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General Secretariat

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**2023/0135 (COD)**

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**MEETING DOCUMENT**

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| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | Anti-corruption Directive: four column table |

Delegations will find in annex the 4CT as it stands on 5 November.

# 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 [Draft after ITM 24/10/2025 Corr1]**

**04-11-2025 at 08h51**

| | | CLEAN Commission Proposal | VS.EC EP Mandate | VS.EC Council Mandate | VS.EC Draft Agreement | |
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| Formula | | | | | | |
| G | 1 | 2023/0135 (COD) | 2023/0135 (COD) | 2023/0135 (COD) | 2023/0135 (COD)<br>Text Origin: Commission Proposal | G |
| Proposal Title | | | | | | |
| G | 2 | Proposal for a<br>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL<br>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 | Proposal for a<br>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL<br>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 | Proposal for a<br>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL<br>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 | Proposal for a<br>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL<br>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<br>Text Origin: Commission Proposal | G |

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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, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,<br><br>Text Origin: Commission Proposal |
| Citation 1 | | | | |
| 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, | 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,<br><br>Text Origin: Commission Proposal |
| Citation 2 | | | | |
| 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, | Having regard to the proposal from the European Commission,<br><br>Text Origin: Commission Proposal |
| Citation 3 | | | | |
| 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, | After transmission of the draft legislative act to the national parliaments,<br><br>Text Origin: Commission Proposal |
| Citation 4 | | | | |
| 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, | Acting in accordance with the ordinary legislative procedure, |

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| 8 | Whereas: | Whereas: | Whereas: | Whereas:<br><br>Text Origin: Commission Proposal |
| Recital 1 | | | | |
| 9 | (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 Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | (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 Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | (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 Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. | (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. ***Combating corruption is essential for strengthening the quality of democracy and for the full realization of the Rule of Law.*** 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 Directive is to tackle corruption by means of criminal law, allowing for better cross-border cooperation between competent authorities. |

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| Recital 1a | | | | |
| 9a | | ***(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 public funds or resources.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Recital 1b* | | | | |
| *9b* | | ***(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*** | | *deleted*<br><br>*ITM proposal for the political level* |

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| | | ***contexts that generate corrupt practices.*** | | |
| *Recital 2* | | | | |
| *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 against corruption involving officials of the European Communities or officials of Member States of the European Union[2] 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. Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced | (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 against corruption involving officials of the European Communities or officials of Member States of the European Union[2] 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. Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced | (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 against corruption involving officials of the European Communities or officials of Member States of the European Union[2] 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. Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced | (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 against corruption involving officials of the European Communities or officials of Member States of the European Union[2] 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. Since the amendments to be made are of substantial number and nature, both instruments should, in the interests of clarity, be replaced |

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| | in their entirety in relation to the Member States bound by this Directive.<br><br>_____<br>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).<br>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 European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | in their entirety in relation to the Member States bound by this Directive.<br><br>_____<br>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).<br>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 European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | in their entirety in relation to the Member States bound by this Directive.<br><br>_____<br>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).<br>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 European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2). | in their entirety in relation to the Member States bound by this Directive.<br><br>_____<br>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).<br>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 European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2).<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 3 | | | | |
| 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 offences. | (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. ***Nothing in this Directive is to be*** | (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. | ITM 24/10 EP will revert with a proposal of a positive formulation based on the last sentence. |

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| | | ***interpreted as grounds for reduction in the level of protection already afforded by existing criminal law rules for corruption offences.*** | | |
| Recital 4 | | | | |
| 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. ***Diverse manifestations of corruption necessitate a coordinated and harmonized approach among Member States to address its root causes and consequences effectively***. 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. 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. 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).<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 5 | | | | |
| 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 | (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 | (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 | (5) ***Diverse manifestations of corruption necessitate a coordinated and harmonized approach among Member States to address its root causes and consequences effectively. To*** |

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| | 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 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. | 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 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~~***in all Member States should*** build on measures to enhance transparency, ethics and integrity, as well as by regulating in areas ***considered to be enablers of corruption,*** such as conflict of interest, lobbying and revolving doors***, public procurements and political parties financing***. Public bodies should seek the highest standards of integrity, transparency and independence as an important part of tackling corruption more broadly. ***A fundamental pillar for efficient, transparent and effective Member States that are free of corruption, is a public service staffed with individuals of the highest level of skill and integrity. Such staffing of public service can*** | 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 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 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 | ***effectively tackle***~~*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 offences and*** corruption ***related offences*** are defined in national and international law, failings in integrity, undisclosed conflicts of interests or serious breaches of ~~*ethical*~~***integrity*** rules can ~~*become corrupt activities*~~***result in corruption offences*** 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*~~***in all Member States should*** 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*~~***freedom from undue influence*** as an important part of |

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| | | *be achieved through enhancing transparency, efficiency and the use of objective criteria in the recruitment and promotion of public officials.* | 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 audit, Member States can cooperate in elaborating common guidelines.** | tackling corruption more broadly. *A fundamental pillar for efficient, transparent and effective Member States that aim to eradicate corruption effectively, is a public service staffed with individuals of high level of skills and integrity. Enhancing transparency, efficiency and the use of objective criteria in the recruitment and promotion of public officials may help to achieve such staffing. 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 audit, Member States can cooperate in elaborating common guidelines.*<br><br>ITM 24/10 - reformulation of the sentence "A fundamental pillar...to achieve such staffing" proposed by the Council accepted in principle<br><br>ITM proposal for the political level |

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| Recital 5a | | | | |
| 13a | | ***(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. 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. This includes establishing clear 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-*** | | ***(5a) Unless it is contrary to their constitutions, constitutional principles and laws and without prejudice to the general rules and principles of national criminal law on the application and execution of sentences, where the Member States consider granting [amnesties,] pardons or other measures to persons convicted of any of the offences referred to in this Directive, consideration should be given so that these do not undermine the effective prosecution of corruption offences, particularly those committed by holders of public office***<br><br>"Unless it is contrary to their constitutions, constitutional principles and laws and without prejudice to the general rules and principles of national criminal law on the application and execution of sentences, where the Member States consider granting [amnesties,] pardons or other measures to persons convicted of any of the offences referred to in this Directive, consideration should be given so that these do not undermine the effective prosecution of corruption |

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| | | ***procurement, as well as oversight and control those procurement processes.*** | | offences, particularly those committed by holders of public office" (ITM 25 September).<br><br>ITM 10/10<br>- the Council cannot agree to the addition of the text in brackets.<br>- The EP has tentatively agreed not to insist on the addition of the word "amnesties", with the understanding that the remainder of the recital would be acceptable.<br>- The Council indicated it cannot agree to the recital 5a in its entirety.<br>- The EP continues to insist on the inclusion of "the number of pardons" in line 231 (statistics).<br><br>ITM 24/10<br>– the Council indicated it cannot agree to the inclusion of the recital 5a in its entirety. EP disagreed on its removal.<br><br>Linked to agreement on Article 26 - Statistics For political level |
| Recital 5b | | | | |
| G | 13b | ***(5b) Member States should adopt appropriate legislation and procedures which should govern the financing of political campaigns and the financing of political parties, such as setting the parameters for the limits, purpose and time periods of campaign expenditures, limits on*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| | | ***contributions, state subsidies, identification of donors and the annual publication of accounts and expenditure by political party organisations.*** | | |
| *Recital 5c* | | | | |
| *13c* | | ***(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, through interventions devoid of real interest, benefiting private individuals, deterring investors, and distorting competition rules.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Recital 6* | | | | |
| *14* | *(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 | (6) Member States should have in place bodies or units specialised in the repression and ***investigation and*** specialised in the prevention of corruption***. 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*** | (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 ~~may~~**are not obliged to create new bodies or organisational units, including the creation of specialised courts or tribunals, under this Directive,** | (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 ~~*may*~~***are not obliged to create new bodies or organisational units, including the creation of specialised courts or tribunals, under this Directive, and*** |

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| | necessary to ensure the proper administration of their tasks. | ***anti-corruption bodies and avoid potential conflicts of interest. Providing such specialised bodies or units 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***. 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. ***All Member States should also create integrated services specifically tasked with duties related to the investigation and prosecution of corruption 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.*** | **and can** decide to entrust ~~a body with a combination of~~ **the same body or organisational unit with both** 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 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. | ***can*** decide to entrust ~~*a body with a combination of*~~***the same body or organisational unit with both*** 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 or undue influence by others, thus being protected against undue external interventions or pressure***. In order to ensure that these bodies ***or units*** operate 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 |

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| | | | | ***and allow for specialised knowledge on the repression and prevention of corruption***.<br><br>Connected to agreement on the related article (article 4). |
| Recital 6a | | | | |
| G 14a | | ***(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 their rejection. This approach is also essential for shaping more demanding, attentive, and less tolerant citizens to corrupt behaviour.*** | | ***(6a) In order to raise citizens' awareness about the scope, characteristics, and effects of corruption, various measures may be undertaken, also in cooperation with relevant stakeholders such as the civil society, academia and the media. Measures may include for example dedicated sources of information, compilation of publication and relevant regulation, and awareness raising campaign and seminars open to the public and in an accessible language.*** |
| Recital 7 | | | | |
| G 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 | (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 | (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 | (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 |

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| | offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as abuse of functions, trading in influence and illict 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. | offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as abuse of functions, trading in influence and illict 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. | offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as abuse of functions, trading in influence and ~~illict~~**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. | offences for bribery, misappropriation and money laundering and consider taking legislative or other measures to criminalise other acts (such as abuse of functions, trading in influence and illict 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal |
| Recital 8 | | | | |
| G 16 | (8) Taking account of the 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 | (8) Taking account of the 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 | (8) Taking account of the 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** | (8) Taking account of the 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*** G |

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| | further approximated in all Member States so that it covers corrupt conduct more comprehensively. | further approximated in all Member States so that it covers corrupt conduct more comprehensively. | should be further approximated in all Member States so that it covers corrupt conduct more comprehensively. | should be further approximated in all Member States so that it covers corrupt conduct more comprehensively.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 9 | | | | |
| G 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 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 | (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 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 | (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 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, | (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 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, G |

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| | 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 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 Directive. | 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 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. ***This Directive should also apply to all public officials who exercise their functions in relation to the implementation of the EU budget.*** 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 Directive. | 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 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, 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**. | 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 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 ~~*working*~~***performing public service functions*** 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, 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***.<br><br>ITM proposal for the political level |

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| Recital 9a | | | | |
| 17a | | ***(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 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*** | **(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 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,** | ***(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 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*** |

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| | | ***capabilities and financial resources, so that their full autonomy and professionalism is guaranteed. 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.*** | **members of Constitutional and Supreme Courts, the Prosecutor General, and members of Supreme Audit Institutions.** | ***Courts, the Prosecutor General, and members of Supreme Audit Institutions; as well as members of the College of Commissioners of the European Commission and the European Parliament***<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 9b | | | | |
| G 17b | | ***(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 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*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| | | ***shall specifically focus on high-risk areas such as the financial, health, digital, construction and pharmaceutical sectors, as well as on public procurement.*** | | |
| *Recital 9c* | | | | |
| G *17c* | | ***(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 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.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Recital 9d* | | | | |
| G *17d* | | ***(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 prevention.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Recital 9e* | | | | |

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| G 17e | | ***(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 to develop a systematic approach based on: identification of possible risks; establishment of strong preventive mechanisms; ensuring policy compliance, reporting and sanctioning of misconduct.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Recital 10* | | | | |
| G 18 | *(10)* It is necessary to strenghten 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 | (10) It is necessary to strenghten 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 | (10) It is necessary to ~~strenghten~~**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 | (10) ~~*It is necessary to strenghten 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*~~ G |

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| | gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantagesin 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 is diminished by each bribe offered or accepted. | gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantagesin 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 is diminished by each bribe offered or accepted. | 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 requests or receives such ~~advantagesin~~**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**. | ~~*gives an advantage of any kind to influence a public official. Passive bribery exists when the public official requests or receives such advantagesin 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 is diminished by each bribe offered or accepted.*~~***It is necessary to strengthen the legal framework to combat bribery and to provide law enforcement and prosecution with effective and proportionate 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 requests or receives such undue advantages, or accepts the offer or the promise thereof in order to act or to refrain from acting in a certain way. Advantages can be both tangible or intangible, and pecuniary or non-pecuniary. An advantage is considered not to be undue including where it is permitted by*** |

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| | | | | ***law or by administrative rules as well as in case of minimum gifts, gifts of very low value. 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 diminished by each bribe payment.***<br><br>***The offence of bribery in the public sector builds on the offences of passive and active corruption defined in Articles 2 and 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and should not be interpreted or applied in a manner that is more lenient than those Articles 2 and 3 of the Convention.*** | |
| Recital 10a | | | | | |
| G | 18a | | **(10a) Conduct in breach of professional duties by directors or workers of private-sector entities in the course of economic, financial or business activities can be detrimental to the interests of the private-sector company, and can also distort competition in relation to the purchase of goods** | ***(10a) Conduct in breach of professional duties by directors or workers of private-sector entities in the course of economic, financial or business 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*** | G |

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| | | | **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 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.** | ***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 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).*** |
| Recital 11 | | | | |
| G 19 | (11) In order to ensure that public officials do not intentionally use funds for purposes other than they | (11) In order to ensure that public officials do not intentionally use funds for purposes other than they | (11) In order to ensure that public officials do not intentionally ~~use~~**damage the financial interests** | (11) In order to ensure that public officials do not intentionally ~~use~~***damage the financial interests*** G |

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| | were 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. | were 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. | **of the public or private entity concerned by using** funds for purposes other than they were 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.** | ***of the public or private entity concerned by using*** funds for purposes other than they were 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 ***or damage to the financial interests of the public or private entity concerned. In order to take a comprehensive approach to the fight against corruption, Member States are also encouraged to criminalise misappropriation in the private sector. Member States should not define the offence as requiring both the establishment of damage and advantage.*** |
| Recital 12 | | | | |
| G 20 | (12) Trading in influence, arising 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 | (12) Trading in influence, arising 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 | (12) ~~Trading in influence, arising 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~~**The exertion of** influence over ~~decision-~~ | (12) ~~*Trading in influence, arising 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*~~***The exertion of*** influence over ~~*decision-*~~ G |

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| | 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 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, | 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 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, | ~~making processes in return for~~**public decision-makers with a view to obtaining an** undue ~~advantages should also be defined as a criminal offence~~**advantage 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 the~~**of trading in** influence ~~peddler with an undue advantage for exerting unlawful influence over an outcome or a process that is subject to decision-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 | ~~*making processes in return for*~~***public decision-makers with a view to obtaining an*** undue ~~*advantages should also be defined as a criminal offence*~~***advantage 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 the*~~***of trading in*** influence ~~*peddler with an undue advantage for exerting unlawful influence over an outcome or a process that is subject to decision-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 improper 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 exertion of improper influence with a view to obtain an undue advantage from a public official. Such conduct must constitute***~~*, this behaviour should be considered*~~ a criminal offence irrespective of whether the |

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| | can also help to avoid grey areas and prevent undue influence. | can also help to avoid grey areas and prevent undue influence. | and whether or not the ~~claimed~~ influence ~~leads~~ **led** 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 influence. | influence was ***claimed or real and whether the influence was*** exerted and whether or not the ~~*claimed*~~ influence ~~*leads*~~ ***led*** to the outcome intended. This offence should not cover the legitimate exercise of acknowledged forms of interest ***or legal*** 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. ***For the purposes of this offence, the undue advantage to exert improper influence includes remuneration for these forms of representation where these activities they are carried out in a manner fulfilling the other elements of this offence, including due to a relevant violation of the applicable rules.*** |

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| | | | | Only the last sentence updated since the June trilogue (ITM 10 October).<br><br>ITM proposal for the political level |
| Recital 13 | | | | |
| Y 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.** | Dependent on the agreement on Article 11 Y |
| Recital 14 | | | | |
| G 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 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, | (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 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 ***as well as the destruction, alteration,*** | (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 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 | (14) Obstruction of justice is a criminal offence committed in support of corruption***, amongst other offences. This is acknowledged in Member States' criminal law***. It is therefore necessary to ~~*lay down a criminal offence for*~~***incriminate*** the obstruction of justice, which 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 G |

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| | this Directive only applies to the obstruction of justice concerning proceedings relating to a corruption offence. | ***concealment or falsification of evidence*** 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. | 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 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.** | 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 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.***<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 14a | | | | |
| G 22a | | ***(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*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| | | ***the electoral process as they can introduce or exacerbate power inequalities, give unfair electoral advantage to incumbents, compromise the integrity of an 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.*** | | |
| *Recital 15* | | | | |
| G *23* | *(15)* Corruption feeds off the motivation for undue economic and other advantages. Ìn 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, | (15) Corruption feeds off the motivation for undue economic and other advantages. – Ìn 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, | (15) Corruption feeds off the motivation for undue economic and other advantages. ~~Ìn~~ **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, | (15) Corruption feeds off the motivation for undue economic and other advantages. ~~Ìn~~ ***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, G |

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| | 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 assets correspond to declared incomes. | 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*~~***should therefore be*** required to declare their assets ***and interests*** at regular intervals, including when taking up and completing duties, ***so that competent*** authorities***, or independent entities,*** can assess whether the declared assets correspond to declared incomes***, as well as detect potential conflict of interest and revolving doors situations***. ***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 corruption at Union level, including the establishment of an EU Asset Register, which*** | 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 assets correspond to declared incomes. | 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 assets correspond to declared incomes.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |

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| | | ***would be built upon the Member States network of registries, allowing for corruption crimes to be better prevented, identified and duly investigated.*** | | | |
| Recital 15a | | | | | |
| Y | 23a | ***(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.*** | | ***(15a) Member States should adopt measures to define as a punishable criminal offence, the intentional concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from the commission of [any of the offences] set out in this Directive.***<br><br>Linked to the outcome of Article 13a - line 120c<br><br>Text Origin: Drafting proposals | Y |
| Recital 15b | | | | | |
| G | 23b | | | ***(15a) Illegal political financing can be a means to corrupt decision-makers to take decisions which may be in the interest of the financer. Member States should consider taking appropriate action against types of illegal political financing in line with the principle of proportionality, and*** | G |

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| | | | | ***accountability and transparency rules at EU and national level, and in full respect of internal market fundamental freedoms and the electoral rights of EU citizens. While not regulated by this Directive, Member States may consider criminalizing such illegal political financing where it represents a threat to the democracy of the Member States and the Union.***<br><br>ITM proposal for the political level |
| Recital 15c | | | | |
| G 23c | | ***(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.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Recital 16* | | | | |
| G *24* | *(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 Council[1] . It is | (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 Council[1] . It is | (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** | (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*** |

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| | meant to address those cases where the judiciary considers that the corruption offence or offences 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 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 | meant to address those cases where the judiciary considers that the corruption offence or offences 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 establish ***that the official or person in question was involved in the commission of the criminal offence, to 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 | **official knows to be derived from corruption offences committed by a different public 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 Council[1]~~. 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 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 | ***knows to be derived from corruption offences committed by a different public official. The*** offence of ~~*money laundering laid down in*~~***illicit enrichment and concealment is without prejudice to the conduct provided for in Article 3 of*** Directive (EU) 2018/1673 of the European Parliament and of the Council[1]~~*. 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, and the related Recital 11 of that Directive, where applicable.*** 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 |

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| | freezing and confiscation of instrumentalities and proceeds of crime in the European Union[2].<br><br>_____<br>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).<br>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). | 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 Union[2].<br><br>_____<br>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).<br>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). | 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~~**In addition, the proceeds** obtained ~~property~~**from corruption offences can be confiscated** on the basis of Directive ~~2014/42/EU~~**2024/1260/EU** of the European Parliament and of the Council of ~~3~~**24** April ~~2014 on the freezing~~ **2024 on asset recovery** and confiscation ~~of instrumentalities and proceeds of crime in the European Union~~[2].<br><br>_____<br>~~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).~~<br>2. **[2]** Directive ~~2014/42/EU~~**(EU) 2024/1260** of the European Parliament and of the Council of ~~3~~**24** 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).~~ | 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. ~~*When a person is convicted of a criminal offence as defined in this Directive, the competent authorities can recover the illicitly*~~***In addition, the proceeds*** obtained ~~*property*~~***from corruption offences can be confiscated*** on the basis of Directive ~~*2014/42/EU*~~***2024/1260/EU*** of the European Parliament and of the Council of ~~*3*~~***24*** April ~~*2014 on the freezing*~~***2024 on asset recovery*** and confiscation***. The said Directive also includes provisions on other types of confiscation including, under certain conditions, on confiscation of*** ~~*of instrumentalities and*~~ proceeds ~~*of crime in the European Union*~~[2]***or other property the value of which corresponds to proceeds, which were transferred by a suspected or accused person to third parties, or which were acquired by third parties from a suspected or accused person, where the relevant third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation***. |

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| | | | | ~~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).~~<br>~~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).~~ |
| Recital 17 | | | | |
| G 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 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 | (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 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 | (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 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 | (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 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 G |

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| | 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 offences concerned among other factors. | 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 offences concerned among other factors. | 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 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.** | 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 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.***<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 18 | | | | |
| G 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 the same person for the same conduct, can be taken into account when | (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 the same person for the same conduct, can be taken into account when | (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 ~~sanctions~~**penalties**, which are imposed on the same person for the | (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 ~~*sanctions*~~***penalties***, which are imposed on the same person for the G |

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| | 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. | 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. | 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. | 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 19 | | | | |
| G 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 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 | (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 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 | (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 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 | (19) ~~*The*~~***Member States are encouraged to enable their*** competent authorities ~~*should*~~***to*** 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 holding public office or the*~~ exclusion from ***tender procedures or temporary bans on running for*** public ~~*procurement*~~***office***. Such measures have a general dissuasive effect and may reduce the recidivism of convicted offenders. Member States should also consider establishing procedures for the G |

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| | Directive, bearing in mind the need to respect the principle of the presumption of innocence and the right to an effective remedy. | Directive, bearing in mind the need to respect the principle of the presumption of innocence and the right to an effective remedy. | 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. | 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.<br><br>ITM 24/10 agreed in principle.<br><br>ITM proposal for the political level |
| Recital 19a | | | | |
| G 27a | | | **(19a) In order to enhance the criminal justice response to offences concerning corruption and to deter the commission of 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** | ***(19a) In order to enhance the criminal justice response to offences concerning corruption and to deter the commission of 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*** G |

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| | | | **criminal or non-criminal sanctions or measures which can be imposed on legal persons and natural 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.** | ***measures which can be imposed on legal persons and natural 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.***<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 20 | | | | |
| 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 ***be liable only for acts of a leading person in their organisation, nor should they*** 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 ***proportionate and commensurate to the gravity of the offence, and*** calculated considering ***the gross gain, or the gross loss, caused by the offence, or*** the worldwide turnover of all legal entities related to the offender, including parent entities, subsidiary entities, linked trusts, or similar or comparable legal entities.<br>***Corruption related offences are often resolved through non-trial*** | (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 on fixed maximum amounts**. | (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 on fixed maximum amounts.***<br>***Non-trial resolutions are being applied in the context of corruption offences and often viewed as a pragmatic and efficient way to resolve cases that would otherwise require tremendous time and resources to investigate and*** |

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| | | ***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' 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.*** | | ***prosecute before reaching a court. However, non-trial resolutions may also present some challenges that Member States are encouraged to take into account***.<br><br>Linked to the outcome on article 17 |
| Recital 20a | | | | |
| G 28a | | ***(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 mechanisms create an opacity level even higher than tax havens,*** | | *deleted* G |

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| | | ***making them a serious concern in the battle against corruption. 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. 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.*** | | |
| *Recital 21* | | | | |
| *29* | *(21)* Where the offence is committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA[1] 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, | (21) Where the offence is committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA[1] 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, | (21) Where the offence is committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA[1] 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 | (21) ~~*Where the offence is committed by a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA[1] or where the perpetrator abused their position to enable corruption*~~***While there is no obligation to increase sentences***, Member States should ~~*provide for*~~***ensure that the judge or the court is able to take the*** aggravating circumstances ***set out in this Directive, as implemented in national law, into account when sentencing offenders. It remains within the*** ~~*in accordance with the applicable rules established by their*~~ |

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| | political parties, or persons holding positions of public responsibility. Member 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 more severe sanctions.<br><br>_____<br>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). | political parties, or persons holding positions of public responsibility. Member 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 more severe sanctions.<br><br>_____<br>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). | 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 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**.<br><br>_____<br>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). | ~~*legal systems. Whilst subject to judicial*~~ discretion~~*, these*~~ ***of the judge or the court to determine whether to increase the sentence due to the specific*** aggravating circumstances ~~*should allow the judiciary to take*~~***, taking*** into account ***all the facts of the particular case***~~*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 circumstances ***where national law provides for the criminal offences laid down in Council Framework Decision 2008/841/JHA to be***~~*in this Directive when those circumstances are*~~ punishable as separate criminal offences ~~*with*~~***and this may lead to*** more severe sanctions~~.~~<br><br>_____<br>~~*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).*~~ |
| Recital 22 | | | | |
| 30 | (22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the | (22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the | ~~(22) Corruption for the benefit of a third country has a particularly detrimental impact on democratic institutions and political life of the~~ | *deleted*<br><br>*ITM proposal for the political level* |

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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.~~ | |
| *Recital 23* | | | | |
| G *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 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 | (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 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 | (~~23~~**22**) ~~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 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 | (23) Member States should ensure that ***the judge or the court is able to take the*** mitigating circumstances ~~*are laid down in national legislation in relation to the offences covered by*~~***set out in*** this Directive***, as implemented in national law, into account when sentencing offenders***. 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*** G |

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| | 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. | 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. | **when sanctioning such legal persons**. Lower ~~sanctions~~**penalties** 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**, including, where applicable, the fact that the legal person has compliance programmes only for cosmetic purposes, also called "window dressing"**. | ***sanctioning such legal persons***. Lower ~~*sanctions*~~***penalties*** 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*~~ ***remains*** within the discretion of the judge or the court to determine the actual amount of the ***penalty due to the specific mitigating circumstances*** ~~*sanction*~~, taking into account all the ~~*circumstances*~~ ***facts*** of the ~~*individual case*~~ ***particular case, including, where applicable, the fact that the legal person has compliance programmes only for cosmetic purposes, also called "window dressing"***.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal ITM 24/10 |
| Recital 24 | | | | |
| 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 | (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 | (~~24~~**23**) 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 | (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 |

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| | 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 exercise of their functions, and on the other hand, the possibility of effectively investigating, prosecuting and adjudicating corruption offences. | 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 exercise of their functions, and on the other hand, the possibility of effectively investigating, prosecuting and adjudicating corruption offences. | 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 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** | 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 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*** |

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| | | | **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 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.** | ***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 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.***<br><br>EP has proposed to add wording (ITM 25 September), before the sentence which starts "However, Member States should not be obliged...", as follows:<br><br>Member States could consider that such privileges and immunities are 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. |

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| | | | | Council could not accept this addition; the EP has tentatively withdrawn it (ITM 10 October).<br><br>Depending on the outcome of Article 19<br><br>For political level<br><br>Text Origin: Council Mandate |
| Recital 25 | | | | |
| G 33 | (25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under 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. | (25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under 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~~***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*** the commission of corruption offences and ***to ensure*** the effectiveness of the judicial process. | ~~(25) In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States, discretionary powers under 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.~~ | (25) ~~*In order to increase trust in prosecution services whilst reducing the perception of corruption in Member States*~~***Without prejudice to the set-up of their national judicial systems***, discretionary powers under 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*~~***. These rules should aim to take into account the need, in general, for effective, proportionate and dissuasive criminal penalties for*** corruption offences and ***ensure*** the effectiveness of the judicial process. ***This Directive is without prejudice to the general rules and principles*** G |

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| | | | | ***of national criminal law on the application and execution of sentences in accordance with the concrete circumstances in each individual case.*** |
| Recital 26 | | | | |
| G 34 | (26) Given the mobility of perpetrators 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. 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. | (26) Given the mobility of perpetrators 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. 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. | (~~26~~**24**) Given**, in particular,** the mobility of **certain** perpetrators 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. | (~~26~~***24***) Given***, in particular,*** the mobility of ***certain*** perpetrators 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate G |
| Recital 27 | | | | |

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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. | (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.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal |
| Recital 28 | | | | |
| 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 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 | (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 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 | (~~28~~**26**) Corruption offences ~~are~~ **acan be** difficult ~~category of crime~~ to identify and investigate, as they mostly occur ~~as part of a conspiracy between two or more 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 | (~~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 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 |

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| | 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. 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 addition, this Directive facilitates the gathering of information and evidence by setting out mitigating circumstances for offenders that help the authorities. | 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. ***Such tools should as a minimum include the tools listed in Directive 2014/41/EU of the European Parliament and of the Council[1a], 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.*** 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 addition, this Directive facilitates the gathering of information and evidence by setting out mitigating circumstances for offenders that help the authorities. | 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 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.** | 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 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.***<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |

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| | | ***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)*** | | |
| Recital 28a | | | | |
| 36a | | ***(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, 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.*** | | *deleted*<br>*ITM proposal for the political level* |
| *Recital 29* | | | | |
| *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. Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to | (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. Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to | (~~29~~**27**) 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. Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to | (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. Such whistleblowers' reports can strengthen enforcement by enabling the competent authorities to |

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| | 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 Council[1] applies to reports of breaches affecting the financial interests of the Union as referred to in Article 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 Council[2]. 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 | 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 Council[1] applies to reports of breaches affecting the financial interests of the Union as referred to in Article 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 Council[2]. 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 | 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 Council[1] applies to reports of breaches affecting the financial interests of the Union as referred to in Article 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 Council[2]. 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 | 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 Council[~~1~~1] applies to reports of breaches affecting the financial interests of the Union as referred to in Article 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 Council[~~2~~2]. 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 |

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| | authorities should ensure that persons providing evidence or otherwise cooperating with criminal investigations are given the necessary protection, support and assistance in the context of criminal proceedings.<br><br>_____<br>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).<br>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). | authorities should ensure that persons providing evidence or otherwise cooperating with criminal investigations are given the necessary protection, support and assistance in the context of criminal proceedings.<br><br>_____<br>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).<br>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). | authorities should **furthermore** ensure that persons providing evidence or otherwise cooperating with 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.**<br><br>_____<br>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).<br>2. **[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). | authorities should ensure that persons providing evidence or otherwise cooperating with criminal investigations ~~*are given*~~ ***have access to*** the necessary protection, ~~*support and assistance in the context of criminal proceedings.*~~ ***in accordance with national law.***<br><br>_____<br>~~*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).*~~<br>~~*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).*~~<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Recital 29a | | | | |
| G 37a | | ***(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*** | | ***(29a) Since the general public that is affected negatively by corruption offences will generally not be able represent itself as a victim in criminal proceedings, for the purpose of effective enforcement, members of the public concerned should have the possibility of acting on behalf of the general interest in corruption cases, in accordance with national law and*** G |

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| | | ***instance as a civil party. The public concerned 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 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*** | | ***subject to the relevant procedural rules. This Directive does not require Member States to introduce new procedural rights for the members of the public concerned. However, when such procedural rights for members of the public concerned exist in a Member State in equivalent situations concerning criminal offences other than those provided for pursuant to this Directive, such as the right to participate in proceedings as a civil party, such procedural rights should also be granted to the members of the public concerned in proceedings concerning the corruption offences defined in this Directive. The rights of the members of the public concerned are without prejudice to the rights of victims as set out in Directive 2012/29/EU of the European Parliament and of the Council. The notion of 'members of the public concerned' and of 'victims' should remain distinct and Member States should not be required to apply victims' rights to members of the public concerned. This Directive does not require Member States to grant to members of the public concerned the procedural rights in criminal proceedings that they grant to*** |

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| | | ***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.*** | | ***categories of persons other than members of the public concerned.*** |
| Recital 29b | | | | |
| G 37b | | ***(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 the specific context, and in consultation with civil society, independent experts, researchers and other stakeholders.*** | | ***(29b) This Directive requires Member States to adopt and publish a national strategy on preventing and combating corruption. Member States are encouraged to develop such national strategy in consultation with civil society, anti-corruption bodies or organisational units, independent experts, researchers and other stakeholders. The national strategy should take into account the Member States' needs, specificities and challenges.***<br><br>ITM proposal for the political level G |
| Recital 30 | | | | |

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| 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. ***The consistent involvement of civil society in the prevention and in 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.*** | (~~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**. | (~~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***.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 31 | | | | |
| 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 | (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 | (~~31~~**29**) 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 | (~~31~~***29***) 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 |

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| | awareness and promoting integrity. Member States 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 journalists[1], as well as the proposal for a Directive[2] and a Commission Recommendation[3] 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.<br><br>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.<br>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.<br>3. Commission Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic | awareness and promoting integrity. Member States ***should be transparent as regards funding the media through institutional advertising, preventing any administration from favouring the media of their choice. In addition, Member States*** 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 journalists[1], as well as the ~~proposal~~***proposals for a Regulation establishing a common framework for media services in the internal market (European Media Freedom Act)[1a] and*** for a Directive[2] and a Commission Recommendation[3] 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, ***whistleblowers,*** and others can carry out their role unhindered.<br><br>1. Commission Recommendation of 16 September 2021 on ensuring the protection, | awareness and promoting integrity. Member States 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 journalists[1], as well as ~~the proposal for a~~ Directive **(EU) 2024/1069**[2] and a Commission Recommendation[3] 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.<br><br>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.<br>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 lawsuits against public participation~~"~~'), ~~COM/2022/177 final.~~ | awareness and promoting integrity. Member States 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 journalists[1], as well as ~~the proposal for a~~ Directive ***(EU) 2024/1069***[2] and a Commission Recommendation[3] 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.<br><br>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.<br>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 lawsuits against public participation~~"~~'), ~~COM/2022/177 final.~~ |

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| | lawsuits against public participation"), C(2022) 2428 final. | safety and empowerment of journalists and other media professionals in the European Union, C(2021)6650 final.<br>***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.***<br>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.<br>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. | 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. | 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.<br>ITM proposal for the political level<br>Text Origin: Council Mandate |
| Recital 32 | | | | |
| G 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 the Rule of Law tools, such as the annual Rule of Law report. | (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 the Rule of Law tools, such as the annual Rule of Law report. | (~~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 the Rule of Law tools, such as the annual Rule of Law report. | (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 the Rule of Law tools, such as the annual Rule of Law report.<br>ITM proposal for the political level<br>Text Origin: Commission Proposal G |

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| Recital 33 | | | | |
| 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], (EU) 2019/1153[2], (EU) 2016/681[3] of the European Parliament and of the Council, Regulations (EU) 2018/1240[4], (EU) 2018/1862[5] and (EU) 603/2013[6] of the European Parliament and of the Council, Council Decision 2008/633/JHA[7].<br>_____<br>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.<br>2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating | (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], (EU) 2019/1153[2], (EU) 2016/681[3] of the European Parliament and of the Council, Regulations (EU) 2018/1240[4], (EU) 2018/1862[5] and (EU) 603/2013[6] of the European Parliament and of the Council, Council Decision 2008/633/JHA[7]. ***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*** | (~~33~~**31**) 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], (EU) 2019/1153[2], (EU) 2016/681[3] of the European Parliament and of the Council, Regulations (EU) 2018/1240[4], (EU) 2018/1862[5] and (EU) 603/2013[6] of the European Parliament and of the Council, Council Decision 2008/633/JHA[7].<br>_____<br>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.<br>2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating | (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 ***between competent law enforcement authorities using Europol's Secure Information Exchange Network Application (SIENA)*** 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*~~***2023/977***[1], (EU) 2019/1153[2], (EU) 2016/681[3] of the European Parliament and of the Council, Regulations (EU) 2018/1240[4], (EU) 2018/1862[5] and (EU) 603/2013[6] of the European Parliament and of the Council, Council Decision 2008/633/JHA[7].<br>_____<br>1. See Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, |

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| | 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.<br>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.<br>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.<br>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 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.<br>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 | ***Parliament and of the Council[7a], should be mandatory for all Anti-Corruption Investigation bodies, units and agencies under this Directive.***<br><br>_____<br>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.<br>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 offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.<br>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.<br>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.<br>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 | 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.<br>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.<br>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.<br>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 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.<br>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 | repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.<br>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 offences, and repealing Council Decision 2000/642/JHA OJ L 186, 11.7.2019, p. 122.<br>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.<br>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.<br>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 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. |

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| | (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 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).<br>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 recital 6. | 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.<br>6. 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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 | (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 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).<br>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 recital 6. | 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 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. 1).<br>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 recital 6.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal |

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| | | with a reference to the European Arrest Warrant in recital 6.<br>***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).*** | | |
| Recital 33a | | | | |
| G 41a | | ***(33a) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.*** | | *deleted*<br>*ITM proposal for the political level* G |
| *Recital 33b* | | | | |
| G *41b* | | ***(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*** | | *deleted* G |

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| | | ***voiced and considered without compromising the rights of the defence during 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.*** | | |
| *Recital 34* | | | | |
| *42* | *(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 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 | (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 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 | (~~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** 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 | (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***, within appropriate intervals,*** ~~regularly~~ perform an assessment to identify the sectors ***or occupations*** most at risk of corruption and develop ~~risk management plans~~***measures ,*** to address the main risks in the sectors ***or occupations*** identified, including by ***regularly*** 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 |

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| | are assessed and the measures are reviewed regularly. For instance, investor residence schemes are among the sectors thatbear high risks for corruption[1]. 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 this Directive.<br><br>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. | are assessed and the measures are reviewed regularly. For instance, investor residence ***and citizenship*** schemes are among the sectors ~~*thatbear*~~***that bear*** high risks for corruption[1]~~.~~ and should therefore be ~~*included in the assessments of the sectors most at risk of corruption and the trainings to be conducted by*~~***completely banned by the*** Member States ~~*as provided for by this Directive*~~.<br><br>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. | 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 ~~thatbear~~**that bear** high risks for corruption[1]~~.~~ 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 this Directive.<br><br>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. | 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 ~~*thatbear*~~***that bear*** high risks for corruption[1]~~.~~ 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 this Directive.<br><br>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~~.~~<br><br>ITM proposal for the political level |
| Recital 34a | | | | |
| G 42a | | ***(34a) The European Commission should support Member States 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*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| | | ***judiciary in order to respond better to risks of corruption identified at national and Union level.*** | | |
| *Recital 34b* | | | | |
| G *42b* | | ***(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 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.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Recital 34c* | | | | |
| G *42c* | | ***(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 Directive. To ensure*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| | | ***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.*** | | |
| *Recital 34d* | | | | |
| G *42d* | | ***(34d) In order to ensure a 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.*** | | *deleted*<br><br>*ITM proposal for the political level* G |

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| *Recital 35* | | | | |
| *43* | *(35)* To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371[1] should be aligned with those of this 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.<br>_____<br>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. | (35) To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371[1] should be aligned with ~~those of~~***the standards set out in*** this Directive. To this end, ~~the rules applicable to criminal~~***Member States should ensure that*** offences ***covered by this Directive constitute offences also when*** affecting the Union's financial interests ~~as regards~~***. 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***, aggravating and mitigating circumstances and ~~limitation periods~~***jurisdiction*** should be equivalent to those laid down by this Directive.<br>_____<br>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. | ~~(35) To provide for an equivalent level of protection between the Union's and the national financial interests, the provisions of Directive (EU) 2017/1371[1] should be aligned with those of this 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.~~<br>_____<br>~~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.~~ | |
| Recital 36 | | | | |
| G 44 | (36) The implementation of this Directive should ensure a level of protection of the Union's financial | (36) The implementation of this Directive should ensure a level of protection of the Union's financial | (~~36~~**33**) The implementation of this Directive should ensure a level of protection of the ~~Union's~~ **national** | (36) The implementation of this Directive should ensure a level of protection of the Union's financial G |

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| | interests which is equivalent to the protection of the national financial interests. | interests which is equivalent to the protection of the national financial interests. | financial interests which is equivalent to the protection of the ~~national~~**Union's** financial interests. | interests which is equivalent to the protection of the national financial interests.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal |
| Recital 37 | | | | |
| 45 | (37) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, 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. | (37) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, 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. | (~~37~~**34**) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, 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. | (37) Since the objective of this Directive, namely to subject corruption in all Member States to effective, proportionate and dissuasive criminal penalties, 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 38 | | | | |
| 46 | (38) The intended dissuasive effect of the application of criminal law | (38) The intended dissuasive effect of the application of criminal law | (~~38~~**35**) The intended dissuasive effect of the application of criminal | (~~38~~*35*) The intended dissuasive effect of the application of criminal |

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| | sanctions requires particular caution with regard to fundamental rights. This Directive respects fundamental 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, as well as the principle of ne bis in idem. | sanctions requires particular caution with regard to fundamental rights. This Directive respects fundamental 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, as well as the principle of ne bis in idem. | law ~~sanctions~~**penalties** requires particular caution with regard to fundamental rights. This Directive respects fundamental 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. | law ~~*sanctions*~~***penalties*** requires particular caution with regard to fundamental rights. This Directive respects fundamental 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Recital 39, first subparagraph | | | | |
| G 47 | (39) [In accordance with Article 3 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 the European Union and to the Treaty on the Functioning of the European Union, Ireland has | (39) [In accordance with Article 3 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 the European Union and to the Treaty on the Functioning of the European Union, Ireland has | (~~39~~**36**) ┼In accordance with Article 3 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 the European Union and to the Treaty on the Functioning of the European | (~~*39*~~***36***) ~~*┼*~~In accordance with Article 3 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 the European Union and to the Treaty on the Functioning of the European G |

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| | notified its wish to take part in the adoption and application of this Directive. | notified its wish to take part in the adoption and application of this Directive. | Union, Ireland has notified**, by letter of 10 July 2023,** its wish to take part in the adoption and application of this Directive. | Union, Ireland has notified***, by letter of 10 July 2023,*** its wish to take part in the adoption and application of this Directive.<br>ITM proposal for the political level<br>Text Origin: Council Mandate |
| Recital 39, second subparagraph | | | | |
| 48 | AND/OR | AND/OR | ~~AND/OR~~ | *deleted*<br>*ITM proposal for the political level* |
| *Recital 40* | | | | |
| *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 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.] | (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 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.] | ~~(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 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.]~~ | *deleted*<br>*ITM proposal for the political level* |
| *Recital 41* | | | | |
| *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 | (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 | (~~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 | (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 |

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| | 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. | 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. | 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. | 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.<br><br>ITM proposal for the political level<br><br>Text Origin: Commission Proposal |
| Formula | | | | |
| 51 | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE:<br><br>Text Origin: Commission Proposal |
| Chapter I | | | | |
| 51a | | | **Chapter 1**<br>**GENERAL PROVISIONS** | |
| Article 1 | | | | |
| 52 | Article 1<br>Subject matter and scope | Article 1<br>Subject matter and scope | Article 1<br>Subject matter and scope | Article 1<br>Subject matter and scope<br><br>Text Origin: Council Mandate |
| Article 1, first paragraph | | | | |
| 53 | This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of corruption, as well as | 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 | This Directive establishes minimum rules concerning the definition of criminal offences and ~~sanctions~~**criminal and non criminal penalties** in the area of | This Directive establishes minimum rules concerning the definition of criminal offences and ~~*sanctions*~~***criminal and non criminal penalties*** in the area of |

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| | measures to better prevent and fight corruption. | corruption ***at the national and Union level***. | corruption, as well as measures to better prevent and fight corruption. | corruption, as well as measures to better prevent and fight corruption.<br>Text Origin: Council Mandate |
| Article 2 | | | | |
| G 54 | Article 2<br>Definitions | Article 2<br>Definitions | Article 2<br>Definitions | Article 2<br>Definitions<br>Text Origin: Commission Proposal |
| Article 2, first paragraph | | | | |
| G 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: | For the purposes of this Directive, the following definitions apply:<br>Text Origin: Commission Proposal |
| Article 2, first paragraph, point (1) | | | | |
| G 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 ***proactive identification,*** detection and elimination of the causes of and conditions for corruption ***in the public and private sector***, through development and implementation of a ***comprehensive*** system of appropriate measures ***and necessary tools to reduce the potential for corruption***, as well as ~~*deterrence against*~~***to deter*** corruption-related acts ***at the national and Union level***. | ~~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.~~ | *deleted* |
| *Article 2, first paragraph, point (2)* | | | | |

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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***, including crypto assets***, whether corporeal or incorporeal, movable or immovable, ***financial or non-financial*** 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~~**1**. ‘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***, including crypto assets***, 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.<br>Text Origin: EP Mandate |
| Article 2, first paragraph, point (3) | | | | |
| 58 | 3.‘public official’ means: | 3.‘public official’ means:<br>For technical reasons, the order of rows 58-60a follows the order of the Council Mandate. This is without prejudice to the agreement of the co-legislators on the placement of these provisions. | ~~3~~**2**. ‘public official’ means: | 3.‘public official’ means:<br>Text Origin: Commission Proposal |
| Article 2, first paragraph, point (3)(a) | | | | |
| 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, | (a) a Union official or a national official of a Member State or of a third country,<br>Text Origin: Commission Proposal |
| Article 2, first paragraph, point 4 / CSL point 2(a)(i) | | | | |
| 59a | 4.‘Union official’ means a person who is:<br>Moved reference text | 4.‘Union official’ means a person who is: | ~~4.~~**(i)** ‘Union official’ means a person who is:<br>Moved from row 61 [61 - 59a] | ~~4.~~***(i)*** ‘Union official’ means a person who is:<br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (4)(a) | | | | |

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| 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.<br><br>Moved reference text | (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~~.~~ ***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;*** | ~~(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.~~<br><br>Moved from row 62 [62 - 59b] | *deleted* |
| *Article 2, first paragraph, point (4)(b) / CSL point (2)(a)(i), first subparagraph, point (a)* | | | | |
| *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');<br><br>Moved reference text | (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');<br><br>Moved from row 63 [63 - 59c] | ~~*(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');<br><br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (4)(c) / CSL point (2)(a)(i), first subparagraph, point (b) | | | | |
| 59d | (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.<br><br>Moved reference text | (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)~~**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.<br><br>Moved from row 64 [64 - 59d] | ~~*(c)*~~***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.<br><br>Text Origin: Council Mandate |

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| Article 2, first paragraph, point (2)(a)(i), second subparagraph | | | | |
| 59e | | | **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.** | ***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.***<br><br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (3)(aa) | | | | |
| 59f | 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, regional or local level is considered a national official for the purpose of this Directive.<br><br>Moved reference text | 5.'national official' means any person holding an executive, administrative, or judicial office ***or any other person assigned or exercising a public service function*** at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority***, or any person entrusted with tasks of public interest or in charge of a public service***. 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. | ~~5.~~**(ii)** 'national official' means any 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**.<br><br>Moved from row 65 [65 - 59f] | ~~*5.*~~***ii***. 'national official' means any 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***. |
| Article 2, first paragraph, point (3)(ab) | | | | |
| 59g | 8.'high level officials' are heads of state, heads of central and regional government, members of central and regional government, as well as | 8.'high level officials' are heads of state, heads of central and regional government, members of central and regional government, ***members*** | ~~8.~~**(iii)** 'high level officials' ~~are heads of state, heads of central and regional government, members of central and regional government, as~~ | *deleted* |

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| | 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.<br><br>Moved reference text | ***of the College of Commissioners of the European Commission,*** as well as other political appointees who hold a high level public office ***at Union level, such as the President of the European Council, or at national level,*** 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 ***the European Parliament, members of*** highest Courts, such as Constitutional and Supreme Courts, ***military officials, senior executives of state owned corporations, managing officials of political parties whose members or candidates are members of a parliament,*** and members of Supreme Audit Institutions~~.~~***;*** | ~~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 privileges established under national constitutions or laws**.<br><br>Moved from row 68 [68 - 59g] | |
| *Article 2, first paragraph, point (3)(b)* | | | | |
| *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 ***or providing a public service*** 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**. | (b) any other person assigned and exercising a public service function**,** ***in accordance with national law, 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~~. |

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| Article 2, first paragraph, point (2)(ba) | | | | |
| 60a | | | **(c) a person assigned and exercising a public service function for an international organisation or for an international court in accordance with national law.** | ***(ba) a person assigned and exercising a public service function for an international organisation or for an international court.***<br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (4) | | | | |
| 61 | 4.'Union official' means a person who is: | 4.'Union official' means a person who is: | Moved to row 59a [61 - 59a] | *deleted* |
| *Article 2, first paragraph, point (4)(a)* | | | | |
| *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~~.~~ ***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;*** | Moved to row 59b [62 - 59b] | *deleted* |
| *Article 2, first paragraph, point (4)(b)* | | | | |
| *63* | *(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 | (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 | Moved to row 59c [63 - 59c] | *deleted* |

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| | Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the 'Staff Regulations'); | Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (the 'Staff Regulations'); | | |
| *Article 2, first paragraph, point (4)(c)* | | | | |
| 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] | *deleted* |
| *Article 2, first paragraph, point (4a)* | | | | |
| 64a | | | **3.'Arbitrator' means any person called upon to render a legally binding decision in disputes submitted by the parties to the arbitration agreement where their status is set out in national law.** | ***3.'Arbitrator' means any person called upon to render a legally binding decision in disputes submitted by the parties to the arbitration agreement where their status is set out in national law.***<br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (4b) | | | | |
| 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.** | ***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.***<br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (5) | | | | |
| 65 | 5.'national official' means any person holding an executive, | 5.'national official' means any person holding an executive, | Moved to row 59f [65 - 59f] | *deleted* |

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| | 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. | administrative, or judicial office ***or any other person assigned or exercising a public service function*** at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority***, or any person entrusted with tasks of public interest or in charge of a public service***. 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. | | |
| *Article 2, first paragraph, point (6)* | | | | |
| G 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. | ~~6~~**5**. '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~~**5**. '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.<br>Text Origin: Council Mandate G |
| Article 2, first paragraph, point (6a) | | | | |
| G 66a | | ***(6a) 'conflict of interests' means a situation where the impartial and objective exercise of the functions of a public official is compromised*** | | *deleted* G |

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| | | ***for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest;*** | | |
| *Article 2, first paragraph, point (7)* | | | | |
| G 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 ***recognised as*** 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~~**6**. '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~~***6***. '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.<br>Text Origin: Council Mandate |
| Article 2, first paragraph, point (8) | | | | |
| G 68 | 8.'high level officials' are heads of state, heads of central and 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. | 8.'high level officials' are heads of state, heads of central and regional government, members of central and regional government, ***members of the College of Commissioners of the European Commission,*** as well as other political appointees who hold a high level public office ***at Union level, such as the President of the European Council, or at national level,*** 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 ***the European Parliament, members of*** highest Courts, such as | Moved to row 59g [68 - 59g] | 8.~~'~~high level officials' ***means public officials who are entrusted with key executive*** ~~*are heads of state*~~, ***administrative, legislative or judicial functions in accordance with national law. This may include:*** heads of central and 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***, key political advisers***, heads and members of a minister's private office~~*, and senior political officials*~~ ***or cabinet when such have been established***, as well as members of parliamentary |

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| | | Constitutional and Supreme Courts, ***military officials, senior executives of state owned corporations, managing officials of political parties whose members or candidates are members of a parliament,*** and members of Supreme Audit Institutions***-;*** | | chambers, members of ~~*highest Courts, such as*~~ Constitutional and Supreme Courts***, the Prosecutor General***, and members of Supreme Audit Institutions ***as well as members of the College of Commissioners of the European Commission and the European Parliament***. ***The provisions of this Directive concerning high level officials shall be understood without prejudice to immunities and privileges established under national constitutions or laws.*** |
| Article 2, first paragraph, point (8a) | | | | |
| G 68a | | ***(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;*** | | *deleted*<br>*Text Origin: EP Mandate* G |
| *Article 2, first paragraph, point (8b)* | | | | |
| G *68b* | | ***(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*** | | *deleted* G |

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| | | ***requirements under national law shall be deemed to have an interest.*** | | |
| *Article 3* | | | | |
| *69* | Article 3<br>Prevention of corruption | Article 3<br>Prevention of corruption | Article 3<br>-Prevention of corruption<br><br>Moved to row 203b [69 - 203b] | *deleted* |
| *Article 3(1)* | | | | |
| *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***, as well as the institutions, bodies, offices and agencies of the Union,*** shall take appropriate action, ~~*such as*~~***including*** information and awareness-raising campaigns and research and education ***for public integrity*** programmes, to raise public awareness ***among the public and private sector*** on the harmfulness ***and real impact*** of corruption***, including on public budgets and to*** ~~*and*~~ reduce the overall commission of corruption offences as well as the risk of corruption. | 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 as well as the risk of corruption.<br><br>Moved to row 203c [70 - 203c] | *deleted* |
| *Article 3(2)* | | | | |
| *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***, as well the institutions, bodies, offices and agencies of the Union*** shall***, within the limits of their respective administrations and public decision-making processes,*** take measures to ensure the highest | 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. | *deleted* |

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| | | degree of ***integrity,*** transparency and accountability ~~*in public administration and public decision-making*~~***, through merit-based recruitment and promotion, while ensuring that citizens are adequately informed,*** with a view to prevent corruption. | Moved to row 203d [71 - 203d] | |
| *Article 3(3)* | | | | |
| *72* | *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. | 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~~.~~***, such as:*** | 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~~.<br><br>Moved to row 203e [72 - 203e] | *deleted* |
| *Article 3(3), point (a)* | | | | |
| *72a* | | ***(a) an anticorruption strategy and action plan drafted with the participation of competent authorities, including the relevant specialised bodies referred to in*** | | *deleted* |

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| | | ***Article 4, and with the involvement of civil society;*** | | |
| *Article 3(3), point (b)* | | | | |
| *72b* | | ***(b) an open access to information of public interest;*** | | *deleted* |
| *Article 3(3), point (c)* | | | | |
| *72c* | | ***(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;*** | | *deleted* |
| *Article 3(3), point (d)* | | | | |
| *72d* | | ***(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;*** | | *deleted* |
| *Article 3(3), point (e)* | | | | |
| *72e* | | ***(e) effective rules addressing the interaction between the private and the public sector, including regulation of interest representation and revolving doors situations comprising of:*** | | *deleted* |
| *Article 3(3), point (e)(i)* | | | | |

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| G | *72f* | ***(i) establishing a code of conduct for public officials, including rules for their interactions with persons or private entities carrying out interest representation;*** | | *deleted* |
| *Article 3(3), point (e)(ii)* | | | | |
| G | *72g* | ***(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 representation, including the proactive publication of lobby meetings;*** | | *deleted* |
| *Article 3(3), point (e)(iii)* | | | | |
| G | *72h* | ***(iii)establishing of a public legislative footprint;*** | | *deleted* |
| *Article 3(3), point (e)(iv)* | | | | |
| G | *72i* | ***(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*** | | *deleted* |
| *Article 3(3), point (e)(v)* | | | | |

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| G | *72j* | ***(v) 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.*** | | *deleted* |
| | *Article 3(3), point (f)* | | | |
| G | *72k* | ***(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;*** | | *deleted* |
| | *Article 3(3), point (g)* | | | |
| G | *72l* | ***(g) effective measures to ban citizenship by investment and residency by investment schemes.*** | | *deleted* |
| | *Article 3(3a)* | | | |
| G | *72m* | ***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.*** | | *deleted* |
| | *Article 3(3b)* | | | |

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| *72n* | | ***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.*** | | *deleted* |
| *Article 3(3c)* | | | | |
| *72o* | | ***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 collect and publish all data on income, liabilities and expenditure for participants in election campaigns.*** | | *deleted* |
| *Article 3(4)* | | | | |
| *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*~~***periodically reviewed*** measures to prevent corruption in both the public and private sectors, ~~*adapted*~~***tailored*** to the specific risks of an area of activity. Such measures shall at least ***target common high-risk areas and shall at least*** include actions ***to identify and fight against organised crime*** | 4.Member States shall ~~adopt comprehensive and up-to-date~~**ensure 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: | *deleted* |

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| | | ***or other serious crime,*** to strengthen integrity***, transparency and accountability*** and to prevent opportunities for corruption among: | Moved to row 203f [73 - 203f] | |
| *Article 3(4), point (a)* | | | | |
| *74* | *(a)* high level officials; | (a) high level officials***, including measures relating to the conduct to be followed during and after the performance of their public function***; | (a) high level officials;<br>Moved to row 203g [74 - 203g] | *deleted* |
| *Article 3(4), point (b)* | | | | |
| *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***, intelligence agencies*** and the judiciary, including measures relating to their ***merit-based*** appointment***, promotion and dismissal, and measures related to*** ~~*and*~~ conduct, and by ensuring adequate remuneration and equitable pay scales. | (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~~.<br>Moved to row 203h [75 - 203h] | *deleted* |
| *Article 4(4a)* | | | | |
| *75a* | | ***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,*** | | *deleted* |

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| | | ***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.*** | | |
| *Article 3(4b)* | | | | |
| *75b* | | ***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.*** | | *deleted* |
| *Article 3(5), first subparagraph* | | | | |
| *76* | 5.Member States shall regularly perform an assessment to identify the sectors most at risk of corruption. | 5.Member States***, as well the institutions, bodies, offices and agencies of the Union,*** shall ~~*regularly*~~***annually*** perform an assessment to identify the sectors most at risk of corruption. ***In performing such assessment, Member States shall take into account, in particular, the Commission's annual Rule of Law*** | 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**.<br><br>Moved to row 203i [76 - 203i] | *deleted* |

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| | | ***Report and the EU Anti-corruption Report referred to in Article 26a of this Directive.*** | | |
| *Article 3(5), second subparagraph* | | | | |
| *77* | Following that assessment, Member States shall: | –Following that assessment, Member States ***as well the institutions, bodies, offices and agencies of the Union*** shall***, within the limits of their respective competences and mandate***: | **6.**–Following that assessment, Member States shall~~:~~**, as appropriate,**<br><br>Moved to row 203j [77 - 203j] | *deleted* |
| *Article 3(5), second subparagraph, point (a)* | | | | |
| *78* | *(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~~**.**<br><br>Moved to row 203k [78 - 203k] | *deleted* |
| *Article 3(5), second subparagraph, point (b)* | | | | |
| *79* | *(b)* develop plans to address the main risks in the sectors identified. | (b) develop ***anti-corruption action*** plans***, with implementation and monitoring mechanisms*** to address the main risks in the sectors identified~~.~~***; 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;*** | ~~(b) develop plans to address the main risks in the sectors identified.~~<br><br>Moved to row 203l [79 - 203l] | *deleted* |
| *Article 3(5), second subparagraph, point (ba)* | | | | |

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| G 79a | | ***(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 this Article;*** | | *deleted* G |
| *Article 3(5), second subparagraph, point (bb)* | | | | |
| G 79b | | ***(bb) ensure that the results of the assessments are available to the public.*** | | *deleted* G |
| *Article 3(5a)* | | | | |
| G 79c | | ***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 procurement, voting records, permits and concessions, and state subsidies.*** | | *deleted* G |
| *Article 3(6)* | | | | |

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| 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 ***as well the institutions, bodies, offices and agencies of the Union*** shall ~~*take measures to promote the participation of*~~***actively and regularly engage with and consult*** civil society, non-governmental organizations and community-based organizations ***and academia in the development, monitoring, and assessment of anti-corruption laws and policies. Member States shall establish an enabling environment for civil society to work and have meaningful engagement*** in anti-corruption activities. ***Member States shall further promote available reporting mechanisms and publicising rights relating to the protection of persons who report breaches of Union law.*** | ~~6~~7. 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.<br><br>Moved to row 203m [80 - 203m] | *deleted* |
| *Article 3(6a)* | | | | |
| *80a* | | ***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.*** | | *deleted* |

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| *Article 4* | | | | |
| *81* | Article 4<br>Specialised bodies | Article 4<br>Specialised bodies | Moved to row 203u [81 - 203u] | *deleted* |
| *Article 4(1)* | | | | |
| *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] | *deleted* |
| *Article 4(1a)* | | | | |
| *82a* | | ***The tasks of such bodies or organisation units shall include:*** | | *deleted* |
| *Article 4(1a), point (a)* | | | | |
| *82b* | | ***(a) the management of asset declarations of public officials;*** | | *deleted* |
| *Article 4(1a), point (b)* | | | | |
| *82c* | | ***(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;*** | | *deleted* |
| *Article 4(1a), point (c)* | | | | |
| *82d* | | ***(c) monitoring compliance with the statutory provisions and rules*** | | *deleted* |

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| | | ***related to conflicts of interests in the public and private sectors, and the enforcement of sanctions related to breaches of such provisions and rules;*** | | |
| *Article 4(1a), point (d)* | | | | |
| *82e* | | ***(d) the issuing of warnings related to risks of corruption;*** | | *deleted* |
| *Article 4(1a), point (e)* | | | | |
| *82f* | | ***(e) cooperation with competent authorities, bodies or organizational units specialized in the repression of corruption.*** | | *deleted* |
| *Article 4(2)* | | | | |
| *83* | *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. | 2.Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in the repression ***and investigation*** of corruption is or are in place. ***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.*** | Moved to row 203w [83 - 203w] | *deleted* |
| *Article 4(2a)* | | | | |

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| *83a* | | ***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.*** | | *deleted* |
| *Article 4(3)* | | | | |
| *84* | *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: | 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***, 2 and 2a*** ~~*and 2*~~: | Moved to row 203x [84 - 203x] | *deleted* |
| *Article 4(3), point (a)* | | | | |
| *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 ~~*have*~~***able to autonomously take decisions on individual cases, carry out their functions free from undue political interferences, and are continually provided with*** a sufficient number of qualified staff***, including on the operational level,*** and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the ***effective performance and the*** proper administration of their tasks; | Moved to row 203y [85 - 203y] | *deleted* |
| *Article 4(3), point (aa)* | | | | |
| *85a* | | ***(aa) are managed by executive member or members who, in the performance of their tasks and exercise of their powers in*** | | *deleted* |

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| | | ***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;*** | | |
| *Article 4(3), point (b)* | | | | |
| *86* | *(b)* are known to the public; | (b) are known to the public; | Moved to row 203z [86 - 203z] | *deleted* |
| *Article 4(3), point (c)* | | | | |
| *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] | *deleted* |
| *Article 4(3), point (ca)* | | | | |
| *87a* | | ***(ca) provide annual reports on their activities and their results, submit those reports to the relevant*** | | *deleted* |

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| | | ***executive and legislative bodies and publish them on their websites;*** | | |
| *Article 4(3), point (cb)* | | | | |
| *87b* | | ***(cb) provide and update annually a database on cases of corruption, including convictions, damages and assets recovered;*** | | *deleted* |
| *Article 4(3), point (cc)* | | | | |
| *87c* | | ***(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);*** | | *deleted* |
| *Article 4(3), point (cd)* | | | | |
| *87d* | | ***(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);*** | | *deleted* |
| *Article 4(3), point (d)* | | | | |
| *88* | *(d)* operate and take decisions in accordance with transparent procedures established by law, with the effect of ensuring integrity and accountability. | (d) operate and take decisions in accordance with transparent procedures established by law~~, with the effect of ensuring integrity~~ ***and subject to internal oversight*** and accountability~~.~~ ***mechanisms;*** | Moved to row 203ab [88 - 203ab] | *deleted* |
| *Article 4(3), point (da)* | | | | |

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| 88a | | ***(da) operate in line with the objective of increasing their efficiency.*** | | *deleted* |
| *Article 4(3a)* | | | | |
| 88b | | ***3a. The bodies and units referred to in paragraph 1 shall cooperate with the corresponding units in other Member States.*** | | *deleted* |
| *Article 5* | | | | |
| 89 | Article 5<br>Resources | Article 5<br>Resources | Moved to row 203ac [89 - 203ac] | *deleted* |
| *Article 5, first paragraph* | | | | |
| 90 | 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 implementation of this Directive. | Member States shall take the necessary measures to ensure that national authorities competent for the detection, investigation, prosecution or adjudication of the criminal offences ***and for the preventive measures*** referred to in this Directive are ***consistently proactively and*** 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. | Moved to row 203ad [90 - 203ad] | *deleted* |
| *Article 6* | | | | |
| 91 | Article 6 | Article 6 | | |

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| | Training | Training | Moved to row 203ae [91 - 203ae] | *deleted* |
| *Article 6(1)* | | | | |
| 92 | *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 duties and to react in a timely and appropriate manner to any suspicious activity. | 1.Each Member State shall take the necessary measures to ensure adequate resources for and the provision of training ***at a regular interval*** for its national officials to be able to ***prevent and*** 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. | Moved to row 203af [92 - 203af] | *deleted* |
| *Article 6(1a)* | | | | |
| 92a | | ***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 any suspicious activity.*** | | *deleted* |
| *Article 6(2)* | | | | |
| 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 | 2.Each Member State shall take the necessary measures to ensure adequate resources ~~*for*~~ and the ~~*provision of specialised*~~***delivery of dedicated*** anti-corruption training. | Moved to row 203ag [93 - 203ag] | *deleted* |

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| | 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. | ***This training shall be conducted*** at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal ***and administrative*** investigations and proceedings of offences falling within the scope of this Directive. | | |
| *Chapter II* | | | | |
| *93a* | | | **Chapter 2**<br>**CORRUPTION OFFENCES** | |
| Article 7 | | | | |
| 94 | Article 7<br>Bribery in the public sector | Article 7<br>Bribery in the public sector | Article 7<br>Bribery in the public sector | Article 7<br>Bribery in the public sector<br>Text Origin: Commission Proposal |
| Article 7, first paragraph | | | | |
| 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: | Member States shall take the necessary measures to ensure that, ***where it is intentional,*** the following conduct ~~*is punishable as*~~***constitutes*** a criminal offence~~, when committed intentionally:~~**:**<br>ITM proposal for the political level<br>Text Origin: Drafting proposals |
| Article 7, first paragraph, point (a) | | | | |
| 96 | (a) the promise, offer or giving, directly or through an intermediary, | (a) the promise, offer or giving, directly or through an intermediary, | (a) the promise, ~~offer~~**offering** or giving, directly or through an | (a) the promise, ~~*offer*~~***offering*** or giving, directly or through an |

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| | 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); | 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); | 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); | 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);<br><br>Text Origin: Council Mandate |
| Article 7, first paragraph, point (b) | | | | |
| G 97 | (b) the request or receipt by a 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). | (b) the request or receipt by a public official, directly or through an intermediary, of an advantage of any kind ***or the request or 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 ~~*accordance with his duty or in*~~ the exercise of that official's functions (passive bribery). | (b) the request or receipt by a 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). | (b) the request or receipt by a 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).<br><br>Text Origin: Council Mandate |
| Article 7, first paragraph a | | | | |
| G 97a | | | **2.Arbitrators and jurors shall be assimilated to public officials for the purpose of paragraph 1.** | ***2.2. For the purposes of paragraph 1, arbitrators and jurors shall be considered to be public officials.***<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |

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| Article 8 | | | | |
| 98 | Article 8<br>Bribery in the private sector | Article 8<br>Bribery in the private sector | Article 8<br>Bribery in the private sector | Article 8<br>Bribery in the private sector<br><br>Text Origin: Commission Proposal |
| Article 8, first paragraph | | | | |
| 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: | Member States shall take the necessary measures to ensure that ~~*the following conduct shall be punishable as a criminal offence, when committed intentionally*~~, ***where it is intentional*** and in the course of economic, financial, ***or*** business or commercial activities, ***the following conduct constitutes a criminal offence***:<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Article 8, first paragraph, point (a) | | | | |
| 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); | (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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| | | | | Text Origin: Council Mandate |
| Article 8, first paragraph, point (b) | | | | |
| G 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 ***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 (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** promise of such an advantage, **in 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). | (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*** promise of such an advantage, ***in 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).<br>Text Origin: Council Mandate |
| Article 9 | | | | |
| G 102 | Article 9<br>Misappropriation | Article 9<br>Misappropriation | Article 9<br>Misappropriation | Article 9<br>Misappropriation<br>Text Origin: Commission Proposal |
| Article 9, first paragraph | | | | |
| G 103 | 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~~ **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 intended, for that official's** | Member States shall take the necessary measures to ensure that, ***where it is intentional, 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 which it was intended, constitutes*** |

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| | | | **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~~:~~**.** | ~~*the following conduct is punishable as*~~ a criminal offence, ***either*** when committed ~~*intentionally:*~~***for the official's advantage or for the advantage of another person or entity, or when damaging the financial interests of the public or private entity concerned.***<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Article 9, first paragraph, point (a) | | | | |
| G 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 intended; | (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 intended; | ~~(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 intended;~~ | *deleted* G |
| *Article 9, first paragraph, point (b)* | | | | |
| G *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** | (b) ***Member States may take the necessary measures to ensure that, where it is intentional,*** the committing, disbursing, appropriation or use, in the course of economic, financial, ***or*** business or commercial activities, by a person ~~*who directs or works*~~***directing or working***, in any capacity, in a private sector entity, of any property whose management is directly or indirectly entrusted to G |

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| | | | **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 intentionally**. | ~~him~~***that person*** contrary to the purpose for which it was intended, ***constitutes a criminal offence, either when committed for that person's advantage or for the advantage of another person or entity, or when damaging the financial interests of the public or private entity concerned***.<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Article 10 | | | | |
| 106 | Article 10<br>Trading in influence | Article 10<br>Trading in influence | Article 10<br>Trading in influence | Article 10<br>Trading in influence<br><br>Text Origin: Commission Proposal |
| Article 10(1) | | | | |
| 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: | 1.Member States shall take the necessary measures to ensure that, ***where it is intentional,*** the following conduct ~~***is punishable as***~~***constitutes*** a criminal offence~~***, when committed intentionally***~~:<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| Article 10(1), point (a) | | | | |

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| 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***, including when acting or refraining from acting in accordance with that public official's duties***; | (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 of that official's functions** with a view to obtaining an undue advantage from a public official; | (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*~~***improper*** influence ***over an action or omission by a public official in the exercise of that official's functions*** with a view to obtaining an undue advantage from a public official; |
| Article 10(1), point (b) | | | | |
| 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 ***request or acceptance of*** 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***, including when acting or refraining from acting in accordance with that public official's duties***. | (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. | (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*~~***improper*** influence ***over an action or omission by a public official in the exercise of that official's functions*** with a view to obtaining an undue advantage from a public official. |
| Article 10(2) | | | | |
| 110 | 2.In order for the conduct referred to in paragraph 1 to be punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or | 2.In order for the conduct referred to in paragraph 1 to be punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or | 2.In order for the conduct referred to in paragraph 1 to be punishable as a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or | 2.In order for the conduct referred to in paragraph 1 to ~~*be punishable as*~~***constitute*** a criminal offence, it shall be irrelevant whether or not the influence is exerted or whether or not the ~~*supposed*~~***claimed*** |

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| | not the supposed influence leads to the intended results. | not the supposed influence leads to the intended results. | not the ~~supposed~~ influence leads to the intended results. | influence leads to the intended results.<br><br>ITM proposal for the political level<br><br>Text Origin: Drafting proposals |
| | Article 10(2a) | | | |
| G | 110a | | | ***2a. Arbitrators and jurors shall be assimilated to public officials for the purpose of paragraph 1.*** |
| | Article 11 | | | |
| Y | 111 | Article 11<br>Abuse of functions | Article 11<br>Abuse of functions | Article 11<br>Abuse of functions<br><br>The character of the entire provision has not yet been agreed by the colegislators.<br><br>Text Origin: Commission Proposal |
| | Article 11, first paragraph | | | |
| Y | 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~~ **may** take the necessary measures to ensure that ~~the following conduct is punishable as a criminal offence, when committed intentionally:~~ | |
| | Article 11, first paragraph, point (1) | | | |
| Y | 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 | 1.the performance of or failure to perform an act, in violation of laws, by a public official in the exercise of ~~his~~***that public official's*** functions | ~~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 |

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| | | obtaining an undue advantage for that official or for a third party; | for the purpose of obtaining an undue advantage ***of any nature*** for that official or for a third party; | obtaining an undue advantage for that official or for a third party~~;~~**, is punishable as a criminal offence, when committed intentionally.** | | |
| | Article 11, first paragraph, point (2) | | | | | |
| Y | 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, ***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 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. | ~~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.~~ | | Y |
| | Article 12 | | | | | |
| G | 115 | Article 12<br>Obstruction of justice | Article 12<br>Obstruction of justice | Article 12<br>Obstruction of justice | Article 12<br>Obstruction of justice<br><br>Text Origin: Commission Proposal | G |
| | Article 12, first paragraph | | | | | |
| G | 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: | Member States shall take the necessary measures to ensure that**,** ***where it is intentional,*** the following conduct ~~*is punishable as a*~~***constitutes one or several*** criminal ~~*offence, when committed intentionally*~~***offences***:<br><br>ITM proposal for the political level | G |

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| Article 12, first paragraph, point (1) | | | | |
| 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 ***inducements,*** 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 ***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 ~~*any of the*~~ offences referred to in ~~*Article 7 to 11, 13 and 14*~~***this Directive***; | 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; | 1.the use, directly or through an intermediary, of physical force, threats or intimidation or the ~~*promise*~~***promising***, 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*~~***in relation to the commission of*** any of the offences referred to in ***[***Article 7 to ~~*11*~~***10***, 13 and 14***]***;<br><br>Text agreed; list of offences at the end of the provision to be aligned at the end of negotiations. |
| Article 12, first paragraph, point (2) | | | | |
| 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.*~~***this Directive;*** | 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. | 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*~~***in relation to the commission of*** any of the offences referred to in ***[***Article 7 to ~~*11*~~***10***, 13 and 14***]***. |

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| | | | | Text agreed; list of offences at the end of the provision to be aligned at the end of negotiations. |
| Article 12, first paragraph, point 2a. | | | | |
| 118a | | ***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 this Directive.*** | | *deleted* |
| *Article 12a* | | | | |
| *118b* | | ***Article 12a***<br>***Illicit political financing*** | | *deleted*<br>*Connected to the recital in line 23b.*<br>*ITM proposal for the political level* |
| *Article 12a, first paragraph* | | | | |
| *118c* | | ***Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 12a, first paragraph, point 1.* | | | | |
| *118d* | | ***1.the promise, offer or giving, directly or through an intermediary, of substantial financial contributions in favour of persons holding presidential, secretarial, political or*** | | *deleted*<br>*ITM proposal for the political level* |

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| | | ***administrative management positions within political parties or elected into parliaments or 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;*** | | |
| *Article 12a, first paragraph, point 2.* | | | | |
| *118e* | | ***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 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.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 13* | | | | |
| *119* | Article 13<br>Enrichment from corruption offences | Article 13<br>Enrichment from corruption offences | Article 13<br>Enrichment from corruption offences | Article 13<br>Enrichment from corruption offences |

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| Article 13, first paragraph | | | | |
| Y 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, irrespective of whether that official was involved in the commission of that 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 significantly disproportionate to and cannot be justified by the lawful income of the public*** official ~~knows is derived from the commission of any of the offences set out in Articles 7 to 12 and 14, is~~***shall be*** punishable as a criminal offence, ~~irrespective of whether that official was involved in~~***where such property is derived from*** the commission of ~~that~~***an*** offence ***as set out in this Directive***. | 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 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~~. | Member States shall take the necessary measures to ensure that the intentional acquisition, possession or use ***of property*** by a public official ***knowing at the time of receipt, that such*** ~~of~~ property ~~that that official knows is~~***was*** derived from the commission ***by another public official*** of any of the offences ~~set out in~~ ***referred to in [***Articles 7 to ***10,*** 12 and 14***], constitutes***~~, is punishable as~~ a criminal offence~~, irrespective of whether that official was involved in the commission of that offence~~.<br><br>Text agreed; list of offences to be aligned at the end of negotiations.<br><br>Text Origin: Drafting proposals Y |
| Article 13, first paragraph a | | | | |
| G 120a | | ***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.*** | | *deleted* G |

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| *Article 13a* | | | | |
| *120b* | | ***Article 13a***<br>***Concealment*** | | ***Article 13a***<br>***Concealment***<br><br>ITM proposal for the political level<br><br>Text Origin: EP Mandate |
| Article 13a, first paragraph | | | | |
| 120c | | ***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.*** | | ***Member States shall take the necessary measures to ensure that the intentional concealment or disguising of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from the commission of any of the offences referred to in [Articles 7 to 10, 12 and 14] constitutes a criminal offence.***<br><br>The list of offences to be confirmed based on the final compromise on Articles 7-14.<br><br>ITM proposal for the political level |
| Article 13b | | | | |
| 120d | | ***Article 13b***<br>***Misconduct in public office*** | | *deleted* |
| *Article 13b, first paragraph* | | | | |

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| G | *120e* | | ***Member States shall take the necessary measures to ensure that 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.*** | | *deleted* | G |
| | *Article 14* | | | | | |
| G | *121* | Article 14<br>Incitement, aiding and abetting, and attempt | Article 14<br>Incitement, aiding and abetting, and attempt | Article 14<br>~~Incitement,~~**Inciting and** aiding and abetting~~, and attempt~~ | Article 14<br>~~*Incitement*~~***Inciting***, aiding and abetting, and attempt<br>Text Origin: Commission Proposal | G |
| | Article 14(1) | | | | | |
| Y | 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. | 1.Member States shall take the necessary measures to ensure that inciting ~~*any of the offences*~~***the commission of an offence*** referred to in ***[***Articles 7 to ~~*13 is punishable as*~~***10 and 12 to 13a] constitutes*** a criminal offence.<br>Text agreed; list of offences to be aligned at the end of negotiations.<br>Text Origin: Drafting proposals | Y |
| | Article 14(2) | | | | | |

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| Y | 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~~***13a*** 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. | 2.Member States shall take the necessary measures to ensure that aiding and abetting ~~*any of the offences*~~***the commission of an offence*** referred to in ***[***Articles 7 to ~~*13 is punishable as*~~***10 and 12 to 13a] constitutes*** a criminal offence.<br><br>Text agreed; list of offences to be aligned at the end of negotiations.<br><br>Text Origin: Drafting proposals | Y |
| Article 14(3) | | | | | | |
| Y | 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.~~ | 3.Member States shall take the necessary measures to ensure that ~~*attempting any*~~***an attempt to commit an offence referred to in Articles 13 and 13a constitutes a criminal offence, and may take the necessary measures to ensure that an attempt to commit at least one*** of the offences referred to in Articles ~~*9 and 11 to 13 is punishable as*~~***7 to 10 constitutes*** a criminal offence.<br><br>The Council Presidency has proposed the following:<br><br>Member States shall take the necessary measures to ensure that an attempt to commit the offences referred to in Articles 13 and 13a is punishable as a criminal offence, and | Y |

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| | | | | may ensure that an attempt to commit at least one of the offences referred to in Article 7 to 10 is punishable as a criminal offence.<br><br>EP proposes to delete the terms "may ensure" above in order to ensure that one of the Articles mentioned subsequently will be covered by the obligation to criminalise attempt (ITM 25 September).<br><br>Council has modified its compromise proposal as follows (ITM 10 October):<br><br>"Member States shall take the necessary measures to ensure that an attempt to commit the offences referred to in Articles 13 and 13a is punishable as a criminal offence, and shall consider taking the necessary measures to ensure that an attempt to commit at least one of any of the offences referred to in Article 7 to 10 is punishable as a criminal offence."<br><br>EP continues to have reservations about this compromise proposal. Both institutions to revert. (ITM 10 October)<br><br>For political level<br><br>Text Origin: Drafting proposals |
| Article 15 | | | | |

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| 125 | Article 15<br>Penalties and measures for natural persons | Article 15<br>Penalties and measures for natural persons | Article 15<br>Penalties and measures for natural persons | Article 15<br>Penalties and measures for natural persons<br><br>Text Origin: Commission Proposal |
| Article 15(1) | | | | |
| 126 | 1.Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 7 to 14 are punishable by effective, proportionate and dissuasive criminal penalties. | 1.Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 7 to 14 are punishable by effective, proportionate and dissuasive criminal penalties. | 1.Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 7 to **10, and 12 to** 14 are punishable by effective, proportionate and dissuasive criminal penalties. | 1.Member States shall take the necessary measures to ensure that the criminal offences referred to in ***[***Articles 7 to ***10, and 12 to 14]*** ~~14~~ are punishable by effective, proportionate and dissuasive criminal penalties.<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level |
| Article 15(2) | | | | |
| 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: | 2.Member States shall take the necessary measures to ensure that:<br><br>Text Origin: Commission Proposal |
| Article 15(2), point (a) | | | | |
| 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***, 12 and 12a*** ~~*and 12*~~ are punishable by a maximum term of imprisonment of at least ~~*six*~~***seven years, and the criminal offences referred to in Article 7 which have*** | (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 | (a) the criminal ~~*offences*~~***offence*** referred to in Article 7 ~~*and 12 are*~~***, where the act to be performed by the official is in breach of that official's duties, is*** punishable by a |

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| | | ***been committed to obtain a lawful act are punishable by a maximum term of imprisonment of at least five*** years; | imprisonment of at least ~~six~~**four** years; | maximum term of imprisonment of at least ~~*six*~~***five*** years;<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offence<br><br>ITM proposal for the political level |
| Article 15(2), point (b) | | | | |
| G 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 | (b) the criminal offences referred to in ~~*Article 8 to 11*~~***Articles 9(1), 13 [and 13a]*** are punishable by a maximum term of imprisonment of at least ~~*five*~~***four*** years;~~ *and*~~<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offence.<br><br>ITM proposal for the political level |
| Article 15(2), point (c) | | | | |
| G 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. | (c) the criminal ~~*offence*~~***offences*** referred to in ~~*Article 13 is*~~***Articles 7, where the act to be performed by the official is not in breach of that official's duties, 8 and 10 are*** punishable by a maximum term of imprisonment of at least~~ *four*~~ ***three*** years.<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offence. |

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| | | | | ITM proposal for the political level |
| Article 15(2), point (ca) | | | | |
| 130a | | ***(ca) the criminal offence referred to in Article 13b is punishable by a maximum term of imprisonment of at least three years.*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 15(3)* | | | | |
| *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. | *deleted* | 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~~**that conduct described in Article 9 does not constitute a** criminal ~~sanctions~~**offence where the advantage or damage involved is less than EUR 10 000**. | 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*~~***that conduct described in Article 9 does not constitute a*** criminal ~~*sanctions*~~***offence where the advantage or damage involved is less than EUR 10 000. Member States shall take the necessary measures to ensure that the threshold of EUR 10 000 or more may be met through a series of conduct covered by Article 9, that are linked and of the same kind, where those offences are committed by the same offender.***<br>ITM proposal for the political level |
| Article 15(3a) | | | | |
| 131a | | ***3a. Without prejudice to paragraphs 1 and 2 of this Article,*** | | *deleted* |

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| | | ***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 a competent authority and that are not necessarily of a criminal nature, including:*** | | *ITM proposal for the political level* |
| *Article 15(3a), point (a)* | | | | |
| G *131b* | | ***(a) the removal, suspension and reassignment from a public office;*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 15(3a), point (b)* | | | | |
| G *131c* | | ***(b) the disqualification from:*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 15(3a), point (b)(i)* | | | | |
| G *131d* | | ***(i) holding a public office;*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 15(3a), point (b)(ii)* | | | | |
| G *131e* | | ***(ii) exercising a public service function;*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 15(3a), point (c)* | | | | |

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| *131f* | | ***(c) exclusions from access to public funding, including tender procedures, grants and concessions.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 15(4)* | | | | |
| *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**: | 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*** 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***:<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level |
| Article 15(4), point (a) | | | | |
| 133 | (a) fines; | (a) fines ***proportionate to the gravity and duration of the offence, and of the damage caused, as well as to the financial benefits accrued by committing the offence***; | (a) fines; | (a) fines;<br><br>Text Origin: Commission Proposal |

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| Article 15(4), point (b) | | | | |
| 134 | (b) the removal, suspension and reassignment from a public office; | *deleted* | *(b)* the removal, suspension and reassignment from a public office; | (b) the removal, suspension and reassignment from a public office;<br>Text Origin: Commission Proposal |
| Article 15(4), point (c) | | | | |
| 135 | (c) the disqualification from | (c) the disqualification from | (c) the disqualification from | (c) the disqualification from<br>Text Origin: Commission Proposal |
| Article 15(4), point (c)(i) | | | | |
| 136 | (i) holding a public office; | *deleted* | *(i)* holding a public office; | (i) holding a public office;<br>Text Origin: Commission Proposal |
| Article 15(4), point (c)(ii) | | | | |
| 137 | (ii) exercising a public service function; | *deleted* | *(ii)* exercising a public service function; | (ii) exercising a public service function;<br>Text Origin: Commission Proposal |
| Article 15(4), point (c)(iii) | | | | |
| 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; | (iii)holding office in a legal person owned in whole or in part by that Member State;<br>Text Origin: Commission Proposal |
| Article 15(4), point (c)(iiia) | | | | |
| 138a | | ***(iiia) holding a leading position within a legal person of the type used for committing the offence;*** | | *deleted* |

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| | | | | *ITM proposal for the political level* |
| *Article 15(4), point (c)(iv)* | | | | |
| *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~~; | (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*~~; |
| Article 15(4), point (d) | | | | |
| 140 | (d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence committed; and | (d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence committed***, which shall be of at least two consecutive mandates or ten years for high level officials***; and | ~~(d) deprivation of the right to stand for elections, proportionate to the seriousness of the offence committed; and~~ | (d) ~~*deprivation of the right to stand for elections, proportionate to the seriousness of the offence committed; and*~~***temporary bans on running for public office***<br><br>ITM proposal for the political level |
| Article 15(4), point (e) | | | | |
| 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~~**and** authorisations to pursue activities **that resulted in or enabled the relevant**~~in the context of which the~~ offence~~ was committed~~**; and** | (e) withdrawal of permits ~~*or*~~***and*** authorisations to pursue activities ***that resulted in or enabled the relevant***~~*in the context of which the*~~ offence~~ *was committed*~~**;** |
| Article 15(4), point (f) | | | | |
| 142 | (f) exclusions from access to public funding, including tender procedures, grants and concessions; | *deleted* | ~~(f)~~**(e)** exclusions from access to public funding, including tender procedures, grants~~ and ~~**, concessions~~; **and licenses.** | (f) exclusions from access to public funding, including tender procedures, grants~~ *and*~~**,** concessions ***and licenses***; |
| Article 15(4), point (fa) | | | | |
| 142a | | | | ***(fa) where there is a public interest, publication of all or part of the*** |

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| | | | | ***judicial decision relating to the criminal offence committed and the penalties or measures imposed, without prejudice to rules on privacy and the protection of personal data.*** |
| Article 15(4a) | | | | |
| 142b | | ***4a. Member States shall take the necessary measures to enable courts or other competent authorities to take into account the gravity of the offences concerned when considering the eventuality of suspended sentences, early release or parole.*** | | *deleted*<br>*Connected to the recital in line 27.* |
| *Article 15(4b)* | | | | |
| *142c* | | ***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.*** | | The following drafting options have been discussed:<br>Article option 1:<br>Art 26 3a.<br>"Member States shall make available to the Commission information on legal acts concerning measures of retroactive exemptions of individuals from liability, such as pardoning, for corruption offences referred to in this Directive".<br>Option 1a: |

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| | | | | "Member States shall make available to the Commission information on legislative acts concerning measures of retroactive exemptions of individuals from liability for corruption offences referred to in this Directive".<br><br>Article option 2:<br><br>Article 26(1) and (2)<br><br>1. Member States shall have a system in place for the recording, production and provision of anonymised statistical data on [each of] the criminal offences as referred to in Articles 7 to 14 of this Directive.<br><br>2. The statistical data referred to in paragraph 1 shall, as a minimum, include the following [existing data, when available at the central level]:<br><br>k) number of pardons.<br><br>Also related to line 13a (recital 5a).<br><br>The co-legislators will work further on a text based on option 2 (ITM 25 September) in terms of finding a formulation aimed to core corruption offences regarding litra k) |

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| | | | | Linked to agreement on Article 26 - Statistics |
| Article 16 | | | | |
| 143 | Article 16<br>Liability of legal persons | Article 16<br>Liability of legal persons | Article 16<br>Liability of legal persons | Article 16<br>Liability of legal persons<br>Text Origin: Commission Proposal |
| Article 16(1) | | | | |
| 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 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: | 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***, when such offences are*** committed for the benefit of those legal persons by any natural person ***performing services, in any capacity, for or on behalf*** ~~*, 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:*~~***.** | 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 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: | 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 12 to 14] when such offences are*** ~~*14*~~ committed for the benefit of those legal persons by any ~~*natural*~~***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:<br>Text agreed; list of offences to be aligned at the end of negotiations. |
| Article 16(1), point (a) | | | | |
| 145 | (a) a power of representation of the legal person; | *deleted* | *(a)* a power of representation of the legal person; | (a) a power of representation of the legal person;<br>Text Origin: Commission Proposal |

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| Article 16(1), point (b) | | | | |
| 146 | (b) the authority to take decisions on behalf of the legal person; or | *deleted* | (b) ~~the~~ **an** authority to take decisions on behalf of the legal person; or | (b) ~~*the*~~ ***an*** authority to take decisions on behalf of the legal person; or<br>Text Origin: Council Mandate |
| Article 16(1), point (c) | | | | |
| 147 | (c) the authority to exercise control within the legal person. | *deleted* | (c) ~~the~~ **an** authority to exercise control within the legal person. | (c) ~~*the*~~ ***an*** authority to exercise control within the legal person.<br>Text Origin: Council Mandate |
| Article 16(2) | | | | |
| 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 ***effective*** 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**. | 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]***~~*14*~~ for the benefit of ~~*that*~~***the*** legal person ***by a person under its authority***.<br>Text agreed; list of offences to be aligned at the end of negotiations. |
| Article 16(3) | | | | |
| 149 | 3.Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are | 3.Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are | 3.Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal– proceedings against natural persons who ~~are~~ | 3.Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal– proceedings against natural persons who ~~*are*~~ |

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| | perpetrators, inciters or accessories in the criminal offences referred to in Articles 7 to 14. | perpetrators, inciters or accessories in the criminal offences referred to in Articles 7 to 14. | ~~perpetrators, inciters or~~**commit, incite or are** accessories ~~in~~**to** the criminal offences referred to in Articles 7 to **10 and 12 to** 14. | ~~*perpetrators, inciters or*~~***commit, incite or are*** accessories ~~*in*~~***to*** the criminal offences referred to in Articles 7 ***[to 10 and 12*** to 14***]***.<br><br>Text agreed; list of offences to be aligned at the end of negotiations.<br><br>Text Origin: Council Mandate |
| Article 17 | | | | |
| 150 | Article 17<br>Sanctions for legal persons | Article 17<br>Sanctions for legal persons | Article 17<br>~~Sanctions~~ **Penalties and measures** for legal persons | Article 17<br>~~*Sanctions*~~ ***Penalties and measures*** for legal persons<br><br>Text Origin: Council Mandate |
| Article 17(1) | | | | |
| 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. ***The level of sanctions shall be adapted to reflect the degree of severity and duration of the offence, and of the damage caused.*** | 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 ~~sanctions~~**criminal or non-criminal penalties or measures**. | 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 ~~*sanctions*~~***criminal or non-criminal penalties or measures***.<br><br>Text Origin: Council Mandate |
| Article 17(2) | | | | |
| 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** | 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*** |

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| | | | **offences refered 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 proportionate to the gravity of the conduct, such as**: | ***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 proportionate to the gravity of the conduct, such as***: |
| Article 17(2), point (a) | | | | |
| G 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, ***which are proportionate and commensurate to the gravity of the offence.*** The maximum limit of ~~which should~~***such fines shall*** not be less than ~~5~~***10*** 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;~~ | *deleted* |
| *Article 17(2), point (b)* | | | | |
| G *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; | (b) ~~*the*~~ exclusion ~~*of that legal person*~~ from entitlement to public benefits or aid;<br>Text Origin: Council Mandate |
| Article 17(2), point (c) | | | | |

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| 155 | (c) the temporary or permanent exclusion from public procurement procedures; | (c) the temporary or permanent exclusion from public procurement procedures; | ~~(c)~~**(b)** ~~the temporary or permanent exclusion from~~**exclusions from access to** public ~~procurement~~**funding, including tender** procedures**, grants, concessions and licences**; | (c) ~~*the temporary or permanent exclusion from*~~***exclusions from access to*** public ~~*procurement*~~***funding, including tender*** procedures***, grants, concessions and licences***;<br><br>Text Origin: Council Mandate |
| Article 17(2), point (d) | | | | |
| 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; | (d) ~~*the*~~ temporary or permanent disqualification ~~*of that legal person*~~ from the ~~*exercise of commercial*~~***practice of business*** activities; |
| Article 17(2), point (e) | | | | |
| 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 ~~or~~**and** authorisations to pursue activities **that resulted in or enabled the relevant** ~~in the context of which the~~ offence ~~was committed~~; | (e) ~~*the*~~ withdrawal of permits ~~*or*~~***and*** authorisations to pursue activities ***that resulted in or enabled the relevant*** ~~*in the context of which the*~~ offence ~~*was committed*~~; |
| Article 17(2), point (f) | | | | |
| 158 | (f) the possibility for public authorities to annul or rescind a contract with them, in the context of which the offence was committed; | (f) the possibility for public authorities to annul or rescind a contract with them, in the context of which the offence was committed; | ~~(f)~~**(e)** ~~the~~ possibility for public authorities to annul or rescind a contract ~~with them~~, in the context of which the offence was committed; | (f) ~~*the*~~ possibility for public authorities to annul or rescind a contract ~~*with them*~~, in the context of which the offence was committed;<br><br>Text Origin: Council Mandate |
| Article 17(2), point (g) | | | | |
| 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; | (g) ~~*the*~~ placing ~~*of that legal person*~~ under judicial supervision; |

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| Article 17(2), point (h) | | | | |
| G 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 | (h) ~~*the*~~ judicial winding-up ~~*of that legal person*~~; and<br>Text Origin: Council Mandate |
| Article 17(2), point (i) | | | | |
| G 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. | (i) ~~*the temporary or permanent*~~ closure of establishments ~~*which have been*~~ used for committing the offence. |
| Article 17(2), point (ia) | | | | |
| G 161a | | ***(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 institutions.*** | | ***(ia) where there is a public interest, publication of all or part of the judicial decision relating to the criminal offence committed and the penalties or measures imposed, without prejudice to rules on privacy and the protection of personal data.*** |
| Article 17(3), second subparagraph | | | | |
| Y 161b | | | **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** | ***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*** |

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| | | | **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:** | ***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:***<br><br>For political level |
| Article 17(3), first subparagraph, point (a) | | | | |
| Y | 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.** | ***(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;***<br><br>For political level |
| Article 17(3), first subparagraph, point (b) | | | | |
| Y | 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.**<br>**or, alternatively** | ***(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];***<br><br>***or, alternatively***<br><br>For political level |
| Article 17(3), first subparagraph, point (c) | | | | |

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| Y | 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.** | ***(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].***<br><br>For political level | Y |
| | Article 17(3), second subparagraph | | | | |
| G | 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.** | ***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.***<br><br>Text Origin: Council Mandate | G |
| | Article 17(2a) | | | | |
| G | 161g | ***2b. Member States shall take the necessary measures to 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.*** | | *deleted* | G |
| | *Article 18(-1)* | | | | |
| G | *161h* | | | *deleted* | G |

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| | | | | |
| *Article 18* | | | | |
| *162* | Article 18<br>Aggravating and mitigating circumstances | Article 18<br>Aggravating and mitigating circumstances | Article 18<br>Aggravating ~~and mitigating~~ circumstances | Article 18<br>Aggravating ~~*and mitigating*~~ circumstances<br>Text Origin: Council Mandate |
| Article 18(1) | | | | |
| 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: | ~~1.~~**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 offences referred to in Articles 7 to 10 and 12 to 14, one or more of** the following circumstances ~~are to~~**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: | 1.***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 and 13,*** Member States shall take the necessary measures to ensure that ~~*the following circumstances are to be regarded as aggravating circumstances*~~, in relation to the ***relevant*** offences referred to in ***[***Articles 7 to ***10 and 13 to 14], the following circumstance is regarded as aggravating circumstance*** ~~*14*~~:<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level Alignment |
| Article 18(1), point (a) | | | | |
| 163a | | | | ***(a) the offence was committed within the framework of a criminal*** |

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| | | | | ***organisation within the meaning of Framework Decision 2008/841/JHA[1];***<br><br>***1. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300/42.***<br><br>ITM proposal for the political level |
| Article 18(1a) | | | | |
| G 163b | | | | ***1a. 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 and 13], Member States may take the necessary measures to ensure that, in relation to the relevant offences referred to in [Articles 7 to 10 and 13 to 14], one or more of the following circumstances are, in accordance with national law, regarded as aggravating circumstances, in relation to the offences referred to in [Articles 7 to 10 and 13 to 14]:***<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level<br>Alignment |
| Article 18(-1), point (a) | | | | |

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| 164 | (a) the offender is a high level official; | (a) the ~~offender~~***offence involves a public official who*** is a high level official; | (a) the offender is a high level official; | (a) the offender is a high level official;<br><br>Text Origin: Commission Proposal |
| Article 18(-1), point (b) | | | | |
| 165 | (b) the offender has been convicted before of an offence referred to Articles 7 to 14; | (b) the offender ~~has~~***or its parent entities or subsidiary entities if the offender is a legal person, have*** been convicted before of an offence referred to Articles 7 to 14 ***in a Member State or of equivalent offences in a third country***; | (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; | (b) the offender has ***previously*** been convicted ***by a final judgment*** before of an ~~offence~~***offences of the same nature*** referred to ***as those under [***Articles 7 to ***10 and 13 to 14]***~~14~~;<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences. |
| Article 18(-1), point (c) | | | | |
| 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**; | (c) the offender obtained a substantial benefit or the offence caused substantial damage***, to the extent that they can be determined***;<br><br>ITM proposal for the political level |
| Article 18(-1), point (d) | | | | |
| 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;~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 18(-1), point (e)* | | | | |
| *168* | *(e)* the offender exercises investigation, prosecution or adjudication functions; | (e) the offender exercises investigation, prosecution***, dispute*** | ~~(e)~~**(d)** the offender exercises investigation, prosecution or adjudication functions; | (e) the offender exercises investigation, prosecution or adjudication functions; |

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| | | ***resolution,*** or adjudication functions; | | |
| Article 18(-1), point (ea) | | | | |
| 168a | | | | ***(ea) the offender took advantage of the vulnerable situation of a person involved in the commission of the offence;***<br><br>ITM proposal for the political level |
| Article 18(-1), point (eb) | | | | |
| 168b | | | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 18(-1), point (f)* | | | | |
| *169* | *(f)* the offence was committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA; and | (f) the offence was committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA; and | ~~(f)~~**(e)** the offence was committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA[1]**; and** ~~; and~~<br><br>**1. [1] Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300/42.** | *deleted*<br><br>*ITM proposal for the political level*<br><br>*Text Origin: Council Mandate* |
| *Article 18(-1), point (g)* | | | | |
| *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, | (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, | ~~(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~~ | (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, |

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| | whether individually or as part of an organ of the obliged entity, to represent that entity, or the 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.<br><br>_____<br>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 Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117). | whether individually or as part of an organ of the obliged entity, to represent that entity, or the 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.<br><br>_____<br>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 Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117). | ~~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 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.~~<br><br>_____<br>~~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 Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117).~~ | whether individually or as part of an organ of the obliged entity, to represent that entity, or the 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.<br><br>_____<br>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 Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73–117).<br><br>ITM proposal for the political level |
| Article 18(-1), point (ga) | | | | |
| G 170a | | ***(ga) the offender took advantage of the vulnerable situation of a person involved in the commission of the offence;*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 18(-1), point (gb)* | | | | |
| G *170b* | | ***(gb) the offender resorted to ingenious deception or instrumentalisation of public officials in the course of committing the offence;*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 18(-1), point (gc)* | | | | |

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| G | *170c* | ***(gc) the offender did not provide assistance to enforcement authorities when legally required to do so;*** | | *deleted* |
| | *Article 18(-1), point (gd)* | | | |
| G | *170d* | ***(gd) in the case of legal persons, the offence was committed by a person having a leading positions within that legal person.*** | | *deleted*<br><br>*ITM proposal for the political level* |
| | *Article 18(1b)* | | | |
| G | *170e* | | **Article 18a**<br>**Mitigating circumstances** | ***Article 18a Mitigating circumstances***<br><br>Text Origin: Council Mandate |
| | Article 18(2) | | | |
| G | 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**, 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~~: | 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:*~~<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences. |

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| | | | | ITM proposal for the political level Alignment |
| Article 18(2), point (a) | | | | |
| 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 | (a) the offender provides the competent authorities with information which they would not otherwise have been able to obtain, helping them to<br>Text Origin: Commission Proposal |
| Article 18(2), point (a)(i) | | | | |
| 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 | (i) identify or bring to justice ***the*** other offenders; or<br>Text Origin: Council Mandate |
| Article 18(2), point (a)(ii) | | | | |
| 174 | (ii) find evidence. | (ii) find evidence. | (ii) find evidence~~.~~ | (ii) find evidence~~.~~<br>Text Origin: Council Mandate |
| Article 18(2), point (b) | | | | |
| 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, ***prevention tools,*** 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 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 corruption prior to or after the commission of the offence; and |

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| | | | | The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level<br>Alignment |
| Article 18(2), point (c) | | | | |
| 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. | (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.<br><br>The list of offences to be confirmed once agreement is reached on all definitions of offences.<br><br>ITM proposal for the political level |
| Article 18a, second subparagraph | | | | |
| 176a | | | **The mitigating circumstances referred to in points (b) and (c) are only applicable to legal persons.** | ***The mitigating circumstances referred to in points (b) and (c) are only applicable to legal persons.***<br><br>Text Origin: Council Mandate |
| Article 19 | | | | |
| 177 | Article 19<br>Privileges or immunity from investigation and prosecution of corruption offences | Article 19<br>Privileges or immunity from investigation and prosecution of corruption offences | Article 19<br>Privileges or immunity from investigation and prosecution of corruption offences | Article 19<br>Privileges or immunity from investigation and prosecution of corruption offences |

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| | | | | Text Origin: Commission Proposal |
| Article 19, first paragraph | | | | |
| 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.*~~ ***shall:*** | **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~~. | EP has proposed to add wording in recital 24 (ITM 25 September). |
| Article 19, first paragraph, point (a) | | | | |
| 178a | | ***(a) be limited to acts carried out in the performance of official duties;*** | | *deleted* |
| *Article 19, first paragraph, point (b)* | | | | |
| *178b* | | ***(b) only apply to acts carried out during a person's term in office or period of service as a public official.*** | | *deleted* |
| *Article 19, first paragraph a* | | | | |
| *178c* | | ***Member States shall take the necessary measures to ensure that privileges or immunities from investigation and prosecution*** | | *deleted* |

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| | | ***granted to national officials for the offences referred to in this Directive:*** | | |
| *Article 19, first paragraph a, point (a)* | | | | |
| Y *178d* | | ***(a) shall be lifted at the national official's own initiative;*** | | *deleted* Y |
| *Article 19, first paragraph a, point (b)* | | | | |
| Y *178e* | | ***(b) can be lifted through an objective, impartial, effective and transparent process pre-established by law, based on clear criteria, that is concluded within a reasonable timeframe.*** | | *deleted* Y |
| *Article 19, first paragraph b* | | | | |
| G *178f* | | ***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.*** | | *deleted* G |
| *Article 19, first paragraph c* | | | | |
| Y *178g* | | ***Member States shall take the necessary measures to ensure that, concerning the offences referred to in this Directive, no privileges, immunities or other legal concepts*** | | *deleted* Y |

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| | | ***shield national officials from investigation and prosecution related to property owned through legal persons or arrangements that are personal asset-holding vehicles.*** | | | |
| *Article 20* | | | | | |
| G | *179* | Article 20<br>Jurisdiction | Article 20<br>Jurisdiction | Article 20<br>Jurisdiction<br>Text Origin: Commission Proposal | G |
| Article 20(1) | | | | | |
| Y | 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:<br>For political level | Y |
| Article 20(1), point (a) | | | | | |
| Y | 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;<br>For political level | Y |
| Article 20(1), point (b) | | | | | |
| Y | 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~~**one of its nationals**; | (b) the offender is ~~a~~***one of its*** national ~~*of or has his or her habitual residence in that Member State*~~;<br>For political level | Y |

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| Article 20(1), point (c) | | | | | |
| 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.~~ | *deleted*<br>For political level | |
| *Article 20(1a)* | | | | | |
| *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:** | ***1a. 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:***<br>For political level | |
| Article 20(1a), point (a) | | | | | |
| 183b | | | **(a) the offender is an habitual resident in its territory;** | ***(a) the offender is an habitual resident in its territory;***<br>For political level | |
| Article 20(1a), point (b) | | | | | |
| 183c | | | **(b) the offence is committed against one of its nationals or its habitual residents;** | ***(b) the offence is committed against one of its nationals or its habitual residents;***<br>For political level | |
| Article 20(1a), point (c) | | | | | |
| 183d | | | **(c) the offence is committed for the benefit of a legal person established in its territory;** | ***(c) the offence is committed for the benefit of a legal person established in its territory;*** | |

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| | | | | For political level |
| Article 20(1a), point (d) | | | | |
| 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.** | ***(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.***<br><br>For political level |
| Article 20(2) | | | | |
| 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 shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA[1], be referred to Eurojust.<br><br>_____<br>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). | 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 shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA[1], be referred to Eurojust.<br><br>_____<br>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). | ~~2~~**3**. 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** criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA[1], be referred to Eurojust.<br><br>_____<br>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). | 2.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*** criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Council Framework Decision 2009/948/JHA[1], be referred to Eurojust.<br><br>_____<br>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).<br><br>For political level |
| Article 20(3) | | | | |
| 185 | 3.In the cases referred to in paragraph 1, point (b), each | 3.In the cases referred to in paragraph 1, point (b), each | ~~3~~**4**. In ~~the~~ cases referred to in paragraph 1, point (b), ~~each~~ | 3.In ~~*the*~~ cases referred to in paragraph 1, point (b), ~~*each*~~ |

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| | Member State shall ensure that the exercise of its jurisdiction is not 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. | Member State shall ensure that the exercise of its jurisdiction is not 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. | Member ~~State~~**States** shall **take the necessary measures to** ensure that 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. | Member ~~*State*~~***States*** shall ***take the necessary measures to*** ensure that 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.<br><br>For political level |
| Article 21 | | | | |
| G 186 | Article 21<br>Limitation periods for corruption offences | Article 21<br>Limitation periods for corruption offences | Article 21<br>-Limitation periods ~~for corruption offences~~ | Article 21<br>-Limitation periods ~~*for corruption offences*~~<br><br>ITM proposal for the political level<br><br>Text Origin: Council Mandate |
| Article 21(-1), first subparagraph | | | | |
| G 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 sufficient time to effectively investigate, prosecute, trial and decide on those offences following their commission. | 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 sufficient time to effectively investigate, prosecute, trial and decide on those offences following their commission. | 1.Member States shall take the necessary measures to provide for a limitation period ~~in respect~~**that enables the investigation, prosecution, trial and 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** | 1.Member States shall take the necessary measures to provide for a limitation period ~~*in respect*~~***that enables the investigation, prosecution, trial and adjudication*** of the criminal offences referred to in ***[***Articles 7 to ***10 and 12 to 14]*** ***after the commission of those criminal offences, in order for those criminal offences to be tackled*** ~~*14, which allows for*~~ |

| | CLEAN Commission Proposal | VS.EC EP Mandate | VS.EC Council Mandate | VS.EC Draft Agreement |
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| | | | **criminal offences to be tackled**~~time to~~ effectively ~~investigate, prosecute, trial and decide on those offences~~**. Member States shall take the necessary measures to provide for a limitation period that enables the enforcement of penalties imposed** following ~~their commissiona~~**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**. | ~~*sufficient time to*~~ effectively ~~*investigate, prosecute, trial and decide on those offences following their commission*~~.<br><br>ITM proposal for the political level |
| Article 21(-1), second subparagraph | | | | |
| G 187a | | | | ***Member States shall take the necessary measures to provide for a limitation period that enables the enforcement of penalties imposed following 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.***<br><br>ITM proposal for the political level |
| Article 21(2) | | | | |
| G 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**: | 2.The limitation period referred to in paragraph 1***, first subparagraph,*** shall ~~*not be shorter than*~~***be as follows***:<br><br>ITM proposal for the political level |

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| Article 21(2), point (a) | | | | |
| 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**; | (a) ~~*fifteen*~~***at least eight*** 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***;<br><br>ITM proposal for the political level |
| Article 21(2), point (b) | | | | |
| 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** | (b) ~~*ten*~~***at least five*** 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 three years***;<br><br>ITM proposal for the political level |
| Article 21(2), point (c) | | | | |
| 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*~~ ***12a and 13 to*** 14. | ~~(c) eight years from the time when the offence was committed, for the criminal offences referred to in Articles 13 and 14.~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 21(3)* | | | | |
| *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 | 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 ***procedural acts*** | ~~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~~ | *deleted*<br><br>*ITM proposal for the political level* |

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| | 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: | ***or judicial decisions*** ~~*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: | ~~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:~~ | |
| *Article 21(3), point (a)* | | | | |
| G | *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;~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 21(3), point (b)* | | | | |
| G | *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;~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 21(3), point (c)* | | | | |
| G | *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 and*~~***12a to*** 14. | ~~(c) five years for the criminal offences referred to in Articles 13 and 14.~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 21(4)* | | | | |
| G | *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 follows**: | 4.~~*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 follows***: |

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| | | | | ITM proposal for the political level |
| Article 21(4), point (a) | | | | |
| 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:** | (a) ~~*fifteen*~~***at least ten*** 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:***<br>ITM proposal for the political level |
| Article 21(4), point (a)(i) | | | | |
| 197a | | | **(i) a penalty of more than one year of imprisonment; or alternatively** | ***(i) a penalty of more than one year of imprisonment; or alternatively***<br>ITM proposal for the political level |
| Article 21(4), point (a)(ii) | | | | |
| 197b | | | **(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least four years.** | ***(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least four years.***<br>ITM proposal for the political level |
| Article 21(4), point (b) | | | | |
| 198 | (b) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 8 to 11; | (b) ten years from the date of the final conviction for any of the criminal offences referred to in Articles 8 to 11; | ~~(b)~~ ~~ten~~**at least three** years from the date of the final conviction ~~for any of the criminal offences referred to in Articles 8 to 11;~~**in the following cases:** | (b) ~~*ten*~~***at least five*** years from the date of the final conviction ~~*for any of the criminal offences referred to in Articles 8 to 11;*~~***in the following cases***<br>ITM proposal for the political level |
| Article 21(4), point (b)(i) | | | | |

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| 198a | | | **(i) a penalty of imprisonment of up to one year of imprisonment; or alternatively** | ***(i) a penalty of imprisonment of up to one year of imprisonment; or alternatively***<br><br>ITM proposal for the political level |
| Article 21(4), point (b)(ii) | | | | |
| 198b | | | **(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least two years.** | ***(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least three years.***<br><br>ITM proposal for the political level |
| Article 21(4), point (c) | | | | |
| 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*~~***12a to*** 14. | ~~(c) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14.~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 21(5)* | | | | |
| *200* | *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. This period shall not be shorter than: | 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. This period shall not be shorter than: | ~~5~~**4**. By way of derogation from ~~paragraph 4~~**paragraphs 2 and 3**, Member States may establish a ~~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~~ | 5.By way of derogation from paragraph ~~*4*~~***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:<br><br>ITM proposal for the political level |

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| | | | ~~application of penalties. This period shall not be shorter than:~~**.** | |
| Article 21(5), point (a) | | | | |
| 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;~~ | (a) ~~ten~~***five*** years ~~*from the date of the final conviction for any of*~~***for*** the criminal offences ~~*referred to in Articles 7 and 12*~~***punishable by a maximum term of imprisonment of at least four years***;<br><br>ITM proposal for the political level |
| Article 21(5), point (b) | | | | |
| 202 | (b) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 8 to 11; | (b) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 8 to 11; | ~~(b) eight years from the date of the final conviction for any of the criminal offences referred to in Articles 8 to 11;~~ | (b) ~~*eight*~~***three*** years ~~*from the date of the final conviction for any of*~~***for*** the criminal offences ~~*referred to in Articles 8 to 11*~~***punishable by a maximum term of imprisonment of at least three years***;<br><br>ITM proposal for the political level |
| Article 21(5a) | | | | |
| 202a | | | | ***5a. By way of derogation from paragraph 3, Member States may establish a shorter limitation period, provided that the period may be interrupted or suspended in the event of specified acts. This period shall not be shorter than:***<br><br>ITM proposal for the political level |
| Article 21(5a), point (a) | | | | |

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| G 202b | | | | ***(a) five years from the date of the final conviction in the following cases:***<br><br>ITM proposal for the political level G |
| Article 21(5a), point (a)(i) | | | | |
| G 202c | | | | ***(i) a penalty of more than one year of imprisonment; or alternatively***<br><br>ITM proposal for the political level G |
| Article 21(5a), point (a)(ii) | | | | |
| G 202d | | | | ***(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least four years;***<br><br>ITM proposal for the political level G |
| Article 21(5a), point (b) | | | | |
| G 202e | | | | ***(b) three years from the date of the final conviction in the following cases:***<br><br>ITM proposal for the political level G |
| Article 21(5a), point (b)(i) | | | | |
| G 202f | | | | ***(i) a penalty of imprisonment of up to one year of imprisonment; or alternatively***<br><br>ITM proposal for the political level G |
| Article 21(5a), point (b)(ii) | | | | |

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| 202g | | | | ***(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of at least three years.***<br><br>ITM proposal for the political level |
| Article 21(5a), point (c) | | | | |
| 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*~~***12a to*** 14. | ~~(c) five years from the date of the final conviction for any of the criminal offences referred to in Articles 13 and 14.~~ | *deleted*<br><br>*ITM proposal for the political level* |
| *Chapter III* | | | | |
| *203a* | | ***PLACEHOLDER PLACEHOLDER FOR CHAPTER 3 HEADING***<br><br>Text Articles 3 to 6 of the EP Mandate added here to facilitate negotiations, without prejudice to the co-legislators' agreement on the placement of these provisions. | **Chapter 3**<br>**PREVENTION, REPORTING AND INVESTIGATION** | ***Chapter 3***<br>***PREVENTION, REPORTING AND INVESTIGATION***<br><br>Text Origin: Council Mandate |
| Article 21a | | | | |
| 203b | Article 3<br>Prevention of corruption<br><br>Moved reference text | Article 3<br><br>Prevention of corruption | Article 3<br>-Prevention of corruption<br><br>Moved from row 69 [69 - 203b] | Article ~~*3*~~***21a***<br>-Prevention of corruption<br><br>Text Origin: Council Mandate |
| Article 21a(1) | | | | |
| 203c | 1.Member States shall take appropriate action, such as information and awareness-raising campaigns and research and | 1.Member States***, as well as the institutions, bodies, offices and agencies of the Union,*** shall take appropriate action, ~~*such*~~ | 1.Member States shall take appropriate action~~, such as information and awareness-raising campaigns and research and~~ | 1.Member States shall take appropriate action, such as information and awareness-raising campaigns ~~*and research and*~~ |

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| | 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.<br><br>Moved reference text | ~~as~~***including*** information and awareness-raising campaigns and research and education ***for public integrity*** programmes, to raise public awareness ***among the public and private sector*** on the harmfulness ***and real impact*** of corruption***, including on public budgets and to*** ~~*and*~~ reduce the overall commission of corruption offences as well as the risk of corruption. | ~~education programmes,~~ to raise public awareness on the harmfulness of corruption and **with the objective to** reduce the overall commission of corruption offences as well as the risk of corruption.<br><br>Moved from row 70 [70 - 203c] | ~~*education programmes*~~, to raise public awareness ***among the public and private sector*** on the ***impact and*** harmfulness of corruption ~~*and*~~***with the objective to*** reduce the overall commission of corruption offences as well as the risk of corruption. | |
| Article 21a(2) | | | | | |
| G | 203d<br><br>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.<br><br>Moved reference text | 2.Member States***, as well the institutions, bodies, offices and agencies of the Union*** shall***, within the limits of their respective administrations and public decision-making processes,*** take measures to ensure the highest degree of ***integrity,*** transparency and accountability ~~*in public administration and public decision-making*~~***, through merit-based recruitment and promotion, while ensuring that citizens are adequately informed,*** with a view to prevent corruption. | 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.<br><br>Moved from row 71 [71 - 203d] | 2.Member States shall take measures to ensure ~~*the highest degree of*~~***high level of integrity,*** transparency and accountability in public administration and public decision-making with a view to prevent corruption. ***Member States shall promote a public service culture based on these principles, ensuring that national officials and administrations will continue to develop their capacity to deal with the adequate professional standards, and their awareness of conflict of interest situations and of the risks of corruption.*** | G |
| Article 21a(3) | | | | | |
| G | 203e<br><br>3.Member States shall take measures to ensure that key preventive tools such as an open | 3.Member States shall take measures to ensure that key | 3.Member States shall take measures to ensure that ~~key~~ preventive tools ~~such as an open~~**are** | 3.Member States shall take measures to ensure that ~~*key*~~ preventive tools ~~*such as an open*~~***are*** | G |

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| | 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.<br><br>Moved reference text | preventive tools ***are in place,*** such as***:***<br>***(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;***<br>***(b)*** -an open access to information of public interest~~,~~***;***<br>***(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;***<br>***(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;***<br>***(e)*** effective rules ~~*regulating*~~***addressing*** the interaction between the private and the public sector***, including regulation of interest representation and revolving doors situations comprising of:***<br>***- establishing a code of conduct for public officials, including rules*** | **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~~.<br><br>Moved from row 72 [72 - 203e] | ***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*~~***measures to ensure transparency in the funding of candidatures for elected*** public officials and ~~*effective*~~***political parties, rules for asset declarations and verification of such declarations, interest declarations and regulation of revolving doors situations by national officials designated by national law, rules regarding failure to report substantial assets or interests, and*** rules regulating the interaction between the private and the public sector~~ *are in place*~~.<br><br>Related to recital in line 23b.<br><br>ITM proposal for the political level |

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| | | | | ***for their interactions with persons or private entities carrying out interest representation;***<br>***- 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;***<br>***- establishing of a public legislative footprint;***<br>***- 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***<br>***- 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.***<br>***(f) elimination of administrative barriers and regulatory complexity that hinder timely decision-making on citizens' requests and condition their access*** | | | | |

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| | | ***to information and the decision-making process;***<br>***(g) effective measures to ban citizenship by investment and residency by investment schemes.***<br><br>***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.***<br><br>***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***.<br><br>***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*** | | |

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| | | ***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.*** | | |
| Article 21a(4) | | | | |
| 203f | 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:<br><br>Moved reference text | 4.Member States shall adopt comprehensive and ~~up-to-date~~***periodically reviewed*** measures to prevent corruption in both the public and private sectors, ~~adapted~~***tailored*** to the specific risks of an area of activity. Such measures shall at least ***target common high-risk areas and shall at least*** include actions ***to identify and fight against organised crime or other serious crime,*** to strengthen integrity***, transparency and accountability*** and to prevent opportunities for corruption among: | 4.Member States shall ~~adopt comprehensive and up-to-date~~**ensure 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:<br><br>Moved from row 73 [73 - 203f] | 4.Member States shall ~~adopt comprehensive and up-to-date~~***ensure that*** measures to prevent corruption in both the public and private sectors, ~~adapted~~***are available and tailored*** 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: |
| Article 21a(4), point (a) | | | | |
| 203g | (a) high level officials;<br><br>Moved reference text | (a) high level officials***, including measures relating to the conduct to be followed during and after the performance of their public function***; | (a) high level officials;<br><br>Moved from row 74 [74 - 203g] | (a) high level officials;<br><br>Text Origin: Commission Proposal |
| Article 21a(4), point (b) | | | | |
| 203h | (b) members of law enforcement and the judiciary, including measures relating to their | (b) members of law enforcement***, intelligence agencies*** and the judiciary, including measures | (b) ~~members of~~ law enforcement and ~~the judiciary~~ **judicial authorities**, including measures | (b) ~~members of~~ law enforcement and ~~the judiciary~~***judicial authorities***, including measures |

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| | appointment and conduct, and by ensuring adequate remuneration and equitable pay scales.<br><br>Moved reference text | relating to their ***merit-based*** appointment***, promotion and dismissal, and measures related to*** ~~*and*~~ conduct, and by ensuring adequate remuneration and equitable pay scales.<br><br>***(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.***<br><br>***(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*** | relating to their appointment and conduct~~, and by ensuring adequate remuneration and equitable pay scales~~.<br><br>Moved from row 75 [75 - 203h] | relating to their appointment and conduct~~, and by ensuring adequate remuneration and equitable pay scales.~~ |

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| | | ***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.*** | | |
| Article 21a(5) | | | | |
| 203i | 5.Member States shall regularly perform an assessment to identify the sectors most at risk of corruption.<br><br>Moved reference text | 5.Member States***, as well the institutions, bodies, offices and agencies of the Union,*** shall ~~*regularly*~~***annually*** perform an assessment to identify the sectors most at risk of corruption. ***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.*** | 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**.<br><br>Moved from row 76 [76 - 203i] | 5.Member States shall***, within appropriate intervals,*** ~~*regularly*~~ 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***. |
| Article 21a(6) | | | | |
| 203j | Following that assessment, Member States shall:<br><br>Moved reference text | ***6.*** –Following that assessment, Member States ***as well the institutions, bodies, offices and agencies of the Union*** shall***, within the limits of their respective competences and mandate***: | **6.**–Following that assessment, Member States shall~~:~~**, as appropriate,**<br><br>Moved from row 77 [77 - 203j] | ***6.*** –Following that assessment, Member States shall~~:~~***, as appropriate, regularly organize awareness-raising actions adapted to the specificities of the sectors or occupations identified in paragraph 5, including on ethics.***<br><br>ITM proposal for the political level |
| Article 21a(6), point (a) | | | | |
| 203k | (a) organise, at least once a year, awareness-raising actions adapted to | (a) organise, at least once a year, awareness-raising actions adapted to | ~~(a)~~ organise~~, at least once a year,~~ awareness-raising actions adapted to | *deleted* |

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| | the specificities of the sectors identified, including on ethics; and<br><br>Moved reference text | the specificities of the sectors identified, including on ethics; and | the specificities of the sectors **or occupations** identified **in paragraph 5**, including on ethics~~;~~ ~~and~~**.**<br><br>Moved from row 78 [78 - 203k] | |
| *Article 21a(6), point (b)* | | | | |
| G *203l* | *(b)* develop plans to address the main risks in the sectors identified.<br><br>Moved reference text | (b) develop ***anti-corruption action*** plans***, with implementation and monitoring mechanisms*** to address the main risks in the sectors identified***; 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;***<br><br>***(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 this Article;***<br><br>***(bb) ensure that the results of the assessments are available to the public***.<br><br>***5a. Member States shall take appropriate measures to promote transparency and accountability in the management of public*** | ~~(b) develop plans to address the main risks in the sectors identified.~~<br><br>Moved from row 79 [79 - 203l] | *deleted* G |

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| | | ***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 procurement, voting records, permits and concessions, and state subsidies.*** | | |
| *Article 21a(7)* | | | | |
| G *203m* | *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.<br><br>Moved reference text | 6.~~*Where appropriate,*~~ Member States ***as well the institutions, bodies, offices and agencies of the Union*** shall ~~*take measures to promote the participation of*~~***actively and regularly engage with and consult*** civil society, non-governmental organizations and community-based organizations ***and academia in the development, monitoring, and assessment of anti-corruption laws and policies. Member States shall establish an enabling environment for civil society to work and have meaningful engagement*** in anti-corruption activities. ***Member States shall further promote available reporting mechanisms*** | ~~6~~7. 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.<br><br>Moved from row 80 [80 - 203m] | ~~6~~***7***. Where appropriate, Member States shall take measures to promote the participation of civil society, ***academia,*** non-governmental organizations and community-based organizations in anti-corruption activities. G |

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| | | | | ***and publicising rights relating to the protection of persons who report breaches of Union law.***<br><br>***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.*** | | | | |
| Article 21b | | | | | | | | | |
| G | 203n | | | | | | | ***Article 21b***<br>***National strategies*** | G |
| Article 21b, first paragraph | | | | | | | | | |
| G | 203o | | | | | | | ***Without prejudice to existing policies, Member States shall adopt and publish a national strategy on preventing and combating corruption, establishing objectives, priorities, and corresponding measures and the means to meet these objectives. Member States shall strive to ensure that such national strategy would be developed in consultation with civil society, the relevant bodies or units referred to in Article 4, independent experts, researchers*** | G |

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| | | | | ***and other stakeholders, and shall take into account the Member States' needs, specificities and challenges.***<br><br>ITM proposal for the political level |
| Article 21c | | | | |
| 203p | Article 4<br>Specialised bodies<br><br>Moved reference text | Article 4<br>Specialised bodies | Article 4<br>~~Specialised~~ **Anti-corruption** bodies **or organisational units**<br><br>Moved from row 81 [81 - 203u] | Article ~~4~~***21c***<br>~~*Specialised*~~***Anti-corruption*** bodies ***or organisational units*** |
| Article 21c(1) | | | | |
| 203q | 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.<br><br>Moved reference text | 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.<br><br>***The tasks of such bodies or organisation units shall include:***<br>***(a) the management of asset declarations of public officials;***<br>***(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;*** | 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 ~~organisation~~**organisational** units ~~specialised in~~**tasked with** the prevention of corruption is or are in place.<br><br>Moved from row 82 [82 - 203v] | 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 ~~*organisation*~~***organisational*** units ~~*specialised in*~~***tasked with*** the prevention of corruption is or are in place ***and possess the necessary expertise to fight against corruption. The tasks of such bodies or organizational units may include, as appropriate:***<br>***(a) the assessment of asset declarations of national officials, as designated by national law;***<br>***(b) monitoring compliance with transparency rules applicable to national officials and public entities;*** |

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| | | ***(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;***<br>***(d) the issuing of warnings related to risks of corruption;***<br>***(e) cooperation with competent authorities, bodies or organizational units specialized in the repression of corruption.*** | | ***(c) monitoring compliance with the statutory provisions and rules related to conflicts of interests in the public sectors;***<br>***(d) identifying sectors or occupations most at risk of corruption;***<br>***(e) cooperation with competent authorities, bodies or organizational units tasked with the repression of corruption.To advance the fight against corruption on a common basis, Member States shall ensure that one or several bodies, or organisational units tasked with the prevention of corruption is or are in place and possess the necessary expertise to fight against corruption.*** |
| Article 21c(2) | | | | |
| G 203r | 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.<br><br>Moved reference text | 2.Member States shall take the necessary measures to ensure that one or several bodies, or organisational units specialised in the repression ***and investigation*** of corruption is or are in place. ***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*** | 2.Member States shall take the necessary measures to ensure that one or several bodies, or organisational units ~~specialised~~ ~~in~~**tasked with** the repression of corruption is or are in place.<br><br>Moved from row 83 [83 - 203w] | 2.Member States shall take the necessary measures to ensure that one or several bodies, or organisational units ~~*specialised*~~ ~~*in*~~***tasked with*** the repression ***and investigation*** of corruption is or are in place. G |

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| | | ***cooperation, and the enforcement of sanctions.***<br><br>***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.*** | | |
| Article 21c(3) | | | | |
| G 203s | 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:<br><br>Moved reference text | 3.***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***, 2 and 2a*** ~~*and 2*~~: | 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.**<br><br>Moved from row 84 [84 - 203x] | 3.Member States shall take the necessary measures to ensure that ~~*the body or*~~ bodies, or ~~*an organisation unit or*~~***organisational*** units as referred to in paragraph 1 and 2: G |
| Article 21c(3), point (a) | | | | |
| G 203t | (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 ~~*have*~~***able to autonomously take decisions on individual cases, carry out their functions free from undue political interferences, and are continually provided with*** a sufficient number of qualified staff***, including on the*** | ~~(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 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*~~ G |

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| | Moved reference text | ***operational level,*** and the financial, technical and technological resources, as well as the powers and tools necessary to ensure the ***effective performance and the*** proper administration of their tasks;<br><br>***(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 the planned appointment;*** | Moved from row 85 [85 - 203y] | ~~*their tasks*~~***operate without undue interference***; |
| Article 21c(3), point (b) | | | | |
| 203u | (b) are known to the public;<br><br>Moved reference text | (b) are known to the public; | ~~(b) are known to the public;~~<br><br>Moved from row 86 [86 - 203z] | (b) are known to the public;<br><br>Text Origin: Commission Proposal |

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| Article 21c(3), point (c) | | | | |
| 203v | (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;<br><br>Moved reference text | (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;<br><br>***(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;***<br><br>***(cb) provide and update annually a database on cases of corruption, including convictions, damages and assets recovered;***<br><br>***(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);***<br><br>***(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);*** | ~~(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;~~<br><br>Moved from row 87 [87 - 203aa] | (c) ~~*provide public access to*~~***where*** relevant ~~*information on the exercise of their activities, with due regard for the protection of personal data and the confidentiality of investigations*~~***, take decisions or make recommendations in accordance with transparent procedures established by law, regulations or administrative provisions***; |
| Article 21c(3), point (d) | | | | |
| 203w | (d) operate and take decisions in accordance with transparent procedures established by law, with | (d) operate and take decisions in accordance with transparent procedures established by law~~*, with*~~ | ~~(d) operate and take decisions in accordance with transparent procedures established by law, with~~ | (d) ~~*operate and take decisions in accordance with transparent procedures established by law, with*~~ |

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| | the effect of ensuring integrity and accountability.<br><br>Moved reference text | ~~*the effect of ensuring integrity*~~ ***and subject to internal oversight*** and accountability ***mechanisms;***<br><br>***(da) operate in line with the objective of increasing their efficiency***.<br><br>***3a. The bodies and units referred to in paragraph 1 shall cooperate with the corresponding units in other Member States.*** | ~~the effect of ensuring integrity and accountability.~~<br><br>Moved from row 88 [88 - 203ab] | ~~*the effect of ensuring integrity and accountability*~~***report on their main activities and their results***. |
| Article 21d | | | | |
| G 203x | Article 5<br>Resources<br><br>Moved reference text | Article 5<br>Resources | Article 5<br>Resources<br><br>Moved from row 89 [89 - 203ac] | Article ~~5~~***21d***<br>Resources<br><br>Text Origin: Commission Proposal |
| Article 21d, first paragraph | | | | |
| G 203y | 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 implementation of this Directive. | Member States shall take the necessary measures to ensure that national authorities competent for the detection, investigation, prosecution or adjudication of the criminal offences ***and for the preventive measures*** referred to in this Directive are ***consistently proactively and*** continually provided with an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of their functions | 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 their functions | 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*~~***bodies or organizational units tasked with prevention and repression of corruption have*** an adequate number of qualified staff and the financial, technical and technological resources necessary for the effective performance of |

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| | Moved reference text | related to the implementation of this Directive. | related to the implementation of this Directive.<br><br>Moved from row 90 [90 - 203ad] | their functions related to the implementation of this Directive. |
| Article 21e | | | | |
| 203z | Article 6<br>Training<br><br>Moved reference text | Article 6<br>Training | Article 6<br>Training<br><br>Moved from row 91 [91 - 203ae] | Article ~~6~~***21e***<br>Training<br><br>Text Origin: Commission Proposal |
| Article 21e(1) | | | | |
| 203aa | 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 duties and to react in a timely and appropriate manner to any suspicious activity.<br><br>Moved reference text | 1.Each Member State shall take the necessary measures to ensure adequate resources for and the provision of training ***at a regular interval*** for its national ***officials to be able to prevent and 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.***<br><br>***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 | 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 duties and to react in a timely and appropriate manner to any suspicious activity.<br><br>Moved from row 92 [92 - 203af] | 1.Each Member State shall take the necessary measures to ~~*ensure adequate resources for and the provision of*~~***provide up-to-date*** 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. |

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| | | react in a timely and appropriate manner to any suspicious activity. | | |
| Article 21e(2) | | | | |
| G 203ab | 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.<br><br>Moved reference text | 2.Each Member State shall take the necessary measures to ensure adequate resources ~~*for*~~ and the ~~*provision of specialised*~~***delivery of dedicated*** anti-corruption training***. This training shall be conducted*** at regular intervals for its members of law enforcement, the judiciary and the staff of authorities tasked with criminal ***and administrative*** investigations and proceedings of offences falling within the scope of this Directive. | 2.**Without prejudice to judicial independence and 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.<br><br>Moved from row 93 [93 - 203ag] | 2.***Without prejudice to judicial independence and 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*~~***and up-to-date*** 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. G |
| Article 22 | | | | |
| G 204 | Article 22<br>Protection of persons who report offences or assist the investigation | Article 22<br>Protection of persons who report offences or assist the investigation | Article 22<br>Protection of persons who report offences or assist the investigation **thereof** | Article 22<br>Protection of persons who report offences or assist the investigation ***thereof***<br><br>Text Origin: Council Mandate G |
| Article 22(1) | | | | |
| G 205 | 1.Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 is | 1.Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 is | 1.Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937[1] is | 1.Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937[1] is G |

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| | applicable to the reporting of the offences referred to in Articles 7 to 14 and the protection of persons reporting such offences. | applicable to the reporting of the offences referred to in Articles 7 to 14 and the protection of persons**,** ***including investigative journalists,*** reporting such offences. | 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**.<br>_____<br>**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. 17-56** | 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***.<br>_____<br>***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. 17-56***<br>Text Origin: Council Mandate |
| Article 22(2) | | | | |
| G 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**. | 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***.<br>Text Origin: Council Mandate |
| Article 22(2a) | | | | |
| G 206a | | ***2a. Member States shall put in place adequate reporting*** | | *deleted* |

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| | | ***mechanisms, which enable persons to anonymously disclose information related to offences covered by this Directive.*** | | |
| *Article 23* | | | | |
| *207* | Article 23<br>Investigative tools | Article 23<br>Investigative tools | Article 23<br>Investigative tools | Article 23<br>Investigative tools<br>Text Origin: EP Mandate |
| Article 23, first paragraph | | | | |
| 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. | ***1.*** 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, ***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,*** are available to persons, units or services responsible for investigating or prosecuting the criminal offences referred to in this Directive. | 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.<br>**Where appropriate, those tools shall include special investigative tools, such as those used in countering organised crime or in other serious crime cases.** | 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.<br>***Where appropriate, those tools shall include special investigative tools, such as those used in countering organised crime or in other serious crime cases.*** |
| Article 23(1a) | | | | |
| 208a | | ***1a. Member States shall take the necessary measures to ensure that their competent authorities freeze or confiscate, as appropriate, in accordance with Directive [OJ:*** | | *deleted* |

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| | | ***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 referred to in this Directive.*** | | |
| *Article 23(1b)* | | | | |
| G *208b* | | ***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.*** | | *deleted* G |
| *Article 23a* | | | | |
| G *208c* | | | | ***Article 23a Freezing and confiscation*** G |
| Article 23a, first paragraph | | | | |
| G 208d | | | | ***Member States shall take the necessary measures to enable the tracing, identifying, freezing and confiscation of instrumentalities and proceeds from the criminal offences referred to in Chapter 2 of this Directive. Member States bound by Directive 2014/42/EU of the European*** G |

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| | | | | ***Parliament and of the Council shall take the measures referred to in the first paragraph in accordance with that Directive.*** |
| Article 23b | | | | |
| 208e | | ***Article 23a***<br>***Exchange of information*** | | ***Article 23b***<br>***Exchange of information***<br><br>Text Origin: EP Mandate |
| Article 23b, first paragraph | | | | |
| 208f | | ***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.*** | | ***Member States shall take the necessary measures to ensure that Europol's Secure Information Exchange Network Application (SIENA) is used for the exchange of information between competent law enforcement authorities in accordance with Article 13 of Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA.*** |
| Article 23c | | | | |
| 208g | | ***Article23b***<br>***Rights of victims and compensation for damage*** | | ***Article 23c***<br>***Rights of victims***<br><br>ITM proposal for the political level |
| Article 23c(1) | | | | |

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| G 208h | | ***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.*** | | ***1.Without prejudice to the Directive (EU) 2012/29, Member States shall take the necessary measures to apply the relevant rights under applicable law to the victims of offences under this directive, including legal persons, where applicable, in accordance with national law.***<br><br>ITM proposal for the political level |
| Article 23c(2) | | | | |
| G 208i | | ***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:*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 23c(2), point (a)* | | | | |
| G *208j* | | ***(a) is identified and notified of their status as a victim of corruption at the earliest possible opportunity;*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 23c(2), point (b)* | | | | |
| G *208k* | | ***(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;*** | | *deleted*<br><br>*ITM proposal for the political level* |
| *Article 23c(2), point (c)* | | | | |

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| G 208l | | ***(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;*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 23c(2), point (d)* | | | | |
| G 208m | | ***(d) has the right to a guarantee of non-repetition; and*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 23c(2), point (e)* | | | | |
| G 208n | | ***(e) is entitled to injunctive relief where applicable.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 23c(3)* | | | | |
| G 208o | | ***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.*** | | *deleted*<br><br>*ITM proposal for the political level* G |
| *Article 23d* | | | | |
| G 208p | | ***Article 23c***<br>***National strategies*** | | *deleted* G |
| *Article 23d, first paragraph* | | | | |

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| G 208q | | ***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.*** | | *deleted* G |
| *Article 23e* | | | | |
| G 208r | | ***Article 23d***<br>***Rights for the public concerned to participate in proceedings*** | | ***Article 23d***<br>***Rights for the public concerned to participate in proceedings***<br>Text Origin: EP Mandate G |
| Article 23e(1) | | | | |
| G 208s | | ***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*** | | ***1.Member States shall ensure that persons affected or likely to be affected by the criminal offences referred to in Articles 7 to 13 of this Directive, and persons having sufficient interest or maintaining the impairment of a right as well as non-governmental organisations*** G |

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| | | ***a sufficient interest, and is entitled to maintain the impairment of a right, in accordance with national law.*** | | ***involved in the fight against corruption and meet requirements under national law, have appropriate procedural rights in proceedings concerning those offences, where such procedural rights for the public concerned exist in the Member State in proceedings concerning other criminal offences, for instance as a civil party.***<br><br>Commission tasked with proposing recital language appropriately adapting Recitals 57 and 58 of the Envi Crime Directive. |
| Article 23e(2) | | | | |
| G | 208t | ***2.Member States shall take the necessary measures to ensure that members of the public concerned may participate in the proceedings covered by this Directive, including by taking action before the courts or competent administrative bodies.*** | | *deleted* |
| *Article 23e(3)* | | | | |
| G | *208u* | ***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:*** | | *deleted* |
| *Article 23e(3), point (a)* | | | | |

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| G | *208v* | ***(a) the opening or not opening of the investigation or prosecution;*** | | *deleted* G |
| *Article 23e(3), point (b)* | | | | |
| G | *208w* | ***(b) the suspension of the investigation or prosecution;*** | | *deleted* G |
| *Article 23e(3), point (c)* | | | | |
| G | *208x* | ***(c) the discontinuation of the investigation or prosecution.*** | | *deleted* G |
| *Article 23e(4)* | | | | |
| G | *208y* | ***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.*** | | *deleted* G |
| *Article 23f* | | | | |
| G | *208z* | ***Article 23e Suspension or reassignment of a public official*** | | ***Article 23e Suspension or reassignment of a public official*** Text Origin: EP Mandate G |
| Article 23f, first paragraph | | | | |
| G | 208aa | ***Member States shall establish procedures through which a public official accused of an offence as referred to in this Directive may,*** | | ***Member States shall consider establishing criminal, administrative or disciplinary procedures through which a public*** G |

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| | | ***where appropriate, be suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.*** | | ***official accused of an offence as referred to in this Directive may, where appropriate, be suspended or temporarily reassigned by the competent authority, bearing in mind the respect for the principle of the presumption of innocence.*** |
| Article 23g | | | | |
| G 208ab | | ***Article 23f***<br>***Exercise of discretionary powers*** | | *deleted* |
| *Article 23g, first paragraph* | | | | |
| G *208ac* | | ***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.*** | | *deleted* |
| *Chapter IV* | | | | |
| G *208ad* | | | **Chapter 4**<br>**COORDINATION AND COOPERATION** | |
| Article 24 | | | | |
| G 209 | Article 24<br>Cooperation between Member States' authorities, the Commission, | Article 24<br>Cooperation between Member States' authorities, the Commission, | Article 24<br>Cooperation between **the** Member States~~' authorities, the Commission,~~ | Article 24<br>Cooperation between ***the*** Member States~~*' authorities, the Commission,*~~ |

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| | Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office | Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office | ~~Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office~~ **and Union bodies, offices or agencies** | ~~*Europol, Eurojust, the European Anti-Fraud Office and the European Public Prosecutor's Office*~~ ***and Union bodies, offices or agencies***<br>Text Origin: Council Mandate |
| Article 24, first paragraph | | | | |
| G 210 | 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, 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. | ***1.*** Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, ***including the specialised bodies or units referred to in Article 4***, 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.*~~ | **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 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 Commission~~ shall**, where appropriate,** provide **the** | ***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 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, ***the*** 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, ***Eurojust shall,*** where appropriate, ~~*Europol, Eurojust, the European Public Prosecutor's Office, the European Anti-Fraud Office (OLAF), and the Commission shall*~~ provide ***the*** G |

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| | | | 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**. | technical and operational assistance ~~*in accordance with their respective mandates to facilitate the coordination of investigations and prosecutions*~~***needed*** by the competent authorities ***to facilitate coordination of their investigations. The Commission and OLAF may, where appropriate, provide assistance.*** |
| Article 24, first paragraph a | | | | |
| 210a | | ***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 authorities, including the European Public Prosecutor's Office.*** | | *deleted* |
| *Article 24, first paragraph b* | | | | |
| *210b* | | ***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,*** | | *deleted* |

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| | | ***in a specific section of their annual reports to the European Parliament and to the Council.*** | | |
| *Article 24a* | | | | |
| *210c* | | ***Article 24a Platform on prevention and repression of corruption*** | | *deleted* |
| *Article 24a(1)* | | | | |
| *210d* | | ***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.*** | | *deleted* |
| *Article 24a(2)* | | | | |
| *210e* | | ***2.The platform shall:*** | | *deleted* |
| *Article 24a(2), point (a)* | | | | |
| *210f* | | ***(a) advise the Commission in relation to the implementation of the measures provided for in this Directive, promote identification and exchange of best practices in*** | | *deleted* |

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| | | ***prevention and repression of corruption;*** | | |
| *Article 24a(2), point (b)* | | | | |
| *210g* | | ***(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;*** | | *deleted* |
| *Article 24a(2), point (c)* | | | | |
| *210h* | | ***(c) enable the exchange of best practices to enhance cooperation with third countries.*** | | *deleted* |
| *Article 24a(3)* | | | | |
| *210i* | | ***3. Representatives from Europol, Eurojust, the European Public Prosecutor's Office and the European Anti-Fraud Office (OLAF) and, where appropriate, 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.*** | | *deleted* |
| *Article 25* | | | | |
| *211* | Article 25<br>Commission support to Member States and their competent authorities | Article 25<br>Commission support to Member States and their competent authorities | Article 25<br>Commission support to Member States and their competent authorities | Article 25<br>Commission support to Member States and their competent authorities |

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| Article 25(1) | | | | |
| 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.~~ | *deleted* |
| *Article 25(2)* | | | | |
| *213* | *2.*The Commission shall prepare an overview of sectoral risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | 2.The Commission shall prepare an overview of sectoral risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | ~~2~~**1**. The Commission shall prepare an overview of sectoral risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union. | 2.The Commission shall prepare an overview of sectoral risks of corruption in the Union and facilitate information exchange among Member States and experts across the Union.<br><br>Text Origin: Commission Proposal |
| Article 25(3) | | | | |
| 214 | 3.The Commission, through the EU network against corruption, shall in particular: | 3.The Commission, through the EU network against corruption ***and the European Union Anti-Corruption coordinator***, shall in particular: | ~~3~~**2**. The Commission, through the EU network against corruption, shall ~~in particular~~: | 3.***The tasks of*** the Commission, through the EU network against corruption, shall ~~*in particular:*~~***include*** |
| Article 25(3), point (a) | | | | |
| 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, ***civil society representatives, independent*** experts, researchers and other stakeholders; | ~~(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, ***civil society representatives,*** experts, researchers and other stakeholders; |
| Article 25(3), point (b) | | | | |

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| 216 | (b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by developing best practices, guidance materials and methodologies. | (b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by developing best practices, guidance materials and methodologies. | ~~(b) complement activities, such as those referred to in Article 3 and point (b) of Article 18(2) by developing best practices, guidance materials and methodologies.~~ | (b) ~~*complement*~~***upon request, support all stakeholders, and in particular to Member States, in their*** activities, ~~*such as those referred to in Article 3 and point (b) of Article 18(2)*~~ by developing best practices, ***non-binding*** guidance materials and methodologies. |
| Article 25(4) | | | | |
| 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. | 4.The Commission shall inform Member States about financial resources at Union level available to Member States for the fight against corruption***, including Union anti-corruption programmes with third countries***. |
| Article 25(4a) | | | | |
| 217a | | ***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 programmes and projects.*** | | *deleted* |
| *Article 25a* | | | | |
| *217b* | | ***Article 25a*** | | *deleted* |

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| | | ***Coordination of the Union strategy on combating corruption*** | | |
| *Article 25a(1)* | | | | |
| *217c* | | ***1.In order to contribute to a coordinated and consolidated Union strategy on combating corruption, Member States shall facilitate the tasks of a European Union Anti-Corruption Coordinator ('the Coordinator'). In particular, Member States shall transmit to the Coordinator, when requested, information referred to in Article 26 of this Directive.*** | | *deleted* |
| *Article 25a(2)* | | | | |
| *217d* | | ***2.The Coordinator shall assist the Commission in promoting the effective and consistent application of this Directive and in monitoring the implementation of Articles 3 and 4 of this Directive.*** | | *deleted* |
| *Article 25a(3)* | | | | |
| *217e* | | ***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.*** | | *deleted* |

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| *Article 26* | | | | |
| *218* | Article 26<br>Data collection and statistics | Article 26<br>Data collection ~~*and*~~, statistics ***and reporting*** | Article 26<br>Data collection and statistics | |
| Article 26(1) | | | | |
| 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 ***disaggregated*** statistical data on ***each of*** 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. | The Presidency has tentatively proposed the following compromise text for the Article:<br><br>"1. Member States shall have a system in place for the recording, production and provision of anonymised statistical data on [each of] the criminal offences as referred to in Articles 7 to 14 of this Directive.<br><br>2. The statistical data referred to in paragraph 1 shall, as a minimum, include the following existing data, when available at the central level:<br><br>(a) the number of offences registered and adjudicated by the Member States;<br>(b) the number of dismissed court cases, including on the grounds of expiry of the limitation period for the criminal offence concerned<br>(ba) the number of non-trial resolutions for cases of the criminal offences referred to in Articles 7 to 14, when such mechanisms exist in a Member State at any stage of the judicial procedure |

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| | | | | (c) the number of natural persons with specification, when available, of the number of public officials and high-level officials that are<br>(i)prosecuted,<br>(ii) convicted;<br>(iii) fined.<br>(d) number of legal persons that are<br>(i)prosecuted,<br>(ii) convicted<br>(iii) fined.<br>(e) the types and levels of sanctions imposed for [each of] the criminal offences referred to in Articles 7 to 14.<br>3. Member States shall, on an annual basis and if possible by 1 June, but no later than 31 December, publish, in a machine-readable, easily accessible and comparable format, the statistical data referred to in paragraph 2 for the previous year and inform the Commission thereof."<br><br>This could be combined with the following recital:<br><br>"(30) To effectively address the criminal offences defined in this Directive, it is necessary that competent authorities in the Member States collect accurate, consistent and comparable statistical data on those offences. Member States should therefore ensure that an adequate system is in place for the recording, production and transmission of existing |

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| | | | | statistical data on the offences defined in this Directive. It is important that those statistical data are used by Member States to analyse the scale of and trends in offences related to corruption, as well as for providing information to citizens. Member States should publish relevant statistical data on proceedings related to corruption offences, extracted from data that already exists at a centralised or decentralised level within the whole Member State. These data 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 the Rule of Law tools, such as the annual Rule of Law report.<br><br>ITM 24/10 PCY requested removal of the word "decentralized" from the recital, EP has objected.<br><br>For political level Linked to agreement on Article 26 - Statistics |
| Article 26(2) | | | | |
| 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**: | |
| Article 26(2), point (a) | | | | |

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| 221 | (a) the number of cases reported; | (a) the number of cases reported; | (a) the number of ~~cases reported~~**offences registered and adjudicated by the Member States**; | |
| Article 26(2), point (aa) | | | | |
| 221a | | ***(aa) the number of cases involving high level officials reported and investigated;*** | | |
| Article 26(2), point (b) | | | | |
| 222 | (b) the number of cases investigated; | (b) the number of cases investigated***, including those involving cross-border cooperation***; | (b) the number of **dismissed court** cases**;** ~~investigated;~~ | |
| Article 26(2), point (c) | | | | |
| 223 | (c) the number of indictments; | (c) the number of indictments; | (c) the number of ~~indictments;~~**natural persons that are** | |
| Article 26(2), point (c)(i) | | | | |
| 223a | | | **(i) prosecuted,** | |
| Article 26(2), point (c)(ii) | | | | |
| 223b | | | **(ii) convicted or fined;** | |
| Article 26(2), point (d) | | | | |
| 224 | (d) the average length of the criminal investigations of cases; | (d) the average ***and maximum*** length of the criminal investigations of cases; | (d) the ~~average length of the criminal investigations of cases;~~**number of legal persons that are** | |
| Article 26(2), point (d)(i) | | | | |
| 224a | | | **(i) prosecuted,** | |

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| Article 26(2), point (d)(ii) | | | | |
| 224b | | | **(ii) convicted or fined;** | |
| Article 26(2), point (e) | | | | |
| 225 | (e) the average length of courts proceedings of cases in first instance, second instance and cassation; | (e) the average ***and maximum*** 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;~~ | |
| Article 26(2), point (f) | | | | |
| 226 | (f) the number of convictions ; | (f) the number of convictions, ***including offenses committed by a public official*** ; | ~~(f) the number of convictions ;~~ | |
| Article 26(2), point (fa) | | | | |
| 226a | | ***(fa)the number of freezing and confiscation orders, as well as their estimated value;*** | | |
| Article 26(2), point (g) | | | | |
| 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;~~ | |
| Article 26(2), point (h) | | | | |
| 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;~~ | |
| Article 26(2), point (i) | | | | |
| 229 | (i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance | (i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance | ~~(i) the number of dismissed court cases for corruption, distinguishing between dismissals on the substance~~ | |

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| | or not and including non-trial resolutions; | or not and including non-trial resolutions; | ~~or not and including non-trial resolutions;~~ | |
| Article 26(2), point (j) | | | | |
| Y | 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; | Y |
| Article 26(2), point (ja) | | | | |
| Y | 230a | ***(ja) the number and form of non-trial resolutions;*** | | Y |
| Article 26(2), point (k) | | | | |
| Y | 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~~***officials***. | ~~(k) the number of convictions pardoned, with specification of the number of pardons to public officials and to high level official.~~ | Connected to line 142c. Y |
| Article 26(3) | | | | |
| Y | 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. | Y |
| Article 26(3), point (a) | | | | |
| Y | 232a | ***(a) publish, in a disaggregated and machine-readable format that is open, accessible, findable and re-usable, within the meaning of*** | | Y |

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| | | ***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;*** | | |
| | | ***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).*** | | |
| Article 26(3), point (b) | | | | |
| Y | 232b | ***(b) produce a quantitative and qualitative assessment carried out based on the statistical data referred to in paragraph 2 for the previous year;*** | | Y |
| Article 26(3), point (c) | | | | |
| Y | 232c | ***(c) transmit the data and assessment referred to in points (a) and (b) to the Commission and the European Anti-Corruption Coordinator.*** | | Y |
| Article 26(3a) | | | | |
| Y | 232d | ***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 in paragraph 3, including standard formats for*** | | Y |

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| | | ***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.*** | | |
| Article 26(3b) | | | | |
| Y 232e | | ***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 shall identify any deficiencies in data collection, and offer support to Member States in order to address them.*** | | Y |
| Article 26a | | | | |
| G 232f | | ***Article 26a EU Anti-Corruption Report*** | | *deleted* G |
| *Article 26a(1)* | | | | |
| G *232g* | | ***1.The results of the comparative analysis referred to in Article 26 shall be made public by the Commission, on an annual basis*** | | *deleted* G |

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| | | ***and by 1 April, in the form of a yearly EU Anti-Corruption Report. The Anti-Corruption Report shall include:*** | | |
| *Article 26a(1), point (a)* | | | | |
| G *232h* | | ***(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;*** | | *deleted* G |
| *Article 26a(1), point (b)* | | | | |
| G *232i* | | ***(b) a comprehensive overview of the public and private sectors most affected by misappropriation of EU funds in each Member State;*** | | *deleted* G |
| *Article 26a(1), point (c)* | | | | |
| G *232j* | | ***(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;*** | | *deleted* G |
| *Article 26a(1), point (d)* | | | | |
| G *232k* | | ***(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.*** | | *deleted* G |

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| *Article 26a(2)* | | | | |
| *232l* | | ***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 Member States.*** | | *deleted* |
| *Chapter V* | | | | |
| *232m* | | | **Chapter 5**<br>**FINAL PROVISIONS** | |
| Article 27 | | | | |
| 233 | Article 27<br>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 | Article 27<br>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 | Article 27<br>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 | Article 27<br>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<br>Text Origin: Commission Proposal |
| Article 27(1), first subparagraph | | | | |
| 234 | 1.Framework Decision 2003/568/JHA is replaced with regard to the Member States bound | 1.Framework Decision 2003/568/JHA is replaced with regard to the Member States bound | 1.Framework Decision 2003/568/JHA is replaced with regard to the Member States bound | 1.Framework Decision 2003/568/JHA is replaced with regard to the Member States bound |

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| | 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. | 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. | 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. | 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.<br><br>Text Origin: Commission Proposal |
| Article 27(1), second subparagraph | | | | |
| G 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. | 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. ***In particular, references to Article 2 of Framework Decision 2003/568/JHA shall be construed as references to Chapter 2 of this Directive.*** G |
| Article 27(2), first subparagraph | | | | |
| G 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. | 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.<br><br>Text Origin: Commission Proposal G |
| Article 27(2), second subparagraph | | | | |

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| G 237 | With regard to the Member States bound by this Directive, references to that Convention shall be construed as references to this Directive. | With regard to the Member States bound by this Directive, references to that Convention shall be construed as references to this Directive. | With regard to the Member States bound by this Directive, references to that Convention **and its Article 3** shall be construed as references to **Chapter 2 of** this Directive. | With regard to the Member States bound by this Directive, references to that Convention shall be construed as references to this Directive. ***In particular, references to Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union shall be construed as references to Chapter 2 of this Directive.*** G |
| Article 28 | | | | |
| G 238 | Article 28<br>Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | Article 28<br>Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | Article 28<br>Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law | Article 28<br>Amendments to Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law<br>Text Origin: EP Mandate G |
| Article 28, first paragraph | | | | |
| G 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: | Directive (EU) 2017/1371 is amended as follows:<br>Text Origin: EP Mandate G |
| Article 28, first paragraph, point (1) | | | | |
| G 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: | (1) In Article 2(1), the following point (c) is inserted:<br>Text Origin: EP Mandate G |
| Article 28, first paragraph, point (1), amending provision, numbered paragraph (c) | | | | |

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| 241 | ‘<br>(c) ‘high level officials’ are those defined in Article 2(8) of Directive (EU) XXX on combating corruption.<br>’ | ‘<br>(c) ‘high level officials’ are those defined in Article 2(8) of Directive (EU) XXX on combating corruption.<br>’ | ‘<br>(c) ‘high level officials’ are those defined in Article ~~2(8)~~**2(2) (iii)** of Directive (EU) XXX on combating corruption.**’**<br>’ | ‘<br>(c) ‘high level officials’ are those defined in Article ~~*2(8)*~~*2(7)* of Directive (EU) XXX on combating corruption.<br>’<br>Text Origin: EP Mandate |
| Article 28, first paragraph, point (2) | | | | |
| 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*~~ ***is*** replaced ~~*respectively by ‘passive and active bribery in the public sector’, ‘passive bribery in the public sector’ and ‘active bribery in the public sector’.*~~ ***by the following:*** | (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 replaced respectively by ‘passive and active bribery in the public sector’, ‘passive bribery in the public sector’ and ‘active bribery in the public sector’. |
| Article 28, first paragraph, point (2), amending provision, numbered paragraph (2), first subparagraph | | | | |
| 242a | | ‘<br>***2.Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | *deleted* |
| *Article 28, first paragraph, point (2), amending provision, numbered paragraph (2), first subparagraph, point (a)* | | | | |
| *242b* | | ***(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*** | | *deleted* |

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| | | ***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);*** | | |
| *Article 28, first paragraph, point (2), amending provision, numbered paragraph (2), first subparagraph, point (b)* | | | | |
| G *242c* | | ***(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 official's functions in a way which damages or is likely to damage the Union's financial interests (passive bribery).*** | | *deleted* G |
| *Article 28, first paragraph, point (2), amending provision, numbered paragraph (2), second subparagraph* | | | | |
| G *242d* | | ***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.'*** , | | *deleted* G |
| *Article 28, first paragraph, point (2a)* | | | | |

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| *242e* | | ***(2a) In Article 4, the following paragraph 2a is inserted:*** | | *deleted* |
| *Article 28, first paragraph, point (2a), amending provision, numbered paragraph (2a)* | | | | |
| *242f* | | ‘<br>***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:*** | | *deleted* |
| *Article 28, first paragraph, point (2a), amending provision, numbered paragraph (2a), point (a)* | | | | |
| *242g* | | ***(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 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);*** | | *deleted* |
| *Article 28, first paragraph, point (2a), amending provision, numbered paragraph (2a), point (b)* | | | | |
| *242h* | | ***(b) the request or receipt by a person, directly or through an intermediary, of an undue advantage of any kind or the*** | | *deleted* |

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| | | ***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).'*** , | | |
| *Article 28, first paragraph, point (2b)* | | | | |
| G *242i* | | ***(2b) Article 4(3) is replaced by the following:*** | | *deleted* G |
| *Article 28, first paragraph, point (2b), amending provision, numbered paragraph (3)* | | | | |
| G *242j* | | ' ***3.Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | *deleted* G |
| *Article 28, first paragraph, point (2b), amending provision, numbered paragraph (3), point (a)* | | | | |
| G *242k* | | ***(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 which it was intended in any way*** | | *deleted* G |

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| | | ***which damages the Union's financial interests or is likely to damage the Union's financial interests;*** | | |
| *Article 28, first paragraph, point (2b), amending provision, numbered paragraph (3), point (b)* | | | | |
| G *242l* | | ***(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.'*** , | | *deleted* G |
| *Article 28, first paragraph, point (2c)* | | | | |
| G *242m* | | ***(2c) In Article 4, the following paragraphs are inserted:***<br><br>The adopted EP mandate reads "the following paragraph is inserted", which is a clear mistake in writing. | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3a)* | | | | |
| G *242n* | | ' | | *deleted* G |

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| | | ***3a. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3a), first subparagraph, point (a)* | | | | |
| G | *242o* | ***(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;*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3a), first subparagraph, point (b)* | | | | |
| G | *242p* | ***(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 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.*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3a), second subparagraph* | | | | |

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| G 242q | | ***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.*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3b)* | | | | |
| G 242r | | ***3b. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3b), point (a)* | | | | |
| G 242s | | ***(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;*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3b), point (b)* | | | | |
| G 242t | | ***(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 of economic, financial, business or commercial activities*** | | *deleted* G |

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| | | ***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.';*** | | |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3c)* | | | | |
| G *242u* | | ***3c. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3c), point (a)* | | | | |
| G *242v* | | ***(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 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;*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3c), point (b)* | | | | |

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| G 242w | | ***(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;*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3c), point (c)* | | | | |
| G 242x | | ***(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.';*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3d), first subparagraph* | | | | |
| G 242y | | ***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 out in this Directive.*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3d), second subparagraph* | | | | |

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| G 242z | | ***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.';*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3e)* | | | | |
| G 242aa | | ***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 was not involved in the commission of such offences, is punishable as a criminal offence.';*** | | *deleted* G |
| *Article 28, first paragraph, point (2c), amending provision, numbered paragraph (3f)* | | | | |
| G 242ab | | ***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*** | | *deleted* G |

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| | | ***person or a legal person, is punishable as a criminal offence.';*** | | |
| *Article 28, first paragraph, point (2d)* | | | | |
| *242ac* | | ***(2d) Article 5(2) is replaced by the following:*** | | *deleted* |
| *Article 28, first paragraph, point (2d), amending provision, numbered paragraph (2)* | | | | |
| *242ad* | | ‘***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.'*** | | *deleted* |
| *Article 28, first paragraph, point (3)* | | | | |
| *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:~~ | (3) Article 7(3) is replaced by the following: |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), first subparagraph | | | | |
| 244 | ‘<br>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. | ‘<br>3.***‘3.*** Member States shall take the necessary measures to ensure that the criminal offences referred to in ~~*Articles 3, 4(1)*~~***Article 3*** and ***in Article 4(1), (2) and (3c)*** ~~*(2)*~~ are punishable by a maximum penalty of at least ~~*six*~~***seven*** years of imprisonment ~~*when they involve*~~ | ‘<br>~~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.~~ | ‘<br>3.Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 3~~,~~ ***and*** 4(1) and ~~*(2)*~~***(3)*** are punishable by a maximum penalty of at least ~~*six*~~***four*** years of imprisonment when they involve considerable damage or advantage. |

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| | | ~~*considerable damage or advantage*~~***;*** ***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***. | | Modified proposal from the Commission which the EP supports |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), first subparagraph a | | | | |
| G 244a | | | | ***Member States shall take the necessary measures to ensure that the criminal offence referred to in Article 4(2), where the act to be performed by the official is not in breach of that official's duties, is punishable by a maximum term of imprisonment of at least four years of imprisonment when it involves considerable damage or advantage.*** G |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), second subparagraph | | | | |
| G 245 | Member States shall take the necessary measures to ensure that the criminal offence referred to in Article 4(3) is punishable by a maximum penalty of at least five years of imprisonment when it involves considerable damage or advantage. | Member States shall take the necessary measures to ensure that the criminal ~~*offence*~~***offences*** referred to in Article ~~*4(3) is*~~***4(2a), (3), (3a) and (3b) are*** punishable by a maximum penalty of at least ~~*five*~~***six*** years of imprisonment ~~*when it involves considerable damage or advantage*~~. | ~~Member States shall take the necessary measures to ensure that the criminal offence referred to in Article 4(3) is punishable by a maximum penalty of at least five years of imprisonment when it involves considerable damage or advantage.~~ | Member States shall take the necessary measures to ensure that the criminal offence referred to in Article ~~*4(3)*~~***4(2)*** is punishable by a maximum penalty of at least five years of imprisonment when it involves considerable damage or advantage ***and where the act to be performed by the official is in breach of that official's duties***. G |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), third subparagraph | | | | |
| G 246 | The damage or advantage resulting from the criminal offences referred to in points (a), (b) and (c) of | ***Member States shall take the necessary measures to ensure that*** ~~*The damage or advantage*~~ | ~~The damage or advantage resulting from the criminal offences referred to in points (a), (b) and (c) of~~ | The damage or advantage resulting from the criminal offences referred to in points (a), (b) and (c) of G |

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| | Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000. | ~~*resulting from*~~ the criminal ~~*offences*~~***offence*** 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*~~***(3d) and (3e) is punishable by a maximum penalty of at least five years of imprisonment***. | ~~Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000.~~ | Article 3(2) and in Article 4 shall be presumed to be considerable where the damage or advantage involves more than EUR 100 000. |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), fourth subparagraph | | | | |
| G 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. , | ***Member States shall take the necessary measures to ensure that*** ~~*The damage or advantage resulting from*~~ the criminal ~~*offences*~~***offence*** referred to in ~~*point (d) of*~~ Article ~~*3(2) and subject to Article 2(2) shall always be presumed to be considerable*~~***4(3f) is punishable by a maximum penalty of at least three years of imprisonment.'*** , | ~~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.~~ , | 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. G |
| Article 28, first paragraph, point (3), amending provision, numbered paragraph (3), fourth subparagraph a | | | | |
| G 247a | | | | ***Member States may also provide for a maximum sanction of at least four years of imprisonment in other serious circumstances defined in their national law.*** , G |

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| | | | | Commission and EP propose to align with the existing text of the PIF Directive to "penalty". |
| Article 28, first paragraph, point (4) | | | | |
| 248 | (4) In Article 7, paragraph (4) is replaced by the following: | (4) In Article 7, paragraph ~~*(4) is replaced by the following:*~~ ***4 is deleted.*** | ~~(4)~~**(3)** In Article 7, paragraph (4) is replaced by the following: | (4) In Article 7, paragraph (4) is replaced by the following: |
| Article 28, first paragraph, point (4), amending provision, numbered paragraph (4) | | | | |
| 249 | ‘<br>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.<br>’ | *deleted* | ‘<br>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~~.<br>’ | ‘<br>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.<br>’ |
| Article 28, first paragraph, point (4a), first subparagraph | | | | |
| 249a | | | | ***(4a) In Article 7, paragraph (4) is replaced by the following:*** |
| Article 28, first paragraph, point (4a), second subparagraph | | | | |
| 249b | | | | ***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*** |

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| | | | | ***10 000 or an advantage of less than EUR 10 000, Member States may provide for sanctions other than criminal sanctions*** |
| Article 28, first paragraph, point (5) | | | | |
| 250 | (5) In Article 7, the following paragraph 6 is inserted: | (5) In Article 7, the following paragraph 6 is inserted: | ~~(5)~~**(4)** In Article 7, the following paragraph 6 is inserted: | (5) In Article 7, the following paragraph 6 is inserted: |
| Article 28, first paragraph, point (5), amending provision, numbered paragraph (6) | | | | |
| 251 | ‘<br>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.<br>’ | ‘<br>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.<br>’ | ‘<br>~~6~~**7**. 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.**’**<br>’ | ‘<br>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*~~***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.<br>’ |
| Article 28, first paragraph, point (6) | | | | |
| 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: | (6) Article 8 is replaced by the following: |
| Article 28, first paragraph, point (6), amending provision, first paragraph | | | | |
| 253 | ‘<br>Article 8 | ‘<br>Article 8 | ‘<br>Article 8 | ‘<br>Article 8 |

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| | | | | Text Origin: Commission Proposal |
| Article 28, first paragraph, point (6), amending provision, second paragraph | | | | |
| 254 | Aggravating and mitigating circumstances | Aggravating and mitigating circumstances | Aggravating and mitigating circumstances | Aggravating and mitigating circumstances<br>Text Origin: Commission Proposal |
| Article 28, first paragraph, point (6), amending provision, second paragraph a | | | | |
| 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.** | ***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.*** |
| Article 28, first paragraph, point (6), amending provision, third paragraph | | | | |
| 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.<br>, | 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.<br>, | 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 | Member States ~~*shall*~~***may*** take the necessary measures to ensure that ***one or more of*** the circumstances referred to in Article ~~*18*~~***18(2) 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. |

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| | | | to the criminal offences referred to in this Directive.’<br>, | ’ |
| Article 28, first paragraph, point (7) | | | | |
| 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: | (7) Article 9 is replaced by the following: |
| Article 28, first paragraph, point (7), amending provision, first paragraph | | | | |
| 257 | ‘<br>Article 9 | ‘<br>Article 9 | ‘<br>Article 9 | ‘<br>Article 9<br>Text Origin: Commission Proposal |
| Article 28, first paragraph, point (7), amending provision, second paragraph | | | | |
| 258 | Sanctions with regard to legal persons | Sanctions with regard to legal persons | Sanctions with regard to legal persons | Sanctions with regard to legal persons<br>Text Origin: Commission Proposal |
| Article 28, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |
| 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~~**is** punishable by effective, proportionate and dissuasive ~~sanctions~~**criminal or non-criminal penalties or measures**. | 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*~~***is*** punishable by effective, proportionate and dissuasive ~~*sanctions*~~***criminal or non-criminal penalties or measures***. |
| Article 28, first paragraph, point (7), amending provision, numbered paragraph (2) | | | | |
| 260 | 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 | 2.Member States shall take the necessary measures to ensure that |

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| | sanctions or measures for legal persons held liable pursuant to Article 6 shall include those referred to in Article 17(2) of Directive (EU) XXX on combating corruption. , | sanctions or measures for legal persons held liable pursuant to Article 6 shall include those referred to in Article 17(2) of Directive (EU) XXX on combating corruption. , | ~~sanctions~~ **penalties** or measures for legal persons held liable 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.**'** , | ~~*sanctions*~~***penalties*** or measures for legal persons held liable 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. ***Insofar as legal persons are held liable, pursuant to Article 6(1), for the criminal offences referred to Articles 4(2) and 4(3), Article 17(3) of Directive (EU) XXX on combating corruption applies*** , |
| Article 28, first paragraph, point (7a) | | | | |
| G 260a | | ***(7a) In Article 11(1), the following wording is added at the end of point (b): 'or a habitual resident in its territory'.*** | | *deleted* G |
| *Article 28, first paragraph, point (7b)* | | | | |
| G *260b* | | ***(7b) In Article 11(1), the following point (c) is added:*** | | *deleted* G |
| *Article 28, first paragraph, point (7b), amending provision, point (c)* | | | | |

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| *260c* | | ‘***(c) the offence is committed for the benefit of a legal person established in its territory’.***, | | *deleted* |
| *Article 28, first paragraph, point (7c)* | | | | |
| *260d* | | ***(7c) Article 11(3) is replaced by the following:*** | | *deleted* |
| *Article 28, first paragraph, point (7c), amending provision, numbered paragraph (3)* | | | | |
| *260e* | | ‘***3.A Member State shall 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.’***, | | *deleted* |
| *Article 28, first paragraph, point (8)* | | | | |
| *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:~~ | (8) In Article 12, paragraphs (2), (3) and (4) are replaced by the following: |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (2) | | | | |
| 262 | ‘<br>2.The limitation period as referred to in paragraph 1 shall not be shorter than: | ‘<br>2.The limitation period as referred to in paragraph 1 shall not be shorter than: | ‘<br>~~2.The limitation period as referred to in paragraph 1 shall not be shorter than:~~ | ‘<br>2.***Member States shall take the necessary measures to enable the investigation, prosecution, trial and*** |

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| | | | | ***judicial decision of criminal offences*** ~~*The limitation period as*~~ referred to in ~~*paragraph 1 shall not be shorter than:*~~ ***Articles 3 and 4(1) and 5 which are punishable by a maximum sanction of at least four years of imprisonment, for a period of at least five years from the time when the offence was committed.*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (2), point (a) | | | | |
| 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)*~~ ***Article 3*** and ***in Article 4(1), (2) and (3c)*** ~~*(2)*~~; | ~~(a) fifteen years from the time when the offence was committed, for the criminal offences referred to in Articles 3, 4(1) and (2);~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (2), point (b)* | | | | |
| *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*~~***offences*** referred to in Article ~~*4(3).*~~***4(2a), (3), (3a) and (3b);*** | ~~(b) ten years from the time when the offence was committed for the criminal offence referred to in Article 4(3).~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (2), point (ba)* | | | | |
| *264a* | | ***(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.*** | | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (3)* | | | | |
| *265* | *3.*By way of derogation from paragraph 2, Member States may establish a shorter limitation period, | 3.By way of derogation from paragraph 2, Member States may establish a shorter limitation period, | ~~3.By way of derogation from paragraph 2, Member States may establish a shorter limitation period,~~ | 3.By way of derogation from paragraph 2, Member States may establish a ~~*shorter*~~ limitation period |

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| | 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: | provided that the period may be interrupted or suspended in the event of specified ***procedural acts or judicial decisions*** ~~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: | ~~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:~~ | ***that is shorter than five years, but not shorter than three years***, 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:*~~ |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (3), point (a) | | | | |
| G 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)*~~ ***Article 3*** and ***in Article 4(1), (2) and (3c)*** ~~*(2)*~~; | ~~(a) ten years for the criminal offences referred to in Articles 3, 4(1) and (2);~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (3), point (b)* | | | | |
| G *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 ~~*4(3).*~~ ***4(2b), (3), (3a) and (3b);*** | ~~(b) eight years for the criminal offence referred to in Article 4(3).~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (3), point (ba)* | | | | |
| G *267a* | | ***(ba) five years for the criminal offences referred to in Article 4(3d), (3e) and (3f) and in Article 5.*** | | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (4)* | | | | |
| G *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:~~ | 4.Member States shall take the necessary measures to enable the ~~*enforcement of a penalty*~~ ***investigation, prosecution, trial and judicial decision of*** |

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| | | | | ***criminal offences referred to in Articles 4(2) and 4(3) which are punishable by a maximum sanction of at least four years*** of imprisonment ~~*following a final conviction for*~~***, for a period of*** at least~~:~~ ***eight years from the time when the offence was committed.*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (4), point (a) | | | | |
| G 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)*~~***Article 3*** and ***in Article 4(1), (2) and (3c)*** ~~*(2)*~~; | ~~(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);~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (4), point (b)* | | | | |
| G *270* | *(b)* ten years from the date of the final conviction for the criminal offence referred to in Article 4(3). | (b) ten years from the date of the final conviction for the criminal offence referred to in Article ~~*4(3).*~~***4(2a), (3), (3a) and (3b);*** | ~~(b) ten years from the date of the final conviction for the criminal offence referred to in Article 4(3).~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (4), point (ba)* | | | | |
| G *270a* | | ***(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.*** | | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (5)* | | | | |
| G *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 | 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 | ~~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~~ | 5.By way of derogation from paragraph 4, Member States may establish a ~~*shorter*~~ limitation period ***that is shorter than eight years, but not shorter than five years***, |

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| | 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: | 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: | ~~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:~~ | 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:*~~ |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5), point (a) | | | | |
| G 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)*~~***Article 3 and in Article 4(1), (2) and (3c)***; | ~~(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);~~ | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (5), point (b)* | | | | |
| G *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).*~~***4(2a), (3), (3a) and (3b);*** | ~~(b) eight years from the date of the final conviction for the criminal offence referred to in Article 4(3).~~ , | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (5), point (ba)* | | | | |
| G *273a* | | ***(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.*** , | | *deleted* |
| *Article 28, first paragraph, point (8), amending provision, numbered paragraph (5a)* | | | | |

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| G | *273b* | | | ***5a. Member States shall take the necessary measures to enable the enforcement of a penalty of imprisonment following a final conviction for at least five years from the date of the final conviction for any of the criminal offences referred to in Articles 3, 4(1) and 5 in the following cases:*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5a), point (a) | | | | |
| G | 273c | | | ***(a) A penalty of more than one year of imprisonment; or alternatively*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5a), point (b) | | | | |
| G | 273d | | | ***(b) A penalty of imprisonment in the case of a criminal offence which is punishable by a maximum sanction of at least four years of imprisonment.*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5b) | | | | |
| G | 273e | | | ***5b. By way of derogation from paragraph 5a, Member States may establish a shorter limitation period than five years but not shorter than three years, provided that the period may be interrupted or suspended in the event of specified acts.*** |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5c) | | | | |
| G | 273f | | | ***5c. Member States shall take the necessary measures to enable the*** |

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| | | | | ***enforcement of a penalty of imprisonment following a final conviction for at least ten years from the date of the final conviction for any of the criminal offences referred to in Articles 4(2) and 4(3) in the following cases:*** | |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5c), point (a) | | | | | |
| G | 273g | | | ***(a) A penalty of more than one year of imprisonment; or alternatively*** | G |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5c), point (b) | | | | | |
| G | 273h | | | ***(b) A penalty of imprisonment in the case of a criminal offence which is punishable by a maximum sanction of at least four years of imprisonment.*** | G |
| Article 28, first paragraph, point (8), amending provision, numbered paragraph (5d) | | | | | |
| G | 273i | | | ***5d. By way of derogation from paragraph 8, Member States may establish a shorter limitation period than ten years but not shorter than five years, provided that the period may be interrupted or suspended in the event of specified acts.*** , | G |
| Article 28, first paragraph, point (8a) | | | | | |
| G | 273j | | ***(8a) The following Article 12a is inserted:*** | | *deleted* | G |

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| | | | | |
| *Article 28, first paragraph, point (8a), amending provision, article 12a* | | | | |
| *273k* | | ***Article 12a*** ‘ ***Privileges or immunity from investigation and prosecution of corruption offences*** | | *deleted* |
| *Article 28, first paragraph, point (8a), amending provision, Article, first paragraph* | | | | |
| *273l* | | ***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 Directive.’*** ’ | | *deleted* |
| *Article 28, first paragraph, point (8b)* | | | | |
| *273m* | | ***(8b) The following Article 12b is inserted:*** | | *deleted* |
| *Article 28, first paragraph, point (8b), amending provision, article 12b* | | | | |
| *273n* | | ***Article 12b*** ‘ ***Protection of persons who report offences or assist the investigation*** | | *deleted* |
| *Article 28, first paragraph, point (8b), amending provision, Article, first paragraph* | | | | |
| *273o* | | ***In addition to the measures provided under Directive (EU) 2019/1937, Member States shall ensure that persons reporting*** | | *deleted* |

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| | | | ***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.'*** , | | |
| *Article 29* | | | | | |
| G | *274* | Article 29<br>Transposition | Article 29<br>Transposition | Article 29<br>Transposition | Article 29<br>Transposition<br>Text Origin: Commission Proposal |
| Article 29(1) | | | | | |
| Y | 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 the text of those provisions. | 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 the text of those provisions. | 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 communicate to the Commission the text of those provisions. | The implementation period to be decided at the political level, together with<br>- the period for drafting of national strategies<br>- the period for conducting risk assessments<br><br>For political level |
| Article 29(2) | | | | | |
| G | 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 | 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 | 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 | 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 |

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| | publication. Member States shall determine how such reference is to be made. | publication. Member States shall determine how such reference is to be made. | publication. Member States shall determine how such reference is to be made. | publication. Member States shall determine how such reference is to be made.<br><br>Text Origin: Commission Proposal |
| Article 29(3) | | | | |
| G 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. | 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.<br><br>Text Origin: Commission Proposal |
| Article 30 | | | | |
| G 278 | Article 30<br>Evaluation and reporting | Article 30<br>Evaluation and reporting | Article 30<br>Evaluation and reporting | Article 30<br>Evaluation and reporting<br><br>Text Origin: Commission Proposal |
| Article 30(1) | | | | |
| G 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. | 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.<br><br>Text Origin: Commission Proposal |

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| Article 30(2) | | | | |
| 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 ***comprehensive*** report within three months which includes a summary about implementation of and actions taken in accordance with ~~*Articles 3 to 6*~~***this Directive***. | ~~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.~~ | *deleted* |
| *Article 30(2a)* | | | | |
| *280a* | | ***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.*** | | *deleted* |
| *Article 30(3)* | | | | |
| *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 evaluation, the Commission shall, if | 3.By [48 months after the deadline for implementation of this Directive], the Commission***, in consultation with the Anti-Corruption Coordinator,*** 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 | ~~3~~**2**. 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 evaluation, the Commission shall, if | 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 evaluation, the Commission shall, if |

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| | necessary, decide on appropriate follow-up actions. | freedoms. On the basis of this evaluation, the Commission shall, if necessary, decide on appropriate follow-up actions. | necessary, decide on appropriate follow-up actions. | necessary, decide on appropriate follow-up actions.<br>Text Origin: EP Mandate |
| Article 30a | | | | |
| 281a | | ***Article 30a***<br>***Committee procedure*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 30a(1)* | | | | |
| *281b* | | ***1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 30a(2)* | | | | |
| *281c* | | ***2.Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*** | | *deleted*<br>*ITM proposal for the political level* |
| *Article 31* | | | | |
| *282* | Article 31<br>Entry into force | Article 31<br>Entry into force | Article 31<br>Entry into force | Article 31<br>Entry into force<br>Text Origin: Commission Proposal |
| Article 31, first paragraph | | | | |
| 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. | This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |

| | CLEAN Commission Proposal | VS.EC EP Mandate | VS.EC Council Mandate | VS.EC Draft Agreement |
|---|---|---|---|---|
| | | | | Text Origin: Commission Proposal |
| Article 32 | | | | |
| 284 | Article 32<br>Addressees | Article 32<br>Addressees | Article 32<br>Addressees | Article 32<br>Addressees<br>Text Origin: Commission Proposal |
| Article 32, first paragraph | | | | |
| 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. | This Directive is addressed to the Member States in accordance with the Treaties.<br>Text Origin: Commission Proposal |
| Formula | | | | |
| 286 | Done at Brussels, | Done at Brussels, | Done at Brussels, | Done at Brussels,<br>Text Origin: Commission Proposal |
| Formula | | | | |
| 287 | For the European Parliament | For the European Parliament | For the European Parliament | For the European Parliament<br>Text Origin: Commission Proposal |
| Formula | | | | |
| 288 | The President | The President | The President | The President<br>Text Origin: Commission Proposal |
| Formula | | | | |
| 289 | For the Council | For the Council | For the Council | For the Council |

| | CLEAN Commission Proposal | VS.EC EP Mandate | VS.EC Council Mandate | VS.EC Draft Agreement |
|---|---|---|---|---|
| | | | | Text Origin: Commission Proposal |
| Formula | | | | |
| 290 | The President | The President | The President | The President<br>Text Origin: Commission Proposal |