



**Statement on behalf of the European Union and its Member States**

**at the Sixth Committee**

**on the Agenda item 86:**

**"The Rule of law at national and international level"**

**Subtopic: "Measures to prevent and combat corruption"**

**United Nations**

**New York**

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**– CHECK AGAINST DELIVERY –**

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Turkey, the Republic of North Macedonia\*, Montenegro\*, Serbia\* and Albania\*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

Mr./Madam Chair,

Promoting the rule of law at the national and international levels is one of the Sustainable Development Goals. Rule of law is essential for good governance, sustainable development, economic growth, and the eradication of poverty and hunger. Under the current extraordinary challenges generated by the COVID-19 pandemic, delivering on this goal becomes all the more important.

The pandemic has put our societies and economies under serious strain. Respect for democracy, human rights and the rule of law, including a transparent decision-making, is a key requisite for overcoming the crisis and ensuring recovery.

The rule of law must be upheld at all times. No crisis can justify departure from it. It is in crisis time that decision-making should be more efficient and transparent, that institutions and public officials should use their prerogatives and powers more judiciously, with restraint and forbearance. As the President of the European Commission has put it in her State of the Union address of 16 September 2020, the rule of law helps protect people from the rule of the powerful.

In this context, the agreed sub-topic for this year's debate in the Sixth Committee on *'Measures to prevent and combat corruption'* could not be more relevant.

Mr./Madam Chair,

Corruption is a major obstacle to sustainable development and has serious implications hindering development cooperation. It exacerbates poverty and inequality, disproportionately affects the most disadvantaged, and has a negative impact on the enjoyment of human rights and gender equality, especially where the rule of law is weak.

Corruption may take many forms, such as bribery, trading in influence, abuse of functions, but can also hide behind nepotism, conflicts of interest, or revolving doors between the public and the private sectors. Corruption affects security, both internally and externally, slows down economic growth, acts as a deterrent for investment and businesses, and creates

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\* The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.

business uncertainty and additional costs. As referred in a 2015 report by the Human Rights Council Advisory Committee,<sup>1</sup> corruption has a negative impact on the protection and enjoyment of human rights, often with a disproportionate effect on those in the most vulnerable situations.

I am pleased to contribute to the debate on this topic on behalf of the EU and its Member States and to point out to a number of measures that we have taken internally and internationally to support the fight against corruption.

Mr./Madam Chair,

*[EU level]*

The EU is a community of values and rights with human rights, democracy and the rule of law at its heart. Article 2 of the Treaty on European Union lists the rule of law as a founding value of the European Union, but also as a value common to the Member States.

The EU has redoubled its commitment to upholding the rule of law. In its Communication of last year on ‘Strengthening the rule of law within the Union – a blueprint for action’, the European Commission has announced the establishment of a comprehensive European Rule of Law Mechanism with annual reporting by the European Commission covering all EU Member States. The European Commission has released the first annual rule of law report at the end of September 2020.

A number of legislative acts have been adopted to tackle corruption at EU level. Back in 2017, the Directive 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law was adopted. The Directive is premised on the understanding that corruption constitutes a serious threat to the Union's financial interests. The EU Member States have now harmonised definitions, sanctions and limitation periods of criminal offences affecting the EU's financial interests.

This is not the only piece of EU legislation on anti-corruption. EU legislation in other areas such as anti-money laundering, public procurement, corporate tax transparency, whistleblowing or on the contacts between EU decision-makers and interest representatives include important anti-corruption provisions.

The European Public Prosecutor's Office (‘EPPO’), an independent and decentralised prosecution office of the European Union, is currently being set up. The EPPO is a milestone in the development of EU criminal law and will be operational by the end of 2020. The EPPO has competence to investigate, prosecute and bring to justice crimes against the EU budget, such as fraud, corruption or serious cross-border VAT fraud.

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<sup>1</sup> Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights (A/HRC/28/73, of 5 January 2015).

Furthermore, the European Anti-Fraud Office ('OLAF'), created back in 1999, investigates corruption and serious misconduct within the EU institutions, as well as fraud against the EU's budget. It also helps develop the EU's anti-fraud policy.

Lastly, I would note that the European Council has recently underlined in its Conclusions of 21 July 2020 the importance of the protection of the Union's financial interests and of respect for the rule of law.

Mr./Madam Chair,

*[International level]*

The EU and its Member States also support the fight against corruption at international level, as they see corruption as an enabler for cross-border crime and international terrorism, and as a serious threat to democratic societies and sustainable development.

The EU and its Member States joined their efforts to prevent and fight corruption with the Council of Europe Group of States against Corruption ('GRECO'). The EU and the Council of Europe work together on capacity-building and implementation of standards intended to strengthen the rule of law and the fight against corruption.

The Council of Europe has also adopted a number of legal instruments on the fight against corruption, to which the EU and its Member States had an important contribution, such as: the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, and the Additional Protocol to the Criminal Law Convention on Corruption. These are complemented by a number of recommendations on Codes of Conduct for Public Officials or on Common Rules against Corruption in the Funding of Political Parties.

I would also note that EU and its Member States' international agreements include standing provisions on cooperation on the fight against corruption and the promotion of the implementation of the UN Convention against Corruption. Moreover, respect for the rule of law and good governance constitute essential elements of those agreements.

The EU and its Member States consider that the prevention and fight against corruption is a powerful tool to prevent international crimes in general, as corruption and organized crime are enablers of violations of International Humanitarian Law and Human Rights Law. I therefore take this opportunity to reiterate our unwavering support to all international mechanisms fighting against impunity, including the International Criminal Court and other international tribunals. We also commend and support the tireless work of civil society in the fight against corruption.

We would also like to take this opportunity to commend the United Nations Office on Drugs and Crime (‘UNODC’) and the International Anti Corruption Academy (‘IACA’) on their important work in this regard.

Mr./Madam Chair,

In closing, I wish to reiterate the EU and its Member States’ commitment to the promotion of the rule of law and to the prevention of and fight against corruption. We stand ready to contribute further to the debate on this topic and to support all efforts to advance the rule of law at all levels.

I thank you, Mr./Madam Chair

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