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CPI 2022 FOR WESTERN EUROPE & EU: UNDUE INFLUENCE AND FRAGMENTED ANTI-CORRUPTION MEASURES HURT PROGRESS

With an average score of 66 out of 100, Western Europe and the European Union (EU) is once again the top-scoring region in the Corruption Perceptions Index (CPI). Nevertheless, progress has stagnated in the majority of countries for more than a decade.

Across Western Europe and the EU, the changing security landscape since Russia's fullscale invasion of Ukraine and a looming recession both demand robust responses from governments. However, undue influence over decision-making, poor enforcement of integrity safeguards and threats to the rule of law are undermining governments' effectiveness. The region is at a crossroads. To overcome the current crises and deliver progress for the people, decision-makers need to go beyond piecemeal anti-corruption measures.

The 2022 CPI reveals that anti-corruption efforts have stagnated in more than half of countries for more than a decade. Out of 31 countries in the region, only six have improved their scores while seven have declined. Top scorers in 2022 were **Denmark** (CPI score: 90), **Finland** (87) and **Norway** (84). Worst performers were again **Romania** (46), **Bulgaria** (43) and **Hungary** (42). Ten countries have recorded their lowest-ever scores, including **United Kingdom** (73), which has dropped five points since last year.

Opaque influence and political integrity deficits

As the region grapples with the deepening cost-of-living crisis and <u>increased risks of civil</u> <u>unrest</u>, people are looking for integrity and effectiveness from politicians. Yet, the public interest was often compromised in 2022, whether by powerful industries or foreign actors.

The EU is reeling from a <u>massive corruption scandal</u> with allegations that current and former members of the European Parliament and their staff took bribes from Qatari officials – along with reports also implicating Morocco – in exchange for influence.

In **Germany** (79), a state government <u>concealed the ties</u> between its Climate and Environmental Protection Foundation and Russian state-owned gas company Gazprom. The foundation lobbied for the now-suspended Nord Stream 2.0 pipeline and is alleged to have <u>served as Gazprom's conduit for influencing state officials</u>.

The <u>Uber Files</u> investigations laid bare the <u>influence large corporations wield</u> through undisclosed and privileged access to decision-makers in **France** (72). Concerns about weak political integrity among top public officials continued with fresh <u>high-profile</u> <u>breaches</u>, highlighting the need for a <u>government ethics officer</u> who could advise ministers on their ethical obligations. The scandal <u>reached EU institutions</u>, implicating the former European Commissioner in secretly lobbying for the tech giant.

Although the Nordic countries continue to take the top spots on the CPI table, **Denmark** (90), **Finland** (87), **Iceland** (74), **Norway** (84) and **Sweden** (83) have stagnated on the

index. They are yet to address shortcomings in their political integrity frameworks. Ahead of the general election in Sweden, <u>five political parties</u> tried to evade political party financing rules and take advantage of loopholes to receive funding from anonymous donors.

Switzerland (82) and the **Netherlands** (80) each dropped two points since 2021, earning their lowest-ever CPI scores this year. Neither have adequate political integrity measures and sufficient lobbying transparency. In Switzerland, rules that allow Swiss parliamentarians to keep paid positions alongside their political activities are of particular concern, while the Netherlands is among the weakest in the region when it comes to lobbying oversight.

Country to watch: United Kingdom

With a five-point decline since 2021, the **United Kingdom** (UK) stands as a warning that countries in the top tier of the index are still vulnerable to the perception of corruption and undue influence. Public trust in government is worryingly low after a string of political "sleaze" and <u>public spending scandals</u>, which showcased how easily political access could be bought by private interests and exposed loopholes that let public officials <u>regulate their own conduct</u>.

Individuals <u>with political connections</u> were appointed to senior public-sector roles during the COVID-19 pandemic. Democratic institutions have come under attack and opportunities for parliamentary scrutiny have been reduced. All of this has raised serious questions about transparency in Westminster. In recent years, <u>lobbying scandals</u> <u>in Parliament</u> and revelations of the <u>extent of potential ministerial misconduct</u> have further highlighted the woeful inadequacy of the systems that are supposed to protect integrity and standards in public life.

A <u>fifth of UK COVID-19 contracts</u> raised red flags warranting further investigation. There was systematic bias in the awarding of PPE contracts to those with political connections, via the government's "VIP lane". This cross-over of vested interests and political power puts public money at risk and impairs the government's response to the economic crisis.

A new <u>code of conduct for parliamentarians</u> and the appointment of a new ethics advisor – even if after some delay – are steps in the right direction. If the government is truly committed to restoring trust in politics, it needs to overhaul how the <u>standards and</u> <u>conduct of elected representatives</u> are regulated to stop the slide.

Weak enforcement and slow implementation of anti-corruption measures

Many countries in the region are unable to effectively investigate and prosecute corruption cases. Justice systems across the EU face long delays in corruption cases. This is the case in **Cyprus** (52), one of the decliners on the CPI, which has failed to fully operationalise a newly established anti-corruption authority.

In **Spain** (60), an anti-corruption plan and key pieces of legislation covering transparency, lobbying and whistleblowing continue to be delayed. A four-year stand-off over the highest level of judicial appointments has led to <u>calls for an independent</u>

<u>appointment system</u> and prompted <u>warnings from the European Commission</u> over the rule of law.

Portugal's (62) new anti-corruption strategy was launched <u>without guidelines or</u> <u>monitoring</u>, and the country is stalling on abolishing its controversial <u>golden visa</u> (residency-by-investment) programme that has both increased corruption risks and put pressure on the housing market.

Belgium's (73) score continues to stagnate. There is still no overarching integrity framework for ministers. Positively, law enforcement <u>showed teeth in their</u> <u>investigations</u> into bribery of current and former Members of the European Parliament and their staff by foreign actors.

Italy (56) has seen gains from anti-corruption measures adopted in the last decade, including a new <u>procurement code</u> which has led to more transparency. However, political volatility and snap elections have badly delayed progress in key areas such as lobbying and corporate transparency.

The judiciary and law enforcement have exercised their newly found independence in **Slovakia** (53), <u>pursuing several high-profile corruption cases</u>. However, political infighting has <u>weakened anti-corruption efforts</u>. In December 2022, a no-confidence vote brought down the government. With <u>politicians embracing divisive rhetoric</u> ahead of a likely snap election later this year, there is danger that recent progress will be reversed and democracy will deteriorate.

Country to watch: Bulgaria

In **Bulgaria** (43), one of the lowest CPI performers in the region for more than a decade, vested corporate interests have established strong oligarchic influence. In 2020, <u>public</u> <u>protests</u> fragmented the political party scene, which has led to <u>caretaker governments</u> and an <u>ongoing political crisis</u>. Political corruption has prevented free and fair parliamentary elections, while the <u>latest round of legislative amendments</u> pushed through at the end of 2022 further increase the likelihood of electoral manipulation. Considering the likelihood of Bulgaria seeing yet another general election in 2023, changing the electoral code without wide consensus and in this timeframe goes against best practices.

Bulgaria has significant <u>problems with the rule of law</u> and the Council of Europe has highlighted weaknesses in the judiciary, even putting the country under special supervision.

Restrictions to civic space are another concern. While it has not gained traction in the legislature, the recently proposed 'foreign agent' registration law has <u>renewed fears of</u> <u>civil society oppression</u>. Meanwhile, the parliament has rejected whistleblower protection bills presented to them despite the European Commission's <u>infringement</u> <u>proceedings</u> initiated earlier in the year.

To make much-needed progress, it is critically important that a new government prioritises implementation of the 2021-2027 anti-corruption strategy. As a matter of urgency, to safeguard public funds, the government should put in place a robust system for evaluating and managing governance and corruption risks when awarding companies with public funds through contracts, concessions or state support.

Defence sector in need of greater transparency and oversight

In the shadow of war, many European countries are providing military assistance to Ukraine, with the EU <u>stepping up its spending on defence</u>. However, the defence sector is often hidden behind a veil of secrecy based on national security arguments, and accountability mechanisms and civilian oversight tend to be weak.

The EU's new security funds ensure some democratic oversight, yet there are concerns over limited transparency and accountability for the <u>European Defence Fund</u> and <u>European Peace Facility</u>. At the national level, parliamentary scrutiny of arms exports also remains a key issue. EU member states only <u>scored an average of 18 out of 100</u> in Transparency International's latest <u>Governance Defence Integrity Index</u>.

In **Portugal** (62) and **Greece** (52), for example, secretive procurement processes and poor financial transparency practices weaken safeguards against corruption in defence institutions.

There are fears that whistleblowers reporting on misconduct in the military could be at greater risk in **Sweden** (83) after the <u>parliament approved the controversial new</u> <u>espionage law</u> with limited public consultation.

More positively, **Germany** (79) based its <u>new national security strategy</u> on consultations with the public and experts. The strategy, to be launched in 2023, presents an opportunity to mitigate <u>risks of undue influence in the defence sector</u> by strengthening integrity and transparency mechanisms and recognising corruption as a risk for national security.

Gains overshadowed by limits to checks on power

Although the **Czech Republic**'s (56) CPI score has improved compared to where it stood in 2013, change was slow with numerous setbacks along the way. The current government has made almost no progress in advancing the anti-corruption agenda. Stronger political integrity measures are still sorely needed, particularly in light of past <u>indications of state capture</u>. The long-delayed legislation to protect whistleblowers still <u>falls significantly short</u>.

Greece (52) advances in the 2022 CPI but progress is threatened by <u>serious concerns</u> over the roll-back of the rule of law, the independence of the national transparency authority, and weak guarantees for the <u>protection and safety of journalists</u>. In the <u>Predatorgate scandal</u>, Greece was accused of illegally spying on journalists, politicians from the opposition and Members of the European Parliament.

Ireland (77) has experienced relatively few corruption scandals over the past five years. It also updated its anti-corruption legislation in 2018 and recently enacted strong whistleblower legislation. However, concerns remain over <u>strategic lawsuits against</u> <u>public participation (SLAPPs)</u> that affect journalists and activists, and delays in reforming its <u>ethics laws</u>.

Declines accelerated by threats to rule of law

Those EU countries that have neglected or rolled back anti-corruption measures, weakened formal institutions and restricted media freedom continue to slide downwards in this year's CPI. Poland and Hungary are two member states that have faced the most scrutiny, but erosion of the rule of law is a growing concern across the bloc.

With elections on the horizon and hopefully some <u>lessons from Hungary</u>, **Poland** (55) is rushing to adopt changes to unblock EU funds. The government has proposed measures to strengthen judicial independence and reforming the disciplinary regime for judges, following <u>rule-of-law criticism</u> from the European Commission.

Malta (51) continues its downward CPI trend. Recommendations from the public inquiry into the assassination of investigative journalist Daphne Caruana Galizia are yet to be implemented in legislation, with continued concerns for media freedom and political interference in public media and for the fight against organised crime. A state of impunity persists with <u>no convictions in cases of high-level</u> corruption. Greater independence and resourcing of the Maltese justice system is needed to uphold the rule of law.

Austria (71), a <u>country to watch in 2021</u>, has lost ground on the CPI after a period of political turbulence and <u>rule of law challenges</u>. The proposed amendments to the criminal law on corruption <u>address some systemic deficiencies</u>, including sanctioning the bribery of an electoral candidate even if they don't secure a win. The government also urgently needs to move ahead with reforms to increase lobbying transparency and freedom of information – where a lack of progress <u>was reportedly criticised</u> by the Council of Europe's anti-corruption monitoring body.

Country to watch: Hungary

After a decade of democratic backsliding and systemic deterioration of the rule of law at the hands of the ruling party, **Hungary** (42) finds itself at the very bottom of the 2022 CPI for Western Europe and EU. Evidence is mounting against political elites on their misuse of both state and EU funds. Following a recent agreement with the EU, conditions for the country to access \in 5.8 billion (US\$6.2 billion) in EU funds include institutional reforms to strengthen judicial independence and the fight against corruption. The larger part of EU funding – \in 6.3 billion (US\$6.7 billion) – has been suspended due to unacceptable corruption risks and ineffective prosecutorial action.

Now, the success of this belated but <u>promising conditionality mechanism</u> depends on the EU's willingness to compel Prime Minister Viktor Orbán's government to introduce meaningful reforms so that rule of law can be reinstated.

With <u>notable gaps in new rules</u> on conflicts of interest and asset disclosure, it is uncertain how effective these will be in a country where checks and balances have been meticulously dismantled. The measures proposed by the government are unfit to fully meet their aims – including to improve the transparency in public procurement – because key authorities remain untouched by reform. This casts doubt on the government's intention to enable independent oversight of public spending. An already missed opportunity to consult civil society and external experts has undermined confidence in the government's commitment to end systemic corruption. Political influence over authorities prevails, making the newly established Integrity Authority – along with its Anti-Corruption Task Force – <u>overly dependent on cooperation</u> with captured state institutions.