

(English version)

Question for written answer E-000619/26
to the Commission
Mariusz Kamiński (ECR)
(12 February 2026)

Subject: The provisions on foreign corrupt practices have been in force for 23 years, and the Commission has been monitoring their implementation by the Member States for the same length of time.

The European Parliament's 2025 report on the implementation of the common foreign and security policy, which was adopted in January 2026, states that, 'the EU's credibility depends on its ability to act coherently, particularly with regard to its external representation, as well as its ability to act decisively when protecting its citizens and safeguarding its interests.' The report stresses that there must be an unambiguous response to corruption and kleptocracy, and voices support for an expansion of the EU's Global Human Rights Sanctions Regime to cover systemic corruption. ⁽¹⁾ In this report Parliament adopted the position I had proposed, namely that corruption enables and exacerbates human rights violations, abuses and the erosion of democratic principles and the rule of law, and called for the EU to develop legislation equivalent to the US Foreign Corrupt Practices Act.

At the same time, Article 7 of Council Framework Decision 2003/568/JHA on combating corruption in the private sector clearly states that each Member State shall take the necessary measures to establish its jurisdiction with regard to the offences of active and passive corruption, instigation and aiding and abetting by private entities based in the EU. ⁽²⁾

1. Which Member States have implemented these provisions, which have now been in force for over 20 years?
2. Which countries have made use of the derogation and informed the Commission thereof pursuant to Article 7(4), and which specific cases or circumstances have been indicated?
3. What steps has the Commission taken vis-à-vis countries that have not implemented the above provisions aimed at combating foreign corrupt practices?

Submitted: 12.2.2026

Answer given by Mr McGrath on behalf of the European Commission
(24 April 2026)

In May 2023, the Commission adopted an anti-corruption package, including a Joint Communication ⁽¹⁾, a proposal for a directive on combating corruption ⁽²⁾ and a proposal for a new sanctions' regime targeting serious acts of corruption worldwide ⁽³⁾.

The directive, on which provisional interinstitutional agreement was found on 2 December 2025, will replace the Council Framework Decision 2003/568/JHA on combating corruption in the private sector ⁽⁴⁾ for those Member States to whom it applies, including provisions on jurisdiction as the Commission considered it necessary to ensure one legal, modernised act ⁽⁵⁾.

An overview of the transposition of the 2003 Council Framework Decision can be found on EUR-Lex ⁽⁶⁾. The Commission has comprehensively assessed its transposition in a dedicated report ⁽⁷⁾.

At the time of publication of the report, 16 Member States ⁽⁸⁾ had decided not to apply certain rules on jurisdiction (when the offence has been committed by one of its nationals or committed for the benefit of a legal person with its head office in the territory of the Member State).

In some Member States ⁽⁹⁾ a dual criminality requirement is foreseen, and may be subject to further conditions, such as a report submitted by the victim or the proceeding initiated by the prosecutor.

The Commission has not identified additional notifications from Member States invoking the exemptions listed under Article 7(4) of the decision.

¹ This is also precisely what is discussed in paragraph 10 of the resolution — in whose drafting I was involved — on addressing impunity through EU sanctions, including the EU Global Human Rights Sanctions Regime (European Magnitsky Act) https://www.europarl.europa.eu/doceo/document/TA-10-2026-0015_EN.html.

² <https://eur-lex.europa.eu/legal-content/PL/TXT/HTML/?uri=CELEX:32003F0568>

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023JC0012>.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0234>.

⁽³⁾ JOIN(2023) 13 final.

⁽⁴⁾ https://eur-lex.europa.eu/eli/dec_framw/2003/568/oj/eng.

⁽⁵⁾ The European Parliament formally endorsed the provisional agreement in a plenary vote on 26 March 2026.

⁽⁶⁾ <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32003F0568>.

⁽⁷⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52019DC0355>.

⁽⁸⁾ Bulgaria, Denmark, Germany, Greece, Ireland, France, Italy, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Finland, Sweden.

⁽⁹⁾ Denmark, France, Finland.

Once the directive will have entered into force, Member States will have two years to transpose it into national law (for most provisions); and the Commission will closely monitor and follow-up to ensure a correct transposition.

Regarding the proposal for a sanctions' regime targeting serious acts of corruption worldwide, the Council has thus far not reached a consensus on it ⁽¹⁰⁾.

⁽¹⁰⁾ However, several country-specific sanctions regimes (with regards to Lebanon, Guatemala, Moldova and Haiti) already allow targeting corruption and the Council has already adopted sanctions based on the relevant listing criteria.