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REPORT

on the initiative by the Federal Republic of Germany with a view to the adoption of a Council decision on a contact-point network against corruption (11231/2007 – C6-0240/2007 – 2007/0809(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Hubert Pirker

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the initiative by the Federal Republic of Germany with a view to the adoption of a Council decision on a contact-point network against corruption (11231/2007 – C6-0240/2007 – 2007/0809(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative by the Federal Republic of Germany (11231/2007),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0240/2007),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0174/2008),
1. Approves the initiative by the Federal Republic of Germany as amended;
 2. Calls on the Council to amend the text accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Federal Republic of Germany substantially;
 5. Instructs its President to forward its position to the Council and the Commission, and the government of the Federal Republic of Germany.

Text proposed by the Federal Republic of
Germany

Amendments by Parliament

Amendment 1 Article 1

In order to improve cooperation between

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authorities and agencies to prevent and combat corruption in Europe a network of contact points of the Member States of the European Union shall be set up (hereinafter referred to as the "network"). The *European* Commission, Europol and Eurojust shall be fully associated with the activities of the Network.

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Justification

One of the main objectives of OLAF is to fight against corruption in connection with the Community budget. For this reason OLAF should be an integral part of this network.

Amendment 2 Article 2

The network shall consist of authorities and agencies of the Member States of the European Union charged with preventing or combating corruption. The members shall be designated by the Member States. The Member States shall each designate at least one, but not more than three organisations. The *European* Commission shall designate its representatives. Within their respective competencies, Europol and Eurojust ***may*** participate in the activities of the Network.

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Justification

One of the main objectives of OLAF is to fight against corruption in connection with the Community budget. For this reason OLAF should be an integral part of this network. In order to create a well-founded network the experience and know-how of Europol and Eurojust are indispensable. Therefore, these two should be integral parts of this network as well, which is why the rapporteur asks for their participation to be mandatory.

Amendment 3 Article 3, paragraph 1, point 1 a (new)

(1a) it shall provide the Commission and the European Parliament on a yearly basis with a report on its findings under Article (3)(1)(1), including concrete proposals on the prevention and combating of corruption;

Justification

Given that there is an absence of any review mechanism in this proposal it is desirable that the network would at least report on its activities and come up with concrete proposals on the prevention of corruption.

Amendment 4
Article 3, paragraph 2

2. The members of the network shall, for the accomplishment of their tasks, meet ***as often as necessary, but*** at least once a year.

2. The members of the network shall, for the accomplishment of their tasks, meet at least once a year.

Justification

This wording is superfluous.

Amendment 5
Article 5, paragraph 1

1. The network shall organise itself, ***building*** upon existing informal collaboration between the EPAC.

1. The network shall organise itself ***under the chairmanship of the relevant Council Presidency, and build*** upon existing informal collaboration between the EPAC.

Justification

In the absence of the secretariat of its own, a contact point within the Council is desirable for effective functioning of this network as well as its coordination.

Amendment 6
Article 5, paragraph 2

2. The ***Member States and the European Commission*** shall bear all expenses of ***the*** members or representatives ***designated by them***. The same rule shall apply to Europol

2. The Commission shall bear all expenses of ***its*** members or representatives designated by ***it as well as the expenses of members or representatives designated by***

and Eurojust.

the Member States. The same rule shall apply to **OLAF**, Europol and Eurojust.

Justification

In order to ensure a European spirit and independence of the network and that the representatives of each Member State have the opportunity to participate in the activities of the network the costs of all of its members should be borne from the Community budget, for example through the HERCULE II programme.

EXPLANATORY STATEMENT

The rapporteur is of the opinion that the idea to set up a contact-point network against corruption is good in principle. This would fit with the general objective to develop a freedom, security and justice area as stated in the 2005 Hague programme. It is welcomed that this initiative to set up such a network counts with the already existing agencies and bodies in the Member States.

The current proposal from the Council can however only be considered a minimum model for cooperation. Indeed, if it is just an organisational question such issues could be dealt with by a working group in the Council or the Commission as it is the case with many other working groups having comparable objectives and structures. In its current shape it does not merit its approval.

In order to strengthen this idea of closer cooperation in anti-corruption there are a number of amendments to the Council text.

Given that the nature of the national structures of the anti-corruption agencies and bodies vary as well as its independence from their respective governmental structures the rapporteur is of the opinion that the participation of the representatives of those agencies should be borne by the Community budget. He is also of a strong opinion that the full participation of OLAF in the network is crucial.

Annual reporting to the Commission and the European Parliament is essential in order to get a feed back of its activities and suggestions of how to improve the prevention and combating of corruption. This should be organised by the Presidency of the Council.

Should these amendments not be included in the report, the rapporteur does not see the point of giving his approval to this proposal as presented by the Council.

PROCEDURE

Title	Contact-point network against corruption
References	11231/2007 – C6-0240/2007 – 2007/0809(CNS)
Date of consulting Parliament	24.7.2007
Committee responsible Date announced in plenary	LIBE 3.9.2007
Committee(s) asked for opinion(s) Date announced in plenary	CONT 3.9.2007
Not delivering opinions Date of decision	CONT 11.10.2007
Rapporteur(s) Date appointed	Hubert Pirker 17.12.2007
Previous rapporteur(s)	Barbara Kudrycka
Discussed in committee	22.1.2008 6.5.2008
Date adopted	6.5.2008
Result of final vote	+: 35 -: 0 0: 0
Members present for the final vote	Alexander Alvaro, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giusto Catania, Jean-Marie Cavada, Elly de Groen-Kouwenhoven, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Armando França, Urszula Gacek, Kinga Gál, Roland Gewalt, Jeanine Hennis-Plasschaert, Livia Járóka, Ewa Klant, Magda Kósáné Kovács, Stavros Lambrinidis, Henrik Lax, Claude Moraes, Martine Roure, Inger Segelström, Csaba Sógor, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Sylvia-Yvonne Kaufmann, Marianne Mikko, Bill Newton Dunn, Nicolae Vlad Popa, Stefano Zappalà
Substitute(s) under Rule 178(2) present for the final vote	Jas Gawronski