

# Contents

<i>Table of cases</i>	<i>page viii</i>
<i>Acronyms and abbreviations</i>	<i>ix</i>
<i>List of tables and figures</i>	<i>x</i>
Introduction	1
1. Corruption: concept, importance and international response	5
1.1. The EU's definition of corruption	6
1.2. Case study: corruption in the Central and Eastern European countries	11
1.2.1. The prevalence of corruption in the post-communist countries	11
1.2.2. Causes of corruption	16
1.2.3. The importance of combating corruption	19
1.3. Corruption as an international policy problem	21
1.3.1. The context	21
1.3.2. Evolution of international cooperation	23
1.3.3. The importance of international cooperation	33
1.3.4. Monitoring mechanisms	34
1.4. Conclusion	40
2. The scope of EU legal powers and development of the policy in the area of anti-corruption	43
2.1. The legal bases in the area of anti-corruption policy	44
2.1.1. The EC Treaty	47
2.1.2. The EU Treaty	56
2.2. The development of the EU policy against corruption	69

2.2.1. Phase One: the fight against corruption in the context of the protection of the Communities' financial interests	73
2.2.2. Phase Two: beyond the protection of the Communities' financial interests	82
2.2.3. Phase Three: a comprehensive policy against corruption	83
2.3. Conclusion	87
3. The EU strategy against corruption within the Member States	89
3.1. EU legislative and institutional framework	92
3.1.1. The first pillar measures	92
3.1.2. The third pillar measures	98
3.1.3. The anti-corruption dimension of EU anti-money laundering legislation	116
3.1.4. Monitoring mechanisms	122
3.2. Cooperation with international organisations	130
3.3. Conclusion	132
4. Conditionality in the EU accession process	135
4.1. The general conditions of accession	138
4.2. The requirements of the 2004 enlargement	139
4.2.1. The Copenhagen criteria	140
4.2.2. Combating corruption as a membership condition	143
4.3. The pre-accession strategy and its instruments	145
4.3.1. The Europe Agreements	146
4.3.2. The 1997 Opinions	148
4.3.3. The Regular Reports	150
4.3.4. Accession Partnerships and the National Programmes for the Adoption of the <i>Acquis</i>	150
4.4. Impact of conditionality on domestic policies of the Central Eastern European countries	152
4.5. Conclusion	155
5. The EU's evaluation of corruption in the Central and Eastern European candidate countries	157
5.1. The importance of evaluation	158
5.2. The pre-accession institutions and mechanisms of evaluation	160
5.2.1. Evaluation within the Commission	161
5.2.2. Evaluation within the Council	168
5.3. Conclusion: assessment	178

6. The EU anti-corruption strategy towards the Central and Eastern European candidate countries: achievement or missed opportunity?	182
6.1. The EU anti-corruption standards for the candidate countries	185
6.1.1. Formal requirements of the <i>acquis</i>	186
6.1.2. Anti-corruption standards beyond the <i>acquis</i>	188
6.2. Technical and financial assistance as a policy transfer instrument	199
6.2.1. The EU programmes	199
6.2.2. Joint programmes with the OECD and the Council of Europe	204
6.3. The impact of EU accession on the anti-corruption policies	206
6.3.1. Case study: Poland	208
6.4. Conclusion	214
7. The impact of 2004 enlargement on the EU anti-corruption policy	218
7.1. The reinforcement of the EU strategy towards Bulgaria and Romania	221
7.2. The extension of anti-corruption policy to external relations of the EU	238
7.2.1. Potential candidate countries	239
7.2.2. European Neighbourhood Policy	242
7.3. The anti-corruption policy after the 2004 enlargement	245
7.4. Possible developments	250
7.4.1. Arguments for a closer cooperation with the Council of Europe	253
7.4.2. The case for a separate EU anti-corruption framework	257
7.5. Conclusion	262
8. Conclusion	265
<i>Appendix 1</i>	271
<i>Appendix 2</i>	273
<i>Bibliography</i>	275
<i>Index</i>	296