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NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| 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 - Four-column table |

Delegations will find attached the text of the four-column document for the above-mentioned proposal, containing the initial positions of the institutions.

**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**

2023/0135(COD)

DRAFT

29-01-2025 at 14h09

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|---|---|---|---|-----------------|
| 1 | 2023/0135 (COD) | 2023/0135 (COD) | 2023/0135 (COD) | |
| 2 | <p>Proposal for a</p> <p>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>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</p> | <p>Proposal for a</p> <p>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>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</p> | <p>Proposal for a</p> <p>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>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</p> | |

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| 3 | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | |
| 4 | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1) point (d), and Article 83(1) and (2) thereof, | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1) point (d), and Article 83(1) and (2) thereof, | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1) point (d), and Article 83(1) and (2) thereof, | |
| 5 | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | |
| 6 | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | |
| 7 | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | |

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| 8 | Whereas: | Whereas: | Whereas: | |
| 9 | <p>(1) Corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. Corruption undermines democratic institutions and universal values on which the Union is founded, particularly the rule of law, democracy, equality and the protection of fundamental rights. It jeopardises development, prosperity and the sustainability and inclusiveness of our economies. In order to effectively prevent and combat corruption, a comprehensive and multidisciplinary approach is required. The purpose of this</p> | <p>(1) Corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. Corruption undermines democratic institutions and universal values on which the Union is founded, particularly the rule of law, democracy, equality and the protection of fundamental rights. It jeopardises development, prosperity and the sustainability and inclusiveness of our economies. In order to effectively prevent and combat corruption, a comprehensive and multidisciplinary approach is required. The purpose of this</p> | <p>(1) Corruption remains a significant problem at the Union level, threatening the stability and security of societies, including by enabling organised and other serious crime. Corruption undermines democratic institutions and universal values on which the Union is founded, particularly the rule of law, democracy, equality and the protection of fundamental rights. It jeopardises development, prosperity and the sustainability and inclusiveness of our economies. In order to effectively prevent and combat corruption, a comprehensive and multidisciplinary approach is required. The purpose of this</p> | |

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| | Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | |
| 9a | | <u><i>(1a) Member States should be provided with the tools and measures to combat the most serious corrupt behaviour, involving abuse of high level power or causing serious harm to societies. In order to ensure improved track record of tackling high level corruption cases across all Member States, it is imperative that national authorities dispose of specific measures with regards to the prevention, repression, investigation and prosecution of cases involving high level officials or gross misappropriation of</i></u> | | |

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| | | <u>public funds or resources.</u> | | |
| 9b | | <u>(1b) Combating corruption is essential for strengthening the quality of democracy and for the full realization of the Rule of Law. It is considered fundamental, for a good anti-corruption strategy, to act upstream of the phenomenon, preventing the existence of contexts that generate corrupt practices.</u> | | |
| 10 | (2) Council Framework Decision 2003/568/JHA ¹ lays down requirements on the criminalisation of corruption concerning the private sector. The Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight | (2) Council Framework Decision 2003/568/JHA ¹ lays down requirements on the criminalisation of corruption concerning the private sector. The Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight | (2) Council Framework Decision 2003/568/JHA ¹ lays down requirements on the criminalisation of corruption concerning the private sector. The Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight | |

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| | <p>against corruption involving officials of the European Communities or officials of Member States of the European Union² addresses certain acts of corruption involving officials of the European Communities or officials of the Member States in general. These instruments are, however, not sufficiently comprehensive, and the current criminalisation of corruption varies across Member States hampering a coherent and effective response across the Union. Enforcement gaps and obstacles in cooperation between the competent authorities of different Member States have also emerged. This Directive aims to amend and expand the provisions of those instruments.</p> | <p>against corruption involving officials of the European Communities or officials of Member States of the European Union² addresses certain acts of corruption involving officials of the European Communities or officials of the Member States in general. These instruments are, however, not sufficiently comprehensive, and the current criminalisation of corruption varies across Member States hampering a coherent and effective response across the Union. Enforcement gaps and obstacles in cooperation between the competent authorities of different Member States have also emerged. This Directive aims to amend and expand the provisions of those instruments.</p> | <p>against corruption involving officials of the European Communities or officials of Member States of the European Union² addresses certain acts of corruption involving officials of the European Communities or officials of the Member States in general. These instruments are, however, not sufficiently comprehensive, and the current criminalisation of corruption varies across Member States hampering a coherent and effective response across the Union. Enforcement gaps and obstacles in cooperation between the competent authorities of different Member States have also emerged. This Directive aims to amend and expand the provisions of those instruments.</p> | |

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| | <p>Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced in their entirety in relation to the Member States bound by this Directive.</p> <p>_____</p> <p>1. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192/54, 31.7.2003).</p> <p>2. Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the</p> | <p>Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced in their entirety in relation to the Member States bound by this Directive.</p> <p>_____</p> <p>1. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192/54, 31.7.2003).</p> <p>2. Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the</p> | <p>Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced in their entirety in relation to the Member States bound by this Directive.</p> <p>_____</p> <p>1. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192/54, 31.7.2003).</p> <p>2. Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the</p> | |

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| | European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | |
| 11 | (3) The existing legal framework should be updated and strengthened to facilitate an effective fight against corruption across the Union. This Directive aims to criminalise corruption offences when committed intentionally. Intention and knowledge may be inferred from objective and factual circumstances. As this Directive provides for minimum rules, Member States remain free to adopt or maintain more stringent criminal law rules for corruption | (3) The existing legal framework should be updated and strengthened to facilitate an effective fight against corruption across the Union. This Directive aims to criminalise corruption offences when committed intentionally. Intention and knowledge may be inferred from objective and factual circumstances. As this Directive provides for minimum rules, Member States remain free to adopt or maintain more stringent criminal law rules for corruption offences. <u>Nothing in this Directive</u> | (3) The existing legal framework should be updated and strengthened to facilitate an effective fight against corruption across the Union. This Directive aims to criminalise corruption offences when committed intentionally. Intention and knowledge may be inferred from objective and factual circumstances. As this Directive provides for minimum rules, Member States remain free to adopt or maintain more stringent criminal law rules for corruption | |

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| | offences. | <u>is to be interpreted as grounds for reduction in the level of protection already afforded by existing criminal law rules for corruption offences.</u> | offences. | |
| 12 | (4) Corruption is a transnational phenomenon that affects all societies and economies. Measures adopted at national or Union level, should recognise this international dimension. Union action should therefore take into account the work of the Group of States against Corruption of the Council of Europe (GRECO), the Organisation for Economic Cooperation and Development (OECD) and the United Nations Office against Drugs and Crime (UNODC). | (4) Corruption is a transnational phenomenon that affects all societies and economies. Measures adopted at national or Union level, should recognise this international dimension. <u>Diverse manifestations of corruption necessitate a coordinated and harmonized approach among Member States to address its root causes and consequences effectively.</u> Union action should therefore take into account the work of the Group of States against Corruption of the Council of Europe (GRECO), the | (4) Corruption is a transnational phenomenon that affects all societies and economies. Measures adopted at national or Union level, should recognise this international dimension. Union action should therefore take into account the work of the Group of States against Corruption of the Council of Europe (GRECO), the Organisation for Economic Cooperation and Development (OECD) and the United Nations Office against Drugs and Crime (UNODC). | |

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| | | Organisation for Economic Cooperation and Development (OECD) and the United Nations Office against Drugs and Crime (UNODC). | | |
| 13 | (5) To root out corruption, both preventive and repressive mechanisms are needed. Member States are encouraged to take a wide range of preventive, legislative and cooperative measures as part of the fight against corruption. Whereas corruption is first and foremost a crime and specific acts of corruption are defined in national and international law, failings in integrity, undisclosed conflicts of interests or serious breaches of ethical rules can become corrupt | (5) To root out corruption, both preventive and repressive mechanisms are needed. Member States are encouraged to take a wide range of preventive, legislative and cooperative measures as part of the fight against corruption. Whereas corruption is first and foremost a crime and specific acts of corruption are defined in national and international law, failings in integrity, undisclosed conflicts of interests or serious breaches of ethical rules can become corrupt | (5) To root out effectively tackle corruption, both preventive and repressive mechanisms are needed. Member States are encouraged to take a wide range of preventive, legislative and cooperative measures as part of the fight against corruption. Whereas corruption is first and foremost a crime and specific acts of corruption offences and corruption related offences are defined in national and international law, failings in integrity, undisclosed conflicts of | |

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| | <p>activities if left unaddressed. The prevention of corruption mitigates the need for criminal repression and has wider benefits in promoting public trust and managing the conduct of public officials. Effective anti-corruption approaches often build on measures to enhance transparency, ethics and integrity, as well as by regulating in areas such as conflict of interest, lobbying and revolving doors. Public bodies should seek the highest standards of integrity, transparency and independence as an important part of tackling corruption more broadly.</p> | <p>activities if left unaddressed. The prevention of corruption mitigates the need for criminal repression and has wider benefits in promoting public trust and managing the conduct of public officials. Effective anti-corruption approaches often<u>in all Member States should</u> build on measures to enhance transparency, ethics and integrity, as well as by regulating in areas <u>considered to be enablers of corruption</u>, such as conflict of interest, lobbying and revolving doors, <u>public procurements and political parties financing</u>. Public bodies should seek the highest standards of integrity, transparency and independence as an important part of tackling corruption more broadly. <u>A fundamental pillar for</u></p> | <p>interests or serious breaches of ethical integrity rules can become corrupt activities result in corruption offences if left unaddressed. Prevention of corruption refers to the identification assessment, and mitigation of corruption risks, through development and implementation of a system of appropriate measures. The prevention of corruption mitigates the need for criminal repression and has wider benefits in promoting public trust and managing the conduct of public officials. Effective anti-corruption approaches often build on measures to enhance transparency, ethics and integrity, as well as by regulating in areas such as conflict</p> | |

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| | | <u>efficient, transparent and effective</u> <u>Member States that are free of</u> <u>corruption, is a public service</u> <u>staffed with individuals of the</u> <u>highest level of skill and integrity.</u> <u>Such staffing of public service can</u> <u>be achieved through enhancing</u> <u>transparency, efficiency and the</u> <u>use of objective criteria in the</u> <u>recruitment and promotion of</u> <u>public officials.</u> | of interest, lobbying and revolving doors. Public bodies should seek the highest standards of integrity, transparency and freedom from undue influence independence as an important part of tackling corruption more broadly. As the private sector also plays a key role in preventing and detecting corruption, Member States can encourage the elaboration and implementation of robust and effective compliance mechanisms within private companies. In order to ensure a common approach regarding the effectiveness of such compliance programs, which can include notably a risk map, a code of conduct, third-party evaluation as well as internal control and | |

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| | | | audit, Member States can cooperate in elaborating common guidelines. | |
| 13a | | <p><u>(5a) Public procurement, as a key interface between the public and private sectors, is particularly vulnerable to corruption, given the significant financial interests at stake and the complexity of procurement processes.</u></p> <p><u>Recognizing that these vulnerabilities can lead to inefficiencies, misallocation of public resources, and a loss of public trust in governmental institutions, robust measures are needed to enhance transparency, oversight, and accountability in public procurement processes.</u></p> <p><u>This includes establishing clear</u></p> | | |

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| | | <u>guidelines, promoting digital solutions for traceability, ensuring rigorous auditing mechanisms, and providing platforms for whistleblower protections and public scrutiny. In order to fight corruption efficiently, it is important that Member States strengthen the transparency of public procurement processes by enabling stakeholder participation, better access to information, including through the use of e-procurement, as well as oversight and control those procurement processes.</u> | | |
| 13b | | <u>(5b) Member States should adopt appropriate legislation and procedures which should govern the financing of political</u> | | |

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| | | <u><i>campaigns and the financing of political parties, such as setting the parameters for the limits, purpose and time periods of campaign expenditures, limits on contributions, state subsidies, identification of donors and the annual publication of accounts and expenditure by political party organisations.</i></u> | | |
| 13c | | <u><i>(5c) Corruption phenomena strike at the heart of democracy, wounding it in its fundamental principles, namely those of equality, transparency, integrity, impartiality, legality, and fair redistribution of wealth. They have profoundly harmful economic effects, such as increased public spending,</i></u> | | |

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| | | <u>through interventions devoid of real interest, benefiting private individuals, deterring investors, and distorting competition rules.</u> | | |
| 14 | <p>(6) Member States should have in place bodies or units specialised in the repression and specialised in the prevention of corruption. Member States may decide to entrust a body with a combination of preventive and law enforcement functions. In order to ensure that these bodies operate effectively, they should meet a number of conditions, including having the independence, resources and powers that are necessary to ensure the proper administration of their tasks.</p> | <p>(6) Member States should have in place bodies or units specialised in the repression and <u>investigation and</u> specialised in the prevention of corruption. <u>The management of the specialised bodies or units should be appointed through an open and transparent procedure in full compliance with the principle of legislative oversight, including several branches of government, to ensure public trust in the national anti-corruption bodies and avoid potential conflicts of interest. Providing such specialised bodies or units</u></p> | <p>(6) Without prejudice to their institutional and administrative autonomy, Member States should have in place bodies or organisational units specialised in tasked with the repression and specialised in the prevention of corruption. Member States mayare not obliged to create new bodies or organisational units, including the creation of specialised courts or tribunals, under this Directive, and can decide to entrust a body with a combination of the same body or organisational unit with both</p> | |

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| | | <p><u>with a clear mandate enshrined in law is paramount not only to ensuring their permanence, but also to increasing awareness among the public as to what the body, unit or agency's powers and responsibilities are.</u> Member States may decide to entrust a body with a combination of preventive and law enforcement functions. In order to ensure that these bodies operate effectively, they should meet a number of conditions, including having the independence, resources and powers that are necessary to ensure the proper administration of their tasks. <u>All Member States should also create integrated services specifically tasked with duties related to the investigation and prosecution of corruption</u></p> | <p>preventive and law enforcement repressive functions as well as with tasks related to other criminal offences, such as organised crime. In accordance with the principle of Member States' autonomy, such bodies or units do not necessarily need to be central bodies or organisation units. In full respect of Member States' institutional and administrative autonomy, when such anti-corruption bodies have a power to take decisions on cases brought to their attention or identified by them, or make any recommendations as they consider necessary, they should operate without undue interference. In order to ensure that these bodies or units operate</p> | |

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| | | <u>offences. Member States should equip such integrated anti-corruption investigation and prosecution services with specialised personnel, adequate technical means, and financial resources to ensure their full autonomy and a high degree of professionalism.</u> | effectively, they Member States should meet a number of conditions, including having the independence, ensure that resources and powers that are necessary to ensure allocated to those bodies and organisational units are commensurate to the proper administration of their tasks. | |
| 14a | | <u>(6a) Raising citizens' awareness about the scope, characteristics, and effects of corruption requires the design of campaigns that, in accessible language, warn about daily improper behaviours associated with corruption phenomena, thereby helping a better detection of such phenomena, while also promoting</u> | | |

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| | | <u><i>their rejection. This approach is also essential for shaping more demanding, attentive, and less tolerant citizens to corrupt behaviour.</i></u> | | |
| 15 | (7) The EU is a party to the United Nations Convention Against Corruption (UNCAC), which is the most comprehensive international legal instrument to combat corruption, combining measures to prevent and fight corruption. It requires that parties to the Convention take legislative and other measures to establish criminal offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as | (7) The EU is a party to the United Nations Convention Against Corruption (UNCAC), which is the most comprehensive international legal instrument to combat corruption, combining measures to prevent and fight corruption. It requires that parties to the Convention take legislative and other measures to establish criminal offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as | (7) The EU is a party to the United Nations Convention Against Corruption (UNCAC), which is the most comprehensive international legal instrument to combat corruption, combining measures to prevent and fight corruption. It requires that parties to the Convention take legislative and other measures to establish criminal offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as | |

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| | abuse of functions, trading in influence and illicit enrichment). In line with the commitments contained in the Political Declaration adopted at the 2021 UN General Assembly Special Session against Corruption, the European Union should, to the extent possible, go beyond the minimum requirements of UNCAC and lay down additional measures for preventing and combating corruption. This Directive draws on the observations and best practices emanating from the Mechanism for the Review of Implementation of the UNCAC. | abuse of functions, trading in influence and illicit enrichment). In line with the commitments contained in the Political Declaration adopted at the 2021 UN General Assembly Special Session against Corruption, the European Union should, to the extent possible, go beyond the minimum requirements of UNCAC and lay down additional measures for preventing and combating corruption. This Directive draws on the observations and best practices emanating from the Mechanism for the Review of Implementation of the UNCAC. | abuse of functions, trading in influence and illicit enrichment). In line with the commitments contained in the Political Declaration adopted at the 2021 UN General Assembly Special Session against Corruption, the European Union should, to the extent possible and in line with the ultima ratio principle , go beyond the minimum requirements of UNCAC and lay down additional measures for preventing and combating corruption. This Directive draws on the observations and best practices emanating from the Mechanism for the Review of Implementation of the UNCAC. | |
| 16 | (8) Taking account of the | (8) Taking account of the | (8) Taking account of the | |

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| | evolution of corruption threats and the legal obligations on the Union and Member States under international law, as well as the development of national legal frameworks, the definition of corruption should be further approximated in all Member States so that it covers corrupt conduct more comprehensively. | evolution of corruption threats and the legal obligations on the Union and Member States under international law, as well as the development of national legal frameworks, the definition of corruption should be further approximated in all Member States so that it covers corrupt conduct more comprehensively. | evolution of corruption threats and the legal obligations on the Union and Member States under international law, as well as the development of national legal frameworks, the definition of corruption offences should be further approximated in all Member States so that it covers corrupt conduct more comprehensively. | |
| 17 | (9) To avoid impunity for corruption offences in the public sector, the scope of application needs to be well defined. First of all, the concept of public official should also cover persons working in international organisations, including the institutions, agencies and bodies of the European Union | (9) To avoid impunity for corruption offences in the public sector, the scope of application needs to be well defined. First of all, the concept of public official should also cover persons working in international organisations, including the institutions, agencies and bodies of the European Union | (9) To avoid impunity for corruption offences in the public sector, the scope of application needs to be well defined. First of all, the concept of public official should also cover relevant persons working in international organisations, including the institutions, agencies and bodies of | |

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| | <p>and international courts. This should, amongst other things, encompass persons acting as members of collegial bodies responsible for deciding on the guilt of an accused person in the framework of a trial, as well as persons who by virtue of an arbitration agreement are called upon to render a legally binding decision in disputes submitted by the parties to the arbitration agreement. Secondly, many entities or persons nowadays exercise public functions without holding a formal office. Therefore, the concept of public official is defined to cover all relevant officials, whether appointed, elected or employed on the basis of a contract, holding a formal</p> | <p>and international courts. This should, amongst other things, encompass persons acting as members of collegial bodies responsible for deciding on the guilt of an accused person in the framework of a trial, as well as persons who by virtue of an arbitration agreement are called upon to render a legally binding decision in disputes submitted by the parties to the arbitration agreement. Secondly, many entities or persons nowadays exercise public functions without holding a formal office. Therefore, the concept of public official is defined to cover all relevant officials, whether appointed, elected or employed on the basis of a contract, holding a formal</p> | <p>the European Union and international courts. This should, amongst other things, encompass persons acting as members of collegial bodies responsible for deciding on the guilt of an accused person in the framework of a trial, as well as persons who by virtue of an arbitration agreement are called upon to render a legally binding decision in disputes submitted by the parties to the arbitration agreement. Secondly, many entities or persons nowadays exercise public functions without holding a formal office. Therefore, the concept of public official is defined to cover all relevant officials, whether appointed, elected or employed on the basis of a contract, holding a formal</p> | |

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| | <p>administrative or judicial office, as well as all persons providing a service, which have been vested with public authority or who are subject to the control or supervision of public authorities in relation to the carrying out of such a service, even if they do not hold formal office. For the purposes of this Directive, the definition should cover persons working in state-owned and state-controlled enterprises, as well as in asset management foundations and privately-owned companies performing public service functions and the legal persons established or maintained by them. Any person holding a legislative office should be treated as a public official for the purposes of this</p> | <p>administrative or judicial office, as well as all persons providing a service, which have been vested with public authority or who are subject to the control or supervision of public authorities in relation to the carrying out of such a service, even if they do not hold formal office. <u>This Directive should also apply to all public officials who exercise their functions in relation to the implementation of the EU budget.</u></p> <p>For the purposes of this Directive, the definition should cover persons working in state-owned and state-controlled enterprises, as well as in asset management foundations and privately-owned companies performing public service functions and the legal persons</p> | <p>administrative or judicial office, as well as all persons providing a public service, which have been vested with public authority or who are subject to the control or supervision of public authorities in relation to the carrying out of such a public service function, even if they do not hold formal office. For the purposes of this Directive, the definition should cover persons performing public service functions working in state-owned and state-controlled enterprises, as well as in asset management foundations and privately-owned companies performing public service functions and in the legal persons established or maintained by them. Any person holding a legislative office at national,</p> | |

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| | Directive. | established or maintained by them. Any person holding a legislative office should be treated as a public official for the purposes of this Directive. | regional or local level should be treated as a public assimilated to a national official for the purposes of this Directive in accordance with national law. | |
| 17a | | <u>(9a) With regard to the prevention of and contrast to corruption, the creation of specialised bodies, units or agencies with a mandate enshrined on a clear legal basis is paramount to ensure their permanence, but also to entrust them with a specific mandate, and to increase awareness among the general public as to what the body, unit or agency's powers and responsibilities are. The effectiveness of bodies, units or agencies specialised in the</u> | (9a) High level officials should be understood as persons who exercise key executive, administrative, legislative or judicial functions. These tasks can include actively participating in the development and/or the execution of governmental functions, determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government | |

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| | | <p><u>prevention of corruption depends, in particular, on their possibility to manage asset declarations of public officials, monitor compliance with transparency rules applying to public officials and public entities, as well as with statutory provisions and rules related to conflicts of interests in the public and private sector, and to the financing of political parties. As for the investigation and prosecution of corruption offences, integrated services need to be created in all EU Member States, but also equipped with specialised personnel and adequate technical capabilities and financial resources, so that their full autonomy and professionalism is guaranteed.</u></p> | <p>expenditure and taking decisions on appointment of individuals to key executive, administrative, legislative or judicial functions, as well as deciding on court cases. High level officials can include national officials such as heads of central and regional government, members of central and regional government, deputy ministers, state secretaries, key political advisers, heads and members of a minister's private office or cabinet when such have been established, as well as members of parliamentary chambers, members of Constitutional and Supreme Courts, the Prosecutor General, and members of Supreme Audit Institutions.</p> | |

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| | | <p><u>Victims of corruption face serious challenges when attempting to establish and understand their rights and potential remedies. Therefore, it is essential that an independent coordinator for the rights of victims of corruption also be established at national level to ensure that the rights of persons affected by the crimes covered by this Directive are upheld, and that such persons are compensated for their loss.</u></p> | | |
| 17b | | <p><u>(9b) State services must assess corruption and bribery risks associated with their type of activity, the nature of the services they provide, and the context in which these services are provided. For this purpose, State services</u></p> | | |

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| | | <u>will have to draft prevention or risk management plans, in which services or acts most susceptible to bribery, exploitation or diversion of funds, and personal favouritism or favouritism towards third parties are identified, as well as measures to reduce risks and ways to react to illicit practices. Those measures shall specifically focus on high-risk areas such as the financial, health, digital, construction and pharmaceutical sectors, as well as on public procurement.</u> | | |
| 17c | | <u>(9c) Associated with the drafting of prevention or risk management programs is the creation of codes of ethics or conduct, which succinctly, objectively, and clearly</u> | | |

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| | | <u>describe the expected behaviours of all workers. These instruments must be simple, easily understood by their intended recipients, and adapted to the specificities of the respective activity. To achieve these results, it is recommended to involve all stakeholders in the drafting process of prevention or risk management programs.</u> | | |
| 17d | | <u>(9d) A Public Administration made up of agents with high ethical standards is a key condition for reducing corruption risks. Regardless of the type of public service entry exams, subsequent training, in all sectors of the administration, should incorporate content with a strong focus on probity and corruption</u> | | |

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| | | <u>prevention.</u> | | |
| 17e | | <u>(9e) With a view to prevent corruption, Member States should take measures to implement education for public integrity in the school system and in the classroom. Member States should provide opportunities for educators to receive specialized training in anti-corruption education methodologies and strategies and to ensure the effective delivery of those programs. Member States should also take the necessary measures to prevent favouritism, nepotism or cronyism in public recruitment and in administrative procedures, and to ensure that all public human resource processes strive</u> | | |

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| | | <u>to develop a systematic approach based on: identification of possible risks; establishment of strong preventive mechanisms; ensuring policy compliance, reporting and sanctioning of misconduct.</u> | | |
| 18 | (10) It is necessary to strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with the necessary tools. In bribery of public officials, there are two sides to distinguish. Active bribery exists when a person promises, offers or gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantages in order to act or to | (10) It is necessary to strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with the necessary tools. In bribery of public officials, there are two sides to distinguish. Active bribery exists when a person promises, offers or gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantages in order to act or to | (10) It is necessary to strengthen strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with the effective and proportionate necessary tools. In bribery of public officials, there are two sides to distinguish. Active bribery exists when a person promises, offers or gives an undue advantage of any kind to influence a public official. Passive bribery exists when the public official | |

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| | refrain from acting in a certain way. This Directive should also set minimum rules on bribery and other forms of corruption in the private sector, where the immediate victims include companies that are impacted unfairly and where free competition is diminished by each bribe offered or accepted. | refrain from acting in a certain way. This Directive should also set minimum rules on bribery and other forms of corruption in the private sector, where the immediate victims include companies that are impacted unfairly and where free competition is diminished by each bribe offered or accepted. | requests or receives such advantages undue advantages, or accepts the offer or the promise thereof in order to act or to refrain from acting in a certain way. This Directive should also set minimum rules on bribery and other forms of corruption in the private sector, where the immediate victims include companies that are impacted unfairly and where free competition can be is diminished by each bribe offered or accepted payments. | |
| 18a | | | (10a) Conduct in breach of professional duties by directors or workers of private-sector entities in the course of economic, financial or business | |

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| | | | <p>activities can be detrimental to the interests of the private-sector company, and can also distort competition in relation to the purchase of goods or commercial services to the detriment of both would-be competitors and the general public. The offence of bribery in the private sector aims to deter both kinds of harm. It does so by preventing third parties from interfering in the fair conduct of business by promising, offering or giving any undue advantage to directors or workers of private-sector entities for them to act or to refrain from acting, in breach of their duties (active bribery). The offence also forbids directors and workers of private-sector entities to request</p> | |

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| | | | or receive any undue advantage, or to accept the offer or the promise thereof, to act or to refrain from acting, in breach of that person's duties (passive bribery). The concept of "breach of duty" shall be understood in accordance with national constitutions, law or other applicable rules and should cover as a minimum the breach of statutory duties and professional regulations or instructions, which apply within that business. | |
| 19 | (11) In order to ensure that public officials do not intentionally use funds for purposes other than they were intended, it is necessary to lay down rules on the offence of misappropriation by public | (11) In order to ensure that public officials do not intentionally use funds for purposes other than they were intended, it is necessary to lay down rules on the offence of misappropriation by public | (11) In order to ensure that public officials do not intentionally use damage the financial interests of the public or private entity concerned by using funds for purposes other than they were | |

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| | <p>officials of property whose management is entrusted to them. In order to take a comprehensive approach to the fight against corruption, this Directive should also cover misappropriation in the private sector. In order for misappropriation to be criminal, it should lead to an advantage for the public official or a third party.</p> | <p>officials of property whose management is entrusted to them. In order to take a comprehensive approach to the fight against corruption, this Directive should also cover misappropriation in the private sector. In order for misappropriation to be criminal, it should lead to an advantage for the public official or a third party.</p> | <p>intended, it is necessary to lay down rules on the offence of misappropriation by public officials of property whose management is entrusted to them. In order to take a comprehensive approach to the fight against corruption, this Directive should also cover misappropriation in the private sector. In order for misappropriation to be criminal, it should lead to an advantage for the public official or a third party. In order to take a comprehensive approach to the fight against corruption, Member States are also encouraged to criminalise misappropriation in the private sector.</p> | |
| 20 | (12) Trading in influence, arising | (12) Trading in influence, arising | (12) Trading in influence, arising | |

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| | <p>from the corrupt behaviour of those persons who are or claim to be in the proximity of power and try to exchange promises of exerting influence over decision-making processes in return for undue advantages should also be defined as a criminal offence. The constituent elements of the criminal offence should be that the instigator provides, or promises to provide the influence peddler with an undue advantage for exerting unlawful influence over an outcome or a process that is subject to decision-making. When carried out intentionally, this behaviour should be considered a criminal offence irrespective of whether the influence was exerted and whether or not the claimed influence leads</p> | <p>from the corrupt behaviour of those persons who are or claim to be in the proximity of power and try to exchange promises of exerting influence over decision-making processes in return for undue advantages should also be defined as a criminal offence. The constituent elements of the criminal offence should be that the instigator provides, or promises to provide the influence peddler with an undue advantage for exerting unlawful influence over an outcome or a process that is subject to decision-making. When carried out intentionally, this behaviour should be considered a criminal offence irrespective of whether the influence was exerted and whether or not the claimed influence leads</p> | <p>from the corrupt behaviour of those persons who are or claim to be in the proximity of power and try to exchange promises of exertingThe exertion of influence over decision-making processes in return for public decision-makers with a view to obtaining an undue advantages should also be defined as a criminal offenceadvantage can seriously hamper the proper functioning of public administrations. To adequately tackle it, the constituent elements of the criminal offence should be that the instigator provides, or promises to provide theof trading in influence peddler with an undue advantage for exerting unlawful influence over an outcome or a process that is subject to decision-</p> | |

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| | <p>to the outcome intended. This offence should not cover the legitimate exercise of acknowledged forms of interest representation which may seek to legitimately influence public decision-making but do not entail an undue exchange of advantages. Such forms of interest representation, such as advocacy for example, are often carried out in a regulated environment precisely for avoiding that a lack of transparency may allow them to become gateways to corruption. Having in place well-functioning additional rules on disclosing conflicts of interest, on ‘revolving-doors’ or on the financing of political parties, can also help to avoid grey areas and prevent undue</p> | <p>to the outcome intended. This offence should not cover the legitimate exercise of acknowledged forms of interest representation which may seek to legitimately influence public decision-making but do not entail an undue exchange of advantages. Such forms of interest representation, such as advocacy for example, are often carried out in a regulated environment precisely for avoiding that a lack of transparency may allow them to become gateways to corruption. Having in place well-functioning additional rules on disclosing conflicts of interest, on ‘revolving-doors’ or on the financing of political parties, can also help to avoid grey areas and prevent undue</p> | <p>making-must cover two different situations, when carried out intentionally. First, the offence must cover the promising, offering or giving of any undue advantage aimed at the exertion of illicit influence with a view to obtaining an undue advantage from a public official. Secondly, it must also cover the request, receipt of any undue advantage, or the acceptance of an offer or a promise thereof, with a view to obtaining an undue advantage from a public official. Such conduct must constitute,this behaviour should be considered a criminal offence irrespective of whether the influence was exerted and whether or not the claimed influence leads led to the outcome</p> | |

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| | influence. | influence. | intended. This offence should not cover the legitimate exercise of acknowledged forms of interest representation which may seek to legitimately influence public decision-making but do not entail an undue exchange of advantages. Such forms of interest representation, such as advocacy for example , are often carried out in a regulated environment precisely for avoiding that a lack of transparency may allow them to become gateways to corruption. Having in place well-functioning additional rules on disclosing conflicts of interest, on ‘revolving-doors’ or on the financing of political parties, can also help to avoid grey areas and prevent undue influence. | |

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| 21 | (13) Moreover, it is necessary to define the offence of abuse of functions in the public sector as a failure to perform an act by a public official, in violation of laws, to obtain an undue advantage. In order to comprehensively fight corruption, this Directive should also cover abuse of functions in the private sector. | (13) Moreover, it is necessary to define the offence of abuse of functions in the public sector as a failure to perform an act by a public official, in violation of laws, to obtain an undue advantage. In order to comprehensively fight corruption, this Directive should also cover abuse of functions in the private sector. | (13) Moreover, it is necessary to define the offence of abuse of functions in the public sector as a is the failure to perform an act by a public official, in violation of laws, to obtain an undue advantage. In order to comprehensively fight corruption, this Directive Member States should also cover abuse of functions in the private sector. consider criminalising such conducts at national level. | |
| 22 | (14) Obstruction of justice is a criminal offence committed in support of corruption. It is therefore necessary to lay down a criminal offence for the obstruction of justice, which entails the exercise of physical force, threats or intimidation, or the inducement | (14) Obstruction of justice is a criminal offence committed in support of corruption. It is therefore necessary to lay down a criminal offence for the obstruction of justice, which entails the exercise of physical force, threats or intimidation, or the inducement | (14) Members States' criminal law acknowledges obstruction of justice is as a criminal offence committed in support of, amongst other offences , corruption. It is therefore necessary to lay down a criminal offence for incriminate the obstruction of justice, which | |

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| | <p>of false testimony or evidence. Actions to interfere in the giving of testimony or production of evidence, or with the exercise of official duties by judicial or law enforcement officials should also be covered. In line with the UNCAC, this Directive only applies to the obstruction of justice concerning proceedings relating to a corruption offence.</p> | <p>of false testimony or evidence. Actions to interfere in the giving of testimony or production of evidence, or with the exercise of official duties by judicial or law enforcement officials <u>as well as the destruction, alteration, concealment or falsification of evidence</u> should also be covered. In line with the UNCAC, this Directive only applies to the obstruction of justice concerning proceedings relating to a corruption offence.</p> | <p>entails the exercise of physical force, threats or intimidation, or the inducement of false testimony or evidence. Actions to interfere in the giving of testimony or production of evidence, or with the exercise of official duties by judicial or law enforcement officials should also be covered. In line with the UNCAC, this Directive only applies to the obstruction of justice concerning proceedings relating to a corruption offence. When transposing this Directive, Member States should not be obliged to lay down a specific offence of obstruction of justice relating to corruption offences as established in chapter 2 of this Directive, where their national law includes a general</p> | |

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| | | | <p>provision incriminating the obstruction of justice, applicable to all offences, including, but not limited to, corruption. Member States are also free to criminalise such conducts through several criminal offences at national level.</p> | |
| 22a | | <p><u>(14a) Illicit political financing leaves democracies vulnerable to malign finance and undue influence in politics. Abuses of state resources conferring undue benefits on politicians and parties can be a major corruptive force in the electoral process as they can introduce or exacerbate power inequalities, give unfair electoral advantage to incumbents, compromise the integrity of an</u></p> | | |

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| | | <p><u><i>election, and reduce public trust in the legitimacy of the process and its outcomes. Furthermore, the private sector may use its influence and resources to pressure public authorities to adopt or implement policies and laws in their favour. On the other hand, the integrity of the private sector may be compromised by illicit political finance if politicians pressure companies for donations in exchange for continued business with the state, which can lead to policy capture. It is therefore necessary to lay down a criminal offence for illicit political financing.</i></u></p> | | |
| 23 | (15) Corruption feeds off the motivation for undue economic and | (15) Corruption feeds off the motivation for undue economic and | (15) Corruption feeds off the motivation for undue economic and | |

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| | <p>other advantages. In order to reduce the incentive for individuals and criminal organisations to commit new criminal acts and deter individuals from consenting to becoming fake property owners enrichment by corruption offences should be criminalised. This should, in turn, complicate the concealment of illicitly acquired property and reduce the spread of corruption as well as the damage done to society. Transparency helps competent authorities to detect possible illicit enrichment. For example, in jurisdictions where public officials are required to declare their assets at regular intervals, including when taking up and completing duties, authorities can assess whether the declared</p> | <p>other advantages. In order to reduce the incentive for individuals and criminal organisations to commit new criminal acts and deter individuals from consenting to becoming fake property owners enrichment by corruption offences should be criminalised. This should, in turn, complicate the concealment of illicitly acquired property and reduce the spread of corruption as well as the damage done to society. Transparency helps competent authorities to detect possible illicit enrichment. <i>For example, in jurisdictions where</i> Public officials <i>are</i> <u>should therefore be</u> required to declare their assets <u>and interests</u> at regular intervals, including when taking up and completing duties, <u>so that</u></p> | <p>other advantages. In In order to reduce the incentive for individuals and criminal organisations to commit new criminal acts and deter individuals from consenting to becoming fake property owners, enrichment by corruption offences should be criminalised. This should, in turn, complicate the concealment of illicitly acquired property and reduce the spread of corruption as well as the damage done to society. Transparency helps competent authorities to detect possible illicit enrichment. For example, in jurisdictions where public officials are required to declare their assets at regular intervals, including when taking up and completing duties, authorities can assess whether the declared</p> | |

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| | assets correspond to declared incomes. | <u>competent</u> authorities, <u>or independent entities</u> , can assess whether the declared assets correspond to declared incomes, <u>as well as detect potential conflict of interest and revolving doors situations</u> . <u>With the aim of preventing and combating corruption and of promoting transparency and accountability in the public and private sector, the Union should take the necessary measures to monitor and prevent situations of illicit enrichment and unexplained wealth, by establishing a complete registry of beneficial ownerships to a full set of financial and non-financial assets. This Directive paves the way for further measures to prevent and combat</u> | assets correspond to declared incomes. | |

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| | | <u>corruption at Union level, including the establishment of an EU Asset Register, which would be built upon the Member States network of registries, allowing for corruption crimes to be better prevented, identified and duly investigated.</u> | | |
| 23a | | <u>(15a) Member States should adopt measures to define as a punishable criminal offence, the intentional concealment or continued retention of property by a person who is aware that such property results from the offences referred to in this Directive, even if that person was not involved in committing those offences.</u> | | |

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| 23b | | <p><u>(15b) Member States should be obliged to take measures that hold public officials accountable for any culpable breach of their official duties that results in harm to the rights or to the legitimate interests of individuals or entities. Such breaches, involving a failure to perform duties or a defective performance of duties, should be punishable as criminal offences.</u></p> | | |
| 24 | <p>(16) The criminal offence of enrichment builds upon the rules on the criminal offence of money laundering laid down in Directive (EU) 2018/1673 of the European Parliament and of the Council¹. It is meant to address those cases where the judiciary considers that the corruption offence or offences</p> | <p>(16) The criminal offence of enrichment builds upon the rules on the criminal offence of money laundering laid down in Directive (EU) 2018/1673 of the European Parliament and of the Council¹. It is meant to address those cases where the judiciary considers that the corruption offence or offences</p> | <p>(16) The criminal offence of enrichment builds upon the rules on the criminal is meant to incriminate the deed of a public official who acquires, possesses or uses property which the public official knows to be derived from corruption offences committed by a different public</p> | |

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| | cannot be proven. Like the predicate offence in money laundering, the burden of proof is of a different nature. This means that in criminal proceedings regarding the criminal offence of enrichment, when considering whether property is derived from any kind of criminal involvement in a corruption offence and whether the person had knowledge of that, the specific circumstances of each case should be taken into account, such as the fact that the value of the property is disproportionate to the lawful income of the accused person and that the criminal activity and acquisition of property occurred within the same time frame. It should not be necessary to | cannot be proven. Like the predicate offence in money laundering, the burden of proof is of a different nature. This means that in criminal proceedings regarding the criminal offence of enrichment, when considering whether property is derived from any kind of criminal involvement in a corruption offence and whether the person had knowledge of that, the specific circumstances of each case should be taken into account, such as the fact that the value of the property is disproportionate to the lawful income of the accused person and that the criminal activity and acquisition of property occurred within the same time frame. It should not be necessary to | official. The offence of money laundering laid down in illicit enrichment is without prejudice to the conduct provided for in Article 3 of the Directive (EU) 2018/1673 of the European Parliament and of the Council¹. It is meant to address those cases where the judiciary considers that the corruption offence or offences cannot be proven. Like the predicate offence in on combating money laundering, the burden of proof is of a different nature. This means that in by criminal proceedings regarding the criminal offence of enrichment law, and in particular paragraph 5 thereof, where applicable. When considering whether property is derived from any kind of criminal | |

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| | <p>establish knowledge of all the factual elements or all circumstances relating to the criminal involvement, including the identity of the perpetrator. When a person is convicted of a criminal offence as defined in this Directive, the competent authorities can recover the illicitly obtained property on the basis of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union².</p> <p>_____</p> <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018</p> | <p>establish <u>that the official or person in question was involved in the commission of the criminal offence, to establish</u> knowledge of all the factual elements or all circumstances relating to the criminal involvement, including the identity of the perpetrator. When a person is convicted of a criminal offence as defined in this Directive, the competent authorities can recover the illicitly obtained property on the basis of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union².</p> <p>_____</p> | <p>involvement in a corruption offence and whether the person had knowledge of that, the specific circumstances of each case should be taken into account, such as the fact that the value of the property is disproportionate to the lawful income of the accused person and that the criminal activity and acquisition of property occurred within the same time frame. It should not be necessary to establish knowledge of all the factual elements or all circumstances relating to the criminal involvement, including the identity of the perpetrator.</p> <p>When a person is convicted of a criminal offence as defined in this Directive, the competent authorities can recover the</p> | |

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| | <p>on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).</p> <p>2. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127/39, 29.4.2014, p. 39).</p> | <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).</p> <p>2. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127/39, 29.4.2014, p. 39).</p> | <p>illicitlyIn addition, the proceeds obtained property from corruption offences can be confiscated on the basis of Directive 2014/42/EU2024/1260/EU of the European Parliament and of the Council of 324 April 20142024 on the freezing 2024 on asset recovery and confiscation of instrumentalities and proceeds of crime in the European Union².</p> <p>—————</p> <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).</p> <p>2. [2] Directive</p> | |

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| | | | 2014/42/EU (EU) 2024/1260 of the European Parliament and of the Council of 324 April 2014 on the freezing 2024 on asset recovery and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127/39, 29.4.2014, p. 39). | |
| 25 | (17) In order to deter corruption throughout the Union, Member States should lay down minimum types and levels of sanctions when the criminal offences defined in this Directive are committed. The maximum levels of imprisonment and other penalties should be sufficiently high to deter possible offenders and to reflect the harmfulness of corruption and the | (17) In order to deter corruption throughout the Union, Member States should lay down minimum types and levels of sanctions when the criminal offences defined in this Directive are committed. The maximum levels of imprisonment and other penalties should be sufficiently high to deter possible offenders and to reflect the harmfulness of corruption and the | (17) In order to deter corruption throughout the Union, Member States should lay down minimum types and levels of criminal and non criminal penalties sanctions when the criminal offences defined in this Directive are committed. The maximum levels of imprisonment and other penalties should be sufficiently high to deter possible offenders and to reflect | |

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| | <p>priority that the competent authorities should give to combat such offences. At the same time, these levels should be proportionate to the seriousness of each corruption offence and be coherent with levels of criminal sanctions set in Union and national law. Member States should ensure that sanctions are enforced to the extent necessary in order to deter the commission of those offences. Where the Member States consider the eventuality of suspended or conditional sentences, early release, parole or pardoning of persons convicted of any of the offences referred to in this Directive, judicial authorities should be able to take into account the seriousness of the criminal</p> | <p>priority that the competent authorities should give to combat such offences. At the same time, these levels should be proportionate to the seriousness of each corruption offence and be coherent with levels of criminal sanctions set in Union and national law. Member States should ensure that sanctions are enforced to the extent necessary in order to deter the commission of those offences. Where the Member States consider the eventuality of suspended or conditional sentences, early release, parole or pardoning of persons convicted of any of the offences referred to in this Directive, judicial authorities should be able to take into account the seriousness of the criminal</p> | <p>the harmfulness of corruption and the priority that the competent authorities should give to combat such offences. At the same time, these levels should be proportionate to the seriousness of each corruption offence and be coherent with levels of criminal sanctions penalties set in Union and national law. Member States should ensure that sanctions penalties are enforced to the extent necessary in order to deter the commission of those offences. Where the Member States consider If national law establishes the eventuality of suspended or conditional sentences, early release, parole or pardoning of persons convicted of any of the offences referred to in</p> | |

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| | offences concerned among other factors. | offences concerned among other factors. | this Directive, judicial authorities should be able to take into account the seriousness of the criminal offences concerned among other factors. This directive is without prejudice to the general rules and principles of national criminal law on the application and execution of sentences in accordance with the concrete circumstances in each individual case. | |
| 26 | (18) This Directive does not affect the proper and effective application of disciplinary measures or penalties other than those of a criminal nature, such as administrative sanctions. Sanctions that cannot be equated to criminal sanctions, which are imposed on | (18) This Directive does not affect the proper and effective application of disciplinary measures or penalties other than those of a criminal nature, such as administrative sanctions. Sanctions that cannot be equated to criminal sanctions, which are imposed on | (18) This Directive does not affect the proper and effective application of disciplinary measures or penalties other than those of a criminal nature, such as administrative sanctions . Sanctions penalties. Penalties that cannot be equated to criminal | |

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| | the same person for the same conduct, can be taken into account when sentencing that person for a criminal offence defined by this Directive. For sanctions of criminal nature, the principle of prohibition of being tried or punished twice in criminal proceedings for the same criminal offence (ne bis in idem) should be fully respected. | the same person for the same conduct, can be taken into account when sentencing that person for a criminal offence defined by this Directive. For sanctions of criminal nature, the principle of prohibition of being tried or punished twice in criminal proceedings for the same criminal offence (ne bis in idem) should be fully respected. | sanctions penalties , which are imposed on the same person for the same conduct, can be taken into account when sentencing that person for a criminal offence defined by this Directive. For sanctions of criminal nature, The principle of prohibition of being tried or punished twice in criminal proceedings for the same criminal offence (ne bis in idem) should be fully respected. | |
| 27 | (19) The competent authorities should be able to impose, in addition or as an alternative to imprisonment, sanctions or measures, that are not necessarily of a criminal nature, such as the temporary or permanent disqualification from holding | (19) The competent authorities should be able to impose, in addition or as an alternative to imprisonment, sanctions or measures, that are not necessarily of a criminal nature, such as the temporary or permanent disqualification from holding | (19) The competent authorities should be able to impose, in addition or as an alternative to imprisonment, sanctions penalties or measures, that are not necessarily of a criminal nature, such as the temporary or permanent disqualification from | |

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| | public office or the exclusion from public procurement. Such measures have a general dissuasive effect and may reduce the recidivism of convicted offenders. Member States should also consider establishing procedures for the suspension or temporary reassignment of a public official accused of a criminal offence as referred to in this Directive, bearing in mind the need to respect the principle of the presumption of innocence and the right to an effective remedy. | public office or the exclusion from public procurement. Such measures have a general dissuasive effect and may reduce the recidivism of convicted offenders. Member States should also consider establishing procedures for the suspension or temporary reassignment of a public official accused of a criminal offence as referred to in this Directive, bearing in mind the need to respect the principle of the presumption of innocence and the right to an effective remedy. | holding public office or the exclusion from public procurement tender procedures. Such measures have a general dissuasive effect and may reduce the recidivism of convicted offenders. Member States should also consider establishing procedures for the suspension or temporary reassignment of a public official accused of a criminal offence as referred to in this Directive, bearing in mind the need to respect the principle of the presumption of innocence and the right to an effective remedy. | |
| 27a | | | (19a) In order to enhance the criminal justice response to offences concerning corruption and to deter the commission of | |

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| | | | <p>those offences, the sanctions regime against legal persons and natural persons should be clarified and brought in line with other Union criminal law instruments. Under to Directive 2014/24/EU, Directive 2014/25/EU, Directive 2014/23/EU and Directive 2009/81/EC, a conviction, by way of final judgement, for corruption is grounds for an exclusion from participating in a procurement procedure or a concession award procedure. Nevertheless, Member States should also be able to decide to include, among the criminal or non-criminal sanctions or measures which can be imposed on legal persons and natural</p> | |

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| | | | persons, the exclusion of such legal persons from tender procedures or concessions, in order to also cover procurements and concessions below the thresholds of the relevant directives. | |
| 28 | (20) Legal persons should not be able to avoid responsibility by using intermediaries, including related legal persons, to offer, promise or give a bribe to a public official on its behalf. Moreover, fines for legal persons should be calculated considering the worldwide turnover of all legal entities related to the offender, including parent entities, subsidiary entities, linked trusts, or similar or comparable legal entities. | (20) Legal persons should not <u>be liable only for acts of a leading person in their organisation, nor should they</u> be able to avoid responsibility by using intermediaries, including related legal persons, to offer, promise or give a bribe to a public official on its behalf. Moreover, fines for legal persons should be <u>proportionate and commensurate to the gravity of the offence, and</u> calculated considering <u>the gross gain, or the</u> | (20) Legal persons should not be able to avoid responsibility by using intermediaries, including related legal persons, to offer, promise or give a bribe to a public official on its behalf. Moreover, fines for legal persons should be calculated considering the their worldwide turnover of all legal entities related to the offender, including parent entities, subsidiary entities, linked trusts, or similar or comparable legal entities or based | |

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| | | <p><u>gross loss, caused by the offence,</u> <u>or</u> the worldwide turnover of all legal entities related to the offender, including parent entities, subsidiary entities, linked trusts, or similar or comparable legal entities. <u>Corruption related offences are often resolved through non-trial resolutions processes, which are often viewed as a pragmatic and efficient way to resolve cases that would otherwise require tremendous time and resources to investigate and prosecute before reaching a court. However, non-trial resolutions also present legal, institutional and procedural challenges, and raise questions of transparency, the level of deterrence and victims'</u></p> | <p>on fixed maximum amounts.</p> | |

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| | | <u>compensation. Member States should therefore also take the necessary measures to establish fair, effective, and transparent non-trial resolution processes that competent authorities can enter into with a legal person for any of the offences covered by this Directive.</u> | | |
| 28a | | <u>(20a) In the fight against corruption, urgent attention should be directed towards tackling the misuse of bearer shares and trusts, which are essential in clandestine financial activities. Member States still permit the use of bearer shares, allowing for illicit funds to be received, held, and transferred in a clandestine manner. These</u> | | |

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| | | <p><u>mechanisms create an opacity level even higher than tax havens, making them a serious concern in the battle against corruption.</u></p> <p><u>Moreover, trusts are also exploited for their potential to allow obscure financial transactions and to hide the true beneficiaries. The misuse of funds further compounds the challenge of tracking and combating corruption effectively.</u></p> <p><u>Therefore, Member States need to swiftly implement robust measures. Such measures should encompass an unambiguous ban on bearer shares and a comprehensive strategy to ensure transparency of ownership in the use of trusts.</u></p> | | |
| 29 | (21) Where the offence is | (21) Where the offence is | (21) Where the offence is | |

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| | <p>committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA¹ or where the perpetrator abused their position to enable corruption, Member States should provide for aggravating circumstances in accordance with the applicable rules established by their legal systems. Whilst subject to judicial discretion, these aggravating circumstances should allow the judiciary to take into account the broader societal damage caused, for example by corruption perpetrated by organised groups, political parties, or persons holding positions of public responsibility. Member States should not be obliged to provide for any of the aggravating</p> | <p>committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA¹ or where the perpetrator abused their position to enable corruption, Member States should provide for aggravating circumstances in accordance with the applicable rules established by their legal systems. Whilst subject to judicial discretion, these aggravating circumstances should allow the judiciary to take into account the broader societal damage caused, for example by corruption perpetrated by organised groups, political parties, or persons holding positions of public responsibility. Member States should not be obliged to provide for any of the aggravating</p> | <p>committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA¹ or where the perpetrator abused their position to enable corruption, Member States should provide for it is important that courts are able to take this into account as aggravating circumstances in accordance with the applicable rules established by their legal systems. Whilst subject to judicial discretion, these aggravating circumstances should allow the judiciary to take into account the broader societal damage caused, for example by corruption perpetrated by organised groups, political parties, or persons holding positions of public responsibility. Member</p> | |

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| | <p>circumstances in this Directive when those circumstances are punishable as separate criminal offences with more severe sanctions.</p> <p>_____</p> <p>1. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, (OJ L 300, 11.11.2008, p. 42).</p> | <p>circumstances in this Directive when those circumstances are punishable as separate criminal offences with more severe sanctions.</p> <p>_____</p> <p>1. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, (OJ L 300, 11.11.2008, p. 42).</p> | <p>States should not be obliged to provide for any of the aggravating circumstances in this Directive when those circumstances are punishable as separate criminal offences with and this can lead to more severe sanctions/penalties under national law.</p> <p>_____</p> <p>1. [1] Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, (OJ L 300, 11.11.2008, p. 42).</p> | |
| 30 | <p>(22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the</p> | <p>(22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the</p> | <p>(22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the</p> | |

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| | Member States and the Union. Member States should thus provide for an aggravating circumstance to cover such situations. Such an aggravating circumstance should cover corruption offences, such as bribery or trading in influence, that are committed with a view to create an advantage for a third country, such as altering the public decision-making in order to come to a decision that is favourable to the third country. | Member States and the Union. Member States should thus provide for an aggravating circumstance to cover such situations. Such an aggravating circumstance should cover corruption offences, such as bribery or trading in influence, that are committed with a view to create an advantage for a third country, such as altering the public decision-making in order to come to a decision that is favourable to the third country. | Member States and the Union. Member States should thus provide for an aggravating circumstance to cover such situations. Such an aggravating circumstance should cover corruption offences, such as bribery or trading in influence, that are committed with a view to create an advantage for a third country, such as altering the public decision-making in order to come to a decision that is favourable to the third country. | |
| 31 | (23) Member States should ensure that mitigating circumstances are laid down in national legislation in relation to the offences covered by this Directive. Subject to judicial discretion, these circumstances | (23) Member States should ensure that mitigating circumstances are laid down in national legislation in relation to the offences covered by this Directive. Subject to judicial discretion, these circumstances | (2322) Member States should ensure that It is important that courts can take into account mitigating circumstances are laid down in national legislation in relation to the offences covered by this Directive, in accordance with | |

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| | <p>should cover those cases in which offenders provide information or otherwise collaborate with authorities. Similarly, where legal persons have implemented effective internal controls, ethics, and compliance programmes, it should be possible to consider these actions as a mitigating circumstance. Lower sanctions should also be considered where, upon discovery of an offence, a legal person swiftly discloses information and takes remedial measures. In any case, it should remain within the discretion of the judge or the court to determine the actual amount of the sanction, taking into account all the circumstances of the individual case.</p> | <p>should cover those cases in which offenders provide information or otherwise collaborate with authorities. Similarly, where legal persons have implemented effective internal controls, ethics, and compliance programmes, it should be possible to consider these actions as a mitigating circumstance. Lower sanctions should also be considered where, upon discovery of an offence, a legal person swiftly discloses information and takes remedial measures. In any case, it should remain within the discretion of the judge or the court to determine the actual amount of the sanction, taking into account all the circumstances of the individual case.</p> | <p>the applicable rules established by their legal systems. Subject to judicial discretion, these circumstances should cover those cases in which offenders provide information or otherwise collaborate with authorities. Similarly, where legal persons have implemented genuine, effective and duly assessed internal controls, ethics, and compliance programmes, it should be possible to consider these actions as a mitigating circumstance when sanctioning such legal persons. Lower sanctionspenalties should also be considered where, upon discovery of an offence, a legal person swiftly discloses information and takes remedial measures. In any</p> | |

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| | | | case, it should remain within the discretion of the judge or the court to determine the actual amount of the sanction, taking into account all the circumstances of the individual case, including, where applicable, the fact that the legal person has compliance programmes only for cosmetic purposes, also called "window dressing" . | |
| 32 | (24) Members of Parliament and other public officials may have immunity or legal protection from investigation or prosecution, which helps strengthen their independence by protecting them against unfounded complaints, in particular with regard to opinions expressed or votes cast in the course of performing their | (24) Members of Parliament and other public officials may have immunity or legal protection from investigation or prosecution, which helps strengthen their independence by protecting them against unfounded complaints, in particular with regard to opinions expressed or votes cast in the course of performing their | (2423) Members of Parliament and other public officials may have immunity or legal protection from investigation or prosecution, which helps strengthen their independence by protecting them against unfounded complaints, in particular with regard to opinions expressed or votes cast in the course of | |

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| | <p>functions. However, such immunities may hamper effective investigation and prosecution of corruption offences, including by affecting the detection and investigation or prosecution of other persons who do not enjoy immunity and may have participated in the offence. Moreover, the application of immunity without appropriate procedures to lift immunity in cases where there are grounds to suspect participation in criminal acts undermines the credibility of public institutions. There should therefore be an appropriate balance between, on the one hand, any immunities or jurisdictional privileges accorded to public officials for acts performed in the</p> | <p>functions. However, such immunities may hamper effective investigation and prosecution of corruption offences, including by affecting the detection and investigation or prosecution of other persons who do not enjoy immunity and may have participated in the offence. Moreover, the application of immunity without appropriate procedures to lift immunity in cases where there are grounds to suspect participation in criminal acts undermines the credibility of public institutions. There should therefore be an appropriate balance between, on the one hand, any immunities or jurisdictional privileges accorded to public officials for acts performed in the</p> | <p>performing their functions. However, such immunities may hamper effective investigation and prosecution of corruption offences, including by affecting the detection and investigation or prosecution of other persons who do not enjoy immunity and may have participated in the offence. Moreover, the application of immunity without appropriate procedures to lift immunity in cases where there are grounds to suspect participation in criminal acts undermines the credibility of public institutions. There should therefore be an appropriate balance between, on the one hand, any immunities or jurisdictional privileges accorded to public officials for acts performed in the</p> | |

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| | exercise of their functions, and on the other hand, the possibility of effectively investigating, prosecuting and adjudicating corruption offences. | exercise of their functions, and on the other hand, the possibility of effectively investigating, prosecuting and adjudicating corruption offences. | exercise of their functions, and on the other hand, the possibility of effectively investigating, prosecuting and adjudicating corruption offences. Member States should ensure that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive can be lifted. However, Member States should not be obliged to change their national constitutions and constitutional principles when transposing this Directive. In the transposition of this Directive into national law as well as in the application of national law transposing this Directive, those privileges and immunities, including the respect | |

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| | | | for the freedom of the Member's mandate, are fully taken into account. This directive should not affect the legitimate exercise of acknowledged forms of interest representation which may seek to legitimately influence public decision-making but do not entail an undue exchange of advantages. Interest representation is important for the creation of policy that is supported by civil society and can contribute legitimately to the public sector. | |
| 33 | (25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under | (25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under | (25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under | |

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| | domestic law not to the prosecute persons for criminal offences referred to in this Directive on opportunity grounds should be exercised in accordance with clear rules and criteria and guarantee, with appropriate internal consultation, as well as the aim of deterring the commission of corruption offences and the effectiveness of the judicial process. | domestic law not to the prosecute persons for criminal offences referred to in this Directive on opportunity grounds should be exercised in accordance with clear rules and criteria and guarantee, with appropriate internal consultation, as well as the aim of deterring <u>and decisions subject to review by the public concerned, subject to proportionality requirements as provided under national law. These rules and criteria and guarantees can contribute to deter</u> the commission of corruption offences and <u>to ensure</u> the effectiveness of the judicial process. | domestic law not to the prosecute persons for criminal offences referred to in this Directive on opportunity grounds should be exercised in accordance with clear rules and criteria and guarantee, with appropriate internal consultation, as well as the aim of deterring the commission of corruption offences and the effectiveness of the judicial process. | |
| 34 | (26) Given the mobility of perpetrators and proceeds | (26) Given the mobility of perpetrators and proceeds | (26 24) Given, in particular , the mobility of certain perpetrators | |

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| | <p>stemming from criminal activities, as well as the complex cross-border investigations required to combat corruption, all Member States should establish their jurisdiction in order to enable the competent authorities to investigate and prosecute this crime in a sufficient wide range of cases. including when the offence is committed in whole or in part in its territory. As part of that obligation, Member States should ensure that jurisdiction is also established in situations where an offence is committed by means of information system used on their territory, whether or not that technology is based in their territory.</p> | <p>stemming from criminal activities, as well as the complex cross-border investigations required to combat corruption, all Member States should establish their jurisdiction in order to enable the competent authorities to investigate and prosecute this crime in a sufficient wide range of cases. including when the offence is committed in whole or in part in its territory. As part of that obligation, Member States should ensure that jurisdiction is also established in situations where an offence is committed by means of information system used on their territory, whether or not that technology is based in their territory.</p> | <p>and proceeds stemming from criminal activities, as well as the complex cross-border investigations required to combat corruption, all Member States should establish their jurisdiction in order to enable the competent authorities to investigate and prosecute this crime in a sufficient wide range of cases. effectively including when the offence is committed in whole or in part in its territory. As part of that obligation, Member States should ensure that jurisdiction is also established in situations where an offence is committed by means of information system used on their territory, whether or not that technology is based in their territory.</p> | |

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| 35 | (27) In order to ensure that the competent authorities have sufficient time to conduct complex investigations and prosecutions, this Directive provides for a minimum limitation period that enables the detection, investigation, prosecution and judicial decision of corruption offences for a sufficient period of time after the commission of such offences, without affecting those Member States which do not set limitation periods for investigation, prosecution and enforcement. | (27) In order to ensure that the competent authorities have sufficient time to conduct complex investigations and prosecutions, this Directive provides for a minimum limitation period that enables the detection, investigation, prosecution and judicial decision of corruption offences for a sufficient period of time after the commission of such offences, without affecting those Member States which do not set limitation periods for investigation, prosecution and enforcement. | (27) ²⁵ In order to ensure that the competent authorities have sufficient time to conduct complex investigations and prosecutions, this Directive provides for a minimum limitation period that enables the detection, investigation, prosecution and judicial decision of corruption offences for a sufficient period of time after the commission of such offences, without affecting those Member States which do not set limitation periods for investigation, prosecution and enforcement. | |
| 36 | (28) Corruption offences are a difficult category of crime to identify and investigate, as they mostly occur as part of a conspiracy between two or more | (28) Corruption offences are a difficult category of crime to identify and investigate, as they mostly occur as part of a conspiracy between two or more | (28) ²⁶ Corruption offences are a can be difficult category of crime to identify and investigate, as they mostly occur as part of a conspiracy between two or more | |

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| | <p>willing parties and lack an immediate and obvious victim who could complain. Thus, a significant proportion of corruption crime remains undetected, and the criminal parties are able to benefit from the proceeds of their corruption. The longer it takes to detect a corruption offence, the more difficult it is to uncover evidence. Therefore, it should be ensured that law enforcement and prosecutors have appropriate investigative tools to gather relevant evidence of corruption offences which often affect more than one Member State.</p> <p>Furthermore, Member States should allocate sufficient training, in close coordination with the European Union Agency for Law</p> | <p>willing parties and lack an immediate and obvious victim who could complain. Thus, a significant proportion of corruption crime remains undetected, and the criminal parties are able to benefit from the proceeds of their corruption. The longer it takes to detect a corruption offence, the more difficult it is to uncover evidence. Therefore, it should be ensured that law enforcement and prosecutors have appropriate investigative tools to gather relevant evidence of corruption offences which often affect more than one Member State. <u>Such tools should as a minimum include the tools listed in Directive 2014/41/EU of the European Parliament and of the Council^{1a},</u></p> | <p>willing parties and lack an immediate and obvious victim who could complain in hiding. Thus, a significant proportion of corruption crime remains undetected, and the criminal parties are able to benefit from the proceeds of their corruption. The longer it takes to detect a corruption offence, the more difficult it is to uncover evidence. Therefore, it should be ensured that law enforcement and prosecutors competent authorities have appropriate investigative tools to gather relevant evidence of corruption offences which often affect more than one Member State. Furthermore, Member States should allocate sufficient training, in close coordination with the European Union Agency for Law</p> | |

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| | <p>Enforcement Training (CEPOL), also on the use investigative tools to successfully carry out proceedings and the identification and quantification of proceeds of corruption in the context of freezing and confiscation. In addition, this Directive facilitates the gathering of information and evidence by setting out mitigating circumstances for offenders that help the authorities.</p> | <p><u>such as covert investigations, investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time, interception of telecommunications, information on banking and other financial operations and bank and other financial accounts.</u> Furthermore, Member States should allocate sufficient training, in close coordination with the European Union Agency for Law Enforcement Training (CEPOL), also on the use investigative tools to successfully carry out proceedings and the identification and quantification of proceeds of corruption in the context of freezing and confiscation. In</p> | <p>Enforcement Training (CEPOL), also on the use of investigative tools to successfully carry out proceedings and the identification and quantification of proceeds of corruption in the context of asset recovery-freezing and confiscation. In addition, this Directive facilitates the gathering of information and evidence by setting out mitigating circumstances for offenders that help the authorities. The training of law enforcement and the judicial authority should concern criminal investigation and criminal proceedings of offences falling within the scope of this Directive.</p> | |

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| | | <p>addition, this Directive facilitates the gathering of information and evidence by setting out mitigating circumstances for offenders that help the authorities.</p> <p>_____</p> <p><u>1a. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p.1)</u></p> | | |
| 36a | | <p><u>(28a) Corruption is not a victimless crime and the rights of victims of corruption should be safeguarded on the same level as those of victims of other crimes.</u></p> | | |

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| | | <u>including regarding the right to information, support and protection. Victims of corruption should be represented in court proceedings, consulted about corruption investigation and adequately compensated. This will ensure that the consequences and the damage of corruption to societies are recognised and will guarantee the rights of people suffering from corruption.</u> | | |
| 37 | (29) Persons reporting information to competent authorities concerning past, ongoing or planned instances of corruption, which they have acquired in the context of their work-related activities, risk suffering retaliation in that context. | (29) Persons reporting information to competent authorities concerning past, ongoing or planned instances of corruption, which they have acquired in the context of their work-related activities, risk suffering retaliation in that context. | (2927) Persons reporting information to competent authorities concerning past, ongoing or planned instances of corruption, which they have acquired in the context of their work-related activities, risk suffering retaliation in that context. | |

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| | <p>Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to effectively prevent, detect and prosecute corruption. Given the public interest in shielding public and private institutions from such acts, and in enhancing transparency, good governance and accountability, it is necessary to ensure that effective arrangements are in place to enable whistleblowers to use confidential channels, to alert competent authorities and to protect them from retaliation. Directive (EU) 2019/1937 of the European Parliament and of the Council¹ applies to reports of breaches affecting the financial interests of the Union as referred to in Article</p> | <p>Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to effectively prevent, detect and prosecute corruption. Given the public interest in shielding public and private institutions from such acts, and in enhancing transparency, good governance and accountability, it is necessary to ensure that effective arrangements are in place to enable whistleblowers to use confidential channels, to alert competent authorities and to protect them from retaliation. Directive (EU) 2019/1937 of the European Parliament and of the Council¹ applies to reports of breaches affecting the financial interests of the Union as referred to in Article</p> | <p>Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to effectively prevent, detect and prosecute corruption. Given the public interest in shielding public and private institutions from such acts, and in enhancing transparency, good governance and accountability, it is necessary to ensure that effective arrangements are in place to enable whistleblowers to use confidential channels, to alert competent authorities and to protect them from retaliation. Directive (EU) 2019/1937 of the European Parliament and of the Council¹ applies to reports of breaches affecting the financial interests of the Union as referred to in Article</p> | |

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| | <p>325 of the Treaty and as further specified in relevant Union measures and thus applies to the reporting of all criminal offences falling within the scope of Directive (EU) 2017/1371 of the European Parliament and of the Council². As regards the criminal offences referred to in this Directive, Directive (EU) 2019/1937 should be applicable to the reporting of such offences and to the protection of persons reporting such offences under the conditions established therein. Beyond the obligations flowing from Directive (EU) 2019/1937, competent national authorities should ensure that persons providing evidence or otherwise cooperating with criminal</p> | <p>325 of the Treaty and as further specified in relevant Union measures and thus applies to the reporting of all criminal offences falling within the scope of Directive (EU) 2017/1371 of the European Parliament and of the Council². As regards the criminal offences referred to in this Directive, Directive (EU) 2019/1937 should be applicable to the reporting of such offences and to the protection of persons reporting such offences under the conditions established therein. Beyond the obligations flowing from Directive (EU) 2019/1937, competent national authorities should ensure that persons providing evidence or otherwise cooperating with criminal</p> | <p>325 of the Treaty and as further specified in relevant Union measures and thus applies to the reporting of all criminal offences falling within the scope of Directive (EU) 2017/1371 of the European Parliament and of the Council². As regards the criminal offences referred to in this Directive, Directive (EU) 2019/1937 should be applicable to the reporting of such offences and to the protection of persons reporting such offences under the conditions established therein. Beyond the obligations flowing from Directive (EU) 2019/1937, Competent national authorities should furthermore ensure that persons providing evidence or otherwise cooperating with</p> | |

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| | <p>investigations are given the necessary protection, support and assistance in the context of criminal proceedings.</p> <hr/> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305 26.11.2019).</p> <p>2. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law (OJ 198 L, 28.7.2017, p. 29).</p> | <p>investigations are given the necessary protection, support and assistance in the context of criminal proceedings.</p> <hr/> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305 26.11.2019).</p> <p>2. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law (OJ 198 L, 28.7.2017, p. 29).</p> | <p>criminal investigations are given the necessary protection, support and assistance in the context of criminal proceedings, where appropriate. Such protection, support and assistance may include witness protection, being heard anonymously or providing legal aid.</p> <hr/> <p>1. [1] Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305 26.11.2019).</p> <p>2. [2] Directive (EU)</p> | |

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| | | | 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law (OJ 198 L, 28.7.2017, p. 29). | |
| 37a | | <u>(29a) The public concerned, including affected communities, should be entitled to obtain reparation of damages caused by the offences. For such purposes Member States should ensure that, in accordance with their national legal system, members of the public concerned have appropriate rights to participate in the proceedings covered by this Directive, for instance as a civil party. The public concerned</u> | | |

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| | | <p><u>should be entitled to participate in the proceedings covered by this Directive where as a result of a corruption offence, they have a sufficient interest and are entitled to maintain the impairment of a right, in accordance with national law. For the purposes of participating in the proceedings covered by this Directive, the public concerned including entities that wish to represent the rights of victims of corruption should meet minimum standards. First, they should have a non-profit making nature. Second, there should be a direct relationship between the main objectives of the entity representing the public concerned and the action brought before the</u></p> | | |

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| | | <p><u>relevant court or competent administrative body. Third, the entity should have been established for at least five years prior to the date of its application to the relevant court or competent administrative body. Entities representing the public concerned should also make publicly available in plain and intelligible language by any appropriate means, in particular on their website, information that demonstrates their compliance with the criteria required to participate in the proceedings covered by this Directive, and information about the sources of their funding, organisational structure, statutory purpose and activities.</u></p> | | |

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| 37b | | <p><u>(29b) The preparation and adoption of coordinated strategies for the prevention of corruption and the promotion of public integrity emerged as a common standard to foster a coordinated and continuous approach to the challenges posed by corruption. This Directive requires all Member States to adopt, publish and periodically review national strategies on preventing and combating corruption to duly take into account the needs, specificities and challenges of the Member States. The strategies should be developed in cooperation with all level of governments concerned, including local governments and institutions translating national strategies into</u></p> | | |

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| | | <u><i>the specific context, and in consultation with civil society, independent experts, researchers and other stakeholders.</i></u> | | |
| 38 | (30) Independent civil society organisations are crucial for the well-functioning of our democracies, and play a key role in upholding the common values on which the EU is founded. They act as essential watchdogs, drawing attention to threats to the rule of law, contributing to making those in powers accountable, and ensuring respect for fundamental rights. Member States should promote the participation of civil society in anti-corruption activities. | (30) Independent civil society organisations are crucial for the well-functioning of our democracies, and play a key role in upholding the common values on which the EU is founded. They act as essential watchdogs, drawing attention to threats to the rule of law, contributing to making those in powers accountable, and ensuring respect for fundamental rights. Member States should promote the participation of civil society in anti-corruption activities. <u><i>The consistent involvement of civil society in the prevention and in</i></u> | (30) (28) Independent civil society organisations are crucial for the well-functioning of our democracies, and play a key role in upholding the common values on which the EU is founded. They act as essential watchdogs, drawing attention to threats to the rule of law, contributing to making those in powers accountable, and ensuring respect for fundamental rights. Member States should promote the participation of civil society in anti-corruption activities, where appropriate. | |

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| | | <u>the fight against corruption, as well as in raising public awareness regarding the existence, causes and gravity of corruption and the threats it poses should be an essential element of the Union's approach.</u> | | |
| 39 | (31) Media pluralism and media freedom are key enablers for the rule of law, democratic accountability, equality and the fight against corruption. Independent and pluralistic media, in particular investigative journalism, play an important role in the scrutiny of public affairs, detecting possible corruption and integrity breaches, raising awareness and promoting integrity. Member States have an obligation | (31) Media pluralism and media freedom are key enablers for the rule of law, democratic accountability, equality and the fight against corruption. Independent and pluralistic media, in particular investigative journalism, play an important role in the scrutiny of public affairs, detecting possible corruption and integrity breaches, raising awareness and promoting integrity. Member States <u>should be</u> | (31) Media pluralism and media freedom are key enablers for the rule of law, democratic accountability, equality and the fight against corruption. Independent and pluralistic media, in particular investigative journalism, play an important role in the scrutiny of public affairs, detecting possible corruption and integrity breaches, raising awareness and promoting integrity. Member States have an obligation | |

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| | <p>to guarantee an enabling environment for journalists, protect their safety and pro-actively promote media freedom and media pluralism. The Commission's Recommendation on the protection, safety and empowerment of journalists¹, as well as the proposal for a Directive² and a Commission Recommendation³ on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') include important safeguards and standards to ensure that journalists, human rights defenders and others can carry out their role unhindered.</p> | <p><u>transparent as regards funding the media through institutional advertising, preventing any administration from favouring the media of their choice. In addition, Member States</u> have an obligation to guarantee an enabling environment for journalists, protect their safety and pro-actively promote media freedom and media pluralism. The Commission's Recommendation on the protection, safety and empowerment of journalists¹, as well as the proposal<u>proposals for a Regulation establishing a common framework for media services in the internal market (European Media Freedom Act)</u>^{1a} <u>and</u> for a Directive² and a Commission Recommendation³ on</p> | <p>to guarantee an enabling environment for journalists, protect their safety and pro-actively promote media freedom and media pluralism. The Commission's Recommendation on the protection, safety and empowerment of journalists¹, as well as the proposal for a Directive (EU) 2024/1069² and a Commission Recommendation³ on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') include important safeguards and standards to ensure that journalists, human rights defenders and others can carry out their role unhindered.</p> | |

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| | <p>_____</p> <p>1. Commission Recommendation of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, C(2021)6650 final.</p> <p>2. Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”), COM/2022/177 final.</p> | <p>protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (‘Strategic lawsuits against public participation’) include important safeguards and standards to ensure that journalists, human rights defenders, <u>whistleblowers</u>, and others can carry out their role unhindered.</p> <p>_____</p> <p>1. Commission Recommendation of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, C(2021)6650</p> | <p>_____</p> <p>1. [1] Commission Recommendation of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, C(2021)6650 final.</p> <p>2. Proposal for a [2] Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic</p> | |

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| | <p>3. Commission Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”), C(2022) 2428 final.</p> | <p>final.</p> <p><u>1a. Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU, COM/2022/457 final.</u></p> <p>2. Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”),</p> | <p>lawsuits against public participation”), COM/2022/177 final.</p> <p>3. [3] Commission Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”), C(2022) 2428 final.</p> | |

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| | | <p>COM/2022/177 final.</p> <p>3. Commission Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"), C(2022) 2428 final.</p> | | |
| 40 | (32) Member States should collect and publish data concerning the application of this Directive, which can be analysed and used by the Commission in the context of the monitoring, implementation and evaluation of the Directive, as well as the application of any of | (32) Member States should collect and publish data concerning the application of this Directive, which can be analysed and used by the Commission in the context of the monitoring, implementation and evaluation of the Directive, as well as the application of any of | (32) 30 Member States should collect and publish data concerning the application of this Directive, which can be analysed and used by the Commission in the context of the monitoring, implementation and evaluation of the Directive, as well as the application of any of | |

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| | the Rule of Law tools, such as the annual Rule of Law report. | the Rule of Law tools, such as the annual Rule of Law report. | the Rule of Law tools, such as the annual Rule of Law report. | |
| 41 | (33) To combat corruption effectively, efficient exchange of information between competent authorities responsible for the prevention, detection, investigation or prosecution of corruption offences is crucial. Member States should ensure that information is exchanged in an effective and timely manner in accordance with national and Union law. This Directive, which aims to lay down common definitions of corruption offences, should serve as a benchmark for information exchange and cooperation between the competent national authorities under Directives (EU) XX/2023 ¹ , | (33) To combat corruption effectively, efficient exchange of information between competent authorities responsible for the prevention, detection, investigation or prosecution of corruption offences is crucial. Member States should ensure that information is exchanged in an effective and timely manner in accordance with national and Union law. This Directive, which aims to lay down common definitions of corruption offences, should serve as a benchmark for information exchange and cooperation between the competent national authorities under Directives (EU) XX/2023 ¹ , | (33) To combat corruption effectively, efficient exchange of information between competent authorities responsible for the prevention, detection, investigation or prosecution of corruption offences is crucial. Member States should ensure that information is exchanged in an effective and timely manner in accordance with national and Union law. This Directive, which aims to lay down common definitions of corruption offences, should serve as a benchmark for information exchange and cooperation between the competent national authorities under Directives (EU) XX/2023 ¹ , | |

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| | <p>(EU) 2019/1153², (EU) 2016/681³ of the European Parliament and of the Council, Regulations (EU) 2018/1240⁴, (EU) 2018/1862⁵ and (EU) 603/2013⁶ of the European Parliament and of the Council, Council Decision 2008/633/JHA⁷.</p> <p>_____</p> <p>1. See Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.</p> <p>2. Directive (EU) 2019/1153 of</p> | <p>(EU) 2019/1153², (EU) 2016/681³ of the European Parliament and of the Council, Regulations (EU) 2018/1240⁴, (EU) 2018/1862⁵ and (EU) 603/2013⁶ of the European Parliament and of the Council, Council Decision 2008/633/JHA⁷.</p> <p><u>To ensure the security of the information shared between Anti-Corruption Investigation bodies, units and agencies, the use of the Secure Information Exchange Network Application (SIENA), managed by Europol in accordance with Regulation (EU) 2016/794 of the European Parliament and of the Council^{7a}, should be mandatory for all Anti-Corruption Investigation bodies, units and agencies under this Directive.</u></p> | <p>(EU) 2019/1153², (EU) 2016/681³ of the European Parliament and of the Council, Regulations (EU) 2018/1240⁴, (EU) 2018/1862⁵ and (EU) 603/2013⁶ of the European Parliament and of the Council, Council Decision 2008/633/JHA⁷.</p> <p>_____</p> <p>1. See Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.</p> <p>2. Directive (EU) 2019/1153 of</p> | |

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| | <p>the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.</p> <p>3. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p.</p> | <p>_____</p> <p>1. See Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.</p> <p>2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal</p> | <p>the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.</p> <p>3. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p.</p> | |

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| | <p>132), Annex II, point 6.</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), Annex, point 7.</p> <p>5. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the</p> | <p>offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.</p> <p>3. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132), Annex II, point 6.</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and</p> | <p>132), Annex II, point 6.</p> <p>4. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), Annex, point 7.</p> <p>5. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the</p> | |

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| | <p>Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, (OJ L 312, 7.12.2018, p. 56). Reference to corruption is made indirectly in the SIS II Council Decision by delimiting its scope with a reference to the European Arrest Warrant, for instance in Article 8.</p> <p>6. Regulation (EU) No</p> | <p>Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1), Annex, point 7.</p> <p>5. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No</p> | <p>Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, (OJ L 312, 7.12.2018, p. 56). Reference to corruption is made indirectly in the SIS II Council Decision by delimiting its scope with a reference to the European Arrest Warrant, for instance in Article 8.</p> <p>6. Regulation (EU) No</p> | |

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| | 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement | 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, (OJ L 312, 7.12.2018, p. 56). Reference to corruption is made indirectly in the SIS II Council Decision by delimiting its scope with a reference to the European Arrest Warrant, for instance in Article 8. 6. Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 | 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement | |

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| | <p>purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).</p> <p>7. Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious</p> | <p>establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p.</p> | <p>purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).</p> <p>7. Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious</p> | |

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| | <p>criminal offences (OJ L 218, 13.8.2008, p. 129). Reference to corruption is made indirectly in the VIS Council Decision for law enforcement by delimiting its scope with a reference to the European Arrest Warrant in recital 6.</p> | <p>1).</p> <p>7. Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129). Reference to corruption is made indirectly in the VIS Council Decision for law enforcement by delimiting its scope with a reference to the European Arrest Warrant in</p> | <p>criminal offences (OJ L 218, 13.8.2008, p. 129). Reference to corruption is made indirectly in the VIS Council Decision for law enforcement by delimiting its scope with a reference to the European Arrest Warrant in recital 6.</p> | |

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| | | <p>recital 6.</p> <p><u>7a. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p.53).</u></p> | | |
| 41a | | <p><u>(33a) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should</u></p> | | |

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| | | <u><i>be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</i></u> | | |
| 41b | | <u><i>(33b) Victims of corruption often lack representation in legal processes, consultation in corruption investigations, and opportunities for compensation. In practice, enforcing actions against international corruption often neglects the involvement and rights of victims, creating a significant gap where victims remain largely unknown. Member States should safeguard the rights of victims, ensuring their perspectives are voiced and considered without compromising the rights of the defence during</i></u> | | |

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| | | <u>criminal proceedings against offenders. The compensation of victims represents the essence of justice and victims should be empowered to seek remedies. Therefore, Member States should implement measures allowing individuals or entities harmed by acts of corruption to initiate legal actions against the responsible parties to seek appropriate compensation.</u> | | |
| 42 | <p>(34) Corruption is a cross-cutting issue, while vulnerabilities differ from sector to sector, as well as the most adequate way to tackle them. Member States should therefore regularly perform an assessment to identify the sectors most at risk of corruption and develop risk</p> | <p>(34) Corruption is a cross-cutting issue, while vulnerabilities differ from sector to sector, as well as the most adequate way to tackle them. Member States should therefore regularly perform an assessment to identify the sectors most at risk of corruption and develop risk</p> | <p>(34) (32) Corruption is a cross-cutting issue, while vulnerabilities differ from sector to sector, as well as the most adequate way to tackle them. Member States should therefore, when necessary, regularly perform an assessment to identify the sectors or occupations</p> | |

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| | <p>management plans to address the main risks in the sectors identified, including by organising, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified. Member States that have broad national anti-corruption strategies in place, may also choose to address their risk assessments and risk management plans therein, as long as the risks are assessed and the measures are reviewed regularly. For instance, investor residence schemes are among the sectors that bear high risks for corruption¹. and should therefore be included in the assessments of the sectors most at risk of corruption and the trainings to be conducted by Member States as provided for by</p> | <p>management plans to address the main risks in the sectors identified, including by organising, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified. Member States that have broad national anti-corruption strategies in place, may also choose to address their risk assessments and risk management plans therein, as long as the risks are assessed and the measures are reviewed regularly. For instance, investor residence <u>and citizenship</u> schemes are among the sectors that bear <u>that bear</u> high risks for corruption¹. and should therefore be included in the assessments of the sectors most at risk of corruption and the trainings to be conducted by <u>completely</u></p> | <p>most at risk of corruption and develop risk management measures, such as national plans, to address the main risks in the sectors identified, including by organising, at least once a year as appropriate, awareness-raising actions adapted to the specificities of the sectors or occupations identified. Member States that have broad national anti-corruption strategies in place, may also choose to address their risk assessments and risk management plans measures therein, as long as the risks are assessed and the measures are reviewed regularly when necessary. For instance, investor residence schemes are among the sectors that bear that bear high risks for corruption¹. and should</p> | |

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| | <p>this Directive.</p> <p>_____</p> <p>1. Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Investor Citizenship and Residence Schemes in the European Union, 23 January 2019, COM(2019) 12 final.</p> | <p><u>banned by the</u> Member States as provided for by this Directive.</p> <p>_____</p> <p>1. Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Investor Citizenship and Residence Schemes in the European Union, 23 January 2019, COM(2019) 12 final.</p> | <p>therefore be included in the assessments of the sectors most at risk of corruption and the trainings to be conducted by Member States as provided for by this Directive.</p> <p>_____</p> <p>1. [1] Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Investor Citizenship and Residence Schemes in the European Union, 23 January 2019, COM(2019) 12 final.</p> | |
| 42a | | <p><u>(34a) The European Commission should support Member States</u></p> | | |

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| | | <u>and their authorities to comply with the obligations stemming from this Directive. In particular, the Commission should offer guidance and support to Member States in enhancing the capacity of their institutions, strengthening investigative bodies and the judiciary in order to respond better to risks of corruption identified at national and Union level.</u> | | |
| 42b | | <u>(34b) The EU network against corruption should bring together the expertise and resources of Member States, Union institutions, civil society, and the private sector in order to develop comprehensive strategies and share best practices in the fight</u> | | |

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| | | <u>against corruption. It should serve as a platform for cooperation, coordination, and information sharing, including with international organisations and bodies, thus allowing the Union to combat corruption more effectively.</u> | | |
| 42c | | <u>(34c) To ensure coordinated EU oversight over the efforts of Member States to tackle corruption, Member States should facilitate the tasks of an EU Anti-Corruption Coordinator. The Coordinator should be responsible for improving coordination and coherence among EU institutions, EU agencies and Member States and should contribute to the effective application of this</u> | | |

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| | | <p><u>Directive. To ensure implementation of the country-specific recommendations in regards to combatting corruption set out in the Commission annual Rule of Law Report, the Coordinator should report on the actions that Member States take to address and fulfil them. On its own initiative, or upon the request of the Commission, the Anti-Corruption Coordinator may draw up opinions regarding national measures which may have a significant impact on the implementation of this Directive, including the national anti-corruption strategies of the Member States.</u></p> | | |
| 42d | | <p><u>(34d) In order to ensure a</u></p> | | |

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| | | <u>comprehensive overview and assessment of the corruption related trends and systemic corruption issues across the EU, including the identification of areas that have been affected most by the misappropriation of EU funds, the Commission should develop a yearly Anti-corruption Report, which should provide concrete and actionable recommendations to Member States to act upon in order to address identified shortcomings.</u> | | |
| 43 | <p>(35) To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371¹ should be aligned with those of this</p> | <p>(35) To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371¹ should be aligned with those of the</p> | <p>(35) To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371¹ should be aligned with those of this</p> | |

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| | <p>Directive. To this end, the rules applicable to criminal offences affecting the Union's financial interests as regards sanctions, aggravating and mitigating circumstances and limitation periods should be equivalent to those laid down by this Directive.</p> <p>_____</p> <p>1. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law, OJ 198 L, 28.7.2017, p. 29.</p> | <p><u>standards set out in</u> this Directive.</p> <p>To this end, the rules applicable to criminal <u>Member States should ensure that</u> offences <u>covered by this Directive constitute offences also when</u> affecting the Union's financial interests as regards. <u>Therefore, the standards set out by Directive (EU) 2017/1371 for fighting corruption affecting the Union's financial interests, in particular in terms of definitions of criminal offences, sanctions, limitation periods,</u> aggravating and mitigating circumstances and limitation periods <u>jurisdiction</u> should be equivalent to those laid down by this Directive.</p> <p>_____</p> <p>1. Directive (EU) 2017/1371 of</p> | <p>Directive. To this end, the rules applicable to criminal offences affecting the Union's financial interests as regards sanctions, aggravating and mitigating circumstances and limitation periods should be equivalent to those laid down by this Directive.</p> <p>_____</p> <p>1. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law, OJ 198 L, 28.7.2017, p. 29.</p> | |

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| | | the European Parliament and of the Council of 5 July 2017 on the protection of the Union's financial interests by means of criminal law, OJ 198 L, 28.7.2017, p. 29. | | |
| 44 | (36) The implementation of this Directive should ensure a level of protection of the Union's financial interests which is equivalent to the protection of the national financial interests. | (36) The implementation of this Directive should ensure a level of protection of the Union's financial interests which is equivalent to the protection of the national financial interests. | (3633) The implementation of this Directive should ensure a level of protection of the Union's national financial interests which is equivalent to the protection of the national Union's financial interests. | |
| 45 | (37) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, | (37) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, | (3734) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, | |

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| | cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective. | cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective. | cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective. | |
| 46 | (38) The intended dissuasive effect of the application of criminal law sanctions requires particular caution with regard to fundamental rights. This Directive respects fundamental rights and observes | (38) The intended dissuasive effect of the application of criminal law sanctions requires particular caution with regard to fundamental rights. This Directive respects fundamental rights and observes | (38) ⁽³⁵⁾ The intended dissuasive effect of the application of criminal law sanctions ^{penalties} requires particular caution with regard to fundamental rights. This Directive respects fundamental | |

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| | the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’) and in particular the right to liberty and security, the protection of personal data, the freedom to choose an occupation and right to engage in work, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence, the principles of the legality and proportionality of criminal offences and sanctions, as well as the principle of ne bis in idem. | the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’) and in particular the right to liberty and security, the protection of personal data, the freedom to choose an occupation and right to engage in work, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence, the principles of the legality and proportionality of criminal offences and sanctions, as well as the principle of ne bis in idem. | rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’) and in particular the right to liberty and security, the protection of personal data, the freedom to choose an occupation and right to engage in work, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence, the principles of the legality and proportionality of criminal offences and sanctions penalties , as well as the principle of ne bis in idem. | |
| 47 | (39) [In accordance with Article 3 of Protocol (No 21) on the | (39) [In accordance with Article 3 of Protocol (No 21) on the | (39) (36) [In accordance with Article 3 of Protocol (No 21) on | |

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| | position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive. | position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive. | the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Ireland has notified, by letter of 10 July 2023 , its wish to take part in the adoption and application of this Directive. | |
| 48 | AND/OR | AND/OR | —AND/OR | |
| 49 | (40) In accordance with Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European | (40) In accordance with Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European | (40) In accordance with Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European | |

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| | Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption and application of this Directive and are not bound by it or subject to its application.] | Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption and application of this Directive and are not bound by it or subject to its application.] | Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption and application of this Directive and are not bound by it or subject to its application.] | |
| 50 | (41) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Council Framework Decision 2003/568/JHA shall continue to be binding upon and applicable to Denmark. | (41) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Council Framework Decision 2003/568/JHA shall continue to be binding upon and applicable to Denmark. | (41 37) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Council Framework Decision 2003/568/JHA shall continue to be binding upon and applicable to Denmark. | |

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| 51 | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | |
| 51a | | | Chapter 1 GENERAL PROVISIONS | |
| 52 | Article 1 Subject matter and scope | Article 1 Subject matter and scope | Article 1 Subject matter and scope | |
| 53 | This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of corruption, as well as measures to better prevent and fight corruption. | This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of corruption, as well as measures to better prevent and fight corruption <u>at the national and Union level.</u> | This Directive establishes minimum rules concerning the definition of criminal offences and sanctions criminal and non criminal penalties in the area of corruption, as well as measures to better prevent and fight corruption. | |
| 54 | Article 2 | Article 2 | Article 2 | |

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| | Definitions | Definitions | Definitions | |
| 55 | For the purposes of this Directive, the following definitions apply: | For the purposes of this Directive, the following definitions apply: | For the purposes of this Directive, the following definitions apply: | |
| 56 | 1. ‘prevention of corruption’ refers to the detection and elimination of the causes of and conditions for corruption, through development and implementation of a system of appropriate measures, as well as deterrence against corruption-related acts. | 1. ‘prevention of corruption’ refers to the <u>proactive identification</u> , detection and elimination of the causes of and conditions for corruption <u>in the public and private sector</u> , through development and implementation of a <u>comprehensive</u> system of appropriate measures <u>and necessary tools to reduce the potential for corruption</u> , as well as deterrence against <u>to deter</u> corruption-related acts <u>at the national and Union level</u> . | 1. ‘prevention of corruption’ refers to the detection and elimination of the causes of and conditions for corruption, through development and implementation of a system of appropriate measures, as well as deterrence against corruption-related acts. | |

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| 57 | 2. ‘property’ means funds or assets of any kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or an interest in, such assets. | 2. ‘property’ means funds or assets of any kind, <u>including crypto assets</u> , whether corporeal or incorporeal, movable or immovable, <u>financial or non-financial</u> tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or an interest in, such assets. | 21 . ‘property’ means funds or assets of any kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or an interest in, such assets. | |
| 58 | 3. ‘public official’ means: | 3. ‘public official’ means: For technical reasons, the order of rows 58-60a follows the order of the Council Mandate. This is without prejudice | 32 . ‘public official’ means: | |

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| | | to the agreement of the co-legislators on the placement of these provisions. | | |
| 59 | (a) a Union official or a national official of a Member State or of a third country, | (a) a Union official or a national official of a Member State or of a third country, | (a) a Union official or a national official of a Member State or of a third country, | |
| 59a | 4. 'Union official' means a person who is: Moved reference text | 4. 'Union official' means a person who is: | 4.(i) 'Union official' means a person who is: Moved from row 61 [61 - 59a] | |
| 59b | (a) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials. | (a) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials. <i>inasmuch as the Staff</i> | (a) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials. | |

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| | Moved reference text | <u>Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’) do not apply to them;</u> | Moved from row 62 [62 - 59b] | |
| 59c | (b) an official or other servant engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’); | (b) an official or other servant engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’); | (b) a. an official or other servant engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’); | |

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| | Moved reference text | | Moved from row 63 [63 - 59c] | |
| 59d | <p>(c) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants.</p> <p>Moved reference text</p> | <p>(c) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants.</p> | <p>(e)b. seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants.</p> <p>Moved from row 64 [64 - 59d]</p> | |
| 59e | | | <p>Members of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials, in as much as the Staff Regulations do not apply to them.</p> | |
| 59f | <p>5. ‘national official’ means any</p> | <p>5. ‘national official’ means any</p> | <p>5-(ii) ‘national official’ means any</p> | |

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| | <p>person holding an executive, administrative, or judicial office at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority. Any person holding a legislative office at national, regional or local level is considered a national official for the purpose of this Directive.</p> <p>Moved reference text</p> | <p>person holding an executive, administrative, or judicial office <u>or any other person assigned or exercising a public service function</u> at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority, <u>or any person entrusted with tasks of public interest or in charge of a public service</u>. Any person holding a legislative office at national, regional or local level is considered <u>shall be assimilated to</u> a national official for the purpose of this Directive.</p> | <p>person holding an executive, administrative, or judicial office at national, regional or local level, whether appointed or elected, or employed on the basis of a contract, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority. Any person holding a legislative office at national, regional or local level is considered shall be assimilated to a national official for the purpose of this Directive in accordance with national law.</p> <p>Moved from row 65 [65 - 59f]</p> | |
| 59g | 8. 'high level officials' are heads of state, heads of central and | 8. 'high level officials' are heads of state, heads of central and | 8.(iii) 'high level officials' are heads of state, heads of central and | |

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| | <p>regional government, members of central and regional government, as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister's private office, and senior political officials, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions.</p> <p>Moved reference text</p> | <p>regional government, members of central and regional government, <u>members of the College of Commissioners of the European Commission</u>, as well as other political appointees who hold a high level public office <u>at Union level, such as the President of the European Council, or at national level</u>, such as deputy ministers, state secretaries, heads and members of a minister's private office, and senior political officials, as well as members of parliamentary chambers, members of <u>the European Parliament</u>, <u>members of</u> highest Courts, such as Constitutional and Supreme Courts, <u>military officials, senior executives of state owned corporations, managing officials</u></p> | <p>regional government, members of central and regional government, as well as other political appointees who hold a means public officials who are entrusted with key executive, administrative, legislative or judicial functions in accordance with national law. The provisions of this Directive concerning high level public office such as deputy ministers, state secretaries, heads and members of a minister's private office, and senior political officials, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions official shall be understood without prejudice to immunities and</p> | |

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| | | <u>of political parties whose members or candidates are members of a parliament,</u> and members of Supreme Audit Institutions ; | privileges established under national constitutions or laws. Moved from row 68 [68 - 59g] | |
| 60 | (b) any other person assigned and exercising a public service function in Member States or third countries, for an international organisation or for an international court. | (b) any other person assigned and/or exercising a public service function <u>or providing a public service</u> in Member States or third countries, for an international organisation or for an international court. | (b) any other person assigned and exercising a public service function including those mandated by or under the authority of a public authority in Member States or third countries, for an international organisation or for an international court in accordance with national law. | |
| 60a | | | (c) a person assigned and exercising a public service function for an international organisation or for an international court in accordance | |

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| | | | with national law. | |
| 61 | 4. 'Union official' means a person who is: | 4. 'Union official' means a person who is: | Moved to row 59a [61 - 59a] | |
| 62 | (a) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials. | (a) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials: <u><i>inasmuch as the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the 'Staff Regulations') do not apply to them;</i></u> | Moved to row 59b [62 - 59b] | |
| 63 | (b) an official or other servant | (b) an official or other servant | | |

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| | engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’); | engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the ‘Staff Regulations’); | Moved to row 59c [63 - 59c] | |
| 64 | (c) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants. | (c) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants. | Moved to row 59d [64 - 59d] | |
| 64a | | | 3. ‘Arbitrator’ means any person called upon to render a legally binding decision in disputes submitted by the parties | |

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| | | | to the arbitration agreement where their status is set out in national law. | |
| 64b | | | 4. ‘Juror’ means any person acting as a member of a body responsible for deciding on the guilt of an accused person in the framework of a trial, in accordance with national law. | |
| 65 | 5. ‘national official’ means any person holding an executive, administrative, or judicial office at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority. Any person holding a legislative office at national, | 5. ‘national official’ means any person holding an executive, administrative, or judicial office <u>or any other person assigned or exercising a public service function</u> at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s | Moved to row 59f [65 - 59f] | |

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| | regional or local level is considered a national official for the purpose of this Directive. | seniority, <u>or any person entrusted with tasks of public interest or in charge of a public service</u> . Any person holding a legislative office at national, regional or local level is considered <u>shall be assimilated to</u> a national official for the purpose of this Directive. | | |
| 66 | 6. ‘breach of duty’ covers as a minimum any disloyal behaviour constituting a breach of a statutory duty, or, as the case may be, a breach of professional regulations or instructions, which apply within the business of a person who in any capacity directs or works for a private sector entity. | 6. ‘breach of duty’ covers as a minimum any disloyal behaviour constituting a breach of a statutory duty, or, as the case may be, a breach of professional regulations or instructions, which apply within the business of a person who in any capacity directs or works for a private sector entity. | 65. ‘breach of duty’ covers as a minimum any disloyal behaviour constituting a breach of a statutory duty, or, as the case may be, a breach of professional regulations or instructions, which apply within the business of a person who in any capacity directs or works for a private sector entity. | |
| 66a | | <u>(6a) 'conflict of interests' means a situation where the impartial</u> | | |

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| | | <u>and objective exercise of the functions of a public official is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest;</u> | | |
| 67 | 7. ‘legal person’ means any entity having legal personality under the applicable national law, except for States or public bodies in the exercise of State authority and for public international organisations. | 7. ‘legal person’ means any entity <u>recognised as</u> having legal personality under the applicable national law, except for States or public bodies in the exercise of State authority and for public international organisations. | 76. ‘legal person’ means any entity having legal personality under the applicable national law, except for States or public bodies in the exercise of State authority and for public international organisations. | |
| 68 | 8. ‘high level officials’ are heads of state, heads of central and regional government, members of central and regional government, | 8. ‘high level officials’ are heads of state, heads of central and regional government, members of central and regional government, | Moved to row 59g [68 - 59g] | |

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| | <p>as well as other political appointees who hold a high level public office such as deputy ministers, state secretaries, heads and members of a minister's private office, and senior political officials, as well as members of parliamentary chambers, members of highest Courts, such as Constitutional and Supreme Courts, and members of Supreme Audit Institutions.</p> | <p><u>members of the College of Commissioners of the European Commission</u>, as well as other political appointees who hold a high level public office <u>at Union level, such as the President of the European Council, or at national level</u>, such as deputy ministers, state secretaries, heads and members of a minister's private office, and senior political officials, as well as members of parliamentary chambers, members of <u>the European Parliament</u>, <u>members of</u> highest Courts, such as Constitutional and Supreme Courts, <u>military officials, senior executives of state owned corporations, managing officials of political parties whose members or candidates are members of a</u></p> | | |

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| | | <u>parliament</u> , and members of Supreme Audit Institutions s . | | |
| 68a | | <u>(8a) 'victim' means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU of the European Parliament and of the Council, as well as a legal person, as defined in national law, that has suffered harm as a result of any of the offences within the scope of this Directive;</u> | | |
| 68b | | <u>(8b) 'public concerned' means the persons affected or likely to be affected by the criminal offences within the scope of this Directive; for the purposes of this definition, non-governmental organisations meeting any proportionate requirements under national law</u> | | |

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| | | <u>shall be deemed to have an interest.</u> | | |
| 69 | Article 3 Prevention of corruption | Article 3 Prevention of corruption | Moved to row 203b [69 - 203b] | |
| 70 | 1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness of corruption and reduce the overall commission of corruption offences as well as the risk of corruption. | 1. Member States, <u>as well as the institutions, bodies, offices and agencies of the Union</u> , shall take appropriate action, such <u>as including</u> information and awareness-raising campaigns and research and education <u>for public integrity</u> programmes, to raise public awareness <u>among the public and private sector</u> on the harmfulness <u>and real impact</u> of corruption, <u>including on public budgets and to</u> and reduce the overall commission of corruption | Moved to row 203c [70 - 203c] | |

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| | | offences as well as the risk of corruption. | | |
| 71 | 2. Member States shall take measures to ensure the highest degree of transparency and accountability in public administration and public decision-making with a view to prevent corruption. | 2. Member States, <u>as well the institutions, bodies, offices and agencies of the Union</u> shall, <u>within the limits of their respective administrations and public decision-making processes</u> , take measures to ensure the highest degree of <u>integrity</u> , transparency and accountability in public administration and public decision-making , <u>through merit-based recruitment and promotion, while ensuring that citizens are adequately informed</u> , with a view to prevent corruption. | Moved to row 203d [71 - 203d] | |
| 72 | 3. Member States shall take measures to ensure that key | 3. Member States shall take measures to ensure that key | | |

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| | preventive tools such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector are in place. | preventive tools such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector are in place. <u>, such as:</u> | Moved to row 203e [72 - 203e] | |
| 72a | | <u>(a) an anticorruption strategy and action plan drafted with the participation of competent authorities, including the relevant specialised bodies referred to in Article 4, and with the involvement of civil society;</u> | | |

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| 72b | | <u>(b) an open access to information of public interest;</u> | | |
| 72c | | <u>(c) effective rules for the disclosure and management of conflicts of interests in the public sector, including ad-hoc disclosure of new conflicts as they arise, and establishing sanctions for failure to report substantial assets or interests;</u> | | |
| 72d | | <u>(d) effective rules for the periodic and risk-based disclosure and verification of assets and interests of public officials and establishing sanctions for failure to report substantial assets or interests;</u> | | |

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| 72e | | <u>(e) effective rules addressing the interaction between the private and the public sector, including regulation of interest representation and revolving doors situations comprising of:</u> | | |
| 72f | | <u>(i) establishing a code of conduct for public officials, including rules for their interactions with persons or private entities carrying out interest representation;</u> | | |
| 72g | | <u>(ii) establishing minimum required information to be publically disclosed in regards to the interaction between public officials and persons or private entities carrying out interest</u> | | |

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| | | <u>representation, including the proactive publication of lobby meetings;</u> | | |
| 72h | | <u>(iii) establishing of a public legislative footprint;</u> | | |
| 72i | | <u>(iv) establishing the obligation for all persons or private entities, including associations, who engage in interest representation to disclose corporate membership and to register in a transparency register, which shall provide public and easily accessible information through a single gateway; and</u> | | |
| 72j | | <u>(v) regulating the movement of public officials from positions of public office to positions in the</u> | | |

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| | | <u>same field in the private sector as well as enforcing restrictions on post-term employment.</u> | | |
| 72k | | <u>(f) elimination of administrative barriers and regulatory complexity that hinder timely decision-making on citizens' requests and condition their access to information and the decision-making process;</u> | | |
| 72l | | <u>(g) effective measures to ban citizenship by investment and residency by investment schemes.</u> | | |
| 72m | | <u>3a. Member States shall ensure that information to be disclosed according to measures listed in points (b), (c), (d) and (e) of paragraph 3 is accessible via</u> | | |

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| | | <u><i>electronic systems, and available in machine readable format across the Union. Access to such information shall be provided in accordance with applicable national law and in full compliance with fundamental rights, as enshrined in Union law.</i></u> | | |
| 72n | | <u><i>3b. Institutions, bodies, offices and agencies of the Union shall take measures to ensure that key preventive tools, including at least the preventive tools listed under paragraphs 3 and 3a of this Article, are in place in their respective administrations.</i></u> | | |
| 72o | | <u><i>3c. Member States shall take measures to ensure transparency in the funding of candidatures for</i></u> | | |

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| | | <u>elected public officials and political parties, through annual reporting mechanisms, such as effective rules for the reporting, audit and disclosure of political party finance, equal obligations to collect and publish all data on income, liabilities and expenditure for participants in election campaigns.</u> | | |
| 73 | 4. Member States shall adopt comprehensive and up-to-date measures to prevent corruption in both the public and private sectors, adapted to the specific risks of an area of activity. Such measures shall at least include actions to strengthen integrity and to prevent opportunities for corruption among: | 4. Member States shall adopt comprehensive and up-to-date <u>periodically reviewed</u> measures to prevent corruption in both the public and private sectors, adapted <u>tailored</u> to the specific risks of an area of activity. Such measures shall at least <u>target common high-risk areas and shall at least</u> include actions <u>to identify</u> | Moved to row 203f [73 - 203f] | |

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| | | <u>and fight against organised crime or other serious crime</u> , to strengthen integrity, <u>transparency and accountability</u> and to prevent opportunities for corruption among: | | |
| 74 | (a) high level officials; | (a) high level officials, <u>including measures relating to the conduct to be followed during and after the performance of their public function</u> ; | Moved to row 203g [74 - 203g] | |
| 75 | (b) members of law enforcement and the judiciary, including measures relating to their appointment and conduct, and by ensuring adequate remuneration and equitable pay scales. | (b) members of law enforcement, <u>intelligence agencies</u> and the judiciary, including measures relating to their <u>merit-based</u> appointment, <u>promotion and dismissal, and measures related to</u> and conduct, and by ensuring adequate remuneration and | Moved to row 203h [75 - 203h] | |

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| | | equitable pay scales. | | |
| 75a | | <p><u>4a. The institutions, bodies, offices and agencies of the Union shall put in place comprehensive and up-to-date measures to prevent corruption of Union officials, adapted to the specific risks of the areas of activity covered by their respective administrations. Such measures shall at least include actions to strengthen integrity, transparency and accountability, and to prevent opportunities for corruption among high level Union officials, including measures relating to their appointment and the conduct to be followed during and after the performance of their public function.</u></p> | | |

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| 75b | | <u>4b. Member States shall take measures to create a strong public service culture, based on integrity, transparency and accountability, ensuring that national officials are adequately remunerated, have the appropriate information, training and support to deal with both the increased professional standards and the tasks in implementing their mandate, and that they are aware of conflict of interest situations and of the risks of corruption and financial and economic crimes.</u> | | |
| 76 | 5. Member States shall regularly perform an assessment to identify the sectors most at risk of corruption. | 5. Member States, <u>as well the institutions, bodies, offices and agencies of the Union,</u> shall regularly <u>annually</u> perform an assessment to identify the sectors | Moved to row 203i [76 - 203i] | |

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| | | most at risk of corruption. <u><i>In performing such assessment, Member States shall take into account, in particular, the Commission's annual Rule of Law Report and the EU Anti-corruption Report referred to in Article 26a of this Directive.</i></u> | | |
| 77 | Following that assessment, Member States shall: | Following that assessment, Member States <u><i>as well the institutions, bodies, offices and agencies of the Union</i></u> shall, <u><i>within the limits of their respective competences and mandate:</i></u> | Moved to row 203j [77 - 203j] | |
| 78 | (a) organise, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified, including on | (a) organise, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified, including on | Moved to row 203k [78 - 203k] | |

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| | ethics; and | ethics; and | | |
| 79 | (b) develop plans to address the main risks in the sectors identified. | (b) develop <u>anti-corruption action</u> plans, <u>with implementation and monitoring mechanisms</u> to address the main risks in the sectors identified; <u>these plans shall identify trends in the corruption offences covered by this Directive as well as measures to reduce risks and ways to react to illicit practices;</u> | Moved to row 203I [79 - 203I] | |
| 79a | | <u>(ba) monitor that sectors identified as at risk of corruption adequately implement the actions indicated in the plans referred to in point (b) of this paragraph, and effectively apply the key preventive tools referred to in paragraph 3 of</u> | | |

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| | | <u>this Article;</u> | | |
| 79b | | <u>(bb) ensure that the results of the assessments are available to the public.</u> | | |
| 79c | | <u>5a. Member States shall take appropriate measures to promote transparency and accountability in the management of public finances. Member States shall, in particular, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making. Member States shall publish information in open data formats including, but not limited to, government budgets, government spending, public</u> | | |

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| | | <u>procurement, voting records,</u> <u>permits and concessions, and state</u> <u>subsidies.</u> | | |
| 80 | 6. Where appropriate, Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities. | 6. Where appropriate, Member States <u>as well the institutions, bodies, offices and agencies of the Union</u> shall take measures to promote the participation <u>effectively and regularly engage with and consult</u> civil society, non-governmental organizations and community-based organizations <u>and academia in the development, monitoring, and assessment of anti-corruption laws and policies.</u> <u>Member States shall establish an enabling environment for civil society to work and have meaningful engagement</u> in anti-corruption activities. <u>Member</u> | Moved to row 203m [80 - 203m] | |

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| | | <u>States shall further promote available reporting mechanisms and publicising rights relating to the protection of persons who report breaches of Union law.</u> | | |
| 80a | | <u>6a. Member States shall take measures to prevent corruption involving the private sector through the development of codes of conduct, enhancing accounting and auditing standards, as well as internal controls and transparency, considering external auditing, particularly in high risk sectors and promoting cooperation with law enforcement.</u> | | |
| 81 | Article 4 Specialised bodies | Article 4 Specialised bodies | Moved to row 203u [81 - 203u] | |

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| 82 | 1. Member States shall take the necessary measures to ensure that one or several bodies, or organisation units specialised in the prevention of corruption is or are in place. | 1. Member States shall take the necessary measures to ensure that one or several bodies, or organisation units specialised in the prevention of corruption is or are in place. | Moved to row 203v [82 - 203v] | |
| 82a | | <u><i>The tasks of such bodies or organisation units shall include:</i></u> | | |
| 82b | | <u><i>(a) the management of asset declarations of public officials;</i></u> | | |
| 82c | | <u><i>(b) monitoring compliance with transparency rules applicable to public officials and public entities and to the financing of political parties, and the enforcement of sanctions related to breaches of such provisions and rules;</i></u> | | |

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| 82d | | <u>(c) monitoring compliance with the statutory provisions and rules related to conflicts of interests in the public and private sectors, and the enforcement of sanctions related to breaches of such provisions and rules;</u> | | |
| 82e | | <u>(d) the issuing of warnings related to risks of corruption;</u> | | |
| 82f | | <u>(e) cooperation with competent authorities, bodies or organizational units specialized in the repression of corruption.</u> | | |
| 83 | 2. Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in | 2. Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in | Moved to row 203w [83 - 203w] | |

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| | the repression of corruption is or are in place. | the repression <u>and investigation</u> of corruption is or are in place. <u>The tasks of such bodies shall include the detection, investigation and prosecution of the offences referred to in this Directive, including through evidence gathering and inter-agency cooperation, and the enforcement of sanctions.</u> | | |
| 83a | | <u>2a. Member States shall take the necessary measures to ensure that an organisational unit specialised in the identification, notification, representation and coordination of victims of corruption is in place.</u> | | |
| 84 | 3. Member States shall take the necessary measures to ensure that | 3. Member States shall take the necessary measures to ensure that | | |

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| | the body or bodies, or an organisation unit or units as referred to in paragraph 1 and 2: | the body or bodies, or an organisation unit or units as referred to in paragraph 1, <u>2 and 2a</u> and 2 : | Moved to row 203x [84 - 203x] | |
| 85 | (a) are functionally independent from the government and have a sufficient number of qualified staff and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the proper administration of their tasks; | (a) are functionally independent from the government and <u>haveable to autonomously take decisions on individual cases, carry out their functions free from undue political interferences, and are continually provided with</u> a sufficient number of qualified staff, <u>including on the operational level,</u> and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the <u>effective performance and the</u> proper administration of their tasks; | Moved to row 203y [85 - 203y] | |

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| 85a | | <p><u>(aa) are managed by executive member or members who, in the performance of their tasks and exercise of their powers in accordance with this Directive, shall remain free from external influence whether direct or indirect, and shall neither seek nor take instructions from anybody, and who shall be provided with an adequate and sufficient term of office, ensuring political independence; the executive member or members shall be appointed through a transparent, open and non-discriminatory procedure in accordance with the principle of legislative oversight; the selection criteria shall be predictable and known no less than 1 year before</u></p> | | |

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| | | <u><i>the planned appointment;</i></u> | | |
| 86 | (b) are known to the public; | (b) are known to the public; | Moved to row 203z [86 - 203z] | |
| 87 | (c) provide public access to relevant information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations; | (c) provide public access to relevant information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations; | Moved to row 203aa [87 - 203aa] | |
| 87a | | <u><i>(ca) provide annual reports on their activities and their results, submit those reports to the relevant executive and legislative bodies and publish them on their websites;</i></u> | | |

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| 87b | | <u>(cb) provide and update annually a database on cases of corruption, including convictions, damages and assets recovered;</u> | | |
| 87c | | <u>(cc) receive and process complaints related to breaches of rules on the prevention of corruption, including those adopted under the key preventing tools referred to in Article 3(3);</u> | | |
| 87d | | <u>(cd) are consulted in the process of development and formulation of a national anti-corruption strategy referred to in point (a) of Article 3(3);</u> | | |
| 88 | (d) operate and take decisions in accordance with transparent | (d) operate and take decisions in accordance with transparent | | |

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| | procedures established by law, with the effect of ensuring integrity and accountability. | procedures established by law, with the effect of ensuring integrity <u>and subject to internal oversight</u> and accountability. mechanisms; | Moved to row 203ab [88 - 203ab] | |
| 88a | | <u>(da) operate in line with the objective of increasing their efficiency.</u> | | |
| 88b | | <u>3a. The bodies and units referred to in paragraph 1 shall cooperate with the corresponding units in other Member States.</u> | | |
| 89 | Article 5 Resources | Article 5 Resources | Moved to row 203ac [89 - 203ac] | |
| 90 | Member States shall take the necessary measures to ensure that national authorities competent for | Member States shall take the necessary measures to ensure that national authorities competent for | Moved to row 203ad [90 - 203ad] | |

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| | the detection, investigation, prosecution or adjudication of the criminal offences referred to in this Directive are continually provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive. | the detection, investigation, prosecution or adjudication of the criminal offences <u>and for the preventive measures</u> referred to in this Directive are <u>consistently proactively and</u> continually provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive. | | |
| 91 | Article 6 Training | Article 6 Training | Moved to row 203ae [91 - 203ae] | |
| 92 | 1. Each Member State shall take the necessary measures to ensure adequate resources for and | 1. Each Member State shall take the necessary measures to ensure adequate resources for and | Moved to row 203af [92 - 203af] | |

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| | the provision of training for its national officials to be able to identify different forms of corruption and corruption risks that may occur in the exercise of their duties and to react in a timely and appropriate manner to any suspicious activity. | the provision of training <u>at a regular interval</u> for its national officials to be able to <u>prevent and</u> identify different forms of corruption and corruption risks that may occur in the exercise of their duties and to react in a timely and appropriate manner to any suspicious activity. | | |
| 92a | | <u>1a. The institutions, bodies, offices and agencies of the Union shall take necessary measures to ensure adequate resources for and the provision of training for Union officials to be able to identify different forms of corruption and corruption risks that may occur in the exercise of their duties and to react in a timely and appropriate manner to</u> | | |

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| | | <u>any suspicious activity.</u> | | |
| 93 | 2. Each Member State shall take the necessary measures to ensure adequate resources for and the provision of specialised anti-corruption training at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal investigations and proceedings of offences falling within the scope of this Directive. | 2. Each Member State shall take the necessary measures to ensure adequate resources for and the provision of specialised <u>delivery of dedicated</u> anti-corruption training. <u>This training shall be conducted</u> at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal <u>and administrative</u> investigations and proceedings of offences falling within the scope of this Directive. | Moved to row 203ag [93 - 203ag] | |
| 93a | | | Chapter 2 CORRUPTION OFFENCES | |
| 94 | Article 7 | Article 7 | Article 7 | |

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| | Bribery in the public sector | Bribery in the public sector | Bribery in the public sector | |
| 95 | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | 1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | |
| 96 | (a) the promise, offer or giving, directly or through an intermediary, of an advantage of any kind to a public official for that official or for a third party in order for the public official to act or refrain from acting in accordance with his duty or in the exercise of that official's functions (active bribery); | (a) the promise, offer or giving, directly or through an intermediary, of an advantage of any kind to a public official for that official or for a third party in order for the public official to act or refrain from acting in accordance with his duty or in the exercise of that official's functions (active bribery); | (a) the promise, offer offering or giving, directly or through an intermediary, of an undue advantage of any kind to a public official for that official or for a third party in order for the public that official to act or refrain from acting in accordance with his duty or in the exercise of that official's functions (active bribery); | |
| 97 | (b) the request or receipt by a | (b) the request or receipt by a | (b) the request or receipt by a | |

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| | public official, directly or through an intermediary, of an advantage of any kind or the promise of such an advantage for that official or for a third party, in order for the public official to act or to refrain from acting in accordance with his duty or in the exercise of that official's functions (passive bribery). | public official, directly or through an intermediary, of an advantage of any kind <u>or the request or acceptance of an offer</u> or the promise of such an advantage for that official or for a third party, in order for the public official to act or to refrain from acting in accordance with his duty or in the exercise of that official's functions (passive bribery). | public official, directly or through an intermediary, of an undue advantage of any kind or the acceptance of the offer or the promise of such an advantage for that official or for a third party, in order for the public that official to act or to refrain from acting in accordance with his duty or in the exercise of that official's functions (passive bribery). | |
| 97a | | | 2. Arbitrators and jurors shall be assimilated to public officials for the purpose of paragraph 1. | |
| 98 | Article 8 Bribery in the private sector | Article 8 Bribery in the private sector | Article 8 Bribery in the private sector | |

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| 99 | Member States shall take the necessary measures to ensure that the following conduct shall be punishable as a criminal offence, when committed intentionally and in the course of economic, financial, business or commercial activities: | Member States shall take the necessary measures to ensure that the following conduct shall be punishable as a criminal offence, when committed intentionally and in the course of economic, financial, business or commercial activities: | Member States shall take the necessary measures to ensure that the following conduct shall be punishable as a criminal offence, when committed intentionally and in the course of economic, financial, or business or commercial activities: | |
| 100 | (a) the promise, offer or giving, directly or through an intermediary, an undue advantage of any kind to a person who in any capacity directs or works for a private-sector entity, for that person or for a third party, in order for that person to act or to refrain from acting, in breach of that person's duties (active bribery); | (a) the promise, offer or giving, directly or through an intermediary, an undue advantage of any kind to a person who in any capacity directs or works for a private-sector entity, for that person or for a third party, in order for that person to act or to refrain from acting, in breach of that person's duties (active bribery); | (a) the promise, offer offering or giving, directly or through an intermediary, of an undue advantage of any kind to a person who in any capacity directs or works in any capacity for a private-sector entity, for that person or for a third party, in order for that person to act or to refrain from acting, in breach of that person's duties (active bribery); | |

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| 101 | (b) the request or receipt by a person, directly or through an intermediary, of an undue advantage of any kind or the promise of such an advantage, for that person or for a third party, while in any capacity directing or working for a private-sector entity, to act or to refrain from acting, in breach of that person's duties (passive bribery). | (b) the request or receipt by a person, directly or through an intermediary, of an undue advantage of any kind <u>or the request or acceptance of an offer</u> or the promise of such an advantage, for that person or for a third party, while in any capacity directing or working for a private-sector entity, to act or to refrain from acting, in breach of that person's duties (passive bribery). | (b) the request or receipt by a person, directly or through an intermediary, of an undue advantage of any kind or the acceptance of the offer or the order for that person or for a third party, while in any capacity directing or working in any capacity for a private-sector entity, to act or to refrain from acting, in breach of that person's duties (passive bribery). | |
| 102 | Article 9 Misappropriation | Article 9 Misappropriation | Article 9 Misappropriation | |
| 103 | Member States shall take the necessary measures to ensure that the following conduct is punishable | Member States shall take the necessary measures to ensure that the following conduct is punishable | 1. Member States shall take the necessary measures to ensure that the following conduct the | |

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| | as a criminal offence, when committed intentionally: | as a criminal offence, when committed intentionally: | committing, disbursing, appropriation or use by a public official of property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was intended, for that official's advantage or for the advantage of another person or entity is punishable as a criminal offence, when damaging the financial interests of the public or private entity concerned and committed intentionally. | |
| 104 | (a) the committing, disbursing, appropriation or use by a public official of property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was | (a) the committing, disbursing, appropriation or use by a public official of property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was | (a) the committing, disbursing, appropriation or use by a public official of property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was | |

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| | intended; | intended; | intended; | |
| 105 | (b) the committing, disbursing, appropriation or use, in the course of economic, financial, business or commercial activities, by a person who directs or works, in any capacity, in a private sector entity, of any property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was intended. | (b) the committing, disbursing, appropriation or use, in the course of economic, financial, business or commercial activities, by a person who directs or works, in any capacity, in a private sector entity, of any property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was intended. | (b) 2. Member States may take the necessary measures to ensure that the committing, disbursing, appropriation or use, in the course of economic, financial, or business or commercial activities, by a person who directs or works, in any capacity, in a private sector entity, of any property whose management is directly or indirectly entrusted to him contrary to the purpose for which it was intended, for that person's advantage or for the advantage of another person or entity is punishable as a criminal offence, when damaging the financial interests of the public or private entity concerned and committed | |

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| | | | intentionally. | |
| 106 | Article 10 Trading in influence | Article 10 Trading in influence | Article 10 Trading in influence | |
| 107 | 1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | 1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | 1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | |
| 108 | (a) the promise, offer or giving, directly or through an intermediary, of an undue advantage of any kind to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official; | (a) the promise, offer or giving, directly or through an intermediary, of an undue advantage of any kind to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official, <u>including when acting or</u> | (a) the promise, offer offering or giving, directly or through an intermediary, of an undue advantage of any kind to a person or a third party in order for that any person to exert real or supposed illicit influence over a decision or measure to be taken by a public official in the exercise | |

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| | | <u>refraining from acting in accordance with that public official's duties;</u> | of that official's functions with a view to obtaining an undue advantage from a public official; | |
| 109 | (b) the request or receipt, directly or through an intermediary, of an undue advantage of any kind or the promise of such an advantage to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official. | (b) the request or receipt, directly or through an intermediary, of an undue advantage of any kind or the <u>request or acceptance of</u> promise of such an advantage to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official, <u>including when acting in accordance with that public official's duties.</u> | (b) the request or receipt, directly or through an intermediary, of an undue advantage of any kind, or the acceptance of an offer or a promise of such an advantage to a person or a third party in order for that, by any person to exert real or supposed illicit influence over a decision or measure to be taken by a public official in the exercise of that official's functions with a view to obtaining an undue advantage from a public official. | |
| 110 | 2. In order for the conduct referred to in paragraph 1 to be | 2. In order for the conduct referred to in paragraph 1 to be | 2. In order for the conduct referred to in paragraph 1 to be | |

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| | punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or not the supposed influence leads to the intended results. | punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or not the supposed influence leads to the intended results. | punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or not the supposed influence leads to the intended results. | |
| 111 | Article 11 Abuse of functions | Article 11 Abuse of functions | Article 11 Abuse of functions | |
| 112 | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | Member States shall may take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | |
| 113 | 1. the performance of or failure to perform an act, in violation of laws, by a public official in the exercise of his functions for the purpose of obtaining an undue | 1. the performance of or failure to perform an act, in violation of laws, by a public official in the exercise of his <u>that public official's</u> functions for the purpose of | 1. the performance of or failure to perform an act, in violation of laws, by a public official in the exercise of his functions for the purpose of obtaining an undue | |

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| | advantage for that official or for a third party; | obtaining an undue advantage <u>of any nature</u> for that official or for a third party; | advantage for that official or for a third party, is punishable as a criminal offence, when committed intentionally. | |
| 114 | 2. the performance of or failure to perform an act, in breach of duties, by a person who in any capacity directs or works for a private-sector entity in the course of economic, financial, business or commercial activities for the purpose of obtaining an undue advantage for that person or for a third party. | 2. the performance of or failure to perform an act, <u>in violation of laws or</u> in breach of duties, by a person who in any capacity directs or works for a private-sector entity in the course of economic, financial, business or commercial activities for the purpose of obtaining an undue advantage <u>of any nature</u> for that person or for a third party. | 2. the performance of or failure to perform an act, in breach of duties, by a person who in any capacity directs or works for a private-sector entity in the course of economic, financial, business or commercial activities for the purpose of obtaining an undue advantage for that person or for a third party. | |
| 115 | Article 12 Obstruction of justice | Article 12 Obstruction of justice | Article 12 Obstruction of justice | |

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| 116 | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally: | Member States shall take the necessary measures to ensure that the following conduct is punishable as a one or several criminal offence offences , when committed intentionally: | |
| 117 | 1. the use, directly or through an intermediary, of physical force, threats or intimidation or the promise, offering or giving of an advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding concerning any of the offences referred to in Article 7 to 11, 13 and 14; | 1. the use, directly or through an intermediary, of <u>inducements</u> , physical force, threats or intimidation or the promise, offering or giving of an advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence <u>or to influence, pressure or coerce witnesses, experts or any involved parties to abstain from participating, communicating or cooperating with judicial authorities</u> in a proceeding | 1. the use, directly or through an intermediary, of physical force, threats or intimidation or the promise promising , offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of concerning any of the offences referred to in Article 7 to 11 10 , 13 and 14; | |

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| | | concerning any of the offences referred to in Article 7 to 11, 13 and 14 <u>this Directive</u> ; | | |
| 118 | 2. the use, directly or through an intermediary, of physical force, threats or intimidation to interfere in the exercise of official duties by a person holding a judicial office or a member of law enforcement concerning any of the offences referred to in Article 7 to 11, 13 and 14. | 2. the use, directly or through an intermediary, of physical force, threats or intimidation to interfere in the exercise of official duties by a person holding a judicial office or a member of law enforcement concerning any of the offences referred to in Article 7 to 11, 13 and 14 <u>this Directive</u> ; | 2. the use, directly or through an intermediary, of physical force, threats or intimidation to interfere in the exercise of official duties by a person holding a judicial office or a member of law enforcement in relation to the commission of concerning any of the offences referred to in Article 7 to 11 10 , 13 and 14. | |
| 118a | | <u>2a. the destruction, alteration, concealment or falsification of evidence, including digital evidence, with the intent to interfere in a proceeding concerning offences referred to in</u> | | |

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| | | <u>this Directive.</u> | | |
| 118b | | <u>Article 12a</u> <u>Illicit political financing</u> | | |
| 118c | | <u>Member States shall take the</u> <u>necessary measures to ensure that</u> <u>the following conduct is</u> <u>punishable as a criminal offence,</u> <u>when committed intentionally:</u> | | |
| 118d | | <u>1. the promise, offer or giving,</u> <u>directly or through an</u> <u>intermediary, of substantial</u> <u>financial contributions in favour</u> <u>of persons holding presidential,</u> <u>secretarial, political or</u> <u>administrative management</u> <u>positions within political parties or</u> <u>elected into parliaments or</u> | | |

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| | | <u>governments on regional, national, European and international level or organisations actively campaigning in favour of one specific political party, in violation of applicable laws on political financing, or of applicable transparency rules;</u> | | |
| 118e | | <u>2. the request or receipt, directly or through an intermediary, of substantial financial contributions, by persons holding presidential, secretarial, political or administrative management positions within political parties or elected into parliaments or governments on regional, national, European and</u> | | |

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| | | <u>international level or organisations actively campaigning in favour of one specific political party, in violation of laws on political financing, or of applicable transparency rules.</u> | | |
| 119 | Article 13 Enrichment from corruption offences | Article 13 Enrichment from corruption offences | Article 13 Enrichment from corruption offences | |
| 120 | Member States shall take the necessary measures to ensure that the intentional acquisition, possession or use by a public official of property that that official knows is derived from the commission of any of the offences set out in Articles 7 to 12 and 14, is punishable as a criminal offence, | Member States shall take the necessary measures to ensure that the intentional acquisition, possession or use by a public official of property that that is <u>significantly disproportionate to and cannot be justified by the lawful income of the public</u> official knows is derived from the | Member States shall take the necessary measures to ensure that the intentional acquisition, possession or use by a public official of property that that official knows, at the time of receipt, that the property is derived from the commission by another public official of any of the offences set | |

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| | irrespective of whether that official was involved in the commission of that offence. | commission of any of the offences set out in Articles 7 to 12 and 14, is <u>shall be</u> punishable as a criminal offence, irrespective of whether that official was involved in <u>where</u> <u>such property is derived from</u> the commission of that <u>an</u> offence <u>as set out in this Directive.</u> | out in Articles 7 to 10 , 12 and 14, is punishable as a criminal offence; irrespective of whether that official was involved in the commission of that offence. | |
| 120a | | <u>In determining whether the property in question is derived from any kind of criminal involvement in the commission of an offence as set out in this Directive, account shall be taken of all the circumstances of the case, including the specific facts and available evidence.</u> | | |
| 120b | | <u>Article 13a</u> | | |

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| | | <u><i>Concealment</i></u> | | |
| 120c | | <u><i>Member States shall take the necessary measures to ensure that, when committed intentionally, the concealment of property by a person having knowledge that such property is the result of any of the offences established in accordance with this Directive, even if that person was not involved in the commission of such offences, is punishable as a criminal offence.</i></u> | | |
| 120d | | <u><i>Article 13b</i></u> <u><i>Misconduct in public office</i></u> | | |
| 120e | | <u><i>Member States shall take the necessary measures to ensure that</i></u> | | |

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| | | <u>the culpable breach by a public official of an official duty, by failing to perform that duty or by performing it defectively, if it causes substantial damage or injury to the rights or to the legitimate interests of a natural person or a legal person, is punishable as a criminal offence.</u> | | |
| 121 | Article 14 Incitement, aiding and abetting, and attempt | Article 14 Incitement, aiding and abetting, and attempt | Article 14 Incitement, Inciting and aiding and abetting, and attempt | |
| 122 | 1. Member States shall take the necessary measures to ensure that inciting any of the offences referred to in Articles 7 to 13 is punishable as a criminal offence. | 1. Member States shall take the necessary measures to ensure that inciting any of the offences referred to in Articles 7 to 13 13a is punishable as a criminal offence. | 1. Member States shall take the necessary measures to ensure that inciting any of the offences referred to in Articles 7 to 10 and 12 to 13 is punishable as a criminal offence. | |

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| 123 | 2. Member States shall take the necessary measures to ensure that aiding and abetting any of the offences referred to in Articles 7 to 13 is punishable as a criminal offence. | 2. Member States shall take the necessary measures to ensure that aiding and abetting any of the offences referred to in Articles 7 to 13 <u>13a</u> is punishable as a criminal offence. | 2. Member States shall take the necessary measures to ensure that aiding and abetting any of the offences referred to in Articles 7 to 10 and 12 to 13 is punishable as a criminal offence. | |
| 124 | 3. Member States shall take the necessary measures to ensure that attempting any of the offences referred to in Articles 9 and 11 to 13 is punishable as a criminal offence. | 3. Member States shall take the necessary measures to ensure that attempting any of the offences referred to in Articles 9 and 11 to 13 is punishable as a criminal offence. | 3. Member States shall take the necessary measures to ensure that attempting any of the offences referred to in Articles 9 and 11 to 13 is punishable as a criminal offence. | |
| 125 | Article 15 Penalties and measures for natural persons | Article 15 Penalties and measures for natural persons | Article 15 Penalties and measures for natural persons | |
| 126 | 1. Member States shall take the necessary measures to ensure that | 1. Member States shall take the necessary measures to ensure that | 1. Member States shall take the necessary measures to ensure that | |

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| | the criminal offences referred to in Articles 7 to 14 are punishable by effective, proportionate and dissuasive criminal penalties. | the criminal offences referred to in Articles 7 to 14 are punishable by effective, proportionate and dissuasive criminal penalties. | the criminal offences referred to in Articles 7 to 10, and 12 to 14 are punishable by effective, proportionate and dissuasive criminal penalties. | |
| 127 | 2. Member States shall take the necessary measures to ensure that: | 2. Member States shall take the necessary measures to ensure that: | 2. Member States shall take the necessary measures to ensure that: | |
| 128 | (a) the criminal offences referred to in Article 7 and 12 are punishable by a maximum term of imprisonment of at least six years; | (a) the criminal offences referred to in Article 7, <u>12 and 12a</u> and 12 are punishable by a maximum term of imprisonment of at least six <u>seven years, and the criminal offences referred to in Article 7 which have been committed to obtain a lawful act are punishable by a maximum term of imprisonment of at least five</u> years; | (a) the criminal offences referred to in Article 7 and 12 Articles 7, where the act to be performed by the official is in breach of that official's duties, and 9(a) are punishable by a maximum term of imprisonment of at least six four years; | |

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| 129 | (b) the criminal offences referred to in Article 8 to 11 are punishable by a maximum term of imprisonment of at least five years; and | (b) the criminal offences referred to in Article 8 to 11 are punishable by a maximum term of imprisonment of at least five ^{six} years; and | (b) the criminal offences referred to in Article 8 to 11 Articles 7, where the act to be performed by the official is not in breach of that official's duties, 8 , 9(b) and 10 are punishable by a maximum term of imprisonment of at least five ^{three} years; and | |
| 130 | (c) the criminal offence referred to in Article 13 is punishable by a maximum term of imprisonment of at least four years. | (c) the criminal offence ^{offences} referred to in Article 13 is ^{and 13a} are punishable by a maximum term of imprisonment of at least four ^{five} years; and | (c) the criminal offence referred to in Article 13 is punishable by a maximum term of imprisonment of at least four ^{two} years. | |
| 130a | | <u>(ca) the criminal offence referred to in Article 13b is punishable by a maximum term of imprisonment of at least three years.</u> | | |

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| 131 | 3. Where a criminal offence referred to in Article 9 involves damage of less than EUR 10 000 or an advantage of less than EUR 10 000, Member States may provide for sanctions other than criminal sanctions. | <i>deleted</i> | 3. Where a criminal offence referred to in Article 9 involves damage of less than EUR 10 000 or an advantage of less than EUR 10 000, Member States may provide for sanctions other than conduct described in Article 9 does not constitute a criminal offence where the advantage or damage involved is less than EUR 10 000. | |
| 131a | | <u>3a. Without prejudice to paragraphs 1 and 2 of this Article, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal offences referred to in Articles 7 to 14 are subject to sanctions or measures imposed by</u> | | |

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| | | <u>a competent authority and that are not necessarily of a criminal nature, including:</u> | | |
| 131b | | <u>(a) the removal, suspension and reassignment from a public office;</u> | | |
| 131c | | <u>(b) the disqualification from:</u> | | |
| 131d | | <u>(i) holding a public office;</u> | | |
| 131e | | <u>(ii) exercising a public service function;</u> | | |
| 131f | | <u>(c) exclusions from access to public funding, including tender procedures, grants and concessions.</u> | | |

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| 132 | 4. Without prejudice to paragraphs 1 to 3, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal offences referred to in Article 7 to 14 may be subject to sanctions or measures imposed by a competent authority and that are not necessarily of a criminal nature, including: | 4. Without prejudice to paragraphs 1 to 3, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal offences referred to in Article 7 to 14 may be subject to sanctions or measures imposed by a competent authority and that are not necessarily of a criminal nature, including: | 4. Without prejudice to paragraphs 1 to 3 and 2 , Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal committed the offences referred to in Article 7 to 10 and 12 to 14 may be subject to sanctions additional criminal or non-criminal penalties or measures imposed by a competent authority and that are not necessarily of a criminal nature, including proportionate to the gravity of the conduct which may include the following: | |
| 133 | (a) fines; | (a) fines <u>proportionate to the gravity and duration of the offence, and of the damage</u> | (a) fines; | |

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| | | <u>caused, as well as to the financial benefits accrued by committing the offence;</u> | | |
| 134 | (b) the removal, suspension and reassignment from a public office; | <i>deleted</i> | (b) the removal, suspension and reassignment from a public office; | |
| 135 | (c) the disqualification from | (c) the disqualification from | (c) the disqualification from | |
| 136 | (i) holding a public office; | <i>deleted</i> | (i) holding a public office; | |
| 137 | (ii) exercising a public service function; | <i>deleted</i> | (ii) exercising a public service function; | |

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| | | | | |
| 138 | (iii) holding office in a legal person owned in whole or in part by that Member State; | (iii) holding office in a legal person owned in whole or in part by that Member State; | (iii) holding office in a legal person owned in whole or in part by that Member State; | |
| 138a | | <u>(iiia) holding a leading position within a legal person of the type used for committing the offence;</u> | | |
| 139 | (iv) the exercise of commercial activities in the context of which the offence was committed; | (iv) the exercise of commercial activities in the context of which the offence was committed; | (iv) the exercise of commercial practice of business activities that resulted in or enabled the relevant in the context of which the offence was committed; | |
| 140 | (d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence | (d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence | (d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence | |

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| | committed; and | committed, <u>which shall be of at least two consecutive mandates or ten years for high level officials</u> ; and | committed; and | |
| 141 | (e) withdrawal of permits or authorisations to pursue activities in the context of which the offence was committed | (e) withdrawal of permits or authorisations to pursue activities in the context of which the offence was committed | (e) (d) withdrawal of permits or authorisations to pursue activities that resulted in or enabled the relevant in the context of which the offence was committed; and | |
| 142 | (f) exclusions from access to public funding, including tender procedures, grants and concessions; | <i>deleted</i> | (f) (e) exclusions from access to public funding, including tender procedures, grants and , concessions; and licenses. | |
| 142a | | <u>4a. Member States shall take the necessary measures to enable courts or other competent authorities to take into account</u> | | |

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| | | <u>the gravity of the offences concerned when considering the eventuality of suspended sentences, early release or parole.</u> | | |
| 142b | | <u>4b. Member States shall take the necessary measures to prohibit any pardoning or amnesty of persons who have been held liable for any of the criminal offenses referred to in Articles 7 to 14.</u> | | |
| 143 | Article 16 Liability of legal persons | Article 16 Liability of legal persons | Article 16 Liability of legal persons | |
| 144 | 1. Member States shall take the necessary measures to ensure that legal persons can be held liable for any of the criminal offences referred to in Articles 7 to 14 | 1. Member States shall take the necessary measures to ensure that legal persons can be held liable for any of the criminal offences referred to in Articles 7 to 14. | 1. Member States shall take the necessary measures to ensure that legal persons can be held liable for any of the criminal offences referred to in Articles 7 to 10 and | |

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| | committed for the benefit of those legal persons by any natural person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one or more of the following: | <u>when such offences are</u> committed for the benefit of those legal persons by any natural person <u>performing services, in any capacity, for or on behalf,</u> acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one or more of the following: | 12 to 14 when such offences are 14 committed for the benefit of those legal persons by any natural person, who has a leading position within the legal person concerned, acting either individually or as part of an organ of the legal person, and having a leading position within the that legal person, based on one or more of the following: | |
| 145 | (a) a power of representation of the legal person; | <i>deleted</i> | (a) a power of representation of the legal person; | |
| 146 | (b) the authority to take decisions on behalf of the legal person; or | <i>deleted</i> | (b) the an authority to take decisions on behalf of the legal person; or | |

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| | | | | |
| 147 | (c) the authority to exercise control within the legal person. | <i>deleted</i> | (c) the an authority to exercise control within the legal person. | |
| 148 | 2. Member States shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission, including by any of the persons under his authority, of any of the criminal offences referred to in Articles 7 to 14 for the benefit of that legal person. | 2. Member States shall take the necessary measures to ensure that legal persons can be held liable where the lack of <u>effective</u> supervision or control by a person referred to in paragraph 1 has made possible the commission, including by any of the persons under his authority, of any of the criminal offences referred to in Articles 7 to 14 for the benefit of that legal person. | 2. Member States shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission, including by any of the persons under his authority, of any of the criminal offences of an offence referred to in Articles 7 to 10 and 12 to 14 for the benefit of that the legal person by a person under its authority. | |

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| 149 | 3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, inciters or accessories in the criminal offences referred to in Articles 7 to 14. | 3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, inciters or accessories in the criminal offences referred to in Articles 7 to 14. | 3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal– proceedings against natural persons who are perpetrators, inciters or commit, incite or are accessories into the criminal offences referred to in Articles 7 to 10 and 12 to 14. | |
| 150 | Article 17 Sanctions for legal persons | Article 17 Sanctions for legal persons | Article 17 Sanctions Penalties and measures for legal persons | |
| 151 | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 16 are punishable by effective, proportionate and dissuasive sanctions. | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 16 are is punishable by effective, proportionate and dissuasive sanctions. <u>The level of</u> | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 16 are (1) or 16 (2) is punishable by effective, proportionate and dissuasive | |

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| | | <u><i>sanctions shall be adapted to reflect the degree of severity and duration of the offence, and of the damage caused.</i></u> | sanctions criminal or non-criminal penalties or measures. | |
| 152 | 2. Member States shall take the necessary measures to ensure that sanctions or measures for legal persons liable pursuant to Article 16 include: | 2. Member States shall take the necessary measures to ensure that sanctions or measures for legal persons liable pursuant to Article 16 include: | 2. Member States shall take the necessary measures to ensure that sanctions penalties or measures for legal persons held liable pursuant to Article 16 (1) or 16 (2) for the offences referred to in Articles 7 to 10 and 12 to 14 shall include criminal or non-criminal fines, the amount of which shall be proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the legal person concerned, and may include other criminal or non-criminal penalties or measures that are | |

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| | | | proportionate to the gravity of the conduct, such as: | |
| 153 | (a) criminal or non-criminal fines, the maximum limit of which should not be less than 5 percent of the total worldwide turnover of the legal person, including related entities, in the business year preceding the decision imposing the fine; | (a) criminal or non-criminal fines, <u>which are proportionate and commensurate to the gravity of the offence.</u> The maximum limit of which should <u>such fines shall</u> not be less than 5 <u>10</u> percent of the total worldwide turnover of the legal person, including related entities, in the business year preceding the decision imposing the fine; | (a) criminal or non-criminal fines, the maximum limit of which should not be less than 5 percent of the total worldwide turnover of the legal person, including related entities, in the business year preceding the decision imposing the fine; | |
| 154 | (b) the exclusion of that legal person from entitlement to public benefits or aid; | (b) the exclusion of that legal person from entitlement to public benefits or aid; | (b) (a) the exclusion of that legal person from entitlement to public benefits or aid; | |
| 155 | (c) the temporary or permanent exclusion from public procurement | (c) the temporary or permanent exclusion from public procurement | (c) (b) the temporary or permanent exclusion from exclusions from access to public | |

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| | procedures; | procedures; | procurement funding, including tender procedures, grants, concessions and licences; | |
| 156 | (d) the temporary or permanent disqualification of that legal person from the exercise of commercial activities; | (d) the temporary or permanent disqualification of that legal person from the exercise of commercial activities; | (d)(c) the temporary or permanent disqualification of that legal person from the exercise of commercial practice of business activities; | |
| 157 | (e) the withdrawal of permits or authorisations to pursue activities in the context of which the offence was committed; | (e) the withdrawal of permits or authorisations to pursue activities in the context of which the offence was committed; | (e)(d) the withdrawal of permits and authorisations to pursue activities that resulted in or enabled the relevant in the context of which the offence was committed; | |
| 158 | (f) the possibility for public authorities to annul or rescind a contract with them, in the context of which the offence was | (f) the possibility for public authorities to annul or rescind a contract with them, in the context of which the offence was | (f)(e) the possibility for public authorities to annul or rescind a contract with them, in the context of which the offence was | |

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| | committed; | committed; | committed; | |
| 159 | (g) the placing of that legal person under judicial supervision; | (g) the placing of that legal person under judicial supervision; | (g) (f) the placing of that legal person under judicial supervision; | |
| 160 | (h) the judicial winding-up of that legal person; and | (h) the judicial winding-up of that legal person; and | (h) (g) the judicial winding-up of that legal person; and | |
| 161 | (i) the temporary or permanent closure of establishments which have been used for committing the offence. | (i) the temporary or permanent closure of establishments which have been used for committing the offence. | (i) (h) the temporary or permanent closure of establishments which have been used for committing the offence. | |
| 161a | | <u>(ia) the national or Union-wide publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed, including by referring them to relevant Union</u> | | |

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| | | <u><i>institutions.</i></u> | | |
| 161b | | | <p>3. Member States shall take the necessary measures to ensure that, at least for legal persons held liable pursuant to Article 16(1), the offences referred to in Articles 7 to 10, and 13 are punishable by criminal or non-criminal fines, the amount of which shall be proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the legal person concerned. Member States shall take the necessary measures to ensure that the maximum level of such fines is not less than:</p> | |

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| 161c | | | (a) 5% of the total worldwide turnover of the legal person, either in the business year preceding that in which the offence was committed, or in the business year preceding the decision to impose the fine, for the offenses referred to in Articles 7 to 9. | |
| 161d | | | (b) 3% of the total worldwide turnover of the legal person, either in the business year preceding that in which the offence was committed, or in the business year preceding the decision to impose the fine, for the offenses referred to in Articles 10, 12 and 13. or, alternatively | |

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| 161e | | | (c) an amount corresponding to EUR 40 million for offences referred to in Article 7 to 9, and EUR 24 million for offences referred to in Article 10, 12 and 13. | |
| 161f | | | Member States may establish rules for cases where it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the offence was committed, or in the business year preceding the decision to impose the fine. | |
| 161g | | <u>2b. Member States shall take the necessary measures to</u> | | |

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| | | <u><i>establish effective and transparent non-trial resolutions processes that competent authorities can enter into with a legal person for any of the offences referred to in Articles 7 to 14.</i></u> | | |
| 162 | Article 18 Aggravating and mitigating circumstances | Article 18 Aggravating and mitigating circumstances | Article 18 Aggravating and mitigating circumstances | |
| 163 | 1. Member States shall take the necessary measures to ensure that the following circumstances are to be regarded as aggravating circumstances, in relation to the offences referred to in Articles 7 to 14: | 1. Member States shall take the necessary measures to ensure that the following circumstances are to be regarded as aggravating circumstances, in relation to the offences referred to in Articles 7 to 14: | ± To the extent that the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 7 to 10, 12 and 13, Member States shall take the necessary measures to ensure that, in relation to the relevant | |

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| | | | <p>offences referred to in Articles 7 to 10 and 12 to 14, one or more of the following circumstances are may, in accordance with national law, be regarded as aggravating circumstances, in relation to the offences referred to in Articles 7 to 10 and 12 to 14:</p> | |
| 164 | (a) the offender is a high level official; | (a) the offender <u>offence involves a public official who</u> is a high level official; | (a) the offender is a high level official; | |
| 165 | (b) the offender has been convicted before of an offence referred to Articles 7 to 14; | (b) the offender has <u>or its parent entities or subsidiary entities if the offender is a legal person, have</u> been convicted before of an offence referred to Articles 7 to 14 <u>in a Member State or of equivalent offences in a third</u> | (b) the offender has previously been convicted before of an offence referred to by a final judgment of offences of the same nature as those under Articles 7 to 10 and 12 to 14 ; | |

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| | | <u>country</u> ; | | |
| 166 | (c) the offender obtained a substantial benefit or the offence caused substantial damage; | (c) the offender obtained a substantial benefit or the offence caused substantial damage; | (c) the offender obtained a substantial benefit or the offence caused substantial damage, to the extent that they can be determined ; | |
| 167 | (d) the offender committed the offence for the benefit of a third country; | (d) the offender committed the offence for the benefit of a third country; | (d) the offender committed the offence for the benefit of a third country; | |
| 168 | (e) the offender exercises investigation, prosecution or adjudication functions; | (e) the offender exercises investigation, prosecution, <u>dispute resolution</u> , or adjudication functions; | (e) (d) the offender exercises investigation, prosecution or adjudication functions; | |
| 169 | (f) the offence was committed within the framework of a criminal organisation within the meaning of | (f) the offence was committed within the framework of a criminal organisation within the meaning of | (f) (e) the offence was committed within the framework of a criminal organisation within the meaning of | |

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| | Framework Decision 2008/841/JHA; and | Framework Decision 2008/841/JHA; and | Framework Decision 2008/841/JHA ¹ ; and and _____ 1. [1] Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300/42. | |
| 170 | (g) the offender is an obliged entity within the meaning of Article 2 of Directive (EU) 2015/849 of the European Parliament and of the Council ¹ , or an employee of an obliged entity, or has the power, whether individually or as part of an organ of the obliged entity, to represent that entity, or the authority to take | (g) the offender is an obliged entity within the meaning of Article 2 of Directive (EU) 2015/849 of the European Parliament and of the Council ¹ , or an employee of an obliged entity, or has the power, whether individually or as part of an organ of the obliged entity, to represent that entity, or the authority to take | (g) the offender is an obliged entity within the meaning of Article 2 of Directive (EU) 2015/849 of the European Parliament and of the Council¹, or an employee of an obliged entity, or has the power, whether individually or as part of an organ of the obliged entity, to represent that entity, or the | |

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| | <p>decisions on behalf of that entity or to exercise control within the obliged entity, and has committed the offence in the exercise of his professional activities.</p> <p>_____</p> <p>1. Directive 2015/849/EU the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission</p> | <p>decisions on behalf of that entity or to exercise control within the obliged entity, and has committed the offence in the exercise of his professional activities.</p> <p>_____</p> <p>1. Directive 2015/849/EU the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission</p> | <p>authority to take decisions on behalf of that entity or to exercise control within the obliged entity, and has committed the offence in the exercise of his professional activities.</p> <p>_____</p> <p>1. Directive 2015/849/EU the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the</p> | |

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| | Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117). | Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117). | Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117). | |
| 170a | | <u>(ga) the offender resorted to ingenious deception or instrumentalisation of public officials in the course of committing the offence;</u> | | |
| 170b | | <u>(gb) the offender did not provide assistance to enforcement authorities when legally required to do so;</u> | | |
| 170c | | <u>(gc) the offender did not provide assistance to enforcement authorities when legally required to do so;</u> | | |

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| 170d | | <u>(gd) in the case of legal persons, the offence was committed by a person having a leading positions within that legal person.</u> | | |
| 170e | | | Article 18a Mitigating circumstances | |
| 171 | 2. Member States shall take the necessary measures to ensure that the following circumstances are regarded as mitigating circumstances, in relation to the criminal offences referred to Articles 7 to 14: | 2. Member States shall take the necessary measures to ensure that the following circumstances are regarded as mitigating circumstances, in relation to the criminal offences referred to Articles 7 to 14: | 2. Member States shall take the necessary measures to ensure that, in relation to the relevant offences referred to in Articles 7 to 10 and 12 to 14, one or more of the following circumstances may, in accordance with the relevant provisions of national law, be are regarded as mitigating circumstances, in relation to the criminal offences referred to Articles 7 to 14: | |

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| 172 | (a) the offender provides the competent authorities with information which they would not otherwise have been able to obtain, helping them to | (a) the offender provides the competent authorities with information which they would not otherwise have been able to obtain, helping them to | (a) the offender provides the competent authorities with information which they would not otherwise have been able to obtain, helping them to | |
| 173 | (i) identify or bring to justice other offenders; or | (i) identify or bring to justice other offenders; or | (i) identify or bring to justice the other offenders; or | |
| 174 | (ii) find evidence. | (ii) find evidence. | (ii) find evidence- | |
| 175 | (b) where the offender is a legal person and it has implemented effective internal controls, ethics awareness, and compliance programmes to prevent corruption prior to or after the commission of the offence; and | (b) where the offender is a legal person and it has implemented effective internal controls, <u>prevention tools</u> , ethics awareness, and compliance programmes to prevent corruption prior to or after the commission of the offence; and | (b) unless it constitutes a ground for exclusion of liability , where the offender is a legal person is held liable for any of the offences referred to Articles 7 to 10 and 12 to 14 and it has implemented effective internal controls, ethics awareness, and compliance programmes to prevent | |

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| | | | corruption prior to or after the commission of the offence; and | |
| 176 | (c) where the offender is a legal person and it has, once the offence has been discovered, rapidly and voluntarily disclosed the offence to the competent authorities and taken remedial measures. | (c) where the offender is a legal person and it has, once the offence has been discovered, rapidly and voluntarily disclosed the offence to the competent authorities and taken remedial measures. | (c) where the offender is a legal person is held liable for any of the offences referred to Articles 7 to 10 and 12 to 14 and it has, once the offence has been discovered, rapidly and voluntarily disclosed the offence to the competent authorities and taken remedial measures. | |
| 176a | | | The mitigating circumstances referred to in points (b) and (c) are only applicable to legal persons. | |
| 177 | Article 19 Privileges or immunity from | Article 19 Privileges or immunity from | Article 19 Privileges or immunity from | |

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| | investigation and prosecution of corruption offences | investigation and prosecution of corruption offences | investigation and prosecution of corruption offences | |
| 178 | Member States shall take the necessary measures to ensure that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive can be lifted through an objective, impartial, effective and transparent process pre-established by law, based on clear criteria, and that is concluded within a reasonable timeframe. | Member States shall take the necessary measures to ensure that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive can be lifted through an objective, impartial, effective and transparent process pre-established by law, based on clear criteria, and that is concluded within a reasonable timeframe. <u>shall:</u> | Unless it is contrary to their legal systems, constitutions and constitutional principles, Member States shall take the necessary measures to ensure that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive can be lifted through an objective, impartial, effective and transparent process pre-established by law, based on clear criteria, and that is concluded within a reasonable timeframe. | |
| 178a | | <u>(a) be limited to acts carried out in the performance of official</u> | | |

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| | | <u>duties;</u> | | |
| 178b | | <u>(b) only apply to acts carried out during a person's term in office or period of service as a public official.</u> | | |
| 178c | | <u>Member States shall take the necessary measures to ensure that privileges or immunities from investigation and prosecution granted to national officials for the offences referred to in this Directive:</u> | | |
| 178d | | <u>(a) shall be lifted at the national official's own initiative;</u> | | |
| 178e | | <u>(b) can be lifted through an objective, impartial, effective and</u> | | |

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| | | <u>transparent process pre-established by law, based on clear criteria, that is concluded within a reasonable timeframe.</u> | | |
| 178f | | <u>Union institutions, offices, agencies and bodies shall ensure that when taking any decision on waving of immunities, related to the offences in this Directive, they shall do so through an objective, impartial, effective and transparent process, based on clear criteria, that is concluded within a reasonable timeframe.</u> | | |
| 178g | | <u>Member States shall take the necessary measures to ensure that, concerning the offences referred to in this Directive, no privileges, immunities or other</u> | | |

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| | | <u><i>legal concepts shield national officials from investigation and prosecution related to property owned through legal persons or arrangements that are personal asset-holding vehicles.</i></u> | | |
| 179 | Article 20 Jurisdiction | Article 20 Jurisdiction | Article 20 Jurisdiction | |
| 180 | 1. Member States shall establish jurisdiction over the offences referred to in this Directive where: | 1. Member States shall establish jurisdiction over the offences referred to in this Directive where: | 1. Each Member States shall take the necessary measures to establish its jurisdiction over the offences referred to in this Directive where: | |
| 181 | (a) the offence is committed in whole or in part in its territory; | (a) the offence is committed in whole or in part in its territory; | (a) the offence is was committed in whole or in part in within its territory; | |

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| 182 | (b) the offender is a national of or has his or her habitual residence in that Member State; | (b) the offender is a national of or has his or her habitual residence in that Member State; | (b) the offender is a national of or has his or her habitual residence in that Member State one of its nationals; | |
| 183 | (c) the offence is committed for the benefit of a legal person established in the territory of that Member State. | (c) the offence is committed for the benefit of a legal person established in the territory of that Member State. | (c) the offence is committed for the benefit of a legal person established in the territory of that Member State. | |
| 183a | | | 2. A Member State shall inform the Commission where it decides to extend its jurisdiction to one or more offences referred to in this Directive which have been committed outside its territory, where: | |
| 183b | | | (a) the offender is an habitual resident in its territory; | |

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| 183c | | | (b) the offence is committed against one of its nationals or its habitual residents; | |
| 183d | | | (c) the offence is committed for the benefit of a legal person established in its territory; | |
| 183e | | | (d) the offence is committed for the benefit of a legal person in respect of any business done in whole or in part on its territory. | |
| 184 | 2. Where an offence referred to in this Directive falls within the jurisdiction of more than one Member State, the Member States concerned shall cooperate to determine which one shall conduct criminal proceedings. The matter | 2. Where an offence referred to in this Directive falls within the jurisdiction of more than one Member State, the Member States concerned shall cooperate to determine which one shall conduct criminal proceedings. The matter | 23. Where an offence referred to in this Directive falls within the jurisdiction of more than one Member State, the those Member States concerned shall cooperate to determine which one shall Member State is to conduct the | |

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| | <p>shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA¹, be referred to Eurojust.</p> <p>_____</p> <p>1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).</p> | <p>shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA¹, be referred to Eurojust.</p> <p>_____</p> <p>1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).</p> | <p>criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA¹, be referred to Eurojust.</p> <p>_____</p> <p>1. [1] Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).</p> | |
| 185 | <p>3. In the cases referred to in paragraph 1, point (b), each Member State shall ensure that the exercise of its jurisdiction is not</p> | <p>3. In the cases referred to in paragraph 1, point (b), each Member State shall ensure that the exercise of its jurisdiction is not</p> | <p>34. In the cases referred to in paragraph 1, point (b), each Member StateStates shall take the necessary measures to ensure that</p> | |

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| | subject to the condition that a prosecution can be initiated only following a denunciation from the State in which the criminal offence was committed or following a report made by the victim in the State where the criminal offence was committed. | subject to the condition that a prosecution can be initiated only following a denunciation from the State in which the criminal offence was committed or following a report made by the victim in the State where the criminal offence was committed. | the exercise of its their jurisdiction is not subject to the condition that a prosecution can be initiated only following a denunciation from the State in which of the place where the criminal offence was committed or following a report made by the victim in the State where the criminal offence was committed. | |
| 186 | Article 21 Limitation periods for corruption offences | Article 21 Limitation periods for corruption offences | Article 21 -Limitation periods for corruption offences | |
| 187 | 1. Member States shall take the necessary measures to provide for a limitation period in respect of the criminal offences referred to in Articles 7 to 14, which allows for | 1. Member States shall take the necessary measures to provide for a limitation period in respect of the criminal offences referred to in Articles 7 to 14, which allows for | 1. Member States shall take the necessary measures to provide for a limitation period in respect that enables the investigation, prosecution, trial and | |

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| | sufficient time to effectively investigate, prosecute, trial and decide on those offences following their commission. | sufficient time to effectively investigate, prosecute, trial and decide on those offences following their commission. | <p>adjudication of the criminal offences referred to in Articles 7 to 10 and 12 to 14, which allows for a sufficient period of time after the commission of those criminal offences, in order for those criminal offences to be tackled time to effectively investigate, prosecute, trial and decide on those offences.</p> <p>Member States shall take the necessary measures to provide for a limitation period that enables the enforcement of penalties imposed following their commission a final conviction for criminal offences referred to in Articles 7 to 10 and 12 to 14 for a sufficient period of time after that conviction.</p> | |

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| 188 | 2. The limitation period referred to in paragraph 1 shall not be shorter than: | 2. The limitation period referred to in paragraph 1 shall not be shorter than: | 2. The limitation period referred to in paragraph 1, first subparagraph , shall not be shorter than be as follows : | |
| 189 | (a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 7 and 12; | (a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 7 and 12; | (a) fifteen at least five years from the time when the offence was committed, for the criminal offences referred to in Articles 7 and 12 punishable by a maximum term of imprisonment of at least four years ; | |
| 190 | (b) ten years from the time when the offence was committed, for the criminal offences referred to in Articles 8 to 11; | (b) ten years from the time when the offence was committed, for the criminal offences referred to in Articles 8 to 11; | (b) ten at least three years from the time when the offence was committed, for the criminal offences referred to in Articles 8 to 11; punishable by a maximum term of imprisonment of at least two years | |

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| 191 | (c) eight years from the time when the offence was committed, for the criminal offences referred to in Articles 13 and 14. | (c) eight years from the time when the offence was committed, for the criminal offences referred to in Articles 13 and <u>12a and 13 to</u> 14. | (e) eight years from the time when the offence was committed, for the criminal offences referred to in Articles 13 and 14. | |
| 192 | 3. By way of derogation from paragraph 2, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | 3. By way of derogation from paragraph 2, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified <u>procedural acts or judicial decisions</u> acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | 3. By way of derogation from paragraph 2, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | |

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| 193 | (a) ten years for the criminal offences referred to in Articles 7 and 12; | (a) ten years for the criminal offences referred to in Articles 7 and 12; | (a) ten years for the criminal offences referred to in Articles 7 and 12; | |
| 194 | (b) eight years for the criminal offences referred to in Articles 8 to 11; | (b) eight years for the criminal offences referred to in Articles 8 to 11; | (b) eight years for the criminal offences referred to in Articles 8 to 11; | |
| 195 | (c) five years for the criminal offences referred to in Articles 13 and 14. | (c) five years for the criminal offences referred to in Articles 13 <u>and 12a to</u> 14. | (c) five years for the criminal offences referred to in Articles 13 and 14. | |
| 196 | 4. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least: | 4. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least: | 43. Member States The limitation period referred to in paragraph 1, second subparagraph, shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least be as | |

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| | | | follows: | |
| 197 | (a) fifteen years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; | (a) fifteen years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; | (a) fifteen at least five years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; in the following cases: | |
| 197a | | | (i) a penalty of more than one year of imprisonment; or alternatively | |
| 197b | | | (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least four years. | |
| 198 | (b) ten years from the date of the final conviction for any of the criminal offences referred to in | (b) ten years from the date of the final conviction for any of the criminal offences referred to in | (b) ten at least three years from the date of the final conviction for any of the criminal offences | |

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| | Articles 8 to 11; | Articles 8 to 11; | referred to in Articles 8 to 11; in the following cases: | |
| 198a | | | (i) a penalty of imprisonment of up to one year of imprisonment; or alternatively | |
| 198b | | | (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least two years. | |
| 199 | (c) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14. | (c) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and <u>12a to</u> 14. | (c) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14. | |
| 200 | 5. By way of derogation from paragraph 4, Member States may establish a shorter limitation | 5. By way of derogation from paragraph 4, Member States may establish a shorter limitation | 54. By way of derogation from paragraph 4 paragraphs 2 and 3 , Member States may establish a | |

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| | period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | shorter limitation period that is shorter than five years, but not shorter than three years, provided that the such limitation period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than. | |
| 201 | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 7 and 12; | |
| 202 | (b) eight years from the date of the final conviction for any of the | (b) eight years from the date of the final conviction for any of the | (b) eight years from the date of the final conviction for any of the | |

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| | criminal offences referred to in Articles 8 to 11; | criminal offences referred to in Articles 8 to 11; | criminal offences referred to in Articles 8 to 11; | |
| 203 | (c) five years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14. | (c) five years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and <u>12a to</u> 14. | (c) five years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14. | |
| 203a | | <p><u>PLACEHOLDER</u></p> <p><u>PLACEHOLDER FOR CHAPTER 3 HEADING</u></p> <p>Text Articles 3 to 6 of the EP Mandate added here to facilitate negotiations, without prejudice to the co-</p> | <p>Chapter 3</p> <p>PREVENTION, REPORTING AND INVESTIGATION</p> | |

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| | | legislators' agreement on the placement of these provisions. | | |
| 203b | Article 3 Prevention of corruption Moved reference text | Article 3 Prevention of corruption | Article 3 -Prevention of corruption Moved from row 69 [69 - 203b] | |
| 203c | 1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness of corruption and reduce the overall commission of corruption offences as well as the | 1. Member States, <u>as well as the institutions, bodies, offices and agencies of the Union,</u> shall take appropriate action, such <u>as including</u> information and awareness-raising campaigns and research and education <u>for public integrity</u> programmes, to raise public awareness <u>among the public</u> | 1. Member States shall take appropriate action, such as information and awareness-raising campaigns and research and education programmes, to raise public awareness on the harmfulness of corruption and with the objective to reduce the overall commission of corruption offences | |

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| | <p>risk of corruption.</p> <p>Moved reference text</p> | <p><u>and private sector</u> on the harmfulness <u>and real impact</u> of corruption, <u>including on public budgets and to</u> and reduce the overall commission of corruption offences as well as the risk of corruption.</p> | <p>as well as the risk of corruption.</p> <p>Moved from row 70 [70 - 203c]</p> | |
| 203d | <p>2. Member States shall take measures to ensure the highest degree of transparency and accountability in public administration and public decision-making with a view to prevent corruption.</p> <p>Moved reference text</p> | <p>2. Member States, <u>as well the institutions, bodies, offices and agencies of the Union</u> shall, <u>within the limits of their respective administrations and public decision-making processes</u>, take measures to ensure the highest degree of <u>integrity</u>, transparency and accountability in public administration and public decision-making, <u>through merit-based recruitment and promotion, while ensuring that citizens are</u></p> | <p>2. Member States shall take measures to ensure the highest degree adequate levels of transparency and accountability in public administration and public decision-making with a view to prevent corruption.</p> <p>Moved from row 71 [71 - 203d]</p> | |

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| | | <u>adequately informed</u> , with a view to prevent corruption. | | |
| 203e | <p>3. Member States shall take measures to ensure that key preventive tools such as an open access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public officials and effective rules regulating the interaction between the private and the public sector are in place.</p> <p>Moved reference text</p> | <p>3. Member States shall take measures to ensure that key preventive tools <u>are in place</u>, such as:</p> <p><u>(a) an anticorruption strategy and action plan drafted with the participation of competent authorities, including the relevant specialised bodies referred to in Article 4, and with the involvement of civil society;</u></p> <p><u>(b)</u> -an open access to information of public interest;</p> <p><u>(c)</u> effective rules for the disclosure and management of conflicts of interests in the public</p> | <p>3. Member States shall take measures to ensure that key preventive tools such as an open are in place. Those may include, for instance, an appropriate access to information of public interest, effective rules for the disclosure and management of conflicts of interests in the public sector, effective rules for the disclosure and verification of assets of public asset declaration by national officials designated by national law and and effective rules regulating the interaction between the private and the public sector are in place.</p> | |

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| | | <p>sector, <u>including ad-hoc disclosure of new conflicts as they arise, and establishing sanctions for failure to report substantial assets or interests;</u></p> <p><u>(d)</u> effective rules for the <u>periodic and risk-based</u> disclosure and verification of assets <u>and interests</u> of public officials and <u>establishing sanctions for failure to report substantial assets or interests;</u></p> <p><u>(e)</u> effective rules regulating<u>addressing</u> the interaction between the private and the public sector, <u>including regulation of interest representation and revolving doors situations comprising of:</u></p> | Moved from row 72 [72 - 203e] | |

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| | | <p><u>- establishing a code of conduct for public officials, including rules for their interactions with persons or private entities carrying out interest representation;</u></p> <p><u>- establishing minimum required information to be publically disclosed in regards to the interaction between public officials and persons or private entities carrying out interest representation, including the proactive publication of lobby meetings;</u></p> <p><u>- establishing of a public legislative footprint;</u></p> <p><u>- establishing the obligation for all persons or private entities,</u></p> | | |

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| | | <p><u>including associations, who engage in interest representation to disclose corporate membership and to register in a transparency register, which shall provide public and easily accessible information through a single gateway; and</u></p> <p><u>- regulating the movement of public officials from positions of public office to positions in the same field in the private sector as well as enforcing restrictions on post-term employment.</u></p> <p><u>(f) elimination of administrative barriers and regulatory complexity that hinder timely decision-making on citizens' requests and condition their access to information and</u></p> | | |

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| | | <p><u>the decision-making process;</u></p> <p><u>(g) effective measures to ban citizenship by investment and residency by investment schemes.</u></p> <p><u>3a. Member States shall ensure that information to be disclosed according to measures listed in points (b), (c), (d) and (e) of paragraph 3 is accessible via electronic systems, and available in machine readable format across the Union. Access to such information shall be provided in accordance with applicable national law and in full compliance with fundamental rights, as enshrined in Union law.</u></p> | | |

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| | | <p><u>3b. Institutions, bodies, offices and agencies of the Union shall take measures to ensure that key preventive tools, including at least the preventive tools listed under paragraphs 3 and 3a of this Article, are in place in their respective administrations.</u></p> <p><u>3c. Member States shall take measures to ensure transparency in the funding of candidatures for elected public officials and political parties, through annual reporting mechanisms, such as effective rules for the reporting, audit and disclosure of political party finance, equal obligations to</u></p> | | |

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| | | <u>collect and publish all data on income, liabilities and expenditure for participants in election campaigns.</u> | | |
| 203f | <p>4. Member States shall adopt comprehensive and up-to-date measures to prevent corruption in both the public and private sectors, adapted to the specific risks of an area of activity. Such measures shall at least include actions to strengthen integrity and to prevent opportunities for corruption among:</p> <p>Moved reference text</p> | <p>4. Member States shall adopt comprehensive and up-to-date<u>periodically reviewed</u> measures to prevent corruption in both the public and private sectors, adapted<u>tailored</u> to the specific risks of an area of activity. Such measures shall at least <u>target common high-risk areas and shall at least</u> include actions <u>to identify and fight against organised crime or other serious crime</u>, to strengthen integrity, <u>transparency and accountability</u> and to prevent opportunities for corruption among:</p> | <p>4. Member States shall adopt comprehensive and up-to-dateensure that measures to prevent corruption in both the public and private sectors, are available and adapted to the specific risks of an area of activity. Such measures shall at least include actions to strengthen integrity and to prevent opportunities for corruption among:</p> <p>Moved from row 73 [73 - 203f]</p> | |

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| 203g | <p>(a) high level officials;</p> <p>Moved reference text</p> | <p>(a) high level officials, <u>including measures relating to the conduct to be followed during and after the performance of their public function</u>;</p> | <p>(a) high level officials;</p> <p>Moved from row 74 [74 - 203g]</p> | |
| 203h | <p>(b) members of law enforcement and the judiciary, including measures relating to their appointment and conduct, and by ensuring adequate remuneration and equitable pay scales.</p> <p>Moved reference text</p> | <p>(b) members of law enforcement, <u>intelligence agencies</u> and the judiciary, including measures relating to their <u>merit-based</u> appointment, <u>promotion and dismissal, and measures related to</u> and conduct, and by ensuring adequate remuneration and equitable pay scales.</p> <p><u>(4a) The institutions, bodies, offices and agencies of the Union shall put in place comprehensive</u></p> | <p>(b) members of law enforcement and the judiciary judicial authorities, including measures relating to their appointment and conduct, and by ensuring adequate remuneration and equitable pay scales.</p> <p>Moved from row 75 [75 - 203h]</p> | |

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| | | <p><u>and up-to-date measures to prevent corruption of Union officials, adapted to the specific risks of the areas of activity covered by their respective administrations. Such measures shall at least include actions to strengthen integrity, transparency and accountability, and to prevent opportunities for corruption among high level Union officials, including measures relating to their appointment and the conduct to be followed during and after the performance of their public function.</u></p> <p><u>(4b) Member States shall take measures to create a strong public service culture, based on integrity,</u></p> | | |

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| | | <u>transparency and accountability,</u> <u>ensuring that national officials</u> <u>are adequately remunerated, have</u> <u>the appropriate information,</u> <u>training and support to deal with</u> <u>both the increased professional</u> <u>standards and the tasks in</u> <u>implementing their mandate, and</u> <u>that they are aware of conflict of</u> <u>interest situations and of the risks</u> <u>of corruption and financial and</u> <u>economic crimes.</u> | | |
| 203i | <p>5. Member States shall regularly perform an assessment to identify the sectors most at risk of corruption.</p> <p>Moved reference text</p> | <p>5. Member States, <u>as well the institutions, bodies, offices and agencies of the Union,</u> shall regularly <u>annually</u> perform an assessment to identify the sectors most at risk of corruption. <u>In performing such assessment,</u> <u>Member States shall take into</u></p> | <p>5. Member States shall regularly when necessary perform an assessment to identify the sectors or occupations most at risk of corruption and develop measures to address the main risks in the sectors or occupations identified.</p> | |

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| | | <u>account, in particular, the Commission's annual Rule of Law Report and the EU Anti-corruption Report referred to in Article 26a of this Directive.</u> | Moved from row 76 [76 - 203i] | |
| 203j | Following that assessment, Member States shall: Moved reference text | <u>6.</u> –Following that assessment, Member States <u>as well the institutions, bodies, offices and agencies of the Union</u> shall, <u>within the limits of their respective competences and mandate:</u> | 6. –Following that assessment, Member States shall: as appropriate, Moved from row 77 [77 - 203j] | |
| 203k | (a) organise, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified, including on ethics; and | (a) organise, at least once a year, awareness-raising actions adapted to the specificities of the sectors identified, including on ethics; and | (a) organise, at least once a year, awareness-raising actions adapted to the specificities of the sectors or occupations identified in paragraph 5 , including on ethics; and. | |

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| | Moved reference text | | Moved from row 78 [78 - 203k] | |
| 2031 | <p>(b) develop plans to address the main risks in the sectors identified.</p> <p>Moved reference text</p> | <p>(b) develop <u>anti-corruption action</u> plans, <u>with implementation and monitoring mechanisms</u> to address the main risks in the sectors identified; <u>these plans shall identify trends in the corruption offences covered by this Directive as well as measures to reduce risks and ways to react to illicit practices;</u></p> <p><u>(ba) monitor that sectors identified as at risk of corruption adequately implement the actions indicated in the plans referred to in point (b) of this paragraph, and effectively apply the key preventive</u></p> | <p>(b) develop plans to address the main risks in the sectors identified.</p> <p>Moved from row 79 [79 - 203l]</p> | |

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| | | <p><u>tools referred to in paragraph 3 of this Article;</u></p> <p><u>(bb) ensure that the results of the assessments are available to the public.</u></p> <p><u>5a. Member States shall take appropriate measures to promote transparency and accountability in the management of public finances. Member States shall, in particular, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making. Member States shall publish information in open data</u></p> | | |

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| | | <u>formats including, but not limited to, government budgets, government spending, public procurement, voting records, permits and concessions, and state subsidies.</u> | | |
| 203m | <p>6. Where appropriate, Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities.</p> <p>Moved reference text</p> | <p>6. Where appropriate, Member States <u>as well the institutions, bodies, offices and agencies of the Union</u> shall take measures to promote the participation <u>effectively and regularly engage with and consult</u> civil society, non-governmental organizations and community-based organizations <u>and academia in the development, monitoring, and assessment of anti-corruption laws and policies.</u> <u>Member States shall establish an enabling environment for civil</u></p> | <p>67. Where appropriate, Member States shall take measures to promote the participation of civil society, non-governmental organizations and community-based organizations in anti-corruption activities.</p> <p>Moved from row 80 [80 - 203m]</p> | |

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| | | <p><u>society to work and have meaningful engagement</u> in anti-corruption activities. <u>Member States shall further promote available reporting mechanisms and publicising rights relating to the protection of persons who report breaches of Union law.</u></p> <p><u>6a. Member States shall take measures to prevent corruption involving the private sector through the development of codes of conduct, enhancing accounting and auditing standards, as well as internal controls and transparency, considering external auditing, particularly in high risk sectors and promoting cooperation with law enforcement.</u></p> | | |

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| 203n | <p>Article 4</p> <p>Specialised bodies</p> <p>Moved reference text</p> | <p>Article 4</p> <p>Specialised bodies</p> | <p>Article 4</p> <p>Specialised Anti-corruption bodies or organisational units</p> <p>Moved from row 81 [81 - 203u]</p> | |
| 203o | <p>1. Member States shall take the necessary measures to ensure that one or several bodies, or organisation units specialised in the prevention of corruption is or are in place.</p> <p>Moved reference text</p> | <p>1. Member States shall take the necessary measures to ensure that one or several bodies, or organisation units specialised in the prevention of corruption is or are in place.</p> <p><u><i>The tasks of such bodies or organisation units shall include:</i></u></p> <p><u><i>(a) the management of asset declarations of public officials;</i></u></p> | <p>1. To advance the fight against corruption on a common basis, Member States shall take the necessary measures to ensure that one or several bodies, or organisationorganisational units specialised intasked with the prevention of corruption is or are in place.</p> <p>Moved from row 82 [82 - 203v]</p> | |

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| | | <p><u>(b) monitoring compliance with transparency rules applicable to public officials and public entities and to the financing of political parties, and the enforcement of sanctions related to breaches of such provisions and rules;</u></p> <p><u>(c) monitoring compliance with the statutory provisions and rules related to conflicts of interests in the public and private sectors, and the enforcement of sanctions related to breaches of such provisions and rules;</u></p> <p><u>(d) the issuing of warnings related to risks of corruption;</u></p> <p><u>(e) cooperation with competent authorities, bodies or</u></p> | | |

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| | | <u><i>organizational units specialized in the repression of corruption.</i></u> | | |
| 203p | <p>2. Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in the repression of corruption is or are in place.</p> <p>Moved reference text</p> | <p>2. Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in the repression <u><i>and investigation</i></u> of corruption is or are in place. <u><i>The tasks of such bodies shall include the detection, investigation and prosecution of the offences referred to in this Directive, including through evidence gathering and inter-agency cooperation, and the enforcement of sanctions.</i></u></p> <p><u><i>2a. Member States shall take the necessary measures to ensure</i></u></p> | <p>2. Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised intasked with the repression of corruption is or are in place.</p> <p>Moved from row 83 [83 - 203w]</p> | |

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| | | <u>that an organisational unit specialised in the identification, notification, representation and coordination of victims of corruption is in place.</u> | | |
| 203q | <p>3. Member States shall take the necessary measures to ensure that the body or bodies, or an organisation unit or units as referred to in paragraph 1 and 2:</p> <p>Moved reference text</p> | <p>3. <u>3.</u> Member States shall take the necessary measures to ensure that the body or bodies, or an organisation unit or units as referred to in paragraph 1, <u>2 and 2a</u> and 2:</p> | <p>3. Member States shall take the necessary measures to ensure that the body or bodies, or an organisation unit or units as referred to in paragraph 1 and 2- can operate without undue interference and, where relevant, take decisions or make recommendations in accordance with transparent procedures established by law, regulations or administrative provisions.</p> | |

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| | | | Moved from row 84 [84 - 203x] | |
| 203r | <p>(a) are functionally independent from the government and have a sufficient number of qualified staff and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the proper administration of their tasks;</p> <p>Moved reference text</p> | <p>(a) are functionally independent from the government and haveable <u>to autonomously take decisions on individual cases, carry out their functions free from undue political interferences, and are continually provided with</u> a sufficient number of qualified staff, <u>including on the operational level,</u> and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the <u>effective performance and the</u> proper administration of their tasks;</p> <p><u>(aa) are managed by executive</u></p> | <p>(a) are functionally independent from the government and have a sufficient number of qualified staff and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the proper administration of their tasks;</p> <p>Moved from row 85 [85 - 203y]</p> | |

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| | | <p><u>member or members who, in the performance of their tasks and exercise of their powers in accordance with this Directive, shall remain free from external influence whether direct or indirect, and shall neither seek nor take instructions from anybody, and who shall be provided with an adequate and sufficient term of office, ensuring political independence; the executive member or members shall be appointed through a transparent, open and non-discriminatory procedure in accordance with the principle of legislative oversight; the selection criteria shall be predictable and known no less than 1 year before the planned appointment;</u></p> | | |

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| 203s | <p>(b) are known to the public;</p> <p>Moved reference text</p> | <p>(b) are known to the public;</p> | <p>(b) are known to the public;</p> <p>Moved from row 86 [86 - 203z]</p> | |
| 203t | <p>(c) provide public access to relevant information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations;</p> <p>Moved reference text</p> | <p>(c) provide public access to relevant information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations;</p> <p><u>(ca) provide annual reports on their activities and their results, submit those reports to the relevant executive and legislative bodies and publish them on their websites;</u></p> | <p>(c) provide public access to relevant information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations;</p> <p>Moved from row 87 [87 - 203aa]</p> | |

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| | | <p><u>(cb) provide and update annually a database on cases of corruption, including convictions, damages and assets recovered;</u></p> <p><u>(cc) receive and process complaints related to breaches of rules on the prevention of corruption, including those adopted under the key preventing tools referred to in Article 3(3);</u></p> <p><u>(cd) are consulted in the process of development and formulation of a national anti-corruption strategy referred to in</u></p> | | |

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| | | <u>point (a) of Article 3(3);</u> | | |
| 203u | <p>(d) operate and take decisions in accordance with transparent procedures established by law, with the effect of ensuring integrity and accountability.</p> <p>Moved reference text</p> | <p>(d) operate and take decisions in accordance with transparent procedures established by law, with <u>the effect of ensuring integrity and</u> <u>subject to internal oversight</u> and accountability <u>mechanisms;</u></p> <p><u>(da) operate in line with the objective of increasing their efficiency.</u></p> <p><u>3a. The bodies and units referred to in paragraph 1 shall cooperate with the corresponding units in other Member States.</u></p> | <p>(d) operate and take decisions in accordance with transparent procedures established by law, with the effect of ensuring integrity and accountability.</p> <p>Moved from row 88 [88 - 203ab]</p> | |

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| 203v | <p>Article 5</p> <p>Resources</p> <p>Moved reference text</p> | <p>Article 5</p> <p>Resources</p> | <p>Article 5</p> <p>Resources</p> <p>Moved from row 89 [89 - 203ac]</p> | |
| 203w | <p>Member States shall take the necessary measures to ensure that national authorities competent for the detection, investigation, prosecution or adjudication of the criminal offences referred to in this Directive are continually provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of their functions related to the</p> | <p>Member States shall take the necessary measures to ensure that national authorities competent for the detection, investigation, prosecution or adjudication of the criminal offences <u>and for the preventive measures</u> referred to in this Directive are <u>consistently proactively and</u> continually provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of their</p> | <p>Member States shall take the necessary measures to ensure that national authorities competent for the detection, investigation, prosecution or adjudication of the criminal offences bodies or organisational units referred to in this Directive are continually Article 4, paragraphs 1 and 2, are provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of</p> | |

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| | <p>implementation of this Directive.</p> <p>Moved reference text</p> | <p>functions related to the implementation of this Directive.</p> | <p>their functions related to the implementation of this Directive.</p> <p>Moved from row 90 [90 - 203ad]</p> | |
| 203x | <p>Article 6</p> <p>Training</p> <p>Moved reference text</p> | <p>Article 6</p> <p>Training</p> | <p>Article 6</p> <p>Training</p> <p>Moved from row 91 [91 - 203ae]</p> | |
| 203y | <p>1. Each Member State shall take the necessary measures to ensure adequate resources for and the provision of training for its national officials to be able to identify different forms of corruption and corruption risks that may occur in the exercise of their</p> | <p>1. Each Member State shall take the necessary measures to ensure adequate resources for and the provision of training <u>at a regular interval</u> for its national <u>officials to be able to prevent and identify different forms of corruption and corruption risks</u></p> | <p>1. Each Member State shall take the necessary measures to ensure adequate resources for and the provision of provide training for its national officials to be able to identify different forms of corruption and corruption risks that may occur in the exercise of their</p> | |

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| | <p>duties and to react in a timely and appropriate manner to any suspicious activity.</p> <p>Moved reference text</p> | <p><u>that may occur in the exercise of their duties and to react in a timely and appropriate manner to any suspicious activity.</u></p> <p><u>1a. The institutions, bodies, offices and agencies of the Union shall take necessary measures to ensure adequate resources for and the provision of training for Union</u> officials to be able to identify different forms of corruption and corruption risks that may occur in the exercise of their duties and to react in a timely and appropriate manner to any suspicious activity.</p> | <p>duties and to react in a timely and appropriate manner to any suspicious activity.</p> <p>Moved from row 92 [92 - 203af]</p> | |
| 203z | 2. Each Member State shall take the necessary measures to | 2. Each Member State shall take the necessary measures to | 2. Without prejudice to judicial independence and | |

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| | <p>ensure adequate resources for and the provision of specialised anti-corruption training at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal investigations and proceedings of offences falling within the scope of this Directive.</p> <p>Moved reference text</p> | <p>ensure adequate resources for and the provision of specialised <u>delivery of dedicated</u> anti-corruption training. <u>This training shall be conducted</u> at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal <u>and administrative</u> investigations and proceedings of offences falling within the scope of this Directive.</p> | <p>differences in the organisation of the judiciary across the Union, each Member State shall take the necessary measures to ensure adequate resources for and the provision of provide specialised anti-corruption training at regular intervals for its members of for law enforcement, the judiciary and the staff of and judicial authorities tasked with criminal investigations and criminal proceedings of offences falling within the scope of this Directive.</p> <p>Moved from row 93 [93 - 203ag]</p> | |
| 204 | <p>Article 22</p> <p>Protection of persons who report</p> | <p>Article 22</p> <p>Protection of persons who report</p> | <p>Article 22</p> <p>Protection of persons who</p> | |

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| | offences or assist the investigation | offences or assist the investigation | report offences or assist the investigation thereof | |
| 205 | 1. Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 is applicable to the reporting of the offences referred to in Articles 7 to 14 and the protection of persons reporting such offences. | 1. Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 is applicable to the reporting of the offences referred to in Articles 7 to 14 and the protection of persons, <u>including investigative journalists</u> , reporting such offences. | 1. Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 ¹ is applicable to the reporting of the offences referred to in Articles 7 to 14 of this Directive and to and the protection of persons reporting such offences, under the conditions established therein. _____ 1. [1] Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, | |

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| | | | OJ L 305, 26.11.2019, p. 17-56 | |
| 206 | 2. In addition to the measures referred to in paragraph 1, Member States shall ensure that persons reporting offences referred to in this Directive and providing evidence or otherwise cooperating with the investigation, prosecution or adjudication of such offences are provided the necessary protection, support and assistance in the context of criminal proceedings. | 2. In addition to the measures referred to in paragraph 1, Member States shall ensure that persons reporting offences referred to in this Directive and providing evidence or otherwise cooperating with the investigation, prosecution or adjudication of such offences are provided the necessary protection, support and assistance in the context of criminal proceedings. | 2. In addition to the measures referred to in paragraph 1, Member States shall take the necessary measures to ensure that persons any person reporting offences referred to in this Directive and providing evidence or otherwise cooperating with the investigation, prosecution or adjudication of such offences are provided the necessary competent authorities has access to protection, support and assistance measures in the context of criminal proceedings, in accordance with national law. | |
| 206a | | <u>2a. Member States shall put in place adequate reporting</u> | | |

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| | | <u><i>mechanisms, which enable persons to anonymously disclose information related to offences covered by this Directive.</i></u> | | |
| 207 | Article 23 Investigative tools | Article 23 Investigative tools | Article 23 Investigative tools | |
| 208 | Member States shall take the necessary measures to ensure that effective investigative tools, such as those used in countering organised crime or other serious crimes, are available to persons, units or services responsible for investigating or prosecuting the criminal offences referred to in this Directive. | <u><i>1.</i></u> Member States shall take the necessary measures to ensure that effective investigative tools, such as those used in countering organised crime or other serious crimes, <u><i>including those listed in Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters,</i></u> are available to persons, units or services | Member States shall take the necessary measures to ensure that effective and proportionate investigative tools, such as those used in countering organised crime or other serious crimes, are available to persons, units or services responsible for investigating or prosecuting the criminal offences referred to in this Directive. Where appropriate, those tools | |

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| | | responsible for investigating or prosecuting the criminal offences referred to in this Directive. | shall include special investigative tools, such as those used in countering organised crime or in other serious crime cases. | |
| 208a | | <u><i>1a. Member States shall take the necessary measures to ensure that their competent authorities freeze or confiscate, as appropriate, in accordance with Directive [OJ: Please insert in the text the number of the Directive in PE-CONS 3/4 (2022/0167 (COD)) and insert the number, date, title and OJ reference of that Directive in the footnote - Directive on asset recovery and confiscation COM(2022) 245 final], the proceeds derived from the commission or contribution to the commission of any of the offences</i></u> | | |

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| | | <u><i>referred to in this Directive.</i></u> | | |
| 208b | | <u><i>1b. Considering the evolving nature of corruption and the increasing use of digital platforms, Member States shall ensure the availability of digital investigative tools and capabilities.</i></u> | | |
| 208c | | <u><i>Article 23a</i></u> <u><i>Exchange of information</i></u> | | |
| 208d | | <u><i>Member States shall ensure that all specialised bodies or units referred to in Article 4, have direct access to SIENA and use the SIENA system for exchanging information in cross-border investigations.</i></u> | | |

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| 208e | | <u>Article 23b</u> <u>Rights of victims and compensation for damage</u> | | |
| 208f | | <u>1. Member States shall protect and enable victims to have their views and concerns presented and considered at appropriate stages during criminal proceedings against offenders, in a manner that is not prejudicial to the rights of the defence.</u> | | |
| 208g | | <u>2. Member States shall take the necessary measures to ensure that the rights afforded to victims under Directive (EU) 2012/29 are also applicable to the victims of corruption, and to ensure that any victim of corruption:</u> | | |

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| 208h | | <u>(a) is identified and notified of their status as a victim of corruption at the earliest possible opportunity;</u> | | |
| 208i | | <u>(b) without prejudice to Article 11(5) of Directive (EU) 2012/29, has the right to a review of a decision not to prosecute or a decision to enter into a non-trial resolution;</u> | | |
| 208j | | <u>(c) has the right to satisfaction including, but not limited to, an acknowledgement of the breach, an expression of regret, a formal apology or another appropriate modality;</u> | | |
| 208k | | <u>(d) has the right to a guarantee</u> | | |

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| | | <u>of non-repetition; and</u> | | |
| 208l | | <u>(e) is entitled to injunctive relief where applicable.</u> | | |
| 208m | | <u>3. Member States shall take such measures as necessary to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain proportionate and adequate compensation.</u> | | |
| 208n | | <u>Article 23c</u> <u>National strategies</u> | | |

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| 208o | | <p><u>To ensure a coherent approach to preventing and combating corruption, Member States shall adopt, publish and periodically review a national strategy on preventing and combating corruption, establishing objectives, priorities and corresponding measures and resources needed. Such national strategy shall be developed in consultation with civil society, the relevant specialised bodies or units referred to in Article 4, independent experts, researchers and other stakeholders, and shall take into account the needs, specificities and challenges of the Member States.</u></p> | | |

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| 208p | | <u>Article 23d</u> <u>Rights for the public concerned to participate in proceedings</u> | | |
| 208q | | <u>1. Member States shall take the necessary measures to ensure that the public concerned has appropriate rights to participate in the proceedings covered by this Directive, for instance as a civil party, where as a result of a corruption offence such public has a sufficient interest, and is entitled to maintain the impairment of a right, in accordance with national law.</u> | | |
| 208r | | <u>2. Member States shall take the necessary measures to ensure that members of the public</u> | | |

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| | | <u>concerned may participate in the proceedings covered by this Directive, including by taking action before the courts or competent administrative bodies.</u> | | |
| 208s | | <u>3. Member States shall take the necessary measures to ensure that members of the public concerned as referred to in paragraph 2 have the right to a review of a prosecutorial decision related to:</u> | | |
| 208t | | <u>(a) the opening or not opening of the investigation or prosecution;</u> | | |
| 208u | | <u>(b) the suspension of the investigation or prosecution;</u> | | |

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| 208v | | <u>(c) the discontinuation of the investigation or prosecution.</u> | | |
| 208w | | <u>4. The determination of the scope and conditions under which judicial review as referred to in paragraph 3 shall be governed by national law and shall include safeguards against vexatious complaints.</u> | | |
| 208x | | <u>Article 23e</u> <u>Suspension or reassignment of a public official</u> | | |
| 208y | | <u>Member States shall establish procedures through which a public official accused of an offence as referred to in this Directive may, where appropriate,</u> | | |

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| | | <u><i>be suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.</i></u> | | |
| 208z | | <u><i>Article 23f</i></u> <u><i>Exercise of discretionary powers</i></u> | | |
| 208aa | | <u><i>Member States shall take the necessary measures to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences referred to in this Directive are exercised with the appropriate internal consultation and with due regard to the need to deter the commission of such offences.</i></u> | | |

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| 208ab | | | <p>Chapter 4</p> <p>COORDINATION AND COOPERATION</p> | |
| 209 | <p>Article 24</p> <p>Cooperation between Member States' authorities, the Commission, Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office</p> | <p>Article 24</p> <p>Cooperation between Member States' authorities, the Commission, Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office</p> | <p>Article 24</p> <p>Cooperation between the Member States' authorities, the Commission, Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office and Union bodies, offices or agencies</p> | |
| 210 | <p>Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's</p> | <p><u>1.</u> Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, <u>including the specialised bodies or units</u></p> | <p>Where the criminal offences referred to in this Directive, are suspected to be of a cross-border nature, the competent authorities of the Member States concerned shall consider referring the</p> | |

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| | Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities. | <u>referred to in Article 4</u> , Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent authorities. | information related to those offences to appropriate competent Union bodies, offices or agencies. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, and the European Anti-Fraud Office (OLAF) and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in this Directive. To that end, where appropriate, Europol, Eurojust, the European Public Prosecutor's Office, Europol and the European Anti-Fraud Office (OLAF), and the | |

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| | | | <p>Commission shall, where appropriate, provide the technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions as needed by the competent authorities to facilitate coordination of their investigations.</p> | |
| 210a | | <p><u>2. In the pursuit of that objective, Europol, Eurojust, the European Anti-Fraud Office (OLAF), and the Commission shall provide technical and operational assistance in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions by the competent</u></p> | | |

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| | | <u>authorities, including the European Public Prosecutor's Office.</u> | | |
| 210b | | <u>3. The results of the cooperation established under the present provision shall be reported by Europol, Eurojust, the EPPO and OLAF and the Commission, without prejudice to their obligation of discretion and confidentiality as regards individual cases and personal data, in a specific section of their annual reports to the European Parliament and to the Council.</u> | | |
| 210c | | <u>Article 24a</u> <u>Platform on prevention and repression of corruption</u> | | |

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| 210d | | <p><u>1. A platform on prevention and repression of corruption (the 'platform') shall be established under the aegis of the Commission. The platform shall be composed of representatives from specialised bodies or units referred to in Article 4 and the EU Anti-Corruption Coordinator referred to in Article 25a and shall be chaired by a representative from the Commission. The platform shall be convened at regular intervals.</u></p> | | |
| 210e | | <p><u>2. The platform shall:</u></p> | | |
| 210f | | <p><u>(a) advise the Commission in relation to the implementation of the measures provided for in this</u></p> | | |

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| | | <u>Directive, promote identification and exchange of best practices in prevention and repression of corruption;</u> | | |
| 210g | | <u>(b) promote the exchange of information and operational cooperation among the specialised bodies referred to in Article 4 in relation to the implementation of this Directive;</u> | | |
| 210h | | <u>(c) enable the exchange of best practices to enhance cooperation with third countries.</u> | | |
| 210i | | <u>3. Representatives from Europol, Eurojust, the European Public Prosecutor's Office and the European Anti-Fraud Office (OLAF) and, where appropriate,</u> | | |

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| | | <u>from the Anti-Money Laundering Authority (AMLA) may be invited to participate in the meetings of the platform, also in order to facilitate the cooperation referred to in Article 24.</u> | | |
| 211 | Article 25 Commission support to Member States and their competent authorities | Article 25 Commission support to Member States and their competent authorities | Article 25 Commission support to Member States and their competent authorities | |
| 212 | 1. The Commission shall, where appropriate, support Member States and competent authorities in complying with their obligations under this Directive. | 1. The Commission shall, where appropriate, support Member States and competent authorities in complying with their obligations under this Directive. | 1. The Commission shall, where appropriate, support Member States and competent authorities in complying with their obligations under this Directive. | |
| 213 | 2. The Commission shall prepare an overview of sectoral | 2. The Commission shall prepare an overview of sectoral | 21. The Commission shall prepare an overview of sectoral | |

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| | risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | |
| 214 | 3. The Commission, through the EU network against corruption, shall in particular: | 3. The Commission, through the EU network against corruption <u>and the European Union Anti-Corruption coordinator</u> , shall in particular: | 32. The Commission, through the EU network against corruption, shall in particular : | |
| 215 | (a) facilitate cooperation and exchange of best practices among Member States' practitioners, experts, researchers and other stakeholders; | (a) facilitate cooperation and exchange of best practices among Member States' practitioners, <u>civil society representatives</u> , <u>independent</u> experts, researchers and other stakeholders; | (a) facilitate cooperation and exchange of best practices among Member States' practitioners, experts, researchers and other stakeholders; | |
| 216 | (b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by | (b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by | (b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by | |

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| | developing best practices, guidance materials and methodologies. | developing best practices, guidance materials and methodologies. | developing best practices, guidance materials and methodologies. | |
| 217 | 4. The Commission shall inform Member States about financial resources at Union level available to Member States for the fight against corruption. | 4. The Commission shall inform Member States about financial resources at Union level available to Member States for the fight against corruption. | 43. The Commission shall inform Member States about financial resources at Union level available to Member States for the fight against corruption. | |
| 217a | | <u>4a. The Commission shall inform Member States about financial resources at Union level to promote and facilitate Member States international cooperation on anti-corruption, including coordination of investigations and prosecutions, and to support their competent authorities in cooperating with third countries through technical assistance</u> | | |

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| | | <u>programmes and projects.</u> | | |
| 217b | | <u>Article 25a</u> <u>Coordination of the Union</u> <u>strategy on combating corruption</u> | | |
| 217c | | <u>1. In order to contribute to a</u> <u>coordinated and consolidated</u> <u>Union strategy on combating</u> <u>corruption, Member States shall</u> <u>facilitate the tasks of a European</u> <u>Union Anti-Corruption</u> <u>Coordinator ('the Coordinator').</u> <u>In particular, Member States shall</u> <u>transmit to the Coordinator, when</u> <u>requested, information referred to</u> <u>in Article 26 of this Directive.</u> | | |
| 217d | | <u>2. The Coordinator shall assist</u> <u>the Commission in promoting the</u> | | |

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| | | <u>effective and consistent application of this Directive and in monitoring the implementation of Articles 3 and 4 of this Directive.</u> | | |
| 217e | | <u>3. The Coordinator shall, where relevant, advise the Commission on the implementation of the country-specific recommendations related to combatting corruption, set out in the Commission annual Rule of Law Reports, or on national measures which might have a significant impact on their implementation.</u> | | |
| 218 | Article 26 Data collection and statistics | Article 26 Data collection and , statistics <u>and</u> | Article 26 Data collection and statistics | |

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| | | <u>reporting</u> | | |
| 219 | 1. Member States shall collect statistical data on the criminal offences as referred to in Articles 7 to 14 of this Directive. | 1. Member States shall collect <u>disaggregated</u> statistical data on <u>each of</u> the criminal offences as referred to in Articles 7 to 14 of this Directive. | 1. Member States shall collect have a system in place for the for the recording, production and provision of anonymised statistical data on the criminal offences as referred to in Articles 7 to 10 and 12 to 14 of this Directive. | |
| 220 | 2. The statistical data referred to in paragraph 1 shall include at least the following: | 2. The statistical data referred to in paragraph 1 shall include at least the following: | 2. The statistical data referred to in paragraph 1 shall, as a minimum , include at least the following the existing data, when available at a central level : | |
| 221 | (a) the number of cases reported; | (a) the number of cases reported; | (a) the number of eases reported offences registered and adjudicated by the Member | |

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| | | | States; | |
| 221a | | <u>(aa) the number of cases involving high level officials reported and investigated;</u> | | |
| 222 | (b) the number of cases investigated; | (b) the number of cases investigated, <u>including those involving cross-border cooperation;</u> | (b) the number of dismissed court cases; investigated; | |
| 223 | (c) the number of indictments; | (c) the number of indictments; | (c) the number of indictments; natural persons that are | |
| 223a | | | (i) prosecuted, | |
| 223b | | | (ii) convicted or fined; | |
| 224 | (d) the average length of the | (d) the average <u>and maximum</u> | (d) the average length of the | |

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| | criminal investigations of cases; | length of the criminal investigations of cases; | criminal investigations of cases; number of legal persons that are | |
| 224a | | | (i) prosecuted, | |
| 224b | | | (ii) convicted or fined; | |
| 225 | (e) the average length of courts proceedings of cases in first instance, second instance and cassation; | (e) the average <u>and maximum</u> length of courts proceedings of cases in first instance, second instance and cassation; | (e) the average length of courts proceedings of cases in first instance, second instance and cassation; | |
| 226 | (f) the number of convictions ; | (f) the number of convictions, <u>including offenses committed by a public official</u> ; | (f) the number of convictions ; | |
| 226a | | <u>(fa) the number of freezing and confiscation orders, as well as their estimated value;</u> | | |

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| 227 | (g) the number of natural persons convicted and sanctioned, with specification of the number of public officials and high level officials; | (g) the number of natural persons convicted and sanctioned, with specification of the number of public officials and high level officials; | (g) the number of natural persons convicted and sanctioned, with specification of the number of public officials and high level officials; | |
| 228 | (h) the number of legal persons held liable and sanctioned; | (h) the number of legal persons held liable and sanctioned; | (h) the number of legal persons held liable and sanctioned; | |
| 229 | (i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance or not and including non-trial resolutions; | (i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance or not and including non-trial resolutions; | (i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance or not and including non-trial resolutions; | |
| 230 | (j) the types and levels of sanctions imposed for each of the criminal offences referred to in Articles 7 to 14; | (j) the types and levels of sanctions imposed for each of the criminal offences referred to in Articles 7 to 14; | (j) (e) the types and levels of sanctions imposed for each of the criminal offences referred to in Articles 7 to 14; | |

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| 230a | | <u>(ja) the number and form of non-trial resolutions;</u> | | |
| 231 | (k) the number of convictions pardoned, with specification of the number of pardons to public officials and to high level official. | (k) the number of convictions pardoned, with specification of the number of pardons to public officials and to high level official <u>officials</u> . | (k) the number of convictions pardoned, with specification of the number of pardons to public officials and to high level official. | |
| 232 | 3. Member States shall, on an annual basis and by 1 June, publish, in a machine-readable and disaggregated format, the statistical data referred to in paragraph 2 for the previous year and inform the Commission thereof. | 3. Member States shall, on an annual basis and by 1 June, publish, in a machine-readable and disaggregated format, the statistical data referred to in paragraph 2 for the previous year and inform the Commission thereof. | 3. Member States shall, on an annual basis and by 1 June 31 December , publish, in a machine-readable and disaggregated standard, easily accessible and comparable format, the statistical data referred to in paragraph 2 for the previous year and inform the Commission thereof. | |

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| 232a | | <p><u>(a) publish, in a disaggregated and machine-readable format that is open, accessible, findable and re-usable, within the meaning of Directive (EU) 2019/1024 of the European Parliament and of the Council^{1a}, the statistical data referred to in paragraph 2 for the previous year, together with their metadata;</u></p> <hr/> <p><u>1a. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast) (OJ L 172, 26.6.2019, p. 56; ELI: http://data.europa.eu/eli/dir/2019/1024/oj)</u></p> | | |

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| | | <u>19/1024/oj).</u> | | |
| 232b | | <u>(b) produce a quantitative and qualitative assessment carried out based on the statistical data referred to in paragraph 2 for the previous year;</u> | | |
| 232c | | <u>(c) transmit the data and assessment referred to in points (a) and (b) to the Commission and the European Anti-Corruption Coordinator.</u> | | |
| 232d | | <u>3a. The Commission shall adopt an implementing act within one year from the entry into force of this Directive, in which it sets out tools and processes to facilitate the reporting referred to</u> | | |

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| | | <p><u>in paragraph 3, including standard formats for the different types of reported data, to ensure their relevance and objectivity. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30a(2) of this Directive.</u></p> | | |
| 232e | | <p><u>3b. The Commission shall, on an annual basis and by 31 December, carry out a comparative analysis of the statistical data and of the quantitative and qualitative assessments reported by the Member States pursuant to paragraph 3. The comparative analysis shall be carried out in cooperation with members of the EU anti-corruption network. It</u></p> | | |

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| | | <u>shall identify any deficiencies in data collection, and offer support to Member States in order to address them.</u> | | |
| 232f | | | Chapter 5 FINAL PROVISIONS | |
| 232g | | <u>Article 26a</u> <u>EU Anti-Corruption Report</u> | | |
| 232h | | <u>1. The results of the comparative analysis referred to in Article 26 shall be made public by the Commission, on an annual basis and by 1 April, in the form of a yearly EU Anti-Corruption Report. The Anti-Corruption Report shall include:</u> | | |

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| 232i | | <u>(a) a comprehensive country-specific assessment of anti-corruption efforts and related results achieved in each Member State in key public and private sectors for the previous year;</u> | | |
| 232j | | <u>(b) a comprehensive overview of the public and private sectors most affected by misappropriation of EU funds in each Member State;</u> | | |
| 232k | | <u>(c) the identification of corruption-related trends across Member States, and a detailed description of systemic corruption issues at the Union level for the previous year;</u> | | |

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| 232l | | <u>(d) sector-specific recommendations for each Member States, taking into account the severity and impact of the corruption-related challenges, and modulated according to the scale of potential impact for a wider range of Union policies.</u> | | |
| 232m | | <u>2. Within three months from the publication of the Anti-Corruption Report, Member States shall provide written replies to the Commission, indicating measures and follow-up actions to be taken to address the identified country-specific and sector-specific shortcomings. The Commission shall promptly review and publish the replies provided by the</u> | | |

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| | | <u>Member States.</u> | | |
| 233 | <p>Article 27</p> <p>Replacement of 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</p> | <p>Article 27</p> <p>Replacement of 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</p> | <p>Article 27</p> <p>Replacement of 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</p> | |
| 234 | <p>1. Framework Decision 2003/568/JHA is replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of that Framework Decision into national law.</p> | <p>1. Framework Decision 2003/568/JHA is replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of that Framework Decision into national law.</p> | <p>1. Framework Decision 2003/568/JHA is replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of that Framework Decision into national law.</p> | |

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| 235 | With regard to the Member States bound by this Directive, references to Framework Decision 2003/568/JHA shall be construed as references to this Directive. | With regard to the Member States bound by this Directive, references to Framework Decision 2003/568/JHA shall be construed as references to this Directive. | With regard to the Member States bound by this Directive, references to Framework Decision 2003/568/JHA and its Article 2 shall be construed as references to Chapter 2 of this Directive. | |
| 236 | 2. The Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union is replaced with regard to the Member States bound by this Directive. | 2. The Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union is replaced with regard to the Member States bound by this Directive. | 2. The Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union is replaced with regard to the Member States bound by this Directive. | |
| 237 | With regard to the Member States bound by this Directive, references to that Convention shall be construed as references to this | With regard to the Member States bound by this Directive, references to that Convention shall be construed as references to this | With regard to the Member States bound by this Directive, references to that Convention and its Article 3 shall be construed as references | |

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| | Directive. | Directive. | to Chapter 2 of this Directive. | |
| 238 | Article 28 Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | Article 28 Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | Article 28 Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | |
| 239 | Directive (EU) 2017/1371 is amended as follows: | Directive (EU) 2017/1371 is amended as follows: | Directive (EU) 2017/1371 is amended as follows: | |
| 240 | (1) In Article 2(1), the following point (c) is inserted: | (1) In Article 2(1), the following point (c) is inserted: | (1) In Article 2(1), the following point (c) is inserted: | |
| 241 | ‘ (c) ‘high level officials’ are those defined in Article 2(8) of Directive (EU) XXX on combating corruption. | ‘ (c) ‘high level officials’ are those defined in Article 2(8) of Directive (EU) XXX on combating corruption. | ‘ (c) ‘high level officials’ are those defined in Article 2(8) 2(2) (iii) of Directive (EU) XXX on combating corruption.’ | |

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| | | | | |
| 242 | (2) In Article 4(2), the words ‘passive and active corruption’, ‘passive corruption’ and ‘active corruption’ are replaced respectively by ‘passive and active bribery in the public sector’, ‘passive bribery in the public sector’ and ‘active bribery in the public sector’. | (2) In Article 4(2), the words ‘passive and active corruption’, ‘passive corruption’ and ‘active corruption’ are <u>is</u> replaced respectively by ‘passive and active bribery in the public sector’, ‘passive bribery in the public sector’ and ‘active bribery in the public sector’ <u>by the following:</u> | (2) In Article 4(2), the words ‘passive and active corruption’, ‘passive corruption’ and ‘active corruption’ are replaced respectively by ‘passive and active bribery in the public sector’, ‘passive bribery in the public sector’ and ‘active bribery in the public sector’. | |
| 242a | | 2. <u>Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:</u> | | |

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| 242b | | <p><u>(a) the promise, offer or giving, directly or through an intermediary, of an advantage of any kind to a public official for that official or for a third party in order for the public official to act or refrain from acting in the exercise of that official's functions in a way which damages or is likely to damage the Union's financial interests (active bribery);</u></p> | | |
| 242c | | <p><u>(b) the request or receipt by a public official, directly or through an intermediary, of an advantage of any kind or the acceptance of an offer or the promise of such an advantage for that official or for a third party, in order for the public official to act or to refrain from acting in the exercise of that</u></p> | | |

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| | | <u>official's functions in a way which damages or is likely to damage the Union's financial interests (passive bribery).</u> | | |
| 242d | | <u>Member States shall take the necessary measures to ensure that it is presumed that any act of passive bribery or committed by a 'Union official', has the aim of deviating resources from the lawful exercise of their public office and, as such, implies a damage to the Union's financial interests.'</u> | | |
| 242e | | <u>(2a) In Article 4, the following</u> | | |

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| | | <u>paragraph 2a is inserted:</u> | | |
| 242f | | <p>c</p> <p><u>2a. Member States shall take the necessary measures to ensure that the following conduct shall be punishable as a criminal offence, when committed intentionally and in the course of economic, financial, business or commercial activities:</u></p> | | |
| 242g | | <p><u>(a) the promise, offer or giving directly or through an intermediary, of an undue advantage of any kind to a person who in any capacity directs or works for a private-sector entity, for that person or for a third party, in order for that person to</u></p> | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| | | <u>act or to refrain from acting, in breach of that person's duties in a way which damages or is likely to damage the Union's financial interests (active bribery);</u> | | |
| 242h | | <u>(b) the request or receipt by a person, directly or through an intermediary, of an undue advantage of any kind or the request or acceptance of an offer or the promise of such an advantage, for that person or for a third party, while in any capacity directing or working for a private-sector entity, to act or to refrain from acting, in breach of that person's duties in a way which damages or is likely to damage the Union's financial interests (passive bribery).'</u> | | |

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| | | , | | |
| 242i | | <u>(2b) Article 4(3) is replaced by the following:</u> | | |
| 242j | | 3. <u>Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:</u> | | |
| 242k | | <u>(a) the committing, disbursing, appropriation or use by a public official of property whose management is directly or indirectly entrusted to that public official contrary to the purpose for</u> | | |

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| | | <u>which it was intended in any way which damages the Union's financial interests or is likely to damage the Union's financial interests;</u> | | |
| 2421 | | <u>(b) the committing, disbursing, appropriation or use, in the course of economic, financial, business or commercial activities, by a person who directs or works, in any capacity, in a private sector entity, of any property whose management is directly or indirectly entrusted to that public official contrary to the purpose for which it was intended in any way which damages the Union's financial interests or is likely to damage the Union's financial interests.'</u> | | |

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| | | , | | |
| 242m | | <p><u>(2c) In Article 4, the following paragraphs are inserted:</u></p> <p>The adopted EP mandate reads "the following paragraph is inserted", which is a clear mistake in writing.</p> | | |
| 242n | | <p>,</p> <p><u>3a. Member States shall take the necessary measures to ensure that the following conduct is</u></p> | | |

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| | | <u>punishable as a criminal offence, when committed intentionally:</u> | | |
| 242o | | <u>(a) the promise, offer or giving, directly or through an intermediary, of an undue advantage of any kind to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official in a way which damages or is likely to damage the Union's financial interests;</u> | | |
| 242p | | <u>(b) the request or receipt, directly or through an intermediary, of an undue advantage of any kind or the request or acceptance of an offer or the promise of such an</u> | | |

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| | | <u>advantage to a person or a third party in order for that person to exert real or supposed influence with a view to obtaining an undue advantage from a public official in a way which damages or is likely to damage the Union's financial interests.</u> | | |
| 242q | | <u>In order for the conduct referred to in points (a) and (b) to be punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or not the supposed influence leads to the intended results.</u> | | |
| 242r | | <u>3b. Member States shall take the necessary measures to ensure that the following conduct is</u> | | |

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| | | <u>punishable as a criminal offence, when committed intentionally:</u> | | |
| 242s | | <u>(a) the performance of or failure to perform an act, in violation of laws, by a public official in the exercise of that public official's functions for the purpose of obtaining an undue advantage of any nature for that official or for a third party in a way which damages or is likely to damage the Union's financial interests;</u> | | |
| 242t | | <u>(b) the performance of or failure to perform an act, in violation of laws or in breach of duties, by a person who in any capacity directs or works for a private-sector entity in the course</u> | | |

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| | | <u>of economic, financial, business or commercial activities for the purpose of obtaining an undue advantage of any nature for that person or for a third party in a way which damages or is likely to damage the Union's financial interests.';</u> | | |
| 242u | | <u>3c. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:</u> | | |
| 242v | | <u>(a) the use, directly or through an intermediary, of inducements, physical force, threats or intimidation or the promise, offering or giving of an advantage to induce false testimony, to</u> | | |

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| | | <u>interfere in the giving of testimony or the production of evidence or to influence, pressure or coerce witnesses, experts or any involved parties to abstain from participating, communicating or cooperating with judicial authorities in a proceeding concerning the commission of offences referred to in this Directive;</u> | | |
| 242w | | <u>(b) the use, directly or through an intermediary, of physical force, threats or intimidation to interfere in the exercise of official duties by a person holding a judicial office or a member of law enforcement in relation to the commission of offences referred to in this Directive;</u> | | |

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| 242x | | <u>(c) the destruction, alteration, concealment or falsification of evidence, including digital evidence, with the intent to interfere in a proceeding concerning the commission of offences as referred to in this Directive.’;</u> | | |
| 242y | | <u>3d. Member States shall take the necessary measures to ensure that the intentional acquisition, possession or use by a public official of property that is significantly disproportionate to and cannot be justified by the lawful income of that public official shall be punishable as a criminal offence where such property is derived from the commission of an offence as set</u> | | |

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| | | <u>out in this Directive.</u> | | |
| 242z | | <u>In determining whether the property in question is derived from any kind of criminal involvement in the commission of an offence as set out in this Directive, account shall be taken of all the circumstances of the case, including the specific facts and available evidence.’;</u> | | |
| 242aa | | <u>3e. Member States shall take the necessary measures to ensure that, when committed intentionally, the concealment of property by a person having knowledge that such property is the result of any of the offences established in accordance with this Directive, even if that person</u> | | |

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| | | <u>was not involved in the commission of such offences, is punishable as a criminal offence.';</u> | | |
| 242ab | | <u>3f. Member States shall take the necessary measures to ensure that, when committed in a way which damages or is likely to damage the Union's financial interests, the culpable breach by a public official of an official duty, by failing to perform it or performing it defectively, if it causes substantial damage or injury to the rights or legitimate interests of a natural person or a legal person, is punishable as a criminal offence.';</u> | | |

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| | | | | |
| 242ac | | <u>(2d) Article 5(2) is replaced by the following:</u> | | |
| 242ad | | <p>‘</p> <p><u>2. Member States shall take the necessary measures to ensure that attempting an offence referred to in Article 3 and in Article 4(3), (3b), (3c) and (3d) is punishable as a criminal offence.</u></p> <p>’</p> | | |
| 243 | (3) Article 7(3) is replaced by the following: | (3) Article 7(3) is replaced by the following: | (3) Article 7(3) is replaced by the following: | |

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| 244 | <p>3. Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 3, 4(1) and (2) are punishable by a maximum penalty of at least six years of imprisonment when they involve considerable damage or advantage.</p> | <p>3. <u>3.</u> Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 3, 4(1) <u>Article 3</u> and <u>in Article 4(1), (2) and (3c)(2)</u> are punishable by a maximum penalty of at least six <u>seven</u> years of imprisonment when they involve considerable damage or advantage; <u>offences referred to in Article 4(2) which have been committed to obtain a lawful act are punishable by a maximum term of imprisonment of at least five years.</u></p> | <p>3. Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 3, 4(1) and (2) are punishable by a maximum penalty of at least six years of imprisonment when they involve considerable damage or advantage.</p> | |
| 245 | <p>Member States shall take the necessary measures to ensure that the criminal offence referred to in</p> | <p>Member States shall take the necessary measures to ensure that the criminal offence <u>offences</u></p> | <p>Member States shall take the necessary measures to ensure that the criminal offence referred to in</p> | |

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| | Article 4(3) is punishable by a maximum penalty of at least five years of imprisonment when it involves considerable damage or advantage. | referred to in Article 4(3) is <u>4(2a), (3), (3a) and (3b) are</u> punishable by a maximum penalty of at least five <u>six</u> years of imprisonment when it involves considerable damage or advantage. | Article 4(3) is punishable by a maximum penalty of at least five years of imprisonment when it involves considerable damage or advantage. | |
| 246 | The damage or advantage resulting from the criminal offences referred to in points (a), (b) and (c) of Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000. | <u>Member States shall take the necessary measures to ensure that</u> The damage or advantage resulting from the criminal offences <u>offence</u> referred to in points (a), (b) and (c) of Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000 <u>(3d) and (3e) is punishable by a maximum penalty of at least five years of imprisonment.</u> | The damage or advantage resulting from the criminal offences referred to in points (a), (b) and (c) of Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000. | |

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| 247 | The damage or advantage resulting from the criminal offences referred to in point (d) of Article 3(2) and subject to Article 2(2) shall always be presumed to be considerable. | <u>Member States shall take the necessary measures to ensure that</u> The damage or advantage resulting from the criminal offences <u>offence</u> referred to in point (d) of Article 3(2) and subject to Article 2(2) shall always be presumed to be considerable <u>4(3f) is punishable by a maximum penalty of at least three years of imprisonment.</u> | The damage or advantage resulting from the criminal offences referred to in point (d) of Article 3(2) and subject to Article 2(2) shall always be presumed to be considerable. | |
| 248 | (4) In Article 7, paragraph (4) is replaced by the following: | (4) In Article 7, paragraph (4) is replaced by the following: <u>4 is deleted.</u> | (4) (3) In Article 7, paragraph (4) is replaced by the following: | |
| 249 | | | | |

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| | <p>4. Where a criminal offence referred to in points (a), (b) or (c) of Article 3(2) or in Article 4(1) and (3) involves damage of less than EUR 10 000 or an advantage of less than EUR 10 000, Member States may provide for sanctions other than criminal sanctions.</p> | <p><i>deleted</i></p> | <p>4. Where a criminal offence referred to Member States may provide that conduct described in points (a), (b) or (c) of Article 3(2) or in Article 4(1) and (3) involves does not constitute a criminal offence where the advantage or damage of involved is less than EUR 10 000 or an advantage of less than EUR 10 000, Member States may provide for sanctions other than criminal sanctions.</p> | |
| 250 | <p>(5) In Article 7, the following paragraph 6 is inserted:</p> | <p>(5) In Article 7, the following paragraph 6 is inserted:</p> | <p>(5) (4) In Article 7, the following paragraph 6 is inserted:</p> | |

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| 251 | <p>‘</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal offences referred to in this Directive may be subject to sanctions or measures as referred to in Article 15(4) of Directive (EU) XXX on combating corruption.</p> <p>’</p> | <p>‘</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal offences referred to in this Directive may be subject to sanctions or measures as referred to in Article 15(4) of Directive (EU) XXX on combating corruption.</p> <p>’</p> | <p>‘</p> <p>67. Without prejudice to paragraphs 1 to 5, Member States shall take the necessary measures to ensure that natural persons who have been convicted of committing one of the criminal committed the offences referred to in this Directive Articles 3, 4 and 5 may be subject to sanctions additional criminal or non-criminal penalties or measures as which may include those referred to in Article– 15(4) of Directive (EU) XXX on combating corruption.’</p> <p>’</p> | |

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| 252 | (6) Article 8 is replaced by the following: | (6) Article 8 is replaced by the following: | (6) (5) Article 8 is replaced by the following: | |
| 253 | ‘ Article 8 | ‘ Article 8 | ‘ Article 8 | |
| 254 | Aggravating and mitigating circumstances | Aggravating and mitigating circumstances | Aggravating and mitigating circumstances | |
| 254a | | | Member States shall take the necessary measures to ensure that where a criminal offence referred to in Articles 3, 4 or 5 is committed within a criminal organisation in the sense of Framework Decision 2008/841/JHA, this shall be considered as an aggravating circumstance. | |

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| 255 | Member States shall take the necessary measures to ensure that the circumstances referred to in Article 18 of Directive (EU) XXX on combating corruption are to be regarded as aggravating and mitigating circumstances, in relation to the criminal offences referred to in this Directive. | Member States shall take the necessary measures to ensure that the circumstances referred to in Article 18 of Directive (EU) XXX on combating corruption are to be regarded as aggravating and mitigating circumstances, in relation to the criminal offences referred to in this Directive. | Member States shall take the necessary measures to ensure that one or more of the circumstances referred to in Article 18 Articles 18, points (a) to (d), and 18a of Directive (EU) XXX on combating corruption are to may, in accordance with the relevant provisions of national law , be regarded as aggravating and mitigating circumstances, in relation to the criminal offences referred to in this Directive.’ | |
| 256 | (7) Article 9 is replaced by the following: | (7) Article 9 is replaced by the following: | (7) (6) Article 9 is replaced by the following: | |

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| 257 | Article 9 | Article 9 | Article 9 | |
| 258 | Sanctions with regard to legal persons | Sanctions with regard to legal persons | Sanctions with regard to legal persons | |
| 259 | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 6 shall be punishable by effective, proportionate and dissuasive sanctions. | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 6 shall be punishable by effective, proportionate and dissuasive sanctions. | 1. Member States shall take the necessary measures to ensure that a legal person held liable for criminal offences pursuant to Article 6 shall be punishable by effective, proportionate and dissuasive sanctions criminal or non-criminal penalties or measures . | |
| 260 | 2. Member States shall take the necessary measures to ensure that sanctions or measures for legal persons held liable pursuant to | 2. Member States shall take the necessary measures to ensure that sanctions or measures for legal persons held liable pursuant to | 2. Member States shall take the necessary measures to ensure that sanctions penalties or measures for legal persons held liable | |

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| | Article 6 shall include those referred to in Article 17(2) of Directive (EU) XXX on combating corruption. | Article 6 shall include those referred to in Article 17(2) of Directive (EU) XXX on combating corruption. | pursuant to Article 6 shall include criminal or non-criminal fines, the amount of which shall be proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the legal person concerned, and may include other criminal or non-criminal penalties or measures that are proportionate to the gravity of the conduct, such as those referred to in Article 17(2) of Directive (EU) XXX on combating corruption.’ | |
| 260a | | <u>(7a) In Article 11(1), the following wording is added at the</u> | | |

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| | | <u>end of point (b): ‘or a habitual resident in its territory’.</u> | | |
| 260b | | <u>(7b) In Article 11(1), the following point (c) is added:</u> | | |
| 260c | | <p>‘</p> <p><u>(c) the offence is committed for the benefit of a legal person established in its territory’.</u></p> <p>’</p> | | |
| 260d | | <u>(7c) Article 11(3) is replaced by the following:</u> | | |
| 260e | | <p>‘</p> <p><u>3. A Member State shall</u></p> | | |

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| | | <u>inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 3, 4 or 5 which have been committed outside its territory when the offender is one of its officials who acts in official duty.'</u> | | |
| 261 | (8) In Article 12, paragraphs (2), (3) and (4) are replaced by the following: | (8) In Article 12, paragraphs (2), (3) and (4) are replaced by the following: | (8) In Article 12, paragraphs (2), (3) and (4) are replaced by the following: | |
| 262 | 2. The limitation period as referred to in paragraph 1 shall not be shorter than: | 2. The limitation period as referred to in paragraph 1 shall not be shorter than: | 2. The limitation period as referred to in paragraph 1 shall not be shorter than: | |

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| 263 | (a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 3, 4(1) and (2); | (a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 3, 4(1) <u>Article 3</u> and <u>in Article 4(1), (2) and (3c)(2)</u> ; | (a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 3, 4(1) and (2); | |
| 264 | (b) ten years from the time when the offence was committed for the criminal offence referred to in Article 4(3). | (b) ten years from the time when the offence was committed for the criminal offence <u>offences</u> referred to in Article 4(3) <u>4(2a), (3), (3a) and (3b)</u> ; | (b) ten years from the time when the offence was committed for the criminal offence referred to in Article 4(3). | |
| 264a | | <u>(ba) eight years from the time when the offence was committed, for the criminal offences referred to in Article 4(3d), (3e) and (3f), and in Article 5.</u> | | |
| 265 | 3. By way of derogation from paragraph 2, Member States may | 3. By way of derogation from paragraph 2, Member States may | 3. By way of derogation from paragraph 2, Member States may | |

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| | establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified <u>procedural acts or judicial decisions</u> and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. This period shall not be shorter than: | |
| 266 | (a) ten years for the criminal offences referred to in Articles 3, 4(1) and (2); | (a) ten years for the criminal offences referred to in Articles 3, 4(1) <u>Article 3</u> and <u>in Article 4(1), (2) and (3c)</u> (2) ; | (a) ten years for the criminal offences referred to in Articles 3, 4(1) and (2); | |
| 267 | (b) eight years for the criminal offence referred to in Article 4(3). | (b) eight years for the criminal offence referred to in Article | (b) eight years for the criminal offence referred to in Article 4(3). | |

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| | | 4(3). <u>4(2b), (3), (3a) and (3b);</u> | | |
| 267a | | <u>(ba) five years for the criminal offences referred to in Article 4(3d), (3e) and (3f) and in Article 5.</u> | | |
| 268 | 4. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least: | 4. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least: | 4. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least: | |
| 269 | (a) fifteen years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and (2); | (a) fifteen years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1). <u>Article 3</u> and <u>in Article 4(1), (2) and (3c)(2);</u> | (a) fifteen years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and (2); | |
| 270 | (b) ten years from the date of | (b) ten years from the date of | (b) ten years from the date of | |

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| | the final conviction for the criminal offence referred to in Article 4(3). | the final conviction for the criminal offence referred to in Article 4(3) <u>4(2a), (3), (3a) and (3b);</u> | the final conviction for the criminal offence referred to in Article 4(3). | |
| 270a | | <u>(ba) eight years from the date of the final conviction for any of the criminal offences referred to in Article 4(3d), (3e) and (3f) and in Article 5.</u> | | |
| 271 | 5. By way of derogation from paragraph 4, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. | 5. By way of derogation from paragraph 4, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. | 5. By way of derogation from paragraph 4, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts and that the applicable rules on the suspension and limitation periods do not hamper the effectiveness of the judicial process and the dissuasive application of penalties. | |

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| | This period shall not be shorter than: | This period shall not be shorter than: | This period shall not be shorter than: | |
| 272 | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and 4(2); | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and 4(2) <u>Article 3 and in Article 4(1), (2) and (3c);</u> | (a) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and 4(2); | |
| 273 | (b) eight years from the date of the final conviction for the criminal offence referred to in Article 4(3). | (b) eight years from the date of the final conviction for the criminal offence referred to in Article 4(3) <u>4(2a), (3), (3a) and (3b);</u> | (b) eight years from the date of the final conviction for the criminal offence referred to in Article 4(3). | |
| 273a | | <u>(ba) eight years from the time when the offence was committed, for the criminal offences referred to in Article 4(3d), (3e) and (3f)</u> | | |

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| | | <u>and in Article 5.</u> | | |
| 273b | | <u>(8a) The following Article 12a is inserted:</u> | | |
| 273c | | <u>Article 12a</u> <u>Privileges or immunity from investigation and prosecution of corruption offences</u> | | |
| 273d | | <u>Member States shall ensure that the provisions of Article 19 of Directive (EU) XXX on combating corruption are applicable to the offences referred to in this</u> | | |

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| | | <u>Directive.</u> | | |
| 273e | | <u>(8b) The following Article 12b is inserted:</u> | | |
| 273f | | <u>Article 12b</u> <u>Protection of persons who report offences or assist the investigation</u> | | |
| 273g | | <u>In addition to the measures provided under Directive (EU) 2019/1937, Member States shall ensure that persons reporting offences referred to in this Directive and providing evidence</u> | | |

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| | | <u>or otherwise cooperating with the investigation, prosecution or adjudication of such offences are provided the necessary protection, support and assistance in the context of criminal proceedings.'</u> | | |
| 274 | Article 29 Transposition | Article 29 Transposition | Article 29 Transposition | |
| 275 | 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after adoption] at the latest. They shall forthwith communicate to the Commission | 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after adoption] at the latest. They shall forthwith communicate to the Commission | 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by {18} 36 months after the date of adoption} of this Directive at the latest. They shall forthwith | |

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| | the text of those provisions. | the text of those provisions. | communicate to the Commission the text of those provisions. | |
| 276 | 2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | 2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | 2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | |
| 277 | 3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | 3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | 3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | |
| 278 | Article 30 Evaluation and reporting | Article 30 Evaluation and reporting | Article 30 Evaluation and reporting | |

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| 279 | 1. By [24 months after the deadline for implementation of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. | 1. By [24 months after the deadline for implementation of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. | 1. By [24 months after the deadline for implementation of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. | |
| 280 | 2. Every two years as of [12 months after the deadline for implementation of this Directive], Member States shall send the Commission a report within three months which includes a summary about implementation of and actions taken in accordance with Articles 3 to 6. | 2. Every two years as of [12 months after the deadline for implementation of this Directive], Member States shall send the Commission a <u>comprehensive</u> report within three months which includes a summary about implementation of and actions taken in accordance with Articles 3 <u>to 6</u> <u>this Directive</u> . | 2. Every two years as of [12 months after the deadline for implementation of this Directive], Member States shall send the Commission a report within three months which includes a summary about implementation of and actions taken in accordance with Articles 3 to 6. | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| 280a | | <u><i>2a. The Commission shall analyse the submissions provided by Member States under paragraph 2 and include its conclusions in the annual Anti-Corruption report, as referred to in Article 26a, assessing the extent to which Member States implement this Directive.</i></u> | | |
| 281 | 3. By [48 months after the deadline for implementation of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the added value of this Directive with regard to combating corruption. The report shall also cover the impact of this Directive on fundamental rights and freedoms. On the basis of this | 3. By [48 months after the deadline for implementation of this Directive], the Commission, <u><i>in consultation with the Anti-Corruption Coordinator,</i></u> shall submit a report to the European Parliament and to the Council, assessing the added value of this Directive with regard to combating corruption. The report shall also cover the impact of this Directive | 32. By [48 months after the deadline for implementation of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the added value of this Directive with regard to combating corruption. The report shall also cover the impact of this Directive on fundamental rights and freedoms. On the basis of this | |

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| | evaluation, the Commission shall, if necessary, decide on appropriate follow-up actions. | on fundamental rights and freedoms. On the basis of this evaluation, the Commission shall, if necessary, decide on appropriate follow-up actions. | evaluation, the Commission shall, if necessary, decide on appropriate follow-up actions. | |
| 281a | | <u>Article 30a</u> <u>Committee procedure</u> | | |
| 281b | | <u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u> | | |
| 281c | | <u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u> | | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| 282 | Article 31 Entry into force | Article 31 Entry into force | Article 31 Entry into force | |
| 283 | This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | |
| 284 | Article 32 Addressees | Article 32 Addressees | Article 32 Addressees | |
| 285 | This Directive is addressed to the Member States in accordance with the Treaties. | This Directive is addressed to the Member States in accordance with the Treaties. | This Directive is addressed to the Member States in accordance with the Treaties. | |
| 286 | Done at Brussels, | Done at Brussels, | Done at Brussels, | |
| 287 | For the European Parliament | For the European Parliament | For the European Parliament | |

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-----|---------------------|-----------------|-----------------|-----------------|
| 288 | The President | The President | The President | |
| 289 | For the Council | For the Council | For the Council | |
| 290 | The President | The President | The President | |