the outset to the person who is the subject of the complaint in order to obtain the views and reactions from this person. The Commissioner would subsequently gather any further evidence they consider necessary. This approach is normally taken in simple cases where the key facts are not in dispute or can easily be verified. In more complex cases the Commissioner may choose to gather evidence from third parties before seeking the views of the person who is the subject of the complaint.

The Commissioner has the authority to demand necessary documents and to summon witnesses to witness under oath. The Standards in Public Life Act sets out penalties for witnesses, who fail to cooperate with the Commissioner or who do not testify truthfully. Evidence taken verbally is recorded and is normally transcribed.

If the case is serious, or it cannot be resolved in a manner that the Commissioner considers satisfactory, they can refer it to [Parliament's Standards Committee](#). The Committee consists of two MPs representing the majority and two MPs from the opposition. It is chaired by the Speaker, who only has a casting vote. The role of the Committee is to consider cases referred to it by the Commissioner. If the Committee adopts the Commissioner's case report, it can apply sanctions which can include demanding an apology or demanding the repayment of resources improperly used.

As a rule, each investigation is followed by a [public case report](#).<sup>352</sup> Besides, the office of the Commissioner maintains a [database of complaints](#). This is used mainly for statistical purposes and does not play a critical role in the operations of the office.

- The Commissioner also [collaborates with foreign counterpart institutions](#), notably the Parliamentary Commissioner for Standards in the United Kingdom<sup>353</sup>, and is regularly consulted by bodies such as the European Commission and the Parliamentary Assembly of the Council of Europe. The Commissioner is also a part of the European Network for Public Ethics, which was launched in 2022.

### Input

#### [Funds and human resources](#)

- The Commissioner currently has five members of staff, three of whom are involved in research and investigations and two provide administrative and logistical support. Their expertise ranges from skills to carry out an investigation to IT professionals, who can also engage in investigations.
- Commissioner also utilises the services of three consultants on a retainer basis, all of whom are qualified in their respective fields that are defined depending on the matter of investigated.
- The annual [budget](#) of the office of the Commissioner for Standards in Public Life is EUR 759,000 (as of 2022).
- There is also an OECD project, mentioned in the Long-Term Effect section, which includes a training component for staff in the office of the Commissioner for Standards.

### Outcome and impact

As of 2022, members of the public have submitted a total of 123 complaints to Commissioner Hyzler since his appointment in November 2018. 104 of the complaints have been closed while 19 remain pending. Of the 104 closed complaints, 65 have been found not to merit an investigation under the Act. One other complaint was withdrawn by the complainant. 38 cases have been investigated, with the reports that include reasoning behind the decision, as well as guidelines, publicly available.

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<sup>352</sup> All case reports published by the Commissioner or by the Standards Committee are available at: <https://standardscommissioner.com/case-reports/>.

<sup>353</sup> Malta's Standards in Public Life Act was loosely modelled on the system used to enforce ethical standards in the House of Commons of the United Kingdom (UK). Malta's Commissioner for Standards in Public Life reports to the Standards Committee of the House of Representatives.

The following are some [examples](#) of cases investigated by the Commissioner for Standards in Public Life:

- In June 2019 the Commissioner issued a case report on backbencher MPs (MPs on the government side who do not hold office as ministers) who were employed by or held appointments with the government. The Commissioner concluded that the engagement of backbenchers by the government was fundamentally wrong because it put backbencher MPs who are meant to scrutinise the government in a conflict of interests, thereby weakening Parliament. The Commissioner called for an end to this practice.
- In May 2020 the Commissioner issued a case report on the use of public funds in the production of content for the personal social media pages of ministers. The report found that it was a widespread practice for public funds to be misused in this manner. The report proposed guidelines to avoid such misuse which were accepted and adopted by the government.
- In July 2020 the Commissioner found former Prime Minister Joseph Muscat in breach of ethics for having accepted three bottles of wine worth €5,800 from a prominent businessman. The Standards Committee endorsed the report and closed the case after receiving a letter from Dr. Muscat that it considered an apology.
- In November 2020, the Commissioner issued a case report on opposition MPs who held jobs in the public sector. Such MPs were entitled to time off in order to attend parliamentary activities, but the Commissioner found that this practice was being abused. He recommended measures to curtail the abuse and called for MPs to be given the option of serving in Parliament on a full-time basis, meaning that it would no longer be necessary for MPs to hold other jobs.
- In July 2021 the Commissioner found the Hon. Rosianne Cutajar MP in breach of ethics for making an incomplete declaration of income while she was serving as parliamentary secretary. The Hon. Cutajar resigned as parliamentary secretary while the investigation was under way. The Standards Committee upheld the Commissioner's report and admonished her.
- In December 2021 the Commissioner found Minister Justyne Caruana in breach of ethics for awarding a consultancy contract to a friend who was not capable of fulfilling the contract. This case led to the minister's resignation. The Standards Committee suspended its consideration of this case owing to a court case that was subsequently launched by the former minister.

The Commissioner for Standards in Public Life has established a high level of [credibility with the public on both sides of the political divide](#) in Malta, in spite of the fact that Maltese society is highly polarised in political terms. This is a key factor in the success of the office. In less than four years since it was set up, the office of the Commissioner created the image of an independent and effective authority that is capable of holding ministers and MPs to account for ethical misconduct.

[International bodies](#) such as the Council of Europe and the European Commission have also referred to the case reports and recommendations by the Commissioner in their reports on Malta. This has further raised the profile of the Commissioner and increased his authority.

### Context

#### [Legal framework](#)

- **Defined ethical standards:** The Standards in Public Life Act (chapter 570 of the laws of Malta) was enacted in 2017 with the unanimous support of all MPs and entered into force on 30 October 2018. The Act contains two Codes of Ethics - one for the MPs and the other for the ministers. The Act also makes "persons of trust" subject to the Code of Ethics for Public Employees, contained in the Public Administration Act.<sup>354</sup>

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<sup>354</sup> All three Codes of Ethics – for MPs, Ministers, and parliamentary secretaries, as well as for the persons of trust are available in English at: <https://standardscommissioner.com/resources/>

### Institutions

- **Appointment procedure:** The Act provides for the appointment of a Commissioner for Standards in Public Life by the President of Malta, acting on the basis of a resolution of Parliament that must be supported by at least two thirds of members of Parliament (MPs). This mechanism effectively means that the government and the opposition must agree on the appointment, and this mechanism of appointment instils more trust in the Commissioner by the public. Hence, such an appointment is designed to ensure that the Commissioner is impartial. The first Commissioner for Standards in Public Life was appointed on 12 November 2018 with unanimous support in Parliament.

### Limitations

The main challenge faced by the Commissioner for Standards in Public Life concerns the **lingering culture**, whereby MPs are not used to being subject to scrutiny by an oversight body. This culture is changing though as a result of the implementation of the Standards in Public Life Act.

**Partisan biases** in the Parliament's Standards Committee hamper some decisions because members tend to divide on party lines when considering cases. In one instance, the Committee was unable to conclude on a case report submitted to it by the Commissioner because its members were divided on party lines and the Speaker, who can resolve such situations by means of his casting vote, abstained.

Furthermore, there are some **shortcomings in the codes of ethics** for MPs and ministers, as well as a number of **shortcomings in the Standards in Public Life Act**, which became evident in light of experience. Among other things:

- the time limits for the submission of complaints are unduly short, notably the limit of 30 working days from when the complainant gets to know of the alleged misconduct;
- the Act does not clearly provide for the investigation and sanctioning of persons who cease to be subject to the Act after committing a breach of ethics;
- the Commissioner does not have the authority to publish case reports that are submitted to the Standards Committee by them. In some instances, the Committee authorised publication only after an undue delay, and in one instance it did not authorise publication at all. Delays in the publication of case reports can undermine public confidence in the process.

To overcome these challenges, in 2020 the Commissioner formally recommended the adoption of revised draft codes of ethics for MPs and ministers under article 13(1)(g) of the Standards in Public Life Act. In 2021 the OECD embarked on a project entitled "Improving the integrity and transparency framework in Malta" at the Commissioner's request, with funding from the European Commission's Technical Support Instrument. Among other things, the project involves a review of the Standards in Public Life Act and will also revisit the Codes of Ethics for ministers and MPs. The project will also lead to the presentation of recommendations for the regulation of lobbying in Malta to the government.

**Table 5.6 Analysis fiche**

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Demand for an impartial body to enforce ethical standards in a politically polarised context	Five members of staff, of whom three are involved in research and investigations and two provide	The Commissioner: examines asset and interest declarations; investigates allegations of ethical misconduct; makes recommendations for the improvement of the three Codes of Ethics	Members of the public have submitted over 120 complaints in three years, of which over 100 were closed. This level of public engagement in a	Public approach towards accountability of MPs is changing

	administrative and logistical support.	– for MPs, ministers, and persons of trust; makes recommendations for the regulation of lobbying and the acceptance of gifts	small country is an indication of Commissioners' credibility. Various complaints were submitted, and penalties were issued accordingly.	
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#### 5.2.4 Cyprus: Creating an Integrity System in Public Prosecutor's Offices

##### Executive summary

With the purpose of restoring trust in prosecutors' services, an integrity system has been created in this specific sector in Cyprus. In addition to punishing individuals engaged in corruption, further complex anti-corruption measures include defining integrity standards in form of a Code of Conduct, fostering a culture of professionalism and integrity through trainings and meritocracy, improving accountability and monitoring through the creation of an interdepartmental group for investigation of corruption.

##### Key words

Sector-specific anti-corruption, prosecutors, anti-corruption legislation, meritocracy, criminalising undue influence; Code of Conduct, Cyprus

**Table 5.7 Good practice fiche**

General information		Specifics
<b>Name</b>	Creating Integrity System in Public Prosecutor's service	
<b>Context</b>	Cyprus GDP/cap – (2021) EUR 29,437– below average World Bank Control of Corruption – (2020) 65.87 – below average Trust in public administration – (2021) 30% – below average Population: 0.9 m - small	
<b>Timeframe</b>	Since 2017	
<b>Reference</b>	<a href="http://www.cylaw.org/nomoi/arith/2022_1_002.pdf">http://www.cylaw.org/nomoi/arith/2022_1_002.pdf</a>	
<b>Aim and objectives</b>	<ul style="list-style-type: none"> <li>• Reforming governance structure in prosecutors' office</li> <li>• Decreasing corruption incentives among prosecutors</li> <li>• Increasing incentives to engage high-level professionals as prosecutors</li> <li>• Clarifying integrity standards</li> <li>• Providing legislation basis for the objective of hiring procedures</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: Low (Below 3 or volunteers' engagement) Tech: Low (No specific technology)	
<b>Expected impact</b>	<ul style="list-style-type: none"> <li>• Restoring trust in prosecutors' office</li> <li>• Meritocracy and objectivity in selection of prosecutors</li> <li>• Integrity in prosecutors' service</li> <li>• Boosting criminalisation and investigation of corruption in law enforcement</li> </ul>	
<b>Category of corruption risk/ sector prone to corruption</b>	Corruption and favouritism in Prosecution Service	
<b>Implementation mechanism</b>	Defined integrity standards => new anti-corruption Legislation => objective hiring procedures => decreasing individual corruption incentives => boosting corruption investigation institutionally	
<b>Similar practices</b>		
<b>Stakeholder's mapping</b>	<b>Target group</b>	prosecutors

General information	Specifics
	Implementation Central level public authorities of Cyprus

### Problem

Corruption scandals can undermine trust in the entire public body or sector, which can be linked to systemic corruption there. In the case of systemic corruption, when the widespread expectation is that corruption is an informal rule in place, the prosecution of individuals for corruption is not sufficient to restore trust. Instead, a significant revision of governance in a sector and the combination of several anti-corruption actions is requested.

The case of combining several anti-corruption measures among prosecutors in Cyprus is an example of an attempt to counteract corruption in a specific public body and restore trust after a harmful corruption scandal.<sup>355</sup>

### Solution

The combination of punitive and trust-building measures in prosecutors' services in Cyprus aims at establishing a system of integrity, which consists of:

- **Punishing corrupt individuals:** The prosecution and conviction of individuals involved in revealed corruption was undertaken by the then Attorney General, to safeguard the integrity of prosecutors and enhance their public trust. High level public officials were convicted and imprisoned, which demonstrated the rule of law.
- The Law 2(1)/ 2022<sup>356</sup> concerning the evaluation of candidates for *Promotion, Interdepartmental Promotion and First Appointment and Promotion in the Public Service* introduced the [new legal framework for the evaluation and selection of candidates](#) by the Public Service Commission EDY to fill the vacant positions in public service, with the ultimate goal to select the most suitable candidates on the basic principles of objectivity and meritocracy. Para. 4 (1) of the Law provides specific criteria for objective selection based on merit.
- The [provisions for the full independence of prosecutors](#), as far as appointments and promotions are concerned to prevent any outside interference in their work, were legally entrenched. Besides, para.13 of Law 2(1)/2022 defines both the administrative and criminal dimension of the related offence, which can lead to imprisonment up to two years or a financial penalty up to EUR 850,000.
- The salary scales of the prosecutors were significantly increased to match those of District Court judges.
- A [Code of Conduct for prosecutors](#) was introduced. The Code lists a prosecutor's basic duties; guidance for the general professional conduct and the professional conduct in the context of criminal procedures and, finally, even touches upon guidance for the prosecutor's conduct in private life. The enforcement of the Code is the responsibility of the most senior public prosecutor, acting upon information that comes to their attention.
- Creating [structures for investigation of corruption](#): in 2022, the Attorney General (Constitutionally responsible for the prosecution service in Cyprus) announced the establishment of the Group, co-ordinating the investigation of [serious] criminal cases of corruption or cases that may contain elements of corruption.<sup>357</sup> The Group consists of the following representatives: the Attorney General, the Chief of Police, the Head of the Unit for Combatting Money Laundering/Financial Intelligence Unit, the Head of Criminal Public Prosecutors, and the Head of the Cyprus Police Criminal Investigation Department.

### Input

#### Learning from experience

To introduce structural reforms in a public body, the following measures have been undertaken:

- The [external consultancy services](#) of experts from Northern Ireland were enlisted following an agreement between the Law Office of the Republic of Cyprus and the EU's Structural Reform Service (SRSS). The SRSS experts advised on how to restructure the Prosecution Service of Cyprus in order to speed up the process and make prosecutions more effective.

<sup>355</sup> Available at: <https://www.goldnews.com.cy/en/energy/attorney-general-files-case-against-deputy-attorney-general-and-three-others>

<sup>356</sup> Available at: [http://www.cylaw.org/nomoi/arith/2022\\_1\\_002.pdf](http://www.cylaw.org/nomoi/arith/2022_1_002.pdf)

<sup>357</sup> Available at: <https://www.stockwatch.com.cy/el/article/politika-prosopa/synilthe-i-omada-syntonismoy-dierynisis-ypotheseon-diafthoras>

- **New legislation** has been introduced to regulate selection procedures and remuneration of prosecutors.

## *Funds and human resources*

- The **budget** has been dedicated to increased salaries. Besides, new positions for prosecutors have been created, to reduce the excessive workload of public prosecutors in the different Districts of Cyprus.
- **Trainings for prosecutors** to increase their professionalism have been developed, as there was no training before or after the appointment of prosecutors.

## **Outcome and impact**

As the reform of the prosecutors' services is ongoing and some legislation changes were introduced only recently, impact assessment is yet to come. Nevertheless, it is possible to anticipate some mid-term outcomes, such as:

- **Reducing incentives for corruption** by providing reasonable salaries to the prosecutors;
- Increasing **meritocracy** in prosecutors' services through revised and objective selection criteria; attract highly qualified and experienced legal practitioners into the prosecution service as well through competition-based selection with improved incentives;
- Increasing **political independence** of prosecutors by **criminalising favouritism** in appointing procedures for the prosecutor's office;
- **Defining integrity standards** of prosecutors' service through the Code of Conduct and trainings;
- **Boosting investigation of high-level corruption** by creating a collegial body for this purpose.

## **Context**

### *Legal framework*

Several conditions were inductive to the reform of the prosecutor's sector in Cyprus:

- **Creating anti-corruption institutions:** In May 2022, the Cyprus parliament passed Law 19 (1)2022 for the Establishment and Functioning of an Independent Commission Against Corruption (ICAC)<sup>358</sup>, which is now operational. Art.6 of Law 19(1)/2022 provides that ICAC's mission is to ensure the coordination and effectiveness of the National Strategy Against Corruption vis-à-vis the different public services and semi-public sector by taking initiatives and actions. In addition, paragraph 6(2) provides that ICAC investigates (of its own volition or following an allegation about corruption) in the public or private sector.

### *Institutions*

- **Increasing public demand** for the systemic change, due to a corruption scandal;
- Coordination between the Law Office, Police, Unit for Combating Money Laundering
- Involvement of other state agencies on a needs basis (e.g., Taxation and Customs Departments)

## **Limitations**

Main challenges to reforms may come with its implementation phase and may include:

- Resistance of groups of interest that are profiting from systemic corruption;
- Difficulty of the mid-level public service to embrace systemic changes and restructuring of the prosecutors' services.

**Table 5.8 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness	
Demand analysis	Resource analysis	Output analysis		Medium-term effect	Long-term effect (potentially)

<sup>358</sup> Available at: [http://www.cylaw.org/nomoi/indexes/2022\\_1\\_19.html](http://www.cylaw.org/nomoi/indexes/2022_1_19.html)

## Handbook of good practices in the fight against corruption

Public demand for systemic change, due to a corruption scandal; Lack of incentives for good professionals to join the prosecutors' services	External consultancy; Training program development	New legislation Increasing salaries New selection procedures for the prosecutors Code of Conduct Trainings Collaborative group for Corruption Investigation	Reducing incentives for corruption; Criminalisation of undue influence in prosecutors' selection; Meritocracy; Political independence; Defined integrity standards	Increasing trust in prosecutors' services; Increasing professionalism and integrity of prosecutors; Increasing legitimacy of law enforcement
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## 6 Conflict of Interest (Col) management and detection

### 6.1 Introduction to the practice

#### Definition

A conflict of interest (Col) is a situation where the impartiality and objectivity of the functions of a public official is or might be perceived as being compromised by a personal interest held or entrusted to a given individual. The conflict between the public duty and private interest of a public official can occur for “reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.”<sup>359</sup>

Thus, conflict of interest is a situation that can lead to corruption if not managed properly. Nevertheless, not only actual impartiality but also the perception of impartiality is important, as any doubts about impartiality and objectivity affect the reputation of a public authority.

There are three types of Col situations<sup>360</sup>:

- **Actual:** when a private interest *actually influences* the performance of official duties in serving the public interest
- **Potential:** when private interest of the official *could result* in the occurrence of an actual Col in the future
- **Apparent:** when the private interest does not improperly influence the performance of official duties. However, *a person from the outside would have a reasonable impression* that it does, which undermines trust.

Most Col situations happen in public procurement (tendering, bid evaluation, contract awards) and human resource management (employment, recruitment, promotion).

#### International standards

- Congress of Local and Regional Authorities of the Council of Europe Resolution 434 (2018) and Recommendation 423 (2018) on Conflicts of interest at local and regional level.<sup>361</sup>
- EU Commission Notice Guidance on the avoidance and management of conflicts of interest under the Financial Regulation 2021/C 121/01.<sup>362</sup>
- OECD Guidelines for Managing Conflict of Interest in the Public Service.<sup>363</sup>

#### Mechanisms

Based on international standards and recommendations, the chart below summarises a comprehensive overview of mechanisms and tools for Col management.<sup>364</sup>

<sup>359</sup> Definition based on the [EU Commission Notice Guidance](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2021.121.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A121%3ATOC#ntc5-C_2021121EN.01000101-E0005) on the avoidance and management of conflicts of interest under the Financial Regulation 2021/C 121/01, P. 3.2.1. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C\\_.2021.121.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A121%3ATOC#ntc5-C\\_2021121EN.01000101-E0005](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2021.121.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A121%3ATOC#ntc5-C_2021121EN.01000101-E0005)

<sup>360</sup> Kalnins, V., *Managing conflict of interest in the public service*. Council of Europe. 2019. p. 8. <https://rm.coe.int/toolkit-formanaging-conflict-of-interest-in-the-public-service-en/168097ed1f>

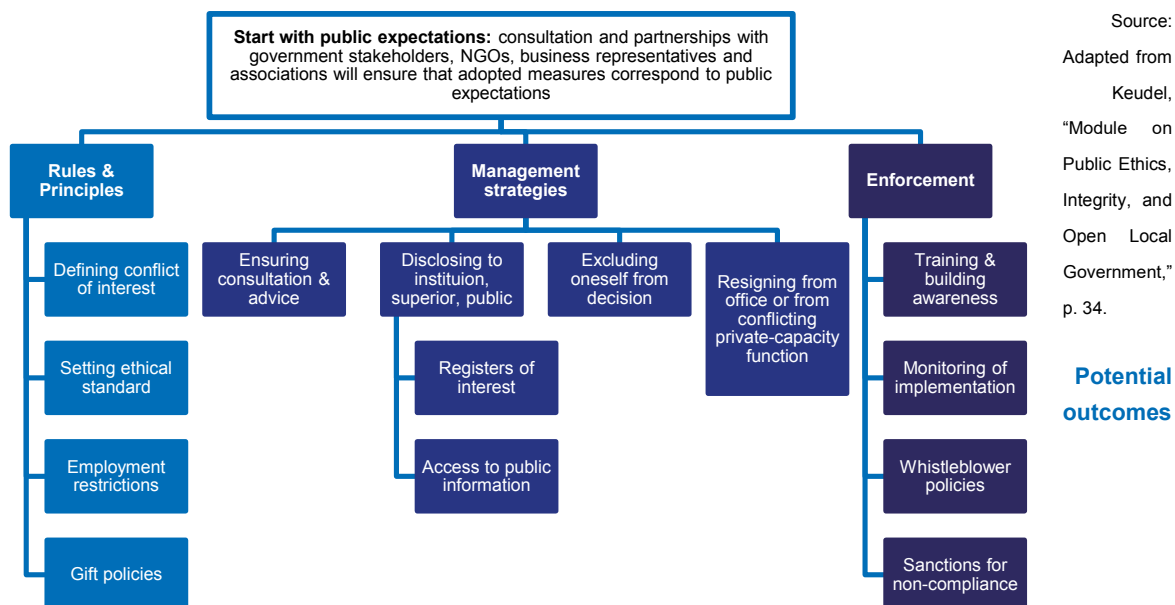
<sup>361</sup> Available at: <https://rm.coe.int/16808d33d0>

<sup>362</sup> Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C\\_.2021.121.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A121%3ATOC#ntc5-C\\_2021121EN.01000101-E0005](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2021.121.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A121%3ATOC#ntc5-C_2021121EN.01000101-E0005)

<sup>363</sup> Available at: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0316>

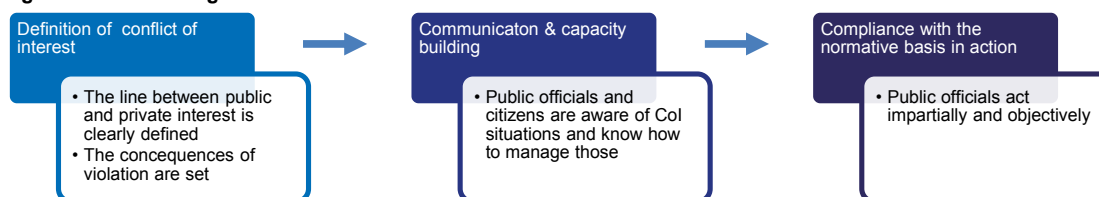
<sup>364</sup> Adapted from Keudel, “Module on Public Ethics, Integrity, and Open Local Government,” p. 34.

Figure 6.1 Mechanisms and tools for Col management



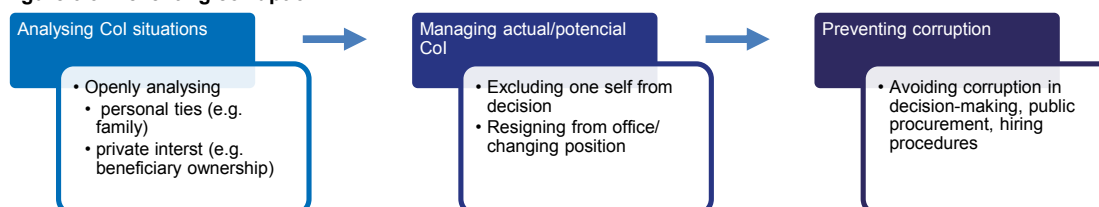
- Minimising unintended violation of norms

Figure 6.2: Minimising unintended violation of norms



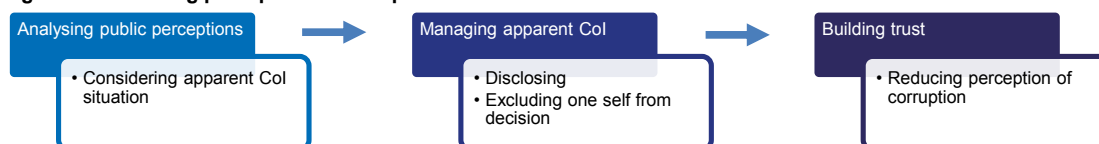
### Preventing corruption

Figure 6.3 Preventing corruption



- Reducing perception of corruption

Figure 6.4 Reducing perception of corruption



### Challenges

- Too strict an approach in controlling private interest may infringe on the human and civil rights of public officials => the feasibility of measures needs to be assessed before introducing them; there should be also reasonable communication with affected professionals and public officials, justifying the need in certain limitations.
- Col management requires additional resources (budget, HR, technological support) for monitoring, detecting, and enforcing related regulations => these tasks are often assigned to the anti-corruption agencies with the

mandate of corruption prevention, otherwise the regulations need to clearly stipulate alternative agency and assign resources for Col management. Public bodies (e.g., Parliament) can establish a position or an office of Col commissioner for managing the registration of interests, providing guidance, dealing with complaints, and reporting.<sup>365</sup>

- Col regulations **may affect the flow of human resources** in certain situations. For example, in small states, where in a public sector most people know each other, it is difficult to exclude personal ties from the professional life. Col regulations can deter qualified candidates from entering public office if they have private ties. In some sectors (e.g., public health), where the link to the industry is critical, weakening persistent links may undermine the functioning of the very industry.<sup>366</sup>

### Additional sources

#### Trainings

- International Anti-Corruption Academy online courses:
  - Fraud and Corruption Prevention in Public Procurement.<sup>367</sup>
  - Handling Conflict of Interest in the Public Sector.<sup>368</sup>
  - Introduction to the Conflicts of Interest Management in the Private Sector.<sup>369</sup>

#### Policy analysis

- Jenkins, M., *Conflict of Interest: Topic Guide*. Transparency International. 2015.<sup>370</sup>

#### Other sources

- Kalnins, V. *Managing conflict of interest in the public service. Toolkit*. Council of Europe. 2019.<sup>371</sup> This resource discusses rules and examples in line with the local standards of public service.
- OECD Explainer and Toolkit for the Guidelines Especially the Toolkit is a useful tool for more exercises and simple explanations of conflict-of-interest situations.<sup>372</sup>

## 6.2 Case studies

### 6.2.1 Romania: Ex-ante Verification and Enforcement Mechanism for Col - PREVENT system for public procurement

#### Executive summary

The PREVENT system is a digital platform for preventing conflicts of interest in the procedure for awarding public procurement contracts in Romania. This tool is analysing integrity data provided through an online integrity form, connected with other national databases to cross-check integrity of information. By acting before a contract is signed, PREVENT can **highlight any potential conflicts without putting the contracts, and thus public finances, at risk**. The focus is on a **preventive, ex-ante** approach as opposed to sanctions and ex-officio investigations.

<sup>365</sup> Jenkins, M., *Conflict of Interest: Topic Guide*. Transparency International. 2015, p.6. Available at: [https://knowledgehub.transparency.org/assets/uploads/kproducts/Topic\\_Guide\\_Conflicts\\_of\\_Interest.pdf](https://knowledgehub.transparency.org/assets/uploads/kproducts/Topic_Guide_Conflicts_of_Interest.pdf)

<sup>366</sup> DeMaria, A. N., Challenges in Dealing with Conflict of Interest. *Structural Heart*, 2, no. 6, November 2018, p. 482–84. Available at: <https://doi.org/10.1080/24748706.2018.1520494>.

<sup>367</sup> Available at: <https://iaca-online-training.thinkific.com/courses/unops>

<sup>368</sup> Available at: <https://iaca-online-training.thinkific.com/courses/conflicts-of-interest-in-the-public-sector-eng>

<sup>369</sup> Available at: <https://iaca-online-training.thinkific.com/courses/conflict-of-interest-private-sector-eng>

<sup>370</sup> Jenkins, M., *Conflict of Interest: Topic Guide*. Transparency International. 2015. [https://knowledgehub.transparency.org/assets/uploads/kproducts/Topic\\_Guide\\_Conflicts\\_of\\_Interest.pdf](https://knowledgehub.transparency.org/assets/uploads/kproducts/Topic_Guide_Conflicts_of_Interest.pdf)

<sup>371</sup> Kalnins, V., *Managing conflict of interest in the public service*. Council of Europe. 2019. <https://rm.coe.int/toolkit-formanaging-conflict-of-interest-in-the-public-service-en/168097ed1ff>

<sup>372</sup> Available at: <https://www.oecd.org/governance/ethics/conflict-of-interest/>

## Key words

Conflict of interest, public procurement, disclosure, asset declarations, transparency, open data, digital platform, Romania

**Table 6.1 Good practice fiche**

General information		Specifics
<b>Name</b>	PREVENT - Integrated computer system for preventing conflicts of interest in public procurement	
<b>Context</b>	Romania GDP/cap – (2021) EUR 14,250 – below average World Bank Control of Corruption – (2020) 54.81 – below average Trust in public administration – (2021) 37% – below average Population: 22.2 m - medium	
<b>Timeframe</b>	Since June 2017	
<b>Reference</b>	<a href="https://www.integritate.eu/prevent.aspx">https://www.integritate.eu/prevent.aspx</a>	
<b>Aim and objectives</b>	Preventing conflicts of interest in the procedures before awarding public procurement contracts	
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	Decreasing corruption in public procurement	
<b>Category of corruption risk/ sector prone to corruption</b>	Conflicts of interest in public procurement procedures	
<b>Implementation mechanism</b>	Development of IT system which analyses integrity data provided through an online Integrity form => Cross-referencing with other public databases => Identifying potential conflicts of interest => Issuing warnings on potential conflicts of interests => Contracting authorities are obliged to take measures to eliminate causes of conflict of interests in public procurement contracts	
<b>Similar practices</b>	ERAR system in Slovenia is similar in terms of connection to other data bases for crosscheck	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Decision-makers within public contracting authority and the service provider/consultant, including co-opted experts, who have the legal obligation to submit asset and interest declarations
	<b>Implementation</b>	National Integrity Agency (NIA) in cooperation with other governmental agencies

## Problem

If the oversight of conflict of interest in public procurement takes place after the contract is awarded, it causes at least two disadvantages:

- First, it is a very **lengthy procedure** because the conclusions of the investigation would be contested in a court. If the court confirms conflict of interest, another procedure starts for the annulment of the procurement and all legal acts concluded.
- Second, **annulment of legal acts is not always possible** as this may happen sometime after the works contracted have been finalised.

By acting before a contract is signed, PREVENT system in Romania can **highlight any potential conflicts without putting the contracts, and thus public finances, at risk**. This case is an example of when the focus is on a **preventive, ex-ante** approach, as opposed to sanctions and ex-officio investigations.

### Solution

Since 2017, the digital platform PREVENT analyses public procurement procedures with national and EU funds that run through the national electronic procurement platform SEAP. The purpose is to identify and manage conflicts of interest in the procedure before awarding public procurement contracts.

The [operation of the system depends essentially on the data](#) that contracting authorities are obliged to provide in the so-called *integrity form*, which is an integral part of the documentation for the award of public procurement contracts. The *integrity form* can be completed electronically on the SEAP procurement platform. The *integrity form* consists of three sections:

- Data on the procurement procedure
  - source for procurement funding;
  - estimated value;
  - CA identification data;
  - type of contract, etc.
- Data on the decision-maker, the evaluation committee, the co-opted experts, incl.
  - personal identification data;
  - position within the authority (for decision-makers);
  - membership or decision-making position within NGO's or associations
  - tax registration no. (for consultants);
- Data on bidders/candidates, incl.
  - position/capacity;
  - tax registration number;
  - offices address
- Measures to remove potential conflicts of interest, if ordered, as a result of an integrity warning.<sup>373</sup>

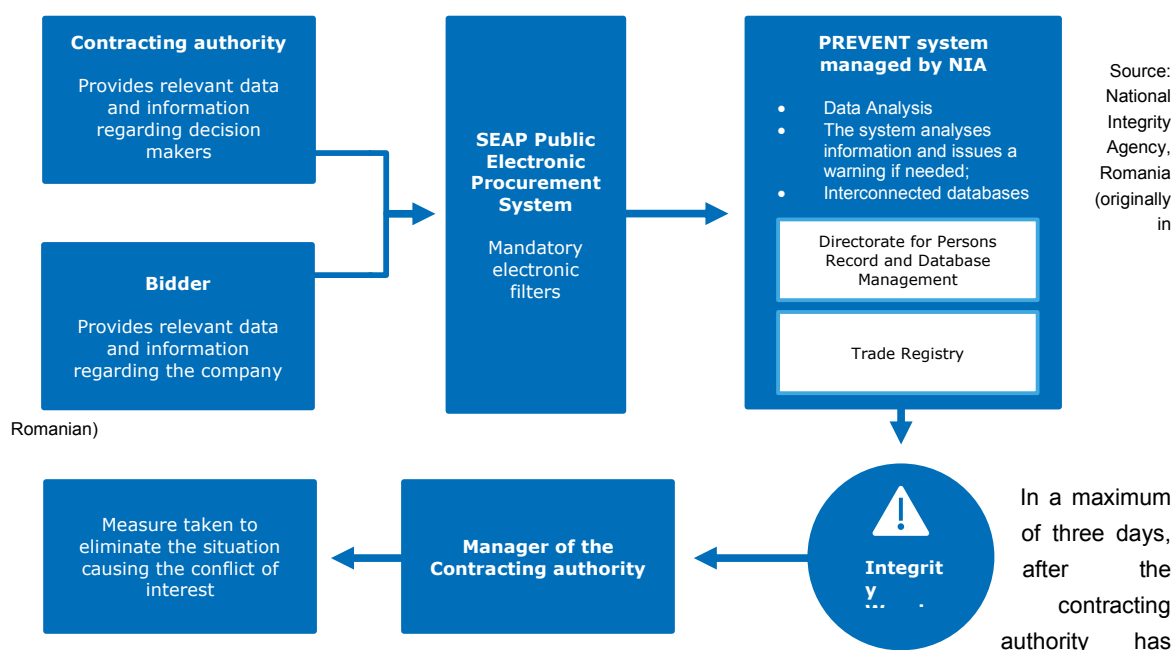
The [deadline](#) for filling the integrity form in SEAP by the contracting authority (through a responsible person) is within five days from the moment the tender opens. If the person in charge fails to fill in this section before the deadline, SEAP automatically generates an alert which is sent to the contracting authority and the National Integrity Agency (NIA).

The PREVENT platform [analyses the data from the integrity form](#) in SEAP and [cross-references it with data](#) in two other databases: the National Office for Trade Registry (ONRC) and the Directorate for Personnel Records and Database Administration (DEPABD) with the purpose of detecting conflicts of interest.

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<sup>373</sup> Art. 5 para. 1 of Law no. 184/2016.

Figure 6.5 PREVENT process



entered the declarations into SEAP, in case a conflict of interest is detected, the system issues an **integrity warning** that is sent through SEAP to the contracting authorities, NIA, as well as to the competent authorities for verification, monitoring and control of the public procurement procedure. NIA communicates at the same time the integrity warning by electronic means of communication to the responsible person in the contracting authority concerned, who is obliged to transmit it immediately to the person concerned by the potential conflict of interests, as well as to the head of the contracting entity.

The **contracting authority has an obligation to remedy the reported conflict of interest situation**. The head of the contracting authority/entity receiving the integrity warning is obliged to take all necessary measures to avoid conflicts of interest by ordering specific measures, such as replacing the member in the evaluation committee or excluding the bidder, candidate, associate bidder, subcontractor or supporting the third party who is in a potential conflict of interest. The National Agency for Public Procurement oversees whether the necessary measures have been implemented to eliminate the conflict-of-interest situation.

NIA is in charge of **monitoring** the warnings to verify whether situations of conflict of interest have been remedied if the contracting authority fails to remedy the situation. **In case the procedure has been violated**, (e.g., neglected integrity warnings, or failure to fill in the integrity form), the National Integrity Agency (NIA) triggers a conflict-of-interest investigation after the public procurement procedure is finalised. NIA can also notify the National Anticorruption Directorate (DNA), Anti-Fraud Department (OLAF), criminal investigation bodies, etc.

In case the potential conflict of interest is resolved after the warning, the responsible person amends Section 1 and 2 of the integrity form accordingly (info about the parties involved in the bid), as well as completing Section 3 (reporting how the conflict of interest has been managed) within three days after the measure has been taken.

## Input

### Learning from experience

- **Legislation:**

- The legislation must be in place to make use of the digital platform mandatory for national public procurement and EU funds.
- Law no. 184/2016 entered into force in 2016 and provided the legal framework for PREVENT's functioning. The most important provisions include:
  - the obligation for all contracting authorities to fill in the PREVENT integrity form at various steps of the procurement procedure;
  - the obligation for contracting authorities to appoint a responsible person in charge of filling in the integrity form;
  - the obligation for the head of the contracting authority to take the necessary measures to avoid conflicts of interests from occurring in the specific case where PREVENT issues an integrity warning.

### *Funds and human resources*

- **Budget:**
  - The overall budget to develop the platform was ca. EUR 7 million, 90% of which were EU funds.
  - The EU funds were spent in the context of several projects between 2013-2017 with the purpose of implementing and operationalising an integrated IT system within NIA.
- **Human resources and Capacities**
  - The integrity inspectors of NIA, Analysis and Prevention Service, staffed with 50 persons, analyse the data in the PREVENT system.
  - Before and after Law no. 184/2016, NIA conducted training sessions for integrity inspectors on the public procurement component, as well as on the training component of the use of the PREVENT IT system.
  - NIA also developed a dedicated section on its website with information about using PREVENT, as well as a guideline for persons responsible for providing data through the Integrity form.

### *Maintenance*

- **Testing:**
  - The system has been tested by introducing public procurement procedures and by verifying the information returned from querying the ONRC and DEPABD databases.
  - NIA held discussions with the representatives of these entities regarding the correction of the errors that occurred.
- **Alignment with agencies and ministries:**
  - At the same time, NIA proposed and facilitated meetings with representatives of the National Agency for Public Procurement, the Ministry of Internal Affairs, and the Ministry of Justice with the purpose of integrating the integrity form directly into SEAP, respectively to find the necessary ways to correct the wrong information returned to the databases administered by the Ministry of Justice and the Ministry of Interior.
  - Throughout 2017, NIA engaged with representatives of the Romanian Digital Agenda Agency regarding the integration of the integrity form directly into the public procurement platform, SEAP.

### Data

- **Access to other databases:**
  - PREVENT analyses data provided by contracting authorities in the integrity form, and crosschecks the data with the National Office for Trade Registry (ONRC) and the Directorate for Personnel Records and Database Administration (DEPABD)
  - This required institutional collaboration to connect the databases.

### Outcome and impact

Between June 2017-December 2021, PREVENT has analysed 70,635 public procurement procedures, 16% of which were EU funds. The system issued 153 integrity warnings for potential conflicts of interests in public procurement procedures worth over EUR 290 million<sup>374</sup>.

- In 88% of the cases, the heads of the contracting authorities managed the conflict of interest.<sup>375</sup> Such measures varied between the replacement of a decision-maker, exclusion of a tenderer, replacement, or removal of a member of the public procurement evaluation committee, and provision of additional information for clarifications.
- In 63 cases, NIA notified the National Agency for Public Procurement (ANAP) for possible irregularities in the public procurement procedures<sup>376</sup> for verification of whether the necessary measures to eliminate the conflict of interest have been implemented.
- As of June 2020, almost 8 million declarations from civil servants have been made via the PREVENT portal, allowing for a thorough and effective cross-referencing system.<sup>377</sup>

In addition to the warnings issued, the implementation of PREVENT **contributed to a greater awareness among contracting authorities regarding integrity issues**, as demonstrated by the willingness of the vast majority of contracting authorities to eliminate potential conflicts of interest before signing contracts. Besides, NIA reports that since the system became operational, the number of ex-post conflicts of interest investigations related to public procurement has decreased significantly (by almost 50%).<sup>378</sup>

### Context

#### Legal framework

Any digital platform comparable to PREVENT needs to be situated in the context where a functioning asset disclosure and interest declaration systems are in place.<sup>379</sup> Further conditions were conducive to building upon that basis:

- The **proper legislation framework** was essential, because Law no. 184/2016 made it mandatory for contracting authorities to fill in the information in *the integrity form* to be able to run public procurement procedures.

#### Institutions

- PREVENT was developed and implemented by the National Integrity Agency (NIA), the **executive agency responsible for verifying assets and interest declarations**. Its solid track record in the area of corruption prevention and integrity has enabled it to develop a useful instrument successfully, easily integrated into the existing systems.
- **EU support** for development of tools to protect its financial interests was crucial. PREVENT was initially developed as a tool to analyse public procurement procedures with EU funds and was extended to include national funds. The EU provided the funds to cover costs for its development.

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<sup>374</sup> Results reported by NIA for PREVENT, Report for July - December 2021. Available at: <https://www.integritate.eu/prevent.aspx>

<sup>375</sup> Results reported by NIA for PREVENT, Report for July - December 2021. Available at: <https://www.integritate.eu/prevent.aspx>

<sup>376</sup> Results reported by NIA for PREVENT, Report for July - December 2021. Available at: <https://www.integritate.eu/prevent.aspx>

<sup>377</sup> Available at : [https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/prevent-system\\_en](https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/prevent-system_en)

<sup>378</sup> Cooperation and Verification Mechanism, Technical Report, 2019

<sup>379</sup> Available at: [https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/prevent-system\\_en](https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/prevent-system_en)

- **Data quality:** The technical integration of the *integrity form* directly in SEAP was also essential for the accuracy of the information provided, but also simplified the work of the person responsible for providing the information.
- **Engagement of other governmental agencies** was important at the beginning of the implementation. NIA engaged different relevant institutions to improve the functioning of PREVENT. For example, NIA engaged with representatives of the Romanian Digital Agenda Agency regarding the integration of the integrity form directly in the public procurement platform SEAP.
- In the first phase of the implementation, it was necessary for NIA to engage with contracting authorities to **provide training on how to use PREVENT**. NIA provided initial training to procurement specialists within contracting authorities as potential responsible persons for PREVENT. It also developed several instruments for guidance (guidelines, a dedicated hotline, and an e-mail address).

### Limitations

**Persistent submission of declarations of assets and interests in a handwritten format** impedes the use of the PREVENT system to its full potential and limits ANI's ability to analyse the data collected in a more efficient manner.<sup>380</sup> Certain conflicts of interest go undetected, because the information provided is not integrated into the PREVENT system. This limitation has been tackled by new legislation that makes it mandatory to submit the declarations of assets and interests only electronically through the e-DAI platform of NIA, starting 2023.<sup>381</sup>

**Exemptions** from the obligation to publish in the electronic public procurement system in procurements related to the COVID-19 pandemic indicate another limitation.<sup>382</sup> Some public authorities and legal entities were allowed to purchase materials and equipment to combat the pandemic directly. They therefore could not be verified by the PREVENT system.<sup>383</sup> To mitigate this limitation in case of direct procurement, ANI has developed a mechanism to analyse data sets on the direct procurement procedures for identifying a conflict of interest that may have occurred. By the end of January 2021, using a risk matrix, ANI verified 580 public procurement procedures conducted in the first half of 2020 and identified 64 potential integrity incidents (11% of proceedings), which will be further analysed, making it possible to initiate the ex officio investigation procedure for these cases.<sup>384</sup>

**PREVENT covers a limited part of conflicts of interest** and therefore the authorities cannot rely solely on ex-ante checks carried out by PREVENT without carrying out their own internal checks. PREVENT can analyse the data provided in the *integrity form* only if the persons providing this data are legally obliged to submit asset and interest declarations. Thus, the service providers or consultants assisting the contracting authority in the public procurement process cannot be verified by PREVENT. The contracting authority carry out own verification with regard to the conflicts of interest that fall outside the scope of PREVENT.

**Table 6.2 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
<ul style="list-style-type: none"> <li>• To overcome lengthy procedures in</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of development of IT system and</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation which makes it mandatory</li> </ul>	<ul style="list-style-type: none"> <li>• Over 150 integrity warnings, that</li> </ul>	<ul style="list-style-type: none"> <li>• Greater awareness among</li> </ul>

<sup>380</sup> Council of Europe. *GRECO Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Interim Compliance Report Romania*, para. 48. <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168096568a>.

<sup>381</sup> NIA, *Annual activity report 2021*. 2022 [https://www.integritate.eu/Files/Files/Rapoarte/068b%20Raport\\_Activitate\\_Anual\\_ANI\\_2021.pdf](https://www.integritate.eu/Files/Files/Rapoarte/068b%20Raport_Activitate_Anual_ANI_2021.pdf)

<sup>382</sup> European Commission, *2021 Rule of Law Report*, Country Chapter on the rule of law situation in Romania. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0724&from=EN>.

<sup>383</sup> European Commission, *2021 Rule of Law Report*, Country Chapter on the rule of law situation in Romania, p. 15. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0724&from=EN>.

<sup>384</sup> European Commission, *2021 Rule of Law Report*, Country Chapter on the rule of law situation in Romania, p. 15. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0724&from=EN>.

<p>case of ex-post identification of conflict of interest in public procurement;</p> <ul style="list-style-type: none"> <li>To ensure integrity in national and EU public spending</li> </ul>	<p>initial training of NIA personnel – ca. EUR 8 million;</p> <ul style="list-style-type: none"> <li>Development and testing of PREVENT system by the National Integrity Agency (NIA);</li> <li>Interconnect with other relevant databases</li> </ul>	<p>for contracting authorities to provide data through the Integrity Form</p> <ul style="list-style-type: none"> <li>Disclosure of information about all relevant tender participants in the <i>integrity form</i>;</li> <li>Cross-checking the data with other databases;</li> <li>Identifying and managing conflict of interest, monitoring the process</li> </ul>	<p>initiated additional oversight for the contracts amounting to ca. EUR 300 million;</p> <ul style="list-style-type: none"> <li>In 2016, there were 466 ex-officio investigations into conflicts of interest. By 2019 this number had been reduced to 215, which is indicative of the work of the ANI investigators and the PREVENT system;</li> <li>Vast majority of contracting authorities to eliminate potential conflicts of interest before signing contracts (in 88% of the warning cases)</li> </ul>	<p>contracting authorities regarding integrity issues (50% less ex-post conflict of interest investigations in public procurement)</p>
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### 6.2.2 Slovakia: Beneficiary ownership disclosure - The Register of Public Sector Partners

#### Executive summary

The Public Sector Partners Register in Slovakia<sup>385</sup> was created to increase transparency in the relations between the state and the private sector, especially in the area of public procurement and transfers of state property or funds. At the same time, it was intended to allow public oversight and disclosure of links between political representatives of the state and the business sector.<sup>386</sup> The register partly fulfils the objectives of the Anti-Money Laundering Directive<sup>387</sup> (transposition of the AML Directive was ensured by entries in the register, which exists parallel to the Register of Public Sector Partners). It was a unique tool at the time when it was created in 2017 and was one of the

<sup>385</sup> Act on Register of Public Sector Partners. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/315/20191101.html>

<sup>386</sup> Ibid.

<sup>387</sup> Directive (EU) 2018/843 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018L0843>

first in the world to be created in this style. There are a number of similar registers based on the AML Directive now, but the Slovak register remains unique and different from other registers in the principles on which it is based.

### Key words

Conflict of interest, public procurement, money laundering, disclosure, beneficiary ownership, transparency, open data, digital platform, Slovakia

**Table 6.3 Good practice fiche**

General information		Specifics
<b>Name</b>	The Register of Public Sector Partners	
<b>Context</b>	Slovak Republic GDP/cap – (2021) EUR 20,968 – below average World Bank Control of Corruption – (2020) 66.35 – below average Trust in public administration – (2021) 45% – below average Population: 5.5 m -small	
<b>Timeframe</b>	Since 2017	
<b>Reference</b>	<a href="https://rpvs.gov.sk/rpvs">https://rpvs.gov.sk/rpvs</a>	
<b>Aim and objectives</b>	Transparency in public-private relations through: <ul style="list-style-type: none"> <li>disclosure of information on the beneficial owners of entities that do business with the state (registration in the register will be a condition for access to public resources)</li> <li>detecting conflicts of interest and clientelism in public procurement</li> <li>the introduction of a mechanism for verifying the accuracy of data records</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: High (Whole body above 10 people) Tech: Medium (One register or one database, or app)	
<b>Expected impact</b>	Increasing transparency towards the public Uncovering the structures of shell companies (which are often used to disguise deals between businessmen and those in public positions). <sup>388</sup>	
<b>Category of corruption risk/ sector prone to corruption</b>	Conflict of interest, money laundering, public procurement	
<b>Implementation mechanism</b>	Legislation on Transparency => Disclosure through Open data => Monitoring & Enforcement through special authority	
<b>Similar practices</b>	Register of Beneficial Owners – Czech Republic <sup>389</sup> Ultimate Beneficiary Owner Register - Poland <sup>390</sup> Danish register <sup>391</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Entities that do business with the state
	<b>Implementation</b>	Ministry of Justice; Žilina District Court

### Problem

- One of the main challenges with detecting and proving actual conflicts between public and private interest is the possibility to hide the **information about the beneficiary owners of companies** that are providing goods and services to the public sector.
- Hidden beneficiary ownership **prohibits detection of corruption** because it is not possible to trace, whether the contractor has direct ties to procurement officers or politicians, or whether public officials own the company themselves.
- In case of investigation, it is **difficult to prove** the actual conflict of interest, because it is timely and costly to provide material evidence if the ownership of a company is hidden.

<sup>388</sup> Leontiev, A., Anderle, M. *Register end-users of the benefits - stop for mailbox companies in public procurement?*. 2017. <https://www.najpravo.sk/app/cmsFile.php?disposition=a&ID=4408>

<sup>389</sup> Available at: <https://esm.justice.cz/ias/issm/rejstrik>

<sup>390</sup> Available at: <https://crbr.podatki.gov.pl/adcrbr/#wyszukaj>

<sup>391</sup> Available at: <https://virk.dk/>

- In case of corruption, hidden beneficiary ownership enables money laundering of public resources.

For example, in Slovakia, there were many instances of shell corporations being involved in economic activities about which there was little information.<sup>392</sup> These were mostly companies based abroad in tax haven countries, but it was not known who was behind these shell companies (only the statutory director was known), although it was assumed that they were owned by individuals known to have ties to politicians.<sup>393</sup>

The Public Sector Partners Register<sup>394</sup> is a pioneering example of how the obligation and infrastructure to disclose beneficiary ownership are implemented in Slovakia. On the one hand, it allows public oversight and disclosure of links between political representatives of the state and the business sector.<sup>395</sup> On the other hand, in cases of a court trial, the reverse burden of proof is put on companies that want to engage in business with the state. Although this was not the intention of the legislation, it partly fulfils the objectives of the Anti-Money Laundering Directive<sup>396</sup> (transposition of the AML Directive was ensured by entries in the register, which exists parallelly to Register of Public Sector Partners).

### Solution

Any entity that trades with the state in a volume over EUR 100,000 in a single transaction, or EUR 250,000 in a cumulative total for one year, is obliged to submit data to the Register of Public Sector Partners. An ex-ante check of the truthfulness and completeness of the data (at the initial registration and at least once a year thereafter) is executed by the so-called authorised persons (mostly attorneys), who also have to take responsibility. The ex-post check is carried out by the court – one district court with jurisdiction for the whole territory of Slovakia has been designated by law. The data check can be initiated on court's own initiative or on the basis of an initiative (so-called "qualified submission") by anybody. For untrue or incomplete data, the court may fine a penalty ranging from EUR 10,000 to EUR 1 million, or up to the amount of the economic benefit achieved by the company. At the same time, the court may decide that the public sector partner may not re-enter the register for two years.

The Register functions based on several principles:

- Only those who uncover the ultimate beneficiary owners may do business with the state. Obligations apply only to those entities that trade with the state in significant amount (de minimis principle);
- Low 'error rate' of the data in the register based on multiple verification. Ex-ante verification is ensured by an authorised person and ex-post verification is ensured by the court while the level of penalties for potential untruthful or incomplete data has a deterrent effect;
- The court does not have to use the principle of material truth (it does not have to reliably clarify the factual situation or clarify all relevant circumstances; reversed burden of proof applies). 'Follow the money' is the principle in court proceedings;
- Deletion from the register is not decided in an administrative procedure, but decided by the court<sup>397</sup> (in a one-stage procedure, which in this type of procedure reduces the possibility of influencing the decision by the party to the proceedings);
- Open data principles apply: The register is free with unlimited online access and searchable by key criteria, and both up-to-date and older verification documents remain accessible to the public.<sup>398</sup> Data from the register of public sector partners can also be accessed in an automated way via the REST API.<sup>399</sup>

<sup>392</sup> Ibid.

<sup>393</sup> Leontiev, A., Anderle, M. *Register end-users of the benefits - stop for mailbox companies in public procurement?*. 2017. <https://www.najpravo.sk/app/cmsFile.php?disposition=a&ID=4408>

<sup>394</sup> Act on Register of Public Sector Partners. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/315/20191101.html>

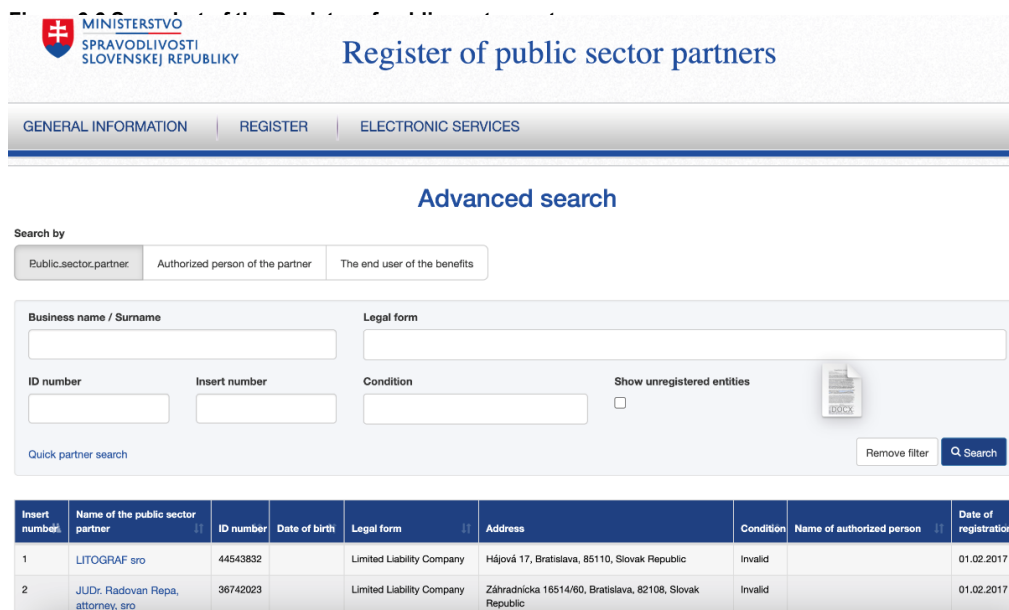
<sup>395</sup> Ibid.

<sup>396</sup> Directive (EU) 2018/843 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018L0843>

<sup>397</sup> Judge at the District Court Žilina (interview, 23.5.2022)

<sup>398</sup> Macek, J. at the lecture at the Matej Bel University. Available at: <https://www.youtube.com/watch?v=l3cf4u-WgA0>

<sup>399</sup> Ministry of Justice, Open data. Available at: <https://www.justice.gov.sk/sluzby/register-partnerov-verejneho-sektora/open-data/>



MINISTERSTVO  
SPRAVODLIVOSTI  
SLOVENSKEJ REPUBLIKY

## Register of public sector partners

GENERAL INFORMATION | REGISTER | ELECTRONIC SERVICES

### Advanced search

Search by

Public sector partner | Authorized person of the partner | The end user of the benefits

Business name / Surname

Legal form

ID number

Insert number

Condition

Show unregistered entities

Quick partner search

Remove filter

Search

Insert number	Name of the public sector partner	ID number	Date of birth	Legal form	Address	Condition	Name of authorized person	Date of registration
1	LITOGRAF sro	44543832		Limited Liability Company	Hájová 17, Bratislava, 85110, Slovak Republic	Invalid		01.02.2017
2	JUDr. Radovan Repa, attorney, sro	36742023		Limited Liability Company	Záhradnícka 16514/60, Bratislava, 82108, Slovak Republic	Invalid		01.02.2017

Source: <https://rpvs.gov.sk/rpvs/Partner/Partner/VyhľadavaniePartnera>

## Input

### Funds and human resources

The implementation and functioning of the register require:

- civil servant positions and related expenses for salaries and social security contributions, while income from sanctions is expected on the revenue side.<sup>400</sup>
- Other related costs include the costs needed for technical solutions the registration of expenses of entities that enter into a business relationship with the state.

## Outcome and impact

According to people who participated in the drafting of the law, the primary purpose of the registry was the [transparency of ownership](#) of companies that do business with the state. This purpose was fulfilled by the creation of the registry.

- As of 2022, there are 36,833 entries in the register, of which 26,024 are active (the remaining are historical entries) and a total of 102,932 entries with the names of the ultimate beneficial owners (or persons who are members of the statutory body; these are entered into the register if no single person owns or has an influence on the company greater than 25 % or more).<sup>401</sup>
- Since the introduction of the obligation to register public sector partners, there have been a total of 140 court proceedings, approximately 50 penalty proceedings and 9 firms have been removed from the register.<sup>402</sup>

Another consequence of the establishment of the register was the [disclosure of the ownership structure](#) of some companies that benefitted from state investments, several companies linked to persons perceived as oligarchs were removed from the register (and will not be able to do business with the state for the next two years), and in several cases, after the court started verifying the truthfulness and completeness of the records in the register, quick

<sup>400</sup> Clause of selected impacts to the law on Register of Public Sector Partners. Available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=428798>

<sup>401</sup> Register of Public Sector Partners Available at: <https://rpvs.gov.sk/rpvs/Partner/Partner/VyhľadavaniePartnera>

<sup>402</sup> Judge at the District Court Žilina (interview, 23.5.2022)

changes in the ownership structure were made, as well as the merging of companies or the termination of their existence.<sup>403</sup>

### Box 6.1 Example of deletion from the register of public sector partners

The company Anext, which was an IT company with a multi-million-euro income from state IT contracts in the past, has been removed from the register of public sector partners by the court. After the deletion, Anext was no longer allowed to participate in public procurement and sign contracts with the state and municipalities. It has long been assumed that the owner of the company may be the former Minister of Finance together with a businessman (currently under criminal prosecution).

The company has failed to confirm credibly in court who the beneficiaries are and to prove which persons ended up receiving the dividends paid. The explanations of ownership transfers were also unconvincing - for example, the former formal owner of the majority stake in the company transferred shares free of charge to a Cypriot company owned by unknown Czech businessmen, even though she would have been entitled to at least a share of the profits totaling €10 million.

### Context

#### Legal framework

Neither the establishment of a legal framework nor the practice required any specific conditions that would be necessary for successful implementation.

- Related legislation:
  - The Act on the Register of Public Sector Partners<sup>404</sup> was drafted by a working group at the Ministry of Justice in 2016, and intended to:
    - **legislate the requirements** for entities with which the state or public law entities enter into legal relations or under which a third party accepts any performance, including the transfer of state property,
    - **increase the real enforceability of the law by appropriate sanctions** that will be a tangible deterrent for persons who have provided false information.<sup>405</sup>
  - In the area of public procurement, since 2015, there was a related regulation that introduced an obligation to enter the beneficiaries in a register administered by the Public Procurement Office in this (narrower) area and did not have a sufficiently effective way of verifying the truthfulness and completeness of the register.<sup>406</sup>
    - Decree of the Ministry of Justice, which establishes templates for submissions to the register of public sector partners<sup>407</sup>
    - Act on the Protection against Money Laundering and the Financing of Terrorism<sup>408</sup>
    - Act of the Slovak National Council on Infringements<sup>409</sup>

#### Institutions

- Enforcement Institution: Žilina District Court
- Available data:
  - Information about the public sector partner in the database, also available as API (business name/surname, legal form, registration number, registered office address, date of registration),

<sup>403</sup> Habo, T., *Who is having problems because of the anti-mailbox register? Companies with ties to oligarchs excluded from doing business with the state*. Aktuality.sk. 2020. <https://www.aktuality.sk/clanok/775805/komu-sliape-na-otlaky-protischrankovy-register-firmy-spajane-s-oligarchami-vyradil-zo-statneho-biznisu/>

<sup>404</sup> Act on Register of Public Sector Partners. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/315/20191101.html>

<sup>405</sup> Explanatory memorandum to the law on Register of Public Sector Partners. Available at: <https://www.nrsr.sk/web/DynamicDocumentPreview.aspx?DocID=428797>

<sup>406</sup> Act No. 343/2015 Public Procurement Act. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/343/>

<sup>407</sup> Decree of the Ministry of Justice of the Slovak Republic No. 328/2016, which establishes templates for submissions to the register of public sector partners. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/328/20191101>

<sup>408</sup> Act No 297/2008 on the protection against money laundering and the financing of terrorism. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/297/>

<sup>409</sup> Act of the Slovak National Council No. 372/1990 on Infringements, as amended. Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1990/372/20211115>

- Information about the ultimate beneficiary in the database also available as API (surname and first name, date of birth, address, business name of the related ultimate beneficiary, partner's ID number, registration number)
- Information about the authorised person in the database (business name/surname, address, business name of the related public sector partner, partner's ID number, registration number),
- Verification document (.pdf document).

### Limitations

Several concerns about the practice existed, some of which materialised:

- **Anyone has the right to initiate a court action** to verify the truthfulness and completeness of the data; there was concern that this would be a subject to abuse. However, this has not happened, and the majority of the actions have been initiated by journalists and NGOs.<sup>410</sup> During the existence of the register, no qualified complaint has been filed by public authorities (who are expected to work with information where they get doubts about the correctness/truthfulness of the data entered into the register).<sup>411</sup>
- **The obligation for disclosure may be temporarily suspended** (e.g., during the pandemic).<sup>412</sup>
- **Part of the proceedings** - infringements relating to the signing of a contract with a public sector partner not registered in the register of public sector partners - were **delegated to the district administration**. The level of proceedings and decisions is not up to the expected standard, and it would therefore be appropriate to transfer this competence to the Registry Court.<sup>413</sup>
- The narrow definition of "acting in concert" (persons act together to exercise control) affects the court's ability to rule in accordance with the intent of the law. In other jurisdictions (such as the Czech Republic), family members are presumed to be persons acting in concert. This is not the case in Slovakia, which makes it easier to bypass legal obligations.<sup>414</sup>
- The challenge also remains in the preservation of this legal regulation, as there is **a certain double-tracking with the obligations arising from the AML Directive**, which in Slovakia are transposed via other laws (de facto, entries are made into two registers - the Register of Public Sector Partners and the Register of Legal Entities<sup>415</sup>). Both registers have the same goals. However, the data in the Register of Legal Entities is much more difficult to verify and the enforcement of correctness or sanctioning of false data in the Register of Legal Entities does not meet even the minimum standards (legal entities only declare by themselves the ultimate beneficial owners), which was also stated by the Moneyval<sup>416</sup> evaluation commission.
- The Register of Public Sector Partners does **not aspire to meet the requirements of the AML Directive**.<sup>417</sup> In informal discussions, state administration representatives also presented the view that the higher standard for the registration of companies in the RPVS compensates to some degree the lower requirements for the quality of data in the Register of Legal Entities.<sup>418</sup> This double-tracking may be a source of modifications in the future which may have a negative impact on the effectiveness of this instrument.<sup>419</sup>

**Table 6.4 Analysis fiche**

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect

<sup>410</sup> Macek, J. at the lecture at the Matej Bel University. Available at: <https://www.youtube.com/watch?v=I3cf4u-WgA0>

<sup>411</sup> Judge at the District Court Žilina (interview, 23.5.2022)

<sup>412</sup> Transparency International Slovakia: *Both pandemic and state inconsistency move contracts worth millions into incognito mode*. April 2020: <https://transparency.sk/sk/pandemia-aj-nedoslednost-statu-presuvaju-zmluvy-za-miliony-do-inkognito-modu/>

<sup>413</sup> Judge at the District Court Žilina (interview, 23.5.2022)

<sup>414</sup> Judge at the District Court Žilina (interview, 23.5.2022)

<sup>415</sup> Register of Legal Entities. Available at: <https://rpo.statistics.sk/rpo/#search>

<sup>416</sup> Council of Europe. *Anti-money laundering and counter-terrorist financing measures Slovak Republic Fifth Round Mutual Evaluation Report*. September 2020, pp. 201-204.

<sup>417</sup> [https://www.minv.sk/swift\\_data/source/policia/fsj/oms/MONEYVAL\(2020\)21\\_5th%20Round\\_MER%20Slovakia\\_SK.pdf](https://www.minv.sk/swift_data/source/policia/fsj/oms/MONEYVAL(2020)21_5th%20Round_MER%20Slovakia_SK.pdf)

<sup>418</sup> Clause of selected impacts to the law on Register of Public Sector Partners. Available at:

<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=428798>

<sup>419</sup> Fair-play Alliance, interview

Monitor and detect actual conflicts of interest in state-business sector relationship	Legal framework for the operation of the register  IT development of the register  Human resources to maintain the register	Publicly accessible register to see beneficiary ownership of the companies engaging in public procurement; Enforcement by a regional court, defined by law, that is in charge of maintaining the register and of decision-making and sanctioning in case of doubts about the truthfulness and completeness of entries in the register	Several companies linked to persons perceived as oligarchs were removed from the register (and will not be able to do business with the state for the next two years); The register has made the work of investigative journalists more efficient.	The register has set a standard of transparency that can be helpful when introducing other preventive anti-corruption practice
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### 6.2.3 Belgium: Ensuring consultation - Advisory Body for Public Procurement

#### Executive summary

The Advisory Body for Public Procurement ABA (abbr. Purchase Policy and Advice) aims to advise on the application of public procurement rules at the level of the Federal Public Services, i.e., the Belgian Federal Public Administration. As an advisory unit, it takes up a key role in strengthening accountability. Targeting the corruption-prone activities in the field of public procurement at the level of the Federal Public Services falls within the purview of its mission.

#### Key words

Advisory body, legal advice, capacity building, training, public procurement, conflict of interest, Belgium

**Table 6.5 Good practice fiche**

General information	Specifics
<b>Name</b>	Advisory Body for Public Procurement
<b>Context</b>	Belgium GDP/cap – (2021) EUR 47,615 – above average World Bank Control of Corruption – (2020) 89.9 – above average Trust in public administration – (2021) 51% –average Population: 11.5 m - medium
<b>Timeframe</b>	2018
<b>Reference</b>	<a href="https://www.publicprocurement.be/nl/federale-diensten/de-cel-aankoopbeleid-en-advies-aba">https://www.publicprocurement.be/nl/federale-diensten/de-cel-aankoopbeleid-en-advies-aba</a>
<b>Aim and objectives</b>	Improve accountability in public procurement: EU Regulations require member states to monitor the application of public procurement rules. Advisory units are often in charge of coordinating these activities, which gives them a key role in strengthening accountability.
<b>Estimated cost of the practice</b>	Budget: Medium (50,000-499,999 EUR) HR: Medium (Department of 4-9 people) Tech: Low (No specific technology)

<b>Expected impact</b>	Strengthen accountability of the procurement divisions of the Federal Public Services by advising them on the application of public procurement rules, including on matters of integrity, corruption risks and conflict of interest.	
<b>Category of corruption risk/ sector prone to corruption</b>	Public procurement / use of public finance	
<b>Implementation mechanism</b>	Legal advice and support; capacity building and training	
<b>Similar practices</b>	State Public Procurement Advisory Board in Spain <sup>420</sup> Auftragsberatungsstelle in Germany <sup>421</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Federal Public Services (Belgian Federal Public Administration)
	<b>Implementation</b>	Federal Public Service "Policy & Support"

### Problem

Corruption risks in public procurement can occur not only due to private ambitions for enrichment, but also due to the high complexity and lack of sufficient knowledge about the procedures. Public procurement is a very complex matter, which poses at least two challenges to trustworthy, efficient, and effective implementation:

- Especially in small countries with relatively low human resources in public administration, only very few have [sufficient knowledge](#) to launch and complete public contracts according to the rules, because public procurement is a very complex matter. This can have the effect that procurement officers opt for a large number of contracts below the threshold for publication, which makes it impossible to monitor and ensure integrity of those procurement contracts. In addition to the legal violation, such fragmentation has also an economic disadvantage by missing the economy of scale effect.<sup>422</sup>
- Another challenge, relevant for all the countries, is a permanent "[trade-off between rules and discretion](#)" for effective public procurement:<sup>423</sup> on one hand, overregulated public procurement increases the risks of its abuse, especially under conditions of emergency like the COVID-19 pandemic when speedy and effective procedures are needed. On the other hand, too much discretion also bears a lot of space for corruption with no instruments for control or punishment.

The case of the Advisory Body for Public Procurement in Belgium is an attempt to strengthen the professional and ethical capacity of procurement officers through trainings, as well as to overcome the challenge of limited expertise about procurement procedures in order to increase efficiency of procurement. At the same time, it is recognised that corruption increases the cost of public procurement in Belgium by 4% to 15%, while estimated annual losses because of corruption in public procurement amount up to EUR 43 million.

### Solution

The Advisory Body for Public Procurement (ABA in Dutch, CPA in French)<sup>424</sup> [provides practical legal advice and support to the Federal Public Services' procurement divisions](#) and assists them throughout the process of public procurement. ABA/CPA also has [an advisory role in the drafting of new public procurement legislation](#) under the authority of the Federal Public Service "Chancery" of the Belgian Prime Minister.

Upon request, ABA / CPA provides legal services to the two types of clients:

- "internally" to the [procurement divisions](#) of the FPS "Policy & Support". This Federal Public Service has a yearly procurement budget of EUR 85 million.

<sup>420</sup> Available at: <https://www.hacienda.gob.es/en-GB/Areas%20Tematicas/Contratacion/Junta%20Consultiva%20de%20Contratacion%20Administrativa/Paginas/default.aspx>

<sup>421</sup> Available at: <https://auftragsberatungsstellen.de/index.php/kontakt/daten>

<sup>422</sup> Available at: <https://www.publicprocurement.be/nl/federale-diensten/de-cel-aankoopbeleid-en-advies-aba/aankoopbeleid-van-de-federale-overheid>

<sup>423</sup> Bandiera, O., Bosio, E., and Spagnolo, G., eds., *Procurement in Focus: Rules, Discretion, and Emergencies*. London, UK: CEPR Press. 2021 <https://cepr.org/system/files/2022-08/Procurement%20in%20Focus.pdf>

<sup>424</sup> ABA is the abbreviation for Purchase Policy and Advice. Available at: <https://www.publicprocurement.be/nl/federale-diensten/de-cel-aankoopbeleid-en-advies-aba>

- “externally” to the [Federal Public Services](#), other than the FPS “Policy & Support”. The yearly federal public procurement budget is in the order of EUR 4,7 billion.

In particular, the ABA provide legal advice, trainings and develop support materials, such as manuals, dashboards, and documents useful for the federal contracting authorities in their public procurement of supplies and services. Integrity and anti-corruption in procurement are not the central but an integral part of ABAs of work and do constitute one of the critical issues addressed in its advice on enforcement of public procurement rules.

Legal [advice](#) encompasses all of procurement stages: from creating and placing the tender to awarding and executing public contracts by the suppliers and service providers. Consulting with the ABA is not compulsory for the procurement divisions. Moreover, if solicited, the legal advice is not binding for the procurement divisions.

In terms of the extent, the legal advice and support by ABA vary from immediate ad-hoc answers to complex inquiries, that require specialised advice and support along the entire procurement process. In the latter case, services may include drafting contract documents and frame agreements. If confronted with complex questions, ABA/CPA submits them to the [Committee for Public Procurement](#). This Committee will render an opinion which ABA/CPA will use as a guideline for its legal advice to the procurement division seeking ABA/CPA’s legal advice.

In addition, ABA/CPA provides [trainings](#), develops e-learning modules, and supporting training materials. The courses address either general public procurement issues or more specific themes, such as frame agreements. The “Code of Ethics for the agents of the Federal Administrative Public Service” is an integral part of training content. The content of the training [covers the issues of conflict of interests, acceptance of gifts, as well as corruption](#).

A full training cycle takes 8 days. ABA/CPA organises 2 to 3 full training cycles each year. Although the training is not compulsory, around 20 to 25 persons participate in each training cycle. For each training, an anonymous assessment is made by the Federal Public Service, which organises the training activity. It allows each participant to assess the usefulness of said training activity with regard to their expectations.

### Input

#### [Funds and human resources](#)

- The ABA/CPA Legal Centre for Procurement Policy and Advice consist of 4 in-house lawyers, specialising in public procurement law. All their expertise is built up internally. Only for litigation files, which require the intervention of external lawyers mandatorily. ABA/CPA members have no recourse to outside counsel.

### Outcome and impact

The [outcome](#) assessment of ABA services shows:

- Even though it is not compulsory, legal advice is solicited and complied with within the procurement division of the FPS “Policy & Support”, as general practice confirms. In 2021, the main activities resulted in about 2,700 legal advice services.
- ABA/CPA receives a growing number of requests for their advice and support, which indicates the usefulness of their services.
- Although the ABA/CPA training is not compulsory, around 20 to 25 persons participate in each training cycle.

ABA / CPA consulted the creation of the e-platform “eProcurement.” The agency was responsible for ensuring the conformity of the e-platform with legal requirements, set by both the Belgian law on public procurement, and EU law. The e-platform is available to all public authorities – at federal, regional, and local level – for their public procurement processes.

The FPS “Policy & Support” is working with other stakeholders at the level of the Federal Public Services on the implementation of a [new public procurement model](#), that offers the client legal security and, by the same token, relieves clients of the administrative burden of public procurement. The underlying division of tasks between the client and service provider foresees that ABA/CPA would cover all the legal and administrative issues, while the client’s procurement division takes care of the technical. This division [can potentially decrease the risk of conflict of interest in procurement](#) by public authorities, by outsourcing the key processes to the independent agency.

## Context

### Legal framework

- ABA/CPA work is regulated by the Royal Decree of 22 December 2017, which came into effect in 2018. It constitutes an important lever for improving the efficiency of public procurement processes at the level of the Belgian Federal Public Administration and aims at gradually putting the FPS “Policy & Support” at the heart of the public procurement processes at the Federal Public Services.
- A specific [set of rules](#) such as Code of Ethics for the procurement officers, anti-corruption policies, gift and entertainment policies and conflict of interest policies provide the well-defined basis for the ABA advice on the issues of ethical nature.

### Institutions

- A [public procurement business model](#) that is based on the principles of procurement professionalism and legal security. This model can be embedded in a strategic 10-year plan with clearly defined goals, roles, and responsibilities and with the definition of the scope of action - including the tools, budget and means – needed for its implementation. This strategic plan should also include transnational procurement activities.
- The [creation of](#) the Committee “Strategic Federal Procurement Concertation” may constitute an important condition for a successful implementation of the ABA/CPA initiative. This Committee renders, at the request of ABA/CPA, an opinion that ABA/CPA will use as a guideline for its legal advice to the procurement divisions.
- Procurement divisions should at least apply the principle “[Comply or Explain](#)” with regard to the legal opinions rendered by an ABA/CPA initiative. This will contribute to a higher degree of legal certainty of the contracts for which such legal opinion is solicited.
- Only those persons who completed a professional training and have obtained an accreditation should be allowed to exercise the [profession of procurement employees](#) => professionalisation of the job of the purchaser => mandatory training/accreditation requirements
- [Sufficient staff of specialists](#) in public procurement law/regulation should be engaged.

## Limitations

The training by ABA is not mandatory in order for a person to act as public procurement officer within the Federal Public Services. This lack of qualification renders the work of ABA/CPA difficult and cumbersome in a lot of situations. Making the training mandatory and requiring a certificate for each person in the Federal Public Services in charge of procurement can lead to a more efficient, ethical, and successful implementation of public procurement rules.

**Table 6.6 Analysis fiche**

Ensuring transferability and Verifying effectiveness				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Increase efficiency and decrease corruption in	In-house staff of specialists in public procurement law / regulation;	Legal Centre for Procurement Policy and Advice (ABA/CPA):	Major improvement regarding strategic public procurement projects, involving	Public procurement model matching professionalism with legal security;

public procurement.	Public procurement expert committee offering guidance on critical questions; Mailbox and e-platform.	practical and legal advice and assistance to procurement divisions through the entire process of public procurement; Capacity-building training; Co-creation of the e-platform "eProcurement".	several Federal Public Services.	Focus on purchases of a transversal/global nature; "Comply or Explain" principle in practice with regard to the legal advice received.
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## 7 Anti-corruption strategy

### 7.1 Introduction to the practice

#### Definition

Anti-corruption strategy defines a set of priority objectives to prevent and combat corruption. As a rule, the strategy includes an action plan with implementation and monitoring mechanisms.<sup>425</sup>

An alternative to a single national anti-corruption strategy can be a set of measures to increase transparency and accountability or sectoral approaches. Other national strategies, like introducing e-governance or increasing citizen participation can be considered as indirect anti-corruption policies, depending on context.

An anti-corruption strategy can contain one or several key approaches to corruption control:<sup>426</sup>

- An **intervention-centred** approach aims to support the relevant authorities in investigating and punishing corruption.
- A **managerial** approach aims to create appropriate systems and procedures to discourage corruption behaviour.
- An **integrity-centred** approach aims at creating standard operating procedures based on ethical universalism and interpersonal trust.

There are major risks in selecting only one approach: for example, punishing corrupt behaviour is a good tool for deterrence, but punishment takes place when corruption has already occurred, and many violations can remain beyond investigation. Fostering the norm of integrity can be a sustainable approach, but in a context, where the trust towards public authorities is low and corruption is not punished, ethical standards will be perceived as a formal attempt of improving public image.

#### International standards

- Council of Europe Criminal Law Convention on Corruption.<sup>427</sup>
- EU legislation on anti-corruption.<sup>428</sup>
- United Nations Convention against Corruption: Art. 5 of the UNCAC makes it mandatory for member countries to have in place “effective, coordinated anti-corruption policy”.<sup>429</sup>

#### Mechanisms

In line with the policy cycle, an effective anti-corruption strategy evolves in five stages:

- The **evidence-based development** of a strategy requires a sound diagnostic to understand risk areas and gaps. To avoid unrealistic goals, the content must be integrated into national development strategies and other reform agendas.
- At the stage when **preferred anti-corruption policies are defined** and the strategy is adopted, the broad engagement of various stakeholders, including the private sector and NGOs, is crucial for building common ownership of a strategy and sharing the commitment to it.
- The **feasible action plan** lays down the **implementation mechanism** for a strategy and contains prioritisation of actions and clear assignments and responsibilities.

<sup>425</sup> -Corruption Strategies: Understanding What Works, What Doesn't and Why

<https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/Report.html>.

<sup>426</sup> Matei, A. and Matei, L., “Assessing the Anti-Corruption Strategies: Theoretical and Empirical Models,” *Journal of Management and Strategy* 2, no. 2011 p. 25. Available at: <https://doi.org/10.5430/jms.v2n1p23>.

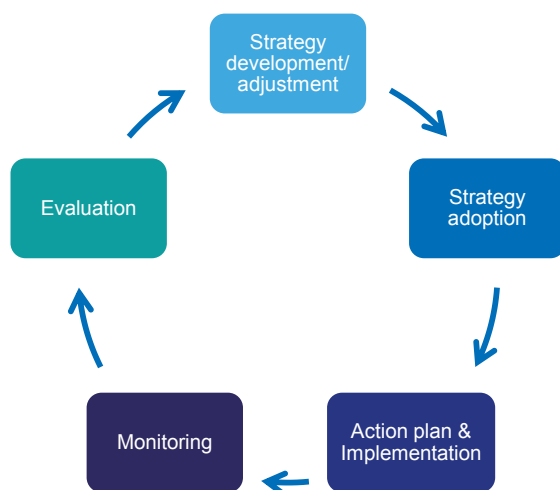
<sup>427</sup> Available at: <https://www.coe.int/en/web/impact-convention-human-rights/criminal-law-convention-on-corruption#/>

<sup>428</sup> Available at: [https://home-affairs.ec.europa.eu/policies/internal-security/corruption/eu-legislation-anti-corruption\\_en](https://home-affairs.ec.europa.eu/policies/internal-security/corruption/eu-legislation-anti-corruption_en)

<sup>429</sup> Available at: <https://www.unodc.org/unodc/en/corruption/uncac.html>

- The **monitoring mechanism**, that is foreseen at the development stage of a strategy is necessary to trace the progress and react to challenges in the course of implementation.
- The **evaluation** of an anti-corruption strategy is the most challenging part, due to difficulties in measuring corruption and the political sensitivity of the issue. The evaluation stage is critical however to ensure the learning process for the next strategies.

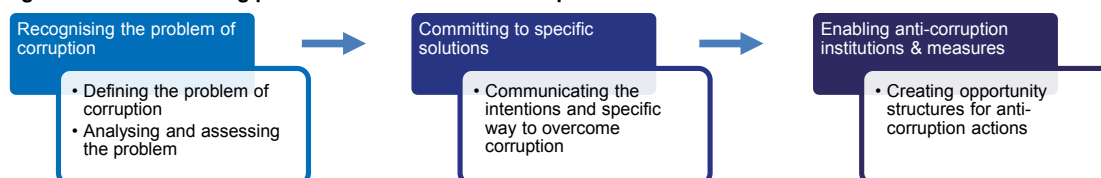
**Figure 7.1 Policy cycle of an anti-corruption strategy**



#### Potential results

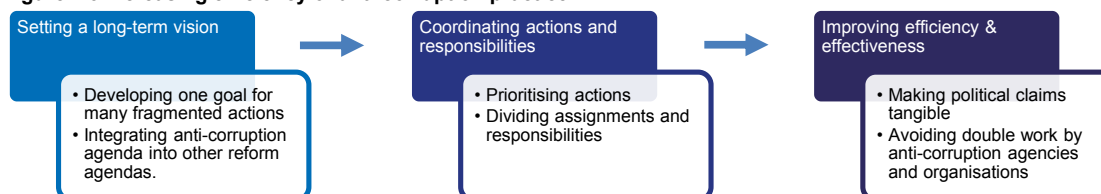
- Demonstrating political will to overcome corruption

**Figure 7.2 Demonstrating political will to overcome corruption**



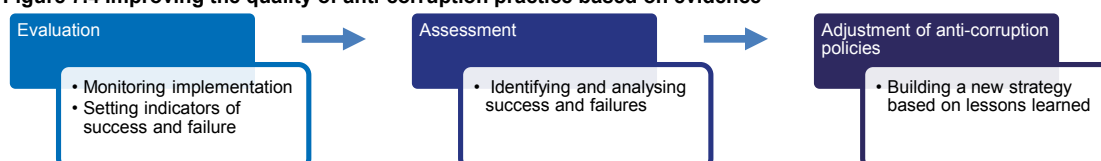
- Increasing efficiency of anti-corruption practice

**Figure 7.3 Increasing efficiency of anti-corruption practice**



- Improving the quality of anti-corruption practice based on evidence

**Figure 7.4 Improving the quality of anti-corruption practice based on evidence**



### Challenges

There are several common **pitfalls** at different stages of anti-corruption strategy, hindering its effectiveness:<sup>430</sup>

- Lack of initial sound diagnostic and evidence-base to understand risk areas and gaps, which can lead to wrong priorities in the anti-corruption strategy => undertake an evidence-based analysis and definition of the problem
- limited involvement of stakeholders in the process to develop a common vision, which can hamper the strategy's implementation if the relevant stakeholders do not share the ownership of the vision => identify and engage relevant stakeholders, especially at the stages of development and monitoring of anti-corruption strategy
- deficient mechanisms to institutionalise the strategy and ensure its sustainability => develop mechanisms to institutionalise anti-corruption policies while anticipating possible political change
- a contextual disconnect of anti-corruption strategy and other reforms, which can affect the efficiency of anti-corruption strategy => conduct intra-governmental consultations to ensure coherence of reforms
- poor implementation mechanisms, which can hamper the implementation of anti-corruption strategy => define priorities in tasks, specify responsibilities and timeline
- missing monitoring and evaluation mechanisms at the design stage, which prevents assessment of anti-corruption strategy => set the monitoring mechanism and evaluation indicators at the stage of strategy development

### Additional sources

#### Trainings

- Education for Justice UNODC training module 12: International Anti-Corruption Frameworks
- Education for Justice UNODC training module 13: National Anti-Corruption Frameworks

#### Academic sources

- Melnyk, D.S., Parfilyo, O.A., Butenko, O.V., Tykhonova, O.V., and Zarosylo, V.O., Practice of the member states of the European Union in the field of anti-corruption regulation. *Journal of Financial Crime* 29(3), 2022, pp. 853-863.<sup>431</sup>

## 7.2 Case studies

### 7.2.1 Greece: Comprehensive National Strategy and the National Anti-Corruption Action Plan

#### Executive summary

The **National Anti-Corruption Action Plan (NACAP) 2022-2025** was developed with the participation of various stakeholders, following an extensive consultation process. The main objectives of the NACAP are to

- continuously strengthen citizens' trust in the institutions,
- steadily improve the country's investment climate, and
- systematically improve Greece's score in relevant global and European indices.

The process of designing and monitoring the new NACAP 2022-2025 is considered a good practice because it is the first time in the history of Greek NACAP (since 2013) that in the process of designing, the main stakeholders are actively involved. **More than 44 meetings took place with 24 stakeholders** during the second semester of 2021, with the participation of public policy stakeholders and representatives from the private sector and civil society. Another **innovative element in NACAP 2022-2025** is the development of a comprehensive set of **output and results indicators** that will allow the NTA to **measure/quantify the outcomes and the impact of the intervention**.<sup>432</sup>

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<sup>430</sup> These pitfalls were identified by UNDP during the analysis of several anti-corruption strategies. (UNDP 2014)

<sup>431</sup> Melnyk, D.S., Parfilyo, O.A., Butenko, O.V., Tykhonova, O.V., and Zarosylo, V.O., Practice of the member states of the European Union in the field of anti-corruption regulation. *Journal of Financial Crime* 29(3), 2022, pp. 853-863. <https://doi.org/10.1108/JFC-03-2021-0050>.

<sup>432</sup> Interview with Official of NTA

**Key words**

Anti-corruption strategy, stakeholder consultation, monitoring and assessment, Greece

**Table 7.1 Good practice fiche**

General information		Specifics
<b>Name</b>	The process of designing and monitoring of the National Anti-Corruption Plan (NACAP) 2022- 2025 as a good anti-corruption practice	
<b>Context</b>	Greece GDP/cap – (2021) – 19,677 – below average World Bank Control of Corruption – 58.65 – below average Trust in public administration – 24% - below average Population: 10.7 - medium	
<b>Timeframe</b>	2022-2025	
<b>Reference</b>	<a href="http://www.et.gr/api/DownloadFeksApiDaily/?fek_pdf=20220100138">http://www.et.gr/api/DownloadFeksApiDaily/?fek_pdf=20220100138</a>	
<b>Aim and objectives</b>	The initiative aims to develop a holistic and coherent National Action Plan, with specific objectives, within the framework of which targeted interventions of high added value were included and specialised. The <b>main objectives</b> are: <ul style="list-style-type: none"> <li>• The continuous strengthening of citizens' trust in the institutions.</li> <li>• The steady improvement of the investment climate in the country.</li> <li>• The systematic improvement of Greece's score in relevant international and European indices.</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: Medium (50,000-499,999 EUR) HR: Medium (Department of 4-9 people) Tech: Low (No specific technology)	
<b>Expected impact</b>	The expected impact is that the NACAP contributes to the national effort to eliminate conditions conducive to the development and manifestation of corruption, to strengthen the effectiveness of control mechanisms and to enhance integrity, accountability, and transparency.	
<b>Category of corruption risk/ sector prone to corruption</b>	Public administration, private sector, and civil society	
<b>Implementation mechanism</b>	NACAP 2022-2025 was designed through an extensive consultation process. Within this process, more than 44 meetings took place between May and November 2021, with the participation of the main authorities for the design and implementation of related public policies, as well as organisations from the Private sector and the Civil Society.	
<b>Similar practices</b>	Anti-corruption policy assessment in Lithuania	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Private sector and civil society
	<b>Implementation</b>	National Transparency Authority

**Problem**

**Limited consultations** with the broad range of stakeholders at the design stage of the anti-corruption strategy can hamper the implementation of the strategy if the relevant stakeholders do not share the ownership of the vision. For instance, in Greece, the lack of consultations in the old National Anti-Corruption Plan (NACAP) 2018-2021 was identified as a major setback during the implementation and monitoring. As a result, the actions of the previous Action Plan were not always clearly defined, and, in many cases, there were no appointed focal points. These conditions made the monitoring of the implementation progress, as well as the evaluation of NACAP 2018-2021, extremely challenging. At the same time, a meaningful **comprehensive consultation process requires significant coordination** endeavours. The new NACAP 2022-2025 in Greece is a case that demonstrates how such a coordination can take place and what its value for the overall action plan is.

### Solution

The NTA's primary concern was to include all the stakeholders [early in the design process](#), in order to co-create NACAP's strategic objectives and structure, and to consult them while choosing and describing the actions to be included. [The National Anti-Corruption Action Plan \(NACAP\) 2022-2025](#) was developed with the participation of various stakeholders, following an extensive consultation process. [More than 44 meetings took place with 24 stakeholders](#) during the second semester of 2021, with participation of public policy stakeholders and representatives from the private sector and civil society.

### *Governance of the NACAP development*

For the coordination of the consultation process, a [Central Coordinating Committee \(CCC\)](#) was established to maximise outreach and ensure ownership and high levels of commitment. The Greek [Cabinet has a supervisory and a strategic role](#) in the CCC, because it approves the final draft of the Action Plan and any major upcoming revision (GG A/163/24.03.2022). Further members of the CCC are representatives of the Presidency of the Government, the General Secretariat for Coordination, and the Ministries of Interior, Finance, Justice, and Digital Governance. The representatives of the Court of Auditors also participate as observers. NACAP 2022-2025 was initially approved by the CCC (on 15 November 2021) and by the Cabinet on 9 March 2022 (Decree No.19/2022 of the Council of Ministers, GG A/138/13.07.2022).

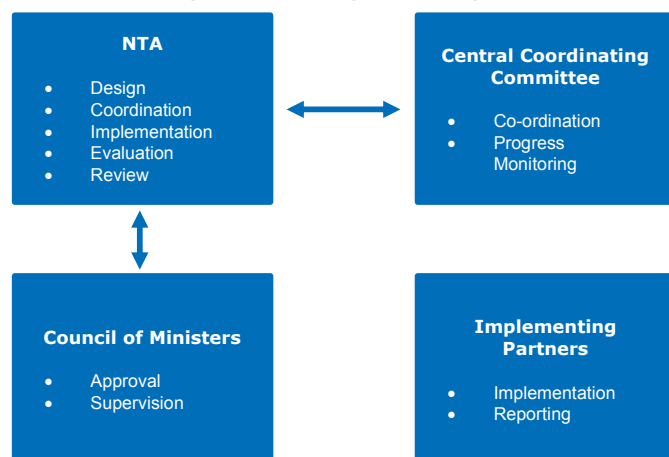
[National Transparency Authority \(NTA\)](#) moderates the process of consultation and monitoring of NACAP's implementation according to article 1 of Law 4915/2022 (GG 63/A/24-03-2022). NTA also plays the role of a major implementation actor in NACAP 2022 – 2025.<sup>433</sup> The General Directorate of Integrity and Accountability has a variety of competencies distributed in various departments relevant to prevention initiatives. As a result, a majority of actions included in the Prevention Part of NACAP 2022 – 2025 will be implemented on behalf of these units, i.e., the implementation of the National Integrity System, the Internal Audit System, etc.

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<sup>433</sup> Available at: [https://aead.gr/images/awareness/2022/Presentation\\_ESSKD\\_2022-2025\\_11.pdf](https://aead.gr/images/awareness/2022/Presentation_ESSKD_2022-2025_11.pdf) (Accessed 11 May 2022)

**Figure 7.5 Governance of the NACAP**

**Governance**  
*Integrated Management System*



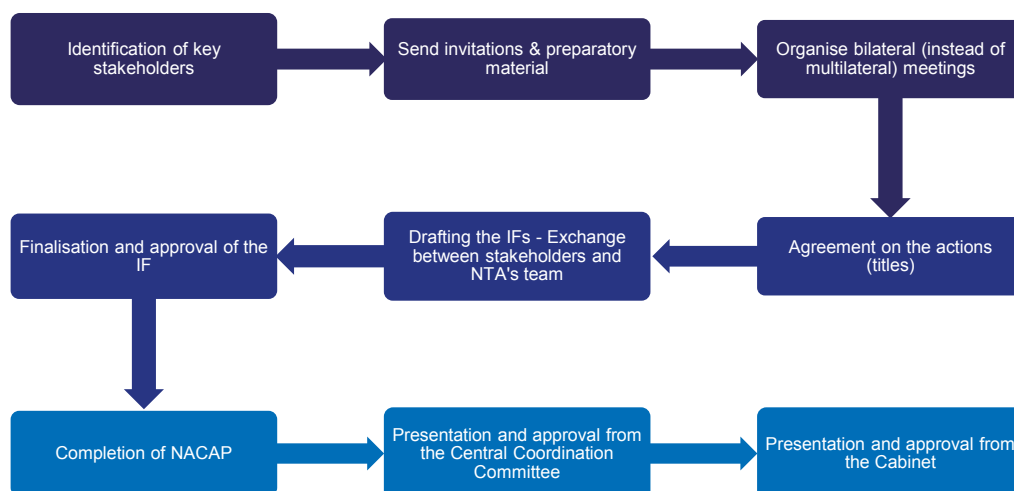
Source: [https://aead.gr/images/awareness/2022/Presentation\\_ESSKD\\_2022-2025\\_11.pdf](https://aead.gr/images/awareness/2022/Presentation_ESSKD_2022-2025_11.pdf)

### Consultation process

Through consultation meetings and the dialogue between the main stakeholders, ideas were generated, and opinions collected (see above for a description of the process). The point of departure was the evaluation of the effectiveness of the previous NACAP (2018-2021), which consisted of the detailed recording and interpretation of the results obtained from the implementation of the actions of NACAP, both for the agencies involved and for each distinct group of beneficiaries (public administration, citizens, businesses).<sup>434</sup> The point of reference for the assessment was the content of National Strategies in other sectors, as well as actions or projects included in the Annual Action Plans from the different Ministries.

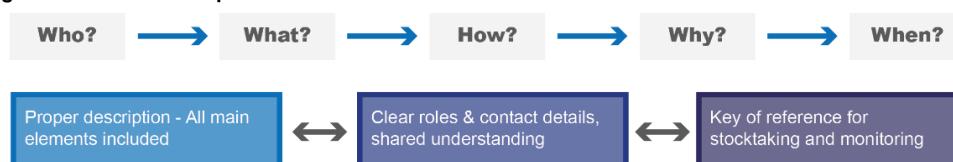
The actual development of the new NACAP had an extensive consultation process at its core. It consisted of nine steps depicted in the chart below. Importantly, the steps from three to six, foresee co-creation of actions between the stakeholders. The agreements were presented to the CCC and approved by the CCC and the Cabinet (steps eight and nine).

<sup>434</sup> Available at: [https://aead.gr/images/essays/Ekthesi\\_Apologismou\\_etous\\_2020\\_online.pdf](https://aead.gr/images/essays/Ekthesi_Apologismou_etous_2020_online.pdf) (Accessed 11 May 2022)

**Figure 7.6 Consultation process of the new NACAP**


Source: Greek National Transparency Authority

To develop the actions as specifically as possible, during the design phase, a three-page standardised document – **an action Identification Fiche** – was prepared for the description of each action (Step 5 in the chart). The identification fiche includes all the main elements: who is the stakeholder, the descriptive analysis of the action, which will be the necessary steps for the implementation of the action, the deliverables, and the outcomes. During the consultation phase, and after having generally agreed upon the actions to be included, an Identification Fiche was completed for every action by the stakeholders with the strong engagement of NTA. In addition to collaborative development of actions, the Identification Fiches provide necessary information for every action included in NACAP as a point of reference during the implementation and monitoring phase.

**Figure 7.7 Consultation process of the new NACAP - Identification fiche**


Source: Greek National Transparency Authority

The **monitoring mechanism** has been revised for simplification and digitisation. The NTA's current main priority is to develop a user-friendly e-form for its implementing partners to fill and submit during the semi-annual monitoring process. This way, NTA will also be able to export all the information automatically, and to receive both qualitative and quantitative comparable, uniform data about the implementation progress of all the actions, thereby enhancing the efficiency and effectiveness of the entire process.<sup>435</sup>

<sup>435</sup> Interview with Official of NTA

### Input

#### *Funds and human resources*

- The [Central Coordinating Committee \(CCC\)](#) consists of 9 members, according to Art. 2 Law 4915/2022: the NTA's Governor, seven representatives of the above Ministries, a representative of the Court of Auditors as an observer, and one employee as secretary.
- The CCC is responsible for coordinating and supervising the consultations and finalising the content of the actions included in the NACAP. In addition, it approves changes concerning the content of NACAP actions.
- The CCC comprises representatives from the Presidency of the Government, the General Secretariat for Coordination, the Ministries of Interior, Finance, Justice and Digital Governance and the General Secretariat of Information Systems. The Court of Auditors has observer status. The Governor of the NTA chairs the body. An employee of NTA provides secretarial support. By the decision of the Governor of the NTA, which is posted in the "DIAVGEIA" program, the aforementioned Committee is formed, and its members are appointed.<sup>436</sup>
- The [Council of Ministers](#) approves the NACAP as well as changes/updates related to the structure, and the strategic and/or special objectives of the Plan. The CoM also monitors the NACAP implementation progress on an annual basis. The Council consists of 27 members.
- The [skills](#) that are required in order to coordinate all the relevant stakeholders and monitor all the focal points in the implementation of NACAP are workshop management skills, skills related to the organisation of the consultation meetings, the creation of meeting agendas, the assignment of action items after meetings, the creation and management project timelines, deadlines, skills related to working cross-functionally with other departments to ensure organisational objectives are met, and skills related to the development and implementation of new procedures and protocols.

#### *Maintenance*

- As for the coordination, monitoring, evaluation and revision, the National Transparency Authority (NTA) has full responsibility, which are the core competencies of the NTA and do not require extra funding.
- The Department mainly responsible for the design, drawing up, monitoring, evaluation, and revision of NACAP is the Department of Strategic Planning and International Relation of the Strategic Planning and Behavioural Analysis Directorate.<sup>437</sup> The Department has dedicated three employees along with the Head of the Department, to undertake NACAP-related tasks. Each employee also serves as a contact point for certain stakeholders and will continue doing so during the entire life span of NACAP.

### Outcome and impact

The outcome of the consultation process was designing NACAP 2022- 2025 itself. Based on a [three-pronged approach to fight corruption](#), NACAP 2022-2025 is:

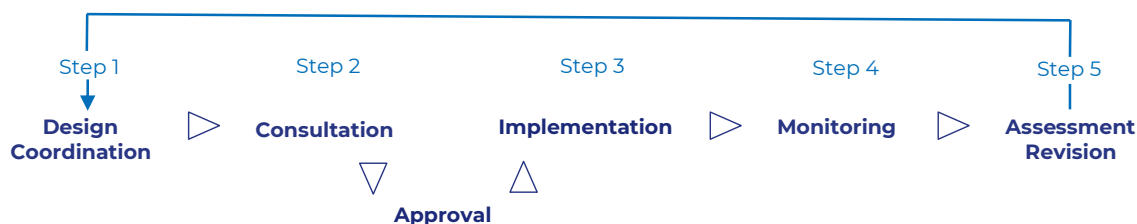
- An integrated national framework for the comprehensive response to corruption in the country and the integration of good international practices.
- A dynamic four-year policy tool for designing, implementing, monitoring, and evaluating horizontal and sectoral actions.
- An effective mechanism for coordinating the action of public policy actors in which synergies are developed with the private sector and civil society.

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<sup>436</sup> of art. 2 of Law 4915/2022 (GG 63/A/24-03-2022)

<sup>437</sup> Decision 11699, Government Gazette 1991/b/24.05.2020 on Organigramme of National Transparency Authority

Figure 7.8 NACAP's policy cycle



Source: [https://aead.gr/images/awareness/2022/Presentation\\_ESSKD\\_2022-2025\\_11.pdf](https://aead.gr/images/awareness/2022/Presentation_ESSKD_2022-2025_11.pdf)

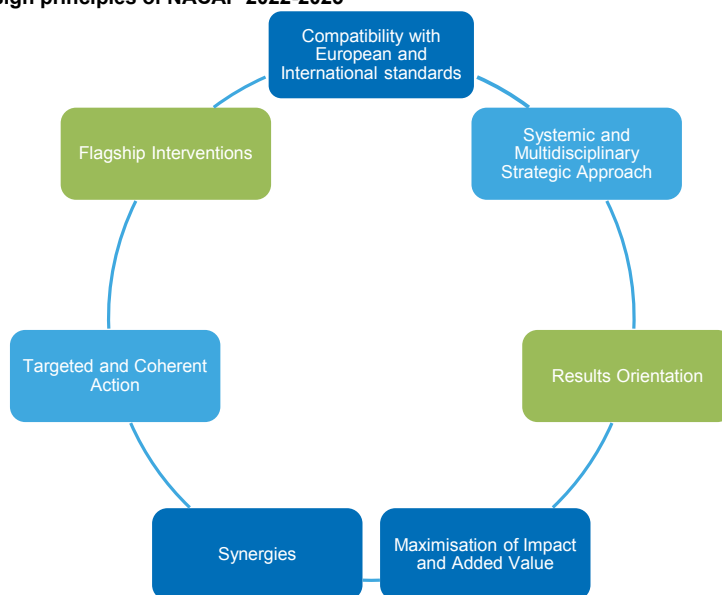
The vision of NACAP 2022 - 2025 is to establish and further deepen the principles of Integrity, Accountability and Transparency in the functioning of state, society, and economy.

The main objective of NACAP is:

- The continuous strengthening of citizens' trust in institutions.
- The steady improvement of the investment climate in the country.
- The systematic improvement of Greece's score in relevant international and European indexes.

At the very centre of the design was the development of a **holistic and coherent National Action Plan** with specific objectives, within the framework of which targeted interventions of high added value were included and specialised. Another innovative element in NACAP 2022-2025 is the development of a comprehensive set of **output and results indicators** that will allow the NTA to measure/quantify the outcomes and the impact of the intervention.<sup>438</sup>

Figure 7.9 Design principles of NACAP 2022-2025

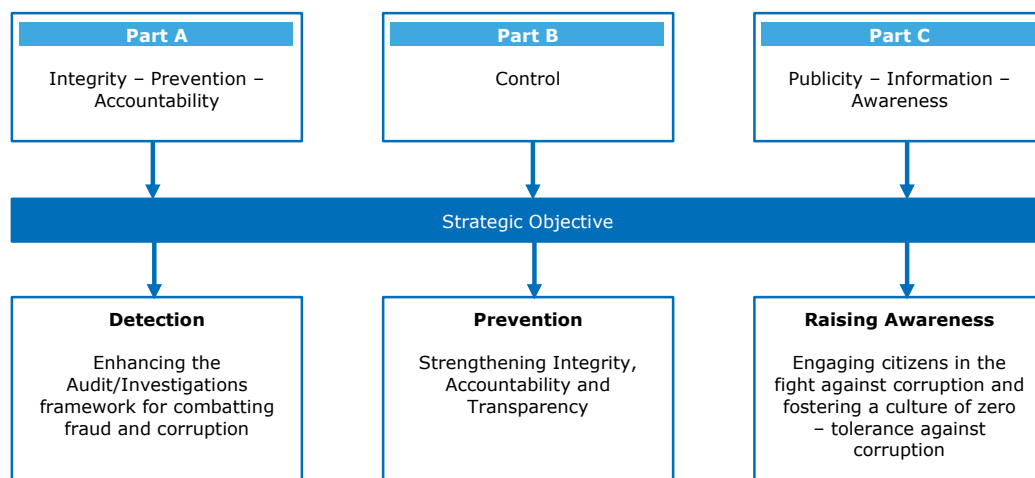


Source: [https://aead.gr/images/awareness/2022/Presentation\\_ESSKD\\_2022-2025\\_11.pdf](https://aead.gr/images/awareness/2022/Presentation_ESSKD_2022-2025_11.pdf)

Considering the above, NACAP 2022-2025 is based on **three strategic pillars** (with each one forming a distinct part of the Plan). Each part is divided into **an additional Strategic Objective** as follows:

<sup>438</sup> Interview with Official of NTA

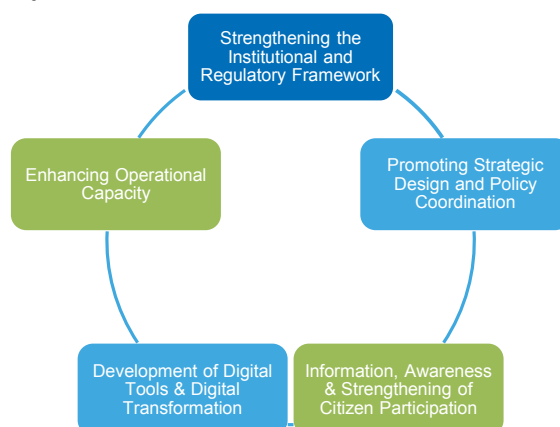
Figure 7.10 Parts and Strategic Objectives of NACAP 2022-2025



Finally, each Strategic Objective is comprised of the corresponding [Specific Objectives](#).

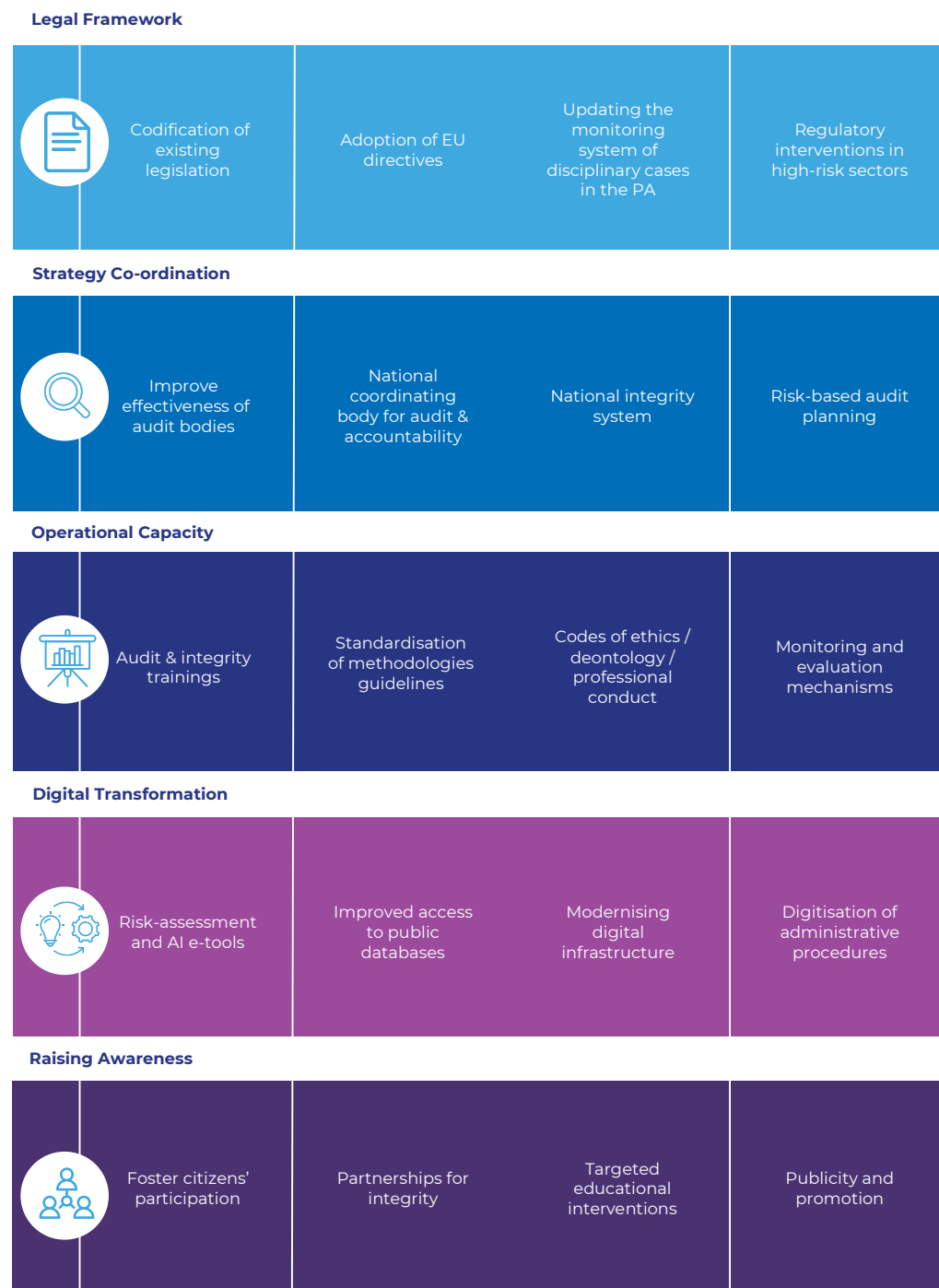
For the first two Parts, the selected Specific Objectives concern the main stages of a public policy's life cycle. For the Third Part of the Awareness, a different approach was chosen. Given the different nature of the interventions, it may incorporate:

Figure 7.11 Specific Objectives of NACAP 2022-2025



NACAP 2022-2025 includes [one hundred and twenty-nine \(129\)](#) actions, the scope of which has been specified in cooperation between the NTA and [twenty-four \(24\) public policy institutions](#). The categories of actions contained in the Action Plan are summarised below:

Figure 7.13 Categories of NACAP actions 2022-2025



Source: [https://aead.gr/images/awareness/2022/Presentation\\_ESSKD\\_2022-2025\\_11.pdf](https://aead.gr/images/awareness/2022/Presentation_ESSKD_2022-2025_11.pdf)

The **feedback of NGOs and businesses** has been considered especially in the actions related to raising awareness (actions related to corporate social responsibility and the enhancement of integrity in the private sector and actions related to the awareness and strengthening of citizen participation).

The new NACAP overcomes the [monitoring](#) shortcomings of the previous one: accordingly, for each action included in NACAP 2022-2025, there is a designated focal point from every stakeholder responsible for submitting all the necessary information about the implementation progress. NTA offers ongoing support through calls, meetings, and any other means necessary. At the same time, some stakeholders have also designated one or two main focal points to ensure inside coordination and smooth implementation of all the actions their agency is responsible for.

## Context

### *Learning from experience*

In most ways, previous NACAP 2018-2021 has been a success story. In particular, for the first time in Greece, a national anti-corruption strategy became operationalised with a set of targeted actions associated with specific goals and a specific completion timeframe. Besides, its design as well as the actions included were aligned with high European and international standards, aiming at both horizontal and high-risk sectors. At the same time, a variety of stakeholders were involved at different stages of development, which already set the basis for the fruitful multistakeholder cooperation in the next strategy.<sup>3</sup>

Unlike the previous strategy, NACAP 2022-2025 was initially approved by the CCC (on 15 November 2021) and after it was officially approved by the Cabinet of Ministers with the provision of Art. 1 of Law 4915/2022 (GG 63/A/24-03-2022). Furthermore, the Cabinet committed to monitor the implementation progress of NACAP annually as well.

## Limitations

As NACAP has been newly adopted, the estimated and unforeseen challenges may become evident in the future. NTA is trying to build better-suited monitoring and evaluation mechanisms while building its capacity and efficiency. It has developed and will keep an open line of communication with other stakeholders in order to detect problems early on and come up with viable solutions while also keeping an updated record of all the international and European recommendations for the prevention and combatting of corruption as well as to build its international networks, to remain on track and exchange views and practical insights peer-to-peer. NTA also intends to initiate a revision process in the middle of NACAP's 2022 – 2025 lifespan to evaluate with their partners possible problems, flaws, threats, etc., and to adopt adequate corrective measures.<sup>439</sup>

**Table 7.2 Analysis fiche**

Ensuring transferability and Verifying effectiveness				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
To overcome shortcomings of the previous National Anti-Corruption Action Plan (NACAP) => develop a comprehensive NACAP, with the tangible actions, developed in a process of multi-	Central Coordinating Committee, consisting of 9 members to coordinate and supervise the consultations and finalise the content of actions; National Transparency	44 meetings with 24 relevant stakeholders from public and private sectors as well as civil society	A holistic and coherent National Action Plan, with specific objectives; a comprehensive set of output and results indicators that will allow the NTA to measure/quantify the outcomes and the impact of the intervention.	Effectively implemented anti-corruption action plan that allows to (1) increase trust in national authorities, (2) steadily improve the country's investment climate, and (3) systematically improve Greece's score in relevant

<sup>439</sup> Interview with Official of the NTA

stakeholder consultations.	Authority (NTA) moderates the process of consultation and monitoring of NACAP's implementation (responsible department consists of the Head and three employees); Required skills: project management, consultation organisation and facilitation.			international and European indexes.
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## 7.2.2 Ireland: “Hamilton Review” – An Engaged and Holistic Approach to Anti-Corruption Reform

### Executive summary

The [Hamilton Review](#) is a collaborative multi-stakeholder process in which anti-fraud and anti-corruption structures and procedures in criminal law enforcement were examined. The aim of the review was to identify areas where Irish anti-corruption system could be strengthened. The resulting “Hamilton Report” made 25 key recommendations, many of which directly address institutional shortfalls in resourcing and coordination, which the Irish government has committed to tackle. While the Hamilton Report did not recommend a single national anti-corruption agency, the reforms envisioned would go some way towards facilitating a [more cohesive and efficacious anti-corruption regime in Ireland](#), as they would close funding and expertise gaps within and across agencies.

### Key words

Anti-corruption policy, multi-stakeholder collaboration, Ireland

**Table 7.3 Good practice fiche**

General information	Specifics
<b>Name</b>	Review of structures and strategies to prevent, investigate and penalise economic crime and corruption
<b>Context</b>	Ireland GDP/cap – (2021) EUR 91,818 – above average World Bank Control of Corruption – (2020) 91.35 – above average Trust in public administration – (2021) 63% – above average Population: 5 m -small
<b>Timeframe</b>	2017- 2020
<b>Reference</b>	<a href="http://www.justice.ie/en/JELR/Hamilton_Review_Group_Report.pdf/Files/Hamilton_Review_Group_Report.pdf">http://www.justice.ie/en/JELR/Hamilton_Review_Group_Report.pdf/Files/Hamilton_Review_Group_Report.pdf</a>
<b>Aim and objectives</b>	Comprehensive review of state's anti-corruption capacity
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50,000 or pro bono) HR: High (staff above 10 people) Tech: Low (No specific technology)
<b>Expected impact</b>	Recommendations to enhance anti-corruption capacity

General information	Specifics	
Category of corruption risk/ sector prone to corruption	Comprehensive review of anti-corruption capacity	
Implementation mechanism	Detailed report leading to an implementation plan with clear actions and responsibilities	
Similar practices		
Stakeholder's mapping	Target group	All agencies involved in anti-corruption, civil society, industry groups, wider public
	Implementation	Review group supported by Department of Justice

### Problem

The [fragmentation of institutions, competences, and resources to counteract corruption](#) can hamper the effectiveness of national anti-corruption policies. For instance, the fragmented nature of Ireland's anti-corruption architecture has been recognised as a factor in the persistence of high-profile white-collar crime and corruption cases.<sup>440</sup> While the fight against corruption is becoming increasingly important and institutionalised, in many EU countries the responsibilities to prevent, investigate and punish corruption are distributed among several authorities. The Hamilton Review in Ireland is an example of a collaborative process to examine available anti-corruption structures and procedures prior to restructuring them and increasing their efficiency.

### Solution

To implement [commitment to "review and strengthen anti-corruption and anti-fraud structures in criminal justice enforcement"](#), the Irish government decided to examine anti-fraud and anti-corruption structures and procedures in criminal law enforcement and identify areas where it could be strengthened. This process was chaired by Mr. James Hamilton, a former Director of Public Prosecutions and anti-corruption expert, and so the process came to be known as the [Hamilton Review](#). The resulting "Hamilton Report" made 25 key recommendations, many of which directly address institutional shortfalls in resourcing and coordination.<sup>441</sup> Implementing the new anti-corruption and anti-fraud measures arising from the review is a commitment to the Programme for Government.<sup>442</sup>

The innovativeness of the process is in its multiagency collaborative approach, combined with wider engagement of other stakeholders and experts. [The Review Group](#) comprised representatives from the main state agencies and institutions with responsibilities for preventing, detecting, and punishing corruption. A barrister and political scientist with expertise in Ireland's anti-corruption architecture and history also served on the group, as did a representative group for banking and financial services in Ireland: Banking and Payments Federation Ireland. According to the Department of Justice,

"One of the underlying premises of the Hamilton review was recognition of the importance of collaboration and multi-agency working. An [all-of-government approach](#) was agreed to progress the recommendations in the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption."<sup>443</sup>

Once established the group met regularly, ultimately meeting over a dozen times. Its [key terms of reference](#), in brief, were to:

- identify the scope and extent of anti-corruption structures and strategies;
- recommend solutions to gaps or deficits identified;
- review the adequacy of the legal basis for sharing of information and evidence between relevant bodies and make recommendations for additional legislation as needed;
- to assess the resources available to relevant bodies and make recommendations in this regard.

<sup>440</sup> Murphy, G., Gillanders, R., and Breen, M. A question of political will: Corruption and Public Administration in Ireland. *DPCE Online*, 38(1), 2019, pp. 488-503.

<sup>441</sup> Department of Justice, *Review of structures and strategies to prevent, investigate and penalise economic crime and corruption*. 2020.: [http://www.justice.ie/en/JELR/Hamilton\\_Review\\_Group\\_Report.pdf/Files/Hamilton\\_Review\\_Group\\_Report.pdf](http://www.justice.ie/en/JELR/Hamilton_Review_Group_Report.pdf/Files/Hamilton_Review_Group_Report.pdf) (Accessed 23 May 2022)

<sup>442</sup> Department of the Taoiseach, Programme for Government: Our Shared Future. 2020. <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/> (Accessed 23 May 2022)

<sup>443</sup> Correspondence with Department of Justice

A key part of the process, and one that is a [good example of engaged anti-corruption policy making](#), was the public consultation conducted by the review group. The group received submissions from academia, legal professionals, interest groups, civil society, and individuals. While the final report does not accept all views put forward in these submissions, the review group's report engaged with these submissions and gave them due consideration.

### Input

#### *Learning from experience*

- Officials at the department expressed the view that the [sense of common purpose](#) amongst the membership was an important input into the success of the process.<sup>444</sup>
- Nevertheless, it was also [important to build consensus among different stakeholders](#), who came with different perspectives and experiences to the issues.<sup>445</sup>

#### *Funds and human resources*

- The group consisted of fifteen members, who had considerable [experience](#) in relation to fighting fraud and corruption and knowledge of current practice and challenges.
- The group's work was [supported by three staff members from the Department of Justice](#).
- There was [no specific budget allocated](#) to the review, as the group members were acting within their regular responsibilities.<sup>446</sup>

### Outcome and impact

The immediate outcome of the review process was the publication of the group's report "*Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption*" in December 2020.<sup>447</sup> Commonly referred to as the Hamilton Report, it made 25 key recommendations, many of which directly address the shortfalls in resourcing and coordination. While the Hamilton Report did not recommend a single national anti-corruption agency, the reforms envisaged would go some way towards facilitating a [more cohesive and efficacious anti-corruption regime in Ireland](#), as they would close funding and expertise gaps within and across agencies.

The Department of Justice published [an implementation plan](#) for the Hamilton Report in April 2021, which identifies the lead agency for each of the planned reforms and reviews.<sup>448</sup> The plan foresees the use of new technologies and capacities. For example, one action is to establish a framework for the procurement of electronic documentary analysis and e-disclosure systems. Some of the recommendations have already been implemented. For example, a recommendation relating to the Criminal Procedure Bill has been accepted with the signing into law of the Criminal Procedure Act 2021. This law provides for pre-trial hearings that can facilitate timely criminal trials in corruption cases.<sup>449</sup>

The actions contained in the Implementation Plan contributed to important [institutional reforms](#) that are in line with the United Nations' recommendation that Ireland establishes an anti-corruption inter-agency steering committee for better coordination of corruption prevention efforts.<sup>450</sup> These reforms include establishing an Advisory Council and setting up a Forum of senior representatives from the operational bodies. These are in addition to multiple relevant governmental bodies; the Advisory Council also includes representatives from industry, academia, and civil society

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<sup>444</sup> Ibid.

<sup>445</sup> Ibid.

<sup>446</sup> Correspondence with Department of Justice.

<sup>447</sup> Department of Justice, *Review of structures and strategies to prevent, investigate and penalise economic crime and corruption*. 2020.: [http://www.justice.ie/en/JELR/Hamilton\\_Review\\_Group\\_Report.pdf/Files/Hamilton\\_Review\\_Group\\_Report.pdf](http://www.justice.ie/en/JELR/Hamilton_Review_Group_Report.pdf/Files/Hamilton_Review_Group_Report.pdf) (Accessed 23 May 2022)

<sup>448</sup> Department of Justice, A review of structures and strategies to prevent, investigate and penalise economic crime and corruption; Implementation Plan, April 2021. [https://www.justice.ie/en/JELR/Eol\\_Advisory\\_Council\\_ECC.pdf/Files/Eol\\_Advisory\\_Council\\_ECC.pdf](https://www.justice.ie/en/JELR/Eol_Advisory_Council_ECC.pdf/Files/Eol_Advisory_Council_ECC.pdf) (Accessed 26 May 2022)

<sup>449</sup> Criminal Procedure Act 2021, Irish Statute Book. Available at: <https://www.irishstatutebook.ie/eli/2021/act/7/enacted/en/html>, (Accessed 26 May 2022)

<sup>450</sup> United Nations Office on Drugs and Crime, *Country Review Report of Ireland*. 2019. [https://www.justice.ie/en/JELR/Ireland\\_Cycle\\_II\\_Country\\_Report\\_EN.pdf/Files/Ireland\\_Cycle\\_II\\_Country\\_Report\\_EN.pdf](https://www.justice.ie/en/JELR/Ireland_Cycle_II_Country_Report_EN.pdf/Files/Ireland_Cycle_II_Country_Report_EN.pdf) (Accessed 1 June 2022)

and will work on the development of a new national strategy. It will also make proposals to the government in relation to strategies and policies to fight economic crime and corruption. The Forum has already been established and will meet quarterly. The Forum is made up of senior representatives from the Office of the Director of Corporate Enforcement, An Garda Síochána (the Irish National Police), the Central Bank, the Office of the Director of Public Prosecutions, the Revenue Commissioners, the Competition and Consumer Protection Commission, the Department Social Protection and the Standards in Public Office Commission.

### Context

In November 2017, the Irish government published a suite of measures designed to tackle “white-collar crime”.<sup>451</sup> This was launched following a review by the ministers for Business, Enterprise, and Innovation, Finance, Public Expenditure and Reform, and Justice and Equality. Amongst the actions outlined, there was a [commitment to “review and strengthen anti-corruption and anti-fraud structures in criminal justice enforcement”](#). To implement this commitment, former Director of Public Prosecutions and consultant in anti-corruption matters, James Hamilton, was appointed by the Minister for Justice and Equality to serve as the independent chair of a multi-agency review group.

### Limitations

While the Hamilton Review process represents an ambitious, engaged, and holistic approach to anti-corruption policymaking, there are some potential limitations and risks that should be borne in mind by those seeking to adopt a similar approach:

- There is the [need for political will and support to implement the reforms](#) recommended by such a process.
- There is the [risk of a reform agenda being discarded or deprioritised](#) when elected leaders change. To mitigate this, the ongoing advisory council with representatives from outside of the apparatus of government turned out to be useful.
- Another limitation is that even though a public consultation was held, officials in the department still reflected that *“even greater involvement of civil society and the public would have been positive.”*<sup>452</sup> An additional grassroots element to collecting feedback and ideas such as public meetings and engagement on social media may be worth considering by those wishing to adopt a similar approach.
- The [disruption of COVID-19 was also noted as a challenge to the process](#), necessitating adaptation to new ways of working.<sup>453</sup>
- [Staff turnover](#) following a restructuring of the Department of Justice, which provided secretarial support, was also noted as a disruption but one which saw a dedicated research team put in place.<sup>454</sup>
- [Team building and the demands of emergency situations](#) emerge as the key challenges in the implementation of a process such as this.

**Table 7.4 Analysis fiche**

	Ensuring applicability	transferability	and	Verifying effectiveness
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
High fragmentation in anti-corruption resourcing and coordination	Relatively few. An experienced independent chair and representatives from key agencies,	The process led to a detailed report which made 25 recommendations and discussed other proposals in detail. An implementation	Some key recommendations have been implemented already. The establishment of the Advisory Council and	Significant. Detailed recommendations to enhance coordination, resourcing, and policymaking on an ongoing basis

<sup>451</sup> Department of Justice, *Measures to enhance Ireland’s Corporate Economic and Regulatory Framework*, 2017. <https://www.anticorruption.ie/wp-content/uploads/2019/09/Measures-Enhance-Ireland’s-Corporate-Economic-and-Regulatory-Framework.pdf> (Accessed 23 May 2022)

<sup>452</sup> Correspondence with Department of Justice

<sup>453</sup> Ibid.

<sup>454</sup> Ibid.

Ensuring applicability	transferability	and	Verifying effectiveness	
industry, and academia (15 in total), supported by a small secretariat (3 persons)	plan was prepared with clear action points and responsibilities		Forum are noticeable institutional changes in the approach to anti-corruption policymaking	

### 7.2.3 Lithuania: Special Investigative Service (SIS) Assessment of the Anti-Corruption Architecture

#### Executive summary

The new 2021 Law on Corruption Prevention in Lithuania stipulates that for the first time the public sector bodies and their heads have direct responsibility for preventing corruption and ensuring they live up to the new standard of anti-corruption progress. Special methodologies will be prepared to evaluate and to provide measurable evidence-based evaluations. An entity to which another body is subordinate will assess anti-corruption practices, their quality, and the effectiveness of their practical implementation. After that, based on the findings, the level of resilience to corruption of an organisation (from “very low” to “very high”) will be calculated.

#### Key words

Legislation, decentralised corruption prevention, assessment of resilience to corruption, Lithuania

**Table 7.5 Good practice fiche**

General information	Specifics
<b>Name</b>	Law on Corruption Prevention introducing direct responsibility of public bodies for corruption prevention and measuring of institutional resilience to corruption
<b>Context</b>	Lithuania GDP/cap – (2021) EUR 21,321 – below average World Bank Control of Corruption – (2020) 79.81 – above average Trust in public administration – (2021) 40% – below average Population: 2.8 m - small
<b>Timeframe</b>	Since 2022
<b>Reference</b>	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.168154/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.168154/asr</a> <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/15a34ae009bf11edbf9c72e552dd5bd?positionInSearchResults=2&amp;searchModelUUID=307fc104-4e24-4d6a-b00d-99b4679ad180">https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/15a34ae009bf11edbf9c72e552dd5bd?positionInSearchResults=2&amp;searchModelUUID=307fc104-4e24-4d6a-b00d-99b4679ad180</a>
<b>Aim and objectives</b>	Create grounds for systemic corruption prevention: <ul style="list-style-type: none"> <li>Public sector entities are responsible for their anti-corruption environment as well as that of their subordinates</li> <li>Conditions for measuring and comparing the level of resilience of public sector institutions to corruption</li> </ul>
<b>Estimated cost of the practice</b>	Budget: Low (Below EUR 50000 or pro bono) HR: Low (Below 3 or volunteers' engagement) Tech: Low (No specific technology)
<b>Expected impact</b>	Public (and to some extent private) sector bodies are capable of preventing corruption and have the capacities to address the specific risks they face in their environment. As a result, Lithuania speeds up its anti-corruption progress.
<b>Category of corruption risk/sector prone to corruption</b>	Corruption prevention
<b>Implementation mechanism</b>	Legislation on Corruption Prevention => The decentralisation of responsibilities to tackle corruption => Developing methodologies to evaluate resilience to corruption => Monitoring & possible updates to the current framework

Similar practices	n/a	
Stakeholder's mapping	Target group	Public sector bodies
	Implementation	Special Investigation Service and public sector institutions

### Problem

Insufficient proactiveness and low capacity of the public sector bodies in the development of and keeping up with anti-corruption standards can undermine the effectiveness of the overall anti-corruption framework in a country. For example, in Lithuania, these were identified as the main obstacles to the country's anti-corruption breakthrough.<sup>455</sup> Even if special anti-corruption institutions are in place to ensure the coherence of anti-corruption policies, individual public bodies are the ones ensuring their implementation. The new Lithuanian Law on Corruption Prevention is an example of provisions that seek to overcome this obstacle and to ensure the direct engagement of individual public sector bodies into anti-corruption efforts.

### Solution

The new Law on Corruption Prevention introduced several regulations regarding corruption prevention.<sup>456</sup>

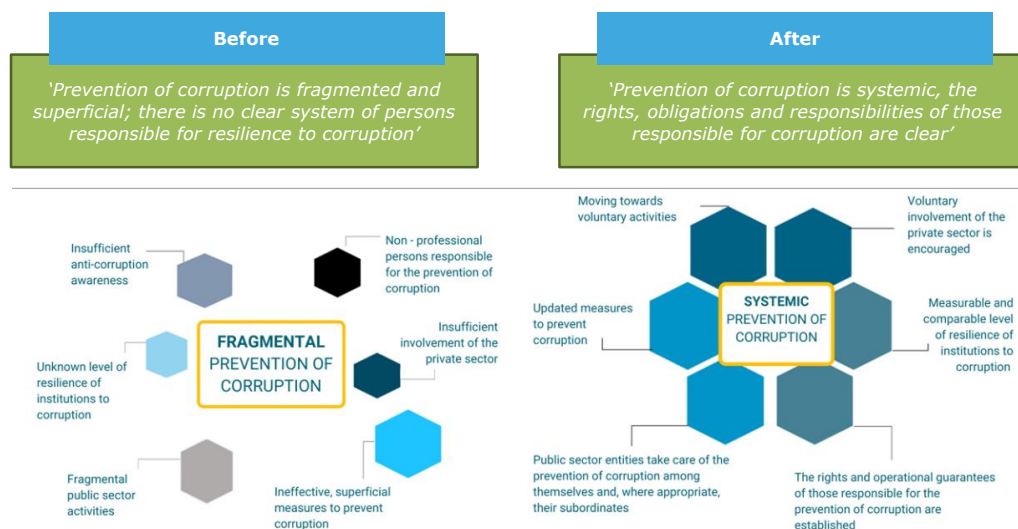
- The main innovation of a systemic importance is that public sector bodies and their heads will have direct responsibility for preventing corruption and ensuring they live up to the new standard of anti-corruption progress.
- Special methodologies for corruption risk assessments and evaluations of corruption resilience will be prepared for individual public bodies. An entity to which another body is subordinate will assess anti-corruption practices, their quality, and the effectiveness of their practical implementation. After that, based on the findings, the level of resilience to corruption of an organisation (from "very low" to "very high") will be calculated. Those methodologies will have to be defined by the Government; however, the process has yet to be implemented, and the methods are still under development.
- In addition, public entities should increase their anti-corruption capacities and conduct anti-corruption training for employees. They are also obliged to publish information about violations detected over the last three years (including their number, specifics and actions taken to mitigate the impact).<sup>457</sup>

<sup>455</sup> Ž. Bartkus talks about the new Law on Anti-corruption, news portal lrytas.lt, <https://www.lrytas.lt/lietuvosdiena/aktualijos/2021/06/30/news/z-bartkus-apie-seimo-priimta-korupcijos-prevencijos-istatyma-galime-tiketis-aukstesnes-viesojo-sektoriaus-skaidrumo-kokybes-19929207>

<sup>456</sup> The Law on Corruption Prevention, No. XIV-471 from 29.06.2021, <https://www.e-tar.lt/portal/lt/legalAct/453943b0e46611eb9f09e7df20500045>

<sup>457</sup> Ibid.

Figure 7.14 Improvements introduced by the new Law on Corruption Prevention in Lithuania



Source: <https://www.stt.lt/en/news/7481/law-on-prevention-of-corruption:3176>

## Input

### Learning from experience

- For the purposes of capacity building, learning platforms such as the 'Integrity Academy' that is run by SIS, are considered as promising. The Integrity Academy invites experts to share their experience with public sector organisations that voluntarily join the project to receive advice. They can also foster experience-sharing among public bodies on corruption-related problems. During the last 1.5 years, more than 4,000 public sector representatives have already participated in anti-corruption sessions.<sup>458</sup>

### Funds and human resources

- No calculations about financial or other resources necessary to implement the practice are available. The budget for SIS is increasing annually; however, this is not related to new regulation or its implementation.
- the Law requires the appointment of officials responsible for corruption prevention. In Lithuania, most institutions already had such positions before the Law was adopted, and regulation should not cause problems. Those public entities that did not have appointed officials will need to manage funds already available and distribute them accordingly. As such, the Law does not foresee additional spendings.

## Outcome and impact

The Law has **short and long-term goals** and is a rare example of a legal act that has a special provision of an ex-post evaluation.<sup>459</sup> It is expected that by 1 March 2025, the Ministry of Justice will assess the effectiveness of practical enforcement of the Law and, if necessary, submit proposals for potential improvements.<sup>460</sup> The systemic evaluation will cover the period between 1 January 2022 and 31 December 2024.<sup>461</sup>

The Law came into force in January 2022; thus, a current brief period of implementation still does not allow for assessment of its impact. However, interviewees stress several positive changes, namely, the solid foundation for a new anti-corruption architecture and a growing interest in anti-corruption practices from public sector representatives.

<sup>458</sup> Ibid.

<sup>459</sup> New Law on Corruption Prevention, No. XIV-471. Available at: <https://www.e-tar.lt/portal/lt/legalAct/453943b0e46611eb9f09e7df205000425>

<sup>460</sup> Ibid.

<sup>461</sup> Ibid.

A former Chief Advisor to the President of Lithuania notes that the Law gives an opportunity to speed up the progress [towards more transparency and good governance in public institutions](#). In their opinion, Lithuania tested a good governance reform in its state-owned enterprises (SOEs), and it paid off.<sup>462</sup>

The updated Law obliges authorities to make the findings of risk assessment publicly available and inform the public about measures to mitigate the identified corruption risks. A representative from the SIS stresses that public sector representatives show unprecedented interest in understanding their role and ask for practical recommendations.<sup>463</sup>

Compared to the period before the Law, [SIS](#) saw 4 times increase in requests to explain how anti-corruption practices should be applied in public entities (15 per cent of all requests) and how anti-corruption-related responsibilities should be divided within each institution (54 per cent).<sup>464</sup>

According to the SIS, this is a positive sign as [public bodies start to engage actively](#) and are already searching for advice. As the Law obliges institutions to choose the most rational way to address the risks identified by SIS and gives freedom to decide what methods of corruption risk management best meet the peculiarities of specific public sector entities, representatives try to understand how to practically act with the responsibility and freedom entrusted in them.

Lastly, concrete methodologies to assess the level of corruption resilience will be developed. Applied annually, they will allow public bodies to trace their progress (or regression) and see where they stand in terms of corruption resilience compared to other institutions. First evaluations should be carried out during the first year of the Law and will serve as a baseline.

### Context

#### [Institutions](#)

Several conditions enabled Lithuania to refresh its anti-corruption landscape:

- Prioritising anti-corruption on the political agenda
  - [Political will](#) to introduce systematic changes to address corruption related concerns<sup>465 466</sup>,
  - [Data-based evidence](#) about the lack of anti-corruption progress and inability to reach the goals set.<sup>467 468</sup>
- International anti-corruption regimes

When drafting the Law and preparing concrete methodologies for corruption assessments, the related recommendations of international organisations were critical:<sup>470</sup>

  - [Ongoing recommendations from the OECD](#) and other international organisations to take more actions to curb corruption.<sup>471</sup> Lithuania recently underwent a public integrity evaluation by the OECD.<sup>472</sup> It evaluated the country's preparedness and resilience to corruption and assessed the likelihood of detecting and

<sup>462</sup> Interview with a former advisor to the President of Lithuania., 18 May, 2022.

<sup>463</sup> Interview with an official at Special Investigation Service. 16 May, 2022.

<sup>464</sup> Freedom of Information request, Special Investigation Service, received at 25 June, 2022

<sup>465</sup> Ibid.

<sup>466</sup> The Program of the Government, the Resolution No. XIV-72. Available at: <https://lr.lt/uploads/main/documents/files/PROGRAMME%20OF%20THE%20EIGHTEENTH%20GOVERNMENT%20OF%20THE%20REPUBLIC%20OF%20LITHUANIA.pdf>

<sup>467</sup> , Transparency International. Corruption Perception Index. Available at: <https://www.transparency.org/en/cpi/2021>

<sup>468</sup> The Program of the Government, the Resolution No. XIV-72. Available at: <https://lr.lt/uploads/main/documents/files/PROGRAMME%20OF%20THE%20EIGHTEENTH%20GOVERNMENT%20OF%20THE%20REPUBLIC%20OF%20LITHUANIA.pdf>

<sup>469</sup> Interview with an official at Special Investigation Service. 16 May, 2022

<sup>470</sup> Interview with an official at Special Investigation Service. 16 May, 2022

<sup>471</sup> Interview with a former advisor to the President of Lithuania., 18 May, 2022.

<sup>472</sup> The OECD Public Integrity Indicators, 2021, <https://oecd-pii.org/countries/LTU/>

mitigating various corruption risks.<sup>473</sup> The main deficiencies identified by the OECD include the lack of in-depth assessments of public integrity risks; the fact that anti-corruption action plans were not based on data sources from public registries; and the fact that Lithuania experiences low civic engagement and a very poor culture of public consultations.<sup>474</sup>

- The latest GRECO evaluation report also noted that Lithuania had a comprehensive normative and institutional framework to tackle corruption, but implementation was lagging and there was a lack of concrete applicable rules.<sup>475</sup>

Lithuania tested a [good governance reform in state-owned enterprises](#) (SOEs),<sup>476</sup> and it served as a model for corruption prevention in public bodies. The main parallel between the SOEs reform and corruption prevention in public bodies is the guidance for public entities on how to implement the reform, assigned responsibility, and annual monitoring of how the reform works in practice.<sup>477</sup> The Government passed Transparency<sup>478</sup> and Ownership Guidelines<sup>479</sup> for all SOEs and made SOE individually responsible for fulfilling transparency and accountability requirements. Similar to the changed Corruption Prevention framework, SOEs now have mandatory transparency and disclosure requirements and a special monitoring tool - SOEs Corporate Governance Index - that was developed to keep track about the implementation process.<sup>480</sup>

### Limitations

[Insufficient institutional capacity](#) to address corruption-related risks is the main challenge. Even before the new Law, public sector bodies had their own anti-corruption plans and measures, but usually they lacked measurable goals and concrete measures.<sup>481</sup> As such, the real challenge will be to assist public bodies in setting concrete, relevant goals to target problems that are in their hands to tackle. Thus, the decentralised approach to corruption prevention should go hand in hand with the relocation of resources for these purposes, otherwise there is a risk of scapegoating individual public bodies if corruption prevention fails.

**Table 7.6 Analysis fiche**

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Insufficient pro-activeness and low capacity of the public sector bodies in the development of and keeping up to the anti-	N/A	The core anti-corruption tool is the new Law on Corruption Prevention that has decentralised corruption prevention responsibilities,	In the beginning of 2022, the Special Investigation Service witnessed an increased number of enquiries from public sector institutions that	To be evaluated in 2025

<sup>473</sup> Ibid.

<sup>474</sup> Ibid.

<sup>475</sup> Council of Europe *GRECO 5th Evaluation Round, Evaluation report for Lithuania*, GRECO, No. RC5(2020)1.2020. [https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a6420a?utm\\_source=miragenews&utm\\_medium=miragenews&utm\\_campaign=news](https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a6420a?utm_source=miragenews&utm_medium=miragenews&utm_campaign=news)

<sup>476</sup> Interview with a former advisor to the President of Lithuania., 18 May 2022.

<sup>477</sup> The Governance Coordination Centre, founded by the Government, is a key institution that prepares analytic reports about the SOEs performance, reviews SOEs' strategies, and monitors if the targets were met. SOEs reform, Governance Coordination centre, official website, <https://governance.lt/en/valdysena-lietuvoje/>

<sup>478</sup> The Transparency Guidelines, Government Decree No. 1052. Available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.378545/asr>

<sup>479</sup> The Ownership Guidelines, Government Decree No. 665. Available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.6AF226769DB2/asr>

<sup>480</sup> SOEs Corporate Governance Index, official website. Available at: <https://governance.lt/en/valdysenos-indeksas/>

<sup>481</sup> Proposals to the new National Anti-corruption agenda, Transparency International Lithuania, 2021. Available at: <https://www.transparency.lt/wp-content/uploads/2021/07/TILS-pasiulymai-2022-2033-metu-Nacionalinei-darbotvarkai-korupcijos-prevencijos-klausimais-1.pdf>

corruption standards		making the heads of public bodies responsible for the anti-corruption environment. It also introduced mechanisms to trace anti-corruption progress and enabled public bodies to measure their success starting from baseline evaluations.	seek to better understand their role and how to strengthen their anti-corruption efforts practically. As the Law made them responsible for the anti-corruption environment, there is a growing engagement and interest in how to practically live up to the new standard.	
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## 8 Anti-Corruption Agencies (ACAs)

### 8.1 Introduction to the practice

#### Definition

Anti-corruption agencies (ACAs) “are public bodies of a durable nature, with a specific mission to fight corruption and reducing the opportunity structures propitious for its occurrence in society.”<sup>482</sup>

There are different models of ACAs, depending on their mandate<sup>483</sup>:

- Multi-purpose ACAs combine as a rule repression, prevention, and policy development functions. Examples of independent ACAs are:
  - The Corruption Prevention and Combatting Bureau in Latvia
  - The Special Investigation Service in Lithuania
- Law-enforcement bodies, including specialised police and prosecution services (in the EU, there are no examples of independent law-enforcement ACAs, they all fall under governmental or ministerial authority), e.g.:
  - Federal Bureau of Anti-Corruption in Austria,
  - Central Office for the Repression of Corruption in Belgium,
  - Office for the Suppression of Corruption and Organised Crime in Croatia,
  - National Anti-Corruption Directorate in Romania,
  - Special Prosecutors Office for the Repression of Corruption-Related Economic Offences in Spain
- Policy coordination and corruption prevention bodies. Examples of independent ACAs are:
  - National Anti-corruption Authority in Italy,
  - Commission for the Prevention of Corruption in Slovenia

ACAs can be established on both national and local level of governance, where the latter is a rather rare practice.

There are several criteria common to effective anti-corruption agencies:<sup>484</sup>

- **(Political) independence** means that there is no undue influence from political or private actors on the working of ACAs. In particular, the independence must be secured through open, transparent, and impartial procedures for appointing and dismissing heads of ACAs. This independence does not exclude accountability procedures, such as internal and external audits, checks-and-balance mechanisms, etc. In addition, ACAs profit from interagency co-operation and co-operation with civil society and business.
- In terms of **governance structures**, there are only four independent ACAs in the EU, as most ACAs are agencies under governmental or ministerial authority.
- **Specialisation** means that the ACAs’ staff does not only have a specific mandate in anti-corruption, but also towards capacity-building to train staff in specialised skills. The legal framework must ensure ACAs relevant powers they need according to the mandate.
- ACAs must have **adequate financial and material resources**, including necessary technical infrastructure and access to data.

<sup>482</sup> de Sousa, L., Anti-Corruption Agencies: Between Empowerment and Irrelevance, *Crime, Law and Social Change* 53, no. 1 (February 2010): 5, 2010 <https://doi.org/10.1007/s10611-009-9211-3>.

<sup>483</sup> For the overview of ACAs in Europe see: Schöberlein, Jennifer, *Anti-corruption agencies in Europe: Typology and case studies*, TI Anti-Corruption Helpdesk, 2020, p. 15 ff., <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe-2020-PR.pdf>

<sup>484</sup> Schütte, S. A., *Bespoke Monitoring and Evaluation of Anti-Corruption Agencies*, 2017. <https://www.u4.no/publications/bespoke-monitoring-and-evaluation-of-anti-corruption-agencies>.  
OECD, *Specialised Anti-Corruption Institutions: Review of Models*, 2013. [https://read.oecd-ilibrary.org/governance/specialised-anti-corruption-institutions\\_9789264187207-en](https://read.oecd-ilibrary.org/governance/specialised-anti-corruption-institutions_9789264187207-en).

- The **evaluation** of ACA activities is the most challenging part due to difficulties in measuring corruption, and the political sensitivity of the issue.<sup>485</sup> However, this evaluation is critical to generate public support for and trust in anti-corruption institutions.

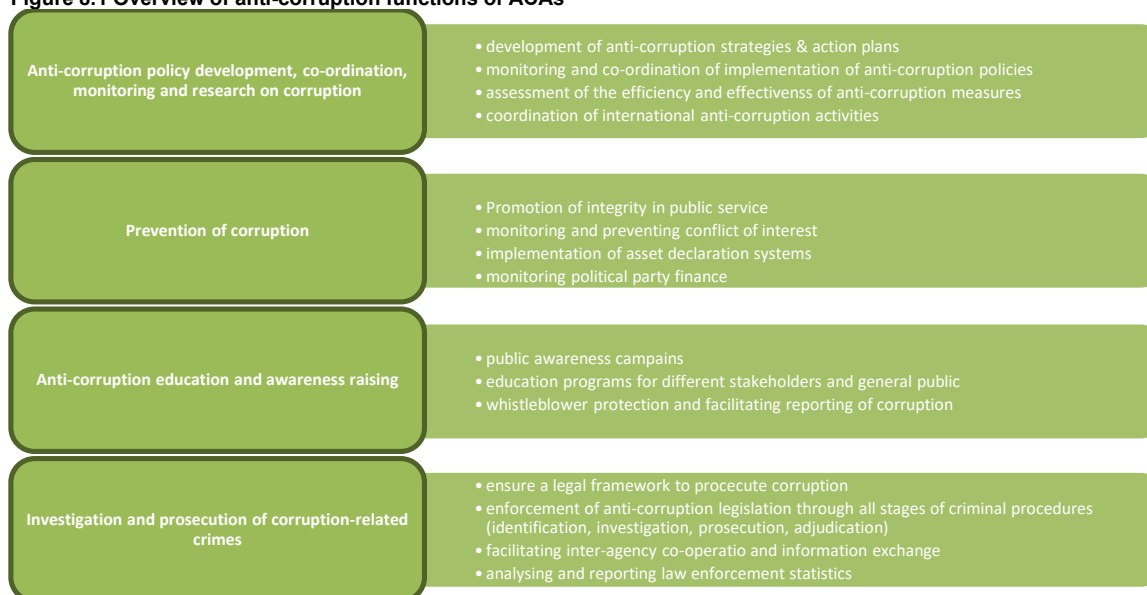
### International standards

- Council of Europe Criminal Law Convention on Corruption<sup>486</sup>
- EU legislation on anti-corruption<sup>487</sup>
- United Nations Convention against Corruption<sup>488</sup>

### Mechanisms

There are several major anti-corruption functions, which include multiple measures, that ACAs may fulfil.<sup>489</sup>

**Figure 8.1 Overview of anti-corruption functions of ACAs**

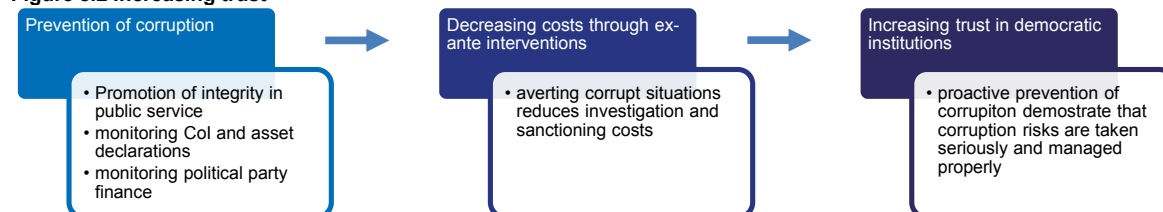


Source: own elaboration

### Potential results

- **Increasing trust**

**Figure 8.2 Increasing trust**



<sup>485</sup> Schütte, S. A., *Bespoke Monitoring and Evaluation of Anti-Corruption Agencies*, 2017. <https://www.u4.no/publications/bespoke-monitoring-and-evaluation-of-anti-corruption-agencies>.

<sup>486</sup> Available at: <https://www.coe.int/en/web/impact-convention-human-rights/criminal-law-convention-on-corruption#/>

<sup>487</sup> Available at: [https://home-affairs.ec.europa.eu/policies/internal-security/corruption/eu-legislation-anti-corruption\\_en](https://home-affairs.ec.europa.eu/policies/internal-security/corruption/eu-legislation-anti-corruption_en)

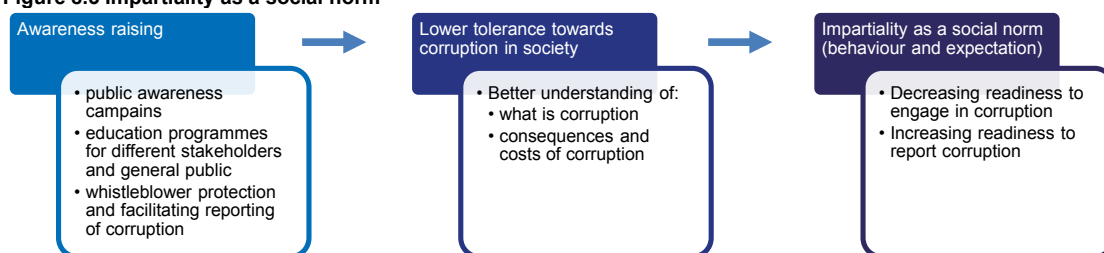
<sup>488</sup> Available at: <https://www.unodc.org/unodc/en/corruption/uncac.html>

<sup>489</sup> OECD 2013.



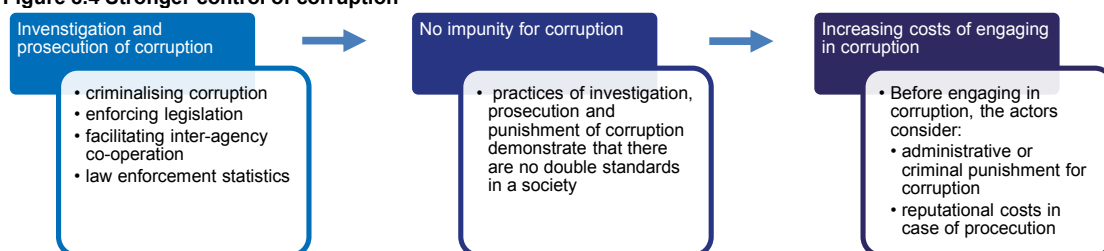
### • Impartiality as a social norm

**Figure 8.3 Impartiality as a social norm**



### • Stronger control of corruption

**Figure 8.4 Stronger control of corruption**



### Challenges

- Criticism of “agencification” of corruption, related to the blind creation of anticorruption bodies, without clear and deep analysis of the risks and environment they need to operate in => demand-driven design of ACAs
- Resistance against ACAs or attempts to exercise an undue influence their working => generating public support and creating coalitions.<sup>490</sup>
- Poor performance of ACAs can lead to frustration with anti-corruption policies and decreasing trust towards agencies => assign sufficient resources, conduct permanent monitoring and evaluation of work with engagement of relevant stakeholders.
- Under conditions of diminishing democratic institutions, ACAs can be misused for selective investigations and prosecution of opposition => ensuring political independency through transparent procedures of creation and appointments in ACAs, institutionalising checks and balances and strong public control of the ACAs.

### Additional sources

#### Trainings

- Education for Justice UNODC training module 12: International Anti-Corruption Frameworks
- Education for Justice UNODC training module 13: National Anti-Corruption Frameworks

#### Policy analysis

- Byrne, E., Arnold, A.-K., and Nagano, F., *Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How*. 2010.<sup>491</sup>
- Schöberlein, J., *Anti-Corruption Agencies in Europe: Typology and Case Studies*, 2020.<sup>492</sup>

<sup>490</sup> Byrne, E., Arnold, A.-K., and Nagano, F., *Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How*. World Bank. 2010. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/832251468332984868/Building-public-support-for-anti-corruption-efforts-why-anti-corruption-agencies-need-to-communicate-and-how>

<sup>491</sup> Byrne, E., Arnold, A.-K., and Nagano, F., *Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How*. World Bank. 2010. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/832251468332984868/Building-public-support-for-anti-corruption-efforts-why-anti-corruption-agencies-need-to-communicate-and-how>

<sup>492</sup> Schöberlein, J., *Anti-Corruption Agencies in Europe: Typology and Case Studies*, 2020. [https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe\\_2020\\_PR.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe_2020_PR.pdf)

- Schütte, S.A., *Bespoke Monitoring and Evaluation of Anti-Corruption Agencies*, 2017.<sup>493</sup>
- Schütte, S. A., *Networks of Anti-Corruption Authorities: Living up to Their Aspirations?*, 2020.<sup>494</sup>

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- Johnston, M., Controlling Corruption: Institutional Strategies. In *The Oxford Handbook of the Quality of Government*, by Michael Johnston, 515–36. edited by Andreas Bågenholm, Monika Bauhr, Marcia Grimes, and Bo Rothstein. Oxford University Press, 2021.<sup>495</sup>

## 8.2 Case studies

### 8.2.1 Latvia: The Corruption Prevention and Combatting Bureau

#### Executive summary

The Corruption Prevention and Combatting Bureau of Latvia (hereafter – CPCB) is a multi-functional anti-corruption body with broad competences to prevent (primarily public-sector) corruption (including through education and awareness-raising), combat corruption (apply administrative penalties and investigate criminal cases) and oversee compliance with rules for funding of political parties and certain aspects of pre-election campaigns.<sup>496</sup> This is a one of the rare cases, when the external model of a multi-functional ACA has been applied effectively (Hong Kong ACA). The CPCB is a result of country's transformation towards EU accession and allows a long-term assessment of ACA's impact with a specific focus on corruption in political party finance.

#### Key words

Anti-corruption agency, multi-functional anti-corruption body, political party finance, long-term assessment, Latvia

Table 8.1 Good practice fiche

General information	Specifics
<b>Name</b>	Corruption Prevention and Combatting Bureau (CPCB) with focus on political finance
<b>Context</b>	Latvia GDP/cap – (2021) EUR 18,874 – below average World Bank Control of Corruption – (2020) 75.48 –average Trust in public administration – (2021) 27% – below average Population: 1.9 m - small
<b>Timeframe</b>	Since 2002
<b>Reference</b>	<a href="https://www.knab.gov.lv/en">https://www.knab.gov.lv/en</a>
<b>Aim and objectives</b>	Countering primarily public-sector corruption through: <ul style="list-style-type: none"> <li>• Prevention, education, and awareness-raising</li> <li>• Combatting (administrative sanctioning and criminal investigation)</li> <li>• Control of compliance with rules on funding of political parties and certain aspects of election campaigns</li> </ul>
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)

<sup>493</sup> Schütte, S.A., *Bespoke Monitoring and Evaluation of Anti-Corruption Agencies*, 2017. <https://www.u4.no/publications/bespoke-monitoring-and-evaluation-of-anti-corruption-agencies>.

<sup>494</sup> Schütte, S. A., *Networks of Anti-Corruption Authorities: Living up to Their Aspirations?*, 2020. <https://www.u4.no/publications/networks-of-anti-corruption-authorities>

<sup>495</sup> Johnston, M., Controlling Corruption: Institutional Strategies. In *The Oxford Handbook of the Quality of Government*, by Michael Johnston, 515–36. edited by Andreas Bågenholm, Monika Bauhr, Marcia Grimes, and Bo Rothstein. Oxford University Press, 2021.<sup>495</sup> <https://doi.org/10.1093/oxfordhb/9780198858218.013.25>.

<sup>496</sup> Korupcijas novēršanas un apkarošanas biroja likums (Law on Corruption Prevention and Combating Bureau), <https://likumi.lv/doc.php?id=61679>, (accessed 9 June 2022).

General information	Specifics	
Expected impact	Prevention and suppression of corruption in the public sector	
Category of corruption risk/sector prone to corruption	Primarily public-sector corruption	
Implementation mechanism	Law on the CPCB => Establishment and operation of the agency	
Similar practices	Special Investigation Service of Lithuania <sup>497</sup>	
Stakeholder's mapping	Target group	Public officials and the general public
	Implementation	Corruption Prevention and Combatting Bureau

### Problem

The case of the Latvian CPCB, as an independent anti-corruption agency with the powerful multifunctional mandate of preventing and combating corruption, proved to be useful for at least two problems that plague many other states. First, an agency that is independent from the government might be the only solution to investigate and bring to justice the [cases of high political corruption in a context, where it is a systemic problem](#). Second, [specific forms of corruption, such as trading in influence, corruption in the finance of political parties or electoral campaigns](#), often remain not criminalised, because the policymakers might profit from the vague rules and legislation gaps in place. Thus, the independent agency with the competence to shape anti-corruption legislation, can become a critical player to initiate systemic change. The case of the CPCB demonstrates the long-term effect of independent multi-functional ACAs in the systemic transformation from a state with widespread political corruption to the state with a solid system of accountability and rule of law. Although this is one of the older cases, the assessment of its effect on systemic change is possible only on the long term.

### Solution

Latvia's CPCB has been established in the accession process to the EU and NATO in 2002 and follows the Hong Kong ACA model. Its purpose is a [comprehensive counteraction against corruption – repression, prevention, and education of society](#). The CPCB's creation was part of a broader anti-corruption package, along with a new conflict-of-interest law and the first significant reform of party finance law also adopted in 2002.

### Competences and capacities

- Under its mandate to prevent corruption, the CPCB:
  - develops a [national anti-corruption plan](#) (to be approved by the Cabinet of Ministers);
  - co-ordinates cooperation among the institutions referred to in the plan;
  - monitors implementation of the Law on Prevention of Conflict of Interest in Actions of Public Officials;
  - prepares and co-ordinates projects of financial assistance by foreign countries and international authorities;
  - analyses current and draft laws and regulations;
  - initiates process to make amendments and submits proposals for drafting new laws and regulations;
  - examines the [declarations of public officials](#) concerning matters related to [conflicts of interest](#) and incompatibilities;
  - educates public officials, raises public awareness, and carries out many other tasks.
- In terms of combatting corruption, the CPCB [applies administrative sanctions](#) to public officials for [administrative infringements](#) (mainly related to conflicts of interest and incompatibilities) as well as carrying out [criminal investigations of corruption offences](#).<sup>498</sup>
- The CPCB also [monitors certain aspects of election campaigns and whether political parties have received illegal donations or violated restrictions of financing](#) by, for example, accepting donations via intermediaries, or exceeding legal limits of pre-election expenditure amounts (up to EUR 708,053.30 per party/party union in the parliamentary election campaign of 2022). The CPCB checks the submission of annual financial declarations,

<sup>497</sup> Available at: <https://stt.lv/en>

<sup>498</sup> Korupcijas novēršanas un apkarošanas biroja likums (Law on Corruption Prevention and Combating Bureau), <https://likumi.lv/doc.php?id=61679>, (accessed 9 June 2022).

election income, and expenditure declarations of parties, requests political parties to transfer illegally acquired funding to the state budget and applies other sanctions.

- The CPCB employs a complex mechanism for [monitoring pre-election expenses](#) to check, *inter alia*, whether the legally established expenditure caps are complied with. The CPCB discloses on its website campaign advertising tariffs of printed and internet media, as well as providers of advertising services in public spaces. Moreover, campaigners who have made agreements to place paid pre-election materials as well as service providers (electronic media and others) who have agreed to charge for access to such campaign materials must provide financial and other details of such agreements to the CPCB in separate notifications. The CPCB crosschecks the data provided in the notifications in addition to purchasing monitoring data on the pre-election campaign in mass media, on the Internet and in public areas.<sup>499</sup> Since 2002, the [CPCB has maintained the political parties' financing database and ensured its public disclosure](#).<sup>500</sup>

**Figure 8.5 Screenshot of the public interface of the political parties financing data base (recipients and providers of donations and membership dues)**

The screenshot shows the public interface of the political parties financing data base. It includes a search bar, filters for Party, Type, and Person, and a table of results. The table has columns: Partija, Veids, Vērtība, Persona, and Datums. The data is as follows:

Partija	Veids	Vērtība	Persona	Datums
Party X	Nauda	EUR -10.00	Name, ID NO	06.06.2022
Party Y	Nauda	EUR -600.00	Name, ID NO	06.06.2022
Party Z	Nauda	EUR 2000.00	Name, ID NO	03.06.2022

Source: <https://info.knab.gov.lv/lv/db/ziedojumi/>

### Governance

- The CPCB is an autonomous agency within the public administration of Latvia, whose powers have gradually been strengthened over the years.<sup>501</sup>
- Parliament appoints the CPCB's director, following a selection process by the intergovernmental commission and the resulting recommendation of the Cabinet of Ministers.
- The CPCB is under the supervision of the Cabinet of Ministers, with institutional oversight through the Prime Minister. However, the Prime Minister cannot impose any decisions or initiate any disciplinary proceedings against the director of CPCB.<sup>502</sup>

<sup>499</sup> Priekšvēlēšanu aģitācijas likums (Pre-election Campaign Law), <https://likumi.lv/ta/id/253543-priekšvēlēšanu-agitācijas-likums>, (accessed 29 July 2022).

<sup>500</sup> Corruption Prevention and Combatting Bureau, *Political Party Financing*, <https://www.knab.gov.lv/en/political-party-financing>, (accessed 9 June 2022).

<sup>501</sup> Schöberlein, Jennifer, 2020, Anti-corruption agencies in Europe: Typology and case studies, TI Anti-Corruption Helpdesk, p. 25, [https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe\\_2020\\_PR.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe_2020_PR.pdf)

<sup>502</sup> Schöberlein, Jennifer, 2020, Anti-corruption agencies in Europe: Typology and case studies, TI Anti-Corruption Helpdesk, p. 25, [https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe\\_2020\\_PR.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe_2020_PR.pdf)

### Input

#### *Funds and human resources*

- The budget of the CPCB for 2022:
  - EUR 9,096,738 (plus EUR 4,891,493 for public funding of political parties disbursed by the agency). Thus, the expenses of operation constitute approx. 0.1% of the total state basic budget.<sup>503</sup>
- Personnel:
  - As of 31 December 2021, the CPCB had 142 employees, making it a medium-sized agency according to the Latvian official classification.<sup>504</sup> The CPCB requires **highly qualified specialists** of different profiles: investigators, analysts, trainers, etc. Achieving the accumulation of diverse and capable personnel **requires significant effort in a country with a relatively small population** and, by European standards, rather **limited budget possibilities**. The levels of funding and salaries have fluctuated relative to other law enforcement agencies, with which the CPCB unofficially competes for talent. The **salary level generally surpassed other law enforcement agencies**.<sup>505</sup> Regardless of the fluctuations in resources, there has been **no evidence of purposeful attempts by any government to obstruct the CPCB by deliberately cutting down or refusing funding**.

#### *Data:*

- According to the CPCB, its **information technology, data-gathering, and analytical capabilities have been increasing**, and the Bureau claims to have connections with all necessary databases and registers of other institutions, which serve as sources for the work of its analysts. The CPCB has explored opportunities to use open-source intelligence tools for gathering and processing large amounts of data and employs IBM Analyst's Notebook software for data analysis. It has acquired equipment for faster information exchange with EU partner services. The EU Anti-Fraud Programme has approved funding for the development of an analytical platform that would automatically identify red flags in information from various internal and external sources.<sup>506</sup>

### Outcome and impact

Currently, the CPCB is an anti-corruption body with gradually growing capacity, appears to be free from undue outside interference, and is able to produce results despite occasional setbacks. Many indicators show that in the almost two decades since the CPCB's establishment, corruption in Latvia has clearly been restrained. The respect for rules in areas of political party funding and management of conflicts of interest has increased. Instances in which citizens encounter administrative corruption have become much rarer. General developments in society and reforms of the public sector have contributed to positive trends. The CPCB's track record proves that the body continues functioning as a key constraint of corruption. The CPCB has played a **transformative role** in several regards:

#### *Fostering accountability and trust*

- Against the historic background, the CPCB proved essential to demonstrating that purposeful state anti-corruption activity in Latvia is possible at all.
- Only with the commencement of the CPCB's operations did systematic law enforcement efforts to investigate serious corruption start.
- The CPCB has investigated some of the most significant corruption cases of the last 20 years.

#### **Box 8.1 Examples of fostering accountability and trust**

Notable examples include the investigation targeted major bribery at the state-owned company "Latvenergo", which took place in the period from 2007 to 2010. In one of the bribery cases based on this investigation involving the amount of EUR 627,100, in 2019,

<sup>503</sup> Likums 'Par valsts budžetu 2022. gadam', 4. pielikums (Law on the State Budget for the Year 2022), <https://likumi.lv/ta/id/328114-par-valsts-budzetu-2022-gadam>, (accessed 20 May 2022).

<sup>504</sup> Corruption Prevention and Combatting Bureau, *Annual Report 2021. 2022* <https://www.knab.gov.lv/en/media/2335/download>, (accessed 8 June 2022).

<sup>505</sup> Interview with a former head of the CPCB, 10 May 2022.

<sup>506</sup> Email from the CPCB to the case study author, 9 June 2022.

the court carried the final ruling imposing real prison sentences on two officials of “Latvenergo” as well as a manager of a private company.

Another example is the detection of large-scale bribery at the University Children's Hospital, where several officials of the hospital committed fraud and accepted bribes from a construction company (the convictions came into force in 2020). In this case, it was suspected but not proven that some of the money was used for illegal funding of a major ruling political party.<sup>507</sup>

#### Leading anti-corruption in political party finance

- The agency was a key advocate for reforming Latvia's system of financing political parties, notably prohibiting funding provided by legal entities and via intermediaries, placing a cap on the overall amount of election expenditure,<sup>508</sup> introducing state funding, and criminalising several forms of illicit funding.
- The CPCB successfully pursued a landmark case against the formerly powerful People's Party for receiving illegal donations and overspending of approx. LVL 1 million (approx. EUR 1.4 million) during the election campaign in 2006 and the final verdict of the Supreme Court was reached in 2011.<sup>509</sup>
- In recent years, detected violations in party finances became less spectacular, but the track record of enforcement remains significant. In 2021, the CPCB initiated 118 administrative offence proceedings against political parties and other persons for violations of the Law on Financing of Political Organisations (Parties) and the Pre-election Campaign Law. As a result, the CPCB made 71 decisions imposing fines of EUR 16,890 in total and adopted six decisions requiring the repayment of financial resources to the state budget in the total amount of EUR 18,112.72.<sup>510</sup>
- The political parties' financing database allows analysing of financial contributions from different angles, successfully used by the visualisation tool from Transparency International – Latvia, which presents the data by party, the donator, amount, kind of donation, etc.<sup>511</sup>
- The efforts by the CPCB have changed the state of play in party funding from widespread open disregard for the rules to generally disciplined compliance, apart from relatively smaller formal violations and some illicit activity that remains hidden. Among remaining challenges are difficulties in verifying occasional claims that a certain party has accepted funds entirely outside the legal system.<sup>512</sup>

#### Driving conflict of interest regulations

- The CPCB also successfully advocated for the adoption of government regulations on requirements for internal control systems to prevent risks of corruption and conflicts of interest in public institutions in 2017.<sup>513</sup>
- The CPCB has advocated continuous development of the Law on Prevention of Conflict of Interest in Activities of Public Officials.
- In 2021, with advice from the CPCB, the parliament adopted several changes in the law, for example: establishing a new procedure for accepting donations to public institutions; introducing a temporary prohibition

<sup>507</sup> Kinca, A., LSM.lv Ziņu redakcija, 'Bērnu slimnīcas kukuļošanas lietā apsūdzētie tiesā atzīst vainu un piekrīt sodiem' (media article), LSM, February 2020, <https://www.lsm.lv/raksts/zinas/latvija/bernu-slimnecas-kukulosanas-lieta-apsudzetie-tiesa-atzist-vainu-un-piekrīt-sodiem.a348213/>, (accessed 20 May 2022).

<sup>508</sup> Grozījumi Politisko organizāciju (partiju) finansēšanas likumā, 12 February 2004 (amendments of the Law on Financing of Political Organisations (Parties)), <https://likumi.lv/ta/id/84877-grozījumi-politisko-organizaciju-partiju-finansesanas-likuma>, (accessed 20 May 2022).

<sup>509</sup> LSM, 'Atstāj spēkā spriedumu, kurš liek "Tautas partijai" atmaksāt 1,03 miljonus latu' (media article), LSM, 22 September 2011, <https://www.lsm.lv/raksts/zinas/latvija/atstaj-speka-spriedumu-kurs-liek-tautas-partijai-atmaksat-103-miljonus-latu.a15714/>, (accessed 20 May 2022).

<sup>510</sup> Corruption Prevention and Combatting Bureau, *Annual Report 2021*, 2022 <https://www.knab.gov.lv/en/media/2335/download> (accessed 29 July 2022).

<sup>511</sup> Sabiedrība par atklātību – Delna, Deputāti uz delnas, <https://deputatizdelnas.lv/financing.php>, (accessed 29 June 2022).

<sup>512</sup> Nekā personīga, 'KNAB nesodīs partiju "Latvijas attīstībai" par finansēšanas pārkāpumiem; vairāki desmiti tūkstošu ziedojumu būs jāatmaksā' (media article), tv3.lv, 24 April 2022, <https://zinas.tv3.lv/latvija/neka-personiga/knab-nesodis-partiju-latvijas-attistibai-par-finansesanas-parkapumiem-vairaki-desmiti-tukstosu-ziedojumu-bus-jaatmaksat/>, (accessed 29 July 2022).

<sup>513</sup> Ministru kabineta noteikumi Nr. 630, *Noteikumi par iekšējās kontroles sistēmas pamatprasībām korupcijas un interešu konflikta riska novēršanai publiskās personas institūcijā*, October 2017 (Regulations Regarding the Basic Requirements for an Internal Control System for the Prevention of Corruption and Conflict of Interest in an Institution of a Public Person), <https://likumi.lv/ta/id/294518-noteikumi-par-ieksejas-kontroles-sistemas-pamatprasibam-korupcijas-un-interesu-konflikta-riska-noversanai-publiskas-personas-institucija>, (accessed 20 May 2022).

for public officials to represent the interests of public institutions against their former private sector employers as well as an obligation for public officials to report suspected cases of corruption; added an obligation for certain political officials (advisors, etc.) to seek permission to combine the public office with another position.<sup>514</sup>

### Policy development

- In **policy development**, the CPCB **co-operates with civil society through its public consultative council** and on an *ad-hoc* basis. In 2021, the CPCB conducted public consultations regarding the new draft National Corruption Prevention and Combating Plan 2021-2024.<sup>515</sup> Based on input from civil society, the draft document was amended with tasks to:
  - develop good governance standards for managing property;
  - finances and human resources in local governments;
  - assess the possible introduction of family asset/interest declarations for public officials;
  - develop guidance for situations when the preparation of procurement documentation requires special expertise;
  - consider possibilities to grant financial rewards and psychological support to whistle-blowers;
  - strengthen the capacity of non-governmental organisations and investigative journalism in the anti-corruption area;
  - review the legal framework regarding liability for illegal party financing, etc.
- After the start of its operations, the CPCB soon became the most open law enforcement body, which provided extensive information about its achievements and initiatives.

### Performance statistics

Within the broad scope of its responsibilities, in 2021, the CPCB<sup>516</sup>:

- drafted the national Corruption Prevention and Combating Plan 2021-2024 to be approved by the Cabinet of Ministers;
- participated in developing several draft amendments of laws;
- conducted 82 educational events with a total of 10,011 participants;
- launched a social campaign to reduce tolerance towards corruption and promote public involvement in reporting corruption;
- initiated 39 criminal proceedings and referred 27 proceedings for prosecution of 45 natural and 5 legal persons;
- provided 136 written explanations on the application of the Law on Prevention of Conflict of Interest in Activities of Public Officials;
- fined 222 public officials for non-compliance with the said law (most frequently for breaches of restrictions on combining functions);
- imposed 71 fines and adopted six decisions on the repayment of financial resources to the state budget for violations of laws on the financing of parties and pre-election campaign;
- In 2021, nearly EUR 5.6 million in cases investigated by the CPCB were recognised as proceeds from crime, confiscated and transferred to the state budget. Financial assets in the amount of EUR 8.81 million were seized in criminal proceedings.

The CPCB **co-operates on a regular basis with the Financial Intelligence Unit** (hereafter – FIU) to strengthen the fight against money laundering.<sup>517</sup> Through this mechanism, by involving credit institutions in the analysis of risk

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<sup>514</sup> Corruption Prevention and Combating Bureau, *Annual Report 2021*. 2022 <https://www.knab.gov.lv/en/media/2335/download> (accessed 8 June 2022).

<sup>515</sup> Pending for adoption by the Government as of 8 June 2022.

<sup>516</sup> Corruption Prevention and Combating Bureau, *Annual Report 2021*. 2022 <https://www.knab.gov.lv/en/media/2335/download>, (accessed 8 June 2022).

<sup>517</sup> Korupcijas novēršanas un apkarošanas birojs, 'KNAB šogad visbiežāk izmeklēja ar kukuļošanu un noziedzīgi iegūtu līdzekļu legalizāciju saistītos noziegumus' (statement of the Corruption Prevention and Combating Bureau), October 2021, <https://www.knab.gov.lv/lv/jaunums/knab-sogad-visbiezak-izmeklejis-ar-kukulosanu-un-noziedzigi-iegutu-lidzeklu-legalizaciju-saistitos-noziegumus>, (accessed 20 May 2022).

information, the CPCB identified public officials suspected of committing criminal offences. Moreover, the information provided by the FIU has given grounds for a significant number of criminal proceedings.<sup>518</sup>

In 2021, the number of criminal cases referred for prosecution was the highest in the last five or more years.<sup>519</sup> Since the CPCB is not a prosecutorial body, indictments, and presentation of cases to court are beyond its competence. For the last few years, the CPCB has published data on the further progress of the cases under investigation. Thus, in 2021, in cases investigated by the CPCB 12 persons were convicted by court (18 in 2019, 22 in 2020), 7 persons were convicted by way of plea bargaining (4 in 2019, 16 in 2020), 7 persons were acquitted by courts of first instance (1 in 2020) and cases against 193 persons were pending in court (163 in 2019, 156 in 2020).<sup>520</sup>

### Context

A significant contextual factor for the success of an anti-corruption body is [protection against undue interference: its independence](#). The CPCB has several safeguards, such as:

- The procedure of dismissal of the head of the CPCB includes the requirement that a commission headed by the Prosecutor General evaluates reasons for dismissal; for example, whether they, in performing their official duties, has committed an intentional violation of law or negligence that caused significant damage.
- Other safeguards of independence include open competition for the selection of the head of the CPCB with a non-political selection committee as well as the legal status of the CPCB under the supervision of the Cabinet of Ministers, which, however, explicitly excludes from the scope of the CPCB's supervision decisions directly relating to its anti-corruption functions. These and other mechanisms (the public consultative council with advisory powers, an annual report to the Cabinet of Ministers and the parliament) also ensure public accountability of the CPCB.<sup>521</sup>

### Limitations

The long-term assessment of the CPCB's work indicates some critical challenges and limitations that significantly affect the functioning of an ACA:

- [Political confrontations](#) can lead to internal conflicts and undermine the leadership of an ACA. Thus, maintaining political independence of the agency is critical. In the history of the CPCB, there were serious attempts to undermine political independence of the CPCB; however, they failed, due in part to the popular support of CPCB<sup>522</sup>.
- CPCB has suffered from [seeming setbacks in several prominent criminal cases that were terminated](#). For example, in May 2021, the CPCB terminated criminal proceedings in the so-called construction cartel case (started in 2018) regarding possible large-scale corruption and price co-ordination among suppliers of construction works.<sup>523</sup> In April 2021, the Public Prosecutor's Office terminated a case investigated by the CPCB

<sup>518</sup> Corruption Prevention and Combatting Bureau (2022), *Annual Report 2021*, <https://www.knab.gov.lv/en/media/2335/download>, (accessed 8 June 2022).

<sup>519</sup> Korupcijas novēršanas un apkarošanas birojs, *KNAB pērn nosūtīja kriminālvajāšanai pēdējo gadu laikā lielāko kriminālietu skaitu* (statement of the Corruption Prevention and Combatting Bureau), March 2022, <https://www.knab.gov.lv/lv/jaunums/knab-pern-nosutija-kriminalvajasana-pedejo-gadu-laika-lielako-kriminallietu-skaitu>, (accessed 29 July 2022).

<sup>520</sup> Korupcijas novēršanas un apkarošanas birojs, 'KNAB izmeklēto kriminālietu virzība 2021' (infographic of the Corruption Prevention and Combatting Bureau), <https://create.piktochart.com/output/59072113-knab-izmekleto-kriminallietu-virziba-2021>, (accessed 29 July 2022). Korupcijas novēršanas un apkarošanas birojs, 'KNAB izmeklēto kriminālietu virzība 2020' (infographic of the Corruption Prevention and Combatting Bureau), <https://create.piktochart.com/output/53024061-knab-izmekleto-kriminallietu-virziba>, (accessed 29 July 2022). Korupcijas novēršanas un apkarošanas birojs, 'KNAB darbības rezultāti korupcijas apkarošanā 2019. gadā' (infographic of the Corruption Prevention and Combatting Bureau), [https://infogram.com/2019\\_rezultati-1h8n6m1xrvpz6xo?live](https://infogram.com/2019_rezultati-1h8n6m1xrvpz6xo?live), (accessed 29 July 2022).

<sup>521</sup> Korupcijas novēršanas un apkarošanas biroja likums (Law on Corruption Prevention and Combating Bureau), <https://likumi.lv/doc.php?id=61679>, (accessed 9 June 2022).

<sup>522</sup> Jennifer Schöberlein, *Anti-corruption agencies in Europe: Typology and case studies*, TI Knowledge Hub, 2020, p. 25, [https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe\\_2020\\_PR.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-Anti-Corruption-Agencies-in-Europe_2020_PR.pdf)

<sup>523</sup> Korupcijas novēršanas un apkarošanas birojs, *KNAB izmeklēšana neapstiprina informāciju par iespējamām koruptīviem noziedzīgiem nodarījumiem t.s. būvnieku kartēja lietā* (statement of the Corruption Prevention and Combatting Bureau), May 2021, <https://www.knab.gov.lv/lv/jaunums/knab-izmeklesana-neapstiprina-informaciju-par-iespejamiem-koruptiviem-noziedzīgiem-nodarījumiem-ts-buvnieku-karteja-lieta>, (accessed 20 May 2022).

against the former mayor of Riga and two other individuals for suspected forgery of an official document for pecuniary gain.<sup>524</sup>

- To an extent the initiation and termination of criminal proceedings are wrongly perceived as signs of ineffectiveness. The CPCB may initiate certain proceedings even when the prospects of successful prosecution are unclear, and such action may be fully justified depending on the circumstances. Otherwise, the causes of perceived failures could be differing interpretations of law or assessments of evidence by the CPCB, public prosecutors, and judges, deficiencies in the investigation work, or – hypothetically – even outside interference.

**Table 8.2 Analysis fiche**

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Widespread and unchecked corruption in the early years of 2000s. The CPCB tackles mainly public-sector corruption of different forms. Certain aspects of anti-money laundering.	The budget of 2022 EUR 909,6 738 (approx. 0.1% of the total state basic budget). As of 31 December 2021, 142 employees (specialists of different profiles – investigators, operatives, analysts, trainers, administrators, etc.). Means of transport, various technical means of investigation. Premises.	The CPCB, <i>inter alia</i> : <ul style="list-style-type: none"> <li>• develops an anti-corruption strategy,</li> <li>• co-ordinates co-operation among institutions,</li> <li>• monitors implementation of the Law on Prevention of Conflict of Interest,</li> <li>• submits proposals for drafting new laws and regulations,</li> <li>• educates the public,</li> <li>• applies sanctions for administrative infringements,</li> <li>• carries out criminal investigations,</li> <li>• controls compliance with financing regulations by political parties.</li> </ul>	Within a few years, the activity of the CPCB led to greater compliance with rules on conflicts of interest and incompatibilities, as well as rules on financing of political parties; increased efforts to avoid committing corruption acts in an easily detectable manner.	According to many indicators (Corruption Perceptions Index, World Bank Control of Corruption indicator, domestic surveys, etc.) the general corruption situation has improved significantly since 2002.

## 8.2.2 Spain: Anti-Corruption on the Local Level of Governance Valencian Antifraud Office

### Executive summary

The [Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Region \(AVAF\)](#) is the example of the Anti-Corruption Agency on the local level of governance. The AVAF fulfils mainly preventive, educational and policy development functions. It also maintains a digital whistle-blower platform. The AVAF was created in 2016 to [combat systemic political corruption](#), when the community's reputation was poor due to corruption scandals, and there [was a consensus among political forces](#) to get out of this pit and [promote a good image](#). Therefore, it was situated in a [holistic framework of reforms](#).

<sup>524</sup> LSM.lv Ziņu redakcija, 'Prokuratūra izbeidz lietu pret Burovu un bijušajiem Rīgas Tūrisma biroja darbiniekiem' (media article), LSM.LV, April 2021, <https://www.lsm.lv/raksts/zinas/latvija/prokuratura-izbeidz-lietu-pret-burovu-un-bijusajiem-rigas-turisma-biroja-darbiniekiem.a401809/>, (accessed 20 May 2022).

### Key words

Anti-corruption agency, local level of governance, corruption prevention, anti-corruption policy development, capacity-building, whistle-blower protection, digital whistle-blower platform, Spain

**Table 8.3 Good practice fiche**

General information	Specifics	
<b>Name</b>	Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Region	
<b>Context</b>	Spain GDP/cap – (2021) EUR 30,996 – below average World Bank Control of Corruption – (2020) 76.44 – average Trust in public administration – (2021) 42% – below average Population: 47.4 m- large	
<b>Timeframe</b>	Since November 2016	
<b>Reference</b>	<a href="https://www.antifraucv.es">https://www.antifraucv.es</a>	
<b>Aim and objectives</b>	AVAF was created to prevent and eradicate fraud and corruption from Valencian public institutions and to promote public integrity and ethics, as well as the promotion of a culture of good practices and the rejection of fraud and corruption in the design, execution, and evaluation of public policies, and in the management of public resources	
<b>Estimated cost of the practice</b>	Budget: High (over EUR 500,000) HR: High (whole body above 10 people) Tech: Medium (digital whistle-blowing channel)	
<b>Expected impact</b>	Fostering public trust in Valencian local and regional government; Improving quality of government.	
<b>Category of corruption risk/ sector prone to corruption</b>	All, including whistle-blower protection	
<b>Implementation mechanism</b>	Legislation on Monitoring & Enforcement of anticorruption measures through special authority. AVAF acts through three functional areas, which are: <ul style="list-style-type: none"> <li>• The prevention, training, and documentation department.</li> <li>• The analysis and research department.</li> <li>• The legal affairs and whistle-blower protection department</li> </ul>	
<b>Similar practices</b>	ANAC, Italy's national anti-corruption authority	
<b>Stakeholder's mapping</b>	<b>Target group</b>	All Valencian public administrations, their respective public sectors, public law corporations, universities, political parties, trade unions, and business associations. Also, any company that is a contractor or subcontractor of the Valencian public administrations, regarding the public contracts it signs, as well as any recipient of public funds from these administrations.
	<b>Implementation</b>	The head of the AVAF, and the responsible for the implementation, is its general director, who is accountable to the Valencian Parliament at least once a year through the presentation of the corresponding annual activity report.

### Problem

While most ACAs operate on the national level of governance, there is an increasing awareness that the **local level of governance has been neglected in the anti-corruption agenda**. On the local level, the proximity of politicians to citizens is close and interaction between citizens and authorities is more direct. Thus, the experience of corruption on the local level can undermine trust in society even more than on the national level. At the same time, in some countries there is massive variation in quality of government on the local level of governance,<sup>525</sup> which indicates that the problem must be tackled in a more differentiated way than central anti-corruption policies provide for. The

<sup>525</sup> Carreri, M., Can Good Politicians Compensate for Bad Institutions? Evidence from an Original Survey of Italian Mayors. *SSRN Electronic Journal*, 2018. <https://doi.org/10.2139/ssrn.3239492>.

Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Region (AVAF) is an example of the Anti-Corruption Agency on the local level of governance with the aim to tackle systemic corruption.

### Solution

Three political parties, that formed a newly elected government of Valencia in 2015, included the *idea and commitment to establish policies to prevent and fight corruption in its program* in their coalition pact. Among these measures was the *creation of an anti-corruption agency* that would help ensure that the episodes of the past would never return. Thus, on 28 November 2016, the Valencian Parliament (Les Corts) adopted the Law 11/2016 that created the *Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Region* (from now on, Agency or AVAF).

The *mission* of AVAF is to

- prevent and eradicate fraud and corruption from Valencian public institutions;
- promote public integrity and ethics;
- the promotion of a culture of good practices;
- the rejection of fraud and corruption in the design, execution, and evaluation of public policies, and in the management of public resources.

### Competences and capacities

The *scope* of AVAF competences include all Valencian public administrations, their respective public sectors, public law corporations, universities, political parties, trade unions, and business associations. Also, any company that is a contractor or subcontractor of the Valencian public administrations concerning the public contracts it signs and any recipient of public funds from these administrations.

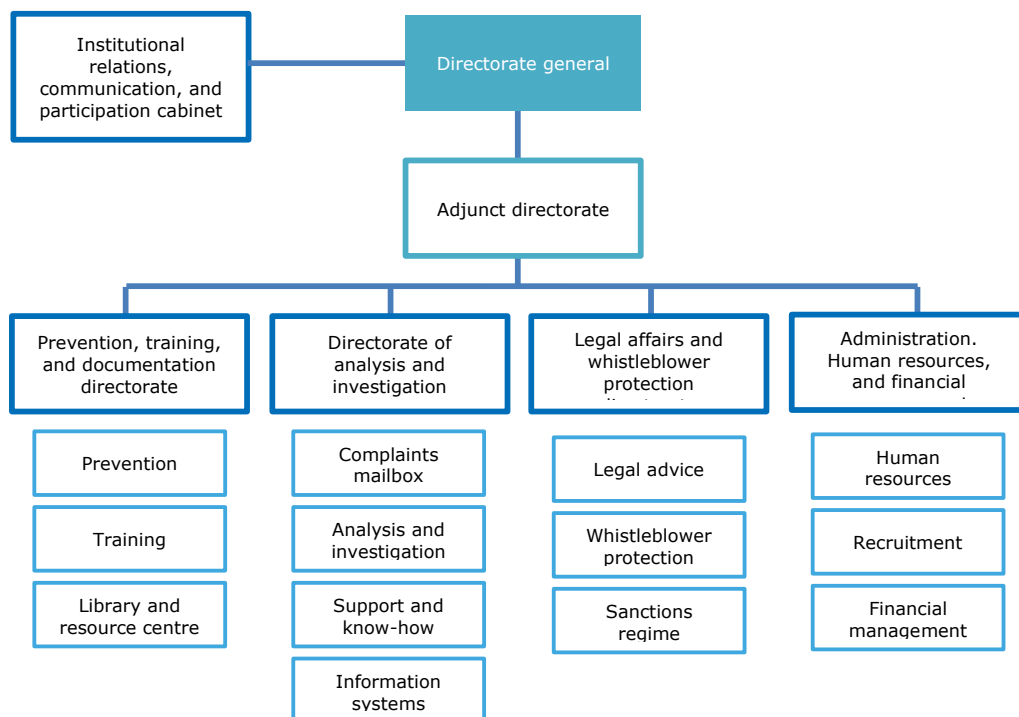
The AVAF acts through *three functional directorates* (Fig. 9.6.), which are:

1. The prevention, training, and documentation directorate.
2. The analysis and investigations directorate.
3. The legal affairs and whistle-blower protection directorate.<sup>526</sup>

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<sup>526</sup> Available at: [https://dogv.gva.es/auto/dogv/docvpub/rlgv/2019/RAF\\_20190627\\_ca\\_RAF\\_20190716.pdf](https://dogv.gva.es/auto/dogv/docvpub/rlgv/2019/RAF_20190627_ca_RAF_20190716.pdf)

**Figure 8.6 Organigramme of the Valencian Antifraud Agency**



Source: Valencian Anti-fraud Agency

The prevention, training, and documentation directorate has produced [studies, reports, and recommendations](#) that are sent to all public administrations. [Training activities](#) are carried out for civil servants and elected officials. It also manages the documentation centre and specialised library, which has already been recognised and forms part of the network of specialised libraries of the Ministry of Education.

The analysis and investigation directorate manages the [alerts, complaints, or information on irregularities and infringements](#). The Agency carries out the prior [plausibility check](#), and if it is positive, initiates the [investigation procedure](#), which consists of requesting the relevant documentation from the administration under investigation, examining it, interviewing the persons involved, etc. The investigation results in a [provisional report](#) that is submitted for examination to the persons under investigation so that they can present their arguments. Finally, there is a final report with conclusions that may contain recommendations to the administration concerned to improve its management, the demand for internal responsibilities, or referral to the judicial authority or the Public Prosecutor's Office if criminal offences are detected, or to the Court of Audit if accounting responsibility is detected. If analysis shows no irregularities, the procedure is closed. The [final result is communicated](#) to the complainant and the administration under investigation. It is published on the AVAF's transparency portal, duly anonymised – unless criminal offences have been detected, which require due confidentiality and secrecy to preserve the justice system's actions.

The [legal affairs directorate's head](#) is AVAF's deputy director, replacing the director in case of absence. Legal affairs' other tasks include internal legal advice to all other directorates, defence, representation in court of AVAF and its officials, and the protection of whistle-blowers. This department is also responsible for processing disciplinary proceedings arising from AVAF's legally recognised power to impose sanctions, ranging from EUR 200 for minor offences to EUR 400,000 for very serious offences.

Another essential element of AVAF's functions is the power and mandate to [protect whistle-blowers](#). Article 14 of the above regulation creates the whistle-blower statute three years ahead of Directive 2019/1937. Furthermore, in 2018, the AVAF established a secure whistleblowing channel easily accessible from its [website www.antifraucv.es](http://www.antifraucv.es), so that any citizen could report breaches of the legal system or malpractice to the agency.

### *Governance structure*

The head of the AVAF is its [director-general](#), who is accountable to the Valencian Parliament at least once a year to present the corresponding annual activity report. There is a collegiate body called the [board of directors](#), made up of the directors of the functional and management directorate, chaired by AVAF's director-general, which coordinates the general functioning of the agency and establishes the institution's strategies. Each directorate has its own strategic plan.

The head of the general directorate of AVAF and, where appropriate, the officials acting under their orders, has the status of public authority. AVAF maintains a permanent relationship with other similar institutions in Spain with which the [Network of State Anti-Fraud Offices and Agencies](#) has been set up. AVAF regulation also created the participation council as a body for relations between the agency and the public. The leading regional and national civic organisations are represented on it. It is a consultative body to which the agency is accountable for its activities.

### *Input*

#### *Funds and human resources*

- The AVAF [budget](#) forms a separate line item in Valencian Parliament's budget. The initial 2017 amount grew as the implementation of the project progressed from the initial €1.5 million for the second half of 2017 to the current €4.5 million for the financial year 2022.
- In 2021 the number of staff was set at 47. In 2022, the number of staff is expected to reach 57 positions.
- All staff work full time. There are only a few exceptions with those who combine their time at the agency with university teaching. Most of the staff are university graduates belonging to the higher positions of the different administrations. The majority are [experts in administrative management, economic control, and lawyers](#). [Experts in town planning, public procurement, and human resources management](#) are also part of staff. Finally, there are officials from police forces and administrative clericals.
- 4 officials in total, comprising 3 lawyers and the person in charge, work on whistle-blower protection in the Legal Affairs Directorate. It is expected that counsel will gain an additional post. These staff are part of AVAF's civil servants' staff, and their funding is included in the agency's annual budget.
- By imperative of the law of its creation, all AVAF staff must be career civil servants of any Spanish or EU public administration. The professional requirements, training, experience, and skills that must be met to occupy each job position in the agency are defined in the job list.<sup>527</sup> In addition, there is an annual training plan aimed at increasing staff skills in aspects related to the investigation, analysis, knowledge of the dynamics of corruption and fraud, and improvement and learning of prevention strategies and languages to improve exchanges with similar institutions in other countries.

#### *Technology and technical support*

- AVAF has been operating on an e-administration platform since its inception in 2017; workstations are equipped with technological means that allow them to continue operating without any problems during the confinements caused by the pandemic. Teleworking and technology integrated into all the agency's procedures through its platform allow its civil servants to work from anywhere in the country.
- There are 3 IT staff in the Agency who take care of the security of information and technologies, among them also the one related to the Complaints Box. The information that arrives through this mailbox is not encrypted. That said, encryption is guaranteed if the complainant chooses the anonymous reporting option. In any case,

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<sup>527</sup> Available at: [https://www.antifraucv.es/wp-content/uploads/2021/03/2020\\_12\\_29\\_-DOGV8985.pdf](https://www.antifraucv.es/wp-content/uploads/2021/03/2020_12_29_-DOGV8985.pdf).

only the specialised unit in charge of the mailbox has access to the complaints, so that only 2 officials and the director of AVAF have access. One of these two officials, who is the head of the Analysis and Investigation Directorate, is in charge of distributing the cases among the investigators. Each investigator handles their own cases, and all Agency staff are bound to secrecy and confidentiality, with strong sanctions if this duty is breached and subject to the Agency's own Code of Ethics and Conduct. The economic cost of the application is EUR 0.00. Annual maintenance is approximately EUR 5,000 per year, depending on whether or not the company has its own IT services.

### Box 8.2 Example of a new technology used by the AVAF<sup>528</sup>

- The complaints mailbox is a new technology application created with free software by the Italian NGO Hermes - Globaleaks.
- It was improved by IT services from the Barcelona City Council, which was the first Spanish public administration to incorporate it into its Office of Transparency and Good Practices as an ethical mailbox in 2016, at the time when the incumbent Director of AVAF was leading the implementation of that office before becoming director of the AVAF.
- The application guarantees the confidentiality and, where appropriate, the anonymity of whistle-blowers, the receipt and forwarding of documents, the traceability of complaints and is periodically audited against possible intrusions or interferences.
- In addition, AVAF has contributed to improving the use of the application by incorporating a guide or tutorial that facilitates the submission of complaints.
- The IT tool used by the agency is created in open-source technology or open system by GlobaLeaks - Hermes Foundation (Italy) with the improvements introduced by IT staff and the Barcelona City Council's Office of Transparency and Good Practices.
- AVAF has been continuously disseminating the existence of the mailbox through dissemination campaigns to all Valencian public administrations in training courses and conferences. It is also working with administrations that adopt the same application to implement their internal mailboxes in accordance with the requirements of Directive (EU) 2019/1937 Whistle-blowers. AVAF provides technical assistance and training to administrations that are adopting this technology.

### Outcome and impact

The European Quality of Government Index (EQI) captures average citizens' perceptions and experiences with corruption, quality, and impartiality of three essential public services – health, education, and policing - in their region of residence. In 2021, the Valencian region was ranked as, the sixth region in quality of government within Spain (but the first if the number of inhabitants is considered); in 2017, by contrast, it was ranked number 14, with only three regions below it.<sup>529</sup> This success is not solely attributable to AVAF, but the Agency has had a lot to do with this success.

The [Agency's implementation process has been very important to achieving these impacts](#). From the outset, a great challenge was to guarantee the [independence of the Agency](#) by protecting it from any interference. The careful selection of the Director, who was proposed by civil society and obtained a more than sufficient majority to be approved by Parliament, has been essential to the success. It is also important to note that the selection of candidates to join the Agency was made based on their commitment to the fight against corruption and the project defined in the Agency's law and start-up report. Hundreds of interviews were conducted, hundreds of professional resumes were examined.

<sup>528</sup> Available at: <https://www.antifraucv.es/buzon-de-denuncias-2/>.

<sup>529</sup> The fourth edition of the EQI, published in 2021, is based on the largest survey to date to measure the perceptions of the quality of government in the EU. The survey collects the opinion and direct experience on public health care, education, and law enforcement of over 129,000 respondents in a total of 208 regions in all EU 27 member states. The survey questions are based on the concept of quality of government as a broad, multi-dimensional concept consisting of high impartiality and quality of public service delivery, along with low corruption. The concept also refers to how power is actually exercised, not necessarily the de jure formal rules but rather the de facto rules as perceived and experienced by the citizens. In other words, the EQI can be said to describe the informal practices of formal institutions.

The Agency has strengthened [internal mechanisms](#) ensuring that it cannot be subject to any meddling or conduct by its staff that would jeopardise the strength and integrity of the institution. The code of ethics and conduct adopted for all agency staff is an important anti-corruption barrier.<sup>530</sup> The code creates an Ethics Committee composed of four people, three external and one from within the Agency, elected by secret ballot by and from among agency staff. Agency staff commit themselves in writing to comply with the code. In addition, one of the personal obligations is to hand over declarations of income, assets, and activities to management, who keeps custody of them, although only the Director's declarations are published and posted on the Agency's website.

The rigour of the Agency's work, both in prevention and research, has been widely recognised by many administrations. In 2021, the Agency's actions brought to light a sum of [23 million euros defrauded](#), as detailed in the Annual Activity Report.<sup>531</sup>

The [whistle-blower portal and the mechanism of protection](#) proved to be effective. Currently, 88% of complaints or reports reach the agency through this channel. In 2021, 359 complaints were filed, the details and follow-up of which can be read in the Annual Activity Report<sup>532</sup> presented, as every year, to Valencian Parliament. 26 whistle-blowers, mostly civil servants, have been granted protected status. Legal assistance is also provided to all whistle-blowers, whether or not they have applied for protection.

### Context

#### *Societal demand and political will*

- In 2015, an NGO - Fundación por la Justicia - presented to Valencian society its 100 measures against corruption and demanded that political parties support them by signing an anti-corruption pact and creating systems to prevent and combat it.
- At that time, in the Valencian Region, there were already-known facts related to the so-called "Gürtel," "Taula," "Brugal," "Cooperación," "Pitufeo," "Ivam" and other corruption cases. As a result of these cases, mayors of large cities, presidents of provincial councils, regional ministers, and two presidents of the Generalitat (Regional Government), even the President of the Parliament, were prosecuted. NGOs such as the aforementioned Fundación por la Justicia, Acción Cívica contra la Corrupción, and Observatorio contra la Corrupción promoted the denunciation of this situation to the society; the latter two were exercising popular action in several of these processes.
- AVAF was created when the community's reputation was poor due to corruption, and there was [a consensus among political forces](#) to get out of this pit and [promote a good image](#). Therefore, it was situated in a [holistic framework of reforms](#).

#### *Institutions*

- The creation of AVAF corresponds to the model of specialised prevention and fight against corruption bodies with sufficient material and human resources (Art. 6 and 36 of the UNCAC), which is part of the integrity framework promoted by Valencian Parliament.
- Since 2015, a national institutional framework provides critical provisions for mandatory codes of ethics for senior officials; the improvement of inspection and internal control services by establishing an early warning system based on risk maps; the approval of a law on lobbying, another on conflicts of interest and most recently the law on transparency that reinforces accountability and commitment to the fight against corruption by taking up the proposals that AVAF made to Parliament.

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<sup>530</sup> <https://www.antifraucv.es/wp-content/uploads/2022/02/13.07.2021-Texto-inicial-Codigo-etico-y-de-conducta-AVAF.pdf>

<sup>531</sup> Available at: <https://www.antifraucv.es/wp-content/uploads/2022/03/MEMORIA-DE-ACTIVIDAD-2021-CAS.pdf>

<sup>532</sup> Available at: <https://www.antifraucv.es/wp-content/uploads/2022/03/MEMORIA-DE-ACTIVIDAD-2021-CAS.pdf>  
The reports corresponding to previous years are also available on the AVAF website.

## Limitations

The Agency deals with the following challenges:

- Heavy reliance on the leadership of its director. The term of office is seven years and non-extendable. The next leadership election will take place in February 2024. Therefore, the future of the Agency will still largely depend on which director ends up being elected.
- Finding people with the sufficient professional background and high ethics to carry out the Agency's work. As the first such body in Spain, finding people with the necessary skills has been challenging. Even now, it isn't easy to find people already trained. They have to learn by doing.
- Being caught up in multiple short-range cases in very small municipalities, the Agency would not be able to act strategically with more long-term work.
- Knowing how to maintain and create alliances with civil society and the rest of the government's oversight bodies. AVAF must avoid turf wars.
- Institutionalising its practices, creating adequate manuals and protocols, maintaining strategic thinking, and avoiding acting on emotional impulses.
- Ensuring that all public administrations, their dependent entities, as well as the rest of the Valencian region's public institutions commit to establishing integrity plans that include anti-fraud measures after their corresponding risk analysis; moreover, that a stable collaboration of those responsible for these plans is established with AVAF to strengthen an effective network of prevention and the fight against corruption.
- The [absence of a national anti-corruption strategy](#) in Spain hinders AVAF in achieving the UN Convention against Corruption integrity objectives, weakening the entire system of prevention, and fighting against corruption at the State level and consequently weakening the capacity and progress of the autonomous agencies. The same happens with the delay in the transposition of EU Directive 2019/1937 and, what is more serious, with the regressive text of the preliminary draft recently approved by the central government."

Table 8.4 Analysis fiche

Demand analysis	Ensuring transferability and applicability		Verifying effectiveness	
	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Need to ensure corruption counteraction on the local level.	Budget: EUR 4.5 million in 2022. HR: 57 staff. Tech: Teleworking technology, Digital whistle-blower platform <a href="http://www.antifraucv.es">www.antifraucv.es</a>	Independent regional ACA with the functions of corruption prevention, capacity building for anti-corruption, analysis and investigation of complaints, and whistle-blower protection.	EUR 23 million defrauded; Established secure communication channel for whistle-blowers (received 359 complaints and granted protection to 26); Driving the network of local level ACAs in Spain.	Valencia as a 6 <sup>th</sup> region in the Quality of Government ranking.

## 9 Detection and Investigation of Corruption

### 9.1 Introduction to the practice

#### Definition

Detection of corruption includes identifying, uncovering, or exposing corruption. Investigation of corruption includes gathering evidence about the detected act of corruption, including its extent, nature, effects, and involved parties, with the aim of deciding whether to take measures and which measures to take.<sup>533</sup>

#### International standards

- United Nations handbook on practical anti-corruption practices for prosecutors and investigators.<sup>534</sup>
- European Union Agency for Law Enforcement Training (CEPOL)
  - 'Agency of the European Union dedicated to developing, implementing, and coordinating training for law enforcement officials';
  - 'CEPOL organises trainings such as courses on 'Investigating and preventing corruption''.
- The United Nations Convention against Corruption (UNCAC) requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law under Chapter III Criminalization and law enforcement.<sup>535</sup>
- The Council of Europe Criminal Law Convention on Corruption<sup>536</sup> is an instrument aiming at the coordinated criminalisation of corrupt practices. It also envisages complementary criminal law measures and strengthened international cooperation in the prosecution of corruption offences. The Convention includes provisions on:
  - Aiding and abetting
  - Immunity
  - Criteria for determining the jurisdiction of States
  - Liability of legal persons
  - The setting up of specialised anti-corruption bodies
  - Protection of persons collaborating with investigating or prosecuting authorities
  - Gathering of evidence and confiscation of proceeds
  - Enhanced international co-operation (mutual assistance, extradition, and the provision of information) in the investigation and prosecution of corruption offences

#### Mechanisms

Detection can be attained through:

- **Governmental measures:** auditing and monitoring measures,
- **External engagement:** whistle-blowers, citizens, companies, and journalists report about corruption.

Investigations can be carried out:

- **internally** within the relevant organisation;
- by **law enforcement agencies**;
- by **external actors**, such as anti-corruption agencies, police, or prosecutors.

<sup>533</sup> 'Detecting and Investigating Corruption'. Module. UNODC Module Series on Anti-Corruption. Vienna: UNODC, 2020.  
[https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption\\_Module\\_6\\_Detecting\\_and\\_Investigating\\_Corruption.pdf](https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_6_Detecting_and_Investigating_Corruption.pdf).

<sup>534</sup> Available at: <https://digitallibrary.un.org/record/561662>

<sup>535</sup> Available at: [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

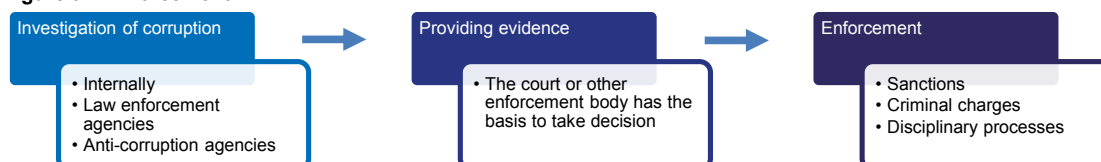
<sup>536</sup> Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=173>

The consequences of an investigation could include undertaking enforcement measures (e.g., sanctions, criminal charges, disciplinary processes) or remedial/preventive measures (e.g., compensation or reforms that aim to reduce the likelihood of future corruption).

## Potential results

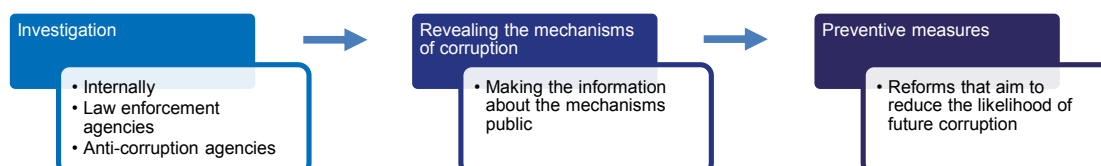
### • Enforcement

**Figure 9.1 Enforcement**



### • Corruption prevention

**Figure 9.2 Corruption prevention**



## Challenges

- Misuse of detection and investigation instruments to increase censorship in society, in case of authoritarian tendencies;
- Selective investigations of corruption to harass opposition;
- Impunity of selected individuals, even if investigation is successful, mainly in case of corrupt judiciary.

## Additional sources

- UNODC Module Series on Anti-Corruption. Module 6: Detecting and Investigating Corruption<sup>537</sup>
- IACRC Guide to Combating Corruption & Fraud in Development Projects. The Basic Steps of a Complex Fraud and Corruption Investigation<sup>538</sup>

## 9.2 Case studies

### 9.2.1 Finland: Data Analytics for Detection - Harmaa (Grey)-project

#### Executive summary

The project, under the auspices of the Finnish National Enforcement Authority, the [Harmaa \(Grey\)-project](#) has as its main objective the development of methods based on data analytics to process large volumes of data for law enforcement systems and identifying cases that require more detailed investigation. The project has been developed within the framework of the National Strategy and Action Plan for Combatting the Grey Economy and

<sup>537</sup> Available at: [https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption\\_Module\\_6\\_Detecting\\_and\\_Investigating\\_Corruption.pdf](https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_6_Detecting_and_Investigating_Corruption.pdf)

<sup>538</sup> Available at: <https://guide.iacrc.org/10-steps-of-complex-fraud-and-corruption-investigation/>

Financial Crime for the period 2020-2023<sup>539</sup>, and is funded by the Grey Economy Information Unit.<sup>540</sup> The data analytics tool was created to strengthen Finnish capabilities in combating the grey economy and financial crime.

### Key words

Data analytics, investigation assistance, grey economy, financial crime, Finland

**Table 9.1 Good practice fiche**

General information		Specifics
<b>Name</b>	HARMAA (Grey)-project	
<b>Context</b>	Finland GDP/cap – (2021) EUR 52,083 – above average World Bank Control of Corruption – (2020) 99.52 – above average Trust in public administration – (2021) 71% – above average Population: 5.5 m - small	
<b>Timeframe</b>	2020-2022 Harmaa (Grey)-project	
<b>Reference</b>	<a href="https://www.vero.fi/en/grey-economy-crime/prevention/torjuntaohjelma/">https://www.vero.fi/en/grey-economy-crime/prevention/torjuntaohjelma/</a>	
<b>Aim and objectives</b>	Enhancing the operating conditions of authorities combatting the grey economy and financial crime <ul style="list-style-type: none"> <li>• Identification of grey economy and economic crime actors</li> <li>• Improving the efficiency of access to the data required in enforcement</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: Medium (50,000-499,999) HR: Medium (department of 4-9 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	<ul style="list-style-type: none"> <li>• Enforcement will be more effective.</li> <li>• More investigation requests and notifications of money laundering made by the enforcement authorities.</li> <li>• More notifications related to suspected abuse made to the tax authorities and parties granting public subsidies.</li> </ul>	
<b>Category of corruption risk/ sector prone to corruption</b>	Shadow economy and financial crime (grey economy actors in all sectors)	
<b>Implementation mechanism</b>	Government programme of PM Sanna Marin => Strategy and Action Plan Against Grey Economy and Financial Crime => Monitoring & Enforcement by the National Enforcement Authority	
<b>Similar practices</b>	<ul style="list-style-type: none"> <li>• Tax Administration in Finland.</li> <li>• Data analytics is used to combat the shadow economy in Ireland<sup>541</sup></li> </ul>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	Law enforcement authorities
	<b>Implementation</b>	National Enforcement Authority of Finland (unit under the Tax Administration), Grey Economy Information Unit

### Problem

Given a positive relationship between the size of shadow economy and levels of corruption,<sup>542</sup> combating the grey economy and financial crime is critical to reduce corruption. The authorities and the criminal investigations detect only a small part of related crimes. One challenge in combatting these crimes is a complex coordination of work between different stakeholders, incl. national and foreign public authorities as well as their cooperation with the business sector.<sup>543</sup> Thus, efforts to improve communication between authorities, finding interfaces, and efficient methods in the processing of investigation and enforcement are seen as priorities.<sup>544</sup> In addition, the enormous

<sup>539</sup> Finnish Government Press release (11.6 2022) <https://valtioneuvosto.fi/en/-/1410877/hallitus-torjuu-harmaata-taloutta-laajalla-toimenpideohjelmalla> (Accessed 11 May 2022)

<sup>540</sup> The Grey Economy Information Unit, available at: <https://www.vero.fi/en/grey-economy-crime/scope/studies-on-the-shadow-economy/> (Accessed 19 May 2022).

<sup>541</sup> Available at: <https://www.revenue.ie/en/corporate/assist-us/reporting-shadow-economy-activity/what-revenue-is-doing.aspx>

<sup>542</sup> Esaku, Stephen. 'Does Corruption Contribute to the Rise of the Shadow Economy? Empirical Evidence from Uganda'. Edited by Francesco Tajani. Cogent Economics & Finance 9, no. 1 (1 January 2021): 1932246.

<sup>543</sup> Interview with National Enforcement Authority on 18 May 2022.

<sup>544</sup> Finnish Government (press release 11.6 2020) <https://valtioneuvosto.fi/en/-/1410877/hallitus-torjuu-harmaata-taloutta-laajalla-toimenpideohjelmalla> (Accessed 10 May 2022)

numbers of enforcement cases – e.g. in Finland these are about three million new cases each year – the enforcement officials face the challenge to [efficiently separate routine cases from cases that need additional investigation](#)<sup>545</sup>. The Harmaa (Grey)-project, is the case how data analytics assist law enforcement authorities in processing large volumes of data in enforcement systems and identifying cases that require more detailed investigation.<sup>546</sup> The data analytics to be introduced are expected to be highly beneficial to ensure that such cases can be identified and the investigations correctly targeted.

### Solution

The main aim of the Grey project is [tackling the grey economy and economic crime](#) by developing methods based on data analytics to process large volumes of data in enforcement systems and to identify cases that require more detailed investigation<sup>547</sup>. The National Enforcement Authority's enforcement data system, called ULJAS, contains the entire enforcement process and all data involved in one single database, which is the starting point for the deployment of new analytics. The National Enforcement Authority finds that "cooperation between relevant authorities is especially important, since the new tool developed by the Grey project is intended to handle the data transmitted not only from the National Enforcement Authority's own information system but also information transmitted from other systems and data resources, such as the Tax Authority and the Legal Register Centre".<sup>548</sup>

While the technology itself is not entirely new, the aims of the Grey project entail the development of [new application programming interfaces](#), which enable systems to 'discuss' and communicate information with each other. This will improve the efficiency of access to the data required in enforcement proceedings, the review of data, and decision-making<sup>549</sup>. The so-called MS Power BI system, which is also used to compile the enforcement statistics, has been selected as the analytical tool in the Grey project. MS Power BI is a collection of software services, applications, and gateways that [convert data obtained from unconnected sources into a consistent and visual format](#). When the Grey project ends by the end of 2022, the National Enforcement Authority Finland have a first version of data analytics for the enforcement process, including key analytics features. The National Enforcement Authority will, however, continue developing the analytical tool after 2022 as well,<sup>550</sup> and they are interested in developing new machine-learning solutions and algorithmic models after the first version is deployed. This will, however, require improvement of the ways that their current information is classified (e.g., about who could possibly be a grey economy actor), because such information is not yet available in the existing system.<sup>551</sup>

### Box 9.1 Example of how the data is used in the new tool

The data produced and analysed using the new tool is made available to inspectors at the special enforcement unit ('*Erityisperintäyksikkö*') for interpretation in the desired format. The special enforcement unit takes care of cases that deviate from regular routine sentencing cases and that need additional investigation. The aim is not only to find indicators of avoidance of foreclosure in the data but also to develop potential visual tools to facilitate the work of inspectors. This kind of data analytics is especially helpful when it comes to easier and faster identification of cases that require special measures from large data volumes.

As a consequence, [measures and investigations can be more efficiently and appropriately allocated](#)<sup>552</sup>. A separate data model and a separate data storage solution will also be built within the Grey project, partly to ensure the National Enforcement Authority's data integrity policies<sup>553</sup>.

<sup>545</sup> Interview with National Enforcement Authority on 18 May 2022.

<sup>546</sup> Government Resolution on a Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020–2023 <https://valtioneuvosto.fi/documents/1410877/16402203/Government+Resolution+on+a+Strategy+and+an+Action+Plan+for+Tackling+the+Grey+Economy+and+Economic+Crime+for+2020%E2%80%932023/ba2282cd-449f-f2dea4499c8d15b0de36/Government+Resolution+on+a+Strategy+and+an+Action+Plan+for+Tackling+the+Grey+Economy+and+Economic+Crime+for+2020%E2%80%932023.pdf> Accessed 11 May 2022.

<sup>547</sup> Interview with National Enforcement Authority on 18 May 2022.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

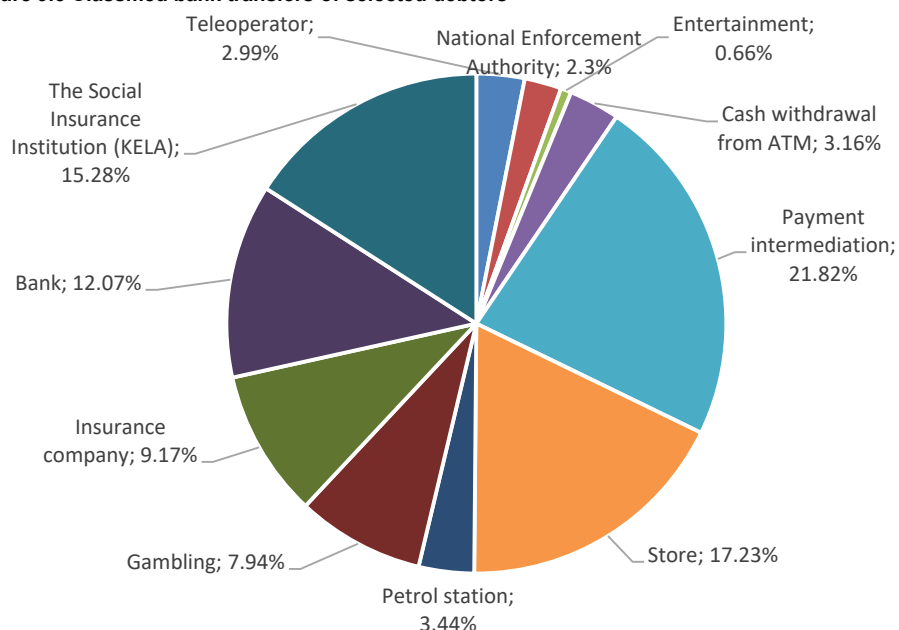
<sup>550</sup> Ibid.

<sup>551</sup> Ibid.

<sup>552</sup> Interview with the project director working at the National Enforcement Authority on 18 May 2022.

<sup>553</sup> Ibid.

**Figure 9.3 Classified bank transfers of selected debtors**



Source: National Enforcement Authority Finland

### Input

The **total budget** is about EUR 370,000<sup>554</sup> for the first part of the project for the further puposes:

- Consultancy work<sup>555</sup> to find the suitable analytics tool: EUR 40,000 (3 months);
- Implementation of the tool: EUR 150,000<sup>556</sup>.
- human resources: EUR 150,000 (1.5 person-years) for a person familiar with the needs of enforcement during the tool selection and implementation stage
- familiarising the enforcement administration personnel with the use of the tool: EUR 30,000

Human resources: While the main technological infrastructure has already been deployed earlier by the National Enforcement Authority and the Legal Register Centre, 2 consultants from Gofore Oyj are currently involved with developing the analytical solution. 2 officials from the National Enforcement Authority work mainly with this project<sup>557</sup>.

The main condition necessary for the development of the new tool is that **the databases containing all relevant information are already in place** (in digital format) since the analytical tool is based on interface solutions for information exchanges as well as analysis functions<sup>558</sup>. Transferability to other Member States should, therefore, be possible with political will, legislation, staff, and technical resources in place to develop a similar analytical tool.

### Outcome and impact

Since the tool has not yet been fully implemented, the evaluations of outcomes and impacts are still tentative, but they can be deemed very positive at this stage<sup>559</sup>. According to both the impact assessment in the Strategy and Action Plan for Tackling Grey Economy and Financial Crime and the Grey project director, **enforcement can be put**

<sup>554</sup> Government Resolution on a Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023 (p. 40-41).

<sup>555</sup> Gofore Oyj was chosen as the supplier for the project, and they have also provided the necessary expertise for applying the new tool to the existing data.

<sup>556</sup> Government Resolution on a Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023 (p. 40-41).

<sup>557</sup> Interview with the project director working at the National Enforcement Authority on 18 May 2022.

<sup>558</sup> Interview with the project director working at the National Enforcement Authority on 18 May 2022.

<sup>559</sup> Interview with the project director working at the National Enforcement Authority on 18 May 2022.

on a more effective basis and there will be fewer opportunities for grey economy activities and economic crime since concealed assets can be made subject to enforcement more comprehensively and efficiently. There will likely be more investigation requests and notifications of money laundering made by the enforcement authorities and more notifications related to suspected abuse made to the tax authorities and parties granting public subsidies<sup>560</sup>. The costs arising from the introduction of analytics are expected to be recuperated through more effective operations.

## Context

### Legislation

- Since 1996, the Finnish Government has adopted seven resolutions to reduce financial crime and the shadow economy. This case study will refer to the most current [Resolution on the National Strategy and Action Plan for Combatting the Grey Economy and Financial Crime for the period 2020-2023](#), adopted by the Government on 6 June 2020<sup>561</sup>, which builds on previous work to combat the shadow economy and financial crime in Finland. The [main goal of the 2020-2023 strategy](#)<sup>562</sup> is to [implement projects promoting the fight against the grey economy](#) listed in Prime Minister Sanna Marin's government programme<sup>563</sup>, according to which the Government will expand and accelerate measures against the grey economy through a comprehensive programme of measures, allocating additional funding of EUR 20 million for this purpose.

### Institutions

- An important, albeit not the only relevant anti-corruption body, is the [Grey Economy Information Unit \(GEIU\)](#), which was established in Finland in 2011, to specifically promote the fight against the grey economy. The GEIU has among its duties to produce and share information on undeclared work and undeclared economic activity. The establishment of the GEIU was a response to the previous lack of coordination and functioning information-sharing practices between authorities. The legislative proposal for the GEIU to be established within the Tax Administration was presented in 2008, and it entered into force in 2011 (Act on the Grey Economy Information Unit 1207/2010)<sup>564</sup>. The GEIU is the main responsible body for collecting and disseminating information regarding grey economy and financial crime, and it produces both general reports as well as compliance reports on organisations and individuals within organisations at the request of other public authorities. Moreover, the GEIU is authorised to keep a database containing information necessary for the preparation of reports in compliance with the Data Protection Directive (95/46/EC, 1995)<sup>565</sup>.

### Structure

- A number of public authorities collaborating in operations in relation to the shadow economy are identified in the legislation with the legal right to have access to data. These include:<sup>566</sup>
  - [Crime prevention](#): Ministry of the Interior, Police, Customs, National Prosecution Authority
  - [Taxation](#): Ministry of Finance, Tax Administration
- [Legal protection and insolvency](#): Ministry of Justice, Enforcement Authority, The Office of Bankruptcy Ombudsman
- [Employers and contractor's obligations](#): Ministry of Social Affairs and Health, Regional State Administrative Agencies, Finnish Centre for Pensions, Employment Fund, Finnish Workers' Compensation Centre

<sup>560</sup> *ibid.*

<sup>561</sup> Ministry of Economic Affairs and Employment of Finland (in Finnish) <https://tem.fi/paatokset/decisionId=0900908f806b5277>. (Accessed 10 May, 2022).

<sup>562</sup> Government Resolution on a Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023

<sup>563</sup> Finnish Government, *Inclusive and competent Finland – a socially, economically, and ecologically sustainable society*. Programme of Prime Minister Sanna Marin's Government 2019. 2019. <https://valtioneuvosto.fi/en/marin/government-programme>. (Accessed 11 May 2022).

<sup>564</sup> Act 1207/2010 on Grey Economy Information Unit (in Finnish) <https://www.finlex.fi/fi/laki/ajantasa/2010/20101207> (Accessed 19 May 2022)

<sup>565</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31995L0046>. (Accessed 19 May 2022)

<sup>566</sup> Grey Economy Information Unit web page <https://www.vero.fi/en/grey-economy-crime/about-this-website/authorities/> (Accessed 19 May 2022).

- **Products, services, and equal competition:** Ministry of Economic Affairs and Employment, Finnish Food Authority, National Supervisory Authority for Welfare and Health, Finnish Transport and Communications Agency, Finnish Competition and Consumer Authority.
- In terms of the Grey project and the new analytical tool, cooperation with the Tax Administration is central due to already-existing interfaces when it comes to obligation compliance reports<sup>567</sup>.

### Limitations

While the new technology is helpful in identifying hidden income and assets, in the end, officials still need to be involved in the investigations of suspected cases and making the final decisions about the proceedings. In other words, the **responsibility for decision-making still rests with officials** and human resources will be needed to take care of the increasing number of investigations, even though data obtained through interfaces such as bank accounts and Incomes Register data is already and will be processed automatically<sup>568</sup>.

The Grey project director explains that since the amounts of data to be analysed are so massive, the whole **process of implementation has been quite slow**. “Because a similar solution has not been developed in this context before, the whole data architecture, including new data models and data storage, both temporary and permanent, have had to be developed from scratch. This has somewhat slowed down the work, as we have had to expand the technology platform”.

The **data handled is also subject to data integrity legislation and GDPR**. Director says that even though they would have even more interfaces with other authorities and systems, all information about private persons cannot be requested and stored in the systems. As a starting point, “there needs to be a good reason for asking for certain information and storing it in the system in a secure way”, the director concludes.

**Table 9.2 Analysis fiche**

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
Having a large number of enforcement customers makes it difficult to identify cases that require special measures. The new practice helps to ensure better identification of grey economy and economic crime actors during the enforcement stage.	Development of analytic tool (approx. EUR 190,000) and human resources (approx. EUR 180,000). The technology is built on already existing data, and thus, adequate data bases need to be in place before the new tool can be implemented	The project is implemented as part of the Strategy and Action Plan for tackling grey economy and financial crime 2020-2023, adopted by the Government of Finland. The main responsibility of the implementation is with the National Enforcement Authority.	To be evaluated after implementation.	Enforcement will be substantially more effective (More notifications, more investigation requests). Concealed assets are more easily detected.

<sup>567</sup> Interview with the project director working at the National Enforcement Authority on 18 May 2022.

<sup>568</sup> Ibid.

## 9.2.2 Netherlands: Intra-governmental collaboration and the Knowledge Platform against Subversive Crime

**Executive summary**

The Kennisplatform Ondernijning (Knowledge Platform against Subversive Crime, hereafter KPO)<sup>569</sup> is a website intended to share information, enrich knowledge, and exchange experiences. In this way, the effectiveness of the fight against subversive crime can be increased. The National Information and Expertise Centre (LIEC), the ten Regional Information and Expertise Centres (RIEC) and the Subversive Action Team (ATO) developed the Platform. On one hand, KPO is addressed to the general public - it can access open-source information on subversive crime. On the other hand, KPO is addressed to public officials involved in the fight against such crime. KPO features a confidential section and a network tool that are only accessible to employees of the parties that signed the RIEC-covenant.<sup>570</sup> KPO does not contain information about individual persons, projects, or cases.

**Key words**

Intra-governmental collaboration, corruption investigation, knowledge platform on subversive crime, Netherlands

**Table 9.3 Good practice fiche**

General information		Specifics
<b>Name</b>	Knowledge Platform Subversive Crime – Kennisplatform Ondernijning (KPO)	
<b>Context</b>	The Netherlands GDP/cap – (2021) EUR 58,028 – above average World Bank Control of Corruption – (2020) 96.15 – above average Trust in public administration – (2021) 70% – above average Population: 17.6 m - medium	
<b>Timeframe</b>	Since 2020	
<b>Reference</b>	<a href="https://kennisplatformondernijning.nl">https://kennisplatformondernijning.nl</a>	
<b>Aim and objectives</b>	Sharing information about subversive crime and the fight against it by means of: <ul style="list-style-type: none"> <li>• an open-source knowledge base;</li> <li>• a confidential section only accessible for public officials involved in the fight against subversive crime;</li> <li>• the aim is to increase the effectiveness of the fight against subversive crime.</li> </ul>	
<b>Estimated cost of the practice</b>	Budget: High (over 500,000) HR: High (whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	Sharing information, enriching knowledge, and exchanging experiences regarding (the fight against) subversive crime.	
<b>Category of corruption risk/sector prone to corruption</b>	Subversive crime	
<b>Implementation mechanism</b>	Knowledge platform => sharing information, enriching knowledge, and exchanging experience => building a network of public officials => increasing the effectiveness of the fight against subversive crime.	
<b>Similar practices</b>	-	
<b>Stakeholder's mapping</b>	<b>Target group</b>	The general public (that has access to the open-source knowledge base), and public officials involved in the fight against subversive crime (who can access a confidential section and use a network tool).
	<b>Implementation</b>	The National Intelligence and Expertise Centre (LIEC), ten Regional Intelligence and Expertise Centres (RIEC) and the Support Team Subversive Crime (Aanjaagteam Ondernijning – ATO).

<sup>569</sup> Available at: <https://www.kennisplatformondernijning.nl> (Accessed 27 May 2022).

<sup>570</sup> Available at: <https://www.kennisplatformondernijning/over/algemeen> (Accessed 27 May 2022).

### Problem

In a law enforcement system that has multiple authorities dealing with the issue of corruption, the fragmentation of work poses a strong demand to [facilitate an integrated approach through multistakeholder cooperation](#). For instance, in the Netherlands, a National Intelligence and Expertise Centre (LIEC) and ten Regional Intelligence and Expertise Centres (RIEC) share competences and responsibilities in the fight against organised and subversive crime, including corruption. The case of KPO provides an example of how to strengthen cooperation between public parties and within public-private partnerships, and to share knowledge and expertise on the administrative and integrated approach towards subversive crime.<sup>571</sup> This way, the Netherlands seeks to prevent subversive crime in addition to its repression via criminal law.

### Solution

A [support group of subversive crime \('Aanjaagteam Ondermijning'/ATO\)](#) was established for a period of three years (2018-2021).<sup>572</sup> In this entity, representatives of several stakeholders in the fight against subversive crime worked together in their role of *liaison*.<sup>573</sup> ATO was a multidisciplinary team comprised of representatives from, among others, the Public Prosecution Service, the police, tax authorities, the Ministry of Justice and Security, the Ministry of Finance, the Fiscal Information and Investigation Service (FIOD), customs, and several municipalities. ATO had the purpose of raising awareness about subversive crime, activating all participating partners, putting (potential) bottlenecks in the cooperation on the agenda, and advising on them. Since ATO was established for just three years and it was able to operate independently with the focus on a 'single issue', it could focus on its task regardless of the interests of the distinct stakeholders. One of ATO's main goals was to implement the concept of a 'learning government' in the fight against subversive crime.<sup>574</sup> Towards the end, it launched a knowledge platform together with LIEC and the RIEC.

Since subversive crime almost always has its roots in local societies, it is necessary to have a [nationwide network](#) of RIEC's in place. LIEC supports these entities in the area of communication and IT (by sharing services). Furthermore, it gives legal advice and monitors trends and developments in subversive crime. The legal basis for this cooperation is a covenant signed by a broad range of parties such as municipalities, provinces, the police, the Public Prosecution Service, tax authorities, FIOD, customs, and several Inspection authorities.

This [knowledge platform, Kennisplatform Ondermijning \(KPO\)](#)<sup>575</sup>, is a website intended to share information, enrich knowledge, and exchange experiences. In this way, the effectiveness of the fight against subversive crime can be increased. On one hand, KPO is addressed to the general public. It can access open-source information on subversive crime. On the other hand, KPO is addressed to public officials involved in the fight against such crime. KPO features a confidential section and a network tool that are only accessible to employees of the parties that signed the RIEC-covenant.<sup>576</sup>

### Input

In the fight against subversive crime, the rationale is to operate as one entity (more precisely: one government). A successful fight against subversive crime does not rely on the involvement of a few stakeholders, such as the Ministry of Justice and Security, the police, and the Public Prosecution Service. It requires the involvement of many stakeholders, as shown above.<sup>577</sup> To this end, several initiatives (the establishment of LIEC and RIEC, ATO, and KPO) are undertaken to share information, enrich knowledge and exchange experience.

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<sup>571</sup> RIEC-LIEC Annual report 2020, p. 5 (Accessed 27 May 2022).

<sup>572</sup> The mandate of ATO ended in March 2021.

<sup>573</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 42-43 (Accessed 27 May 2022).

<sup>574</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 21-23 (Accessed 27 May 2022).

<sup>575</sup> Available at: <https://www.kennisplatformondermijning.nl> (Accessed 27 May 2022).

<sup>576</sup> Available at: <https://www.kennisplatformondermijning/over/algemeen> (Accessed 27 May 2022).

<sup>577</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 46-47 (Accessed 10 June 2022).

These initiatives are, to some extent, financed by means of additional funding, since the state budget reflects the priority given to this topic. [The true success lies in the in-kind contribution by the participating organisations, though.](#) On many occasions, staff consists of personnel who work for LIEC, RIEC or ATO on the basis of a secondment agreement for a certain period.

In order to organise the fight against subversive crime in a sustainable manner, ATO's activities are adopted by the Directorate-General Subversive Crime within the Ministry of Justice and Security and by LIEC.<sup>578</sup> The management of KPO is transferred to LIEC, with which the survival of this knowledge platform is ensured.<sup>579</sup> The Platform was created by a third party but is now in the hands of the IT department of LIEC. Its structure is based on various phenomena which fall under the definition of subversive crime. The content entails white papers, media coverage, documentaries, tools, updates on applied and/or scientific research which takes place, etc. The website is user-friendly for readers and those who are authorised to add content.

### Outcome and impact

ATO had the purpose of raising awareness about subversive crime, activating all participating partners, putting (potential) bottlenecks in the mutual cooperation on the agenda, and advising on them. It organised seminars and expert meetings, and it produced several tools and reports. One tool it developed is the Quick Scan 'Organised Crime Field Labs'.<sup>580</sup> This Quick Scan is a checklist that law enforcement officials can use to find out which of their practices meets the elements proven successful in fighting organised crime. In 'a pact for the rule of law' (Een pact voor de Rechtsstaat), it describes the needs for the upcoming ten years, with proposals to fight subversive crime effectively.<sup>581</sup>

LIEC and the RIEC stimulate and support the cooperation between covenant partners. On the basis of a strategic agenda, written in 2020, they invest, among others, in improving expertise and existing instruments. The annual report gives evidence of the results, including numerical results.<sup>582</sup> The 2020 Annual Report provides an overview of the results achieved for each specific topic within each region and for the entire country. The table below<sup>583</sup> provides a selection of the figures for the whole of the Netherlands.

**Table 9.4 Results cooperation between covenant partners**

Activity	Total
Subversive Crime Image (dynamic infographic)	37
RIEC case: money laundering	628
RIEC case: real estate	86
RIEC case specific to the region involved	629
Intervention advice on a RIEC case: administrative	356
Intervention advice on a RIEC case: criminal	374
Intervention advice on a RIEC case: fiscal	246

Source: RIEC-LIEC Annual Reports

Furthermore, they aim to expand the existing coalition of public and private parties.<sup>584</sup> With that, they also work with an alternative methodology ('Rijker verantwoord') to show results and effects since these do not always get caught up in figures and tables.<sup>585</sup> In addition to figures and tables, they use images, stories, and narratives to invite

<sup>578</sup> Aanjaagteam Ondernijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondernijning*, 2021, p. 7 (Accessed 27 May 2022).

<sup>579</sup> Aanjaagteam Ondernijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondernijning*, 2021, p. 22-23 (Accessed 27 May 2022).

<sup>580</sup> Aanjaagteam Ondernijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondernijning*, 2021, p. 21 (Accessed 10 June 2022).

<sup>581</sup> Available at: <https://www.riec.nl/documenten/publicaties/2020/11/11/pact-voor-de-rechtsstaat> (Accessed 27 May 2022).

<sup>582</sup> RIEC-LIEC Annual report 2020, p. 24-27.

<sup>583</sup> RIEC-LIEC Annual report 2020, p. 25

<sup>584</sup> RIEC-LIEC Annual report 2020, p. 9. Here one can think of specific parties related to the vulnerable sectors such as the labor market to prevent human trafficking and modern slavery in which the Netherlands Labor Authority is relevant. Alternatively, the LIEC-RIEC is considering what partners in the real estate sector are relevant to include to prevent money-laundering in real estate.

<sup>585</sup> RIEC-LIEC Annual report 2020, p. 27

stakeholders to have a more open discussion about the approach used to fight subversive crime. It is not only about the evaluation at the end but also to explore other aspects of conduct, such as the joint norms and values in approach.

KPO is a recent initiative. This Platform, aiming to share information, enrich knowledge, and exchange experience, was launched in December 2020.<sup>586</sup> The open-source information, consisting of a news section and a knowledge base on particular themes, is quite extensive.<sup>587</sup> Due to lack of access, no statements can be made about the confidential section (including the network tool). The frequency with which there are interactions on the Platform differ. Some topics (cybercrime and real estate crime) have continuous updates; for other topics (drugs related crime, public integrity), the latest updates are six months old.

### Context

The strengthening and integration of the fight against subversive crime was named one of the central themes in the coalition agreement of 2017-2021 Dutch government.<sup>588</sup> The murder of Derk Wiersum, a criminal lawyer who defended the key witness in the anti-mafia 'Marengo trial' in September 2019, led to the strengthening of the offensive against subversive crime. The cabinet announced additional investments and an [approach in which repressive and preventive measures are combined](#).<sup>589</sup>

The focus lies in cooperation in the fight against subversive crime, a complicated playing field with many stakeholders on the local, regional, and local levels. Whether it is about Intelligence and Expertise Centres with a broad scope (LIEC and RIEC), a leading group on a single issue such as subversive crime (ATO), or a knowledge platform (KPO): an integrated, structured collaboration and the exchange of knowledge and experience is essential. With that, it should be noted that building upon the work of other parties and giving these credits is more effective than reinventing over and over again.<sup>590</sup> Furthermore, the fight against subversive crime calls for a can-do mentality. In order to be successful, a collective mindset is necessary, in which there is room for trial and error. Even failure may result in valuable knowledge and expertise, which might be essential for an effective approach.<sup>591</sup>

### Limitations

The fight against subversive crime demands a flexible network collaboration. Actors on a national, regional, and local level have to work together. Good cooperation asks for permanent attention and, from time to time, other methods. In this way, incidents and problems can be overcome. The rationale to operate as one entity, to work as one government, will require extra attention in the coming years. This is essential since it will form the prelude to the strengthening of public-private partnerships.<sup>592</sup> Another important challenge is already mentioned above in the description of the context. The exchange of knowledge and experience is particularly fruitful when this subsequently leads to a joint building process. A separate challenge is that its governance is more complex because it is a loosely organised form of cooperation. Each RIEC has the freedom to work in its own manner to some extent.

### Table 9.5 Analysis fiche

<sup>586</sup> Available at: <http://www.politieambtsdragers.nl/actueel/nieuws/2020/11/24/lancering-kennisplatform-ondermijning> (Accessed 27 May 2022).

<sup>587</sup> Available at: <https://www.kennisplatformondermijning.nl/nieuws> and <https://www.kennisplatformondermijning.nl/kennisbank/bladeren> (Accessed 27/05/2022).

<sup>588</sup> Available at: <https://www.rijksoverheid.nl/documenten/publicaties/2017/10/10/regeerakkoord-2017-vertrouwen-in-de-toekomst> (Accessed 27 May 2022).

<sup>589</sup> Available at: <https://www.rijksoverheid.nl/documenten/publicaties/2019/10/18/contouren-offensief-tegen-georganiseerde-ondermijnende-criminaliteit> (Accessed 27 May 2022).

<sup>590</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 46-47 (Accessed 27 May 2022).

<sup>591</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 47 (Accessed 27 May 2022).

<sup>592</sup> Aanjaagteam Ondermijning. *We geven het stokje door! Drie jaar Aanjaagteam Ondermijning*, 2021, p. 46 (Accessed 27 May 2022).

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
The fight against subversive crime, including the production and trafficking of drugs, corruption, and money laundering, intensified over the last few years. In this, preventive and repressive measures are combined. Important elements in the fight against subversive crime are strengthening cooperation, knowledge, expertise, and intelligence.	In the reinforcement programme subversive crime ('Versterkings-programma Ondermijning'), additional funding is made available to several organisations involved in the fight against subversive crime. In the period 2017-2021, EUR 85 million was reserved to stimulate this fight on a regional level and EUR 15 million to stimulate this on the national level. <sup>593</sup> In the initiatives described above (LIEC-RIEC, ATO and KPO), in-kind contributions of the parties involved also appear to be of great importance.	The initiatives discussed are all about integrated, structured collaboration. Relevant actors share information, enrich knowledge and exchange experience. LIEC/RIEC and ATO are networks in which representatives of bodies that are involved in the fight against subversive crime work together. KPO is a knowledge platform for both the general public (open-source information) and public officials that can access the Platform on the basis of the RIEC-covenant (confidential section and network tool).	In the annual reports, the activities, and the results of LIEC/RIEC are presented. By raising awareness (targeting public and private entities), supporting, and strengthening cooperation between public parties and within public-private partnerships and sharing knowledge and expertise on the administrative - and integrated approach, LIEC/RIEC are contributing to the fight against subversive crime. Since 2021, the activities of ATO have been adopted by the Directorate-General Subversive Crime within the Ministry of Justice and Security and by LIEC.	Subversive crime has many expressions, but there are common denominators that can be identified. These crimes are mostly executed in secret. With that, these crimes are often consensual since all people involved are benefitting from it. Lastly, these crimes can be victimless crimes. Notwithstanding the negative effects in time, subversive crime will cause no direct visible harm. These characteristics explain why it is difficult to fight subversive crime. On the other hand, it is also these characteristics that show the potential of integrated, structured cooperation (LIEC/RIEC and ATO) and a knowledge platform that aims at sharing information, enriching knowledge, and exchanging experience (KPO).

### 9.2.3 Hungary: Digitalisation of VAT information collection

#### Executive summary

The digitalisation of VAT information collection in Hungary consisted of multiple procedural and technological innovations, carried out subsequently since 2013. These measures tackled not only the direct problem of tax fraud, but also reformed the entire taxation system. Main actions included legislative changes, the development and deployment of IT systems, training of personnel in charge, conducting investigations, and performing the evaluation

<sup>593</sup> Available at: <https://www.nctv.nl/ondwerpen/nationale-veiligheid-strategie/versterkte-aanpak-van-risicos-en-dreigingen/criminele-ondermijning> (Accessed 27 May 2022).

of results. Although not unique in its elements, the case innovates by combining a number of interventions in order to achieve its goals, which led to the decrease of the VAT gap from around 22% to below 9% in around seven years.

### Key words

Tax fraud, shadow economy, digitalisation, systemic reform, Hungary

**Table 9.6 Good practice fiche**

General information		Specifics
<b>Name</b>	Digitalisation of VAT information collection	
<b>Context</b>	Hungary GDP/cap – (2021) EUR 18,178 – below average World Bank Control of Corruption – (2020) 60.58 – below average Trust in public administration – (2021) 60% – above average Population: 9.7 m - medium	
<b>Timeframe</b>	Since 2013	
<b>Reference</b>	<a href="https://nav.gov.hu/">https://nav.gov.hu/</a>	
<b>Aim and objectives</b>	Accountability in interest representation through: • Closing the VAT gap	
<b>Estimated cost of the practice</b>	Budget: High (Over EUR 500,000) HR: High (Whole body above 10 people) Tech: High (AI or digital platform combining multiple data sets)	
<b>Expected impact</b>	Significant increase in government income/decrease of VAT gap	
<b>Category of corruption risk/ sector prone to corruption</b>	Budget/taxation/tax fraud	
<b>Implementation mechanism</b>	Tax reform – digitisation of information collection – enforcement of tax law	
<b>Similar practices</b>	Polish Fiscal Cash Register <sup>594</sup> Slovak Virtual Cash Register <sup>595</sup>	
<b>Stakeholder's mapping</b>	<b>Target group</b>	whole society
	<b>Implementation</b>	National Tax and Customs Administration (NAV)

### Problem

The problem that the digitalisation of VAT collection aims to solve is tackling tax evasion and fraud caused by the shadow economy and corruption. In the case of Hungary, this problem had a systemic character and detrimental effects:

- Hungary was facing a relatively **large shadow economy** in the decades after the transition from communism, which became a serious problem after the global financial crisis in 2008 where economic output, governmental and household incomes all decreased and the financial space for the government to implement its policies and maintain the level of welfare services became challenging without a significant increase of the budget deficit.
- Hungary had a relatively high VAT rate of 25% (increased from 20% in 2009<sup>596</sup>) and income taxes also at a level that could hardly be increased further without serious discontent from citizens and the business sector and further boosting the shadow economy. This made the government look for ways to increase its incomes through **measures that do not lead to the increase of direct taxation of citizens** or significant growth of indebtedness.
- As serious losses to the budget were caused by **corruption and the shadow economy, especially tax evasion and fraud**, it became essential to implement measures to push back on them. While there was no real commitment to stop money flows through corrupt practices as they became a tool for the new government to

<sup>594</sup> Available at: <https://www.gov.pl/web/finance/fiscal-cash-registers>

<sup>595</sup> Available at: <https://www.financnasprava.sk/sk/podnikatelia/dane/ekasa/vrp2>

<sup>596</sup> Portfolio.hu, Így rágatta a magyar politika az áfa- és járulékkulcsokat, *This is how Hungarian Politics teared VAT and contribution rates*. 2011. <https://www.portfolio.hu/gazdasag/20110919/igy-rangatta-a-magyar-politika-az-afa-es-jarulekkulcsokat-155569> (Accessed 11 June 2022)

support its own clientele, tax evasion and unregistered labour were uncontrolled phenomena that accounted for several billions of Euros deficit in the annual budget.

- According to estimations the share of the shadow economy in Hungary was around 23-25% of GDP between 2003 and 2013, exceeding the EU average of 18-22% in that period<sup>597</sup>. Hungary's VAT gap in the years after the change of government in 2010 was steadily around 22%.<sup>598</sup>

### Solution

An obvious solution seemed to be the improvement of tax collection. To do so, the government reformed the tax system with a greater emphasis on taxes on consumption, including raising VAT from 25% to 27%, which is still in place. At the same time, a flat personal income tax of 16% was introduced, while corporate income taxes were lowered as well. While these measures led to a further increase in social inequality,<sup>599</sup> from a technocratic point of view, they enabled a less complex strategy to improve the collection of taxes. The key element of the reform was the [digitalisation of information collection on VAT payments and the transportation of goods](#) by introducing a set of measures over the last 10 years:

- [Introduction of electronic cash registers](#) in 2013 that are connected to the tax authority's central system and submit information regularly via mobile internet. This allowed the tax authority to flag businesses that were outliers regarding their turnover, sales statistics, and other indicators. As a result of the new oversight mechanism, the registered retail sale in the retail sector increased by 20-25% between 2013-2015, while registered sales in the hospitality sector increased by 32-37% in the same period. In both sectors, the shadow economy was extremely widespread<sup>600</sup>.
- [Introduction of the Electronic Public Road Trade Control System \(EKÁER\)](#) in 2015 to control the transportation of goods on the road and to filter out fake trade and unregistered hauling. Previously it was a common fraud scheme to export goods in bulk on paper to avoid VAT taxation while selling them domestically in the shadow economy. The EKÁER system made it possible to connect data on logistical transactions and the physical transportation of goods by requiring reporting all B2B (business to business) transports of goods on heavy vehicles and by vehicles with a total mass below 3.5 tons in the case of goods labelled as risky by the relevant legislation. The system was connected to the road toll system of Hungary to support the monitoring of its infrastructure. As a result of the introduction of other measures (see next paragraph) and an infringement procedure by the EU, the scope of reporting and possible sanctions was reduced in 2020.
- In July 2018, an [online invoice system](#) was introduced that made it obligatory to provide real-time information on invoicing for invoices above HUF 100,000 (EUR 250). According to the Ministry of Finance, the measures immediately led to an additional HUF 200-250 bn (EUR 625 m) budget income<sup>601</sup>. In 2020, this threshold was abolished, and all invoices by businesses needed to be submitted electronically, allowing the tax authority total access to these data. Further developments of this system are ongoing, including the aim to connect data on invoices with other registries.

In addition to these three measures, the government also introduced incentives to encourage businesses to accept electronic payments (e.g., supporting the installation of card terminals and enforcing lower transactional fees for card payments), thus lowering the circulation of cash. Furthermore, the VAT of certain products (meat, eggs, dairy products) mainly from sectors prone to VAT fraud, such as agriculture, were lowered to decrease the potential

<sup>597</sup> Schneider, F.G. and Schneider, F.G., *Size and Development of the Shadow Economy of 31 European and 5 other OECD Countries from 2003 to 2012: Some New Facts*. 2013. [https://www.researchgate.net/publication/268185661\\_Size\\_and\\_Development\\_of\\_the\\_Shadow\\_Economy\\_of\\_31\\_European\\_and\\_5\\_other\\_OECD\\_Countries\\_from\\_2003\\_to\\_2012\\_Some\\_New\\_Facts](https://www.researchgate.net/publication/268185661_Size_and_Development_of_the_Shadow_Economy_of_31_European_and_5_other_OECD_Countries_from_2003_to_2012_Some_New_Facts) (Accessed 11 June 2022)

<sup>598</sup> Portfolio. Áfabeszedés Magyarországon: 5 éve tartó sikersztóri akadt el, *VAT Collection in Hungary, A 5 Year Success Story Got Stuck*. 2021. <https://www.portfolio.hu/gazdasag/20211203/afabeszedes-magyarorszagon-5-eve-tarto-sikersztori-akadt-el-514294> (Accessed 11 June 2022)

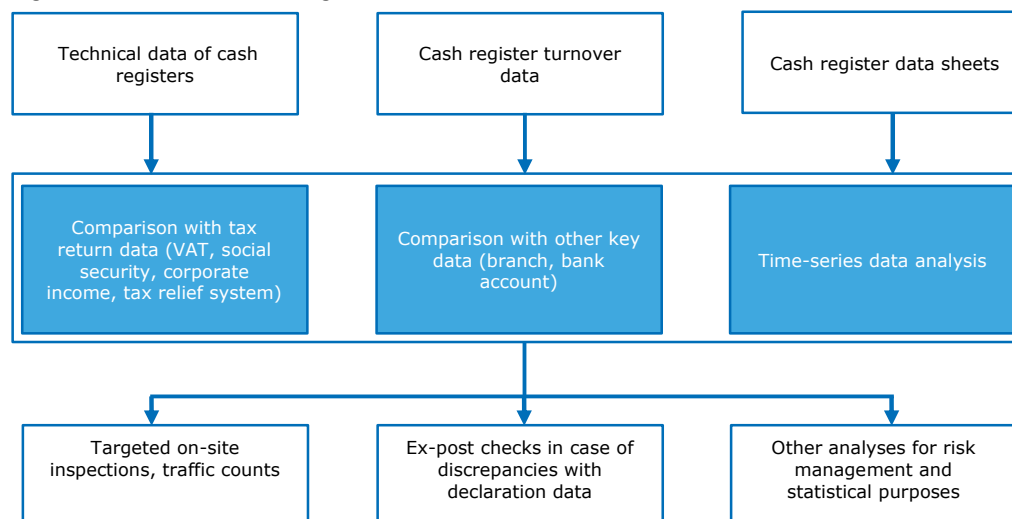
<sup>599</sup> Licskay, P., Hungary's corruption rate and inequality is very severe compared to EU statistics, *dailynewshungary.com*, 2020. <https://dailynewshungary.com/hungarys-corruption-rate-and-inequality-is-very-severe-compared-to-eu-statistics/> (Accessed 11 June 2022)

<sup>600</sup> State Audit Office (ÁSZ), A digitális eszközök adózásban történő alkalmazása, *The Application of Digital Tools in Taxation*. 2021. [https://www.aszportal.hu/storage/files/files/elemezsek/2021/digitalis\\_adozas\\_20210202.pdf?ctid=1307](https://www.aszportal.hu/storage/files/files/elemezsek/2021/digitalis_adozas_20210202.pdf?ctid=1307) (Accessed 11 June 2022)

<sup>601</sup> HVG, Megduplázódott a NAV-hoz beérkező számlák száma, *The Number of Invoices Submitted to the Tax Authority has Doubled*. 2021. [https://hvg.hu/gazdasag/20210208\\_nav\\_online\\_szamlak\\_szama](https://hvg.hu/gazdasag/20210208_nav_online_szamlak_szama) (Accessed 11 June 2022)

income from fraud<sup>602</sup>. Also, the tax authority invested in software that helped analyse incoming data and support investigations by flagging risky companies and transactions<sup>603</sup>.

**Figure 9.4 Use of online cash register data**



Source: [https://www.ksh.hu/docs/bemutakozas/mta/mta\\_stab/dokumentumok/stab\\_nav\\_uj\\_adatforrasok\\_gyetvai.pptx](https://www.ksh.hu/docs/bemutakozas/mta/mta_stab/dokumentumok/stab_nav_uj_adatforrasok_gyetvai.pptx)

### Input

The elements of Hungarian reforms to close the VAT gap are not unique in the EU. There are several member states where electronic payments have almost entirely substituted cash payments (e.g., The Netherlands, Sweden), and online cash registers were introduced earlier (e.g., Croatia, Bulgaria), while systems such as the EKÁER have also been deployed in other countries (e.g., Poland, Slovakia). The Hungarian case innovates by combining a number of interventions in order to achieve its goals and led to the decrease of the VAT gap from around 22% to below 9% in around seven years<sup>604</sup>.

According to the press, the estimated cost of the introduction of electronic cash registers was HUF 17 bn (EUR 55 m). A significant share of it was planned as a subsidy to micro-enterprises to lower the costs of changing to new cash registries. At the time of the introduction of the measures, there were around 400,000 cash registers operated in Hungary – around 75-80% of them had to be replaced to comply with the new rules<sup>605</sup>.

### Outcome and impact

Hungary's VAT gap narrowed from 22% in 2013 to around 9% in 2021. Meaning an increase in VAT incomes from HUF 9000 bn (EUR 22 bn) in 2012 to HUF 15000 bn (EUR 37.5 bn) in 2019. With this, the share of VAT in budget incomes has exceeded 30%<sup>606</sup>.

The data originating from the online cash registers is stored in the data warehouse of the National Tax and Customs Administration (NVA), which was set up for this purpose. This data can be accessed by NVA staff working in risk analysis with the appropriate authorisations. The data is mainly used for on-the-spot inspections, subsequent

<sup>602</sup> State Audit Office (ÁSZ), Az általános forgalmi adó csökkentés hatásai a fenntartható kifehérítés folyamatára, *The Impact of Lowering VAT on the Process of Sustainable Push Back on the Shadow Economy*, 2019. [https://www.aszhirportal.hu/storage/files/files/elemezsek/2019/afa\\_20191206.pdf?ctid=1271](https://www.aszhirportal.hu/storage/files/files/elemezsek/2019/afa_20191206.pdf?ctid=1271) (Accessed 11 June 2022)

<sup>603</sup> Csüllög, B., Ellenőrzés: Mi alapján választ a NAV, *Controls: On what grounds does NAV select*, Adó Online, 2018. <https://ado.hu/ado/ellenorzesek-mi-alapjan-valaszt-a-nav/> (Accessed 11 June 2022)

<sup>604</sup> State Audit Office (ÁSZ), A digitális eszközök adózásban történő alkalmazása, *The Application of Digital Tools in Taxation*, 2021. [https://www.aszhirportal.hu/storage/files/files/elemezsek/2021/digitalis\\_adozas\\_20210202.pdf?ctid=1307](https://www.aszhirportal.hu/storage/files/files/elemezsek/2021/digitalis_adozas_20210202.pdf?ctid=1307) (Accessed 11 June 2022)

<sup>605</sup> Index, Húsvétra mindenki pénztárgépet kap, *Everyone gets a cash register for Easter*, 2012. <https://index.hu/gazdasag/2012/12/17/penztaget/> (Accessed 11 June 2022)

<sup>606</sup> State Audit Office (ÁSZ) A digitális eszközök adózásban történő alkalmazása, *The Application of Digital Tools in Taxation*, 2021. [https://www.aszhirportal.hu/storage/files/files/elemezsek/2021/digitalis\\_adozas\\_20210202.pdf?ctid=1307](https://www.aszhirportal.hu/storage/files/files/elemezsek/2021/digitalis_adozas_20210202.pdf?ctid=1307) (Accessed 11 June 2022)

controls as well as for risk analyses, and the selection of audits. The data is also used by the NVA to analyse trends in the payment of taxes. The Central Statistics Administration also has access to the data to examine trends within a sector.

## Context

### Demand

There was a serious need - to increase government income - that made the government implement measures that aimed at increasing government incomes. In Hungary, this happened in a strategic way. The measures that were introduced did not only target the direct effects of the problem, but the entire ecosystem in which the problem is anchored in as well. This includes a broad analysis of the problem, policy development, the introduction of legislative changes, development and deployment of IT systems, training of personnel in charge, conducting investigations and performing the evaluation of results.

### Legal framework

- For the Online Cash Register System (OPG) legislation was introduced in 2014, starting with the retail and hospitality sectors and extending it to the service sector in 2016.
- Amendments to Act XCII of 2003 on the Rules of Taxation for EKÁER: this amendment concerns legal technicality aiming to create more flexible legislation by shifting the regulation from the Act to the decree level.
- On 1 July 2018, the Hungarian real-time invoice reporting (RTIR) obligation came into force (Act LXXXIII of 2018 amending Act CXLIII of 2015 on public procurement) for domestic e-invoices (and later amended to include intra-community transactions in 2021).

### Limitations

- There is a risk of system's abuse in case of [selective investigations of tax fraud](#): in Hungary, at the time when the digitalisation of the tax administration started, a huge corruption scandal came to light that made it questionable how truly the leadership of the tax administration is committed when it comes to fighting corruption. According to allegations by the whistle-blower reporting on internal issues within the tax administration, there was a lack of capacity to investigate cases flagged by digital tools and also a willingness to investigate certain cases<sup>607</sup>. According to investigative outlet [Atlatszo.hu](#), high-level cases of tax fraud were not investigated due to orders by a tax authority leader<sup>608</sup>.
- [Corruption risks in the procurement](#) of complex IT system: Another corruption scandal sparked around IT procurements of the tax administration in that period when Microsoft products were bought overpriced from intermediary companies. US authorities also investigated the case<sup>609</sup>. Furthermore, the introduction of electronic cash registers was overshadowed by reports that government-close businesses were among the beneficiaries of the compulsory replacement of old cash registers<sup>610</sup>.
- [Lack of public consultations](#): The Electronic Public Road Trade Control System (EKÁER) was introduced without a broad stakeholder consultation, while the system had several breakdowns after its launch. It was also heavily criticised for the additional workload it caused for the sector with the extra administration needed to comply with the new rules. Furthermore, the fines that could account for up to 40% of the value of goods transported were considered unreasonably high. Also, the infringement procedure launched by the EU proved that the concept was not well elaborated before its introduction.

<sup>607</sup> Hírklikk, *Hiába a saját emberük a NAV elnöke, nem lehet minden nyomot eltörölni. Although the president of the tax authority is their man, it is impossible to hide all traces* 2021. <https://hirklikk.hu/kozelet/hiaba-a-sajat-emberuk-a-nav-elnoke-nem-lehet-minden-nyomot-eltorolni/383605> (Accessed 11 June 2022)

<sup>608</sup> Becker, A., *Igy uszhatjak meg az afacsalok – Somos Katalin leállított egy fontos vizsgálatot, This is how tax evaders get away with it - Katalin Somos has stopped an important investigation*, [Átlászo.hu](#). 2014. <https://atlatszo.hu/kozpenz/2014/03/24/igy-uszhatjak-meg-az-afacsalok-somos-katalin-leallitott-egy-fontos-vizsgalatot/> (Accessed 11 June 2022)

<sup>609</sup> Kovács, G., *Nem volt belső vizsgálat a NAV-nál a Microsoft-botrányt elindító beszerzés miatt, There was no internal audit at the tax authority regarding the procurement that lead to the Microsoft scandal*. HVG. 2019. [https://m.hvg.hu/kkv/20190911\\_Kiderult\\_volte\\_belső\\_vizsgalat\\_a\\_NAVnál\\_a\\_Microsoftbotrányt\\_elindító\\_beszerzes\\_mia](https://m.hvg.hu/kkv/20190911_Kiderult_volte_belső_vizsgalat_a_NAVnál_a_Microsoftbotrányt_elindító_beszerzes_mia) (Accessed 11 June 2022)

<sup>610</sup> Oroszi, B., *Garancsi István is beszámolt az online pénztárgép-üzletbe, István Garancsi joins the online cash register business*, [Átlászo.hu](#), 2014. <https://atlatszo.hu/kozpenz/2014/09/29/garancsi-istvan-is-beszallt-az-online-penztagkep-uzletbe/> (Accessed 11 June 2022)

**Table 9.7 Analysis fiche**

Ensuring transferability and Verifying effectiveness applicability				
Demand analysis	Resource analysis	Output analysis	Medium-term effect	Long-term effect
The application of digital tools in taxation in Hungary between 2013 and 2020 allowed to narrow the VAT gap from 22% to less than 9%, increasing budgetary incomes by several billion Euros and tackling tax fraud.	Budget: EUR 55 million Necessary steps: legislative changes, developing of and deploying IT systems, training of personnel in charge, conducting investigations and performing the evaluation of results.	To implement the measures, Hungary's tax system was amended, hardware infrastructure was renewed, analytical software was developed, staff was trained, and investigations were launched based on risk analysis.	Hungary's VAT gap narrowed from 22% in 2013 to around 9% in 2021.	Pushing back on the shadow economy, improving the financial morale in many sectors, especially, bulk trade, retail, and hospitality.

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## 11 Annex

### 11.1 Methodology

This section presents the methodology used for this Handbook. First, we explain how anti-corruption practices are defined (1.3.1), followed by the selection of the case studies (1.3.2), and finally how they have been assessed (1.3.3).

#### 11.1.1 Defining good anti-corruption practices

Within the context of this Handbook, we define anti-corruption practices in a broad sense, as activities, tools and institutions that aim at reducing the level of corruption, improving quality of government, and increasing public trust. We consider an anti-corruption practice as “good” when it 1) has a positive effect on countering corruption, and 2) it demonstrates a mechanism that is transferable and applicable in other Member States.<sup>611</sup>

In order to overcome regular methodological challenges with regards to the assessment of effectiveness of anti-corruption practices, we have taken into account three considerations.

First, our aim was to cover at least one anti-corruption practice per EU Member State. Thus, the effectiveness is defined with regards to a very [specific country context](#) – with high or low levels of trust, with high or low capacity to control corruption, etc. It means that the effectiveness of the good practice is assessed not against the similar practices in other countries, but against the value of this practice in a specific context and its capacity to solve a specific corruption-related problem.<sup>612</sup> The limitation of this approach is that we are methodologically not able to speak of best practices, because they are not comparable due to varying local contexts, as well as the significant differences of corruption forms that the practices aim to target. Nevertheless, this approach has an important advantage compared to the standard best practice collections. By identifying context-specific good practices, it allows us to [inductively map](#) and single out the trends with regards to anti-corruption in Europe. In other words, the unique feature of this Handbook is that we did not search for the pre-defined anti-corruption practices, but that we left it open to experts to define what proved to be a useful practice to counteract corruption in a specific Member State. As a result, in some countries, indirect anti-corruption practices were proposed while the direct anti-corruption practices were assessed as less useful.

Second, we recognise that counteracting corruption is a complex endeavour that in most cases is non-linear. Instead, it consists of a [chain of outcomes](#). Thus, some measures, mostly repressive, tackle corruption directly, but their effectiveness is rather an exception. In most cases, systemic work needs to be done to create conditions – institutions, capacities, technologies, discourses – for corruption to be recognised, not tolerated, criminalised, detected, punished, and prevented. To apply the chain of outcomes approach, we begin the analysis of each case study with the definition of a specific problem the practice in place is called to solve. As a rule, these problems refer to the conditions that either amplify corruption risks or build capacity to counteract those. By solving a specific problem, anti-corruption practices contribute to one or several steps in tackling corruption and thus provide a snapshot in a chain of outcomes that might lead to less corruption.

<sup>611</sup> We are not speaking of “best practices” for methodological reasons. In order to assess one practice as the best, all practices have to be comparable. This is however impossible due to varying local context the practices are developed in as well as to the significant differences of corruption forms that the practices aim to target.

<sup>612</sup> E.g., Integrity Pacts were identified as a good practice in five different countries - Bulgaria, the Czech Republic, Italy, Portugal, Slovenia- while in Portugal it was the only good practice proposed and in other countries not at all. Thus, in four other countries, we selected case studies covering different types of anti-corruption practices to provide for variation of different types, instead of comparing integrity pacts and selecting the most effective and efficient one.

Finally, we focused on the selection of the anticorruption practices implemented or updated in the last five years (since 2017). To identify trends across the EU, in some countries we [prioritised the innovativeness](#) of the practice, which limits methodological capacity to assess its outcomes. In such cases we considered the potential outcomes and ambitious impact the anti-corruption practices aim at (e.g., CS Finland or CS Lithuania).

With regard to [transferability and applicability](#) of anti-corruption practices, we realise that good practices are context- and situation-dependent. Existing research on policy transfer highlights numerous failures of effectively transferring successful policies across boundaries.<sup>613</sup> Challenges may arise due to either insufficient information about the policy or implementing institution, and how it operates in the originating country; lack of supportive institutions and presence of context-dependent obstacles; or insufficient attention paid to the differences between the economic, social, political and ideological contexts in the transferring and the borrowing country.<sup>614</sup> In order to avoid these failures, transfer of anti-corruption practices should take shape through extrapolation, not replication. Crucially, the process of extrapolating a practice from one context to another requires deeper understanding of the underlying impact mechanisms, which we gain through in-depth case studies of the selected anti-corruption practices in each EU Member State.<sup>615</sup> To overcome these challenges, we not only describe an anti-corruption practice, but [provide analysis centred on the mechanisms](#) in place. First, we elaborated the theory behind the certain type of anti-corruption practice to contextualise each empirical case study in a more abstract way. Second, we analysed each case study along the theory of change, including the specific problem the practice aims to solve, cost analysis on the input side, the assessment of outcomes, but, most importantly, a critical assessment of limitations and challenges to enable the learning not only from success, but also from challenges that come along even with good practices. In addition, the case study fiches provide the general data about the context of the country, including its size, Gross Domestic Product (GDP), control of corruption, and level of public trust in the society, which can be consulted as an entry point for the decision, whether the respective tool or practice might suit own context.

#### 11.1.2 Case selection process and criteria

The selection and the qualitative assessment of the case studies is based on the opinion of independent local anti-corruption experts in EU Member States (LRCCs<sup>616</sup>) and complementary desk research. This process consisted out of three steps.

##### Step 1

In a first step aimed towards the identification and selection of good anti-corruption practices, we have created a [longlist of existing anti-corruption practices](#):

1. The LRCCs provided examples of good practices. This exercise allowed us to identify 77 cases in 27 Member States, with approximately half of them estimated by the LRCCs as measures with high impact.
2. This list was complemented by 52 cases from the literature review.

This preliminary research covered anti-corruption practices since 2017, albeit including older measures, if they were updated or still in active use. This resulted in [129 cases](#) which were systematically mapped based on the publicly accessible information.<sup>617</sup>

<sup>613</sup> David P. Dolowitz and David Marsh, "Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making," *Governance* 13, no. 1 (January 2000): 5–23, <https://doi.org/10.1111/0952-1895.00121>.

<sup>614</sup> Ibid.

<sup>615</sup> Eugene Bardach, "The Extrapolation Problem: How Can We Learn from the Experience of Others?," *Journal of Policy Analysis and Management* 23, no. 2 (2004): 205–20; Arnošt Veselý, "Theory and Methodology of Best Practice Research: A Critical Review of the Current State," *Central European Journal of Public Policy* 5 (2011): 10.

<sup>616</sup> Local Research Country Correspondents (LRCC) are two independent experts on corruption and anti-corruption in each EU member state, selected in a rigorous vetting process with the aim to provide country-specific analysis for the European Commission.

<sup>617</sup> For the detailed overview, see Annex 12.2

## Step 2

Based on this database, we inductively created categories to cluster anti-corruption practices, as shown in the following table.

**Table 11.1 Categories for the mapping of anti-corruption practices**

Type of anti-corruption practice	Type of action needed (implementation mechanism)	Sector/area prone to corruption	Major stakeholder involved	Level of governance	Cost of the AC practice
Transparency and open data	<b>Legislative/regulation</b>	Construction	Civil society	International	Low
Citizen engagement	<b>organisational/structural:</b>	Electoral fraud	International organisation	National	Medium
Collective action	<ul style="list-style-type: none"> <li>Network</li> <li>Special body</li> </ul>	EU funds	Journalists & Media	Local	High
Integrity promotion	<b>Operational:</b>	Healthcare	Law enforcement		
Conflict of interest monitoring and detection	<ul style="list-style-type: none"> <li>External or internal communication</li> <li>Intra- or inter-institutional coordination</li> <li>Multi-stakeholder co-ordination</li> </ul>	Law-making	Parliament		
Anti-corruption strategies	<b>Analytical:</b>	Lobbying	Government		
Special anti-corruption bodies	<ul style="list-style-type: none"> <li>Expertise</li> <li>Education/training</li> <li>Monitoring &amp; Evaluation</li> </ul>	Private sector/ shadow economy	State agency		
Detection and investigation of corruption	<b>Technological:</b>	Public administration/ civil service	Private companies		
	<ul style="list-style-type: none"> <li>e-governance/ open data/ website</li> <li>Register/digital platform/ application - app</li> </ul>	Public finance	Anti-corruption agency		
		Public procurement			
		State-owned enterprises			
		Supply chains			

## Step 3

Subsequently, we selected one case from each Member State for an in-depth analysis, in line with the following [selection algorithm](#):

- ⇒ There is at least one case study per Member State;
- ⇒ Proposed cases of high impact are prioritised in case several anti-corruption practices are proposed per country;
- ⇒ Novelty/innovation aspect is considered: we prioritised anti-corruption practices implemented since 2019, while taking into account that impact is not possible to assess yet;
- ⇒ All eight pre-defined types of anti-corruption practices are covered: in case several anti-corruption practices were proposed per country, we selected those that represent a type of anti-corruption practice that is not covered by other cases;
- ⇒ All levels of governance (national/local/international) are covered: we aimed to provide the variation of case study at all three levels of governance;

⇒ Maximum variation of forms of corruption and sectors prone to corruption are covered.

### 11.1.3 Case analysis

The structured description of good practices follows a [Demand-Input-Output-Outcome-Impact model](#) with special focus on effectiveness and transferability of a practice.<sup>618</sup>

**Table 11.2 Framework for the analysis of anti-corruption practices**

	Ensuring applicability	transferability	and	Verifying effectiveness
Problem	Input	Output	Outcome	Impact
<b>Problem analysis:</b> What was the reason for the anti-corruption to be developed and implemented? Which problem does it aim to solve?	<b>Resource analysis:</b> What human and material resources, time and technology are required for the implementation of practice?	<b>Stakeholder- and context analysis:</b> What is the implementation mechanism in place (e.g., legislation, special AC body, network of different actors, etc.)? Who is responsible for the implementation? What are supportive institutions and barriers for the implementation?	<b>Medium-term effect:</b> Is there a noticeable change of behaviour, compliance with the introduced practice?	<b>Long-term effect:</b> What is the potential for the problem-solving, depending on the main goal set?

The reflection about **demand** – the problem that the practice aims to solve - is critical for the assessment of effectiveness, as it provides the baseline to trace the improvements. Without a clearly defined problem, any practice is an attempt to hit a moving target.

A pre-structured analysis of the **input** and **output** of practices provides a deeper understanding of how the intervention works, when it works, why it works, and what can be done to improve it.<sup>619</sup> The *input* reflects the necessary human- and material resources, as well as time and technology needed for the implementation. Based on that information, we assessed the cost of the anti-corruption practices as low, medium, or high. The average assessment stems from the sum of Budget + Human Resources (HR) + Tech:

- Budget: over EUR 500.000 – High, EUR 50.000-499.999 - Medium, below EUR 50.000 or pro bono work - Low;
- HR: staff above 10 people - High; department of 4-9 people - Medium; below 3 people or volunteers' engagement – Low;
- Technology: complex digital platform combining multiple data sets and functionalities - High; one register or one database simple website/app - Medium; no specific technology – Low.

<sup>618</sup> This is a widespread analytical approach in research and practice to assess policy effectiveness. E.g., Studying 'Effectiveness' in International Relations, ed. by Hendrik Hegemann, Regina Heller, and Martin Kahl, 101–20. Opladen: Barbara Budrich Publishers, 2013, p. 101-120; World Bank. 'Open Government Impact and Outcomes: Mapping the Landscape of Ongoing Research'. World Bank Open Government Global Solutions Group, March 2016. <http://opengovimpact.org/img/og-impact-full-report.pdf> Interactive table: <http://opengovimpact.org>

<sup>619</sup> <http://opengovimpact.org/img/og-impact-full-report.pdf> Interactive table: <http://opengovimpact.org>

The **output** includes the description of the implementation mechanism, stakeholder analysis, as well as reflection about the context – the supporting and restricting factors in the process of implementation.

The analysis of the **outcome** and **impact** aims at assessment of the effectiveness of a practice. We also identify the limitations and challenges that emerge in practice and can be anticipated in case of extrapolation.

Each case study has a good practice fiche, where also the general information about the country is summarised, including its GDP, size, level of corruption control, and public trust. This information is important to estimate which general conditions accompany the practice. The data for the analysis has been collected by the LRCCs through 1 to 3 interviews per case study (n=32) and the desk research in each Member State, between May and August 2022. We thank all our LRCC experts and interview interlocutors for their time and valuable input.

## 11.2 Longlist of existing anti-corruption practices

**Table 11.3 Long-list practices**

Region	Country	Name
Western Europe	<b>Austria</b>	Public contracts online search tool <a href="http://www.offenevergaben.at">www.offenevergaben.at</a>
Western Europe	<b>Austria</b>	Statistics on corruption cases
Western Europe	<b>Austria</b>	IBN - NETWORK OF INTEGRITY OFFICERS, Federal Bureau of Anti-Corruption, 'Das Integritätsbeauftragten-Netzwerk'
Western Europe	<b>Belgium</b>	Advisory body for public procurement
SEE	<b>Bulgaria</b>	Model for monitoring anti-corruption government policies on the local level
SEE	<b>Bulgaria</b>	Awareness raising campaign on the local level
SEE	<b>Bulgaria</b>	Legal ban on undisclosed and corporate donations and a ceiling for donations to political parties
SEE	<b>Bulgaria</b>	Strategy.bg: National Portal for Public Consultations
SEE	<b>Bulgaria</b>	EUfunds.bg: National EU Funds Portal
SEE	<b>Bulgaria</b>	Access to Public Information Act that opened the door to investigative journalism
SEE	<b>Bulgaria</b>	Anti-Corruption Fund Journalistic Awards "Red Line"
SEE	<b>Bulgaria</b>	Body cameras on road police officers
SEE	<b>Bulgaria</b>	Anti-Corruption Fund (ACF) - Civil Society Supported Investigative Journalism
SEE	<b>Bulgaria</b>	TI Integrity pacts in public procurement and construction
SEE	<b>Bulgaria</b>	Whistle Blowing of Irregularities under EU Projects
SEE	<b>Bulgaria</b>	Corruption risk assessment - bribery exposure in the health care sector
SEE	<b>Bulgaria</b>	Law amending several provisions of the Constitution concerning the organisation of the national judiciary and the law enforcement community
SEE	<b>Bulgaria</b>	Civil Society Supported Investigative Journalism
SEE	<b>Croatia</b>	Local level transparency in procurement initiatives
SEE	<b>Croatia</b>	Web-based public procurement databases

Region	Country	Name
Southern Europe	<b>Cyprus</b>	Public Prosecutors' Code of Conduct
Southern Europe	<b>Cyprus</b>	Anti-Corruption legislation
CEE	<b>Czech Republic</b>	e-government and open data initiatives
CEE	<b>Czech Republic</b>	Local Level AC legislation: Code of Ethics, Anti-corruption strategy & anti-corruption instructions
CEE	<b>Czech Republic</b>	Local Level AC legislation: Anti-Corruption Strategy for the period 2017-2019
CEE	<b>Czech Republic</b>	Risk Cards
CEE	<b>Czech Republic</b>	Register of Contracts, publishing government contracts online
CEE	<b>Czech Republic</b>	Foreign bribery investigation initiatives
CEE	<b>Czech Republic</b>	Benchmark for contracting authorities Zindex
CEE	<b>Czech Republic</b>	Virtual library on public procurement law
CEE	<b>Czech Republic</b>	Evaluation of MPs and their votes on Anti-Corruption legislation, prepared by watchdog NGO Reconstruction of State
CEE	<b>Czech Republic</b>	TI Integrity pacts in public procurement and construction
CEE	<b>Czech Republic</b>	Publication of comprehensive guidance by the Supreme Public Prosecutor's Office (SPPO) on corporate liability
CEE	<b>Czech Republic</b>	Comprehensive Anti-Corruption Legislation
Northern Europe	<b>Denmark</b>	Open Data DK project
Northern Europe	<b>Denmark</b>	Kodex VII – "Seven Key Duties for Civil Servants in Central Government"
Northern Europe	<b>Denmark</b>	Beneficial Ownership Disclosure
Northern Europe	<b>Denmark</b>	Code of conduct "Good Conduct in the Public Sector"
CEE	<b>Estonia</b>	Local government corruption risk assessment web environment
CEE	<b>Estonia</b>	Public Procurement Register and e-catalogue
CEE	<b>Estonia</b>	Whistleblowing and conflict of interest workshops for business organisations organised by the TI Estonia
CEE	<b>Estonia</b>	Cooperation and consultations between public and civic organisations (TI Estonia, Institute of Internal Auditors Estonia, universities, and high schools) in planning and executing awareness raising activities to detect and avoid corruption:
CEE	<b>Estonia</b>	Web-based corruption awareness-raising training materials financed by the Ministry of Justice
CEE	<b>Estonia</b>	Open Tender Estonia
Northern Europe	<b>Finland</b>	Regional open government and open leadership tours
Northern Europe	<b>Finland</b>	Manual "Corruption and ethics in the municipality"
Northern Europe	<b>Finland</b>	Finnwatch

Region	Country	Name
Northern Europe	<b>Finland</b>	Awareness raising campaign ‘Say no to corruption’
Northern Europe	<b>Finland</b>	The new Government Programme’s Action Plan against the Shadow Economy and Economic Crime
Northern Europe	<b>Finland</b>	Finnish National Dialogues
Western Europe	<b>France</b>	Open data clause to local public procurement contracts
Western Europe	<b>France</b>	System of interest declarations
Western Europe	<b>France</b>	Generic government open data strategy
Western Europe	<b>France</b>	Visualisation of corruption
Western Europe	<b>France</b>	The High Authority for Transparency (HATVP) events for data scientists
Western Europe	<b>Germany</b>	Transparency legislation at Länder level
Western Europe	<b>Germany</b>	Online anonymous (encrypted) whistleblower portal
Western Europe	<b>Germany</b>	Guidelines for the prevention of corruption in public procurement at the local level
Western Europe	<b>Germany</b>	Central Register of Bank Accounts
Western Europe	<b>Germany</b>	Staff rotation principle in the German Civil Service
Western Europe	<b>Germany</b>	Specialised authorities for public procurement
Western Europe	<b>Germany</b>	Engagement of tax authorities in uncovering foreign bribery due to strong and clear reporting obligation
Western Europe	<b>Germany</b>	Alliance for Integrity, initiated by the Ministry for Economic Cooperation and Development
Southern Europe	<b>Greece</b>	Press Law Amendment
Southern Europe	<b>Greece</b>	National Strategy and the National Anti-Corruption Action Plan
Southern Europe	<b>Greece</b>	Technical Support on Anti-Corruption in Greece: Greece-OECD Project
Southern Europe	<b>Greece</b>	General Secretariat against Corruption & National Transparency Authority
Southern Europe	<b>Greece</b>	Law 4304/2014 for the “Audit of financial and political parties and elected members in the Hellenic and the European Parliaments and other provisions” & Law 4472/2017 on “Combatting corruption, reinforcing transparency and audit of the finances of the political parties and the elected members of Hellenic and European Parliament”
CEE	<b>Hungary</b>	Application Service Provider system to local governments

Region	Country	Name
CEE	<b>Hungary</b>	Electronic tools to prevent tax evasion and simplify administrative services: online cash registers, the Electronic Public Road Transportation Control System, simple online tax declarations prepared by the Tax and Customs Authority
CEE	<b>Hungary</b>	Integrity management, dissemination of code of ethics and integrity-related education in the public administration
Western Europe	<b>Ireland</b>	Review of anti-corruption and anti-fraud structures in criminal justice enforcement (ongoing)
Western Europe	<b>Ireland</b>	Review of structures and strategies to prevent, investigate and penalise economic crime and corruption
Southern Europe	<b>Italy</b>	OpenCoesione Strategy, online database & OpenCUP Portal – National registry of public investment projects
Southern Europe	<b>Italy</b>	Risk map of the Prefecture of Isernia
Southern Europe	<b>Italy</b>	Open data portal & Data4all initiative
Southern Europe	<b>Italy</b>	Framework agreements: Consip's "meet or beat" rule
Southern Europe	<b>Italy</b>	Promotion of a culture of legality at public administrations of regions
Southern Europe	<b>Italy</b>	National Anti-Corruption Plan & Three-Year Corruption and Transparency Prevention Program
Southern Europe	<b>Italy</b>	Local level three-year corruption prevention and transparency plan
Southern Europe	<b>Italy</b>	Local level three-year corruption prevention and transparency plan (Campania) & annual reports of the manager of corruption prevention
Southern Europe	<b>Italy</b>	TI Integrity Pacts
Southern Europe	<b>Italy</b>	Three-Pillar Anti-Corruption Strategy
Southern Europe	<b>Italy</b>	Law on whistleblowing
Southern Europe	<b>Italy</b>	Interinstitutional Anti-Corruption Coordination Table
Southern Europe	<b>Italy</b>	Monitoring of financial flows in public constructions
Southern Europe	<b>Italy</b>	Law on Measures to Combat Crimes Against the Public Administration, as well as on the Statute of Limitations for Crimes and the Transparency of Political Parties and Movements
Southern Europe	<b>Italy</b>	Administrative Cooperation Arrangement
Southern Europe	<b>Italy</b>	Integrity Watch
CEE	<b>Latvia</b>	Competition-based selection of the Prosecutor General
CEE	<b>Latvia</b>	Basic Requirements of the Internal Control System
CEE	<b>Latvia</b>	CPCB: The Corruption Prevention and Combating Bureau

Region	Country	Name
CEE	<b>Lithuania</b>	Pilot consultations organised by the Office of the Government
CEE	<b>Lithuania</b>	More transparency and good governance in state-owned enterprises, an initiative that was implemented after OECD recommendations.
CEE	<b>Lithuania</b>	Special Investigative Service (SIS) assessment of the anti-corruption architecture
CEE	<b>Lithuania</b>	Centralised open data portal by the Information Society Development Committee
CEE	<b>Lithuania</b>	Application Free Data
CEE	<b>Lithuania</b>	"Jonvabalai" transparency initiative
CEE	<b>Lithuania</b>	Ex-post evaluation in a legislative process cycle
CEE	<b>Lithuania</b>	AML Centre of Excellence
CEE	<b>Lithuania</b>	Corruption risk analysis and development of Anti-Corruption Strategy
CEE	<b>Lithuania</b>	Cooperation with the Financial Crime Investigation Service
CEE	<b>Lithuania</b>	Anti-Corruption Handbook for Business
Western Europe	<b>Luxembourg</b>	Access to information & direct access to government officials
Western Europe	<b>Luxembourg</b>	Website <a href="http://www.budget.public.lu">www.budget.public.lu</a>
Western Europe	<b>Luxembourg</b>	Study materials for ethical conduct training on the Intranet of the Grand Ducal Police
Southern Europe	<b>Malta</b>	The Commissioner for Standards in Public Life
CEE	<b>Poland</b>	Online consultation conferences
CEE	<b>Poland</b>	Jawnylobbying.org (transparentlobbying.org) portal, created by the Frank Bold Foundation
CEE	<b>Poland</b>	Compliance and whistle-blower protection standards for the private sector
CEE	<b>Poland</b>	Risk Barometer of Fraud in Public Procurement (Barometr Ryzyka Nadużyć w Zamówieniach Publicznych)
SWE	<b>Portugal</b>	TI Integrity Pact with the Directorate-General for Cultural Heritage
CEE	<b>Romania</b>	Interactive map of best anti-corruption practices at local and regional level
CEE	<b>Romania</b>	Transparenta bugetara, two-year fiscal budgetary strategy and Romanian Fiscal Council
CEE	<b>Romania</b>	PREVENT System, developed by the National Integrity Agency (NIA)
CEE	<b>Romania</b>	Self-assessment and internal integrity plans of public institutions
CEE	<b>Romania</b>	Romanian National Anti-Corruption Directorate
CEE	<b>Romania</b>	ANI FOR REAL (EN) / ANI PE BUNE (RO)
CEE	<b>Romania</b>	Investigative journalism of Press ONE and series of articles by Emilia Sercan
CEE	<b>Slovakia</b>	The register of Public Sector Partners (Act no. 315/2016 Coll. on the Register of Public Sector Partners)
CEE	<b>Slovakia</b>	CRZ Public Contract Registry
CEE	<b>Slovakia</b>	Central purchasing for hospitals
CEE	<b>Slovakia</b>	Public hearing of candidates for public positions
CEE	<b>Slovakia</b>	Corruption prevention department & anti-corruption policy

Region	Country	Name
CEE	<b>Slovakia</b>	Anti-corruption e-learning programme
CEE	<b>Slovakia</b>	Online coverage of parliamentary committee meetings
CEE	<b>Slovakia</b>	A number of third sector, media, and government initiatives
SEE	<b>Slovenia</b>	Supervizor / ERAR / STATIST online tools
SEE	<b>Slovenia</b>	TI Integrity Pacts
SEE	<b>Slovenia</b>	Parlameter (municipal)
SWE	<b>Spain</b>	Network of Spanish local anti-corruption authorities
Northern Europe	<b>Sweden</b>	Swedish Anti-Corruption Institute (Institutet Mot Mutor)
Northern Europe	<b>Sweden</b>	Social Building Sector Ethical Council - The ethical initiative of the construction industry
Western Europe	<b>The Netherlands</b>	The amended initiative Bill Open Government (Woo-Wet open overheid)
Western Europe	<b>The Netherlands</b>	National Integrity System
Western Europe	<b>The Netherlands</b>	The integrated approach to fighting subversive crime

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