

Report on the anti-corruption strategy in the EU

PROGRESS, CHALLENGES, AND THE PATH FORWARD

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INTRODUCTION

Recognising that corruption remains a significant obstacle to governance, economic stability, and public trust across the European Union, the European Commission introduced a comprehensive anti-corruption package in May 2023 that establishes a harmonised framework for defining corrupt-related offences, harmonising sanctions, emphasising prevention and fostering, closing legal loopholes and foster cooperation among Member States.

Grounded in Articles 82 and 83 of the Treaty on the Functioning of the European Union, a new Directive addresses the fragmented legislative landscape among Member States and comes at a time when public trust in institutions is strained, and coordinated action against corruption is more urgent than ever.

The proposal builds on existing EU anti-corruption mechanisms in line with the United Nations Convention Against Corruption (UNCAC) recommendations and standards set by the Organisation for Economic Co-operation and Development (OECD). Still, it extends its reach, emphasising preventive measures and stricter enforcement.

Disparities in how Member States define and address corruption have long hindered the EU's collective efforts to combat this issue. The proposal provides a unified definition of corruption encompassing active and passive bribery, embezzlement, influence peddling, obstruction of justice and abuse of power, covering both public and private sectors. This approach is crucial for addressing cross-border corruption cases, historically creating loopholes in judicial cooperation and enforcement. Furthermore, the Directive broadens the scope of corruption to include modern practices, such as sextortion and corporate collusion, reflecting the evolving nature of corrupt activities.

One of the Directive's key pillars is the emphasis on prevention. Member States are required to adopt comprehensive anti-corruption strategies tailored to their specific contexts that must include mechanisms for transparency in public administration, integrity in procurement processes, and education and training campaigns to foster a culture of accountability among public officials and private sector employees. In the private sector, the Directive mandates implementing compliance programs in business designed to prevent corruption within companies. This includes training employees and establishing clear reporting channels. The Directive also encourages partnerships between public institutions and private organisations to promote best practices in governance and anti-corruption efforts and a culture of integrity and accountability across sectors.

The Directive establishes minimum penalties for corruption-related offences, ensuring consistent law enforcement. These penalties apply to individuals and entities, reflecting the seriousness of such crimes. The Directive also provides guidelines for confiscating assets derived from corrupt practices, ensuring that offenders do not benefit financially. In this way, the EU aims to create a level playing field and reinforce public confidence in the rule of law.

Judicial cooperation is also a cornerstone of the proposal since corruption often transcends national borders. The Directive facilitates the exchange of information and evidence among Member States, supported by tools such as the European Public Prosecutor's Office (EPPO), the creation of shared databases for tracking and managing corruption cases, and the availability of digital platforms for real-time communication between judicial authorities. This cross-border collaboration and the exchange of information is essential for addressing corruption in cases involving multiple jurisdictions and aims to eliminate procedural bottlenecks.

The Directive includes robust provisions to protect whistleblowers. It builds on the Whistleblower Protection Directive (2019/1937), ensuring confidentiality, safeguards against retaliation, and accessible reporting channels. These measures are crucial for encouraging individuals to come forward without fear of reprisal. The Directive includes the establishment of independent bodies to manage whistleblower reports and provide accessible channels to all, as well as the provision of financial and legal support to those who expose corruption and public awareness campaigns to reduce the stigma associated with whistleblowing. By institutionalising these protections, the EU aims to create an environment where transparency is encouraged, and wrongdoing can be reported without hesitation.

Transparency is another fundamental principle of the Directive. Effective implementation requires ongoing monitoring and evaluation. Member States must submit regular progress reports to the European Commission detailing their compliance with the Directive's provisions. The Commission, in turn, will publish periodic reviews to assess the Directive's impact and recommend adjustments. Member States must implement measures that ensure the public has access to information about government activities, including budgets, procurement processes, and the outcomes of corruption investigations.

Civil society organisations (CSOs) and independent oversight bodies are key in monitoring the Directive's implementation. Their involvement ensures accountability and provides an additional layer of scrutiny. Citizen involvement in monitoring governance, such as through participatory budgeting or watchdog organisations, is encouraged to promote accountability at all levels. Public awareness campaigns, educating citizens about their rights, and the importance of reporting corruption fosters a culture of integrity.

Civil society initiatives that mobilise for greater transparency are becoming increasingly numerous. With the new generation firmly believing in the values of European citizenship, there is also a justified and growing demand for accountability and transparency from all European actors: corruption is increasingly perceived as occurring at high levels, distant from citizens, and corruption scandals risk to erode citizens' trust in institutions.

For this reason, numerous associations are increasingly joining forces in European networks to act at the European level. This is evidenced not only by well-known and established actors such as Transparency International but also by new networks like CHANCE - Civil Hub Against organised Crime in Europe, which aims to bring together the many and diverse realities of civil society to

combat cross-border corruption and criminal phenomena that undermine European democracy. These networks enable the development of synergies among actors that are not always encouraged at the national level. They provide a safe space for exchanging information, best practices, and training opportunities. They facilitate the creation and development of joint projects and advocacy actions that reflect collective national needs within a European vision.

CSOs and their networks play a fundamental role in maintaining focus, fostering awareness, and, above all, keeping alive the civic will and commitment of the hundreds of thousands of citizens who volunteer their time to fight corruption and protect the rule of law.

Educational initiatives addressing corruption are relatively rare in Europe, reflecting the limited perception of corruption as a societal problem. However, there are remarkable positive examples of training programs aimed at fostering integrity and awareness among younger generations. The MoMoEU project (More Monitoring Action in the EU), led by the mafianeindanke association and supported by the CHANCE network, is one such initiative where interactive educational tools, such as escape games and digital resources, are used to engage young people and youth workers in discussions about transparency and accountability. Projects like MoMoEU demonstrate the potential for innovative approaches to anti-corruption education in Europe. With increased support and resources, initiatives like this could achieve a broader impact, fostering a stronger culture of transparency and accountability among younger generations.

The Directive will require significant adjustments to national legislation in many Member States. Countries with decentralised governance systems may face challenges in harmonising their laws and practices with the EU's requirements, for example, when updating national legislation to align with the Directive's provisions, allocating financial and administrative resources for preventive measures, or balancing national sovereignty with EU-wide harmonisation. However, the Directive provides a roadmap for addressing systemic weaknesses and aligning with international standards.

We now review the anti-corruption strategies of Belgium, Germany, Malta, and Spain as examples of Member States with different legislation and corruption practices where the Directive will have to be transposed and implemented.

Belgium

Belgium is a founding member of the Group of States against Corruption (GRECO), which evaluated the country during its fifth evaluation round, focusing on corruption prevention in central governments and law enforcement. GRECO issued 22 recommendations, of which Belgium has fully implemented only six. Partially implemented recommendations include the development of a coordinated anti-corruption strategy, the establishment of ethical frameworks for ministers and strategic body members and the better transparency and supervision of law enforcement agencies. Belgium's slow progress and lack of resources for internal controls remain significant gaps and the anti-corruption strategy requires significant improvement. A progress report is due by March 2025.

Additionally, Belgium joined the Network of European Integrity and Whistleblowing Authorities (NEIWA) in April 2024. This platform facilitates expertise sharing on whistleblower protections, marking progress in implementing the EU Whistleblowing Directive.

Despite ongoing reforms, including updates to the Penal Code, progress has been slow and fragmented. The absence of a unified strategy and limited awareness campaigns have hindered efforts to combat corruption effectively. Civil society plays a modest role, leaving investigative journalism as a primary civil driver in uncovering corruption cases.

Institutional Framework and Legal Developments

Belgium's anti-corruption framework is grounded in the 1999 Penal Code, amended in 2007 to address public and private corruption. Additional legislation addresses related crimes such as embezzlement, coercion, misappropriation of funds, and breaches of communication secrecy. Key developments include: the whistleblower protections (Law of 2022) in the private sector and federal public institutions in alignment with Directive (EU) 2019/1937, a new Penal Code (published in April 2024 and set to take effect in April 2026) with the aim to harmonise Belgium's fragmented legal framework and reflecting contemporary ethical and legal standards, and a strategy on "Ethics and Integrity" within public and private organisations, addressing conflicts of interest, post-employment checks, and revolving doors (the 2023 Royal Decree and the 2024 circular). While these measures indicate progress, GRECO urged to accelerate Belgian efforts towards a comprehensive anti-corruption strategy.

The anti-corruption framework operates across both federal and regional levels, with several key institutions playing distinct roles. At the federal level, the Central Office for the Suppression of Corruption (OCRC) spearheads law enforcement efforts to combat corruption, while the Federal Ombudsman addresses complaints and ensures transparency in administration. The Federal Institute of Human Rights (IFDH) works to uphold ethical standards, and FPS Policy and Support (BOSA) focuses on fostering integrity within the public sector. On a regional scale, ombudsmen in Brussels, Wallonia, and Flanders mediate citizen grievances and advocate for greater transparency in governance.

Role of Civil Society and Investigative Journalism

CSOs and investigative journalism play a crucial role in combating corruption in Belgium. Transparency International Belgium, a leading anti-corruption CSO, highlights alarming trends such as Belgium's stagnation on the Corruption Perceptions Index, where it scores 73. Among the challenges, it highlights drug-related corruption at Antwerp's port and the Qatargate scandal. Also it criticises the government's complacency and advocates for transparency, accountability, and protections for whistleblowers.

BASTA! Belgian Antimafia, a social anti-mafia association established in 2013 and founding member of the European anti-mafia network CHANCE, works to raise awareness of corruption and organised crime. Through initiatives such as International Anti-Corruption Day, and with the help of the CHANCE network, BASTA! promotes whistleblower protections, transparency, and community-driven oversight of public spending. Other organisations, like Transparencia and Cumuleo, contribute by facilitating public access to government information and monitoring public officials' roles and mandates. In doing so, they foster accountability and promote integrity and transparency.

Investigative journalists in Belgium also play a vital role by uncovering corruption and abuses of power, often prompting judicial investigations. However, their ability to carry out in-depth reporting is increasingly under threat from profit-driven media management and the rise of disinformation campaigns.

Opportunities and Recommendations

Belgium can adopt a multifaceted approach involving institutions, CSOs, and the private sector to address these challenges.

- 1. Adopt a Comprehensive National Strategy:** Develop and implement a National Anti-Corruption Strategy by 2025, aligning with GRECO recommendations and the EU Anti-Corruption Package (2023). This strategy should be developed collaboratively with academia, CSOs, and journalists, ensuring alignment with the National Asset Recovery Strategy due by 2027.
- 2. Raise Awareness Through Communication: Launch** a robust communication plan targeting diverse stakeholders, including youth, academia, public officials, and private entities. This plan should disseminate accessible information on anti-corruption measures, whistleblowing mechanisms, and integrity practices.
- 3. Integrate Anti-Corruption into Education:** Incorporate ethics, integrity, and anti-corruption topics into national curricula. Support universities in conducting anti-corruption research and promoting the UNODC University Modules.
- 4. Strengthen Whistleblower Protections:** Enhance protections for individuals reporting corruption, ensuring anonymity, legal safeguards, and support mechanisms.

5. **Promote Public-Private Partnerships:** Encourage collaboration between government and private entities to address corruption in high-risk sectors, such as Antwerp's port.
6. **Empower Civil Society Organizations:** Formally recognise CSOs' roles in raising awareness, monitoring public spending, and fostering integrity. Provide funding to support their initiatives and involve them in policy development.
7. **Support Investigative Journalism:** Strengthen freedom of expression and promote partnerships between media outlets, CSOs, and academia. Recognise journalism's vital role in exposing corruption and provide funding to protect independent reporting.

Collaboration and Partnerships

The anti-corruption efforts can benefit from stronger collaborations among key stakeholders like academia, law enforcement authorities, public administrations, CSOs, media and journalism. Indeed, initiatives like the Scholarly Hub on Organised Crime (SHOC) foster interdisciplinary research and practical solutions to the phenomena of corruption and organised crime. Examples such as BASTA!'s roundtables with the Municipality of Saint-Gilles demonstrate the potential of grassroots collaborations in fostering anti-corruption dialogue and initiatives.

A key role in reinforcing collaboration among stakeholders is played by EU-funded projects, which provide for and encourage this sort of collaborations. The EU-ISF project "PREVENT- Building capacity against high-risk criminal networks in the EU: from improved intelligence picture towards an integrated prevention approach" on organized crime and the "S-Info Project exploring synergies between journalists and CSOs to combat disinformation and promote transparency" are good examples of collaboration across Europe to fight corruption comprehensively.

Conclusion

The overall picture reveals that Belgium anti-corruption laws lack cohesion, resulting in inefficiencies and enforcement gaps. This is corroborated by GRECO's latest evaluation that underscores Belgium's sluggish progress in implementing key recommendations, particularly on strategy development and resource allocation for oversight.

Awareness campaigns are scarce and CSOs need more support and recognition, hindering their ability to drive systemic change. Investigative journalism remains a cornerstone of anti-corruption efforts, although increasingly undermined by external pressures and profit-driven priorities.

Belgium's journey to combat corruption requires urgent reforms and coordinated efforts. By adopting a comprehensive strategy, fostering collaboration, and empowering key stakeholders, it can address shortcomings and set a strong foundation for transparency, accountability, and integrity.

Germany

Germany's anti-corruption framework demonstrates considerable strengths, such as low levels of direct bribery and a solid international reputation. However, recent developments in European anti-corruption policies, including the EU's 2023 Anti-Corruption Package, expose significant gaps in Germany's legal and institutional responses.

National Commitment to Tackling Corruption

Germany's position in the Corruption Perceptions Index (CPI) reflects stability rather than progress. The country has consistently scored between 78 and 81 out of 100 over the last decade, ranking 9th globally in 2023. These results underline Germany's relatively clean public sector. However, the Global Corruption Barometer (GCB) reveals public concerns that corruption levels have stagnated or increased, with 26% of respondents perceiving a rise in corruption in 2021. Moreover, only 21% believe corrupt officials face adequate consequences, underscoring gaps in enforcement. In addition, Germany's ranking in the Financial Secrecy Index (FSI) has raised concerns about its role in global financial secrecy. Despite its strong CPI ranking, Germany's financial system facilitates some degree of opacity, especially in sectors like real estate and banking, which can be prone to money laundering and illicit financial flows. The FSI highlights Germany's vulnerabilities, particularly in the context of its real estate market and the limited transparency in beneficial ownership registries. This positions Germany in a paradox where it is perceived as one of the least corrupt countries globally yet still falls short in financial transparency—a critical component of tackling corruption.

The EU package emphasises combating strategic corruption, where foreign autocratic states exploit corruption to undermine Western democracies. Cases such as Russian influence via the Nord Stream project demonstrate Germany's vulnerability to these tactics. The Bundeslagebild 2023 highlights this issue domestically, reporting a 6.7% increase in corruption cases compared to 2022, with healthcare-related bribery and favouritism prominently featured.

Institutional Efforts to Combat Corruption

In recent years, Germany has implemented key reforms, such as the Lobby Register and whistleblower protection laws. Yet these measures fall short of EU standards. The Lobby Register and its weak enforcement mechanisms need more coverage for state-level and lower-level government officials. The EU package proposes harmonised lobbying regulations across member states, pushing Germany to expand the register's scope and establish an independent ethics body, a recommendation echoed by GRECO.

Germany's regulations on post-public service employment have been criticised for insufficient cooling-off periods and enforcement. For example, the role of former Chancellor Gerhard Schröder in Russian energy projects has highlighted the need for stricter controls to prevent conflicts of interest.

The EU package demands that member states strengthen such measures to align with international standards.

Moreover, Germany's criminal law on political corruption requires modernisation. The narrow scope of Section 108e of the Criminal Code (StGB), which governs bribery of parliamentarians, fails to meet EU guidelines. The EU Directive equalises criminalisation standards for public officials and parliamentarians, requiring Germany to expand its legal framework to include offences like trading in influence. This gap also applies to using intermediaries to secure illicit advantages, which Germany has yet to criminalise.

Role of Civil Society and External Measures

Civil society and investigative journalism are vital to uncovering corruption in Germany. Yet restricted access to the Transparency Register, following a 2022 EU court ruling, hampers these efforts. Civil society members and NGOs, such as Transparency International, have emphasised the need for public access to beneficial ownership data, a goal aligned with the EU package. Strengthening protections for journalists and whistleblowers is also critical to ensuring their ability to expose corruption.

The EU's innovative use of trade sanctions against severe corruption introduces a powerful tool for combating transnational corruption. These measures, which include freezing assets of individuals and entities involved in systemic corruption, aim to protect the integrity of EU member states. Germany must align with this approach by adopting corresponding legal and institutional frameworks.

The perception of corruption as a significant issue remains low among the general public in Germany, which limits broader engagement with the topic. Nevertheless, various organizations of different sizes and impacts actively address corruption and transparency concerns. Prominent examples include Transparency International Deutschland, which focuses on systemic corruption, and LobbyControl, which advocates for greater transparency in political lobbying. Other organizations, such as Open Knowledge Foundation Germany, contribute by promoting open government and public data accessibility. Smaller and more specialized groups like mafianeindanke and Eine Welt e.V. Leipzig work on specific issues, including organized crime and ethical education. These organizations demonstrate the diversity of approaches to anti-corruption advocacy, from policy reform to grassroots initiatives.

Investigative journalists in Germany play a crucial role in uncovering corruption and holding power to account. They are often the first to expose illicit practices, and their work has been instrumental in revealing corruption in both the public and private sectors. Investigative outlets like Correctiv and Der Spiegel have broken major stories related to corporate corruption, money laundering, and political scandals, often working in collaboration with international networks like the International Consortium of Investigative Journalists (ICIJ). Despite facing increasing challenges such as legal threats, surveillance, and financial pressures, journalists remain an essential pillar in

Germany's anti-corruption efforts. Their investigations not only expose wrongdoing but also prompt public debate and drive reform, underlining the importance of press freedom in combating corruption.

Recommendations

1. **Adopt a Comprehensive National Anti-Corruption Strategy:** Germany should create an integrated plan to address systemic corruption and foreign interference, aligning with EU recommendations and GRECO guidance.
2. **Strengthen Legal Frameworks:** To meet EU standards, expand Section 108e StGB to include broader definitions of political corruption, such as trading in influence and intermediary bribery.
3. **Enhance Institutional Oversight:** Extend the Lobby Register's scope to include lower-level officials and establish an independent ethics body to enforce lobbying transparency and integrity.
4. **Improve Transparency:** Restore public access to the Transparency Register and verify beneficial ownership data accurately.
5. **Implement EU-Aligned Sanctions:** Prepare legal mechanisms to utilise trade sanctions against transnational corruption, targeting individuals and entities threatening EU integrity and security.
6. **Bolster Enforcement and Accountability:** Strengthen non-conviction-based asset recovery mechanisms and enhance the prosecution of high-level corruption offences to improve public trust.

By addressing these areas, Germany can advance its anti-corruption efforts, meet the expectations of the EU's 2023 Anti-Corruption Package, and reinforce public trust in its institutions. Combining robust legal reforms with the active engagement of civil society and effective enforcement mechanisms will ensure a more transparent and accountable governance framework.

Malta

Malta's 51 (2024) score in Transparency International's Corruption Perception Index is unchanged from the previous year. It currently ranks 55th out of 180 countries, compared with 60 in 2015. The score has trended in decline, particularly since the 2016 Panama Papers revelations concerning top Maltese government officials and the assassination of anti-corruption journalist Daphne Caruana Galizia in 2017.

The decline in the perception of corruption is corroborated by the Global Corruption Barometer, which reports that between the last two publications of the GCB, 28% more people thought corruption increased in the previous 12 months. 4% of public service users reported paying a bribe over the last 12 months.

Malta last published its *National Anti-Fraud and Corruption Strategy* in May 2021 in the aftermath of the assassination of anti-corruption journalist Daphne Caruana Galizia in October 2017. The strategy identifies four main priorities:

1. Capacity Building
2. Communications Strategy
3. Maximisation of National Cooperation
4. Maximisation of EU and International Cooperation

There is some evidence of scaled-up recruitment in the country's prosecution service, which still lacks specialist knowledge in prosecuting corruption. The institutional set-up to fight corruption remains fragmented and under-resourced.

Malta's Permanent Commission Against Corruption, which has existed for 32 years, is exclusively competent to investigate allegations of corruption. In its history, its work has led to the commencement of one prosecution and zero convictions.

High-profile prosecutions in corruption cases have commenced in the last two years, including charges against former Prime Minister Joseph Muscat, who is being prosecuted for bribery and other corruption crimes concerning the botched privatisation of 3 public hospitals. The case highlights weaknesses in Malta's anti-corruption infrastructure. It is based on evidence published in journalistic investigations which the Malta police refused to investigate.

The evidence was instead collated by an inquiring magistrate following a citizens' initiative by an anti-corruption NGO. Inquiring magistrates in Malta also work as judges in the lower courts and are assigned responsibilities for inquiry on a roster basis without regard to specialisations. The hospitals inquiry lasted around five years. The inquiry relied on the cooperation of the police, who were reluctant to investigate the case in the first place. Its results were also subjected to systemic political attacks by the ruling party led by the prime minister.

Meanwhile, magisterial inquiries (in the absence of appropriate police action) have been dragging on for even longer about revelations of high-profile corruption as a result of the Panama Papers and of alleged corruption in connection with the concession of energy to a consortium led by the individual charged with ordering the murder of Daphne Caruana Galizia.

Despite this and other evidence of high-profile corruption, Malta cannot secure any record of convictions in such cases.

In 2024, the Maltese authorities appointed magistrates specialised in conducting inquiries for the first time.

There is no evidence of any effort by the Maltese authorities to conduct any communications efforts to encourage citizens to reject corruption or to denounce it.

Malta has had a Whistleblower Protection law since 2014. It was only used once in a case instituted by the Maltese authorities and dismissed by the courts as a case of political persecution against an opposition figure. Potential witnesses of corruption have been warned by the authorities not to apply for whistleblower protection, as they would face severe retribution for revealing secret information in support of their application before their eligibility for protection is determined.

Despite recommendations made by the public inquiry into the assassination of Daphne Caruana Galizia, Malta has not adopted laws to criminalise abuse of power, obstruction of justice, and racketeering. Meanwhile, the government has voted down a private members' bill in Parliament introducing these laws and dropped its bill to introduce unexplained wealth orders. Changes to statutes regulating temporary freezing orders have abolished these as tools in prosecuting crimes such as corruption, fraud and money laundering.

GRECO's compliance report (2022) for Malta's fifth evaluation round (2018) found that only two of 23 recommendations have been implemented, and the Maltese authorities have signalled no intention to consider nine of them.

Substantial recommendations on institutional reforms made by the Venice Commission in 2018 remain ignored, as do recommendations by ODIHR on electoral fraud and compliance (2017 and 2022) and the OECD on standards in public life (2023).

The Maltese authorities have also failed to introduce most of the reforms recommended by the Daphne Caruana Galizia public inquiry to protect journalists investigating corruption. Journalists working in Malta report a high-risk level for their activities.

Malta is part of the Open Government Process, though it risked dismissal after a decade of inactivity. It filed an action plan for 2024-2026, in which an independent review found that of the four commitments Malta has made, three have "modest" potential for results and the potential of the fourth remains "unclear" to the reviewers. NGOs participating in the OG process have reported a general reluctance by the authorities to discuss anti-corruption measures.

It is fair to conclude that the Maltese authorities are not committed to introducing or implementing anti-corruption measures, whether preventive or punitive. It is also self-evident that Malta fails to secure any convictions.

Elements of Maltese civil society actively campaign for the introduction of anti-corruption measures. NGO Repubblica has published its Anti-Corruption Strategy and Manifesto (2024), which identifies policy objectives to strengthen the country's resolve and capability to introduce reforms.

Recommendations

Implement outstanding recommendations on anti-corruption measures identified by the Daphne Caruana Galizia Public Inquiry (particularly the adoption of an anti-mafia law, criminalisation of abuse of power and obstruction of justice, and the introduction of unexplained wealth orders) as well as recommendations made by the Venice Commission, the ODIHR, the OECD, GRECO and the European Commission.

1. Update its codes of ethics for persons in elected office and adopt measures to include civic scrutiny of elected officials.
2. Revise the Freedom of Information Act to ensure its effectiveness and reduce the permissible justifications for rejecting FOI requests to an absolute minimum.
3. Revise rules for the funding of political activity to ban funding from beneficiaries of expenses made by the authorities to which the funded political activity is intended to secure election.
4. Upgrade the resources for institutions equipped to fight corruption, including introducing specialised anti-corruption magistrates with competence for investigation, judicial collation of evidence, and prosecution, and resourced with judicial police kept separate from the executive branch.
5. Reform Whistleblower Protection legislation to ensure effectiveness in the fight against corruption.
6. Introduce the social reuse of assets confiscated from corruption and other forms of organised crime, including the reuse of temporarily confiscated assets.
7. Grant legal status to civil society organisations set up to represent victims of corruption in judicial proceedings.
8. Introduce transparency procedures in cases of prosecutorial decisions not to prosecute corruption cases.

Spain

Spain's anti-corruption framework has evolved significantly in recent years, shaped by legal reforms, institutional restructuring, and public engagement strategies. Despite these efforts, the country faces persistent challenges that prevent the establishment of a fully integrated and effective approach to combating corruption. We explore the multifaceted nature of Spain's anti-corruption efforts, including its achievements, systemic obstacles, and potential pathways forward.

The legal framework for anti-corruption has seen notable advancements, with laws promoting transparency, accountability, and whistleblower protection. Law 2/2023, enacted in February 2023, is a cornerstone of recent legislative efforts. This law transposes the EU Directive 2019/1937 into Spanish law, providing robust protections for whistleblowers. It establishes secure channels for reporting misconduct, ensures confidentiality and anonymity, and safeguards against retaliation. The law mandates the creation of an Independent Authority for the Protection of Whistleblowers, envisioned as an autonomous body with the power to oversee whistleblower-related issues and protect individuals reporting misconduct.

However, the implementation of Law 2/2023 has faced significant hurdles. Although Royal Decree 1101/2024, issued in October 2024, approved the authority's statutes, the agency remains non-operational due to delays in appointing its director. This lack of progress undermines the law's intent, leaving whistleblowers vulnerable and discouraging them from coming forward with critical information.

The country has also adopted measures to align its judiciary with European standards. Organic Law 3/2024 amends earlier legislation to improve judicial independence and reform the appointment processes for judges, addressing criticisms from the European Commission's Rule of Law reports. However, there is limited progress in separating the terms of office of the Prosecutor General from the government, a key recommendation for ensuring judicial autonomy.

Despite these legislative steps, gaps remain in other areas. Spain has yet to implement a comprehensive lobbying law or establish a mandatory public register of lobbyists. Furthermore, efforts to strengthen conflict-of-interest regulations and asset declarations for high-ranking officials have stalled. Similarly, revising the Law on Official Secrets to enhance access to information remains unfulfilled, hindering Spain's alignment with European standards on transparency.

Spain's institutional landscape for combating corruption includes many bodies with overlapping mandates, including the Anti-Corruption Prosecutor's Office, the Court of Auditors, and various regional entities. While these institutions have played critical roles in investigating and prosecuting corruption cases, they face significant challenges that limit their effectiveness.

One of the most pressing issues is the lack of coordination among these entities. The fragmentation of responsibilities leads to inefficiencies and duplication of efforts. Establishing new organisations,

such as the Independent Authority for the Protection of Whistleblowers, risks exacerbating these coordination problems unless structural reforms are implemented to ensure seamless collaboration.

Autonomy is another critical concern. Many anti-corruption bodies operate with limited independence, often subject to political interference. For example, critics argue that the new whistleblower authority, despite its statutory autonomy, may face undue influence from the government, undermining its ability to act impartially.

Citizens' Engagement and Civil Society Involvement

In 2023, Spain scored 60 on the Corruption Perception Index (CPI), ranking 36th out of 180 nations. This score reflects a relatively stable trend over the past five years, with the CPI at 62 in 2019 and 2020, 61 in 2021, and 60 in 2022. These figures mark an improvement from 2017 and 2018, when Spain scored 57 and 58, ranking 42nd and 41st respectively. However, the plateau in recent years signals a stagnation in progress, highlighting the need for renewed strategies to reduce corruption levels and strengthen public trust in governance.

Public perceptions further underscore these challenges. The 2021 Global Corruption Barometer reveals that Spanish citizens remain deeply concerned about corruption, with 34% believing it has increased in the last 12 months. Notably, 2% of public service users admitted to paying a bribe, while 40% relied on personal connections to access public services. Alarming, 8% of respondents reported experiencing or knowing someone who experienced sextortion.

The perception of institutional corruption also remains troubling. A significant 42% of Spaniards believe most or all bankers are corrupt, while 34% hold the same view about the President and 31% about members of parliament. Furthermore, only 16% of citizens feel that their needs and perspectives are considered in government decisions, suggesting a pervasive disconnect between the population and their representatives. This gap in trust and engagement complicates anti-corruption efforts, as it fosters public disillusionment and diminishes the likelihood of collective action against corruption.

Civil society and the media have been instrumental in addressing these perceptions. Investigative journalism has exposed major corruption scandals, and organisations like Transparency International have played a crucial role in advocating for stronger anti-corruption measures. However, civil society's involvement in shaping and monitoring anti-corruption policies remains limited. For instance, the management of Next Generation EU funds has largely excluded civil society from decision-making and oversight processes despite their importance in ensuring transparency and accountability.

The Open Government Forum and its associated working groups represent a promising platform for civil society engagement. These bodies facilitate dialogue, share best practices, and monitor the implementation of transparency initiatives. However, their impact has been constrained by political disruptions, including delays in implementing the Fourth Open Government Plan due to regional and general elections in 2023.

Spain has made strides in leveraging technology to combat corruption. The MINERVA platform, for example, has significantly improved the detection of conflicts of interest by automating the analysis of public officials' declarations. Additionally, adopting digital tools in public administration, such as e-government services, reduces opportunities for bribery by minimising face-to-face interactions.

Blockchain technology also has the potential to enhance transparency in public procurement and financial transactions. By providing secure and immutable records, blockchain can help prevent fraudulent activities and ensure accountability. However, integrating innovative technologies remains limited, with many public institutions yet to fully embrace digital solutions.

Implementation of Anti-Corruption Strategies

Spain's National Anti-Corruption Strategy (ENAC) and the National Anti-Fraud Strategy, developed with OECD guidance, will be critical components of the country's anti-corruption framework. These strategies aim to standardise anti-corruption measures across regions and integrate best practices into governance. However, they are still in the drafting stage and are characterised by a lack of transparency. Civil society participation in drafting these strategies has been minimal, and official updates on their progress are scarce.

The approval of an Order to establish a control model for managing Next Generation EU funds has created thousands of codes of ethics, anti-fraud plans, and declarations of absence of conflicts of interest. While these measures signify a step forward, their bureaucratic and accelerated implementation has raised concerns about their effectiveness. Most plans are seen as formalities rather than transformative tools, emphasising compliance over genuine reform.

The judicial system plays a crucial role in Spain's anti-corruption efforts, yet inefficiencies undermine its impact. Corruption cases often face significant delays, with high-profile investigations dragging on for years. This slow pace and lenient sentencing foster a perception of impunity, particularly for influential individuals. Addressing these issues requires streamlining judicial processes and ensuring that penalties for corruption are sufficiently severe to act as a deterrent.

Efforts to strengthen the judiciary's capacity have been partially successful. Recent reforms aim to align Spain's judicial system with European standards, but their impact will depend on consistent and impartial implementation. Moreover, enhancing the resources available to anti-corruption prosecutors and judges is essential for expediting case resolution and improving overall judicial efficiency.

Spain's membership in international organisations, such as the United Nations Convention against Corruption (UNCAC) and the Group of States against Corruption (GRECO), underscores its commitment to global anti-corruption standards. These memberships involve regular evaluations of Spain's anti-corruption measures, providing valuable feedback for improvement. However, translating these recommendations into actionable reforms remains challenging, particularly in the face of domestic political constraints.

In sum, the anti-corruption efforts reflect both progress and persistent challenges. Legislative advancements like Law 2/2023 and technological innovations like the MINERVA platform demonstrate the country's commitment to addressing corruption. However, systemic inefficiencies, weak coordination, and limited public engagement undermine these efforts.

To move forward, Spain must address these challenges by strengthening institutional autonomy, enhancing judicial efficiency, and fostering a culture of accountability. Integrating civil society into anti-corruption strategies and leveraging technology can further bolster transparency and public trust. By building on its achievements and addressing its shortcomings, Spain can establish a more effective and inclusive approach to combating corruption.

CONCLUSION

This survey of four Member States suggests that common challenges re-occur irrespective of country size or region. These can be summed up as follows:

1. Institutional weakness when fighting corruption is often due to fragmented administrative competencies, antiquated legislative models, and law enforcement agencies giving lower priority to corruption.
2. The role of civil society in monitoring, denouncing, and acting against corruption is consistently underestimated.
3. The challenges faced by investigative and independent journalists have a chilling effect on the reporting and exposure of corruption.
4. The cross-border nature of corruption activity is often missed by law enforcement.
5. Corruption erodes public confidence in democratic institutions that perceive institutional weakness as a guarantee of impunity for people who enjoy disproportionate influence.

The authors welcome the opportunity provided by the new anti-corruption Directive for civil society to engage with European and national authorities to propose ways of addressing these issues. Our work together as a network of European anti-corruption organisations will allow us to balance specific local considerations with the needs of a Europe free of corruption.