



European Union

EU Statement at the

**14th reconvened session of the
Implementation Review Group (IRG)
United Nations Convention against Corruption (UNCAC)**

Vienna, 4-8 September 2023

Mr Chair,

I have the honour to speak on behalf of the European Union (EU) and its Member States. The following countries align themselves with this statement: North Macedonia*, Montenegro*, Serbia*, Albania*, Ukraine, Republic of Moldova, Bosnia and Herzegovina*, Georgia, Iceland+ and Norway+.

Mr Chair, in this statement, I would like to address a few issues under agenda item 2, concerning the future of the Implementation Review Mechanism (IRM) and a possible second Phase of that Mechanism. Let me start, however, by underlining that the ongoing **Russian war of aggression against Ukraine**, which we condemn in the strongest possible terms, continues to overshadow all our work in Vienna, including the prevention of and fight against corruption, as it has a significant negative impact on the functioning of the IRM, asset recovery and international cooperation.

Item 2: UNCAC IRM

At our meeting in June, we said that we are looking forward to engaging in discussions concerning the **future** of the IRM, and that we would value more exchanges between States Parties on this subject. Indeed, we believe it's high time that we start such a conversation. In order to foster such a debate, we would like to submit the following suggestions for consideration by States parties.

First, we believe that the **extension** of the 2nd Cycle of Phase 1 until December 2025 is inevitable. However, this extension should be the last one, given the long duration of the 1st Phase. Parties that have not finished their review by that date could carry out the review of Chapters II and V of the Convention in the framework of their Phase 2 review.

Second, the question of extension of the 1st Phase is thus intertwined with the most crucial one: What should be the subject matter of the Phase 2 review? Should it focus

* Candidate Countries North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

+ Iceland and Norway are members of the EFTA and of the European Economic Area.

on updates and on the implementation of recommendations from Phase 1 or should it comprise a review of all provisions in view of the long period of time that has passed?

There might not be a one-size fits all reply to this question. In some cases, more than a decade may have elapsed between the Phase 1 Cycle 1 review and the 2nd Phase, in some cases the period might be much shorter. Some Parties may not have finished their Phase 1 Cycle 2 reviews, as just pointed out before. Therefore, the scope of the review may have to be determined more flexibly.

It seems obvious that the next Phase should include a follow-up on the implementation of recommendations made during the first Phase. But there are also very good reasons why it should not necessarily be limited to that. Changes in the national anti-corruption framework may have happened even where the review was relatively recent, and they may have rendered recommendations irrelevant – or conversely even more pressing.

Third, we believe that we need to discuss whether the 2nd Phase should assess the **effective implementation** of the Convention, rather than just legislative compliance (cf. OECD WG Bribery; FATF, GRECO).

Fourth, we remain convinced that direct dialogue/**country visits** are extremely important and are a huge asset of the UNCAC IRM (compared to UNTOC IRM). They should be maintained and the involvement of other stakeholders, the private sector and civil society, could be enhanced.

Fifth, given all the time and effort invested in this exercise by all parties, we suggest that the Executive Summary should be presented orally at the IRG (cf. GRECO, OECD WGB).

Finally, we would like to emphasise the crucial role played by the UNCAC **Secretariat** (again, compared to UNTOC IRM). This is also true for enforcing the deadlines. We believe that in the 2nd Phase, the timeline of the reviews should be more realistic but more strictly enforced, by giving the Secretariat more powers to do so.

Let me now turn to the review of the EU.

The review of the EU under the 1st cycle continues. The EU is answering written questions of the reviewers and looks forward to having the direct dialogue through an “on-site visit” in Brussels as soon as possible. The EU once again thanks the experts from the peer reviewers and the UNODC secretariat for their commitment to this process, and hopes the review can be finalised in the first half of 2024.

Lastly, I am happy to confirm that after the successful start last year, the EU-UNODC anti-corruption dialogue continues this year, with the next meeting scheduled for on 5 October, hosted by UNODC in Vienna. Among other subjects, the meeting will also be an occasion to take stock of the preparations for the upcoming CoSP in the United States, including the finalisation of co-organised side-events.

Thank you, Mr Chair.