



**Doc. 13228 – Compendium of written amendments**

**(Final version)**

**Corruption as a threat to the rule of law**

<b>Contents</b>	<b>Page</b>
A. Draft Resolution .....	2
B. Draft Recommendation .....	6

## A. Draft Resolution

1. The Parliamentary Assembly recognises that corruption remains a major problem in Europe, which poses a serious threat to the rule of law.
2. Corruption jeopardises the good functioning of public institutions and diverts public action from its purpose, which is to serve the public interest. It disrupts the legislative process, affects the principles of legality and legal certainty, introduces a degree of arbitrariness in the decision-making process and has a devastating effect on human rights. Furthermore, corruption undermines citizens' trust in the institutions.
3. The Council of Europe, its Parliamentary Assembly and its member States must be in the forefront of the fight against corruption.
4. The Assembly, recalling, inter alia, its recommendations and resolutions on fighting corruption (Resolution 1214 (2000)), good practice in electoral matters and concerning political parties (Resolution 1264 (2001) and Resolution 1546 (2007)), conflict of interest (Resolution 1554 (2007)), the state of democracy and human rights in Europe (Resolution 1547 (2007) and Recommendation 1791 (2007)) and lobbying in a democratic society (European code of good conduct on lobbying) (Recommendation 1908 (2010)), welcomes the Council of Europe's efforts in this field. In particular, it welcomes the intensified implementation of the Criminal Law Convention on Corruption (ETS No. 173), its additional protocol (ETS No. 191) and the Civil Law Convention on Corruption (ETS No. 174). It calls on Council of Europe member States which have not yet signed or ratified these legal instruments to do so without delay.
5. The Assembly also welcomes the work carried out by the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and urges the Council of Europe member States to implement their recommendations and to encourage non-member States and other relevant institutions to do likewise. The Assembly further calls on parliaments to contribute to the implementation of these recommendations by setting up specific parliamentary scrutiny procedures.

### **Amendment 2** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, paragraph 3, replace the words "must be in the forefront" with the following words: "must remain at the forefront".*

### **Amendment 3** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, after paragraph 4, insert the following paragraph:*

*"The Assembly welcomes the decision of the Secretary General of the Council of Europe to make the fight against corruption one of the priority activities of the Council of Europe for 2014-2015, also as part of a broader effort to restore public confidence in the efficiency of democratic institutions."*

### **Amendment 4** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, paragraph 5, at the end of the last sentence, add the following words: ", with special emphasis on the implementation of recommendations emanating from GRECO's Fourth Evaluation Round focusing on corruption prevention in respect of members of parliament, judges and prosecutors."*

**Amendment 5**  
**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, at the end of paragraph 5, add the following sentence: "The Assembly welcomes GRECO's intention to address the gender dimension of corruption and to mainstream gender equality into its anti-corruption monitoring activities, as a part of the overall effort to strengthen democracy, the rule of law and human rights for the benefit of all."*

6. The Assembly invites all Council of Europe member States to step up international co-operation in the fight against corruption, including by:
  - 6.1. co-operating more efficiently in following the "money trail" left by electronic transfers of funds, with a view to helping each other recuperate funds generated by corrupt practices;
  - 6.2. taking vigorous action against banks, which still aid and abet corrupt practices by assisting perpetrators in hiding and laundering their illegal profits;
  - 6.3. take vigorous action against the accrual of illegal gains.
7. The Assembly also invites all member States to review their legislation concerning the fight against corruption, keeping in mind the following guiding principles:
  - 7.1. All acts of active and passive corruption shall be incriminated. Offences relating to corruption shall be clearly defined and distinguished from other offences, such as abuse of power or abuse of authority.
  - 7.2. The legislation shall ensure the independence of the judiciary through transparent appointment and promotion procedures and, if need be, the use of appropriate disciplinary measures, applied by bodies free from political interference and other undue influence.
  - 7.3. The legislation shall ensure a maximum of transparency in political, administrative and economic life, through:
    - 7.3.1. the publication of information on the identity of owners and managers of legal persons, or similar structures, and on transfers of funds abroad, in particular to notorious tax havens;
    - 7.3.2. strengthening the information rights of minority shareholders in private companies and the democratic accountability for the management of publicly owned companies;
    - 7.3.3. a determined crackdown on insider trading and other forms of abuse of inside knowledge obtained by politicians, civil servants and members of supervisory bodies;
    - 7.3.4. the adoption and general implementation of sound rules on the declaration of assets, income and financial and other interests by members of government and

parliament, by leaders of political parties and political movements and by civil servants, judges and prosecutors, and the setting up of independent supervisory bodies and the regulation of lobbying activities;

- 7.3.5. facilitating the confiscation of assets of natural or legal persons or similar structures who are unable to establish, on a legally sound basis, that they were obtained legally.

8. The Assembly stresses that the necessary legislative improvements must be accompanied by an evolution of the general cultural attitude towards corruption, which must be clearly recognised as an intolerable practice and a major threat to the rule of law.

9. The Assembly, recalling its Resolution 1214 (2000), asks once again its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to assess the progress made in the fight against corruption, considering corruption's negative impact on the upholding of the Council of Europe's standards by its member States.

10. It recognises the important role of the media and non-governmental organisations in contributing to the evolution of the general attitude towards corruption and in tracking and denouncing this phenomenon.

**Amendment 1**

**Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Mr Serhii SOBOLIEV, Mr Kimmo SASI, Mr Giorgi KANDELAKI**

*In the draft resolution, at the end of paragraph 7.3.5, add the following words: ", including of non-residents who must prove the legal basis of their income in their state of origin for the purchased assets."*

**Amendment 6**

**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, at the end of paragraph 8, add the following sentence: "The Assembly is committed to continuing to detect new trends regarding transparency and corruption risks in parliaments, in partnership with non-governmental organisations (NGOs) and civil society, and to providing national parliaments with suitable safeguards."*

**Amendment 7**

**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, after paragraph 8, insert the following paragraph:*

*"The Assembly decides to further strengthen its co-operation with GRECO in order to improve the implementation of the recommendations contained in its reports on the observation of elections, notably through a better exchange of information regarding regulation and practice relating to the financing of election campaigns."*

11. In order to set a good example, the Assembly resolves to pay special attention to the effective implementation of its own code of conduct.

**Amendment 8**  
**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, at the beginning of paragraph 11, insert the following sentence: "The Assembly recalls that the respect of the principle of leadership and duty of exemplarity incumbent on members of the Assembly would represent a small but essential step towards restoring confidence in democratic institutions."*

**Amendment 9**  
**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft resolution, after paragraph 11, insert the following paragraph:*

*"The Assembly resolves to strengthen the interparliamentary dimension of the fight against corruption, by promoting a co-operation platform with the aim of: – promoting the ratification and implementation of Council of Europe conventions and recommendations on the fight against corruption, in particular GRECO recommendations, among national parliaments; – taking stock of national anti-corruption initiatives, sharing good practices and brainstorming together on new working methods and approaches to tackling corruption effectively; – collecting information about the ongoing activities of the Council of Europe anti-corruption bodies, the initiatives of other key international players in the anti-corruption field, and statistical and correlation data from NGOs and civil society related to a given country or corruption trends in specific areas."*

## B. Draft Recommendation

1. The Parliamentary Assembly, referring to its Resolution ... (2013) on corruption as a threat to the rule of law, stresses the paramount importance of strengthening the fight against corruption, which is a major threat to the rule of law.
2. The Assembly recommends that the Committee of Ministers invite member and observer States of the Council of Europe to examine their existing legislation on the fight against corruption and its implementation, with a view to assessing its conformity with the guiding principles set out in Resolution ... (2013).

### **Amendment 10** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft recommendation, paragraph 2, replace the words "The Assembly recommends that the Committee of Ministers" with the following words: "For years, the Committee of Ministers and the Parliamentary Assembly have been demonstrating a strong political determination to fight corruption. Therefore, the Assembly recommends that the Committee of Ministers".*

### **Amendment 11** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft recommendation, after paragraph 2, insert the following paragraph:*

*"In order to respond effectively to today's and tomorrow's challenges, it also invites the Committee of Ministers to reassess and consolidate the Council of Europe strategy in the field of the fight against corruption, which represents a core area and key strength of the Organisation, by: – taking stock of current achievements and pitfalls, clearly identifying priorities for action and measuring their implementation; – empowering relevant Council of Europe bodies such as GRECO to contribute to the effective implementation of the new strategy, by revising its mandate if need be; – mainstreaming anticorruption in various Council of Europe activities and programmes, such as education for democratic citizenship, social cohesion, media, sport, etc."*

### **Amendment 12** **Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft recommendation, after paragraph 2, insert the following paragraph:*

*"Moreover, it invites the Committee of Ministers to carry out a comprehensive evaluation of the existing co-operation between the Council of Europe and other international organisations, such as the United Nations, the Organisation for Economic Co-operation and Development*

(OECD) and the European Union, with a view to creating new synergies and avoiding a potential overlapping of activities."

**Amendment 13**  
**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft recommendation, after paragraph 2, insert the following paragraph:*

*"The Assembly asks the Committee of Ministers to consolidate further the co-operation between the European Union and the Council of Europe in the fight against corruption, in particular by inviting the European Union to join the Criminal Law Convention on Corruption (ETS No. 173) and speeding up the negotiations on the participation of the European Union in the Group of States against Corruption (GRECO), in order to contribute to more co-ordinated anti-corruption policies in Europe. Moreover, recalling its Opinion 284 (2013) on budgets and priorities of the Council of Europe for the biennium 2014-2015, the Assembly asks the Committee of Ministers to ensure that joint programmes are further developed, are based on a suitable and stable system of financing and include a parliamentary dimension."*

3. It further recommends that the Committee of Ministers draw up a set of guidelines for codes of conduct and ethics for public officials, in conformity with the guiding principles set out in Recommendation 1908 (2010) on lobbying in a democratic society (European code of good conduct on lobbying).
4. It invites the Committee of Ministers to instruct the Secretary General of the Council of Europe to ensure that the training programmes implemented by Council of Europe bodies include curricula specifically dedicated to the fight against corruption.
5. Furthermore, the Assembly urges the Committee of Ministers to address a recommendation to the member States calling on them to implement without delay the recommendations of the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

**Amendment 14**  
**Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs**

*In the draft recommendation, after paragraph 5, insert the following paragraph:*

*"Finally, having regard to the growing need for a Europe-wide regulatory framework in respect of lobbying, the high level of expertise of the Council of Europe's specialised bodies, the extensive studies already carried out and the solid data collected by them on lobbying, the Assembly invites the Committee of Ministers to launch a feasibility study on lobbying in the light of which a further standard-setting work could be considered. This would be an excellent opportunity for the Council of Europe to take a*

*leading role and gain in visibility as the guardian of human rights and democratic values."*

**Sub-amendment 1 to amendment 14  
Tabled by the Committee on Legal Affairs  
and Human Rights**

*In amendment 14, replace the words "after paragraph 5" with the following words: "before paragraph 5" and delete the word "Finally".*