

Transparency International Anti-Corruption Helpdesk Answer

Anti-corruption agencies in Europe

Typology and case studies

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After their initial implementation in Asia in the 1950s, anti-corruption agencies (ACAs) have been adopted by many countries as key pillars of their national anti-corruption framework. Following an initial concentration in the developing world, often at the encouragement of international organisations and donors, they have also become more common in Europe since the 1990s. Despite this growth in popularity and visibility, evidence of their impact is mixed, with a number of evaluations of their performance being rather sobering.

Such comparative assessments are complicated by a dearth of indicators and common reference frameworks. In addition, there is a continued lack of clarity in terms of what exactly constitutes an ACA as ACAs today include a wide variety of agencies with very different mandates, rendering comparisons even more challenging. Nonetheless, in light of the continued faith placed in ACAs to curb corruption, it is instructive to consider the evidence in terms of what an ACA can be reasonably expected to accomplish, under which circumstances, and which type of ACA works best in a given context.

In Europe, the number of ACAs increased substantially when countries in (south) eastern Europe started establishing anti-corruption institutions as part of their political transition and EU accession. With few exceptions, western European countries have mostly opted to strengthen and specialise their existing law enforcement agencies rather than build new institutions, resulting in the predominance of a very different type of ACA.

This Helpdesk Answer gives an overview of the different types of agencies established, and of the factors contributing to their success. It then provides a typology of ACAs across Europe, and covers case studies from France, Latvia, Italy, Ukraine and the UK.

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Query

Please provide an overview of anti-corruption agencies in Europe. More specifically, we are interested in knowing which EU countries have specialised anti-corruption agencies, typologies of existing agencies according to form, and good practice examples

Contents

1. Introduction
2. Background
3. Building effective ACAs
4. ACAs in Europe
5. Conclusion
6. Case studies
7. References

Introduction

Anti-corruption agencies (ACAs) are permanent and specialised agencies, established with the express purpose to prevent and/or counter corruption, and have been around for decades (de Jaegere 2012; de Sousa 2009; OECD 2008). They generally attempt to tackle the complex issue of corruption through varying combinations of activities related to prevention, education, investigation and/or prosecution.

The precise number of ACAs globally is hard to quantify as different organisations use different definitions, and there is a lack of comprehensive databases. Nonetheless, [a recent survey](#) undertaken by the Agence Française Anticorruption, together with the OECD and GRECO, yielded responses from 171 ACAs spread across 114 countries, giving an insight into how widespread these bodies are (AFA et al. 2020).

Main points

- To be effective, ACAs require operational independence, adequate resources, accountability and clear mandates.
- In western Europe, law enforcement type agencies are most common, while a larger number of multi-purpose and preventive ACAs are to be found in (south) eastern Europe.
- Independent of the type of agency, domestic inter-agency cooperation and international collaboration should be increased for greater ACA success.
- Successful ACAs of all types have been established across Europe, but challenges remain in effective coordination, independence and sustaining operations.

After initial optimism about the potential impact of ACAs, following early successes in Singapore and Hong Kong, the early 2000s saw a mounting body of studies indicating that the majority of ACAs had been largely ineffective (de Sousa 2009; Johnsøn et al. 2012; Mungiu-Pippidi 2011; UNDP 2005).

Many of these studies identified external factors as culpable for the failure of ACAs (such as a lack of

political will, inadequate rule of law and insufficient resources), rather than the institutional design or logic of the ACA model. However, most of the existing comparative literature on ACAs was built on qualitative case studies, allowing for very little comparison. Furthermore, even where comparative studies do exist, these have largely been conducted in developing countries where the establishment of ACAs has largely been driven by donors and international organisations (Johnsøn et al. 2012; Mungiu-Pippidi 2011; Transparency International 2017). The kind of implementation challenges encountered here may be significantly different to those faced in Europe.

In light of the spread of ACAs across the globe on one hand and the absence of a common framework on the other, the 2000s saw the establishment of principles aiming to set out standards for the successful implementation of ACAs. Most notably, in 2012, [the Jakarta Statement on Principles for Anti-Corruption Agencies](#) were published. That same year also saw the publication of de Jaegere's [Principles for Anti-Corruption Agencies](#) (De Jaegere 2012), while the European Partners Against Corruption (EPAC) [Anti-Corruption Authority \(ACA\) Standards](#) had been adopted the year before (EPAC 2012). These newly established principles and standards were meant to provide better universal guidelines to assess ACAs' effectiveness. As yet, however, these efforts have not resulted in a significant increase in comparative studies on the successes and failures of anti-corruption agencies.

There is still both a lack of clarity as to what constitutes an ACA, as well as missing parameters as to when and how these agencies can serve as successful tools to curb corruption.

This question is particularly salient in Europe, where ACAs rose to prominence comparatively late. Europe saw a spike in the rate of ACA establishment in the 1990s when, largely at the behest of the European Union and international organisations, countries in eastern and south-eastern Europe established ACAs to reform their

anti-corruption frameworks in the context of their accession to the EU. In western Europe, the issue of tackling corruption through legal and institutional reform also gained prominence in the 1990s.

However, because most of the countries in western Europe considered their existing institutions generally effective, most have opted to specialise and build the capacity of existing law enforcement agencies, rather than building new institutions.

Consequently, the current picture in Europe is that of a wide diversity in terms of ACAs and ACA-type agencies, which often possess vastly different powers and mandates in different countries.

This Helpdesk Answer aims to help fill that gap by looking at what ACAs are, what forms they take and what can make them successful. A typology of ACAs currently established in Europe is provided and country case studies are discussed for France, Latvia, Ukraine, UK and Italy to showcase good practice and provide an overview of the predominant forms of agencies across Europe.

Background

Anti-corruption efforts in the decades since 1990 have demonstrated that measures to counter corruption cannot be won through legal reform alone. [According to the OECD \(2008. 17\)](#), corruption signifies "a failure of public institutions and good governance" and as such, curbing it would require institutional and legal reforms, as well as an assurance that reform efforts are "implemented and monitored through specialised bodies and/or personnel with adequate powers, resources and training".

Some of the most common specialised bodies are anti-corruption agencies (ACAs) (also referred to as anti-corruption authorities or anti-corruption commissions).

ACAs are publicly funded agencies, setup for a long-term duration, whose sole task is to counter corruption. The [Agence Française Anticorruption defines](#) ACAs as "public bodies with a specific mandate to combat and prevent corruption" (AFA

et al. 2020: 2). Similarly, [USAID defines](#) them as “a separate, permanent government agency whose primary function is to provide centralized leadership in core areas of anti-corruption activity” (USAID 2006: 2).

Tasked with preventing, investigating and/or prosecuting corruption, ACAs can have different degrees of power and scope of mandate. In their various forms, the number of ACAs has risen sharply in recent decades.

The rise of ACAs

The first commonly cited example of an ACA is the [Singaporean Corrupt Practices Investigation Bureau](#), established in 1952, which was followed in Malaysia in 1959 and Hong Kong in 1974. The concept was initially somewhat slow to catch on, and by 1990 there were still fewer than 20 ACAs worldwide. Yet over the past three decades, almost all countries in the world have established one or more ACAs or ACA-type agencies (AFA et al. 2020; de Jaegere 2012; de Sousa 2009; Wickberg 2013).

This rise is, in part, due to the fact that several global and regional anti-corruption instruments have required or encouraged the establishment of designated agencies to prevent, detect and generally curb corruption. This includes [relevant provisions in the UNCAC](#), requiring the existence of preventive anti-corruption agencies (Article 6) and agencies countering corruption (Article 36). Similar provisions can be found in the [Council of Europe's Criminal Law Convention on Corruption](#) (Article 20) and other regional instruments.

Consequently, ACAs have been endorsed as a promising approach to counter corruption by international organisations, financial institutions, donor agencies and civil society organisations (de Sousa 2009). According to de Jaegere (2012: 80), ACAs have been seen by many as a “panacea for corruption”. And Wickberg (2013: 1) similarly notes that they are often considered to be the “ultimate response to corruption”. Likewise, Transparency International (2017: 3) has noted that an

“autonomous and well-functioning anti-corruption body is a fundamental pillar of the national integrity system of any country committed to preventing corruption”.

Because the establishment of ACAs became a popular policy among donors, international organisations and development practitioners, ACAs were initially largely concentrated in the Global South (de Sousa 2009; Johnsøn et al. 2012; Mungiu-Pippidi 2011; Schöberlein 2019a; USAID 2006).

Yet with increasing sophistication of the anti-corruption debate in the 1990s and the mounting realisation that corruption was by no means only a concern in developing countries, ACAs have spread in Europe and other countries in the Global North (de Sousa 2009).

A picture of mixed success

Considering the popularity of ACAs, it is perhaps surprising that, despite some individual success stories, wider reviews of ACAs have largely resulted in a sobering picture (de Jaegere 2012; Johnsøn et al 2012; Mungiu-Pippidi 2011; USAID 2006).

Considering the large number of ACAs and the growing numbers of reports of their challenges, comparative studies and comprehensive evaluations of ACAs are relatively scarce or, where they exist, not very recent (AFA et al. 2020).

[Transparency International \(2017\) has undertaken a comparative evaluation](#) of ACAs in Asia Pacific. Such rare examples notwithstanding, most existing evaluations of ACAs have largely revolved around case studies, allowing for only limited comparability.

In addition, the comparative studies that do exist have largely painted a negative picture. According to de Jaegere (2012), most ACAs varied in degree of success between “mediocre and faltering”. Worse still, there have been a number of instances where ACAs did not only fail but were actively harmful due to the politicisation of their functions, such as where these agencies have been instrumentalised by the executive to persecute political opponents. A

comparative study by Jon Quah (2011) concluded that 8 out of 10 ACAs in Asia have been unsuccessful in curbing corruption (with Hong Kong and Singapore being the only exceptions). Similarly, a study spearheaded by [Mungiu-Pippidi for NORAD](#), evaluating different attempts at fostering anti-corruption as part of development programmes, found “no impact of anti-corruption agencies” (Mungiu-Pippidi 2011. XV).

The [OECD \(2008:12\)](#) notes that “while the number of anti-corruption institutions worldwide is growing, a review of these institutions indicates more failures than successes”. A report of the [UNDP \(2005:5\)](#) gave a similarly bleak overall assessment of ACAs, stating that “several countries have opted for or are currently considering creating an independent commission or agency charged with the overall responsibility of combating corruption. However, the creation of such an institution is not a panacea to the scourge of corruption. There are actually very few examples of successful independent anti-corruption commissions/agencies”.

Notably though, comparative studies of ACAs have largely looked at agencies established in developing countries, often implemented in response to donor pressure (Johnsøn et al. 2012; Mungiu-Pippidi 2011; USAID 2006). This may be crucial, because the available evidence suggests that ACAs on their own are unlikely to have any positive effect in otherwise challenging environments where parts of the state have been captured and the rule of law does not function effectively. In this vein, [de Sousa \(2009\) has argued](#) that ACAs are often established in contexts that are particularly disadvantageous to their success, such as in response to a corruption crisis or in a context where the traditional institutions tasked with countering corruption were ineffective or complicit.

To the extent that an agreement can be distilled from the available literature, it appears that ACA failure is largely due to external factors and issues regarding their implementation rather than the

inadequacy of the model itself. Extraneous factors commonly cited for the failure of ACAs include poor governance and low rule of law, low political will and/or high levels of political interference, absence of accountability, a weak judiciary and high levels of corruption in the operating environment (de Sousa 2009; Johnsøn et al. 2012; Schöberlein 2019a).

The commonly identified reasons for ACA failure unfortunately suggest that these institutions tend to fail mostly in contexts where they are most needed.

Starting in the 2000s, this realisation has led to a greater focus on adequately classifying ACAs based on their mandates and purpose, as well as determining indicators and prerequisites for their success.

Building effective ACAs

The [OECD's 2008 publication Specialised Anti-Corruption Institutions – Review of Models](#) (a second edition of which was published in 2013), provides maybe the most comprehensive attempt to establish typologies and classify ACAs based on their different mandates. Shortly afterwards, the Jakarta Principles and EPAC Standards mentioned above provided some of the first attempts to establish the conditions for the successful implementation, and operation, of ACAs.

The following section looks in greater detail at the common roles and functions attributed to ACAs, as well as introducing a typology of agencies. The second part of this section looks at prerequisites for their successful design and operation.

Roles of ACAs

As designated agencies to counter corruption, ACAs are commonly tasked with a wide array of responsibilities related to preventing and/or detecting corruption. This can include investigation and prosecution functions, education and awareness-raising activities, enabling citizens to report on corruption, monitoring the conduct of

public officials and other state agencies, research, policy development, and the coordination of national anti-corruption efforts (Bosso 2015 and OECD 2008).

The UNCAC mandates that member states introduce a body or bodies to prevent corruption (Article 6), as well as a body or bodies to counter corruption through law enforcement (Article 36). Other international conventions have enshrined similar requirements. However, the UNCAC does not require the implementation of a single entity to cover all relevant functions. States may choose a single-agency approach or split responsibility for different functions among several institutions, so long as all relevant aspects of corruption prevention, detection, and prosecution are considered. In breaking down these responsibilities, [the OECD \(2008\) identifies](#) the following multi-disciplinary functions that a system should address:

- policy development, research and coordination to assess existing anti-corruption measures, reform policy, coordinate anti-corruption strategies and collaborate with other (international) stakeholders
- prevention of corruption in power structures by promoting integrity in public service. This can include enforcing conflict of interest provisions, managing asset declarations, monitoring the conduct of public officials or entities, enforcing disciplinary measures for violations, implementing public procurement measures and others.
- education and awareness raising of the general public, civil society, academia, media, private sector and other relevant stakeholders through campaigns, training course, or other forms of information dissemination
- investigation and prosecution of (suspected) cases of corruption, including evidence gathering, inter-agency cooperation and the adequate

enforcement of administrative and criminal sanctions

Common preventive functions

A majority (89 per cent) of ACAs that took part in a [survey conducted by AFA, OECD and GRECO in 2020](#) (AFA et al. 2020) said they were tasked with designing and implementing national anti-corruption strategies, either as process leads or as supporters of a national anti-corruption strategy, led by a separate task force or coordinating body.

Three-quarters of respondents said that establishing a code of conduct was mandatory in their countries, especially for the public sector, in line with Article 8 of UNCAC. Yet only in a minority of cases were codes of conduct mandatory for the private sector. Fewer respondents, but still a majority of respondents, indicated that risk mappings were mandatory in their countries, but again mostly for public sector stakeholders. The lower prevalence of risk mappings relative to codes of conduct suggests that the latter may often not be based on a prior identification of risks.

Other preventive responsibilities given to ACAs include technical guidance, policy reform and recommendations, conducting research and surveys, running public campaigns, providing training courses for public servants, and translating international standards or conventions into national practice (AFA et al. 2020; OECD 2008; USAID 2006; Wickberg 2013).

Common reactive functions

Reactive functions relate mostly to investigations and prosecution as well as monitoring functions. However, prosecutorial powers are rare among ACAs in Europe and, where they exist, are restricted to administrative fines and usually narrow in scope.

Almost two-thirds (63 per cent or 108 entities) of the ACAs that took part in the survey conducted by AFA, OECD and GRECO responded that they were authorised to carry out investigations and/or criminal proceedings into allegations of corruption; generally into allegations against natural persons,

although some (79) were also authorised to investigate legal persons. A minority of respondents (48 per cent) had sanctioning powers. Where ACAs had the remit to sanction, these penalties were largely administrative in nature. A minority of responding ACAs (39 per cent) indicated that they were responsible for managing the asset and/or interest declarations of public officials.

Other reactive responsibilities include receiving and responding to complaints, gathering intelligence, issuing administrative orders and monitoring other public sector agencies (AFA et al. 2020; OECD 2008; USAID 2006; Wickberg 2013).

Typology and structure of ACAs

Although ACAs have a long history of implementation, a comprehensive attempt at categorising them was not attempted until 2008, when the [OECD published a typology of models for specialised anti-corruption institutions](#) (OECD 2008).

The extent to which a given entity will fulfil all or only some of the functions described above depends on whether a country adopts a single-agency approach or whether different functions are spread across different entities, and how wide a jurisdiction and mandate these agencies are equipped with.

Based on their most common manifestations, the OECD (2008) divides ACAs in three broad categories:

1. Multi-purpose agencies with law enforcement powers

The multi-purpose agency is probably the most common setup where a country opts for the single-agency approach. Multi-purpose agencies have both a preventive and investigative role. Yet, while the OECD classifies these agencies as also having enforcement powers, this is actually true for very few ACAs. Most often, prosecution

remains a separate function. The early ACAs in [Hong Kong](#) and [Singapore](#) are commonly cited examples of a multi-purpose agency approach.

2. Law enforcement type agencies

Law enforcement type agencies have a much narrower scope. Their role is either limited to investigation or combines investigation and prosecution, but will not typically include a significant preventive role. As such, these agencies are generally not independent agencies but rather form part of a specialised police force or prosecution office. This is the model most dominant in western Europe.

3. Preventive, policy development and coordinating institutions

Lastly, some ACAs focus largely on prevention (for example, awareness raising, education, policy analysis). If they exist, they are also often involved in the development of a country's national anti-corruption strategy or action plan. Investigation and prosecution of (suspected) cases of corruption in these settings is left to the prosecutor, a specialised police department and/or a second ACA if a multi-agency approach is chosen. While such agencies do not have investigatory or law enforcement powers, they may be given certain monitoring and oversight tasks, such as managing asset declarations.

Pros and cons of different ACA models

[The AFA, OECD and GRECO survey](#) (AFA et al. 2020) found that, most commonly, a single entity is responsible for countering corruption. This single authority is usually given both preventive and investigative powers, and sometimes prosecutorial power. In the majority of cases, this body is also responsible for developing national anti-corruption strategies.

Yet, while multi-purpose agencies have garnered the most attention and visibility, they may not always be the most appropriate model in a given

context. The pros and cons of a single-agency approach versus a multi-agency approach (or an approach using no traditional ACAs at all) is ongoing and, as of yet, unresolved.

The arguments in favour and against the establishment of a dedicated, multi-purpose agency can be summarised as follows (Bosso 2015; de Jaegere 2012; Jenkins 2019; OECD 2008; UNDP 2005; Zinnbauer & Kukutscha 2017)

Advantages:

- sends a strong signal of commitment to counter corruption (and can indicate a fresh start if needed)
- can provide a high degree of specialisation and competency in a crucial area and pool experts in one location
- the ACA's independence (both from other agencies and from government) ideally allows it to investigate corruption in a way fewer independent organisations will not be able to do
- reduces the risk of overlapping mandates and conflicts about responsibilities between agencies
- resolves coordination problems among multiple agencies through vertical integration
- can enjoy a larger degree of public support than a more conventional law enforcement agency
- centralises information and intelligence
- its visibility can allow for greater accountability and scrutiny
- provides an additional level of oversight over other existing agencies
- its potentially greater independence and authority can allow for a greater ability to coordinate national anti-corruption efforts at a high level

Disadvantages:

- a new agency may divert attention and resources from existing institutions

- adding an additional entity will likely increase administrative costs
- the variety of functions a multi-purpose agency would be required to fulfil may overwhelm a single agency, lead to inefficiencies, or to some functions being prioritised over others
- adding an additional layer to a system that is already not performing well runs the danger of making bureaucratic challenges worse not better
- adding an additional layer to a system that is otherwise working may introduce unnecessary bureaucratic challenges
- jurisdictional overlap, rivalries and turf wars with existing entities (for example, police, prosecution, auditors) can hamper an ACA's effectiveness

Additionally, the question of whether or not investigative and enforcement [powers should be given to a single entity](#) has been widely debated (Messick 2015). It has been argued that giving investigative entities enforcement powers increases the risk of confirmation bias, meaning that agencies that have spent substantial time and resources investigating a case will be unable to objectively prosecute it.

On the other hand, ACAs with enforcement powers would arguably be more effective in enforcing laws as they do not depend on a separate law enforcement entity to prosecute. This argument is likely to hold more weight in countries where law enforcement agencies are considered weak or compromised or have had a history of being unwilling to prosecute corruption cases. In Europe, even the law enforcement type agencies do not commonly hold prosecutorial powers but rather cooperate with (sometimes specialised) offices of the general prosecutor to take "their" cases to trial.

According to the OECD (2008) and UNDP (2005), the most appropriate structure cannot be determined as a blueprint, and attempts to replicate successful multi-purpose agencies elsewhere have often failed. This led to the OECD

to proclaim that “any new institution needs to be adjusted to the specific national context taking into account the varying cultural, legal and administrative circumstances” (OECD 2008. 11).

When assessing whether or not a country would benefit from the establishment of an (new) ACA, the following factors should be considered (OECD 2008):

- Estimated level of corruption in the country: this is a factor on both ends of the spectrum. Very low levels of corruption and an adequate existing response may not warrant the establishment of a new strong multi-purpose agency. On the other hand, very high levels of endemic corruption are likely to overwhelm a single agency if established in isolation.
- Integrity, competency and capacity of existing institutions: a new ACA is commonly established to fill gaps in existing institutions or to coordinate efforts in an ineffective system. Therefore, the extent to which a new entity would be useful to achieve this depends on the degree to which the present system is considered insufficient.
- Existing legal frameworks and criminal justice system: this is especially true if a new ACA is expected to receive investigatory and prosecutorial competencies.
- Available financial resources: establishing a new ACA can be costly, so it needs to be ensured that funding is available in the long-term (without taking resources away from other entities that are presently working well).

Principles for effective ACAs

The inadequacy or failure of many ACAs notwithstanding, how well an ACA will be able to

carry out its tasks will depend on a variety of factors.

As discussed above, many ACAs fail due to inadequacies in their operating environment. Yet ACAs can also fail due to shortcomings in institutional design and set up.

While ACAs have been established since the 1950s, up until the 2000s there was a notable lack of guidelines, performance indicators, or monitoring and evaluation standards (de Sousa 2009 and Transparency International 2017).

[The Jakarta Statement on Principles for Anti-Corruption Agencies \(2012\)](#), de Jaegere's (2012) [Principles for Anti-Corruption Agencies](#) and EPAC (2012) r [Anti-Corruption Authority Standards](#) provide a common set of principles that, irrespective of the final structure of an ACA, would ensure the agency's independence and effectiveness, if followed.

The following is a condensed summary of these principles:

Independence and absence of undue political interference

De Jaegere (2012) focuses on “operational independence” as the key factor in ensuring the effectiveness and success of ACAs. The importance of independence and an absence of political interference is also highlighted by [the Jakarta Statement on Principles for Anti-Corruption Agencies](#), EPAC (2012) and the OECD (2008). Particularly because at least one of the culpable parties in a corrupt transaction is usually a government official (often high-ranking), in contexts where ACAs lack independence and where government interference is high, ACAs are unlikely to be able to effectively fulfil their mandate.

[UNCAC](#)'s Article 6 also acknowledges the importance of independence, for ACAs to carry out their functions “effectively and free from any undue influence”.

Other regional anti-corruption instruments, such as the Council of Europe's Twenty Guiding Principles

for the Fight Against Corruption, the Economic Community of West African States Protocol on the Fight Against Corruption and the Anti-Corruption Action Plan for Asia and the Pacific under the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, similarly stress the importance of independence and absence of undue influence (de Jaegere 2012).

The best way to ensure the independence of an ACA depends on the type of ACA in question. Multi-purpose agencies require the highest level of organisational and institutional independence and are ideally situated outside of existing structures (de Jaegere 2012; de Sousa 2009; OECD 2008). The same will often not be possible for law enforcement type ACAs that are situated within the police force or prosecution department. To prevent the risk of political interference, such agencies need to carefully craft independent structures to the extent that the system allows (OECD 2008).

Independence has several facets including political independence, functional and operational independence, and financial independence (EPAC 2012).

The remaining principles laid out below will further contribute to the design of an entity that is “structurally and operationally independent” and free from undue interference (de Jaegere 2012; OECD 2008; Wickberg 2013).

Clear yet broad mandates

The mandate of an ACA will depend on the type of ACA chosen and what functions it is expected to fulfil.

Regardless of whether one or several agencies are chosen to fulfil the different functions, a clear legal basis and specific mandate are paramount to ensure awareness within the ACA and among the general public as to what the agency's powers are (EPAC 2012 and OECD 2008). According to de Jaegere (2012), it would be ideal to enshrine the ACAs mandate in law (as opposed to a decree or other executive order) to ensure permanence and make it harder for later governments to overturn.

It is further paramount that the ACA is given the necessary powers to fulfil its role (OECD 2008). This is especially relevant where the ACA holds investigative and/or prosecutorial functions. This includes investigative capacities and the means for gathering evidence, including the ability to conduct covert surveillance, intercept communication, conduct undercover investigations, access and monitor relevant financial data and transactions, and protect witnesses.

Appointment, dismissal and accountability of ACA staff

ACA heads should be “consensus figures” and should not be perceived as partisan. To that end, [Wickberg \(2013, 3\)](#) notes that “heads of anti-corruption commissions should be appointed through a process that ensures her/his independence, impartiality, neutrality, integrity, apolitical stance and competence”. The OECD (2008) likewise notes the importance of transparent and consensus-based procedures for the appointment and removal of ACA directors to ensure their independence.

As such, it is crucial that appointments at the highest level of an ACA are undertaken with the involvement of parliament (and ideally both governing and opposition parties). Similarly, to dismiss the head of the ACA, a two-thirds or otherwise special majority of parliament should be required as a measure to protect the head of the ACA from governmental interference. Dismissal authority should not lie with the executive alone, and regulations regarding the dismissal of ACA heads should be codified in law. If an ACA head were to be dismissed or otherwise left office, clear interim succession rules from within the ACA should be established so as not to paralyse the organisation in the absence of leadership (de Jaegere 2012 and Wickberg 2013).

In terms of mid- and lower-level staff, the ACA should have discretion over the remuneration of staff and have authority over recruitment and dismissal with limited influence from the standard public service processes. This is paramount to

ensure the attraction and retention of competent and motivated staff with the required specialised competencies. A strong code of conduct and other measures to ensure staff compliance with ethical and professional standards should be established to ensure the ethical conduct of ACA staff and to avoid misconduct (de Jaegere 2012; EPAC 2012; Wickberg 2013).

Specialisation of staff is also paramount, both in dedicated ACAs as well as in instances where existing agencies are given new powers. To ensure ACA staff is adequately equipped with the needed skills and specialised knowledge, [the OECD \(2008\) has listed](#) professional training as “one of the most crucial requirements for the successful operation of an anti-corruption body”.

Adequate resources and budgetary independence

Adequate resources, both in terms of budget and personnel, are paramount for the effective operation of an ACA (de Jaegere 2012 and OECD 2008). This is why the UNCAC, like other international conventions, mentions the need for the adequate resourcing and staffing of ACAs to carry out their functions.

The ability to provide adequate resources will depend on a country's financial capacities. Nonetheless, according to Wickberg (2013, 4) “ACAs must receive timely, planned, reliable and adequate funding for gradual capacity development and improvement of the commission's operations”. Additionally, “anti-corruption commissions need to have full management rights and control over their budget, without prejudice to the appropriate accounting standards and auditing requirements”.

De Jaegere (2012, 101) also notes the importance of not only the amount of funds but of budgetary independence and an annual budget guarantee “to protect the ACA against the arbitrary downsizing of the budget by the executive”. While, [according to the OECD \(2008\)](#), complete budget independence is likely not achievable (at the very least budgets

will require parliamentary and/or government approval), sustainable funding needs to be secured and executive discretion should be reduced.

Collaboration and coordination

ACAs cannot work effectively in isolation (de Sousa 2009; OECD 2008; Wickberg 2013). It is thus paramount that they establish working relationships with other relevant state agencies and cooperate with civil society and the private sector. This is especially true were ACAs depend on other agencies for investigation and prosecution. So while inter-agency cooperation is always crucial, it is of particular importance where countries have opted for a multi-agency approach or where the institutional framework had a high level of fragmentation to begin with (Jenkins 2019 and Zinnbauer & Kukutschka 2017). Beyond cooperation with other public agencies, engagement with civil society and private sector stakeholders is likewise crucial to ensure public support of the ACA.

International cooperation can support both peer learning and coordination of transnational cases, but according to Zubek (2020) this is made difficult by the fact that [comprehensive information on different ACAs around the world is largely lacking](#). In light of this, the recent [AFA, GRECO, and OECD survey](#) (AFA et al. 2020) of international ACA representatives to map existing stakeholders and obtain a better understanding of their mandates and activities is useful.

International ACA networks are of particular importance in this regard as they help facilitate peer learning, share information and coordinate investigations. Examples of this include the [International Association of Anti-Corruption Authorities](#) (IAACA), and the [European Partners Against Corruption](#) (EPAC). While many regional and international networks of anti-corruption authorities have been established in recent years, [according to Schütte \(2020\)](#), many appear to struggle to sustain activities, provide little

information to the public, or even appear largely inactive.

Accountability and external reporting

Independence should not mean a lack of accountability, and it is crucial that ACAs adhere to the principles of the rule of law and human rights, as well as submitting regular reports to the relevant executive and legislative bodies.

According to Wickberg (2013: 5), “accountability of ACAs is crucial to ensure their credibility and to build public trust. Anti-corruption commissions should have clear and standard operating procedures, including monitoring and disciplinary mechanisms, to reduce the risks of misconduct and abuse of power in the commissions”. The UNDP (2005) notes that internal checks and balances, for example, through the establishment of multi-stakeholder advisory committees, are crucial in this regard.

As part of their accountability, it is important that ACAs report to the public, in addition to other oversight stakeholders. De Jaegere (2012) recommends that ACAs report on their activities at least annually and preferably publicly, in addition to reporting to parliament. This will increase an agency's accountability and credibility and is likely to increase public confidence in the institution.

EPAC (2012) also emphasises that ACAs should be publicly accessible and engage with citizens, particularly to enable citizens to engage with the agency and report complaints.

To summarise, ACAs tend to be more successful when they:

- have high levels of independence (including budgetary independence)
- are backed by political will
- have strong internal controls and accountability mechanisms
- have sufficient resources
- are able to establish strong alliances with relevant stakeholders

- enjoy the support of relevant stakeholders as well as the public

ACAs in Europe

Most countries in Europe now have some form of agency, or agencies, responsible for different aspects of countering corruption. Yet the specific mandates and responsibilities of ACAs vary significantly across Europe, with some being largely law enforcement units, while others hold preventive as well as investigative responsibilities, and yet others have a preventive or educational mandates only.

More “typical” ACAs, with a wider set of responsibilities spanning prevention and investigation, appear to be mostly concentrated in eastern and south-eastern Europe. This is partly due to the fact that countries in the region have largely implemented reform strategies and institution building in the course of their democratic transitions and accession process to the European Union. In most of western Europe, under the assumption that their institutions were generally well-functioning and adequate, and raising awareness or educating about corruption was not considered a priority, countries largely opted for building specialised anti-corruption capacities within existing law enforcement entities instead of creating new institutions (AFA et al. 2020; de Sousa 2009; OECD 2008).

Challenges in defining ACAs

The wide spectrum of ACAs and ACA-type agencies, and the predominance of law enforcement type agencies in western Europe, can blur the boundaries between ACAs and other types of institutions involved in countering corruption.

[De Sousa \(2009\)](#) has compiled a series of prerequisites from across the relevant literature that is meant to distinguish ACAs from other institutions. These include:

- distinctiveness (in relation to other state

agencies)

- the development (and implementation) of “preventive and/or repressive dimension of control”
- durability (in that the agency needs to be set up to be long-term or permanent)
- powers to centralise information
- articulation, formulation or design of measures to be undertaken by other agencies or stakeholders
- knowledge production and transfer
- rule of law (internal checks and balances as well as external accountability)
- accessibility to (and knowledge among) the wider public

However, de Sousa acknowledges that most agencies commonly labelled as ACAs do not fulfil all of these prerequisites. Especially in Europe, most agencies have either a repressive or a preventive dimension of control, but rarely both.

Furthermore, as discussed above, a key criterion for effective ACAs by many is considered to be independence. For “conventional” ACAs, maximum independence is assumed if the agency reports to parliament and if it has a high degree of operational and budgetary independence and assurance. However, for the law enforcement type agencies of western Europe, such a degree of independence is generally not existent (or feasible) as they are usually part of the prosecutorial or police structure and fall under that hierarchy. This also means that the agency directors are commonly government or internally appointed (and removable). While safeguards against political interference should be (and often are) introduced in such agencies, it is unlikely that they would have the level of independence envisioned for “traditional” ACAs. In terms of accountability and transparency, these agencies would commonly (or ideally) have strong internal accountability mechanisms, but the extent to which they would report to the public or be publicly accountable can be much more limited than in traditional ACAs.

Challenges in categorising ACAs

Even once an agency is classified as an ACA, its attribution to one of the three categories as established by the OECD is not always clear-cut.

Some law enforcement agencies for example, occasionally undertake educational or awareness-raising work (such as [Norway's ØKOKRIM](#)). And [Ukraine's NABU](#), while listed below as a law enforcement agency and primarily responsible for investigation, it conducts extensive preventive work and has a level of independence and civilian oversight that is unusual for a law enforcement body. Other law enforcement type agencies (such as those in Belgium and Spain) appear to be much more conventional police or prosecution units to the extent that labelling them ACAs is debatable. However, to provide a comprehensive picture of agencies operating in Europe, these and others modelled like them are included in the table below.

At the other end of the spectrum, some preventive and coordinating ACAs, like Italy's ANAC, have the ability to apply minimal administrative sanctions, even though they have no dedicated investigative role (ANAC 2019).

Due to this lack of clarity in classification, the few available lists of ACAs in Europe (through [GRECO](#) and the [Anti-Corruption Authorities Initiative](#)) do not produce a comprehensive or coherent picture. For the table below, both these lists as well as reports by [EPAC](#) (2008) and the [OECD](#) (2008), plus additional research on the individual agencies were used to produce as concise a picture as possible.

As noted above, the original OECD typology classifies ACAs as multi-purpose agencies if they have preventive and law enforcement powers. However, this combination is rare and largely non-existent in Europe. The European agencies that do have both preventive and law enforcement powers have the latter mostly in select administrative matters. However, the category of multi-purpose agency is still useful to distinguish purely preventive and educational agencies from those that have investigative powers and are able to

apply administrative penalties. Thus for the purpose of the table below, the category was kept but broadened to cover agencies with a combination of preventive and investigative responsibilities and (optional) enforcement powers.

Typology of ACAs in Europe

	Multi-Purpose agencies (preventive AND investigative powers, most with some enforcement/sanctioning power)	Law enforcement type agencies (largely investigative and pre-trial functions)	Preventive, policy development and coordinating institutions (largely preventive and/or monitoring role)
Independent agencies	<p>Latvia</p> <p>Corruption Prevention and Combating Bureau (<i>Korupcijas Novēršanas un Apkarošanas Birojs</i>, KNAB) https://www.knab.gov.lv/lv/</p> <p>Structure: independent (under the prime minister's supervision but not direction; accountable to parliament)</p> <p>Who can appoint/remove the ACA head: parliament</p> <p>Budgetary independence: Yes</p>	<p>Ukraine</p> <p>National Anti-Corruption Bureau of Ukraine <i>(Національного антикорупційного бюро України, NABU)</i></p> <p>https://nabu.gov.ua/en</p> <p>Structure: NABU reports to a parliamentary committee. A civil oversight council monitors its activities.</p> <p>Who can appoint/remove the ACA head: the director is appointed by the president, after an open competition supervised by a civil oversight council. Dismissal only in limited cases and on serious grounds,</p> <p>Budgetary independence: N/A</p> <p>Note: while the NABU's main role is to investigate and prepare cases for prosecution, it undertakes substantial preventive activities</p> <p>The Ukraine also has a preventive ACA, the National Agency on Corruption Prevention (NACP).</p>	<p>Bosnia and Herzegovina</p> <p>Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (<i>Agencija za prevenciju korupcije i koordinaciju borbe protiv korupcije</i>) http://apik.ba/</p> <p>Structure: independent (reports to parliament)</p> <p>Who can appoint/remove the ACA head: parliament</p> <p>Budgetary independence: yes</p>
	<p>Lithuania</p> <p>Special Investigation Service of the Republic of Lithuania (<i>Specialiųjų tyrimų tarnyba</i>, STT) https://www.stt.lt/en</p> <p>Structure: independent (accountable to president and parliament)</p> <p>Who can appoint/remove the ACA head:</p>		<p>Italy</p> <p>National Anticorruption Authority (<i>Autorità Nazionale Anticorruzione</i>, ANAC) https://www.anticorruzione.it</p> <p>Structure: independent (reports to parliament)</p> <p>Who can appoint/remove the ACA head: appointed by a two-thirds majority in a</p>

	<p>president, with parliamentary approval Budgetary independence: yes</p>		<p>parliamentary commission and approved by the council of ministers. Fixed term limit, non-renewable. Cannot be removed from office. Budgetary independence: yes</p> <p>Note: ANAC plays no investigative role, but as part of its oversight functions can apply administrative sanctions for very select matters.</p>
	<p>Slovenia Commission for the Prevention of Corruption (<i>Komisija za preprečevanje korupcije</i>, KPK) https://www.kpk-rs.si Structure: independent organisation (reports to parliament /supervised by a parliamentary commission) Who can appoint/remove the ACA head: appointed by the president (after an open recruitment procedure and nomination by an independent selection board). Removable by the president in cases of constitutional or legal breaches. Budgetary independence: yes Note: investigative power is limited and only in administrative matters (could also be categorised as a category III agency).</p>		<p>North Macedonia State Commission for Prevention of Corruption (<i>Државната комисија за спречување на корупција</i>, DKSК) https://dksk.mk/index.php?id=home Structure: independent (reports to parliament) Who can appoint/remove the ACA head: parliament Budgetary independence: N/A</p>
			<p>Moldova National Anti-Corruption Center (<i>Centrul Național Anticorupție</i>, CNA) http://www.cna.md Structure: independent (reports to parliament) Who can appoint/remove the ACA head: N/A Budgetary independence: N/A</p>

			Montenegro Agency for Prevention of Corruption (Agencije za sprječavanje korupcije, ACP) http://antikorupcija.me/en/ Structure: pendent Who can appoint/remove the ACA head: parliament Budgetary independence: N/A
			Kosovo Anti-Corruption Agency (Agjencia Kundër Korruptionit, AKK) https://www.akk-ks.org/en/ballina Structure: independent (reports to the national assembly) Who can appoint/remove the ACA head: parliament Budgetary independence: yes Note: the AKA has some limited authority to undertake preliminary investigations into administrative matters that are reported to them, before passing the matter on to prosecution.
			Serbia Anti-Corruption Agency (Агенција за борбу против корупције) http://www.acas.rs Structure: independent (accountable to the national assembly) Who can appoint/remove the ACA head: the board of the agency (which is voted for by the national assembly) Budgetary independence: no
Agencies	France	Austria	Greece

under government al or ministerial authority	<p>French Anti-Corruption Agency (Agence Française Anticorruption, AFA) https://www.agence-francaise-anticorruption.gouv.fr/fr</p> <p>Structure: under the ministries of justice and budget</p> <p>Who can appoint/remove the ACA head: appointed by the president (but not removable unless in clear breach)</p> <p>Budgetary independence: N/A</p> <p>Note: the AFA does not have a strong investigative function and has no prosecutorial powers. However, due to its strong monitoring role, involvement in court-ordered enforcement actions against private sector entities and ability to apply administrative sanctions, it is classified as a multi-purpose agency here. But could arguably also be classified as a strong category III agency.</p>	<p>Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung, BAK) https://www.bak.gv.at</p> <p>Structure: Within the ministry of interior</p> <p>Who can appoint/remove the ACA head: Minister of Interior (after consultation with the constitutional court, administrative court, and supreme court)</p> <p>Budgetary independence: yes</p> <p>Note: the focus of BAK is investigation and law enforcement, but it has increasingly been involved in preventive efforts. Based on activities undertaken, it may arguably be classified as a multi-purpose agency.</p>	<p>National Transparency Authority (ΕΘΝΙΚΗ ΑΡΧΗ ΔΙΑΦΑΝΕΙΑΣ (EAA)) https://aead.gr</p> <p>Structure: semi-independent (listed as an independent body, but directors are appointed by the president)</p> <p>Who can appoint/remove the ACA head: government/president</p> <p>Budgetary independence: N/A</p> <p>Note: the EAA was only recently established (late 2019) and limited information is so far available. While it is supposed to take a largely investigative role, it is unclear whether it will be given enforcement or sanctioning powers. Depending on how it will be implemented, a re-classification as a multi-purpose agency may be warranted.</p>
Poland	<p>Central Anti-Corruption Bureau (Centralne Biuro Antykorupcyjne, CBA) https://cba.gov.pl</p> <p>Structure: under the supervision of the prime minister</p> <p>Who can appoint/remove the ACA head: prime minister (after a consultation with the president, the special services committee, and the Parliamentary Committee for Special Services)</p> <p>Budgetary independence: N/A</p>		
Agencies under police or general prosecutor's		<p>Belgium</p> <p>Central Office for the Repression of Corruption (Office Central pour la Répression de la Corruption, OCRC)</p>	

authority		<p>Structure: within the federal police under the authority of the general commissariat of the judicial police</p> <p>Who can appoint/remove the ACA head: N/A</p> <p>Budgetary independence: N/A</p>	
		<p>Croatia</p> <p>Office for the Suppression of Corruption and Organised Crime (<i>Ured za suzbijanje korupcije i organiziranog kriminala, USKOK</i>)</p> <p>Structure: within the public prosecutor's office</p> <p>Who can appoint/remove the ACA head: public prosecutor general (after receiving opinion from the Ministry of Justice and state council of public prosecution)</p> <p>Budgetary independence: No</p>	
		<p>Norway</p> <p>National Authority for Investigation and Prosecution of Economic and Environmental Crime (<i>Den sentrale enhet for etterforskning og påtale av økonomisk kriminalitet og miljøkriminalitet, ØKOKRIM</i>)</p> <p>https://www.okokrim.no</p> <p>Structure: part of the national police directorate (in individual cases subject to the authority of the public prosecution service)</p> <p>Who can appoint/remove the ACA head: N/A</p> <p>Budgetary Independence: N/A</p>	
		<p>Portugal</p> <p>National Unit to Combat Corruption (<i>Unidade Nacional de Combate à Corrupção, UNCC</i>)</p> <p>https://www.policiajudiciaria.pt/unc/</p> <p>Structure: part of the national police</p> <p>Who can appoint/remove the ACA head: N/A</p> <p>Budgetary independence: N/A</p>	
		<p>Romania</p>	

		<p>National Anti-Corruption Directorate (<i>Directia Nationala Anticoruptie</i>, DNA) Structure: part of the prosecutor's office, attached to the high court of cassation and justice Who can appoint/remove the ACA head: president (at the proposal of the minister of justice and following an advisory note by the superior council of the magistracy) Budgetary independence: yes</p>	
		<p>Spain Special Prosecutors Office for the Repression of Corruption-Related Economic Offences (<i>Fiscalía Anticorrupción</i>, ACPO) Structure: within the state prosecution service Who can appoint/remove the ACA head: government, after suggestion from the prosecutor General Budgetary independence: N/A</p>	
		<p>Sweden National Anti-Corruption Unit https://www.aklagare.se/en/contact/public-prosecution-areas/national-public-prosecution-department/national-anti-corruption-unit/ Structure: sub-division of the public prosecution Who can appoint/remove the ACA head: N/A Budgetary independence: N/A</p>	
		<p>United Kingdom Serious Fraud Office (SFO) https://www.sfo.gov.uk Structure: semi-independent public institution under the oversight of the attorney general Who can appoint/remove the ACA head: attorney general Budgetary independence: see case study</p>	

Countries that do not appear in the table above, generally fall under one of two categories:

1. Countries that do not have a dedicated anti-corruption agency. This does not necessarily indicate an ineffective anti-corruption framework. Some countries in this group have low levels of corruption and/or have established a functioning anti-corruption framework by integrating relevant functions throughout their existing agencies: this includes [Estonia](#) (GRECO 2018a), [Germany](#) (GRECO 2015), [Luxembourg](#) (GRECO 2018d), [Netherlands](#) (GRECO 2018b), [Finland](#) (GRECO 2018c), [Denmark](#) (GRECO 2019a) and [Ireland](#). However, organisations such as GRECO have criticised other countries on this list for inefficiencies in how they counter corruption, including [Cyprus](#) (Financial Mirror 2019) and the [Czech Republic](#) (GRECO 2020).
2. Countries that do have a form of ACA or ACA-type agency but insufficient information was available as to its structure, operation and adequacy, making a useful categorisation impossible. This includes:
 - Bulgaria: according to the [European Union's Cooperation and Verification Mechanism \(CVM\)](#) (European Commission 2019), a new anti-corruption authority was established in Bulgaria in 2018. While the CVM notes the ACA establishment as an important step in the improvement of Bulgaria's anti-corruption framework, it also acknowledged that there was little public trust in institutions, and that the agency was faced with a vacant leadership challenge after its former head [had to resign in the face of a corruption scandal](#) (Reuters 2019). The agency and its [leadership](#) have faced repeated [criticism](#) (Dimitrov 2019 and Synovitz 2019), and limited information on its activities was available, making a classification impossible.
 - Hungary [has a specialised police subdivision](#), the NVSZ. However, it appears to be largely responsible for prevention and investigation within the police force. Additionally, the Corruption Prevention Department (Korrupciómegelőzési Főosztály) was reportedly established by NVSZ in 2014 to implement measures including strategic planning, coordination, awareness-raising and information campaigns. But no information was accessible in English beyond this, making classification impossible.
 - Malta: Malta's [Permanent Commission Against Corruption \(PCAC\)](#) is one of the oldest ACAs in Europe, having been established in 1988. According to the Ministry of Justice's website it is responsible for investigating cases of corruption in the public sector. However, very little information is otherwise available, and the agency appears largely inactive. Moreover, [GRECO's listing of national anti-corruption authorities](#) does not include an entry for Malta.
 - Slovak Republic: according to [GRECO's latest evaluation](#) of the country's anti-corruption framework (GRECO 2019b), a department for corruption prevention was established in 2017 as part of the government office, and tasked with drafting a new anti-corruption policy, as well as managing and coordinating the government's anti-corruption efforts. But no information was accessible in English beyond this, making it impossible to assess the level of activity and to what extent it could be classified as an ACA.

Case studies

The following section studies a few country examples in greater detail. These case studies highlight selected good practices from countries that have established successful ACAs. It is also

meant to provide snapshots of the very different types of ACAs common across Europe by introducing cases from all three categories that are illustrative of the different rationales for establishing ACAs.

France had been among the countries in Europe criticised for [the inadequacy of its anti-corruption framework](#) (Transparency International 2011) and [insufficient enforcement action](#) (Transparency International 2018). In response, a wide-ranging legal reform was introduced in 2016, which, among other changes, created the Agence Française Anti-Corruption ([AFA](#)). The AFA is classified as a multi-purpose agency here due to its strong monitoring role, involvement in court-ordered enforcement actions against private sector entities and ability to apply administrative sanctions. However, because it does not hold a strong investigative (or law enforcement) function, it could arguably also be classified as a strong preventive agency (category III).

Latvia's Corruption Prevention and Combating Bureau ([KNAB](#)) on the other hand, is a more clear-cut multi-purpose agency. Like many ACAs in eastern Europe, it was established in the process of Latvia's accession to the EU. It is often considered to be modelled after Hong Kong's [Independent Commission Against Corruption](#), and is one of the few examples where such an adaption of an early success model was itself deemed effective.

Ukraine and the UK both have established law enforcement type agencies common in Europe. Yet while both fall under this category, they also provide examples of how vastly such ACAs can differ in practice. The Ukraine's National Anti-Corruption Bureau ([NABU](#)) was established in the aftermath of Ukraine's 2014 revolution. While it is an agency largely tasked with investigating cases of corruption and preparing them for trial, it also fulfils a wide range of preventive functions and has

a level of [civilian oversight](#) that is uncommon for a law enforcement type agency. The UK's Serious Fraud Office ([SFO](#)) is a more traditional law enforcement agency. It does not fulfil many of the usual requirements of an ACA, and whether it should be classified as one is debatable. However, even in the absence of a traditional ACA, the UK has been regularly commended for its [high level of inter-agency cooperation](#) (Jenkins 2019) and [strong enforcement action](#) (Transparency International 2018). The UK's model of enforcement action in the absence of a standard ACA is emblematic of many western European countries' approach to countering corruption.

Lastly, the case of Italy will be discussed, where the National Anti-Corruption Authority ([ANAC](#)) fulfils largely preventive and oversight functions. Like France, Italy had [previously been criticised](#) for inadequacies in its anti-corruption framework by Transparency International (2012) and set out to rectify this, starting with a new legal framework in 2012. This framework saw the establishment of ANAC, which since then has seen a successive increase in power and responsibilities, making it one of the stronger category III agencies.

France

Up until fairly recently, France only had a preventive ACA, the Central Unit for Prevention of Corruption. But in 2016, France's new anti-corruption law, the [Transparency, Anti-Corruption and Economic Modernisation Act 2016-1691](#) (known as the Sapin II law), established the Agence Française Anti-Corruption (AFA) with much broader powers, making France one of the few countries in western Europe with an ACA that can reasonably be classified as a multi-purpose agency¹ (AFA 2017).

[According to the AFA](#) (2017), the move to establish a new anti-corruption agency with a broader and stronger mandate came after

¹ Although, as discussed above, it does not fit the initial OECD typology fully, as it has no enforcement powers and limited investigative powers.

France's old system of countering corruption was deemed ineffective and had received international criticism. Built on experiences from other European countries (such as Italy's ANAC and the Dutch Whistleblowers Authority, Huis voor Klokkenluiders), the AFA was given a broader mandate to monitor and sanction public and private sector entities and to better coordinate and streamline France's anti-corruption framework.

Structure and independence

The AFA is a separate agency under the Ministry of Justice and the ministry responsible for the state budget. The director is appointed by the president, for a non-renewable term of six years. But while directors are government appointed, they enjoy a level of independence in that no governmental entity or ministry may direct or influence their decision making, and they can only be removed from office in case of a serious breach (AFA 2017).

The AFA has authority over its staff recruitment and, in addition to civil servants from different ministries, has hired from the private sector and provided capacity building for its employees to foster "a multi-disciplinary approach to anti-corruption compliance issues" (AFA 2017. 15).

Mandate and activities

The AFA [derives its mandate largely from the mentioned Sapin II law](#) that created the agency.

On the preventive side, the AFA is tasked with centralising and disseminating information. It was responsible for drafting the country's national anti-corruption strategy and is now the main coordinating entity in France's anti-corruption efforts, both domestically between state agencies and internationally through relevant cooperation and networks (AFA 2017 and AFA 2018).

The AFA conducts a host of knowledge production and capacity building activities, including: the provision of recommendations and guidelines on preventing and detecting corruption for the private and public sector; workshops with civil society and public sector stakeholders; training of public

officials, judges and future police officers; university lectures; and capacity building and support to local authorities. The AFA has also been active in conducting research, surveys and providing self-assessment tools for local authorities.

[In 2018, the AFA conducted](#) 66 awareness-raising actions, 17 technical workshops held in cooperation with business federations, 12 training sessions held on corruption prevention, developed 8 teaching aids for business entities, and gave 10 businesses and government entities individual support (AFA 2018).

Regarding investigative and sanctioning powers, the AFA does not have law enforcement powers and is not primarily an investigatory body. It is not required by law to investigate cases of corruption, although it can do so to some extent at its discretion. It was nonetheless categorised as a multi-purpose agency for the purpose of this Helpdesk Answer as it may detect cases of corruption, has wide-reaching auditing powers and can administer administrative fines through its sanctions commission, which is within the AFA but independent of its director.

The AFA carries out audits of both public and private sector entities to ensure compliance with provisions under Sapin II, making it one of only few ACAs with meaningful authority over private sector stakeholders. These audits can be undertaken as spot audits at the discretion of the AFA, or in the enforcement of court rulings and as part of France's new deferred prosecution agreements (CJIP), which may require compliance programme improvements supervised by the AFA. This auditing function is meant to both "prevent and detect breaches of probity put in place by public and private stakeholders" (AFA 2017. 16).

Sapin II is the only legal framework in Europe that mandates that companies with more than 500 employees implement internal anti-corruption measures, including a code of conduct, internal whistleblowing system and risk mapping. Compliance with this mandate is monitored by the

AFA (Schöberlein 2019b).

In 2018 (the last year for which a [report](#) is available), the AFA conducted 43 audits, 28 of which were of business entities and 15 of government entities and non-profits. Four more audits were conducted under the terms of deferred prosecution agreements.

As the AFA is not an enforcement agency, it closely cooperates with prosecution offices specialising in corruption. Existing agreements deal with coordinating efforts on CJPs and court-ordered compliance remediation plans. The AFA has also been providing technical opinions to the prosecution to support relevant cases and submits reports on corruption cases to the prosecution.

Transparency and accountability

A [strategic council](#) meets annually to determine the AFA's upcoming strategy. It consists of the AFA's director and eight other members, with two each being nominated by the ministries of justice, budget, foreign affairs and the interior, respectively.

Given that the AFA is seated under the Ministry of Justice and that the strategic council is entirely government appointed, the AFA is primarily accountable to government.

Since its first year of operation, the AFA has published annual reports in both French and English, detailing its mandate and conducted activities. It generally communicates widely through its [website](#) and established a dedicated email address through which stakeholders can contact the agency for legal advice, to report incidents or receive information.

International cooperation

According to its [annual reports](#), the AFA has been active in advancing international cooperation. This includes the above-cited [study in cooperation with GRECO and the OECD](#) (AFA et al. 2020) as well as training courses for foreign delegations, the signing of several bilateral agreements with other ACAs, international conferences, and technical

training sessions and knowledge exchanges with international ACAs. The AFA also strengthened operational cooperation with international enforcement agencies such as the US Department of Justice and Securities and Exchange Commission and the UK's SFO.

In 2018 in Sibenik, Croatia, the AFA, together with the Italian ANAC, launched a new international network for corruption prevention bodies that was inaugurated at the GRECO conference on strengthening transparency and accountability to ensure integrity: United against corruption. "The 'Sibenik network' is aimed at remedying a shortcoming of the international cooperation system by providing authorities specialised in prevention with a dedicated forum for discussion of operational topics of common interest" (AFA 2018).

Latvia

Latvia's Corruption Prevention and Combating Bureau ([KNAB](#)) was established in 2002 through the [Law on Corruption Prevention and Combating Bureau](#) in the process of Latvia's accession to the European Union and NATO (Kunis 2012 and Wickberg 2013). According to Transparency International Latvia (2011), the law was drafted in consultation with several relevant stakeholders, such as the financial intelligence unit, the police, the prosecutor general's office, the Ministry of Justice and Transparency International Latvia. The KNAB (like Lithuania's STT) is often said to be modelled after Hong Kong's ACA model.

The agency is regarded as a breakthrough in the country's fight against corruption and was commended by de Jaegere (2012) and Kunis (2012) for going after high-level oligarchs and perpetrators of corruption in the administration and in politics. Transparency International Latvia (2011) similarly [noted that](#) investigations conducted have "been of unprecedented importance in Latvia's post-Soviet history".

Structure and independence

The KNAB is an autonomous body within Latvia's public administration whose powers have been gradually strengthened over the years (OECD 2008 and Wickberg 2013). While the KNAB is under the supervision of the prime minister, he does not have the right to initiate disciplinary proceedings against the KNAB director or impose any decisions or orders. The head of KNAB is appointed by parliament upon recommendation from the cabinet of ministers. To do so, the cabinet of ministers may set up a selection commission, which in the past has included different ministries, the state audit office, the prosecutor general's office and parliament, with TI Latvia having participated as an observer. Once appointed, KNAB's director can only be removed with legal cause (Bosso 2015; OECD 2008; Wickberg 2013).

KNAB has its own budget, which is submitted to the cabinet of ministers as part of the annual state budget. However, TI Latvia noted that, while the KNAB has a clearly delineated budget, there is no budget guarantee. KNAB also has authority over its own recruitment, and training to staff members has been provided both inside Latvia and abroad (OECD 2008 and Transparency International Latvia 2011).

[According to the country's national integrity system \(NIS\) of 2011](#) (Transparency International Latvia 2011), there have been attempts at political interference and conflicts between KNAB and the prime minister in previous years. However, Kunis (2012) notes that when the prime minister tried to remove KNAB's director, citizens rallied in support of the agency. In fact, according to the OECD (2008: 67), KNAB was named "one of the most trusted public institutions in Latvia".

Mandate and activities

The KNAB is a multi-purpose agency with both an investigative, preventive and educational role (Bosso 2015 and OECD 2008). The majority of KNAB's roles and responsibilities are laid out in the Law on Corruption Prevention and Combating

Bureau. Further responsibilities derive from the Law on Financing of Political Organisations (Parties).

On the prevention side, KNAB has been active in developing and coordinating anti-corruption strategies and national programmes to counter corruption, educating the public on their rights, suggesting improvements to the legal framework and formulating recommendations where regulations or practice were deemed lacking (Transparency International Latvia 2011 and Wickberg 2013).

The NIS (Transparency International Latvia 2011) further noted that the KNAB has been particularly active in drafting policy documents and laws on a variety of topics, including conflict of interest, party financing and whistleblower protection. Additionally, the organisation is asked to carry out public opinion surveys and undertake other research and analysis on a wide variety of questions in their field of responsibility as well as in the provision of recommendations for identified risk areas. KNAB is also active in providing guidance for other relevant stakeholders. As part of its educational mandate it holds training seminars for public officials, produces ad campaigns and other publicity material geared toward the general public, and has contributed to the development of school curricula (EPAC 2008 and Transparency International Latvia 2011).

On the investigative side, the KNAB receives and analyses citizens' complaints, investigates corruption-related offences, and can hold public officials administratively liable and impose administrative sanctions. It is also responsible for overseeing the adherence of state agencies with relevant anti-corruption provisions, and monitors disputed public procurement tenders and compliance with political financing regulations. The KNAB is able to request and receive (classified) information from other state agencies and financial institutions, and all political parties have to regularly submit financial information and reports

to the KNAB (OECD 2008; Transparency International Latvia 2011; Wickberg 2013).

The KNAB is empowered to enforce administrative liability and impose sanctions on public officials in line with the country's Code of Administrative Violations. The code covers violations related to failures to submit asset declarations or outside employment by public officials, violations of conflict of interest provisions, violations regarding the receipt of gifts and donations, violations of party financing rules, and others. The KNAB can also investigate criminal offences within state authorities in line with the country's criminal law as they relate to corruption. The KNAB thus has investigative, prosecutorial and sanctioning powers in certain administrative matters, and investigative powers in selected criminal matters.

Between 2003 and 2012, due to KNAB's efforts, 166 individuals were found guilty of corruption and convicted. KNAB imposed fines on 21 political parties in the first half of 2012 and applied 19 fines and 69 verbal warnings on public officials (Wickberg 2013). [In 2019, the highest number of criminal proceedings were initiated](#) in the last 10 years (47) and 15 criminal cases concerning 31 individuals were transferred by KNAB to the prosecution.

Transparency and accountability

In terms of transparency, the Latvian law provides for several publication and disclosure requirements for the KNAB, including the preparation of public reports, the drafting of policy planning documents, bi-annual activity reports to parliament and the council of ministers, and a general requirement to inform the public about trends of corruption and detected corruption cases and violations of party financing regulations, as well as measures to prevent and detect corruption. The KNAB is also required to disseminate and analyse information on declarations submitted by public officials and assess other state agencies tasked with countering corruption (Transparency International Latvia 2011).

[The KNAB reports relatively extensively](#), in both Latvian and (to a lesser degree) English, on its annual activities, including the number of cases investigated, cases forwarded to prosecution, assets retrieved and educational activities conducted. [Transparency International Latvia considers](#) the KNAB to be "by far the most transparent law enforcement agency and among the most transparent public agencies in general in Latvia" (Transparency International Latvia 2011. 132) and stipulates that the "level of detail in all of the reports exceeds any minimum standards that could be inferred from the law" (Transparency International Latvia 2011. 134).

Special mention was made of the detailed public annual reports and the KNAB website which "contains a wealth of information such as statutorily prescribed reports on the activities of the CPCB [KNAB], additional special detailed reports about detected administrative violations (mostly in the area of conflict of interest), court judgments in cases of conflicts of interest, criminal cases forwarded for prosecution and judgments in criminal cases that have entered into force, commentaries and answers to questions about conflict of interest provisions, online tests for public officials, online data base of party finances, guidance for parties and their sponsors about how to comply with legal norms, etc." (Transparency International Latvia 2011. 132).

The KNAB's internal accountability structure is three-pronged. It is accountable to the prime minister, under whose supervision it falls, it is also accountable to parliament and the council of ministers, whom it has to report to and who are involved in the appointment (or dismissal) of the KNAB's director. Additionally, a Parliamentary Committee on Supervising the Prevention and Combating of Corruption, Contraband and Organised Crime oversees the work of the KNAB. Lastly, the KNAB is accountable to the prosecutor general where it is involved in pre-trial investigations, in line with the country's Criminal Procedure Law (Bossu 2015; OECD 2008; Transparency International Latvia 2011).

A public advisory council is in place, membership of which is approved by KNAB, through which civil society organisations (CSOs) are engaged in the prevention and implementation of corruption policy (Bosso 2015).

In 2004, the KNAB's code of ethics was adopted, adherence to which is supervised by an ethics commission (OECD 2008).

Ukraine

Prior to Ukraine's revolution in 2013-2014, the country's political system was marred by state capture, and corruption was described by de Waal (2016) as having constituted “[the rules by which the state has been run](#)”. Since then, Ukraine undertook substantial steps at countering corruption, both at policy and institutional levels. This included the establishment of several relevant institutions, such as: the [National Agency on Corruption Prevention \(NACP\)](#), a preventive ACA that administers asset declarations and participates in policymaking; the [Asset Recovery and Management Agency \(ARMA\)](#); the [National Anti-Corruption Bureau \(NABU\)](#); and the Specialised Anti-Corruption Prosecutor's Office (SAPO), an independent unit within the prosecutor general's office².

Due to the country's widespread and systematic corruption, de Waal (2016) has argued that creating new agencies, to be staffed with professionals “untainted by the old system” provided an opportunity for a fresh start. Yet he also cautioned that the creation of several new agencies will require effective coordination to avoid overlapping mandates, and an assurance that corruption will not be attempted to be tackled in silos. International stakeholders, most notably the EU, have pushed heavily for the creation of these new agencies. While this insistence and support has resulted in adequate budgets and resources for the new agencies, de Waal warns that

international support cannot be a substitute for domestic commitment.

A [review of Ukraine's anti-corruption framework undertaken by the OECD](#) (2017a) cautioned that, despite progress, corruption levels remained high and enforcement action against high-level individuals was stalling.

The National Anti-Corruption Bureau (NABU), one of the most prominent anti-corruption agencies established in post-2014 Ukraine, and the one with the broadest mandate, will be looked at in more detail below.

Structure and independence

NABU's director is nominated by the president after an open competition and can be dismissed by the vote of 150 members of parliament or by the president, but only within a legal process proving the director failed in the execution of their duties.

All NABU staff are selected through open competition, and the OECD's monitoring report attested that the organisation was well funded, was able to pay competitive salaries and enjoyed strong international support. As of 2019, [according to a presentation at the World Bank by Artem Sytnyk](#) (2019) the director of NABU, the agency had 700 staff, recruited from over 40,000 applicants.

While the NABU generally holds a high degree of independence for a law enforcement agency, [an OECD \(2017a\) report](#) raised concerns about possible political influence in the appointment of the NABU director, and about the government attempting to use an audit of NABU as a pretext to curtail its independence. [Concerns arose both regarding attempted undue influence](#) from the government as well as [regarding conflicts on competencies between NABU and SAPO](#) (EU in Ukraine 2016; Ogarkova 2018). Sytnyk (2019) has claimed that “resistance of other law enforcement agencies” and “attempts to limit institutional and

² An infographic of the structure of Ukraine's complete anti-corruption ecosystem can be found [on TI Ukraine's website](#).

functional independence” continue to pose challenges.

TI Ukraine and other NGOs have issued a statement earlier this year, condemning attempts by members of parliament to dismiss the director of NABU and the prosecutor general in an attempt to assert undue influence and infringe on the institutions’ independence (TI Ukraine 2020).

Mandate and activities

NABU is responsible for the investigation of high-level corruption cases, which the SAPO oversees and prosecutes.

NABU’s work derives its mandate mostly from the 2014 [Law on the National Anti-Corruption Bureau of Ukraine](#). However, the [OECD’s 2017 review of the country’s anti-corruption framework](#) stated that NABU and other anti-corruption agencies were lacking a strong legal basis as recommendations from the OECD to amend the constitution to provide a legal basis for independent anti-corruption agencies had not yet been implemented (OECD 2017a).

While the OECD report commended NABU (and SAPO) for “aggressive and effective investigations and prosecution decisions”, the lack of a fair and effective judiciary was hampering enforcement action and convictions, especially of high-level individuals. Since then, a high anti-corruption court has been established “as a way to address the ineffectiveness of Ukraine’s regular courts in addressing high-level corruption” (Kuz & Stevenson 2018). Whether this will result in a better enforcement of corruption cases remains to be seen.

The OECD (2017a) monitoring report commended NABU and SAPO for being willing to go after high-profile cases and powerful individuals. And Sytnyk (2019) noted that NABU was able to investigate high-ranking officials including ministers, members of parliament, judges and representatives of state-owned enterprises. Most recently, in June 2020, [NABU and SAPO issued a statement](#) saying they had detained several individuals for attempting to

bribe the agencies to drop corruption charges against Ukraine’s former minister of ecology, Mykola Zlochevsky (Ljubas 2020).

While NABU is predominantly a law enforcement type agency, with the more preventive functions being delegated to the NACAP, it engages in several activities of a more preventive nature. A [learning platform](#) and [online game](#) were created to educate on corruption and the work of NABU, and [educational and awareness raising efforts](#) are undertaken among students, youth and the general public through social media campaigns, events and discussion formats.

Transparency and accountability

NABU’s investigations are overseen by SAPO, who then take them to trial. However, both agencies are independent, and SAPO has no directive power over NABU.

Unusually for a law enforcement agency, and maybe due to the exceptional context of the ACA’s founding, an independent civil oversight council was established to “provide transparency and civilian control” over NABU. The council consists of [15 representatives](#) of national CSOs who are selected in an open competition and [voted for online](#). Representatives serve for one year and can only be dismissed in cases of exceptional circumstances, which are laid out in the [Regulations on the Civilian Oversight Council](#), which were issued per presidential decree in May 2015. The regulations stipulate, among others, that the council elects three of its members to serve on the NABU disciplinary commission and selects members to serve on competition commissions for the recruitment of vacant positions at NABU.

NABU reports on its activities to parliament and reports extensively on its website. It is particularly noteworthy that a vast amount of content is being [published in English](#), which may be due to the agency’s strong international network.

International cooperation

NABU's creation, as well as that of other relevant institutions, was strongly encouraged and supported by international organisations and the EU in the process of Ukraine's political transition (de Waal 2016 and OECD 2017a). While this is not without its problems, which were alluded to above, it did affect NABU's strong position in terms of both visibility and resources. The international support [was considered crucial by NABU](#) to conduct pre-trial investigations and ensure the agency's functional independence.

NABU representatives received capacity building from [a variety of international experts and organisations](#) including from the US, Japan, UK and Germany.

Domestically, NABU cooperates with other law enforcement agencies (such as SAPO [and ARMA](#)), with civil society organisations (especially through the civil oversight council) and with the media, whose investigative reporting NABU uses for its own investigations (Sytnyk 2019).

UK

The UK has not established a conventional ACA as part of its anti-corruption framework. However, its specialised law enforcement agency, the [Serious Fraud Office \(SFO\)](#), comes reasonably close (OECD 2008 and Transparency International UK 2012).

Despite some recent criticisms of slow enforcement action and dropping conviction rates, Drago Kos, chair of the OECD's Working Group on Bribery, [has labelled](#) the UK's anti-corruption law as one of the best in the world and stated that the UK had "one of the best anti-corruption institutions in the world, the SFO" (Green 2020). Similarly, [the 2017 evaluation by the OECD](#) (2017b) regarding the UK's implementation of the OECD Bribery Convention noted that the UK had taken significant steps in increasing enforcement of the foreign

bribery offence, and was now "one of the major enforcers among the working group countries".

Structure and independence

The SFO is an "independent public institution under the superintendence of the attorney general and with the criminal justice system of the United Kingdom" (OECD 2013). It is headed by a director who is appointed by and accountable to the attorney general, who can also dismiss the director. The attorney general in turn is appointed by the prime minister.

The [OECD Working Group on Bribery](#) (2017b) and civil society have voiced concern over this setup, as the attorney general can dismiss the SFO director at any time in the absence of appropriate safeguards, which limits the director's independence. Insufficient budgetary independence was a further concern raised in the report. While it was recognised "that the SFO's record testifies to its current independence and capacity to seriously investigate and prosecute foreign bribery allegations...the rules that govern the financing of the SFO cause concerns. The reliance of the SFO on blockbuster funding³ represents a risk of political interference, and could, at the very least, result in an unfortunate perception of influence of the executive over law enforcement" (OECD 2017b. 42).

In part due to this criticism, the fiscal year 2018/2019 saw a reform to the SFO's budgeting process by increasing its core budget and reducing its reliance on case-by-case blockbuster funding and thus increasing the agency's budgetary independence (Binham 2018 and SFO 2018).

The SFO works with multi-disciplinary teams of investigators, prosecutors and other specialists, giving it a broad range of investigative tools. This approach was deemed "highly effective in effectively tackling complex fraud cases" by the OECD (2017b. 29).

([in the past, blockbuster funding has made-up up to 45% of the SFO's budget](#)).

³ Blockbuster funding refers to the practice of having to apply for large portions of funding on a case-by-case basis.

Despite its positive assessment of the role of the SFO, the OECD raised concerns over the future of the agency, with some responsibilities recently having been transferred to the National Crime Agency, and uncertainties remaining regarding the SFO's role and funding.

Mandate and activities

The SFO was established through the [Criminal Justice Act in 1987](#) and started operations in 1988. Further powers derive from the [Police and Criminal Evidence Act of 1984](#), the [Regulation of Investigatory Powers Act of 2000](#) and the [Proceeds of Crime Act of 2002](#). The [2010 UK Bribery Act](#) and the introduction of deferred prosecution agreements in 2014 further broadened the SFOs powers to investigate and prosecute offences committed abroad and offences committed by the private sector (OECD 2013 and OECD 2017b).

The SFO's mandate is to investigate and prosecute serious or complex cases of fraud and bribery. In determining whether to take on a case, the SFO's director [assesses the seriousness and complexity of a case](#) by considering the intended or actual harm done to "the public or, the reputation and integrity of the UK as an international financial centre or, the economy and prosperity of the UK". Further factors considered include the value of the alleged fraud/corruption, whether there is an international dimension, whether the case is of public concern, and whether it requires the SFO's specialist knowledge and powers. Cases are prepared by the intelligence unit and submitted to the case evaluation board, which will make a recommendation to the SFO director based on the above principles. The decision to accept or decline a case lies exclusively with the SFO director (OECD 2013 and OECD 2017b).

The UK has [ramped up its anti-corruption enforcement](#) since the passage of the UK Bribery Act in 2010, which included several high-profile cases involving the SFO. This included convictions for companies failing to prevent bribery, the establishment and implementation of deferred

prosecution agreements, and returning funds to the people ultimately harmed by bribery in international bribery cases (HM Government 2017).

However, the SFO has also been active in functions relevant to corruption prevention. By publishing its [operational handbook](#), the SFO provides guidance for private sector stakeholders on how cooperation and compliance programmes will be considered in SFO cases. Guidance and protocols by different UK law enforcement agencies and ministries are also compiled on the SFO's [website](#).

Transparency and accountability

The SFO is primarily accountable to the attorney general, to whom it is required to submit an annual report. The reports are then submitted to parliament and [published online](#).

International cooperation

While as a law enforcement agency the SFO does not have supervisory or coordinating powers over other agencies, the anti-corruption framework of the UK overall is characterised by a high degree of inter-agency cooperation and international collaboration, which includes the SFO. In light of this, the SFO has cooperated with the director of public prosecutions to develop [joint guidelines on deferred prosecution agreements](#), cooperate with police forces, revenue and customs authorities, and NGOs, and, at the international level, with the US Department of Justice, the Council of Europe, and others (Jenkins 2019 and OECD 2013).

Within the UK, the National Economic Crime Centre (NECC) was established with the aim of curbing ["economic crime, harnessing intelligence and capabilities from across the public and private sectors to tackle economic crime in the most effective way"](#). It includes the SFO, as well as other relevant agencies, such as the Home Office and Financial Conduct Authority. The NECC's goal is to improve intelligence on economic crime through inter-agency cooperation. The SFO can refer cases to the NECC where it believes an inter-

agency approach would be beneficial (Jenkins 2019).

The [Joint Anti-Corruption Unit \(JACU\), transferred to the Home Office in 2017](#), was established to better enable the coordination of national and international anti-corruption efforts and to link anti-corruption efforts with the general approach to curbing organised crime.

The [International Anti-Corruption Coordination Centre \(IACCC\)](#) was also established in 2017. Hosted under the UK's National Crime Agency (NCA) the IACCC "brings together specialist law enforcement officers from multiple agencies around the world to tackle allegations of grand corruption". Its members include law enforcement agencies from New Zealand, Australia, Canada and the US, as well as the Singaporean ACA, and Germany and Switzerland as observers.

Further commitments to inter-agency, multi-stakeholder and international cooperation are made in the [UK's Anti-Corruption Strategy 2017-2022](#).

Italy

[Italy's National Anticorruption Authority \(Autorità Nazionale Anticorruzione, ANAC\)](#) was established following the passage of Italy's new anti-corruption law in 2012 ([Law 190 of 2012, Provisions for the Prevention and Suppression of Corruption and Illegality in Public Administration](#) (Disposizioni per la prevenzione e la repressione della corruzione e dell'illegalità nella pubblica amministrazione). It replaces the former Commission for Evaluation, Integrity and Transparency in Public Administration (CIVIT). The law aimed to bring the country in line with its international legal obligations, particularly UNCAC's Article 6, and responded to previous criticisms regarding the insufficiency of Italy's anti-corruption framework (Transparency International 2012).

Structure and independence

ANAC is an independent collegiate body, run by five members appointed for fixed non-renewable

terms. They are selected by the minister of public administration but require a two-thirds majority in parliament to be confirmed. The president of ANAC is suggested by the ministers of public administration, interior, and justice, and confirmed by a two-thirds majority in a parliamentary commission and approval from the council of ministers (ANAC 2019 and UNODC 2018).

According to the report of [the UNODC \(2018\) peer review on Italy's progress at implementing the UNCAC](#), Italy's anti-corruption law states "that ANAC is fully autonomous and independent in its evaluations" and that it "enjoys functional independence, and it is not bound to the directives of the prime minister; ANAC is completely excluded from the power of direction and control of the government". The five members of ANAC's governing body "cannot perform any professional or advisory activity on their own interest, cannot have governing or other responsibilities in public or private entities, and cannot be elected or take responsibilities in political parties".

Mandate and activities

According to the [ANAC \(2019\) submission to the UNODC](#), beyond having "significant responsibilities regarding transparency, integrity, anti-corruption plans and the development of supplemental codes of conduct for individual agencies/administrations within public administration, ANAC is responsible for overseeing public procurement and contracts" (ANAC 2019. 2).

Initially largely a preventive agency, ANAC's powers were extended in 2014 and again in 2016, giving it a larger monitoring role over public tenders, since the Authority of the Supervision of Public Contracts (AVCP) was dissolved and merged into ANAC. Reforms also saw an improvement of its communication and information exchange with the prosecution (Schöberlein 2019b and UNODC 2018).

While ANAC has authority over public officials, it does not have authority over government, parliament or the judiciary (UNODC 2018).

On the preventive side, ANAC makes recommendations about necessary legal reforms to government and parliament, and generally reports to parliament on the effectiveness of the country's anti-corruption framework. This includes the right to issue interventions during discussions of new bills in parliament. So far, in 2020 ANAC has submitted five reports to the government and parliament as comments/recommendations to different laws and decrees. All reports are available on [ANAC's website \(in Italian\)](#).

ANAC is also responsible to produce guidelines on the implementation of new regulations, such as the country's 2017 whistleblowing law, and can initiate studies and request information on the adequacy of prevention measures to determine if/where further action is needed. Additionally, on the research and knowledge production side, ANAC is tasked with conducting studies on the levels and manifestations of corruption. To that end, ANAC has cooperated with other government agencies and departments to better measure instances of corruption and design better policy responses accordingly (UNODC 2018).

ANAC was responsible for the development of a national anti-corruption plan (*piano nazionale anticorruzione*) in line with the new anti-corruption law. The law additionally requires all public administrations and state-owned enterprises to develop their own corruption prevention plans, based on a risk assessment and management approach, and adopt a code of conduct. Establishment and implementation of these institutional plans (*piano triennale prevenzione corruzione*) is again monitored by ANAC (ANAC 2019 and UNODC 2018).

The ANAC is further tasked with monitoring public procurement contracts and can request information from both public and private entities in the exercise of this function. To that end it manages a national database of public contracts (*banca dati nazionale dei contratti pubblici*), which [won first place in the European Commission's](#)

[award for better governance through procurement digitalisation in 2018](#).

ANAC is also involved in capacity building activities. It cooperates with the National School of Public Administration (SNA) on the development of training programmes in ethics and anti-corruption, has entered a partnership with the Ministry of Public Instruction for a curriculum development in secondary schools and has collaborated with the Ministry of Education on an initiative to raise awareness on whistleblowing in secondary schools.

While ANAC is largely a preventive body, with no formal investigative function, it does have relatively widespread monitoring powers and some administrative sanctioning powers. It is encouraged to report to the government and parliament on "particularly serious phenomena of non-compliance or distorted application of sectorial legislation" (ANAC 2019, 3). According to the UNODC (2018), ANAC can also apply administrative sanctions on public officials in violation of their obligations to adopt anti-corruption plans or codes of conduct and can order public entities to comply with anti-corruption and transparency regulations.

A 2015 legal reform further requires the judicial authorities and prosecutors to provide ANAC with information on cases that fall within its area of responsibilities, to help inform their future activities and recommendations (UNODC 2018).

The agency also operates an online whistleblowing platform, by which individuals can make confidential reports to ANAC and communicate with the agency through the platform. According to ANAC (2019), reports received have increased steadily since 2014 and, in the first half of 2019, ANAC received 439 reports.

Transparency and accountability

ANAC is required to report annually to parliament and publishes widely on its website, including information on its [procurement contract monitoring](#)

and on [reports submitted to parliament](#) as recommendations to laws.

According to the UNODC (2018) peer review, a code of conduct for ANAC's board and president was established, which requires them, among others, to submit annual conflict of interest declarations and statements on income and financial interests.

International cooperation

The UNODC (2018) report further attested that the country "fully cooperates with the corresponding international bodies and in general with international and foreign peer agencies in the field of anti-corruption, with the goal to share information and methodologies for the implementation of anti-corruption strategies".

Furthermore, ANAC co-created a new international network for corruption prevention bodies with the French AFA (see above), and has been holding several international bilateral knowledge exchange and peer learning opportunities with public institutions from Montenegro, Kazakhstan, Ukraine, Sweden, Serbia and others, as well as being involved in several activities at EU level and with international organisations.

Conclusion

The assessment and classification of ACAs in Europe, as elsewhere, is made difficult by the fact that there is no agreed upon definition of what constitutes an ACA and very few comparative studies. While guidelines for the successful establishment of ACAs have been developed in recent years, there is still some uncertainty as to how to classify the different agencies with sometimes vastly different mandates and levels of independence.

After a number of studies in the early 2000s identified shortcomings related to ACAs, there has been a growth in scepticism about their effectiveness. But while many ACA failures appear to have resulted from external factors outside of the immediate control or operational

characteristics of the institution (such as a lack of political will and undue political influence), recent years have also seen a mounting body of research identifying design and operational factors that will increase an ACAs likelihood of success. When certain requirements, such as operational and budgetary independence, adequate resources and capacity, a clear mandate, and strong inter-agency cooperation are met, ACAs can help tackle the complex issue of corruption from the different angles of prevention, education and investigation.

This nuanced picture is reflected by the situation across Europe.

Countries with relatively strong law enforcement on corruption and a general trust in the effectiveness of their existing institutions (such as Germany, the UK, Norway or Denmark) have largely tended to not establish conventional ACAs but rather opted to build specialised investigative and enforcement capacities inside existing enforcement agencies. More traditional ACAs have largely been established in two types of countries:

- countries whose former anti-corruption framework was deemed ineffective and was faced with substantial criticism and/or did not meet international standards (for example, France and Italy)
- countries that were encouraged (or required) to reform their frameworks in the absence of sufficient trust in existing institutions as part of their political transition and/or accession to the European Union (for example, Latvia and Ukraine). As has been discussed in the case study on Ukraine, such international support, while not without its challenges, can be crucial to the success of ACAs in otherwise challenging environments.

So far, there does not appear to be much evidence suggesting that countries with a dedicated ACA generally perform better at countering corruption than those that do not. There have been successful and unsuccessful examples among countries with multi-purpose

agencies, a multi-agency approach, or no conventional ACA at all.

While it is crucial that all relevant functions of countering corruption (education, awareness raising, policy reform, monitoring, investigation, enforcement action) are given their due consideration, it appears less relevant what precise organisational setup is chosen to fulfil them. This is provided that the institutions tasked with countering corruption are given the necessary mandate, independence, resources and accountability to effectively fulfil their role(s) and are able to effectively coordinate anti-corruption efforts between agencies.

Intriguingly, it appears that the countries that did establish more traditional ACAs, have tended to increasingly broaden their mandate and powers over time (for example, France, Italy, Slovenia, Moldova, Ukraine), alluding to the fact that ACAs can be a successful instrument in anti-corruption efforts under the right circumstances. Especially in countries where gaps in coordination, international cooperation, prevention and education had been identified, strong and well-equipped ACAs have been a relatively effective means of addressing these issues.

Given the lack of comprehensive and recent information on ACAs globally plus a lack of clarity regarding their definition and categorisation, more research and peer learning is needed to provide a more granular picture of the conditions for success for anti-corruption agencies.

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