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News | 04.12.2017

The fight against corruption and how to win it

Defeating the disease

New estimates released this year have shown the staggering amount of money that is lost due to corruption in the EU: between 179 and 990 billion euros, every single year. But corruption is not all just about money, it's about fairness. Corruption disgusts us because it is a violation of the principle that everyone is equal: through corruption people gain power, money and advantages that they do not deserve. Power and money that should belong to the people.

To play with a metaphor, corruption is like a contagious disease, a virus that spreads quickly, infecting people in ways that are not always visible, and ravishing our public services in its wake. Corruption is a virus that spreads in the dark and enjoys the tropical climates of the offshore financial centres that aid and abet corrupt officials with their money laundering. The virus was created by humans, but we don't need doctors to eradicate it, just a lot of hard work - or better said, a lot of teamwork.

Maybe that's why this year's official UN theme is #UnitedAgainstCorruption.

This is because there are SO many angles in the fight against corruption that we literally need an army of people who are willing to take on the challenge of defeating it. The good news is that there are tons of ways to make an impact and contribute to the eradication of corruption. This ranges from journalistic work to advocacy or campaigning, awareness-raising, training of law enforcement and the judiciary, pushing for changes in the laws that allow corruption and its proceeds to flow freely through our financial system, etc. What's key to remember is that in the fight against corruption, there is space for everyone to make a difference.

In this article we look at just a few of the ways that we work, from within the European Parliament, to fight against corruption. We need your support for these campaigns and we are happy to lend you ours as well – just get in touch, and let's get to work!

1. Transparency: a fundamental right that can also prevent corruption

Transparency is a key deterrent because it raises the stakes for those who are trying to get away with corrupt activities. When the right of access to information is properly upheld, it makes it far more likely that corrupt people will get caught. Using the analogy of corruption as a virus, a good transparency policy

is like regularly washing your hands: it basically prevents contagion.

Because of this, we work in the EU institutions not only to defend but to improve transparency: transparency in how decisions are taken, transparency in how money is spent, transparency in how EU law is implemented (or not).

- **Defending the right to access scientific studies on the effects of chemicals:** Four Greens/EFA MEPs have taken the European Food Safety Authority to Court to fight for more transparency over the studies that were used to decide that glyphosate, one of the most widely-used herbicides in the world, doesn't cause cancer. This contradicts the findings of the specialised UN agency for cancer known as IARC, which only bases its science on studies that have been published in peer-reviewed scientific journals.

  In the EU, the companies applying for an authorisation to sell their products are the ones responsible for doing the testing to ensure that their products are safe for sale. However, those studies do not need to be published to be accepted by EFSA and then, when we asked to see them so that scientists could peer-review the studies, EFSA denied almost all of them to us in order to protect the commercial interests of those companies.

  We took the case to the European Court of Justice because we believe that there is a higher public interest in the studies which requires them to be made public and because we believe that they are covered by the right of access to environmental information, which requires studies related to environmental emissions to be made public under the Aarhus Regulation and the international Aarhus Convention.

- **Calling for stronger access to documents rules:** We have always pushed for better access to information for the public, including by trying to improve the EU access to documents rules. We also insist that the Council - composed of the EU Member States - open up it's decision-making process more: see here, for example, our recent submission to the European Ombudsman's public consultation on the transparency of the Council. The deadline is open until 31st December, so you can make a submission too!! Just visit the website)

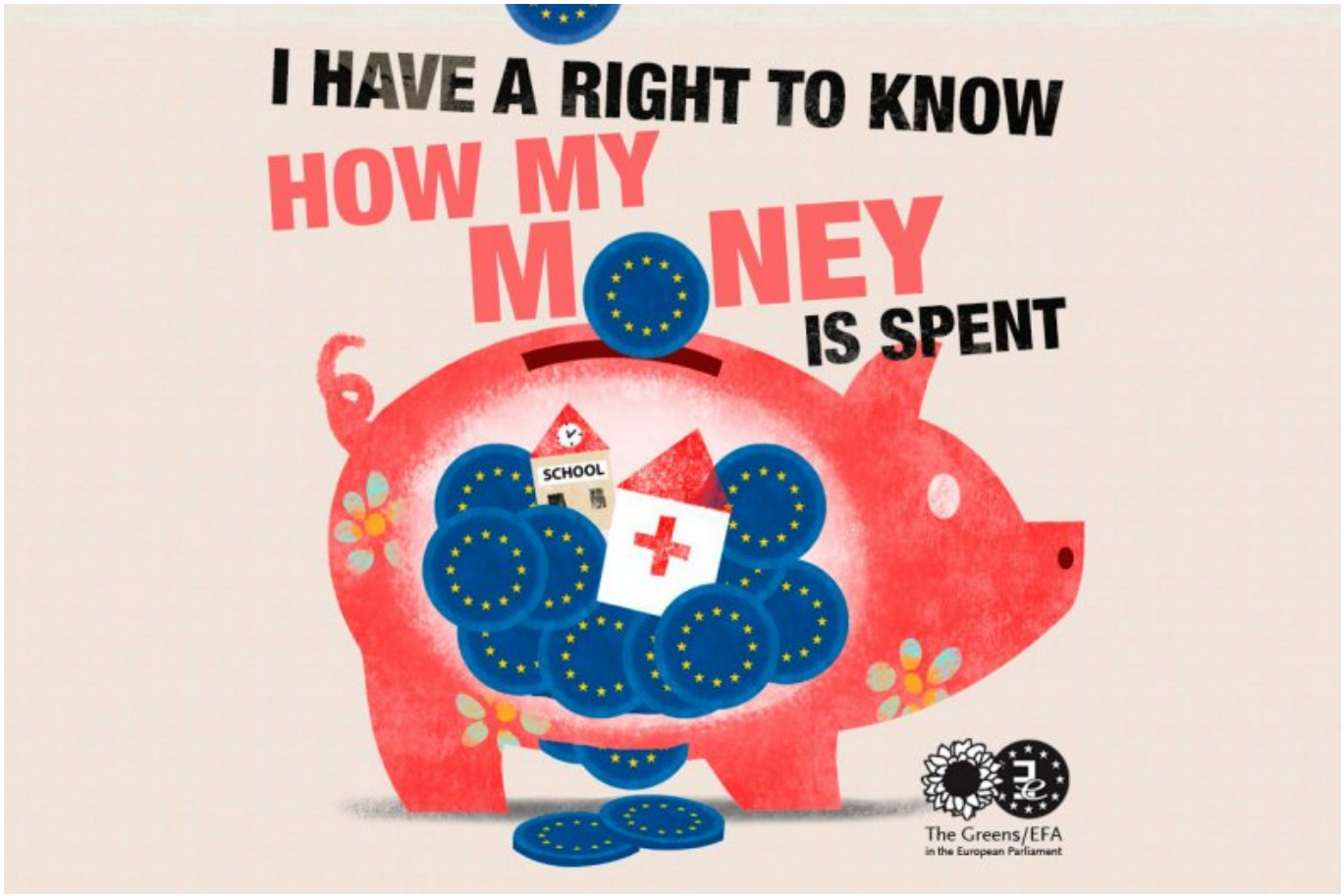


2. Controlling how money is spent

We are always pushing for more transparency and control over how public funds are spent – whether by beneficiaries of EU funds or by EU officials and representatives themselves. This is because, if the systems for controlling the use of public funds are too lax, then we make it easier for corruption to spread. If corruption is like a virus, then having loose controls on public money is like failing to vaccinate or to prevent a disease from spreading.

- **Members of the European Parliament and their office allowances:** We have pushed the European Parliament to adopt better rules on how MEPs spend the €4000+ Euros they receive monthly for their office expenditures. We want MEPs to be obliged to receive these funds in a separate bank account, to keep all the receipts and to put in place random spot checks to ensure the spending is correct.

  The European Parliament is working on new rules on the spending of these funds, and we will continue to demand that the highest standards of transparency and control are adopted. Since we were tired of waiting for changes to be adopted by the full Parliament, we also adopted our own internal policy on the transparency of these office allowances which has already served as inspiration for the 2018 European Parliament budget adopted last month.



3. Ethics, undue influence and conflicts of interest

Corruption thrives when there is a culture of conflicts of interest and this is possible when the ethics rules that apply to public officials are either too weak or are not properly applied. In the case of the EU, we propose changes to the Codes of Conduct that apply to decision-makers and also push for a better regulation of lobbyists, in order to ensure that there is no trading in influence or biased decision-making.

- **Code of Conduct for Members of the European Parliament and for Members of the Commission: C**ommissioners and MEPs are bound by specific Codes of Conduct that oblige them to, for example, publicly declare their side-interests and refrain from engaging in certain kinds of activities. But we want the rules to be much stricter so that, for example, MEPs and Commissioners are prevented from immediately taking up jobs as lobbyists when they leave the EU institutions. Currently, Commissioners are covered by an 18 month "cooling off period" but MEPs are not really covered at all.

  You can read more about our work to reform the Code of Conduct for MEPs and also the Code of Conduct for Commissioners.

  We also managed to improve the oversight by the European Parliament of potential conflicts of interest that Commissioners or candidate Commissioners may have, thanks to a report written by Greens/EFA MEP, Pascal Durand. You can read more here.

  We are also calling for a new independent body to be put in place that would oversee the ethics rules and apply sanctions in cases of bad behaviour.



- **Transparency of lobby meetings:** The reason for including lobbying transparency in an article on corruption is that, although making one's views known to legislators is a normal part of the democratic process, problems can arise if the line between lobbying and undue influence is over-stepped. That's why we push for transparency and clear rules on the interactions between decision-makers and interest groups.

- **Transparency, accountability and integrity in the EU:** Over the course of the past year, we managed to negotiate changes to the Parliament rules (Rules of Procedure) that would finally prevent MEPs from also working on the side as a lobbyist. We also managed to introduce a new rule that allows the European Parliament to remove lobbyists' special access badges if, for example, like Monsanto, or like Caterpillar, they refuse to cooperate with requests to attend hearings or provide evidence.

  Sven Giegold's report on transparency in the EU institutions was adopted by the Parliament in September 2017 after months of negotiations and various attempts, particularly by the EPP group, to stall it. The report will now serve as a blueprint that lays out the key changes that should be put in place by various institutions to make them more transparent and accountable to citizens. Click here to read more.

- **Reforming the EU Transparency Register:** We have worked hard within the European Parliament to promote the reporting of meetings between EU officials and lobbyists, including MEPs. Sven Giegold is our representative following the Transparency Register negotiations and he has pushed the Parliament to adopt an ambitious position including restrictions against meetings with lobbyists who refuse to register. We are currently waiting for the Member States of the EU to agree on their position for the upcoming Transparency Register reforms and hope that they will adopt a mandate for negotiations before the end of the year. We have already pushed our

colleagues to be more transparent about these negotiations and they have promised to publish summaries of each meeting between the Council, Commission and Parliament. So watch this space for more!



- **Lobby Calendar:** Given the deep resistance to transparency from Members of the European Parliament from the mainstream political groups, we decided to lead by example and already adopt our own lobby transparency policy within the Greens/EFA group. Most of our Members use an open-source platform run by Transparency International EU that links their official calendars to their websites and publishes their meetings with interest groups automatically and in real-time. You can see our list of lobby meetings here: https://lobbycal.greens-efa-service.eu/all/

  This software has also been adopted by the local government of the city of Paris, and we hope that it continues to spread!

  You can read more about our work on lobbying transparency, integrity and ethics here.

4. Money laundering

- **EU Anti Money Laundering Directive:** Judith Sargentini is leading the way within the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) to reform the EU legislation on money laundering. We want tough measures to be introduced that would make it much more difficult for shell companies to engage in corrupt practices.

  Those who are involved in corruption will always try to hide their ill-gotten gains and assets and to launder the proceeds of their criminal activities. This is why we want transparency over who is the

ultimate beneficial owner behind companies and trusts, and we want this information to be readily available to the public.

We also want to oblige more financial intermediaries and relevant companies to introduce checks on the money that they are dealing with, using stricter “due diligence” requirements, and also ensuring that Politically Exposed Persons and their assets are free from corruption.

Trilogue negotiations between the Parliament, Council and Commission are ongoing but it is not clear whether a final agreement will be reached in 2017 because there are several countries blocking the idea of greater transparency over trusts and companies, notably UK, Cyprus, Ireland, Malta and Luxembourg. Some are even proposing that foreign companies or trusts would not be covered by the new rules, which would create an enormous loophole.

We will continue to push during the negotiations so that the upcoming reform of the EU’s Anti Money Laundering Directive will reduce the freedom with which the proceeds of crime and corruption flow through our system.

- **Panama Papers Inquiry Committee:** We were also one of the driving forces behind the inquiry committee set up by the European Parliament following the Panama Papers scandal, which (once again) revealed massive tax evasion and avoidance by the rich and powerful.

  Next week, the European Parliament will vote on the final report of the Panama papers committee and we are trying to ensure that it makes specific and ambitious recommendations to avoid money laundering and also tax evasion. Because conservative powers in the Parliament are reluctant to change the current system, we have launched a twitter campaign calling on them to defend the public interest. See here for more, and join our campaign by sending a tweet to reluctant MEPs!

5. Media freedom and investigative journalism

Media freedom and independence is a prerequisite for any functioning democracy. Journalists act as one of our key checks and balances and they help to ensure that power is not corrupted and abused for private gain.

At least this is the theory. In practice, however, commercial pressures, media concentration, heads of state or oligarchs taking over the press, as well as psychological and physical threats, or even jail time, are all threats that converge to turn journalism into an increasingly risky profession. A recent report has shown that media freedom around the world has fallen to the lowest level for at least a decade.

We are working hard to find a solution to the range of problems faced by journalists just trying to do their job, starting with doing an assessment of the different financing models that could be used to guarantee the independence and freedom of journalists, and the time to do in-depth investigative pieces.

- **Funding for investigative journalism:** Next year, thanks to a proposal presented by the Greens/EFA Group, the European Commission will provide up to 500,000€ in grants via the European Centre for Press and Media Freedom, which will open up a call for proposals to teams of journalists wanting to finance cross-border investigative work.

- **European prize for journalism:** Following the shocking murder in Malta, in broad daylight, of a journalist who worked to uncover corruption and organised crime, we are pushing for the creation by the European Parliament of an annual prize to honour Daphne Caruana Galizia which would be awarded to outstanding journalists. The prize would provide much-needed recognition, funding and support networks to enable journalists to continue their important work.

  Just last week, one of our MEPs, Sven Giegold, went on a European Parliament mission to Malta to call for a thorough investigation into Daphne's murder and to push for changes to end Malta's role in enabling tax evasion and tax avoidance. We also supported the demands by Daphne's family that the Maltese government should step down.

- **Reaching out to journalists, new media outlets and academics:** Together with those on the ground who are investigating or suffering first-hand the pressures on modern journalists, we want to co-create policies that could provide a viable alternative to current media models that sometimes over-rely on advertising, suffer from political or commercial pressures, or apply too many restrictions on journalists. **If you'd like to work with us on these issues, just send us a message!**

6. Whistleblower protection

Whistleblower protection is an essential part of freedom of expression and it acts both as a deterrent against corruption and as a way to provide hints or evidence to help prosecute corrupt activity.

Up to 40% of all detected fraud cases are uncovered thanks to whistleblowers. Plus, a recent study by the European Commission has shown that between 5.8 to 9.6 billion Euros each year could be saved if there were whistleblower protection in place across the EU, and this is just in the field of public procurement.

Together with trade unions, civil society organisations, journalists and whistleblowers we are campaigning to push the Commission to finally propose an EU law that would ensure minimum standards of protection for whistleblowers in both the private and public sectors. Plus, we want to make sure that all whistleblowers are covered equally so that there is protection for those who uncover environmental crimes, human rights abuses or violations of consumer or patients' rights rather than only protecting those who uncover monetary fraud.

Our campaign efforts so far have been paying off: since we wrote our own draft whistleblower protection law (a Directive) in May 2016, the European Parliament has drafted 2 reports specifically calling for whistleblower protection across the EU and the European Council made a public statement showing its support for the issue. This has prompted the Commission to do a public consultation and an impact assessment, which are the first steps before proposing legislation.

The results of the public consultation have shown an overwhelming level of support for EU legislation to set common standards to protect whistleblowers across the Union, with 5,700 replies to the consultation showing 96% support from individuals and 84% from organisations in favour of European whistleblower legislation.

On Tuesday 6th December a cross-party group of MEPs together with civil society organisations organised

a concentration outside the Commission to call for ambitious protection ASAP. See here for more.

The ball is now in the Commission's court and the pressure is on to ensure that it comes forward with an ambitious proposal before it gets too late and the momentum for reform is gone.



7. Prosecuting corruption

One of the most important ways to end corruption is to end also the impunity that sometimes comes with it. In many countries, corruption is doubly outrageous because judges are incapable of prosecuting wrongdoers and bringing them to justice. If corruption were a virus, then a strong and independent judiciary would be a perfect vaccine.

- **Setting up an independent European Public Prosecutor:** To end impunity for corrupt crimes, which can be hard to prosecute in the EU because it requires a lot of coordination between different jurisdictions and law enforcement agencies, we have consistently pushed for the creation of a European Public Prosecutor's Office, which will fight corruption and fraud (amongst other crimes) in the spending of EU money.

  This has not been an easy achievement: several Member States are against the idea of having an independent body at EU level that would be capable of investigating crimes related to EU money, so the Office has been set up by 20 of the EU Member States, with 8 deciding to opt-out from the initiative: the UK, Ireland, Denmark, Sweden, the Netherlands, Poland, Hungary, and Malta.

Nevertheless, this breakthrough initiative will allow for more thorough investigations into crimes such as fraudulent use of EU funds, corruption in cross-border building projects, or cross-border VAT fraud, which adds up to around 50 billion euros every year in the EU. Investigations will be carried out in close cooperation with the prosecutors in the Member States, and should help to recover billions of Euros of tax payers' money.

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