

Brussels, 17 January 2025  
(OR. en)

5417/25

LIMITE

COPEN 5  
JAI 65  
DROIPEN 4  
CODEC 44

---

---

**Interinstitutional File:  
2023/0135(COD)**

---

---

**NOTE**

---

From: Presidency

To: Permanent Representatives Committee

---

Subject: Proposal for a Directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council

- Information by the Presidency on the upcoming trilogue

---

1. On 3 May 2023, the Commission submitted to the Council and the European Parliament a proposal for a Directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council. The proposal of a Directive aims to update and harmonise EU rules on the definitions of and penalties for corruption offences, to better prevent and to improve enforcement. The proposal also aims to harmonise the definition of corruption by incorporating and going beyond the minimum standards set forth in the UN Convention against corruption (UNCAC).

2. The draft Directive is based on Articles 83(1), 83(2) and 82(1)(d) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. Following the submission of the proposal, the Working Party on Judicial Cooperation in Criminal Matters (COPEN) and JHA Counsellors have examined the proposal under the Swedish, Spanish and Belgian Presidencies of the Council.
4. The most intense discussions focused on Article 2 (*Definitions*), Article 3 (*Prevention of corruption*), Article 4 (*Specialised bodies*), Article 8 (*Bribery in the private sector*), Article 9 (*Misappropriation*), Article 10 (*Trading in influence*), Article 11 (*Abuse of functions*) and Article 13 (*Enrichment from corruption offences*). Regarding the provisions on prevention, adjustments were made to clarify the obligations of Member States and achieve an appropriate balance between the objective of ensuring an effective prevention of corruption and the safeguard of Member States' institutional and administrative autonomy. Regarding the provisions on offences of corruption, adjustments were made *inter alia* to clarify their scope of application.
5. The Council reached its general approach at its meeting on 14 June 2024 and is contained in ST 11272/24.
6. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility. The report was tabled on 21 February 2024; the European Parliament adopted its negotiating mandate at the plenary session on 27 February 2024, and the proposal was referred to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) to start interinstitutional negotiations. On 24 October 2024, the Conference of Presidents ruled on the requests to resume or continue the consideration of unfinished business, including the corruption directive. This decision was confirmed in plenary on 13 November<sup>1</sup>.

---

<sup>1</sup> European Parliament, 'Documents related to the plenary activities of the European Parliament - Session: 2024-11-13', Version 4 (updated 08-01-2025), [https://data.europarl.europa.eu/dataset/plenary-session-documents\\_2024-11-13\\_4](https://data.europarl.europa.eu/dataset/plenary-session-documents_2024-11-13_4)

7. A first political trilogue will be held on 28 January. The Presidency will thereby present the Council's position as contained in the general approach. The primary aim of the Presidency will then be to defend the Council's position at the subsequent technical meetings.

---

