



POLITICAL GRAFT IN EUROPE ON THE LOOSE:

Anti-Corruption Legal Frameworks in Comparative Historical Perspective



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This publication has been produced thanks to the support of the European Union in the framework of the RESPOND project (GA No 101132405). The contents are the sole responsibility of the project partners and can under no circumstances be regarded as reflecting the position of the European Union



RESPOND
Rescuing Democracy from Political
Corruption in Digital Societies

This report was produced by IGA as part of the multi-national project RESPOND: Rescuing Democracy from Political Corruption in Digital Societies. **Dr. Rumena Filipova** and **the IGA team** led, coordinated and implemented the research for task 2.2., whose goal focused on evaluating regulations on political finance, lobbying, conflicts of interest, revolving doors, personal connections, media capture and cross-border practices of political corruption in 9 European countries. The task is constituent of work package 2 that develops the theoretical, regulatory and empirical frameworks of RESPOND.

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The editor would like to thank Dr. Stoyan Panov, Senior Research Fellow, Institute for Global Analytics, for his review of the report as well as Barbara Bačová, Analyst, Institute for Global Analytics, and Marketa Vasickova, Analyst, Institute for Global Analytics, for their research assistance.

Published by the Institute for Global Analytics.



INSTITUTE FOR GLOBAL ANALYTICS
ИНСТИТУТ ЗА ГЛОБАЛНИ АНАЛИЗИ



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ISBN: 978-619-92569-5-4

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EXECUTIVE SUMMARY

The current report provides an in-depth examination of the anti-corruption regulatory regimes in the areas of political finance, lobbying, revolving doors and media in 9 Western and Central-East European countries, including Sweden, the Netherlands, the UK, France, Italy, Hungary, Bulgaria, Serbia and Ukraine. The adoption of a *social constructivist perspective*, which treats laws as fundamentally socially and political embedded, produces a **novel cross-country comparison** that rests on two key dimensions:

- First, the report identifies similarities and differences among the case study countries in terms of the larger, culturally and historically shaped structural factors, which inform differential proclivities to corruption as well as distinct capacities to counter it. In particular, the report highlights *major differentiations between Western and Central-East European states* in the prevalent character of corrupt acts that most commonly occur; in respective dispositions to taking part in corrupt activities and the availability of credible counterpoints to corruption.
 - ✓ At the same time, *convergences between the east and west of the continent are singled out* as regards emerging similarities in anti-corruption institutions and legal design as well as diminishing gaps in governance modes (not least due to the waning of quality of governance standards in Western Europe).
- Second, the report distils *patterns in European regulatory approaches to political corruption*, shaped by cultural-historical tendencies, which in turn serve as the structural arena in which contemporary actors negotiate and struggle over legal rules. A classification of regulatory frameworks is thus established, which captures both country-specific and regional trends in the legislative response to corruption.

The report's distinctiveness is both theoretical and policy relevant, contributing to the research agenda of the RESPOND project (Rescuing Democracy from Political Corruption in Digital Societies). It provides a comprehensive, empirically-rich, qualitative cross-country comparison of 9 states in Europe, delivering an analysis of historical-legal developments and a related examination of the construction of contemporary regulatory frameworks. Additionally, the research complements predominant institutional-rational approaches – based on a formal indexing of the degree of presence/absence and implementation of laws across countries, with a context-sensitive understanding of history, culture and their impact on contemporary actor interactions. Indeed, a key policy-relevant insight is that *varying scores in perceptions of corruption and the effectiveness of legal-institutional benchmarks against corrupt practices cannot be fully understood and evaluated without recourse to national contextual factors.*

In terms of structure, **the report consists of a conceptual and empirically comparative chapter, followed by country-specific chapters.** The *former* develops the theoretical, definitional and methodological orientation of the report. It includes profiles of each of the states under investigation, contextualising their regulatory rules on political corruption within the larger, historically shaped environment. The chapter then delivers a cross-country comparative analysis and ends with recommendations, which address both cultural understandings and socio-political relations at the root of corruption and the intricacies of the institutional design necessary to tackle corruption in political finance, lobbying, revolving doors and media.

For their part, *the country-specific chapters* follow a similar structure, each tracing how contemporary regulations on the four forms of corruption emerge, evolve, are adopted into legislation and are applied or undermined in practice by pivotal actors (from the political elite, civic society and international organisations). The qualitative analysis is supplemented by a comprehensive compilation of existing regulations in the area of political finance, lobbying, revolving doors and media as part of a catalogue at the end of each chapter.



CHAPTER 1.

The Elusive Quest to Regulate Corruption in Europe: Concepts, Methods and Comparative Patterns

By Dr. Rumena Filipova, Founder, Institute for Global Analytics

Introduction: Corruption as Socially and Politically Embedded

The impetus to eradicate corruption – as a major disruptor in establishing a meritocratic social system and transparent governance, has yielded a proliferation of counter-responses. A significant part of them have focused on formally indexing and gauging (in)sufficiencies of anti-corruption legal frameworks. Yet, an institutional-administrative approach that inordinately squares on the presence or absence of laws and the degree of their implementation may be incomplete. Instead, it needs to be complemented by a perspective that takes into account the plethora of national contextual factors that point to law as deeply socially and politically embedded.

Specifically, *legal rules are not easily or unproblematically transferable* from country to country even under the common institutional framework provided by the EU. Rather, the timing of the uptake, content and implementation of those rules depend on distinct socio-political dynamics in each state.

Moreover, *the fact of codification* (i.e., where a given rule is enshrined into law) *is not a sufficient indicator of the capacity to counter corruption*. Instead, treating law as embedded in the wider national context can account for the continuum of legal concepts and practices, ranging from cases of legal innovation and upgrade to (deliberate) omissions of legal regulations as well as legal corruption in the form of regulatory capture. The types of actors involved in the creation and enforceability of law can include a wide array of civil society organisations, international institutions and policy-makers.

Thus, in distinction to the rational-instrumental approach, which views (legal) institutions and regimes through a formal means-end, transactional logic, sociological and historical orientations underscore the normative-ideational underpinnings that inform the rationale and operation of institutions. Accordingly, the creation, development and sustenance of institutions are shaped by cultural construction, embeddedness and patterns of interaction that foster regularities of behaviour within cognitively interdependent communities.¹

¹ For more on the relationship between ideas, culture and institutions and the argument that ideas and identities shape and are reflected in institutional forms, see Filipova, R., 2022, 'Shades of Affinity. An Interactive Constructivist Theory of Self and Other in Bordering Belongingness', Ch. 3 in *Constructing the Limits of Europe. Identity and Foreign Policy in Poland, Bulgaria, and Russia since 1989*, Ibidem/Columbia University Press, pp. 87-89

Based on these observations, the current report adopts a **social constructivist perspective**, which argues that the diverse patterns of anti-corruption regulatory regimes in Europe are culturally-historically, socially and politically formed and embedded. An orientation on the contextual rootedness in the origin and development of legal rules in the nine case study countries selected for the analysis (Sweden, the Netherlands, the UK, Italy, France, Hungary, Bulgaria, Serbia, Ukraine) allows drawing a number of comparative conclusions related to:

- **Variations in cultural-historical developments and contexts**, which shape continuous structural proclivities to corruption and the capacity to counter it. In particular, the report shows that sub-regional European distinctions (primarily between east and west but also within those sub-regions) shape the differential ability to curb corrupt practices as a function of different political and cultural experiences with democratisation and transparency of public life (key aspects of which include a professional civil service; strength of civil society and associational habits; resilience of rule-of-law culture, independence of the judiciary; media freedom).
- Following from the above, the research distils **patterns in regulatory approaches to political corruption** as shaped by (sub-regional European) cultural-historical tendencies, which serve as a structural arena in which contemporary actors negotiate and struggle over legal rules. To this end, the report comparatively examines the creation, evolution and effectiveness of the nine country-case legal frameworks in the area of political finance, lobbying, revolving doors and media.

Corruption is What States Make of It: A Social Constructivist Conceptual Lens

The fact that corruption is not necessarily universally understood, readily measurable by positivist-quantitative indices or similarly tackled on the basis of pre-stipulated legal prescriptions points to the relevance of employing social constructivism as a lens to study corruption. Prominently featuring particularly in the discipline of international relations,² social constructivism provides the analytical guidelines for exploring how socially constructed rules, norms and ideas shape (international) politics. According to this conceptual orientation, social phenomena acquire meaning and significance as a result of actors' understandings and interactions. The constructivist approach also goes beyond treating social norms as "givens", instead being concerned with how they originate, evolve, are sustained or eventually decay in an intersubjective context. So just as in international politics "anarchy is what states make of it",³ in domestic politics, predominant corrupt practices and related counter-responses within different countries are what local, national and transnational actors make of them (depending on shared understandings and established social relations).

² Filipova, R., 2022, 'The Interactive Constructivist Theory of Self & Other and IR Debates: Refinement, Dialogue and Challenge', Ch. 4 in *Constructing the Limits of Europe. Identity and Foreign Policy in Poland, Bulgaria, and Russia since 1989*, Ibidem/Columbia University Press

³ Wendt, A., 1992, 'Anarchy is what states make of it: the social construction of power politics', *International Organization*, Vol. 46, No 2, pp. 391-425

The existing literature in the field of corruption includes a few works that acknowledge the importance of historical and social context, focusing specifically on modernity in Europe as the defining era when contemporary views of what constitutes corrupt actions began to emerge.⁴ The end of the 18th and 19th century is pinpointed as the dividing line when feudal-monarchical political patronage was delegitimised as being informed by bribery, malpractice and illegitimate personal gain in office. At the same time, new demands emerged for the establishment of a meritocratically selected public administration based on a strict separation between the public and private sphere, which was aimed at banning private interests from the public realm.⁵

Nevertheless, the constructivist perspective remains underrepresented⁶ in studies of corruption, partly as a result of and reflecting the **late arrival of (anti-)corruption research into the social sciences and political agendas**. It was only in the 1990s that academic and policy-making interest in issues of transparent governance grew substantially, pushed along by developments on the ground.⁷ The end of the Cold War freed Western countries from an imperative to support – rather than chastise, their anti-Soviet allies with corrupt authoritarian systems, while the process of democratisation in the former Soviet satellites in Central and Eastern Europe brought to the fore the need to set up democratic systems. Simultaneously, the fight against corruption became institutionalised internationally through, for example, the creation of Transparency International in 1993; the OECD's 1997 Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; the World Bank's assumption of a firm anti-corruption stance; the 2003 United Nations Convention against Corruption.⁸

The corruption literature's status as a latecomer, however, means that its conceptual approaches and empirical investigations remain underdeveloped. To contribute to a social constructivist framework for researching (anti-)corruption, **the report's distinctiveness within the academic literature** lies in providing a comprehensive, empirically-rich qualitative cross-country comparison of 9 states in Europe along two key analytical dimensions: 1) examination of long-term cultural-historical developments that shape a country's (anti-) corruption environment; 2) understanding contemporary legal regimes based on a reconstruction of legal regulations in the sphere of political finance, lobbying, revolving doors and media. The investigations trace how these regulations emerge, evolve, are adopted into legislation and are applied or, conversely, undermined in practice by relevant actors (from the political elite, civic society, international organisations), whose interaction produces distinct outcomes in anti-corruption struggles. The research thus delivers a comprehensive analysis of historical-legal developments and frameworks by bringing in empirical breadth across countries

⁴ For example: Ledeneva, A., Bratu, R., Köker, Ph., 2017, 'Corruption Studies for the Twenty-First Century: Paradigm Shifts and Innovative Approaches', *Innovations in Corruption Studies*, Vol. 95, pp. 1-20

Tänzler, D., Maras, K., (eds.), 2012, *The Social Construction of Corruption in Europe*, Routledge

Kerkhoff, T., Kroeze, R., Wagenaar, P., (eds.), 2013, 'Corruption and the Rise of Modern Politics in Europe in the Eighteenth and Nineteenth Centuries: A Comparison between France, the Netherlands, Germany and England. Introduction', *Journal of Modern European History*, Vol. 1, Issue 1

⁵ Kroeze, R., Vitória, A., Geltner, G., (eds.), 2017, *Anti-corruption in History: From Antiquity to the Modern Era*, Oxford University Press

⁶ Wickberg, S., 2021, 'Understanding corruption in the twenty-first century: towards a new constructivist research agenda', *French Politics*, Vol. 19, Issue 1, pp. 82-102

⁷ Rothstein, Bo, Varraich, A., 2017, 'Corruption and the Relevance of Political Science', Ch.1 in *Making Sense of Political Corruption*, Cambridge University Press, pp. 7-11

Carr, I., 2007, 'Corruption, legal solutions and limits of law', *International Journal of Law in Context*, Vol. 3, Issue 3, pp. 1, 4-5

⁸ Picci, L., 2024, 'The Consensus on Corruption', Ch. 2 in *Rethinking Corruption. Reasons Behind the Failure of Anti-Corruption Efforts*, Cambridge University Press, pp. 20-26

Cooley, A., Heathershaw, J., Sharman, J.C., 2018, 'The Rise of Kleptocracy: Laundering Cash, Whitewashing Reputations', *Journal of Democracy*, Vol. 29, No 1, pp. 39-53

and a specific examination of political finance, lobbying, revolving doors and media as key facets of political corruption.

In addition, the report contributes to **policy-relevant discussions and activities in the area of countering corruption** in that it complements predominant institutional-rational approaches with a context-sensitive understanding of history, culture and actor interactions. Existing instruments gauging judicial progress such as the EU's rule of law reports and GRECO's rounds of evaluations rely on formal indicators focused on legislative and institutional developments primarily related to legal procedure (i.e., presence or absence of a law or institutional arrangement). For their part, indices such as the EU Justice Scoreboard and World Justice Project develop quantifiable benchmarks that yield themselves to large-scale country comparisons. The former develops formal indicators for measuring the efficiency, quality and independence of judicial systems and thus produces comparative statistics, while the latter quantifies perceptual and experiential data gathered from similarly structured questionnaires across countries.

However, both types of approaches can be enriched through a culturally and historically-informed contextual analysis of the deeper structural strengths or weaknesses as well as actor configurations, which shape (anti-)corruption environments and hence the success with which legislative initiatives take place.

Defining Political Corruption: Nuances of Legality

The adoption of a social constructivist perspective allows positing a definition of political corruption that is not constrained by a dichotomy of legal vs. illegal (as a positivist-institutionalist approach might have it) but is able to capture nuances in understandings and manifestations of legality. That is, the origin, maintenance and effectiveness of legal rules are deeply implicated in social and political practices and further exist on a continuum from a class of unethical acts (that qualify for eventual regulation) to the strictly forbidden.

In this vein, the report – as situated within the research agenda of RESPOND, proposes a novel stipulation of political corruption that takes into account **two major definitional dimensions**:

- First, political corruption is taken to encompass conducts and acts, often proliferating in grey zones regarding legality, that result in decision-making bias and exclusion from the policy cycle. ***Political corruption thus refers to undue influences that are not (necessarily) unlawful or categorised as a criminal offence*** but still represent a breach of trust and exclusion from democratic politics, undermining the values, goals, and mission of public institutions. Four forms of political influence are singled out for examination – including political finance, lobbying, revolving doors and media, as they are often still loosely regulated – in contrast to strict rules against bribery – yet having the capacity to undermine fair competition and broad participation in political decision-making processes.
- Second, the undue influence thus exercised ***may or may not involve (illicit) financial transfers***. Instead, an array of mechanisms for exercising undue influence on the “input” side of political corruption may lead to various outcomes on the “output” side that undermine fair competition and confer undue advantage.

Table 1. Input and output of political corruption

Input of political corruption	Output of political corruption
<i>Influence through persuasion and reputational impact:</i> privileged access to exclusive networks, inside knowledge	• Gaining deals, contracts, honours and appointments
<i>Influence through coercion and intimidation:</i> threat of withholding payments and dismissal	• Receiving favourable policy treatment • Preferential (political/government) access
<i>Outright financial exchange:</i> facilitation payments indistinguishable from “traditional” bribes	• (Skewed) positive reporting and enhanced media image

Accordingly, the four forms of political influence under investigation may cross the boundaries of acceptable practice and reflect the above dimensions of *undue* influence. Despite the fact that the democratic process incurs legitimate costs, **providing (uncapped) funding to politicians, parties and campaigns** can be aimed at trading influence, making officeholders more aligned with donors’ agendas, inducing political favouritism in government contracting, law-making and its enforcement. For its part, although **lobbying** can promote inclusivity in decision-making through interest representation, it can be used by powerful players to gain access and influence legislation and policy-making at the expense of the public interest. In turn, **transitions between the public and private sectors** can promote skill transfer, but situations of conflict of interest can also arise. Former officeholders, for instance, possess knowledge and networks that can benefit the interests of their private jobs. The revolving door therefore represents a specific conflict-of-interest instance that typically occurs after an official leaves their post (while conflicts of interest in general may arise throughout a tenure in office). Last but not least, when media is no longer free to report and hold the powerful to account, it may become a tool of government and corporate interests, abuses of power and corruption – a condition known as “**media capture**”.

These four forms of corruptive practices are prevalently associated with advanced industrial democracies, where legal structures may (deliberately) omit considering a regulatory response to cases of political contributions, conflicts of interest of public officials, lobbying techniques and opaque control of the media, which fall in grey ethical areas. Or, conversely, legislation can be tweaked to legalise them. Such types of corrupt acts – which remain unevenly regulated or unregulated at all, have thus been characterised as driving the phenomenon of “*legal corruption*”, whereby the law is not directly violated but the practical effects of undue influences are similar to those produced by bribes as a function of the proximity between wealth and power.⁹ Moreover, the array of input mechanisms through which undue influence can be exercised, including the utilisation of outright payments, may also become indistinguishable from bribing.

⁹ Barrington, R., David-Barrett, E., Power, S., Hough, D., 2022, *Understanding Corruption: How Corruption Works in Practice*, Agenda Publishing, p. 103

Heywood, P., (ed.), 2015, *Routledge Handbook of Political Corruption*, Routledge, p. 22

Picci, L., 2024, ‘The Consensus on Corruption’, Ch. 2 in *Rethinking Corruption. Reasons Behind the Failure of Anti-Corruption Efforts*, Cambridge University Press, pp. 171, 189-190

Despite the fact that the concept and practice of legal corruption arose with respect to and in the context of Western countries, it should be noted, following Kaufmann,¹⁰ that in its more extreme form, in transitional societies and authoritarian systems, legal corruption can lead to control of entire states, resulting in conditions of fully-fledged state-capture.¹¹

Defining the Level of Analysis: National Legislation in Focus

The current report singles out national legal frameworks as the primary unit of analysis. Although international legal norm diffusion and pressure is considered as a factor that can shape national laws, international conventions remain in a large part non-binding and depend on voluntary acceptance. Hence, an overarching supranational legislative framework, particularly regarding the four types of corruption under investigation, is not in place and cannot therefore warrant a systematic comparison of national legal systems as benchmarked by a higher-order legal codification.

Specifically, **the EU's anti-corruption legislative framework is primarily based on a budget-protection approach**, whereby the disbursement of Union funds is tied to rule-of-law conditionality to be observed by the member states.¹² The European Public Prosecutor's Office is responsible for investigating and prosecuting individuals in criminal offences affecting the financial interests of the EU in 24 member states with a focus on cross-border criminal activities. Beyond this core emphasis on safeguarding the financial interests of the Union, a new proposal has been drafted that aims to significantly streamline corruption offences against the EU by criminalising misappropriation, trading in influence, abuse of function, obstruction of justice and illicit enrichment. Yet, this draft still remains under consideration and has yet to be adopted. (For detailed information on the EU's anti-corruption legislation, see Appendix I).

On a global level beyond the European Union, the investigations led by the US Department of Justice (focused above all on foreign corporate bribery cases) have had the greatest international reverberation. Otherwise, the absence of overarching enforcement bodies and common global legal frameworks means that international anti-corruption conventions – as produced by the OECD and the UN, for example, remain non-binding. The transposition of these conventions' provisions and recommendations from corruption review reports thus primarily depends on normative pressure. (For detailed information on international cross-border legislation, see Appendix II).

¹⁰ Sayer, A., 2014, 'Legal corruption: above the law or making the law?', Ch. 17 in *Why We Can't Afford the Rich*, Bristol University Press
Kaufmann, D., Vicente, P., 2005, 'Legal Corruption', SSRN

¹¹ State capture is defined as occurring where the formation of laws and policy is captured by a narrow interest group, typically a few oligarchs with good connections to the political leadership: see Barrington, R., David-Barrett, E., Power, S., Hough, D., 2022, *Understanding Corruption: How Corruption Works in Practice*, Agenda Publishing, p. 166

¹² Panov, S., 2019, 'The EU's Trifecta Mechanisms: Analysis of EU's Response to the Challenges to the Rule of Law and Corruption', 5 *Kyiv-Mohyla Law and Politics Journal*, Vol. 83

Rules Against Political Corruption: A Methodological Framework for Analysis

The social constructivist research agenda for understanding (anti-)corruption is carried out through in-depth cultural-historical and legal analysis within and across the nine case study countries.

Case Selection for Cultural-Historical Analysis: Western and Central-Eastern Europe Compared

The report investigates a variety of country cases from Europe with diverse historical experiences of democracy and cultural dispositions towards fairness, meritocracy and bureaucratic rationality vs. informality. The diversity of cases thus allows drawing comparative conclusions about the similar and different factors that predispose to or constrain corruption as well as patterns in national approaches to creating legal regimes against political corruption.

On the one hand, the research encompasses **five states considered part of Western Europe** – Sweden, the Netherlands, the UK, France and Italy. This area of the continent spearheaded the establishment of democracy and a formal-rational bureaucracy in the 18th and 19th century, as stemming from the struggles against feudal patronage and the emergence of the middle class pitted against aristocratic privilege. On the other hand, **four countries from Central and Eastern Europe are also examined**, including Hungary, Bulgaria, Serbia and Ukraine. The eastern half of Europe has, for its part, been characterised by a different historical experience than that of the west. This experience is informed by foreign domination and dependence, the disconnection of the state from society, weak democratic traditions and the authoritarian implications of communist rule, resulting in generally unaccountable political systems and societal rule-evasion.

In addition to the overarching distinctions between the western and eastern parts of the continent, further **internal distinctions can be made within each of those two categories**. In Western Europe, long-term historical developments have conditioned general (ideal-typical) models through which governance is organised (albeit specific deviations and decline in governance standards can also be observed). The *Scandinavian or Nordic model* (typically referring to shared practices in Sweden, Norway, Finland, Denmark, Iceland) is distinguished by a historical-institutional development, whereby the transition from absolutist monarchy to constitutionalism and parliamentary democracy was underwritten by emerging conceptions of the rule of law.¹³ The predominant Lutheran religion, which informed the core of the “Protestant ethic”¹⁴ of hard work, progress and enterprise, contributed to the rise of capitalism and the gradual establishment of formal-rational bureaucracy that operated according to universal rules rather than personalistic calculations.

¹³ Jensen, M., 2018, ‘The Building of the Scandinavian States: Establishing Weberian Bureaucracy and Curbing Corruption from the Mid-Seventeenth to the End of the Nineteenth Century: Comparative Perspectives’, in Byrkjeflot, H., Engelstad, F., (eds.), *Bureaucracy and Society in Transition: Comparative Perspectives*, Emerald Publishing Limited
Rothstein, Bo, Teorell, J., 2015, ‘Getting to Sweden, Part II: Breaking with Corruption in the Nineteenth Century’, *Scandinavian Political Studies*, Vol. 38, Issue 3

¹⁴ Weber, M., 2010, *The Protestant Ethic and the Spirit of Capitalism*, Oxford University Press

In turn, *the Netherlands* shares important commonalities with the Nordic model of historical development. Since the 17th century, the country evolved from a fragmented republic of autonomous provinces and cities into a centralised nation-state and constitutional monarchy that would become the backbone for the emergence of parliamentary democracy in the 19th and 20th century. Over this long period of time, notions of public morality and the ideals of good government gradually regulated those forms of corruption that were seen as inimical to the public good, especially the abuse of public office.¹⁵

For its part, *the United Kingdom* shares general commonalities with the historical developments typifying Northern Europe. The impetus to root out “Old Corruption” – which characterised the social and political system in the country in the 18th century, based on widespread patronage and purchase of public office, gained particular ground in the 19th century. The so-called “Age of Reform” responded to the rapid industrialisation and democratisation of public life by gradually extending the electoral franchise and introducing higher standards of representative and accountable governance, not least through a meritocratically selected civil service.¹⁶

Similar to Northern Europe, *France’s* historical development was distinguished by the goal to achieve accountable and just government (most starkly embodied in the ideals of the French Revolution), resulting in a distinct republican tradition, where the state is endowed with the normative authority to act in the name of the common good. Yet, as a Mediterranean country,¹⁷ France also shares features with Southern Europe and Italy, in particular, based on the presence of clientelistic social and political relationships. The impact of patrimonial networks is especially accentuated in *Italy*, where the weakness of the state in the south led to the emergence of the mafia as a source of protection and security.

Within Central and Eastern Europe, the sub-regional distinctions between Central, South-eastern and post-Soviet Europe impart specific traits to the countries belonging to them.¹⁸ Over the long term, the imprint of empires exerted a significant influence over the three sub-regions. Habsburg rule bequeathed to *Central Europe* (typically seen as encompassing Poland, Czechia, Slovakia, Hungary) a tradition of a hard-working and fairly honest bureaucracy that fostered trust in its inhabitants in the respectability of government. In contrast, the Ottomans’ preoccupation with the supply of revenue and recruits for the army incubated traditions of public ignorance, technological backwardness, local corruption, social injustice and lawlessness in *South-eastern Europe* (including, among other Balkan countries, Bulgaria and Serbia). The Russian rulers, in turn, could not envisage the *Russian Empire* as anything but a unitary entity despite the multitude of nationalities (such as Ukrainian). While society gradually modernised, the political system remained militantly oppressive and traditionalist.

These long-term historical trends further fed into the nature of communist rule, whose legacies also shaped the capacity to implement the democratisation agenda since 1989. The *Hungarian, Polish and Czechoslovak form of governance* could be termed “national-accommodative” in that

¹⁵ Kerkhoff, T., Kroeze, R., Wagenaar, P., Hoenderboom, M., 2020, *A History of Dutch Corruption and Public Morality (1648-1940)*, Cambridge Scholars Publishing

¹⁶ Rubenstein, W. D., 1983, ‘The End of “Old Corruption” in Britain 1780–1860’, *Past & Present*, Vol. 101, Issue 1
Innes, J., Burns, A., 2009, *Rethinking the Age of Reform. Britain 1780–1850*, Cambridge University Press

¹⁷ Barnes, S., Sani, G., 1974, ‘Mediterranean Political Culture and Italian Politics: an Interpretation’, *British Journal of Political Science*, Vol. 4, Issue 3

¹⁸ For an extended discussion see Filipova, R., 2022, ‘Central and Eastern Europe after the 1989 Revolution: Diverging Identities in a Reunifying Era’, Ch. 4 in *Constructing the Limits of Europe. Identity and Foreign Policy in Poland, Bulgaria, and Russia since 1989*, Ibidem/Columbia University Press, pp. 39-44

it permitted modest levels of civil rights and elite contestation, informed by the pre-communist tradition of semi-democratic, modernising-industrialising polities. In contrast, the *Balkan form of governance* had “patrimonial” characteristics since it stifled dissent and relied on extensive patronage. Finally, the *Soviet system* came closest to a totalitarian state, whereby an all-powerful bureaucratic regime governed by the communist party perpetuated tsarist autocratic traditions of crushing societal opposition.

Overall, gaining an in-depth comparative understanding of historical conditionalities allows an assessment of general country proclivities to and constraints on corruption as well as gauging the prevalence of particular corrupt practices across states. Indeed, this would represent a plausible strategy, given the inherent shortcomings in attempts to “measure” corruption. That is, drawing definitive conclusions about “degrees” of corruption and hence “more or less” corrupt countries could be particularly problematic due to the imperfect state of data on corruption. The latter only reflects occasional media scandals, available reporting and judicial investigations. Similarly, drawing conclusions about a country’s state of corruptibility solely on the bases of “perceptions” of the public or experts runs the risk of overreliance on partial perceptual data (in the case of public opinion) or incomplete analyses by specialists (who are similarly asked about their overall view and rarely have to conduct concrete research to answer corruption-related questionnaires).

Thus, an approximation about the general patterns, prevalence and character of corruption – derived from deep contextual immersion in the subject matter, constitutes a more fruitful and convincing comparative research pathway.

Legal Analysis: Regulations in Socio-Political Context

In addition to the historical analysis of sub-regional conditions that represent the larger structural factors framing the capacity to counter corruption, the report further provides a legal examination of contemporary anti-corruption regulatory regimes and how they operate within those structural tendencies. A two-tier methodological procedure is applied to each of the nine countries under investigation:

- First, a **legal review of existing regulations is conducted** indicating relevant laws, national strategies and codes of conduct on political finance, lobbying, revolving doors, media. The comprehensive compilation of regulations for every country is listed in a separate catalogue at the end of each country-level chapter, covering four main dimensions, including 1) name of legislation and year of adoption; 2) scope and target group/individual of the legislation; 3) oversight and enforcement bodies charged with monitoring, verification and evaluation; 4) envisaged sanctions for noncompliance.

The legal reviews are aimed to serve as a **reference guide for policy-makers and researchers, providing a systematised and comprehensive record** of relevant legislation. The reviews build on, while updating and developing methodological distinctions from the EuroPAM database (collecting European Public Accountability Mechanisms).

While there is a similarity in the types of legal measures studied in the current report and EuroPAM (linked to financial disclosure, conflict of interest, political finance, and freedom of information), the research in RESPOND differentiates itself in a number of ways. It provides *up-to-date data*

until August 2025,¹⁹ whereas the most recent laws considered in EuroPAM were current as of 2019. Moreover, the prevailingly quantitative methodology employed in EuroPAM differs from the current report's qualitative approach. EuroPAM quantifies results on a binary 0-1 scale, reflecting whether a law exists or not; scores for countries are aggregated into categories for each type of mechanism; and a qualitative dimension still measures the presence or absence (on a yes or no basis) of specific provisions to the laws.

In contrast, the current analysis aims to understand the relevant laws not only in terms of whether a certain provision is enshrined into law but its scope, how and by whom its implementation is overseen and the related sanctions for noncompliance. Also, the regulations are further analysed (as discussed below) as part of a country's wider social and political setting since the presence or absence of a law is an insufficient indicator as to whether and how it is substantively applied in practice based on a process of negotiation and contestation by major actors. Ultimately, identifying clusters of similar and different countries is not solely derived as a matter of degree of availability of a given law in the regulatory framework but as a reflection of prevalent approach to regulation stemming from cultural-historical conditions.

- As a second methodological step, qualitative analysis of the **socio-political construction of legal rules and frameworks is carried out** aimed at understanding the embedded character of laws and their operation in the wider societal and policy-making context. Each country chapter in the report examines in detail four prominent and impactful cases of legal upgrade and legal inaction/misuse relevant to political finance, lobbying, revolving doors, media.

The investigations consider the interaction and relational dynamics of three levels of analysis and their corresponding actors, encompassing 1) the political-governance level – legislators, politicians, the judiciary; 2) civil society – NGOs, journalists, advocacy groups, academia; 3) the international level – the EU, OECD, partner governments. Thus, **in cases of legal innovation/upgrade of the legal system and adoption of new laws**, the country chapters analyse which actor(s) were instrumental in pushing for reform such as:

- ✓ Reformist political momentum (or political retaliation/infighting);
- ✓ Media investigations, scandals, major exposures;
- ✓ Civil societal activity such as protests, deployment of digital anti-corruption technologies;
- ✓ Compliance with (new) supranational/international norms on transparency, ethics and integrity (particularly those of the EU).

Conversely, **in cases of underdevelopment of the legal framework (missing regulations), legal corruption (misuse of law) or inadequate implementation**, the chapters detail the actors and structures, which impeded the operation of legal procedures in constraining corruption such as:

- ✓ Political elites, who formulate/bend rules in ways that legitimise corrupt practices;
- ✓ Absence of policy attention and public discussions (partly as a result of the above);
- ✓ Loopholes, incomplete conceptualisation (leaving room for discretionary interpretations) and remaining grey areas;
- ✓ Under-resourced and/or captured regulatory bodies;
- ✓ Dependent judiciary, ineffective prosecutorial services;
- ✓ Weak civil society.

¹⁹ Of most relevant legislation with respect to political finance, lobbying, revolving doors and media that are in effect and supersede previously relevant but expired regulations.

It should be noted, however, that there may not always be a clear distinction between a “positive” momentum of legal adoption and “negative” legal inaction/misuse (as in cases where strong civil societal demands for curbing corruption are met with purposeful political inaction or where even though a piece of legislation is adopted, its implementation nevertheless falls short). The chapters therefore indicate how there can be a combination of “positive” and “negative” momentum in the cases observed and the relevant explanatory factors.

Overall, the analysis of the socio-political construction of legal rules contributes to a *systematic cross-country understanding* of the contextually embedded factors that shape the prevalent character and approach to regulating political corruption.

Political Corruption in Action: Country Profiles and Comparative Trends

In what follows, the report analyses both the longer-term and more recent cultural-historical developments within and across the country cases, which shape political regime type, economic arrangements, media and societal vibrancy and how these in turn define the degree of freedom, effectiveness and overall character of legal regimes with respect to political corruption. For their part, the national chapters investigate in detail how political, civil societal and international actors interact in the arenas structured by culture and history in their struggles over the formulation, adoption and implementation of legal rules in the area of political finance, lobbying, revolving doors and media.

Sweden

Sweden consistently ranks among the least corrupt countries in the world, even though it has slipped down by four places since 2021 to assume 8th place in 2024 according to the Corruption Perceptions Index.²⁰ **The comparatively low levels of corruption in the country are underwritten by the historical development of Swedish statehood and bureaucracy.** Towards the end of the 19th century, corruption had been constrained as a result of the establishment of a professional bureaucracy.²¹ The coup of 1809 through which the absolutist King Gustav IV Adolphus was deposed and a new constitution was adopted distanced the country from the ancient regime of feudal privileges and favouritism and moved it in the direction of democracy and meritocracy. The Royal Investigative Committee report of 1819 developed a blueprint for the complete reorganisation of Swedish bureaucracy and in the 1830s the modern press began to form, which monitored the actions of civil servants.²²

Although this historical tradition has created a path-dependent environment for the relatively greater transparency of the Swedish political and administrative system, **socio-political changes, especially since the 1980s and 1990s, have contributed to normative decay and emerging areas of corruption.** Two key trends stand out in this regard. First, the *New Public Management model*, which gained prominence in Western Europe in the latter decades of the 20th century, introduced organisational structures from the private sector with the aim of increasing cost efficiency and

²⁰ Transparency International, *Corruption Perceptions Index*

²¹ Erlingsson, G., Kristinsson, H., 2018, ‘Exploring Shades of Corruption Tolerance. Three Lessons from Iceland and Sweden’, *The Quality of Government Institute*, University of Gothenburg, Working Paper Series: 5, p. 13

²² Bågenholm, A., 2017, ‘Corruption and Anticorruption in Early-Nineteenth-Century Sweden: A Snapshot of the State of the Swedish Bureaucracy’, Ch. 16 in Kroeze, R., Vitória, A., Geltner, G., (eds.), *Anti-corruption in History: From Antiquity to the Modern Era*, Oxford University Press

productivity. Local government in Sweden expedited such market-inspired reforms based on decentralisation and contracting out public services, culminating in the creation of municipally-owned enterprises (MOE).

However, the increasing concentration of powers in local government (in particular linked to decisions on the allocation of welfare); the limited turnover of Swedish local elites and the fact that they often sit on MOE boards – in addition to their responsibilities in local government, has proliferated **informal practices in local politics and increased opportunities for municipal-level corruption**. The decline of local journalism has further impeded the process of holding local elites to account.²³ Thus, municipal-level procurement represents a corruption-prone area as conflicts of interest and favouritism have been pinpointed as reasons for skewed outcomes in procurement provision, particularly in the social/elderly care and the construction industry.²⁴

It should also be noted that the *national-level public administration* is not devoid of deviations, either. Even though the civil service generally proceeds according to principles of effectiveness and fairness, a relative decline in administrative culture and ethics have come to the fore in light of cases of arbitrariness and scant regulations of civil servant liability.²⁵

Second, in parallel to the outsourcing and privatisation of government services, **the weakening of traditional corporatist culture has facilitated the influx of new actors into politics and contributed to the rise of lobbying and revolving doors**, with the legal regulation of these phenomena lagging behind. In particular, political party dealignment and the rise of issue-area politics represented the overall context that gradually diluted the corporatist system of interest representation – focused on formal participation in government committees by corporate bodies (above all labour and industry). A wider variety of interest groups appeared, which began to directly lobby governments, additionally specialising in PR and media outreach as a form of pressure. The revolving door practice accelerated, too, as former government officials and parliamentarians can take up posts in a broader range of political and business organisations than before.²⁶ Thus, while new social and political trends have been conducive to the democratisation of interest group representation away from tightly knit and formalised business-political networks, they nevertheless created new, informal pathways to corruption as legislative regulation has remained underdeveloped.

Similarly, **changing socio-political conditions eventually pushed the political elite to adopt some tighter regulations in the area of political finance in 2014 and then in 2018** since up

²³ Bergh, A., Erlingsson, G., Gustafsson, A., Wittberg, E., 2019, 'Municipally Owned Enterprises as Danger Zones for Corruption? How Politicians Having Feet in Two Camps May Undermine Conditions for Accountability', *Public Integrity*, Vol. 21, Issue 3
Andersson, S., Erlingsson, G., 2012, 'New Public Management and Risks of Corruption: The Case of Sweden', Ch. 2 in Tänzler, D., Maras, K., (eds.), *The Social Construction of Corruption in Europe*, Routledge

²⁴ For example, the "Carema scandal" that broke out in 2011 revealed how a for-profit corporate group, owned by overseas venture capitalist companies with intricate tax planning schemes, was implicated in medical neglect and severe cost reduction programs: Svallfors, S., Tyllström, A., 2017, 'Lobbying for profits: Private companies and the privatization of the welfare state in Sweden', Working paper 2017, Issue 1, Stockholm: Institute for Future Studies

²⁵ Sannerholm, R., 2023, 'Rule of Law and Public Administration in Sweden. Law, Politics, Culture', *Scandinavian Studies in Law*, Vol 69, pp. 13-14

²⁶ Ihlen, Ø., Binderkrantz, A. S., Öberg, P., 2021, 'Lobbying in Scandinavia', Ch. 15 in Skogerbo, E., Ihlen, Ø., Kristensen, N. N., Nord, L., (eds.), *Power, Communication, and Politics in the Nordic Countries*, Gothenburg: Nordicom, University of Gothenburg
Selling, N., 2021, 'The long shadow of lobbying: Ideational power of lobbying as illustrated by welfare profits in Sweden', *Interest Groups & Advocacy*, Vol. 10, Issue 1, 47-67
Svallfors, S., Tyllström, A., 2017, 'Lobbying for profits: Private companies and the privatization of the welfare state in Sweden', Working paper 2017, Issue 1, Stockholm: Institute for Future Studies
Helgesson, E., Falasca, K., 2017, 'The construction of an elusive concept: Framing the controversial role and practice of lobbying in Swedish media', *Public Relations Inquiry*, Vol. 6, Issue 3, pp. 275-291

until then there were no legal constraints on how parties raised and expended income. The erosion of confidence in the party system, the reduction in party membership, the emergence of an anti-establishment party (i.e., the Sweden Democrats) with dubious sources of financing necessitated stricter legal codifications and thus moving beyond informal rule creation. The latter has been defined by a consensus-seeking culture among political elites on “rules of the game”, although that consensus frequently reflected the dominance of a given political force – the social democrats before the 1970s and then the centre-right political spectrum.²⁷ Nevertheless, a fully-fledged institutionalisation of political finance rules is yet to take place as significant loopholes remain. Although the 2025 policy inquiry has recommended, among others, a ban on foreign donations and extending the scope of political-party reporting to include expenditures, assets and debts, no concrete legislative steps have materialised yet.²⁸

In this overall environment, where informal practices and favouritism underwrite corruption risks, **civil society can play an important role in exposing and countering corrupt practices** (although extensive and sustained civic mobilisation can represent a challenge). Importantly, societal initiatives can rely on a **judicial system** that is, on the whole, highly evaluated for judicial independence and efficient performance (despite some concerns about the potential for bias in judicial appointments and disciplinary procedures).²⁹

Although Swedish society is usually credited with a high level of social trust and trust in government, evidence has emerged that citizens express concerns about corruption taking the form of conflicts of interest and partial decisions made by officials (rather than outright bribery).³⁰ Accordingly, a number of pathways are available for tackling corruption. For instance, *Sweden's Freedom of Information Act* dating back to 1766 has created the long-term historical conditions for the dissemination of information that concerns the public interest. Recent legislation based on the Public Access to Information and Secrecy Act of 2009 entitles every citizen with free access to official documents. To amplify the opportunity to access and monitor those documents, *open data portals* have been established. *Investigative journalism* has for its part uncovered corruption scandals leading to criminal investigations.³¹

Civil societal initiatives for *business compliance* additionally disseminate best practices and integrity in the workplace. For example, the Agreement to counter bribery and favouritism in sub-national government agencies of 2008 was supported by the Swedish Anti-Corruption Institute and involved three large employer organisations, including the Swedish Association of Local Authorities and Regions, Employers Association and Association of Private Care Providers in Sweden. A set of ethical guidelines, agreed upon by public and private actors, and user-friendly educational information represented key outputs.³²

²⁷ Ohman, M., 2016, ‘Sweden’ Ch. 9 in Norris, P., Van Es, A. A., (eds.), *Checkbook elections?: Political finance in comparative perspective*, Oxford University Press

Koß, M., 2011, ‘Sweden: The Institutionally Invoked Consensus’, Ch. 8 in *The Politics of Party Funding: State Funding to Political Parties and Party Competition in Western Europe*, Oxford University Press

²⁸ Hamada, Y., 2022, ‘Time to shed more light on money in Swedish politics’, *International Idea*

²⁹ European Commission, *2025 Rule of Law Report. Country Chapter on the rule of law situation in Sweden*, p. 2

³⁰ Andersson, S., 2013, ‘The Varieties of Corruption: Lessons From a Least Corrupt Case’, in *Corruption in least corrupt countries. Scope, causes and consequences*, Bergen, 26-27 August 2013, pp. 1-36

³¹ Makarova, M., 2018, ‘The Anti-Corruption Civil Society in Sweden as Part of Sustainable Policy Networks’, *Regional Formation & Development Studies*, Vol. 26

³² Huss, O., Beke, M., Wynarski, J., Slot, B., 2023, *Handbook of good practices in the fight against corruption*, European Commission, pp. 88-90

Regulatory Approach to Political Corruption

Sweden's generally persistent ranking as one of the least corrupt countries in the world, combined with a culture that does not tolerate corrupt acts and promotes a perception of the country as transparent have contributed to a reduced urgency and salience of the topic of fighting corruption as well as an inclination to rely on legally non-binding codes of conduct. This traditional cultural orientation has, however, served political elites, who have exhibited a preference for reaching informal consensus to regulate the rules of the political game. It has also belied increasing citizen concern about favouritism, norm decay and emerging areas for corruption, for example on the municipal level. A major pressure point for regulating corruption has thus come from international organisations. GRECO, for instance, has noted over the years that even though bribery can be rare in Sweden, conflicts of interest and issues with political financing are more prevalent.³³

Accordingly, the gist of Swedish anti-corruption legislation focuses on tackling bribery as set out in the Swedish Penal Code (with the caveat that this type of corruption has not been completely rooted out as domestic public procurement and foreign corporate bribery cases have shown).³⁴ However, there has been **more limited legally consequential policy activity with respect to the four forms of political corruption under investigation, which has shaped a thin regulatory regime**. Although a series of reviews and policy inquiries have been undertaken in recent years in the area of lobbying and conflicts of interest, the proposals generated as a result have not led to legal changes.

- **Political finance** started to be given greater regulatory attention with the adoption of a law in 2014, later updated in 2018, but it still contains notable loopholes related to a lack of oversight of party expenditures and a permissive acceptance of foreign funding to political parties. Nevertheless, important measures for increasing transparency include the requirement for non-profit associations through which party finance activity is conducted to submit a revenue report; the imposition of a cap on anonymous contributions at 0.05 price base (~250 EUR); as well as a provision to declare income won from lotteries.
- **Lobbying** is not subject to specific legislation and nor do lobbying activities have to be reported in a register.
- **The revolving door** is regulated by an Act from 2018, which stipulates post-employment rules for ministers and state secretaries within 12 months of the end of their government work and related potential transitional restrictions decided by an advisory board. However, no sanctions are envisaged for non-compliance.
- **Public media** are financed through a mandatory fee deduced from the population's income. Outlets are required to publish their ownership information but no sanctions are envisaged for lack of compliance. Media ownership legislation thus continues to be sparse and underdeveloped, which stands in contrast to a growing trend towards a concentration of ownership patterns.

³³ Council of Europe, 2019, 'Sweden needs to raise awareness in the government and in the police about conflicts of interest and "friendship corruption"'

³⁴ For example, Swedish companies operating overseas have been charged with bribing foreign governments. In a notorious instance, the Ericsson telecommunications company was implicated in bribing foreign officials, falsifying books and records and lack of implementation of sound internal accounting controls as part of its activities in Djibouti, China, Vietnam, Indonesia, Kuwait: Department of State, 2023, '2023 Country Reports on Human Rights Practices: Sweden'

Box 1. Sweden Summary Country Profile



- The long-term historical development of the state and modernisation of society, particularly in the 19th century, underwrote a (relatively) accountable civil service.
- After the 1980s and 1990s: outsourcing of public services to the private sector and decline of corporatism.
- Emerging areas of corruption: municipal-level public procurement.
- Non-binding codes of conduct predominate.
- Widespread self-perceptions as non-corrupt belied by growing citizen concern.
- Civil society, investigative journalism and a robust judiciary can represent counterpoints to corruption (as long as civic mobilisation is sustained more consistently).
- Law on political finance contains notable loopholes: lack of oversight of party expenditures and acceptance of foreign funding to political parties.
- Lobbying is not subject to regulation.
- Revolving door regulations are not backed up by sanctions for non-compliance.
- Media ownership legislation remains underdeveloped, while a concentration of ownership increases.

The Netherlands

The historical development of the state and society in the Netherlands has conditioned (relatively) continuous self-perceptions and an established international image of the country as by and large corruption-free. Already in the Middle Ages, a diffusion of power took place between the nobility, urban patricians, farmers, guilds and others, which ensured a degree of equity between social groups, whose property rights were protected by the public authorities. Financial arrangements promoted entrepreneurial activities, militating against graft, while advanced accounting techniques (such as double book-keeping) placed obstacles on the ability to commit fraud. In the 18th century, new societal developments and sentiments critiqued the legitimacy of patronage and legal inequality, condemning the royal Orangist regime as corrupt due to its arbitrary concentration of power. During the Batavian Republic (1795-1801), laws against corruption were introduced, the public sphere was separated from private affairs and the unitary state weakened local governance structures that had informed the previously existing patronage system.³⁵

Aristocratic forces nevertheless persisted even with the rise of mass democracy as political leaders on the left and right opposed a rapid democratisation of public life and themselves began to act as the guardians of political and societal integrity. **Anti-corruption thus became the preserve of an elitist government culture** defined by the self-restraint and morality of public officials observing rules of appropriate behaviour (in contrast, self-enrichment and favouritism would violate societal expectations and constitute a reason for exclusion from public office).³⁶

³⁵ Kennedy, J., Kroeze, R., 'The Paradox of "A High Standard of Public Honesty": A Long-Term Perspective on Dutch History', Ch. 14 in Kroeze, R., Vitória, A., Geltner, G., (eds.), 2017, *Anti-corruption in History: From Antiquity to the Modern Era*, Oxford University Press, pp. 211-214

³⁶ Ibid., pp. 221-223

Over time, the gradual maturation of the democratisation process entrenched norms and practices of an **autonomous judiciary, free press and a vibrant civil society**, which play a crucial contemporary role for countering corruption. The judicial system is typically highly evaluated in international rankings on measures of independence and efficient performance (although, admittedly, political influence can take place over appointments to the Council for the Judiciary and the prosecution).³⁷ A robust and independent press, including investigative journalism, serves to uncover corruption cases, despite tendencies towards media market concentration and threats of violence against journalists. CSOs such as Transparency International Netherlands and the Open State Foundation fulfil a watchdog role (but restrictions on protest activities should be noted as a potential curb on the actions of civil society).³⁸

However, despite Dutch progress towards constraining patronage, graft and bribery, both longer-term and recent historical trends speak to the limits of the anti-corruption process. First, **a critical perspective on Dutch historiography points to the latter's top-down state-focused orientation that has built a generalised image of non-corruptibility**, while omitting significant instances of corruption. Such a historiographical orientation therefore tends to silence the “exemplary” character of early modern justice. Judicial authorities utilised select and exemplary cases to fulfil a deterrent public purpose and legal inequality still persisted.³⁹ Hence, tackling corruption was far from an all-encompassing phenomenon.

Second, **a more recent process of normative waning has weakened the foundations of anti-corruption**. The elitist Dutch culture of governance has in some respects given way to the contemporary nepotist culture of the “politics of friends” (or “vriendjespolitiek”) based on the favourable treatment of persons belonging to the same social and political circle.⁴⁰ Relatedly, although anti-corruption policy in the Netherlands has typically relied heavily on mostly uncoded integrity measures, best practices and awareness-raising (indeed reflecting the view of the country as corruption-free),⁴¹ there has been a growing perception of the public administration's violation of these integrity measures. Indeed, a survey of public administrators demonstrated that more of them pointed to integrity violations related to cronyism (e.g., jobs and assignments being granted to friends and acquaintances) as the most common occurrences of corruption, rather than fraud and bribery.⁴²

Third, as is the case with other Western countries, **the transformation of the Dutch economy from a coordinated/corporatist arrangement towards a liberal, open-market economy has led to the overrepresentation of big business in Dutch politics**. According to the corporatist model, especially prominent after World War II, representation of business and labour at the state level took place through large interest groups that negotiated social and economic policy in a structured manner with the authorities (also known as the consensus-seeking Dutch “polder” model). In contrast, deregulation and privatisation, accelerating from the 1980s onwards, opened avenues for

³⁷ European Commission, *2025 Rule of Law Report. Country Chapter on the rule of law situation in the Netherlands*, pp. 2, 4

³⁸ Netherlands Helsinki Committee, 2025, ‘Erosion of judicial independence, media freedom and civic space’

³⁹ Egmond, F., 2001, ‘Crooked justice. Corruption, inequality and civic rights in the early modern Netherlands’, *Memoria y Civilizacion*, Vol 4, p. 5

⁴⁰ Sociaal en Cultureel Planbureau (Netherlands Institute for Social Research), 2023, *Burgerperspectieven*, (Citizen Perspectives), Report 2 – 2023, p. 3

⁴¹ Slingerland, W., de Graaf, G., 2020, ‘The Netherlands: an impression of corruption in a less corrupt country’, Ch. 26 in Graycar, A., (ed.), *Handbook on Corruption, Ethics and Integrity in Public Administration*, Edward Elgar Publishing
Barabás, T., (ed.), 2021, *Distinguishing Criteria between Petty and High-Ranking Corruption*, National Institute of Criminology, p. 152

⁴² Graaf, G., Huberts, L., Strüwer, T., 2017, ‘Integrity Violations and Corruption in Western Public Governance: Empirical Evidence and Reflection from the Netherlands’, *Public Integrity*, Vol. 20, Issue 2

the concentrated economic interests of individual large corporations to gain privileged access to decision-makers through lobbying and participation in powerful networks.⁴³

Standards of Dutch public life have thus been weakening as nepotistic networks, favouritism, lobbying and conflicts of interest have gained ground over time. **While bribery is much more limited as a phenomenon throughout society, it still remains a risk in certain sectors such as the construction industry and major ports and airports.** Scandals during the early 2000s exposed the vulnerability of the real estate sector to corruption. Dutch media revealed a range of corrupt practices in the construction industry related to double-entry bookkeeping, slush funds, forced-up prices, cartelisation, bribery and corrupt contacts were alleged to exist between public servants and contractors. It was also reported that three large construction companies attempted to avert prosecution for fraud linked to the Schiphol Train Tunnel Facility Project by entering into a transaction with the Public Prosecutor's Office.⁴⁴

In turn, Schiphol Airport and the Port of Rotterdam – as among Europe's largest airports and container harbours, respectively, have become attractive targets for organised crime groups aiming to traffic illicit substances and goods such as drugs.⁴⁵

Regulatory Approach to Political Corruption

Despite the Netherlands' status as a high performer in taming corruption related to bribery and fraud, informal, grey-zone interactions have increased, while the regulatory framework for addressing those challenges has lagged behind. Indeed, there is **an incomplete legal regime, pending fully-fledged codification with clear-cut sanctions mechanisms** for offences linked to political finance, lobbying, the revolving door and media.

Scandals and external scrutiny (exercised by GRECO above all) have highlighted problematic areas in need of legislative remedy. As a result, legislative proposals and draft bills have been created but their adoption into law has represented a long, drawn-out process.

- As regards **political finance**, weaknesses associated with the lack of independent oversight of party spending and the permissibility of relatively large undisclosed donations have been acknowledged. Yet, the draft law that aims to address these deficiencies has not been codified yet.
- The Netherlands also still lacks a comprehensive **lobbying** disclosure law and a mandatory lobbying register.
- In terms of the **revolving-door phenomenon**, there is a ban on former cabinet ministers to conduct lobbying activities with their former ministry in the primary or adjacent policy areas for which they were responsible over a two-year cooling-off period. Yet, these provisions are

⁴³ Juffer, R., 2021, 'Who gets a seat at the table? Understanding the lobbying landscape by analyzing the agendas of Dutch ministers', *Master thesis – University of Amsterdam*

⁴⁴ Heuvel, G., 2005, 'The parliamentary enquiry on fraud in the Dutch construction industry collusion as concept between corruption and state-corporate crime', *Crime, law and social change*, Vol. 44

⁴⁵ Zürcher, E., Pardal, M., Leussink, I., Hoorens, S., 2024, *Drugsgereleerde corruptie op Schiphol en in de Rotterdamse haven (Drug-related corruption at Schiphol Airport and the Port of Rotterdam)*, RAND Corporation

regulated through voluntary compliance and codes of conduct with draft laws still pending adoption.

- Dutch *public media* receive funds from the government and media as a whole have played an important role in uncovering corruption cases. Nonetheless, a growing concern has been linked to the weak transparency of media ownership. A register of the ultimate beneficial owners of outlets does exist but sanctions for evading registration or providing incomplete or false information are not envisaged. Legislation has been drafted accordingly but, as with the other types of political corruption, the proposed bills have not been signed into laws yet.

Box 2. Netherlands Summary Country Profile



- The long-term historical development of the state and modernisation of society, particularly in the 19th century, underwrote a (relatively) accountable civil service.
- After the 1980s and 1990s: outsourcing of public services to the private sector and decline of corporatism.
- Normative waning and rise of nepotistic political culture.
- Emerging areas of corruption: construction and air/port infrastructure.
- Reliance on integrity codes.
- Civil society, investigative journalism and a robust judiciary are counterpoints to corruption.
- Political finance regulations contain weaknesses associated with the lack of independent oversight of party spending and the permissibility of relatively large undisclosed donations (draft law addressing these problems has not come into force).
- Absence of a comprehensive lobbying disclosure law and a mandatory lobbying register.
- Revolving door regulations depend on voluntary compliance and codes of conduct (draft law pends adoption by the Senate).
- Register of media ownership exists but is devoid of sanctions and weak ownership transparency persists.

United Kingdom

The UK's regulatory framework on corruption is defined by **two main overlapping trends related to the consequences of the distinctive common law system coupled with the overbearing influence of the executive**, particularly manifested in the concentration of power in the hands of the Prime Minister.

On the one hand, the common law tradition and partly written constitution entail weak and incoherent codification, typically promulgated in codes, statutes and acts of Parliament. The long-term historical evolution of this legal orientation has been informed by the importance of accepted custom, self-regulation and adherence to unwritten standards of behaviour. The attendant implications of the combination of informal cultural codes, partially stipulated rules and precedents developed in courts have been observable also in the area of countering corruption. British criminal law only generically defines corruption in relation to holders of public office and **corrupt offences are mainly laid down in outdated statutes created at the end of the 19th and early 20th century during the so-called**

“Age of Reform”, when standards of accountable representative government took hold. These include the Public Bodies Corrupt Practices Act of 1889, the Prevention of Corruption Act of 1906 and Prevention of Corruption Act of 1916 and they still form the bedrock of the UK’s anti-corruption legislation.⁴⁶

The distinctive features of the British legal system, however, only partly underpin the insufficiencies of the anti-corruption framework in the country. Indeed, the legal system can be streamlined and corrupt activities clearly codified through acts of Parliament, if political will is present. Yet, the track record over the past decades shows that **the executive has oftentimes blocked the uptake and written stipulation of new anti-corruption rules.** As the relevant national chapter demonstrates, parliamentary reports, reviews and enquiries into party finance, lobbying, the revolving door and media have been consistently commissioned and prepared but the implementation of the ensuing recommendations has been delayed or completely derailed by successive governments. The few instances of a more determined introduction of new bills have primarily concerned the Bribery Act (modelled on the OECD’s Anti-Bribery Convention) and the Online Safety Bill (regulating tech platforms’ activities), which were the outcomes of sustained international and civil societal pressure.⁴⁷

Moreover, **the adjudication powers with respect to the codes that do exist have been subject to politicisation and partisanship.** Instead of an independent regulating authority, the Prime Minister and the House of Commons and Lords are vested with the authority for final arbitration of violations of the rules. For example, the Ministerial Code, which regulates the compatibility of the public duties and private interests of Ministers, is enforced by the Independent Adviser on Ministerial Standards, who are themselves appointed by the Prime Minister. The latter possesses the final authority to decide on sanctions in case of a breach. Similarly, the Prime Minister retains the ultimate decision-making authority on sanctions in cases of breaches of the Civil Service Code and the Business Appointment Rules. Notably, the position of Anti-Corruption Champion, created in 2006 with the aim to oversee the government’s response to domestic and international corruption, is also appointed by and answerable to the Prime Minister.⁴⁸

For its part, Parliament adjudicates on cases concerning the conduct of its members. The House of Commons Code of Conduct and House of Lords Code of Conduct regulate the behaviour of MPs and lords, including as regards lobbying and conflicts of interest. Sanctions for misdemeanour under the Codes are ultimately decided by the respective House itself.

At the same time, **extra-political avenues for countering corruption** and holding politicians to account may be losing effectiveness due to emerging problem areas. *The British judicial system* is typically credited for its transparency and efficiency. Yet, in recent years, the rising incidence of judicial misconduct serving private interests and the enabling of dirty international money-laundering have been noted⁴⁹ (though academic research on the state of Britain’s judiciary is scant). The *civil service* had traditionally enjoyed a high standing as impartial and corruption-free. Nevertheless,

⁴⁶ Hine, D., Gillian, P., 2012, ‘Integrity Issues in the United Kingdom: An Emerging Debate’, Ch. 3 in Tänzler, D., Maras, K., (eds.), *The Social Construction of Corruption in Europe*, Routledge

⁴⁷ Barrington, R., 2020, ‘*The Bribery Act 2010. Key Moments in the Campaign*’, *Working Paper No 4*, April 2020, University of Sussex
Neudert, L. M., 2023, ‘Regulatory capacity capture: The United Kingdom’s online safety regime’, *Internet Policy Review*, Vol. 12, Issue 4

⁴⁸ Barrington, R., 2024, ‘*Examining the case for an Independent Anti-Corruption Commissioner in the United Kingdom*’, *CSC Working Paper Series no 17*, University of Sussex

⁴⁹ Wrennall, 2016, ‘*Confronting Judicial Misconduct*’, *Centre for Crime and Justice Studies*
Transparency International UK, ‘*Corruption and the UK*’

trends towards politicisation and integrity breaches are becoming increasingly common. For example, political appointments and special advisor positions in the civil service, directly designated by the Prime Minister, transgresses the merit-based principle of appointment.⁵⁰

British civil society in turn faces growing obstacles to its ability to fight back against corruption due to an overall deterioration in civic freedoms. The Civicus Monitor, for example, classifies the UK as having an “obstructed” civic space, especially given mounting restrictions on the freedom to protest and hostile political attitudes towards civic activism.⁵¹ A pattern of democratic backsliding⁵² generally underwrites shrinking opportunities for public pressure on the authorities, which is oftentimes confined to signing online petitions. *Journalistic standards* have also faced a precipitous decline. Ethical and legal breaches on the part of the press, particularly newspapers, have been shown to be widespread by the Leveson Inquiry, launched in 2011. The cultivation of close relationships with politicians, inaccurate and partisan coverage and the eroding independence of the BBC inform an informational ecosystem that undermines the function of the press to hold politicians to account.

Regulatory Approach to Political Corruption

The twin challenges of weak codification, traditionally associated with the common law system, and the executive’s frequent unwillingness to update and streamline anti-corruption provisions have shaped a **piecemeal and ineffective regulatory regime** with respect to the four types of corruption investigated by the project.

- Rules on ***party and campaign finance*** are similarly characterised by a patchwork of regulations containing some questionable provisions. On the one hand, registered parties are required to submit annual accounts of income and expenditure; foreign and anonymous donations are prohibited and there is a cap on campaign expenditure at £30 000 per contested constituency. On the other hand, the fact that “*unincorporated associations*”⁵³ can donate up to £25 000 without scrutiny raises transparency issues about the origins of funds.⁵⁴ Also, the lack of limits on (permissible) donations to parties consolidates the influence of big donors and grey-area interactions, as manifested in *cash-for-honours scandals* and *privileged access* to policy-makers.⁵⁵
- ***Lobbying regulations*** are found in different overlapping codes, defined by the predominance of voluntary implementation and self-regulation, whereby the ultimate adjudicatory authority is political (Prime Minister or Parliament).
- ***Revolving-door provisions*** coincide with those for lobbying and political finance, stipulating that all civil servants and former ministers may not lobby the government and must seek ap-

⁵⁰ Dobson, R., Heywood, P., 2019, ‘Clean but compromised: Corruption in the UK public administration’, *DPCE Online*, Vol. 38, Issue 1

⁵¹ Civicus Monitor, *United Kingdom*

Popplewell, R., 2024, ‘Now is the time to reverse the decline and protect UK civic space’, *Bond*

⁵² James, T., 2023, *The UK’s Democracy Under Strain: Democratic Backsliding 2019-23*, Unlock Democracy

⁵³ In common law systems, unincorporated associations represent a gathering of individuals with a shared purpose without seeking profit. Unlike in civil law countries, where such associations gain a legal personality upon registration, under common law these organisations’ status arises from contract rather than formal incorporation.

⁵⁴ Garland, J., 2023, ‘There is a dangerous loophole in our political financing rules’, *Electoral Reform Society*

⁵⁵ Power, S., 2020, ‘Great Britain and Denmark: Party Funding Regimes and Accounts’, Ch. 5 in *Party Funding and Corruption. Political Corruption and Governance*, Palgrave Macmillan

Power, S., 2020, ‘Party Funding and Corruption in Great Britain’, Ch. 7 in *Party Funding and Corruption. Political Corruption and Governance*, Palgrave Macmillan

proval of their post-employment plans by an advisory committee, which may recommend up to a 2-year waiting period. Former MPs are barred from lobbying for 6 months after leaving Parliament. Nevertheless, these provisions lack legal binding-ness and enforcement capacity.

- For the most part, the operation of the British *media* is not underwritten on a statutory basis. While broadcast media is regulated by Ofcom, only self-regulation rules apply to print media and publishers. This has provided a leeway for the exponential rise of the influence of commercial actors on content either through the favourable coverage that investors receive or through *concealed sponsored content* (whereby advertising is presented as editorial material).⁵⁶

Box 3. UK Summary Country Profile



- The long-term historical development of the state and modernisation of society, particularly in the 19th century, underwrote a (relatively) accountable civil service.
- The common law tradition and partly written constitution emphasise accepted custom, self-regulation and adherence to unwritten standards of behaviour to the detriment of a wholesale and effective legal regime.
- Persistent trend towards concentration of power in the executive.
- Civil society, investigative journalism and the judiciary have all experienced a decline in their ability to hold power to account due to the general democratic erosion.
- Problematic areas in political finance include unincorporated associations' anonymised donations as well as the lack of limits on (permissible) donations to parties.
- Lobbying rules depend on voluntary implementation and self-regulation.
- Revolving door regulations lack legal binding-ness and enforcement capacity.
- The operation of the British media is generally not underwritten on a statutory basis. Broadcast media is regulated by Ofcom, only self-regulation applies to print media and publishers.

France

The French cultural tradition conditions a two-pronged tendency with respect to both countering and condoning corruption. On the one hand, the modernisation processes, particularly in the 19th century, and the French Revolution brought to the fore concerns with and ideals of democratic governance and fairness, whereby corrupt practices began to be politicised and regulated. These social and political shifts bequeathed the now widespread understanding of “l’interet general”, postulating the central role of the state, universalistic norms of justice and a strong civil servant ethos of merit and honesty as guarantors of the common good.⁵⁷

⁵⁶ An indicative instance of that was exposed in 2018 when it came to light that the Evening Standard promised companies such as Uber and Google coverage without disclosing that it was an ad: Fitzgerald, M., Cusick, J., & Geoghegan, P., 2021, ‘The Capture of Britain’s Feral Beast’, Ch. 11 in *Media Capture: How Money, Digital Platforms, and Governments Control the News*, Columbia University Press

⁵⁷ Kerkhoff, T., Kroeze, R., Wagenaar, P., 2013, ‘Corruption and the Rise of Modern Politics in Europe in the Eighteenth and Nineteenth Centuries: A Comparison between France, the Netherlands, Germany and England. Introduction’, *Journal of Modern European History*, Vol. 11, Issue 1, pp. 3, 10

On the other hand, the practical implications of the belief vested in the disinterestedness of the public administration have involved clientelism and favouritism within the civil service and the large resources it disposes of. Moreover, the deeply rooted traditional practice of “*pantouflage*” (rendered as revolving doors in English) defines a high degree of circulation between politics, the business sphere and public administration. Typically, high-profile politicians and civil servants participate in overlapping social networks as graduates of the *grande écoles* (higher education institutions recruiting students who would later join the civil service). Members of this circle may acquire a mindset and be socialised into the belief that nepotism and patronage are permissible promoters of career progression based on moving between the public and private sector.⁵⁸

Although *pantouflage* in its original meaning referred to a revolving door between public office and business in banking and finance, more recent trends have also determined higher levels of circulation between the state administration and law practice. The privatisation and neo-liberal transformation starting in the 1980s led to the outsourcing of state functions and the emergence of a private sector market for advisory services to the state, with law firms becoming privileged intermediaries in all sectors of the economy.⁵⁹

Last but not least, another pertinent cultural characteristic is linked to French self-images of the country as a “Latin” state. This may further condone and condition different forms of ethical misdemeanour such as conflict of interests and personalistic loyalties perceived as inherent in “Latin” as opposed to “Anglo-Saxon” culture (maintaining a stricter separation of conflicting interests).⁶⁰

At the same time, **more contemporary developments have, to some extent, challenged long-standing cultural assumptions and contributed to introducing relevant anti-corruption legislation.** Indeed, France – along with other Mediterranean countries, only began to regulate forms of political corruption, especially party-political finance, at the end of the 20th century as a result of public outrage accumulating on the heels of high-level corruption scandals.⁶¹

For instance, the 1994 scandal involving former state-owned oil company *Elf Aquitaine* revealed how the corporation had created and presided over a system of kickbacks and illegal payments to both domestic and foreign politicians and businesses in exchange for contracts and favours. It exposed in particular the degree to which the traditional political networks in French policy circles were utilised for the embezzlement of large sums of money.⁶² For its part, the *Paris City Hall affair* shone a light on the mechanisms through which the Paris municipality had been organised as a rent-extracting political machine. Former President, mayor of Paris and leader of the conservative Rally for the Republic party, Jacques Chirac, was heavily implicated as benefiting himself and his party through bribes, patronage and electoral fraud.⁶³ In turn, the *Urba affair* (named after a consultancy

⁵⁸ Rayner, H., ‘Corruption in France: Structural and Contextual Conditions’, Ch. 5 in Tänzler, D., Maras, K., (eds.), 2012, *The Social Construction of Corruption in Europe*, Routledge, p. 188

⁵⁹ France, P., Vauchez, A., ‘Lawyers, Revolving Doors and the Public-Private Foundations of the French Regulatory State’, Ch. 4 in Korkeaho, E., Leino-Sandberg, P., (eds.), 2022, *Law, Legal Expertise and EU Policy-Making*, Cambridge University Press

⁶⁰ Birch, S., Allen, N. J., Sarmiento-Mirwaldt, K., 2017, ‘Anger, anxiety and corruption perceptions: Evidence from France’, *Political Studies*, Vol. 65, Issue 4

⁶¹ Lascoumes, P., Skippon, S., 2001, ‘Change and Resistance in the Fight Against Corruption in France’, *French Politics, Culture & Society*, Vol. 19, No. 1, p. 2

⁶² Mény, I., ‘Corruption French Style’, Ch. 7 in Little, W., Posada-Carbó, E., (eds.), 1996, *Political Corruption in Europe and Latin America*, Palgrave Macmillan, pp. 3-8

⁶³ Rayner, H., ‘Corruption in France: Structural and Contextual Conditions’, Ch. 5 in Tänzler, D., Maras, K., (eds.), 2012, *The Social Construction of Corruption in Europe*, Routledge, p. 201

established by the Socialist Party) revealed that financing for electoral campaigns had been collected through the consultancy from local contractors seeking public contracts.

Heightened societal sensitivity to corruption in the 1980s and 1990s in response to such series of scandals was conjoined with the emergence of a more autonomous media and judiciary, the combined results of which catalysed the legal regulation of corruption.⁶⁴ This was epitomised by the 1988 law on the financial transparency of political parties and electoral campaigns.

Another wave of increasing public concern about corruption was evident in the early 2010s, especially in the midst of the Cahuzac scandal, whereby Jérôme Cahuzac, former Minister of Budget, was accused and convicted of offshore tax fraud and money laundering. In the aftermath of the revelations, there was another legislative push to prohibit illicit behaviour. Importantly, the High Authority for Transparency in Public Life (HATVP) was established in 2013 as a key anti-corruption agency in France vested with the authority to oversee officials' declarations of interests and assets, further regulating movements between the public and private sector.⁶⁵ Following up on his campaign promise to clean up French politics, President Emmanuel Macron introduced additional measures to ensure the integrity of public officials, including the 2017 law on "Restoring Confidence in Public Life" and the "Transparency, Anti-Corruption, and Economic Modernisation Law" (or Loi Sapin II).⁶⁶

Overall, despite waves of public discontent spurring legislative changes to regulate political corruption, the latter has continued to represent a persistent feature of French political life as gauged by the **ongoing string of revelations and convictions involving the highest echelons of power**. Among others, former President Nicolas Sarkozy received indictments for involvement in illegal campaign funding and trading in influence; former Prime Minister Francois Fillon was convicted for falsely claiming a parliamentary salary for his wife; while Marine Le Pen, leader of the far-right National Rally party, was found guilty of the embezzlement of EU funds channelled into her party.⁶⁷

Regulatory Approach to Political Corruption

As a result of public outrage in response to the prevalence of political corruption and international pressure (from the OECD, UN, IMF), **France has developed a comprehensive legal framework** for regulating political finance, lobbying, the revolving door and media. Although the French regulatory regime on political corruption is thus much more advanced than in the rest of the countries from Western Europe analysed in the report, problems nevertheless remain. As the relevant chapter demonstrates, they are related above all to deficient enforcement and missing compliance, regulatory loopholes, gaps and ambiguities as well as deeply rooted cultural assumptions (e.g., *pantouflage*), which militate against the full uptake of counter measures.

⁶⁴ Birch, S., Allen, N. J., Sarmiento-Mirwaldt, K., 2017, 'Anger, anxiety and corruption perceptions: Evidence from France', *Political Studies*, Vol. 65, Issue 4

⁶⁵ Monnery, B., Chirat, A., 2024, 'Trust in a national anti-corruption agency: A survey experiment among citizens and experts', *European Journal of Political Economy*, Vol. 85

⁶⁶ Department of State, '2024 Investment Climate Statements: France'

⁶⁷ Lichfield, J., 2021, 'How corrupt is French politics?', *Politico*, 20 May 2021
Zaretsky, R., 2017, 'Why Is France So Corrupt?', *Foreign Policy*

- In the realm of *political finance*, bans are imposed on donations from foreign entities, corporations, trade unions as well as anonymous donors and limits are in place on both donations and campaign spending. Yet, non-compliance and circumvention strategies can bypass regulations as through, for example, the creation of associations for the collection of funds. Even though donations from legal entities are prohibited, the utilisation of foundations for party finance persists in practice.
- *Lobbying* is regulated by the High Authority for Transparency in Public Life (HATVP), which maintains an online public registry of lobbyists and their activities.
- The prevention of *revolving-door practices* by former members of government, senior public officials and key local elected officials is similarly overseen by the HATVP, which reviews post-employment plans. Sanctions for non-compliance include up to 3 years of imprisonment and a fine of 200,000 EUR.
- As regards *media ownership*, despite the fact that relevant legislative provisions for disclosing ownership and limiting its concentration do exist, there are no publicly accessible registries of beneficial owners. Different sources from which this can be gleaned (such as through paid access and the annual reports of owners) do not necessarily provide up-to-date, complete information on the often-complex ownership structures chains and breakdown of shares.⁶⁸

Box 4. France Summary Country Profile



- The long-term historical development of the state and modernisation of society, particularly in the 19th century, underwrote a (relatively) accountable civil service.
- But the traditional practice of *pantouflage* defines a high degree of circulation between politics, the business sphere and public administration among interconnected elites.
- The end of the 20th century inaugurated a period of heightened societal sensitivity to corruption in light of corruption scandals.
- Ongoing revelations and convictions of high-level officials for corruption.
- Comprehensive legislation on political finance can be undermined by non-compliance and circumvention.
- Online public registry of lobbyists is maintained.
- Heavy sanctions for violating revolving door rules are in place.
- Media legislation envisages the disclosure of ownership arrangements but there are no publicly accessible registries of beneficial owners.

⁶⁸ Bouquillion, P., Lefèvre, B., 2023, 'France Country Report 2023', *Euromedia Ownership Monitor*

Italy

The persistence of extensive patronage networks in Italy has represented a distinctive feature of the country, rooted in rampant clientelism and nepotism enabled by a fragmented political culture and underdeveloped civic society.⁶⁹ Indeed, the infamous Italian mafia originally developed in Sicily as a source of protection in conditions of absent state control, a weak legal apparatus and a small middle class (unlike in the north of Italy). Subsequently, and particularly since the end of World War II, organised crime infiltrated the state. Political particularism and the fact that no political party enjoyed stable dominance fostered a symbiotic relationship between politicians and the mafia, whereby votes were secured in exchange for economic rewards and tolerance of organised crime.⁷⁰

In more recent times and especially in the aftermath of the large-scale *Mani pulite* (“clean hands”) judicial investigation into political corruption in the 1990s, mafia networks have transformed their operations. A modified strategy emerged, informed by a less overt deployment of violence and more informal, hidden and non-hierarchical corruptive-clientelistic links, exploiting new opportunities for extraction from the public sector and centring around specific civil servants, managers of state-owned firms, managers in the private sector rather than on party machines.⁷¹ As a number of studies have demonstrated, the mafia has started to permeate local and state government in Rome and northern Italy. The criminal network in Rome dubbed *Mafia capitale* appeared in the Italian capital in conditions of party-political breakdown, which could no longer guarantee political careers, as well as increased competition for resources as a result of the deregulation of the public sector. *Mafia capitale* stepped into the role of a 3rd party enforcer that reduced uncertainty in relationships among actors involved and in turn extracted gains.⁷² Similarly, in northern Italy, the privatisation of public services and decentralisation through regionalisation have facilitated opportunities for corrupt dealings through the award of public contracts that attract the attention of the mafia, particularly in the construction sector.⁷³

The continued presence of mafia-linked networks persists uninterrupted in the context of **low societal mobilisation in the fight against corruption**. Indeed, a paradox can be noted in Italian society, whereby consistently high measures of perceptions of corruption⁷⁴ do not translate into heightened civil societal activity to counter corrupt practices. Rather, as documented,⁷⁵ grassroots initiatives are mostly sporadic and do not form lasting networks that can feed into a cohesive social movement. A number of factors can account for this state of affairs, including citizens’ own complicity in corrupt exchange, fear of mafia reprisals, disenchantment with the frequent lack of definitiveness of court cases against politicians implicated in corruption as well as apathy and withdrawal from the political process.

⁶⁹ Della Porta, D., Vannucci, A., 2012, ‘When Anti-Corruption Policy Fails: The Italian Case Eighteen Years After the *mani pulite* Investigations’, Ch. 6 in Tänzler, D., Maras, K., (eds.), 2012, *The Social Construction of Corruption in Europe*, Routledge, p. 264

⁷⁰ Shelley, L., 1994, ‘Review: Mafia and the Italian State: The Historical Roots of the Current Crisis’, *Sociological Forum*, Vol. 9, No. 4, pp. 661-672

⁷¹ Amao, F., 2018, ‘The trickle-down of corruption: Political Economy, Security, and Society in the 21st Century’, in Evangelista, M., (ed.), *Italy From Crisis to Crisis. Political Economy, Security, and Society in the 21st Century*, Routledge
Feldman, D., 2020, ‘The Efficacy of Anti-Corruption Institutions in Italy’, *Public Integrity*, Vol. 22, Issue 6, pp. 590–605

⁷² Vannucci, A., 2024, ‘When corruption creates its Mafia. The “middle-world” case in Rome’, *Trends in Organized Crime*

⁷³ Damiani, R., 2018, ‘The Mafia Connection: Explaining Bad Governance in Northern Italy’, *RUSI*

⁷⁴ Pittaluga, G., Seghezza, E., Morelli, P., 2024, ‘Media fabrication of corruption and the quality of the political class: The case of Italy’, *European Journal of Political Economy*, Vol. 84

⁷⁵ Rispoli, F., 2024, ‘Anti-Corruption from Below in Italy: Mobilization Trends from 1992 to 2021’, *Partecipazione e Conflitto*, Vol. 17, No 2, pp. 401-420

In the midst of extensive corruptive-criminal networks and public reticence, **the judiciary has occasionally played an assertive and independent role in the fight against corruption** even as against the background of a persistent tradition of collusion between judges and corrupt politicians. The 1980s and 1990s crystallised a growing culture of judicial autonomy. It was informed by a new generation of judges opposing legal complicity with political corruption and organised crime as well as by institutional arrangements that promoted a degree of independence from the political class. The High Council of the Judiciary evolved as a self-governing body that is responsible for career progression and disciplinary action, which ensures formal independence from the executive. Importantly, judges and prosecutors can freely transition into either role, which further fosters institutional autonomy from the government.⁷⁶ This independent professional ethos and readiness to pursue investigations into corruption and mafia dealings even under the threat of assassination⁷⁷ was most conspicuously embodied in the Mani pulite trials of the 1990s and garnered the backing of public approval in the latter decades of the 20th century.

However, political backlash against the judiciary has truncated the latter's powers and effectiveness. Former Prime Minister Silvio Berlusconi, whose political rise started in the aftermath of the collapse of the political party system during Mani pulite and who later himself became subject of legal investigations, introduced a *stricter statute of limitations*.⁷⁸ It postulated that the statute took into effect when a crime is committed and continued to run for the duration of a defendant's investigation, trial, and appeal, with no option of suspension.⁷⁹ This shortened deadlines for legal proceedings and hampered the conclusion of most trials in conditions of inefficiency that characterise the Italian legal system. Subsequent amendments, such as the one enshrined in Law No 3/2019, nevertheless extended timeframes by, for example, stipulating that the statute of limitation commences from the day when the continuation ceased (in cases of continued offenses), while previously it started from the day on which the single illegal act ended.⁸⁰

Another example of attempts to constrain the judiciary feature current *Prime Minister Giorgia Meloni's judicial overhaul* controversially envisioning the complete separation of the career tracks of judges and prosecutors. Cooperation among them has been viewed by governments (particularly those of Berlusconi) as weakening the defence of politicians on trial for corruption.⁸¹

In addition to the judiciary (despite significant caveats), **the media has also at times contributed to the dissemination of information about corruption** and thus played a role in countering it. Newspapers have given voice to cases of corruption, which has shaped decreasing levels of voter

⁷⁶ Della Porta, D., 2001, 'A judges' revolution? Political corruption and the judiciary in Italy', *European Journal of Political Research*, Vol. 39, pp. 2-21

⁷⁷ Most notoriously exemplified by the assassination of judge and prosecuting magistrate, Giovanni Falcone, in 1992.

⁷⁸ Spilimbergo, A., Srinivasan, K., 2019, 'Lessons from Italy's Anti-Corruption Efforts', Ch. 21 in *Brazil Boom, Bust, and the Road to Recovery*, International Monetary Fund

⁷⁹ Cremin, M., 2019, 'Italy's Statute-of-Limitations Reforms: A Helpful But Incomplete Step Toward Ending Impunity', *The Global Anticorruption Blog*

⁸⁰ Library of Congress, 'Italy: Reform of Statute of Limitations in Criminal Cases ("Bonafede Reform") Takes Effect' Oliver & Partners, 2020, 'Statute of Limitations'

⁸¹ Tondo, L., 2024, 'Italy's far-right government submits plan to decriminalise abuse of office', *The Guardian*

turnout and incurred reputational costs for politicians.⁸² Nevertheless, long-running trends of media ownership concentration, partisanship of media groups and the politicisation of the public broadcaster have constrained the effectiveness of the informational landscape in Italy to hold politicians to account in a comprehensive manner.⁸³

Regulatory Approach to Political Corruption

The distinctive Italian context has been characterised by deeply rooted corrupt-criminal networks, political elites and governments demonstrating a variable willingness to institute anti-corruption reforms as well as a generally quiescent public. However, there has been occasional pushback from independently-minded magistrates, NGOs and media reports raising awareness of corruption and advocating for legal change.

Overall, this push-and-pull between different actors combined with a complex and at times inefficient legal system has framed an **incomplete legal regime with respect to the regulation of the four types of political corruption under investigation**.

- As the chapter on Italy demonstrates, stringent ***political finance measures*** stipulate that parties publish balance sheets, disclose all donations above €500 and the maximum allowable donation per individual or entity is capped at €100,000 per year. Yet, despite the existence of rules on political donations, draft laws on party and campaign finance have not evolved into fully-fledged legal adoption. Channelling donations through party-related foundations and associations remains a particularly problematic practice.
- There is still no comprehensive law on ***lobbying***, even though a register of lobbyists does exist.
- The regulation of the ***revolving door*** applies to a wide range of former post-holders from different branches of the public administration. Their post-employment in private or public jobs related to their previous functions is restricted along different timelines: including a 12-month ban on former members of government; a 3-year ban on public employees, 1-year cooling-off period for MPs. Sanctions involve professional costs such as suspension from employment.
- ***Media legislation*** is similarly defined by fragmented and unclear rules, an absence of robust enforcement, with legislative reforms pending adoption – as in the case of political finance. And although a legal framework governing media freedom and pluralism is in place, serious questions remain regarding the implementation of that framework as well as unregulated and hidden political influence and funding streams.

⁸² Giommoni, T., 2021, 'Exposure to corruption and political participation: Evidence from Italian municipalities', *European Journal of Political Economy*, Vol. 68

Asquer, R., Golden, M., Hamel, B., 2019, 'Corruption, Party Leaders, and Candidate Selection: Evidence from Italy', *Legislative Studies Quarterly*, Vol. 45, Issue 2, pp. 231-325

⁸³ Mancini, P., Gerli, M., 2017, 'Italy', *Media Landscapes. Expert analysis of the state of media*

Box 5. Italy Summary Country Profile



- Deeply rooted patronage networks, most notoriously represented by the mafia.
- The 1990s saw the most significant judicial investigations of corruption, known as Mani pulite or “clean hands”.
- Overall, societal mobilisation against corruption remains low.
- The judiciary and the media can play an occasionally assertive role in the fight against corrupt politicians and businesspeople.
- Comprehensive draft laws on party and campaign finance are pending adoption. Channelling donations through party-related foundations and associations is a thorny issue.
- No comprehensive law on lobbying but a register of lobbyists is in place.
- The revolving door of post-holders from different branches of government is extensively regulated.
- Media freedom and pluralism are legally safeguarded but problems with implementation are rampant as well as hidden and informal political influence and financing.

Hungary

Hungary’s historical experiences of foreign domination by empire and frequent regime ruptures in the first half of the 20th century have bequeathed a **complex cultural heritage that contains the potential for limiting but also condoning corrupt relationships**. On the one hand, between the latter decades of the 19th century and the advent of the Hungarian People’s Republic in 1949, the country began to develop a modern state following the unification of the Austrian-Hungarian Empire in 1868, based on the codification of the legal system, development of a capitalist economy, strengthening of local authorities and expansion of the political franchise. The communist regime itself was influenced by the pre-existing liberalising dispositions as the 1956 Hungarian Revolution gradually led to a less repressive form of government.⁸⁴

At the same time, patrimonial social and political dispositions also persisted throughout these periods. Despite modernising tendencies in governance and society, significant social disparities persisted, whereby the aristocratic classes benefitted from hereditary privilege. The cult-like veneration of authoritarian political leaders became a further distinguishing cultural trait, displayed in the attitudes towards Emperor Franz Joseph, interwar statesman Miklós Horthy and, to an extent, communist leaders as well.⁸⁵

In contemporary terms, the main patterns of corruption currently in place in Hungary have been most significantly shaped and determined by Viktor Orbán’s Premiership and his Fidesz party (continuously in power since 2010). His rule has revived, built upon and intensified patrimonial

⁸⁴ Hess, M., 2016, ‘Confronting the Past: Corruption in Post-Communist Hungary and Romania’, *Student Research and Creative Works*. University of Puget Sound

⁸⁵ Apor, B., 2020, ‘From heroic lion to streetfighter: Historical legacies and the leader cult in twentieth-century Hungary’, Ch. 6 in Ryan, J., Grant, S., (eds.), *Revisiting Stalin and Stalinism. Complexities, Contradictions, and Controversies*, Bloomsbury Publishing

social traditions and the cult of the strong leader evident in Hungary's long-term history, while also centralising corrupt relationships prevalent in the initial part of the post-communist transformation.

Immediately after 1989, the radical shift toward a free-market economy and privatisation of state assets led to **the emergence of oligarchic state capture**, where large private businesses benefitted from their proximity to political power. Nevertheless, there was no complete merger between business and politics, at least nominal checks and balances existed and oligarchic companies' fortunes depended on the shifting political trends.

In contrast, **the system established by Orban has been completely transformed in the direction of fully-fledged political capture**. The key distinguishing characteristic of this arrangement is that political power concentrates and centralises the allocation of financial and economic resources. In particular, corrupt networks are managed and manipulated by the very top of the political elite as permanent monopoly on power is tied to the head of state and his loyal circle. Formerly autonomous oligarchs were subordinated to regime interests through various strategies such as domestication, selective criminalisation and redistribution of wealth. The state thus became the primary organising force of corruption. Unlike situations of clearer separation between private business and the public sphere (where corrupt phenomena emerge when a private firm uses bribery or lobbying to unfairly obtain government contracts), in the political system dominated by Fidesz, corporate vehicles are intentionally created from the top to facilitate government and corporate corruption.⁸⁶

A case in point is Fidesz' approach to lobbying, which reversed the predominant logic and practice of lobbying – where private interests attempt to influence government procurement decisions, for example – to an environment in which *the government itself initiates and takes the lead in lobbying for private interests close to the ruling elite*. To this end, already in 2010, the Hungarian Parliament repealed the Lobbying Act – the only law that comprehensively regulated lobbying in the country. Instead, it has since passed laws that enable corporations tied to the government to strengthen their position in the economic sector in which they operate. For instance, a law imposing tax on all insurance companies, except those founded between 2007 and 2010, favoured the only company that was set up in this period belonging to Járαι Zsigmond – a close associate of Prime Minister Viktor Orban. Similarly, the Tobacco Retailing Act introduced in 2013 reduced the number of tobacco retail licenses, redistributing them almost exclusively among companies that had close ties with the members of the government. It was later discovered that a draft version of the bill had been prepared by the CEO of a Hungarian tobacco company, János Sánta, which obtained more than 10% of licenses.⁸⁷

The consolidation and durability of this system of corruption has been underwritten by subordinating and hollowing out all institutions that can hold politicians to account, including the civil service, media, the judiciary, civil society. The professionalism of the *civil service* was eroded through the ouster of nonpartisan bureaucrats, who were replaced by party loyalists.⁸⁸ The independence of the *judicial branch* has been undercut through, among others, personnel changes (such as removing long-serving judges by lowering the retirement age and replacing them with

⁸⁶ Jancsics, D., 2024, *Sociology of Corruption: Patterns of Illegal Association in Hungary*, Cornell University Press, pp. 21-25, 90

⁸⁷ Olejnik, M., 2019, 'The influence of illiberal democracy on the effectiveness of attempts to control lobbying in Hungary (2010–2014)', *Środkowoeuropejskie Studia Polityczne*, Vol. 2

⁸⁸ Paar-Jakli, G., Molina, A. D., 2024, 'Democracy, Authoritarianism, and Political Corruption: Elite Cartel Corruption in Hungary and Italy', *Public Integrity*, Vol. 26, Issue 5

loyalists); weaponising “disciplinary” measures (e.g. flooding non-compliant judges with voluminous cases); and floating arbitrary rather than merit-based criteria for promotions and appointments.⁸⁹

The relatively free and pluralistic *media*, which developed after 1989, came under attack as by now the vast majority of media outlets are owned by businesses close to the regime, which promote government-friendly narratives and silence critical perspectives. The allocation of state advertising to politically favoured media outlets has further consolidated their market position, while driving out of business oppositionally-minded journalistic platforms. The Media Council – a regulatory and supervisory authority under the control of a single person appointed by the Prime Minister, has additionally solidified the dominance of government-friendly media through favourable decisions and limiting the market entry of new media players. The regime has also turned its attention to the social media space, spending significant amounts on targeted advertising.⁹⁰

Last but not least, a crackdown on *civil society* was also instituted, particularly by limiting and cutting funding from and associations with foreign institutions. These measures are most prominently embodied by the closure of Central European University’s Budapest campus in 2018 following the government’s refusal to permit the university to teach US-accredited programs as well as the bill proposed in 2025, which would blacklist organisations receiving foreign funding if they are deemed a national security threat.⁹¹

Regulatory Approach to Political Corruption

The establishment of a politically directed system of corruption in Hungary has resulted in an **incomplete and rigged regulatory regime** with respect to the four types of political corruption under investigation. Laws are thus either missing or are crafted in such a way as to serve and legalise – rather than regulate, politically connected interests.

- In the realm of ***political finance***, despite the existence of relevant legislation (e.g., on campaign spending limits capped at €5,700 per candidate and prohibition of foreign funding), prominent loopholes are present. There is a lack of donation disclosures and under-regulation of third-party campaign spending (i.e., coming from non-profit organisations), while the auditing of campaign finance is defined by political bias.
- ***Lobbying*** operates in a grey zone as sanctioned by the discretion of the authorities in the conditions of an absence of comprehensive legislation.
- Similarly, the regulatory framework on the ***revolving door*** is scarce, with the majority of rules focusing on the prevention of conflicts of interest.
- In the ***media sphere***, regulatory authorities such as the Media Council have exhibited political dependence. State advertising – as a powerful means for structuring the financial environment in which media outlets function, has been allocated in a non-transparent manner.

⁸⁹ Vincze, A., 2023, ‘Schrödinger’s Judiciary – Formality at the Service of Informality in Hungary’, *German Law Journal*, Vol. 24, Issue 8

⁹⁰ Benedek, I., 2024, ‘Transforming the political public sphere: the media system of the Orbán regime in Hungary’, *Partecipazione e Conflitto*, Vol. 17, Issue 2

⁹¹ Fazekas, P., 2025, ‘Orban’s Party Proposes New Legislation Critics Liken To Russia’s Foreign Agent Law’, *Radio Free Europe*, 14 May 2025

Box 6. Hungary Summary Country Profile



- Hungary's complex historical experiences within the Austro-Hungarian empire and frequent regime ruptures in the first half of the 20th century have both limited and condoned corrupt relationships. The communist regime deepened political clientelism and nepotism.
- After the 1989 transition from communism, the "competitive oligarchism" of the political system prevalent especially in the 1990s and early 2000s gradually gave way to the centralisation of political corruption, instituted under Prime Minister Orbán.
- The civil service, judiciary, media and civil society have similarly been gradually subjugated by regime interests.
- The existence of relevant legislation on political finance is belied by the presence of loopholes (such as lack of donation disclosures and under-regulation of third-party campaign spending) and political bias in the oversight of party finances.
- There is no comprehensive legislation on lobbying.
- There is a scarcity of regulations of the revolving door with most rules focusing on the prevention of conflicts of interest.
- Media regulatory authorities have exhibited significant political dependence.

Bulgaria

The Bulgarians' almost-500-year incorporation into the Ottoman Empire meant that for an extended period of time they were deprived of experience in self-government and the creation of representative political institutions. As a subject Christian population – primarily utilised as a source of tax extraction and army conscripts, the Bulgarians developed a reflex of avoiding the political sphere, viewed as alien and repressive. Indeed, the Ottoman imperial state structures overwhelmingly functioned through corruption and nepotism,⁹² whereby the Tanzimat reforms of the 19th century represented a belated and limited attempt to imitate the major European advances in state, army and government organisation.

In the post-1878 independence era, the Bulgarian society's inherited habits of dissociation from politics and attempts to implement European political and administrative models as an imported – rather than deeply understood, practice shaped continuing difficulties to develop accountable institutions. Political profiteering on the part of the newly emerging governing class, arbitrariness and oscillations between democratising trends and authoritarian suspension of party politics defined state formation in the first half of the 20th century. The communist regime that took hold in 1946 further cemented and deepened traditions of abuse of political office for personal gain through clientelistic networks and unaccountable governance.

In contemporary terms, **the ubiquity of corruption** – as one of the thorniest challenges in Bulgaria, **was prefigured by the "crooked" post-1989 transition to democracy and a free-market economy**, which perpetuated rather than overcame communist and pre-communist traditions of political patronage and clientelism.

⁹² Ergene, B., Kırılı, C., 2025, *Corruption in the Ottoman Polity: Empirical Insights, Conceptual Reflections*, Edinburgh University Press

The character of the collapse of the communist regime in the form of a “palace coup” by reformers within the Bulgarian Communist Party as opposed to large-scale societal dissent allowed the old communist networks to hold onto the levers of state power and additionally convert it into economic dominance. The initiation of the liberalisation of the economy and privatisation of state-owned factories and means of production did not lead to the emergence of an entrepreneurial class and greater economic efficiency – as theories of ideal-typical free-market transition would assume. Instead, the old communist elite, consisting of party cadres and members of the secret security services, benefitted disproportionately by distributing economic assets among themselves and their informal networks.⁹³ As a result, a system of, at times criminal, political patron-client relationships was established based on a symbiosis between political parties and businesses, whereby private economic success depended on the unrestricted access to state resources.

The fusion of non-transparent political and economic circles, which masked both the significant continuity of communist and post-communist elites and the less than ideal-typical creation of a free-market economy, gave rise to the phenomenon that came to epitomise Bulgaria’s post-1989 developments – namely, **superficial, rhetorical Europeanisation “on paper”**.⁹⁴ This has been characterised by normative (including legal) harmonisation in terms of transposition of EU rules (the *acquis*) into national legislation, yet lacking in the requisite internalisation and substantiation in practice. Anti-corruption as a policy area is a case in point, whereby the creation of a legal framework aimed to comply with EU rules, especially before the accession in 2007,⁹⁵ has not translated into significant investigations into corruption and convictions of high-level officials.

The toothless implementation of the regulatory framework is underwritten by the persistence of corrupt relations at the highest level that have favoured a **process of oligarchisation**, where a few political-business groupings and individuals exert inordinate control over key facets of Bulgarian political, economic, legal and media life. Thus, the judiciary has been politically subjugated with the *Office of the Prosecutor General* being the focal point of heavy criticisms of political bias and selective investigations against political opponents.⁹⁶ Moreover, the *media also underwent a process of capture* by oligarchic interests, whereby direct or indirect control through ownership and influence on editorial content prevents critical discussions and investigations of high-level corruption.⁹⁷ The *stumbling and incomplete administrative reform*, particularly of the civil service, has further entrenched communist-era legacies of politicisation, political patronage and inefficiency.⁹⁸

Nevertheless, **an impetus for the reform of this tightly captured state, media and administration has erupted intermittently**, primarily in the form of large-scale anti-corruption civic protests (2013-2014 and 2020-2021) as well as the emergence of reformist political forces, 20 years apart from each other. They have been represented above all by the return to Bulgaria in the early 2000s of ex-king Simeon Saksoburggotski, who formed his NDSV party. It was populated by Western-educated and

⁹³ Topaloff, L., 2018, ‘Legacies of Corruption in Post-Communist Societies: The Case of Bulgaria’, *International Journal of Business and Management Studies*, Vol. 6, Issue 2, pp. 2-8

⁹⁴ Filipova, R., 2022, ‘Neither In, Nor Out: The Ambivalent Europeanisation of Bulgarian Foreign Policy’, Ch. 6 in *Constructing the Limits of Europe. Identity and Foreign Policy in Poland, Bulgaria, and Russia Since 1989*, Ibidem: Columbia University Press

⁹⁵ Cosmina T., Racovita, M., 2012, ‘Post-Accession (Anti-)Corruption Record in Romania and Bulgaria’, *L’Europe en Formation*, Vol. 2, Issue 364

⁹⁶ Anti-Corruption Fund, 2024, ‘Андрей Янкулов, АКФ: Почтените хора в съдебната системата трябва да осъзнаят, че така повече не може’ (‘Andrey Yankulov, ACF: The decent people in the judicial system must realise that things cannot go on like this’)

⁹⁷ Filipova, R., 2021, *Tackling Kremlin’s Media Capture in Southeast Europe. Shared Patterns, Specific Vulnerabilities and Responses to Russian Disinformation*, CSD, pp. 63-67

⁹⁸ Zankina, E., 2020, ‘Public Administration Reform in Bulgaria: Top-down and Externally-driven Approach’, *Central European Public Administration Review*

trained Bulgarian experts and hopes were pinned on them to rescue the country from incompetent and corrupt politicians.⁹⁹ Similarly, in 2021, the We Continue the Change party appeared, composed of a younger generation of pro-Western politicians, who represented the wave of civic protests demanding an end to corruption and a meritocratic selection of the political elite. However, on both occasions, the political momentum was not sustained for long enough in order for durable anti-corruption reforms to take effect. This was especially stark in the case of the Change, which only experienced two short stints in power as part of coalition governments (December 2021 – August 2022 and June 2023 – April 2024).

Hence, despite the presence of a civic and political counter-culture that does not tolerate corruption, its more permanent elevation in political life remains a challenge, also not least due to issues of a lack of political experience as well as personnel who might be individually tempted to take part in corrupt deals.¹⁰⁰ In these circumstances, oligarchisation both in terms of political dominance of the status quo parties of the transition (including Citizens for European Development of Bulgaria – GERB, the Bulgarian Socialist Party – BSP, and the different political reincarnations of Movement for Rights and Freedoms – MRF) and the capturing of large industries for now remain intact.

Regulatory Approach to Political Corruption

According to the trend of creating legal rules “on paper”, **the Bulgarian regulatory framework with respect to the four types of political corruption is indeed largely in place but plagued by deficiencies** in implementation, rigged rules that favour political-economic interests and loopholes.

- As the chapter on Bulgaria demonstrates, in the realm of *political finance*, strict bans are imposed on funding from, among others, foreign interests, corporations, trade unions, anonymous donors. There is a cap on individual donations at BGN 10,000 (~ 5,000 EUR) per calendar year for a party, coalition, or nomination committee and further limits on election expenditure also exist. Nevertheless, legislation suffers from weak implementation as vote-buying remains rampant and allegations abound of cash donations that cannot be tracked by the banking system.
- The law on *lobbying* is being developed, yet the draft versions raise fears of a potential clampdown on civic organisations in the making due to conceptual ambiguities, especially with respect to a lack of clear differentiation between lobbying and advocacy.
- A *revolving-door* rule states that former heads of state, ministers and MPs cannot use information obtained in their public role for private gain for 1 year after leaving office. Most rules, however, focus on conflict-of-interest prevention and asset disclosures of public officials and the effectiveness of the verification and sanctions procedure is in question.
- In the *media sector*, despite the presence of relevant legal provisions, ownership patterns remain murky and concentrated. Political pressure can further be exercised informally. Online media are still not regulated.

⁹⁹ Filipova, R., 2022, ‘Neither In, Nor Out: The Ambivalent Europeanisation of Bulgarian Foreign Policy’, Ch. 6 in *Constructing the Limits of Europe. Identity and Foreign Policy in Poland, Bulgaria, and Russia Since 1989*, Ibidem: Columbia University Press, p. 234

¹⁰⁰ Mediapool, 2025, ‘След корупционния скандал: Промени в “Промяната” през септември, дотогава Асен Василев е едноличен лидер’, 29 юни 2025 г., (‘After the corruption scandal: Changes in the “Change” in September, Assen Vassilev is sole leader until then’, 29 June 2025)

Box 7. Bulgaria Summary Country Profile



- Bulgaria's long-time incorporation within the Ottoman Empire and the following turbulent politics of the post-independence period shaped continuing difficulties with the creation of accountable institutions of the modern state. The communist regime further deepened political clientelism and nepotism.
- In the post-1989 transition from communism, the oligarchisation of corruption and lack of transparency of political life determined an imitative process of Europeanisation "on paper" and a crackdown on the judiciary, media and public administration.
- Intermittent large-scale protest activity and the emergence of anti-corruption political parties have attempted to dent, though not in a permanent manner, the state-capture structures.
- Extensive political finance rules are marred by weak implementation, allegations of vote-buying and unaccountable cash donations to political parties.
- A draft law on lobbying has raised fears of a clampdown on civil societal organisations.
- Despite the existence of rules on the revolving door, most regulations focus on conflict-of-interest prevention and asset disclosures by public officials.
- Legal provisions on disclosing media ownership, notwithstanding, ownership remains murky and concentrated.

Serbia

As in Bulgaria, the Ottoman legacy of arbitrary rule and subjugation, preventing the development of habits of self-government and consistent demands for accountability, left their imprint on Serbia's post-independence state formation. The abuse of office for personal gain and political clientelism (informed by selective distribution of benefits in exchange for political support) have represented a continuous feature of the socio-economic development of Serbian society during the Kingdom of Yugoslavia in 1918, later renamed by the communist regime into Federal People's Republic of Yugoslavia in 1945. Conditions of weak formal institutions for ensuring accountability – both before and during communism,¹⁰¹ and lagging modernisation thus shaped a prevalent search for political privilege (such as through opportunistic party membership) and reliance on patrimonial relationships for the provision of goods in times of scarcity.¹⁰²

The key development that has defined the contemporary corruption environment in Serbia relates to the dominant political position of the Serbian Progressive Party (SNS) – in government since 2012, and Aleksandar Vučić as President of the country since 2017 and a leading figure in the party. Their reign has reinforced clientelist traditions, instituting a **top-down state capture system, whereby public institutions have been taken over by party functionaries to manage and preside over extensive patronage networks.**

¹⁰¹ Buchenau, K., 2013, 'Korruption im ersten Jugoslawien (1918-1941). Eine Skizze zu Diskurs und Praxis' ('Corruption in the First Yugoslavia (1918-1941). An Outline to Discourse and Practice'), *Südost-Forschungen*, Issue 72
Buchenau, K., 2021, 'The Third Path into the Twilight? Corruption in Socialist Yugoslavia', *TOKOBH ICTOPHIJE*, Issue 3

¹⁰² Cvejić, S., 2016, 'On inevitability of political clientelism in contemporary Serbia', *Sociologija*, Vol. 58, Issue 2

Vučić and SNS came to power and built on the weaknesses inherent in the *post-Milošević political environment* that existed between 2000 and 2012. That period was indeed characterised by some democratising tendencies based on a more pluralist media, creation of anti-corruption institutions (such as the Prosecution for Organised Crime and the Anti-Corruption Agency) and the preservation of a relatively free and fair election process.¹⁰³ Nevertheless, democratic institutional design remained incomplete and oligarchs took advantage of privatisation and opportunities for resource extraction from the state, while political parties similarly pursued short-term rent-seeking.¹⁰⁴ The judiciary in the face of the Constitutional Court, specifically, was also never able to facilitate or encourage the democratisation process due to historically continuous habits of deference to the political authorities.¹⁰⁵

Such a fluid political-economic landscape, with various actors participating in corrupt practices, yielded itself to further abuse through political centralisation aimed to fully manage corruption flows – as carried out by the younger generation of Milošević-era politicians, who returned to power in 2012. The regime established by Vučić thus became the primary actor that captured the state, distributing its resources to politically-connected businesses and the electorate. The *bureaucracy* and key institutions (such as privatisation boards, state-owned enterprises, public procurement agencies, the judiciary) were completely refashioned and subjugated through the appointment of SNS party loyalists to leading positions. A crackdown on both *public and private media* (through political control and state funding allocated on a favouritist basis) silenced critical reporting and additionally ensured that limited accountability would be exacted over the control of state resources.¹⁰⁶

This administrative-executive dominance has facilitated the allocation of rents, state employment, public contracts and subsidies through various opaque and illegal practices. For example, the privatisation of public enterprises led to the distribution of subsidies to government-friendly local businesses and foreign investors. Rigged public procurement procedures have designed eligibility requirements to fit specific candidates, while the unconstitutional conclusion of public economic investment contracts with a confidentiality clause and non-transparent budgeting obscure the use of public spending.¹⁰⁷

Furthermore, **external factors** – particularly related to Serbia's status as a country outside of the EU, **have additionally contributed to the deterioration of domestic corruption trends.** In light of the destructive wars in the Balkans in the 1990s and ex-Yugoslav countries' lagging behind Bulgaria and Romania in the European integration process, the EU adopted an approach towards the region and Serbia, specifically, that puts a premium on stability and good-neighbourly relations. Substantive democratic reforms were therefore de-prioritised and primarily addressed through the introduction of legislation required by the Union and other international bodies (such as GRECO), frequently circumvented in practice by the Serbian authorities.¹⁰⁸

¹⁰³ Pavlović, D., 2021, 'The political economy behind the gradual demise of democratic institutions in Serbia', Ch. in Kapidžić, D., Stojarová, V., (eds.), *Illiberal Politics in Southeast Europe*, Routledge

¹⁰⁴ Resimić, M., 2022, 'Capture Me If You Can: The Road to the Political Colonisation of Business in Post-Milošević Serbia', *Europe-Asia Studies*, Vol. 74, Issue 10

¹⁰⁵ Beširević, V., 2015, '"Governing without judges": The politics of the Constitutional Court in Serbia', *International Journal of Constitutional Law*, Vol. 12, Issue 4

¹⁰⁶ Resimić, M., 2022, 'Capture Me If You Can: The Road to the Political Colonisation of Business in Post-Milošević Serbia', *Europe-Asia Studies*, Vol. 74, Issue 10

¹⁰⁷ Ibid.

¹⁰⁸ Soyaltin-Colella, D., 2023, 'The EU Accession Process, Chinese Finance and Rising Corruption in Western Balkan Stabilitocracies: Serbia and Montenegro', *Europe-Asia Studies*, Vol. 75, Issue 8

As a result of muted EU normative pressure, incumbent governments with authoritarian tendencies have been tolerated, which created permissive conditions for deepening patronage networks and extending opaque interactions with external powers such as China. The latter has exacerbated corruptive patterns in Serbia through murky economic and financial practices. These include the provision of loans without good-governance conditions or standard disclosure requirements and government-to-government agreements, which are directly awarded – in contrast to the competitive bidding procedures inherent in EU rules. A case in point is the highway connecting Serbia and Montenegro (Corridor 11), funded by a loan from the China Exim Bank and built by Chinese company Shandong via an interstate Serbian-Chinese agreement. Shandong in turn subcontracted parts of the construction work to Serbian companies linked to the SNS party.¹⁰⁹

Public outrage against the ubiquity of corruption in Serbia has however been on the rise. Large-scale anti-corruption protests in 2024 and 2025 were sparked by the deadly collapse of a canopy at the Novi Sad train station, renovated by Chinese companies. Yet, despite the extensive and intermittent protest activity over the past years, immediate and wholesale political change has not taken place and the Vučić regime remains intact (for the time being).

Regulatory Approach to Political Corruption

The deeply rooted system of corruption in Serbia directed from the political top nevertheless exists within a **legal regime that showcases on paper the country's commitment to international standards**. The legal framework for regulating political finance, lobbying, revolving doors and media is thus distinguished by formalism, which aims to demonstrate compliance with international bodies' prescriptions, but often lacks substantively important provisions. For example, Serbia's National Anti-Corruption Strategy for 2024-2028 formally meets EU recommendations for setting anti-corruption goals. However, the latter mostly refer to tackling corruption on the societal level, while political corruption is omitted from the Strategy.¹¹⁰

- In the area of **political finance**, bans are imposed on donations from, among others, foreign sources, anonymous donors, non-profits, state-owned companies. While there are no limits on party/candidate expenditure, donations limits are capped at 20 average monthly salaries per year for natural persons, and 200 for legal persons.
- In the area of **lobbying**, a law on lobbying and a register of lobbyists have been established. The register is overseen by the Anti-Corruption Agency, which can impose fines for non-compliance. Yet, the fusion between politics and business in the country means that there is limited actual competition among lobbyists to be regulated as state-approved companies dominate over economic opportunities.
- **Revolving-door** rules state that public officials are barred for 2 years from performing jobs related to their previous duties. Fines and exclusion from office are stipulated as possible sanctions.
- In the **media sector**, despite the presence of a media register tracking shareholders in media outlets with over 5% of capital and a Record of Media Content Producers, complex

¹⁰⁹ Ibid.

¹¹⁰ Stojanović, M., 2024, 'Serbia finally got its Anti-Corruption Strategy, but what effects will it bring?', *European Western Balkans*

ownership structures can conceal ultimate beneficial ownership. Even more importantly, government influence over editorial content and reliance on state funding and advertising gravely compromise media pluralism and transparency.

Overall, despite the presence of legal provisions, problems with implementation and enforcement as well as political influence over oversight bodies further undermine in practice the effectiveness of laws, which allows the widespread clientelist system to remain in place.

Box 8. Serbia Summary Country Profile



- As in Bulgaria, Serbia's subjugation under the arbitrary rule of the Ottoman Empire prevented the development of habits of self-government and political accountability. In the 20th century, the Kingdom of Yugoslavia and then the Federal People's Republic of Yugoslavia perpetuated the practice of abuse of office for personal gain.
- In the post-1989 transition from communism, the competitive oligarchic system of the post-Milosevic era gradually yielded itself to the centralisation of corruption flows under President Vucic's regime.
- A crackdown on the bureaucracy, judiciary and media has been instituted.
- Occasional student-led, anti-corruption protests have not (yet) managed to dent the established state-capture system.
- The EU's prioritisation of stability over democratisation in Serbia has cemented corrupt domestic political trends and provided an opening for engagement with countries such as China, which themselves promote corrupt interactions in business and politics.
- Despite the existence of detailed rules on political finance, the political bias and dependence of oversight bodies limits implementation.
- A law on lobbying and register of lobbyists are in place but the fusion between politics and business means that corrupt relationships remain beyond the purview of legal provisions.
- Rules on revolving doors exist. Yet, as with lobbying, the tight and frequently informal interconnectedness between political and business elites prevents a meaningful regulation of the phenomenon.
- The presence of a register of media outlet's beneficial ownership is insufficient as it does not capture government influence over editorial content and dependence on state advertising allocations.

Ukraine

Ukraine's historical development as a constitutive republic of the Soviet Union and as part of the Russian Empire (as some Ukrainian lands were administered by St. Petersburg) has imparted a deeply rooted tradition of corruption. Tsarist autocracy – characterised by despotic control over the largely peasant population and an underdeveloped judicial system utilised as an expedient instrument for the arbitrary exercise of power, took place in contradistinction to Western concepts and practices of representative government. The Soviet Union carried over these traditions by governing through a communist party that held a monopoly on power outside of the law and maintained a hierarchical system of political appointees (or *nomenklatura*). Their status depended on party loyalty, which

allowed the accumulation of privileges and informal networks for the patrimonial abuse of power for personal gain.

Despite the fact that multiple historical traditions compete in the definition of Ukrainian identity¹¹¹ (descended from experiences of independent statehood as in the interwar period and incorporation in other empires such as the Austro-Hungarian), the Soviet period crucially determined the country's post-1991 politics. The Ukrainian political clans evolved from the Soviet nomenklatura's regional groups in the republics and perpetuated patron-client relationships for wealth distribution.¹¹²

Arguably, the Russian invasions of Ukraine in 2014 and especially after 2022 have served as a catalyst for a transformation in the (anti-)corruption environment in the country. The full-scale war has accelerated the decline of the previously dominant, mostly Kremlin-connected oligarchs, served as a spur for introducing legislation to align with EU standards and sparked a burgeoning civil society propped up by international support. *Nevertheless, whether these shifts will amount to a deep-seated change in the direction of greater transparency is still uncertain.* The conditions of martial law do not fully allow testing the effectiveness of new legislation, while reforms that remain on paper and presidential centralisation can in the end represent a framework for a regrouping of corruption flows.

In the period leading up to 2014, the Ukrainian landscape was characterised by the dominance of oligarchs, who exercised both business and political power. Economic success depended on privileged access to state resources rather than on companies' competitiveness in a free market. Hence, the oligarchs quickly moved to capture political parties and further established patron-client relationships between them and the president. In this scheme, the parties supported the president with votes in parliament, who in turn provided access to material resources and protection by law enforcement.¹¹³

To ensure continued access to the state and office-holders, competing oligarchic groups employed political corruption on a significant scale, especially during elections. Highly expensive electoral campaigns featured, among others, bribing one's way to a parliamentary seat by directly purchasing places on party lists. Influence on electoral commissions and local administrations was leveraged to coerce and bribe voters, while the creation of nominally oppositional "clone" parties disrupted the chances of up-and-coming rivals. More generally, political appointments in the bureaucracy and state enterprises underwrote a system in which such placements funnelled public money back into electoral campaigns.¹¹⁴ Media (TV, radio, print and to an extent online outlets) was also completely dominated through control and ownership by oligarchs, including Ihor Kolomoisky, Rinat Akhmetov, Viktor Pinchuk, Viktor Medvedchuk, and Alexander Klimenko. Such overbearing influence thus allowed favourable coverage of preferred political candidates.¹¹⁵

¹¹¹ Portnov, A., 2022, 'Why Russia Started the War, and How Putin Misunderstood Ukraine', *Institute for Global Analytics, Ukraine Insider Part I*

¹¹² Minakov, M., 2019, 'The evolution of the Ukrainian political system', chapter in Magyar B., (ed.), *Stubborn Structures: Reconceptualizing Post-Communist Regimes*. Budapest, CEU Press

¹¹³ Richter, M. M., 2023, 'Call the Bluff or Build Back Better – Anti-corruption reforms in post-war Ukraine', *Global Policy*, Vol. 14, Issue 4

¹¹⁴ Lough, J., Dubrovskiy, V., 2018, 'Are Ukraine's Anti-corruption Reforms Working?', *Chatham House*, p. 9

Wilson, A., 2016, 'Survival of the Richest: How Oligarchs Block Reform in Ukraine', *European Council on Foreign Relations*, pp. 6-7

¹¹⁵ Dumont, E., Solis, J., Zaleski, L., 2023, 'Profile of Media Ownership and Potential Foreign Influence Channels in Ukraine', *AIDDATA: A Research Lab at William & Mary*

Overall, in these circumstances of limited transparency and democratic accountability, **anti-corruption policy was instrumentalised as a matter of political point-scoring**, dealing blows to political opponents from competing clans and centralising power in the presidency as an adjudicator of selective and weaponised measures against corruption. For example, President Leonid Kuchma (serving between 1994 and 2005) established control over anti-corruption institutions – notably, the Coordination Committee on the Fight against Corruption and Organised Crime and the National Bureau of Investigations, by appointing and dismissing their personnel as well as deciding their structure and composition. An illustrative case of selective and allegedly politically fabricated persecution of corruption was related to the arrest of Kuchma’s political rival, Yulia Tymoshenko. The charges of forging customs documents and smuggling gas brought against her were later ruled by the Ukrainian courts as groundless.¹¹⁶

For his part, President Viktor Yanukovych (in power between 2010 and 2014) continued the tendency of politically motivated anti-corruption policy and additionally centralised control over the political and economic resources of the state, distributing rents to his closest patronal associates. At the very beginning of his term, Yanukovych created the National Anti-Corruption Committee, which was structurally subordinated to him, and introduced the 2011 Law “On the Grounds of Corruption Prevention and Counteraction”, which however lacked clarity on defining corruption and on the coordination of responsibilities among the institutions meant to counter it. The President’s control over anti-corruption institutions created conditions for the persecution and imprisonment of the opposition and members of the preceding government appointed by President Viktor Yushchenko (2005–2010).¹¹⁷ Criminal cases for alleged abuses of office were again initiated against Yushchenko’s Prime Minister, Tymoshenko. The European Court of Human Rights later ruled that her detention was unlawful and arbitrary.¹¹⁸

The oligarchic system of corruption thus established in Ukraine underwent a radical shake-up in a number of critical ways following Russia’s invasions of the country starting in 2014. **Importantly, the pressures of war and the Ukrainian nation’s determined defence of their sovereignty contributed to the decline of the oligarchs.** The pro-Russian stances and connections of many of those oligarchs became untenable in the fight against the Kremlin. Hence, figures such as Viktor Medvedchuk – a close ally of Russia’s President Vladimir Putin, a leader of the “Donetsk” clan with its political arm Opposition Platform – For Life party, was charged with treason and deported from Ukraine in a prisoner exchange with Russia. His party was forbidden and dissolved according to the new legislation that outlawed pro-Russian parties.¹¹⁹

Moreover, the oligarchs, whose economic resource base was located in eastern Ukraine, including Rinat Akhmetov, Viktor Pinchuk, Konstantyn Zhevago, saw a significant amount of their assets in the form of industrial capacity physically destroyed as a result of military activities. Also, the prospect

¹¹⁶ Huss, O., 2023, ‘Continuity and Change of the Social Contract in Ukraine: The Case of Contested Anti-Corruption Policies’, Ch. in Madlovics, B., Magyar, B., (eds.), *Ukraine’s Patronal Democracy and the Russian Invasion: The Russia-Ukraine War, Volume One*, Central European University Press

¹¹⁷ Ibid.

¹¹⁸ European Court of Human Rights, 2013, *CASE OF TYMOSHENKO v. UKRAINE (Application no. 49872/11). Judgement*

¹¹⁹ Semchuk, L., 2023, ‘Catalyzing Change: How the 2022 Russian War Transformed Ukraine’s East-West Divide, Political Landscape and the Influence of Oligarchs’, *Ukraine Insider Series*, Institute for Global Analytics, p. 10

that the 2021 anti-oligarch bill¹²⁰ would begin to be implemented in earnest as Ukraine's Security and Defence Council was starting to compile a list of relevant oligarchs served a preventative role. In an attempt to avoid inclusion on the list, Akhmetov announced his exit from the media business and that his main investment company System Capital Management would transfer its licenses to the Ukrainian state.¹²¹

At the same time, **a push for greater transparency from the combined efforts of international actors and Ukrainian civil society accelerated anti-corruption reforms**, particularly after 2014, building on the momentum that had gained ground since the pro-democracy Orange Revolution of 2004. Following the anti-corruption Euromaidan protests in 2013 and 2014 and the nation's desire to integrate in the EU, the latter's conditionality and visa liberalisation procedure represented a leverage for the introduction of legislation against corruption. The Union's requirements emphasised early on the reform of the asset disclosure system for public officials backed by independent institutions to prosecute corrupt deeds – and thus prevent the gross conflicts of interest and abuse of power that were embodied in the Yanukovich Presidency.¹²² In turn, civil societal initiatives burgeoned after 2014. A significant number of NGOs engaged in the fight against corruption appeared in the aftermath of the revolutionary wave and the decentralisation reforms, which increased opportunities to participate in local government.¹²³

As a result of the combined pressure of these international and domestic developments, the Ukrainian authorities introduced a comprehensive legislative framework. The *Law on Prevention of Corruption*, the *Law on National Anti-Corruption Bureau of Ukraine* and *Lustration Law*, for example, made important stipulations regarding the criminal liability of high-level public officials for corruption. The *National Agency on Corruption Prevention* and *National Anti-Corruption Bureau of Ukraine* were also established in this period.¹²⁴ An example of an internationally recognised transparency initiative concerned the introduction of the *ProZorro* electronic procurement platform, which aims to curb corruption schemes in tender procedures by providing open public access to the procurement process. Oversight can therefore be exercised as the full details of the procurement competitions are publicised.

Nevertheless, despite these legislative and institutional strides in countering corruption, the process is far from complete and runs the risk of being confined to a reform “on paper”. **The consequences of martial law represent an especially critical setback for public transparency.** In the wake of the full-scale war, a relaxation of procedures took place with regard to conducting background checks when appointing civil servants and awarding government contracts as justified by the need for quick emergency responses. Restrictions on open access to state registers, including asset declarations, were also instituted. This calls into question ProZorro's effectiveness, additionally hampered by the circumvention of the rules through the creation of special tender conditions that can only be satisfied

¹²⁰ Law of Ukraine, 2021, ‘Про запобігання загрозам національній безпеці, пов’язаним із надмірним впливом осіб, які мають значну економічну або політичну вагу в суспільному житті (олігархів)’ (‘On the Prevention of Threats to National Security Related to the Excessive Influence of Persons who have Significant Economic or Political Weight in Public Life (Oligarchs)’), Law No. 1780-IX (2021), Verkhovna Rada of Ukraine (Official web portal).

¹²¹ Semchuk, L., 2023, ‘Catalyzing Change: How the 2022 Russian War Transformed Ukraine's East-West Divide, Political Landscape and the Influence of Oligarchs’, *Ukraine Insider Series*, Institute for Global Analytics, p. 11-14

¹²² Králiková, M., 2022, ‘Importing EU norms: the case of anti-corruption reform in Ukraine’, *Journal of European Integration*, Vol. 44, Issue 2

¹²³ Huss, O., 2023, ‘Continuity and Change of the Social Contract in Ukraine: The Case of Contested Anti-Corruption Policies’, Ch. in Madlovics, B., Magyar, B., (eds.), *Ukraine's Patronal Democracy and the Russian Invasion: The Russia-Ukraine War, Volume One*, Central European University Press

¹²⁴ Chernovol, O., 2024, ‘Two Years into the War in Ukraine: the Status of Anti-Corruption and the Challenges Ahead’, *Corruption, Justice and Legitimacy Program*

by pre-designed companies. Bribery and abuse in order to evade military draft and transfer assets across borders have proliferated, while a severe shortage of staff in anti-corruption agencies due to the war prevents their functioning.¹²⁵

Echoing political trends prior to Russia's invasions, a process of *centralisation of power in the President's office and a growing grip on anti-corruption institutions* may therefore again be taking place. The substance of anti-corruption reforms can be hollowed out through loopholes and amendments that serve vested political interests. For instance, Zelensky's signing of Law no. 2736-IX was hailed as seeking to approximate Ukraine's Financial Action Task Force standards to those of the EU. However, the law incorporated a controversial amendment that exempts former state officials, including the president, from filing asset declarations for three years after leaving office. The President's influence on the Constitutional Court has been further noted as he amended the procedure for appointing judges in such a way as to block independent candidates in favour of the executive's choice.¹²⁶

In the realm of the media, the authorities shut down pro-Russian TV channels and launched the state-backed *Telemarathon*. In the immediate aftermath of the war, the programming provided essential information and updates on military developments but over time began to display pro-government sympathies and constrain media pluralism. Tellingly, the establishment of new TV channels linked to former President Petro Poroshenko was thwarted.¹²⁷

In turn, **civil society may not be mature enough yet and may lack the levers to effectively oppose the accumulation of power.** Tensions between the government and NGOs and the former's frequent exclusion of the latter from the policy-making process as well as delays in implementing their initiatives such as the e-declarations system can prove inimical to the deepening of the anti-corruption process.¹²⁸

Regulatory Approach to Political Corruption

Russia's war and Ukraine's concomitant determination to move closer to the West through European integration have conditioned a **flurry of legislative activity, which has shaped a comprehensive legal framework** with respect to the four types of corruption investigated by the report. However, the impact of martial law and regrouping of corrupt political-economic relations might indicate that legal upgrades remain on paper, lacking in substantive implementation.

- The effectiveness of the regulations on *political finance* (e.g., on auditing the financial reports of political parties and the role of the banking sector in monitoring electoral funds) cannot be tested because Ukraine has not held elections since 2019. Similarly, the prohibition of donations from oligarchs as a curb on undue influence cannot be assessed either.

¹²⁵ Holovkin BM, et al, 2023, 'Fight against Corruption-Related Crimes in Wartime in Ukraine', *International Annals of Criminology*, Vol. 61, Issue 3-4

Lough, J., Dubrovskiy, V., 2018, 'Are Ukraine's Anti-corruption Reforms Working?', *Chatham House*, pp. 19-20

¹²⁶ Richter, M. M., 2023, "'Call the Bluff' or 'Build Back Better' – Anti-corruption reforms in post-war Ukraine", *Global Policy*, Vol. 14, Issue 4

¹²⁷ Reporters without Borders, *Ukraine*

¹²⁸ Zalzoznaya, M., Reisinger, W. M., & Claypool, V. H., 2018, 'When civil engagement is part of the problem: Flawed anti-corruptionism in Russia and Ukraine', *Communist and Post-Communist Studies*, Vol. 51, Issue 3

- The authorities' ambiguous attitudes to civil society are in turn displayed in the 2023 law on *lobbying*, which was drafted with scant public consultation and opened the door to monitoring and potential control over the activities of NGOs. This can take place especially through the blurring of conceptual boundaries between lobbying (usually done by corporations or other groups for commercial interests) and advocacy/civic activities (conducted by NGOs to advance a public cause).
- *Revolving-door regulations* are primarily aimed at oligarchs, who are prohibited from funding political parties and media and are further required to disclose their contacts with politicians.
- Criticisms also abound that vested political interests introduce bias in laws tailored to favour particular political constellations in the *media sector*. For instance, the anti-oligarch law is said to have squarely targeted Zelensky's opponents, while the National Council on Television and Radio Broadcasting is staffed with political appointees. Indeed, despite the 2022 media law prohibiting political interference in editorial decisions and stipulating the mandatory disclosure of ultimate beneficial ownership, a trend towards pro-government bias and political influence over content is discernible.

Box 9. Ukraine Summary Country Profile



- Ukraine's historical experience as a constituent republic of the Soviet Union and the fact that some Ukrainian lands were incorporated into the Russian Empire prevented the development of accountable self-government in conditions of arbitrary Tsarist autocracy and Soviet totalitarianism.
- In the post-1991 transition from communism, the Soviet-inherited political nomenklatura formed regional political clans that contributed to the (competitive) oligarchisation of Ukrainian politics. Under President Yanukovich, a top-down centralisation of political corruption took place.
- Intermittent large-scale protest activity as in 2004 and 2013-2014 has increased public demand for cleaning up the political system.
- Russia's full-scale invasion of Ukraine in 2022 has led to the decline of local oligarchs combined with increased international support for countering corruption and the burgeoning of anti-corruption civil societal organisations.
- However, the limitations of martial law on political competition and concentration of power in the Presidential office contain the danger of appropriating rather than countering corruption flows.
- In this vein, the effectiveness of regulations on political finance such as prohibitions of donations from oligarchs cannot be tested because the country has not held elections since 2019.
- The recently introduced law on lobbying has raised fears of a clampdown on civil societal organisations.
- Revolving-door regulations are primarily aimed at oligarchs.
- Media regulations stipulate the mandatory disclosure of media ownership, yet pro-government bias and political influence in media coverage have represented growing concerns.

Cross-Country Comparative Trends: East-West Distinctions and Patterns of Regulatory Regimes

The country-level analyses demonstrate that cultural-historical developments and trends in socio-economic and political relations exert a significant, continuous influence on national (anti-)corruption environments. Indeed, a point largely overlooked by approaches that index and measure corruption through similarly cross-country quantifiable statistics is that *varying scores in perceptions of corruption and the effectiveness of legal-institutional benchmarks against corrupt practices cannot be fully understood and evaluated without recourse to national contextual factors*.

In particular, the **overall differentiation in cultural-historical conditions between the east and west of the European continent has bequeathed different path-dependent dispositions to corruption and the capacity to counter it**. The legacy of the modernisation process, indigenous to and inherent in the *rise of the “West”*, fostered deep-seated and interrelated societal, economic and political changes that have generally contributed to greater competitiveness, transparency and openness.

The emergence of commercial and, later on, industrial societies from the late Middle Ages onward led to the formation of the free market and a burgeoning citizen, middle class that opposed feudal patronage. Developing understandings and practices of meritocracy were crucially conducive to democratisation and the dismantling of royal regimes as individual effort and ability were pitted against inherited privilege and the partial exercise of political power, aiming to safeguard those privileges. The transition from ascribed to achieved status in organising societal relations fed into the development of the modern state and rational bureaucracy, which introduced stricter standards of public accountability through a professional civil service, protection of individual rights and an overall separation between the public and private domain.

More recent developments with contradictory effects, starting in the 1980s, have however initiated new forms and sectors of corruption in the west. The privatisation and deregulation of public services attenuated the public service ethos to some extent, even though the end goal of the New Public Management model was to increase efficiency. For its part, while the decline of corporatism (of regimented negotiations between the state, labour and business) democratised avenues for cooperation with the government and gave a voice to different business players, also generated murkier business-political networks, lobbying and revolving door opportunities.

In contrast, both longer-term and more recent, post-1989 historical developments in *Central and Eastern Europe* have differed starkly from those in the West, shaping shallower and discontinuous traditions of quality governance. On the whole, the Middle Ages and modern period in the region were distinguished by foreign domination by empires (the Russian, Ottoman Habsburg Empires) and thus oppressive political authority, which led to a loss of statehood and/or partitions of territories. The wars of the 20th century brought about dramatic changes of populations and borders, while the communist regimes perpetuated patterns of political subjugation.

These conditions engendered a disconnection between state and society and alienation from the political realm due to attitudes of distrust and disrespect of the political authorities seen as promoting a foreign or domestically oppressive agenda. Hence, the subject populations developed habits of dissimulation, evasion and cheating of the authorities not least through burgeoning clientelistic and informal networks for exchanging favours (in conditions of economic scarcity and a state that could not guaranteed the defence of individual rights). Simultaneously, politicians remained largely unaccountable, too.

Moreover, frequent regime changes and ruptures in statehood further undermined the continuous development of state structures and modernisation according to the Western European model as an aspiration shared throughout CEE. The goal of catching up not only represented an imported, rather than indigenously originating practice, but it was also oftentimes interrupted by external conflict and changes in the domestic political system. Therefore, transformation according to West European standards of democratic government, freedom of the press, independent judiciary and economic progress took on a superficial and imitative character without the requisite normative and socio-political change (which to this day shapes the phenomenon of “harmonisation of laws on paper” devoid of actual implementation).

In the most recent period after the end of communism in 1989, yet another transformation along the West European model did lead to a degree of convergence through integration in shared institutions (i.e., the EU and NATO). Yet, it also gave rise to distortions and ample opportunities for grand corruption, albeit with varying degrees of severity depending on the different levels of democratisation in Central Europe, the Balkans and the former Soviet Union.

As a general pattern, the transition to a free market economy through privatisation and restructuring of state-controlled means of production took place in less than ideal-theoretical transformations of political power towards liberal democracy. The significant continuities in the political class (given the evolutionary rather than revolutionary change of the regime) allowed former communist networks to redistribute state assets among themselves and their associated business circles. As a consequence, economic freedom and entrepreneurship were stifled, while oligarchic structures emerged instead, containing a high degree of fusion between political and economic power. Large-scale bribery and favouritism took root, particularly in the form of rigged allocations of public procurement deals, enabled by the concomitant subjugation and hollowing out of the judiciary and anti-corruption institutions.

The consideration of long-term developments in socio-political and economic relations in Western and Central-East Europe serves to highlight **two major contemporary differences in proclivities to corruption and counterpoints to it:**

- *Western Europe possesses more credible and effective, path-dependent avenues to tackle corruption* as a result of the legacies of modernisation and struggles for the creation of more accountable government. These avenues feature judiciaries capable of autonomous action; established practices of investigative journalism and freedom of access to information; CSOs with cross-cutting horizontal networks able to exercise leverage over public life. Even though anti-corruption channels cannot be assumed to “automatically” (i.e., effortlessly and timely) correct corruption problems, they can be relatively more successfully activated and mobilised in cases of scandalous revelations, for example.

- ✓ As the analyses in the report demonstrate, in Sweden, the Netherlands and the UK, civil societal activity and investigative journalism can expose corruption and put pressure on the authorities to curb corrupt phenomena. In France, the prevalence of corruption in party finances has been tamed, to an extent, through judicial processes and convictions of high-level politicians. And in Italy, despite allegations of collusion between judges and politicians, the judiciary has intermittently still asserted itself and prosecuted corruption, while the media can also occasionally act as a check.

Conversely, *in the four cases examined from CEE, no credible and continuously functioning institutional and societal veto-points against corruption have emerged*. The tendencies towards the entrenchment of oligarchic political-economic control over state resources and institutions have brought in their wake an absence of high-level politicians' convictions (unless as a matter of settling accounts with political rivals); a politically subservient and quiescent judiciary; and media that refrain from exposing corruption that can damage regime interests (although social media can be an outlet for revelations of corruption, the practical consequences are usually limited).

- ✓ Despite the fact that Bulgaria and Ukraine have displayed a greater capacity to dent authoritarian regimes through large-scale protests and the emergence of new political actors, this effort has not been sustained, leaving corrupt networks either intact, or regrouped and realigned.
- *Western and Central-East Europe also differ in terms of the prevalent types and character of corruption that most commonly occurs*, again conditioned by the cultural-historical contextual differences between the two halves of the continent.
 - ✓ Constraining bribery of and through the public administration has been the focal point of West European efforts over the long term, resting on stringent laws and institutions. However, the changing dynamics since the 1980s based on the introduction of efficiency methods in the public service and decline of corporatism (as explained earlier in this report) spurred *grey-zone types of interactions in the West informed by favouritism especially centred on the political sphere*. Concurrently, the lagging development of regulations in the area of political finance, lobbying, revolving doors and media allowed informal relationships to proliferate and amount to cronyism, nepotism and ethical violations – but often short of outright bribery.
 - ✓ On the other hand, *in CEE, these four domains liable to political corruption have acquired different connotations and exist alongside grand corruption* involving bribery through public procurement and distribution of state resources.

The predominant model of oligarchic control entails a high degree of fusion and overlap in political and business networks. This makes lobbying, for example, less prominence since at least a modicum of separation between the domains of politics and business and a competitive economic environment are required so that different companies can lobby the government to promote their interests. In conditions of state capture, politicians and businesses are tightly interlinked so that *the lobbyist and the lobbied could become inseparable*. *Conflicts of interest would thus also be a pervasive and all-encompassing phenomenon* that goes beyond individuals' ethical violations and spills into a wholesale nesting of the same political-economic groupings within the public

and private sector. Similarly, the blending of political and economic power means that *media in CEE is often owned or influenced by politically connected and answerable businesses*. In contrast, in Western Europe, corporate groups may concentrate ownership and kowtow a political line but they do not have to be directly politically linked and frequently pursue corporate interests. And in the realm of political finance, *cruder forms of vote buying and stifling political competition (through clone parties, for example) may predominate in CEE* over channelling resources to party coffers by relying on big corporate donors, as in the West.

At the same time, apart from the broad differences that exist between the west and east of the continent, **important convergences have also been solidifying along two main dimensions**. First, *similarities in anti-corruption institutions and legal design* have been promoted as a result of international organisations' cross-country comparisons and dissemination of standardised frameworks and benchmarks (as evident, for instance, in the evaluations and recommendations of GRECO and the OECD).

Second, Western Europe has undergone a process of economic decline and normative decay, which have led to the *erosion of the robustness of anti-corruption regimes and waning of the quality of governance*, thus reducing the gap in governance modes in the east and west. A number of factors account for this downturn. The *introduction of private-sector models in the public administration* have loosened standards and contributed to the emergence of public procurement corruption, especially on the municipal level. Corruption scandals in the construction and infrastructure sector have also revealed that Western Europe is far from immune to cases of bribery on a grand national scale.

Moreover, *the Financial Crisis of 2008 exerted an all-encompassing impact on West European economies* leading to a decline in productivity, greater scarcities and squeezed job markets as well as a deterioration in the quality of institutions due to democratic backsliding.¹²⁹ Matched by the dip in democratic governance, these economic conditions served to further amplify pre-existing trends of grey-zone interactions both across society (based on a reliance on favouritism and clientelist networks to ensure job security, for example) and on the political level (as companies increased their lobbying activities in the scramble for business opportunities through public contracts).

Last but not least, *deep-rooted cultural assumptions and self-perceptions of West European countries as transparent, clean and lacking in corruption have at times produced counterproductive consequences*, decreasing rather than sustaining transparency. In particular, such attitudes can reduce the sense of urgency in society to tackle corruption and gloss over contradictory experiences – as both evidence of corrupt practices in public life and related citizen frustrations have been growing. For example, the established view in Sweden that the country is not corrupt and that nepotism is impermissible contrast with the fact that favouritism and cronyism represent widespread forms of corruption. Likewise, as the respective chapters demonstrate, the traditionally negative stance on lobbying in France and Italy as inadmissible enmeshment of intermediaries in the work of the state (that has to strive for the common good, at least in theory) have slowed down the recognition of the actual occurrence of lobbying practices and the corresponding need to regulate them.

¹²⁹ Saha, S., Sen, K., 2023, 'Do economic and political crises lead to corruption? The role of institutions', *Economic Modelling*, Vol. 124

Ingrained national images of West European countries as corruption-free have been additionally instrumentalised by politicians as a self-serving and self-justificatory veneer in order to avoid implementing necessary legislation on political finance and lobbying, specifically. The cases of the UK, the Netherlands and Sweden vividly show how political parties can (deliberately) drag out the legislative process, often ending in uncertain stalemate or incomplete laws, on the pretext that such legal provisions are not urgently needed.

Patterns of Regulatory Frameworks for Tackling Political Corruption

The cultural and historical differentiations in the anti-corruption environments in Western and Central-East Europe impart distinctive traits to the legislative process and regulatory frameworks on political corruption in the two halves of the continent. Contemporary actors further dynamically interact with structural factors working in the direction of legal upgrade, or conversely perpetuating conditions of legal underdevelopment.

On the one hand, **Western European countries generally feature a lagging process of legal codification**, incomplete or outrightly missing laws on political corruption. This outcome stems from the proliferation of grey-zone corrupt activities reinforced by a traditional reliance on integrity codes and self-perceptions of these states as transparently governed, which contributes to a diminished urgency for legal development and political procrastination. Additional specific country-based categorisations are informed by sub-regional typicalities as follows:

- ***Sweden and the Netherlands feature a thin, underregulated legal framework.*** Indeed, the Northern European/Scandinavian reputation for transparency, persistent national self-images as non-corrupt and a corresponding dependence on non-binding codes of conduct have conditioned a slow and sparse legislative process in relation to political corruption.
- ***The UK has a dispersed and fragmented legal framework,*** shaped by the distinctive Anglo-Saxon common-law practice based on weak codification. The overbearing influence of the executive and defence of contemporary political interests further undermine the possibility for legal streamlining.
- ***France and Italy are distinguished by adversarial/contentious legal frameworks.*** The Mediterranean heritage informs a greater disposition to informal loyalties than in Northern Europe, which has also increased incidents of political scandal and public backlash. However, France possesses a much more comprehensively developed regulatory framework than Italy, where the depth of corrupt-criminal networks and associated political dependencies prevent the creation of a more complete legal regime.

For its part, paradoxically, CEE countries display somewhat more comprehensive legal regimes, despite the lesser prominence of grey-zone types of political corruption. This greater institutionalisation can be accounted for by the legal-normative pressure to adopt relevant laws by international organisations, exercised particularly in the context of CEE's integration and alignment with Western standards since 1989. Yet, the deeply rooted political-oligarchic control over financial flows and ingrained habits of superficial-imitative alignment with the West mean that legal rules remain on paper and are defined by deficits in implementation. Further country distinctions within CEE include the following:

- ***Hungary features a rigged legal regime***, where laws are often crafted to legitimise and facilitate political-business interests. The consolidation of Viktor Orban's power has gone so far as to supersede traditions of a rule-bound bureaucracy inherited from Habsburg times in the direction of a complete regime capture of the public administration and legal system.
- ***Bulgaria and Serbia possess legal frameworks "on paper"***, formalistically aligned with international standards. Indeed, the Balkans tradition of imitative modernisation continues in the present so that harmonising laws with international prescriptions is usually done to receive external recognition and thus earn relative impunity from domestic abuses.
- ***Ukraine has a legal system in upheaval***, where the gross extent of corruption, particularly under President Yanukovich, the ensuing dramatic public outcries and the added pressures of war have underwritten the most intense legislative activity on countering corruption. Yet, whether laws will be effective will be tested in the aftermath of the end of martial law.

Figure 1. Classification of anti-corruption regulatory regimes in Europe



In addition to the distinctions between the regulatory frameworks predominant in the east and west of the continent and further country-based specificities, however, there are **overarching similarities common to all the country cases from Europe**. Indeed, the growing convergence between Western and Central-Eastern Europe based on the former's normative-institutional corrosion and the latter's inherited legacies of unaccountable governance frame deficient anti-corruption environments.

All country cases are characterised by *imperfect legal frameworks* with various degrees of rule codification, loopholes, partial provisions and flaws in implementation. The regulation of both long-lasting and emerging areas of corruption usually takes a tortuous and drawn-out process with uncertain outcomes, whereby media scandals, pressure from civic society and international organisations exert a paramount role. In contrast, genuine political-elite initiated regulatory reform and upgrade is a rare occurrence.

Overcoming Political Corruption in Europe: Recommendations for Counteraction

The emphasis that the report places on historical factors that shape continuous proclivities and capacities to counter corruption points to the importance of devising relevant solutions that take aim at **cultural understandings and socio-political relations** – in addition to **institutional and legal design** specific to given issue areas of corrupt practices. To this end, the current section offers recommendations that address both of those dimensions.

Changing Culture and Society

- Attempts to tackle corruption must first start with an analytical diagnosis of **underlying socio-economic and political configurations** that define both corruptive financial flows (related to control over large businesses and industrial capacity) and the corresponding political processes that enable them. Conditions of so-called “state capture” are hardest to dent as they involve tightly knit political and economic networks of power. They perpetuate the system by virtue of oligarchic control over companies of structural importance to the economy; undemocratic and unlawful deployment of political finance (e.g., vote-buying, undisclosed donations) and dominance of media narratives usually through ownership and influence over editorial boards.
- Such regimes are on balance further propped up by the **prevalence of habitual actions and cultural understandings that can undermine institutions**. On the political level, the networks of influence of oligarchic political-economic regimes in CEE promote *informal practices and connections that hollow out institutional design and the separation of powers*. Hence, corruption counterpoints such as the judiciary, prosecution and anti-corruption bodies become staffed with loyalists, who safeguard regime interests, even if these respective institutions remain nominally independent in their prescribed functions.

In a less stark form, established understandings within the political elite in Western Europe – such as the ingrained culture of privilege in France manifested in *pantouflage* and nepotistic Dutch political culture, can contribute to a lack of accountability and growing detachment from society.

- Given these (seemingly) intractable conditions, a **blueprint for tackling corruption could take into account the following dynamic openings for change:**
 - ✓ ***Occasional public scandals*** usually based on media revelations are important to the extent that they act as a catalyst for social upheaval (otherwise scandals can remain confined to a short-term effect that hinges on frequently accidental exposures of specific cases of corruption).
 - ✓ ***Sustained social upheaval*** with a focus on anti-corruption can have a more profound and long-lasting impact by exerting pressure on the political scene.
 - ✓ Importantly, civic activity may give rise to the emergence of ***new, reformist political forces***. The durability of their reform impetus and prevention of their own corruptibility can be ensured through 1. Robust integrity criteria for becoming a party member and assuming a political post; 2. Constant and flexible dialogue with society; 3. Conduct of rigorous institutional and legal change, if in power, through expert-based consultation.
 - ✓ Ultimately, ***educational curricula that instil values of fair competition and meritocracy*** (which militate fundamentally against the logic of corruption) can further underwrite a more long-term societal change.
- In the specific conditions of **CEE**, where oligarchic political-economic control subjugates significant segments of society, media and the economy, the above blueprint could be most effectively realised through a **concentration of effort into available and alternative structures and associations** unrelated to the state-capture edifice. That is, reform-minded social and political activity can more productively focus on creating horizontal links with islands and emerging hubs of independent media and transparent entrepreneurial businesses. The associations thus built can contribute to an incremental, and gradually, wholesale change by gaining critical mass and fostering awareness, which could be later converted into political representation.
- Although a less fundamental institutional, societal, economic and media change may be needed in **Western Europe** (given the presence of historically inherited avenues for tackling corruption), political transformation is still needed. The ossification of existing political parties – not least through the predominance of “career politicians” with limited experience outside of party politics and encapsulation within political networks, means that parties are increasingly prone to internal corruption. They also respond less effectively to societal concerns – as evident in the rise of anti-establishment far-right movements. Hence, a **renewal of party-political processes and leadership** may be called for based on a meritocratic selection of party members and leaders as well as a reinvigoration of sustained feedback channels to civic society.

Making Political Finance More Accountable

The analysis of regulatory frameworks and deficiencies in their implementation across Europe points to two prevailing sets of problematic practices in the area of political finance in need of a remedy:

- The first refers to a **reconsideration of the overall functions and purposes to which money is allocated in party political life**. Given that political choice by the electorate should at least in theory consist of a convictional element, it would be relevant to discourage trends, whereby elections are overwhelmingly decided by financial incentives and capabilities – ranging from legal TV advertising spending, grey-zone payments to social media influencers and illegal vote-buying practices.
 - ✓ To this end, a *principle of strict financial necessity* should be pursued. Indeed, setting caps on donations and campaign expenditures as a ubiquitous practice throughout Europe but without a clear prior estimation of the amount of funds actually needed to cover costs may be counterproductive. Instead, civil societal organisations, together with political parties and the public authorities, can undertake an *innovative process of reviews of the budgeting expenses required* for party maintenance (e.g., for keeping an office, paying salaries) and carrying out a campaign (e.g., spending on advertisements, holding rallies). Such a calculation can thus serve as a guidepost for setting caps on party finance expenditure and represent a *reasonable threshold*, which – if significantly exceeded by donors, can inform suspicions of attempts to buy influence.
 - ✓ *More extreme limitations on donations and spending* without a clear, preceding analysis of financial needs *can be particularly ineffective*. An outright ban on direct public financing (e.g., as in Italy) or on corporate sponsorship (as in Bulgaria) may distort the political environment by fostering excessive reliance on alternative sources and evasion of laws (on the basis of unaccountable and undocumented cash donations, for example).
- In turn, *any institutional arrangement regulating political finance requires strict and effective investigative capacities of anti-corruption and auditing bodies*, consistent monitoring and enforcement to be rendered meaningful.
 - ✓ In particular, the required act of submitting a party financial statement typically lacks substance across the European cases under study, as oversight bodies are often politically biased and dependent, which prevents impartial and constant verification.
 - ✓ Similarly, the use of intermediaries or “straw donors” through party-affiliated foundations and associations for concealing money transfers is a pernicious malpractice. Yet, even if appropriate legislation exists to regulate the role of non-profit organisations in politics, it may still be evaded (as in France) and softened by setting high donation thresholds (as in the UK).

Aligning Lobbying with the Public Interest

Legislative activities across Europe regarding lobbying are primarily focused on the introduction and maintenance of registries of lobbyists. However, the cases of Bulgaria and Ukraine, where relevant laws have been recently drafted, raise critical concerns about lobbying as related to definitional issues:

- In both countries, (deliberate) conceptual ambiguities have blurred the boundaries between “lobbying” (usually conducted by corporations) and “advocacy” (carried out by CSOs). Yet, the nature of activities inherent in the phenomenon of lobbying would necessitate a **narrower and more streamlined definition**. It would refer to the actions of (typically large) businesses seeking to influence legislation and policy through access to office-holders and in defence of corporate interests.

Expansions of that definition may run the risk of overregulating legitimate advocacy activities not linked to lobbying for private commercial profit. For instance, the OECD’s framework¹³⁰ that includes the work of think tanks and universities as well as social media use within the bounds of lobbying can conflate the two phenomena. In particular, it can unduly mix *expert-based advocacy of a public cause* without commercial gain (through, for example, reputational influence, awareness-raising and media appearances) and *commercially-driven sway over specific legislative and policy affairs* based on a privileged access to decision-makers.

- ✓ Admittedly and as suggested elsewhere,¹³¹ lobbying may involve benign pursuits such as provision of expertise to policy-makers on highly technical matters or lending institutional knowledge (of how government agencies work) to businesses. However, if confined to these ends, lobbying would in fact be hardly distinguishable from advocacy.
- ✓ Nevertheless, a clear definitional separation of advocacy and lobbying does not obviate the need for scrutinising and investigating specific instances in which social movements, research and media promotion are nefariously conducted in the service of corporate interests unduly seeking favourable policy treatment. For instance, tech companies have at various points fomented seemingly organic public protest through social media ads and campaigns in order to pressure lawmakers to act in ways that would benefit the lobbyist’s corporate clients.¹³² Similarly, academic research can be twisted in order to defend tech giants from antitrust regulation.¹³³
- In addition to the importance of a streamlined definition, **the evaluation of lobbying outcomes in practice would need to move beyond entries in a register that generally record all kinds of lobbying interactions**. Case-specific scrutiny should be undertaken as a function of the purpose of lobbying and its pursued outcome. That is, lobbying on the part of corporations whose actions can entail significant societal implications (e.g., due to policy and economic impact) should be singled out for special scrutiny. Consistent and ongoing monitoring and review by civil societal watchdogs, for example, can provide pre-emptive evaluation of the potential public harm that can be inflicted – and thus more fully realise the usefulness of lobbying registries.
- ✓ It should also be recognised that even if a process of lobbying is not discovered to involve illicit payments (but is based on social influence tactics such as persuasion or pressure), its effects can still be corruptive when damage to the public interest is caused as a result of the outcomes of lobbying (e.g., partial policy and legislation).

¹³⁰ OECD, 2021, *Lobbying in the 21st Century: Transparency, Integrity and Access*

¹³¹ LaPira, T., Herschel, T., 2017, *Revolving Door Lobbying: Public Service, Private Influence, and the Unequal Representation of Interests*, University Press of Kansas, p. 3

¹³² Mullins, B., Mullins, L., 2024, ‘Big Tech Has a New Favorite Lobbyist: You’, *Wall Street Journal*, 29 March 2024

¹³³ Mullins, B., 2024, ‘The Hidden Life of Google’s Secret Weapon’, *Wall Street Journal*, 6 June 2024

Reining in the “Before” and “After” of the Revolving Door

In general, the essence of legislative solutions to revolving-door practices stipulates the importance of reviews of the post-employment plans of former public officials by relevant advisory bodies in a case-specific manner, which can lead to cooling-off periods typically in the range of 2 years. Across Western Europe, the revolving-door phenomena is well-recognised but implementation and enforcing sanctions command a patchy record. In CEE, legislation is sparser given the nepotistic fusion of networks between state structures and large private companies (whereas the revolving door implies individual, rather than mass, infringements and a larger number of competitive businesses to vie for the government’s attention).

Irrespective of the distinctions in implementation and acknowledgement of the revolving door in Europe, the existing overall conceptual framework for regulating this form of corruption usually focuses on how former employees influence their former public workplace for the benefit of a private company through their accumulated knowledge and access. However, it is just as important to **track what happens during an official’s term**, whereby prospective post-employment incentives can distort ongoing decision-making.

- In particular, preferential treatment and the defence of private interests of outside actors by current officials can be conducted in the **expectation of future benefits** – such as *post-factum gratuities* (i.e., a financial reward for actions favouring a private company) or *job appointments*. Such situations can be even more intractable than imposing restrictions on post-employment for deeds which may not materialise. Hence, tighter and ongoing scrutiny of landmark procurement deals, high-impact policy choices and legislative changes should be continuously monitored during an official’s term. This can provide warning signals of potential incentives for improper behaviour and such officials would then need to be further monitored after the end of their government employment.

Beyond the Fourth Estate

The European countries under investigation incorporate in their legislation a variety of (frequently overlapping) provisions to fund public media (direct government support or license fees from the population); limit ownership concentration and make it more transparent (particularly through registries of beneficial ownership); and furnish regulatory bodies with supervisory powers.

Despite these various measures, however, **the thorniest problems plaguing the media feature typically informal, behind-the-scenes undue political influence**, which can exert an impact on editorial lines and owners not only through the distribution of state support but through pressure and control. Prevalent issues in this regard, which are especially visible in CEE, encompass political bias in appointments to and the work of media oversight institutions and (deliberate) inaction, weak verification and lack of sanctioning of false or incomplete information submitted to media registries. In turn, **foreign malign disinformation** (coming primarily from Russia and China) **also employs opaque local patronage networks**, based on political, economic and ideological links to owners and journalists.¹³⁴ Social media has been a powerful purveyor of foreign malign

¹³⁴ Filipova, R., 2021, *Tackling Kremlin’s Media Capture in Southeast Europe. Shared Patterns, Specific Vulnerabilities and Responses to Russian Disinformation*, CSD, pp. 34-35

messaging, availing itself of a general lack of national-level regulation on social/online media and supra-national/EU legislation, which often lacks sufficient powers of enforcement within individual member states.

The ubiquity of informal, undue influences combined with (frequently) unexpected cuts to public funding for media and the establishment of social media as a source of dis/information profoundly change the conditions in which journalism – and in particular “mainstream” TV, radio and newspapers, operate. Three implications of this changing environment stand out:

1. **Purely formal arrangements and solutions to financing issues such as registries of beneficial ownership have a declining utility** in regulating impact on media content.
2. **Alternative financing models would need to be tied to the quality of the journalistic product.** In circumstances, where information can be obtained from different sources and any content creator can be styled as a “lay reporter”, professional journalists bear an even greater responsibility to promote an informed discourse and thus attract resources (be it from the government or private donors).
3. **Social media should not only be viewed as a dangerous place in need of constant vigilance** but also as a space that gives voice to free speech, decentralised from traditionally dominant outlets. Especially in countries experiencing autocratic crackdowns and state capture, social media can represent one of the few avenues via which anti-corruption investigations can be brought to light.

Accordingly, a number of remedies can be put forward to take account of the changing media landscape:

- **It is critical to foster an autonomous mindset on the part of journalists** that can protect the independence of the journalistic profession against threats and inducements that can be informal in nature. Indeed, even though financial constraints need to be urgently addressed, the lack of an ethical mindset that views journalism as a vocation represents the breeding ground for nefarious influences.
 - ✓ ***Rigorous journalistic training and education*** that instils the values of independence is thus a primary requirement.
 - ✓ ***Support networks and self-organisation*** can also contribute towards joint advocacy and pushback against political intrusion. They can be further complemented by ***transnational European connections***. The latter can lend moral support, internationally impactful publicity and advocacy before international institutions when their colleagues from specific countries face political pressure.
- As regards financing, quality journalism can be fostered through and benefit from a **more sustained practice of reader subscriptions**. As opposed to the license-fee model of funding public media, whereby tax deductions for the media are taken from the population’s income, the readers’ individual choice to subscribe promotes both a followership commitment and can serve as a reward incentive for journalists to continue to conduct informed and independent reporting.

- ✓ Media outlets may need to introduce and strengthen *innovative private media funding models* that can alleviate pressures from commercial owners' vested interests and corporate advertising. In particular, *alternative/non-profit funding models* can ensure a diversity of ownership stakes and establish different sources of financing (including crowdfunding and donations).¹³⁵
- In the realm of social media, a key phenomenon that has not received sufficient legislative attention (e.g., in the EU's Digital Services Act), concerns the malign narrative impact that can be exercised by **shadily financed influencers**. As the Romanian presidential elections in November 2024 demonstrated, influencers in receipt of Russia-linked illicit payments played an outsized role in attracting followership for the cause of Calin Georgescu, who later won the election.¹³⁶ Hence, tracking and monitoring the messaging and connections of influencers, conducting suspicious activities online, should be a priority focus of CSO watchdogs and fact-checking organisations.

¹³⁵ Ibid., p. 57

¹³⁶ Atanasova, V., 2024, 'Има ли българска връзка в хибридната атака срещу изборите в Румъния', ('Is there a Bulgarian connection in the hybrid attack against the elections in Romania'), 12 December 2024, *Svobodna Evropa*

APPENDIX I

The EU's Anti-Corruption Legal and Institutional Framework

Under the heading “Judicial Cooperation in Criminal Matters” chapter, Article 83 of the [Treaty on the Functioning of the European Union](#) empowers the EU to establish minimum rules on the definition of various criminal offences and corresponding sanctions with a particular focus on cross-border criminal activity. **Corruption is classified as a serious crime** along with such crimes as terrorism, illicit drug trafficking, organised crime, among others.

[Directive 2017/1371](#) on the fight against fraud to the EU's financial interests using criminal law obliges all 27 member states to “take the necessary measures to ensure that fraud affecting the Union's financial interests constitutes a criminal offence when committed intentionally”. The directive introduces criminal offences of fraud arising from VAT-based resources in cross-border schemes, involving a total damage of at least €10 million. **In addition, there are several auxiliary sectoral legislations to enhance the effectiveness of the fight against corruption.** [Directive 2018/1673](#) on Combating Money Laundering by Criminal Law aims to create more efficient cross-border cooperation by providing a sufficiently uniform definition of the criminal activities constituting the predicate offences.

[Directive \(EU\) 2019/1153](#) on facilitation of financial information and cooperation is a recent attempt to facilitate the use of financial information in the prevention, detection, investigation and prosecution of serious crimes such as corruption. The aim is to enhance the cooperation and access to information by Financial Intelligence Units in order to improve combating money laundering, financial crimes and prevention of tax crimes in the EU through access and use of financial and bank information by the competent authorities.

➤ General Regime of Conditionality of the Rule of Law Mechanism

[The Regulation on a general regime of conditionality](#) for the protection of the Union budget allows the Commission and Council to exercise control over respect for the rule of law and protect the EU's financial interests.

The conditionality is enforced when the breaches of the principles of the rule of law “affect or seriously risk affecting the sound financial management of the EU budget or the protection of the financial interests of the Union in a sufficiently direct way”. The measures include EU payment suspensions, disbursement suspensions in full or in part, early repayment of loans guaranteed by the EU budget, a suspension or reduction of the economic advantage under EU budget instruments, or a prohibition to enter in new loans. As the EU's budget is one of the main instruments for realising the values of the Union and its actual functioning, mutual trust is essential – and inherently linked to the fundamental principle of solidarity and proper management of the EU's financial resources.

➤ Institutional Dimension: The European Public Prosecutor's Office (EPPO)

Low trust in national prosecutorial institutions and perception about the futility of reporting corruption are observed in some member states.¹³⁷ An institutional answer at the EU level is the

¹³⁷ Kubbe, I., Panov, S., 2023, “Corruption in Europe: The Underestimated Devil and the Role of the European Union” Ch. 13 in Jha, C., Mishra, A., Sarangi, S., (eds.), *The Political Economy of Corruption*, Routledge

recently established European Public Prosecutor's Office (EPPO). The significance of the EPPO is in the structure, function and competence of its anti-fraud and anti-corruption direction. **The EPPO is the first EU body with powers to adopt decisions against individuals in the field of criminal law.**¹³⁸ 24 EU Member States participate in the EPPO as of the current moment (with Denmark, Ireland, and Hungary as the remaining three member states that do not participate).

According to the EPPO's mandate, **"the material scope of competence of the EPPO is limited to criminal offences affecting the financial interests of the Union,"**¹³⁹ and the EPPO's task would be to **"investigate, prosecute and bring to judgement the perpetrators of offences against the Union's financial interests"** in pursuance of Directive 2017/1371.

The EPPO structure is characterised as "an indivisible Union body operating as one single Office" with a decentralised structure, organised at central and decentralised levels.¹⁴⁰ The European Delegated Prosecutors (EDPs) are entitled to request investigative measures such as searches of premises, freezing orders of assets and proceeds of crime, and interception of electronic communication, among others, in the framework of the applicable domestic law. EDPs have the competence to complete investigations and submit a report to the supervising European Prosecutor, with a summary of whether to "prosecute before a national court or to consider a referral of the case, dismissal or simplified prosecution procedure".¹⁴¹ In this manner, **the EDP can be considered the kingpin of the investigation stage, and may serve as an institutional response to ineffective or captured domestic prosecution offices and anti-corruption agencies.**

The EPPO's mandate presumes a significant role in investigations and prosecutions of corruption-related crimes of EU funds. At the end of 2024, the EPPO had 2666 active investigations for approximately €25 billion in damages.¹⁴² VAT fraud accounts for more than half of the estimated damages. **Approximately a third of all investigations concerned non-procurement expenditure fraud and 20% VAT revenue fraud.** Corruption amounted to 3% of all investigations, close to 13% were investigated as inextricably linked offences, while crime-focused criminal organisations damaging the financial interests of the Union were investigated in 6% of the cases. One third of the investigations have cross-border dimensions.

➤ New Proposal to Combat Corruption by Criminal Law

The Commission has proposed an update of the legal framework on combating corruption as the existing legal instruments are not sufficiently comprehensive and the domestic framework in the member states need to be streamlined. **The crux of the proposal is to extend the scope of criminal offences related to corruption by including misappropriation, trading in influence, abuse of function, obstruction of justice and illicit enrichment related to corruption offences, which are of direct relevance to political corruption.** Such an alignment of criminal offences across the EU would seemingly streamline the response to corruption across the EU and improve cross-border investigations and prosecutions.¹⁴³ Moreover, the proposed framework aims to update the minimum

¹³⁸ Giuffrida, F., 2017, 'The European Public Prosecutor's Office: King without Kingdom?', *CEPS Report No 2017/03*

¹³⁹ See Art. 1 in [Council Regulation \(EU\) 2017/1939](#) of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')

¹⁴⁰ Art. 8(2-3), Reg. 2017/1939

¹⁴¹ Art. 35(1), Reg. 2017/1939

¹⁴² EPPO, *Annual Report 2024*

¹⁴³ Basel Institute on Governance, 2025, 'The EU's Anti-Corruption Directive Enters a Critical Juncture'

criminal penalties for corruption offences in order to guarantee a more coherent approach throughout all member states. **As the EU is party to the United Nations Convention Against Corruption, the proposal seeks to deliver a more integrated and modern supranational framework on corruption.**

In the ongoing legislative trilogue, the European Parliament has pushed for inclusion of illicit political financing with a focus on transparency duties of political party funding and corresponding criminal provisions for illicit political financing.¹⁴⁴ CSOs have been active in proposing the expansion of the Directive to incorporate a more inclusive approach for rights and remedies for victims of corruption and a role for CSOs to partake in criminal proceedings as representing the public interest.¹⁴⁵ As of August 2025, the Council and the European Parliament have not managed to reach an agreement in the trilogue as Germany, Hungary, Italy, Luxembourg and the Netherlands have expressed disagreements over the harmonisation of definitions for criminal offences linked to abuse of functions/abuse of office as well as systematic collection of corruption statistics.¹⁴⁶

¹⁴⁴ Ibid.

¹⁴⁵ Open Letter from 57 Civil Society Organisations, 2025, '[European Parliament and Council: Prove Your Commitment with a Strong Anti-Corruption Directive](#)'

¹⁴⁶ Transparency International, 2025, '[Stalled EU Anti-Corruption Talks Raise Stakes for Incoming Danish Council Presidency](#)'

APPENDIX II

Cross-Border Corruption and Its (Limited) Enforcement: Mechanisms, Frameworks and National Responses

Cross-border corruption refers to illegal or unethical transactions, such as bribery, fraud, money laundering and asset concealment, that span across multiple national jurisdictions. This phenomenon tends to involve complex transnational financial flows, the strategic use of offshore entities and the exploitation of weak regulatory environments. While driven by individual or corporate greed, it is also facilitated by the structural features of global capitalism: financial secrecy jurisdictions, asymmetries in enforcement power and regulatory fragmentation.

In the last two decades, a number of international instruments – from the OECD Anti-Bribery Convention to the UN Convention Against Corruption (UNCAC) – have come to coordinate and harmonise anti-corruption norms. Yet, the actual enforcement capacity of these frameworks remains uneven. As such, the burden of policing global corruption has subsequently often rested heavily on a small number of active states, most notably the United States and United Kingdom, while many jurisdictions have acted as transit points or safe havens for illicit wealth.

Typology of financial flows and corrupt mechanisms

Cross-border corruption takes multiple forms, often involving layered transactions, legal arbitrage and networks of enablers (lawyers, accountants, financial institutions). Every instance of cross-border bribery necessarily involves at least two jurisdictions: the country of the bribe-giver (the supply side) and the country of the recipient (the demand side).¹⁴⁷

Below are five recurring patterns, each illustrated through emblematic case studies.

1) Bribery by multinational corporations

Multinational corporations (MNCs) often use illicit payments to gain access to foreign markets, win procurement contracts, or secure tax and regulatory advantages. These bribes typically target public officials, ministers or executives in state-owned enterprises.

The case of Petrobras and Odebrecht (Brazil and Latin America)

The Lava Jato investigation in Brazil exposed a sprawling cartel led by construction conglomerate Odebrecht, which colluded with Petrobras officials to rig bids and siphon public funds. Over \$788 million in bribes were paid across 12 countries, including Argentina, Peru and Angola. Executives concealed payments via offshore shell companies registered in Caribbean secrecy jurisdictions. Investigations triggered prosecutions in the US, Switzerland and Brazil, and led to one of the largest coordinated settlements in anti-corruption history – \$3.5 billion across multiple jurisdictions. This case illustrates both the transnational reach of corporate bribery and the dependence of enforcement on cross-border cooperation and whistleblower testimony.¹⁴⁸

¹⁴⁷ Holtmeier, M., 2015, 'Transnational Bribery and the OECD Convention,' *Journal of International Law*

¹⁴⁸ US Department of Justice, 2018, 'Petróleo Brasileiro S.A. – Petrobras Agrees to Pay More Than \$850 Million for FCPA Violations,' *Office of Public Affairs* (press release), 27 September 2018

2) Complex money-laundering chains

Bribery and embezzlement are often only the first steps in a larger laundering process involving layering and integration into the formal economy. Corrupt actors exploit gaps between national oversight regimes to move money undetected.

The case of Danske Bank (Estonia–Russia–Nordics)

From 2007 to 2015, Danske Bank's Estonian branch moved over €200 billion in suspicious funds, much of them originating from Russian and Azerbaijani sources. Shell companies based in the UK, Cyprus and the British Virgin Islands were used to obscure beneficial ownership. The money was routed through correspondent banking channels in Denmark, Germany and the UK, implicating institutions such as Deutsche Bank and Bank of America as intermediaries. Despite red flags from internal whistleblowers and regulators, lax oversight allowed the scheme to persist for nearly a decade. The case revealed the vulnerability of European banks to laundering networks and triggered reforms to EU Anti-Money Laundering (AML) regulation.¹⁴⁹

3) Golden visas and citizenship by investment

“Golden visa” schemes – offering residency or citizenship in exchange for investment – have been used by politically exposed persons (PEPs) to safeguard illicit assets and avoid accountability.

The case of Cyprus and Bulgaria's Investor Programmes

Both Cyprus and Bulgaria have offered fast-track citizenship or long-term residence in exchange for property or capital investment. Investigations by the EU and investigative journalists found that several beneficiaries were under criminal investigation or subject to international sanctions. In Cyprus, the Al Jazeera “Cyprus Papers” leak revealed government officials willing to approve passports for Chinese and Russian nationals with questionable backgrounds. The abuse of such schemes raises significant enforcement challenges, as they provide legal shields for corrupt elites to operate across EU borders and obfuscate asset recovery efforts.¹⁵⁰

4) Crypto and digital asset laundering

Decentralised technologies have enabled new forms of laundering and illicit finance. Cryptocurrencies offer pseudonymity, jurisdictional elusiveness and fast global transfers.

The case of Hydra Market and Russian Crypto Laundering

Hydra was the world's largest darknet marketplace, primarily serving Russian-speaking users. It facilitated billions of dollars in illegal transactions using cryptocurrencies. In 2022, coordinated action by US, German, and Ukrainian authorities led to its takedown. However, the platform had operated for nearly a decade using Russian-hosted servers, which shielded it from enforcement. This

¹⁴⁹ Bjerregaard, E. & Kirchmaier, T., 2019, ‘The Danske Bank Money Laundering Scandal: A Case Study,’ *Copenhagen Business School*

¹⁵⁰ Al Jazeera Investigative Unit, 2020, ‘[The Cyprus Papers](#)’, Al Jazeera

case exemplifies the difficulty of jurisdictional enforcement when national cyber laws diverge and international collaboration is limited.¹⁵¹

5) Real estate and luxury assets as laundering vehicles

High-end real estate, art, yachts and private aircraft are widely used to store illicit wealth, especially in stable legal systems.

The case of UK Unexplained Wealth Orders (UWOs)

The UK's National Crime Agency introduced UWOs in 2018 to compel individuals to explain the sources of wealth used to acquire high-value assets. One prominent case involved Zamira Hajiyeveva, the wife of an Azerbaijani banker convicted of fraud. She spent £16 million at Harrods and acquired a £15 million mansion in Knightsbridge. However, few UWOs have been issued since 2019, due in part to legal challenges and resource constraints. This underscores the gap between legislative ambition and enforcement capacity, especially when facing well-resourced legal teams and politically sensitive defendants.¹⁵²

International legal frameworks and their enforcement

Despite decades of norm-building and treaty-making, **cross-border corruption remains one of the most difficult areas of global legal enforcement**. While international legal frameworks have created shared standards and expectations around anti-corruption, they have done little to resolve the underlying problem of enforcement: no single body has the authority or capacity to compel action across borders. Instead, responsibility for prosecution and investigation remains concentrated in national jurisdictions, producing uneven outcomes shaped by political will, institutional capacity and geopolitical interest.¹⁵³

Three international legal frameworks shape the global landscape: the OECD Anti-Bribery Convention, the United Nations Convention against Corruption (UNCAC) and a growing body of European Union-level instruments (as discussed in Appendix I). Each provides important normative and procedural guidance. Yet, none can guarantee accountability – particularly when corruption involves politically connected individuals or complex offshore networks. The absence of centralised international enforcement, combined with deep asymmetries in national enforcement capabilities, continues to define the limits of global anti-corruption law.

➤ **OECD Anti-Bribery Convention: technical precision, political dependence**

The OECD Anti-Bribery Convention, adopted in 1997, criminalises bribery of foreign public officials in international business transactions.¹⁵⁴ Its main innovation is **the requirement that states prosecute their own citizens and companies who engage in corrupt practices abroad**, even

¹⁵¹ US Department of the Treasury, 2022, 'Treasury Sanctions Russia-Based Hydra, World's Largest Darknet Market, and Ransomware-Enabling Virtual Currency Exchange Garantex,' Treasury Press Release, 5 April 2022.

¹⁵² National Crime Agency, 2020, 'Court dismisses UWO appeal by Zamira Hajiyeveva,' NCA News, 5 February 2020.

¹⁵³ Feeley, M.J., 2022, 'Beyond "Equity": The Continued Search for Guiding Principles of Transnational Anti-Corruption Investigations,' University of Bologna Law Review, Vol. 7, Issue 2, 147–182

¹⁵⁴ OECD, 1997, 'Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,' signed 17 December 1997, entered into force 15 February 1999 (OECD)

when the acts do not occur within national territory. This extraterritorial reach has underpinned some of the most prominent cross-border cases in recent years.

A landmark example is the Airbus case (2020), in which the company agreed to pay a €3.6 billion settlement to authorities in France, the United Kingdom and the United States after investigations uncovered widespread use of intermediaries and offshore structures to bribe foreign officials. The case was enabled by national implementations of the OECD Convention and marked one of the most successful instances of coordinated enforcement to date. It also highlighted the growing willingness of certain national authorities – particularly in the US and France – to use the OECD framework as a basis for aggressive action.¹⁵⁵

Nonetheless, enforcement under the Convention remains highly uneven. According to OECD Working Group monitoring, **the vast majority of member countries have failed to bring any significant foreign bribery prosecutions.** Sweden, for example, has been repeatedly criticised for a lack of enforcement despite being home to large multinationals operating in high-risk jurisdictions.¹⁵⁶ The Convention relies on peer pressure through monitoring reports, but has no legal mechanism to compel prosecution or penalise inaction.

Moreover, the Convention's narrow focus on the supply side of bribery (i.e. those who pay bribes) excludes broader patterns of systemic corruption, including demand-side involvement, money laundering and asset recovery. It is a precise tool – but one with a limited remit.

➤ **UNCAC: universal scope, uneven commitment**

The United Nations Convention Against Corruption (UNCAC), adopted in 2003 and ratified by more than 180 states, is the most comprehensive international anti-corruption treaty.¹⁵⁷ It addresses not only bribery and embezzlement, but also abuse of function, illicit enrichment, money laundering and obstruction of justice. Critically, it includes a dedicated chapter on asset recovery – a longstanding priority for states in the Global South.¹⁵⁸

However, **UNCAC lacks enforcement and monitoring mechanisms.** It operates through a non-binding Implementation Review Mechanism, based on self-assessments and peer reviews, which has been criticised for its lack of transparency and the absence of consequences for non-compliance. Unlike the OECD Convention, UNCAC does not differentiate between signatories based on their enforcement records, and there is no central authority to intervene in failed or politicised investigations.¹⁵⁹

¹⁵⁵ US Department of Justice, 2020, 'Airbus Agrees to Pay over \$3.9 Billion in Global Penalties to Resolve Foreign Bribery and ITAR Case,' Office of Public Affairs, 31 January 2020

¹⁵⁶ OECD Working Group on Bribery, 2024, 'OECD AntiBribery Convention Phase 4 Report on Sweden: Implementing the Convention and Related Legal Instruments,' 19 December 2024

¹⁵⁷ United Nations Office on Drugs and Crime (UNODC), 2005, 'United Nations Convention against Corruption,' adopted 31 October 2003, entered into force 14 December 2005

¹⁵⁸ Hechler, G. & Heilman, A., 2010, 'UNCAC in a Nutshell – A Quick Guide to the United Nations Convention Against Corruption for Embassy and Donor Agency Staff,' U4 Brief (updated)

¹⁵⁹ Weilert, A.K., 2016, 'United Nations Convention against Corruption (UNCAC) – After Ten Years of Being in Force', Max Planck Yearbook of United Nations Law Online, Vol. 19, Issue 1, 216–240.

The Convention's asset recovery provisions (Chapter V) remain especially contentious. While UNCAC formally requires states to assist in the return of misappropriated assets, actual implementation depends on a host of conditions – mutual legal assistance treaties, domestic court procedures and political discretion. In practice, recoveries are rare, delayed and often only partial.¹⁶⁰

The Abacha loot case provides a telling example. After over \$1 billion was stolen from Nigeria in the 1990s, funds were traced to accounts in Switzerland, Luxembourg, the UK and Jersey. Although some assets have been returned through UNCAC-guided frameworks, the process took nearly two decades and was repeatedly stalled by disputes over the legal basis for return and concerns about re-looting.¹⁶¹

In the case of Teodorin Obiang, Vice President of Equatorial Guinea, successful criminal cases in France and Switzerland resulted in the seizure of luxury assets – mansions, sports cars, artworks – but not necessarily in asset return. Despite UNCAC's normative guidance, the legal and political hurdles to cross-border recovery remain high, especially when assets are held in powerful financial centres.¹⁶²

➤ A horizontal system without vertical power

Despite their differences, all three frameworks – OECD, UNCAC and EU instruments – share **a structural limitation: they are legal frameworks without an enforcement authority**. This creates a system based on horizontal coordination, rather than vertical enforcement. States cooperate where they choose to and compliance is voluntary in practice.

As a result, **enforcement remains concentrated in a small number of active national jurisdictions** – above all the United States and the United Kingdom. These states have the resources, legal tools and political willingness to pursue extraterritorial cases, often using domestic legislation. Other jurisdictions either lack capacity or show unwillingness to act, creating a legal geography in which global enforcement is highly uneven.

While new institutions like the EPPO and platforms like the International Anti-Corruption Coordination Centre (IACCC) (i.e. a multi-agency platform launched in 2017 and hosted by the UK's National Crime Agency, which facilitates intelligence sharing and operational coordination among enforcement bodies from countries such as the UK, US, Canada, Australia, New Zealand and Singapore in major cross-border corruption cases)¹⁶³ offer signs of progress, they do not overcome the underlying structural constraint. Enforcement still depends on national systems that are themselves embedded in political, economic and legal hierarchies. **As long as there is no central international authority empowered to act across borders, the effectiveness of global anti-corruption laws will remain partial and selective.**

¹⁶⁰ World Bank & UNODC, 2009, '[Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture](#),' World Bank Publications

¹⁶¹ UNCAC Coalition, 2014, '[Money laundering and asset recovery: the case of Nigeria](#),' 27 November 2014

¹⁶² Organized Crime and Corruption Reporting Project (OCCRP), 2025, '[Equatorial Guinea Fights France Over Seized Luxury Mansion](#),' 15 July 2025

¹⁶³ Dávid-Barrett, E. & Tomić, S., 2022, '[Transnational governance networks against grand corruption: Cross-border cooperation among law enforcement](#),' *SOC ACE Research Paper No. 8*. Birmingham, UK: University of Birmingham.

National regulatory regimes

This section outlines key enforcement models and selected national regimes, illustrating the geopolitical asymmetries of anti-corruption governance.

1) United States: global anti-corruption enforcer

The *US Foreign Corrupt Practices Act (FCPA)*¹⁶⁴ has represented the most powerful extraterritorial anti-bribery statute. It criminalises payments to foreign officials by US entities or any company using US financial systems. The Department of Justice (DOJ) and Securities and Exchange Commission (SEC) jointly enforce the law, often in coordination with foreign agencies.

Enforcement highlights:

- In 2024, the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) secured more than US\$1.28 billion in fines and penalties for violations of the Foreign Corrupt Practices Act (FCPA), marking one of the ten highest enforcement totals in the law's nearly fifty-year history.¹⁶⁵
- DOJ has emphasised corporate compliance incentives, internal reporting and whistleblower protections under its 2023 "Corporate Enforcement Policy".¹⁶⁶
- The US has pioneered coordinated settlements (e.g., Odebrecht, Airbus, SBM Offshore), often including offsets for penalties paid elsewhere – but these remain discretionary.¹⁶⁷

2) United Kingdom: civil tools, limited application

The *UK Bribery Act* (2010)¹⁶⁸ criminalises both active and passive bribery, with strict liability for corporations failing to prevent bribery. In theory, it is one of the world's most comprehensive frameworks.

Enforcement reality:

- The Serious Fraud Office (SFO) has struggled with case backlogs, political interference and leadership changes.¹⁶⁹
- While the UK pioneered Unexplained Wealth Orders, only a handful have been successfully upheld. A 2022 High Court decision overturned a major UWO on evidentiary grounds, weakening their deterrent effect.¹⁷⁰
- The UK has actively pursued DPAs (e.g., Rolls-Royce, Serco), but very few individuals are convicted, raising concerns about corporate impunity.¹⁷¹

¹⁶⁴ United States, 1977, '[Foreign Corrupt Practices Act of 1977](#),' Pub. L. No. 95-213, 91 Stat. 1494 (1977) (codified as amended at 15 U.S.C. §§ 78dd-1, et seq.)

¹⁶⁵ Greenberg Traurig, LLP (C. Akay), 2025, '[FCPA Year in Review 2024](#),' Greenberg Traurig, January 2025

¹⁶⁶ US Department of Justice, Criminal Division, 2025, '[Corporate Enforcement and Voluntary SelfDisclosure Policy](#),' *DOJ Criminal Division*, revised May 12 2025

¹⁶⁷ US Department of Justice, 2017, '[SBM Offshore N.V. and United States-Based Subsidiary Resolve Foreign Corrupt Practices Act Case Involving Bribes in Five Countries](#),' Office of Public Affairs, 29 November 2017

¹⁶⁸ United Kingdom, 2010, '[Bribery Act 2010](#),' c.23. *London: The Stationery Office*

¹⁶⁹ Financial News, 2025, '[Dozens of SFO cases face potential legal challenge after software failures](#),' 8 June 2025

¹⁷⁰ Steptoe & Johnson LLP, 2020, '[UK Court of Appeal Rejects Unexplained Wealth Order Challenge](#),' Client Alert, 5 February 2020

¹⁷¹ Hawley, S., King, C. & Lord, N., 'Justice for whom? The need for a principled approach to Deferred Prosecution in England and Wales,' in Soreide, T. & Makinwa, A., (eds.), 2020, *Negotiated Settlements in Bribery Cases: A Principled Approach*, Cheltenham: Edward Elgar

3) France: emerging leader with structural reforms

France has significantly reformed its anti-corruption apparatus through the Sapin II Law (2016),¹⁷² which mandates corporate compliance programmes and established the Agence Française Anticorruption (AFA).

Notable developments:

- France has pursued major transnational settlements, including the €3.6 billion Airbus case in 2020 – coordinated with UK and US authorities.¹⁷³
- It has used Judicial Public Interest Agreements (CJIPs) as an alternative to trial, mirroring US DPAs but rooted in civil law procedure.¹⁷⁴
- Courts and prosecutors have begun to show greater autonomy in foreign bribery enforcement, although the AFA still lacks full prosecutorial powers.

4) Netherlands and Sweden: passive but compliant

Both the Netherlands and Sweden have signed key international instruments and maintain functional legal systems, but their record on proactive foreign bribery enforcement is limited.

- Dutch enforcement often relies on coordination with US agencies (e.g., SBM Offshore).¹⁷⁵
- Sweden lacks a dedicated anti-corruption agency and has rarely brought cases under its foreign bribery statute.¹⁷⁶
- Financial secrecy and lack of real-time transparency in beneficial ownership registries remain systemic challenges in both countries.

5) Hungary, Bulgaria and Serbia: weak enforcement, politicised institutions

In several Central and Eastern European countries, corruption investigations are often obstructed by politicised judiciaries and limited prosecutorial autonomy.

- In Hungary, despite EU investigations into procurement irregularities and the misuse of cohesion funds, no high-level domestic prosecutions have occurred. Critics argue that the state uses anti-corruption selectively, often against political opponents.¹⁷⁷
- Bulgaria has passed legal reforms under EU pressure but continues to undermine judicial independence through prosecutorial interference, selective weaponisation of investigations and a lack of asset confiscation capacity.¹⁷⁸
- Serbia's anti-corruption agency lacks enforcement powers; NGOs report growing alignment between political elites and business interests, with few convictions.¹⁷⁹

¹⁷² Journal Officiel de la République Française, 2016, 'Loi n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique (Sapin II), no. 0287,' ('Law No. 2016-1691 of December 9, 2016 relating to transparency, the fight against corruption and the modernization of economic life (Sapin II), no. 0287'), 10 December 2016

¹⁷³ US Department of Justice, 2020, 'Airbus Agrees to Pay over \$3.9 Billion in Global Penalties to Resolve Foreign Bribery and ITAR Case,' Office of Public Affairs, 31 January 2020

¹⁷⁴ Clifford Chance, 2019, 'First Guidelines on CJIP,' July 2019

¹⁷⁵ OECD Working Group on Bribery, 2020, 'Implementing the OECD Anti-Bribery Convention: Phase 4 Report on the Netherlands,' *OECD*

¹⁷⁶ OECD Working Group on Bribery, 2024, 'Phase 4 Report on Sweden,' *OECD*

¹⁷⁷ European Commission, 2025, *2025 Rule of Law Report – Country Chapter: Hungary*

¹⁷⁸ OECD, 2025, *Reforming Bulgaria's Anti-Corruption Authorities*

¹⁷⁹ European Commission, 2025, *2025 Rule of Law Report – Country Chapter: Serbia*

Conclusion

Cross-border corruption is not simply the combination of isolated criminal acts, it is embedded in the structures of global finance and governance. Its enabling mechanisms – ranging from offshore shell companies and golden visa programmes to real estate laundering and cryptocurrency transactions – span legal and institutional borders. This transnational reach makes enforcement particularly challenging, as it relies on coordination among states with widely differing capacities, interests and legal systems.

International agreements such as the OECD Anti-Bribery Convention and the UN Convention Against Corruption have helped establish a common normative vocabulary, yet they provide only limited assurance of accountability. In practice, enforcement remains discretionary, concentrated in a small number of powerful jurisdictions with both the capacity and the political will to pursue extraterritorial cases. New bodies like the European Public Prosecutor's Office and coordination platforms such as the IACCC represent promising moves toward multilateral enforcement, but they have yet to close the gap. Without binding procedures to resolve jurisdictional disputes or compel compliance, these initiatives risk perpetuating uneven enforcement rather than overcoming it.

At present, the system is largely horizontal – dependent on voluntary cooperation, peer review and informal norms. While this model supports the diffusion of standards, it is poorly suited to tackling the material realities of cross-border corruption, particularly where politically influential actors or strategic financial centres are concerned. Achieving substantive progress will require not only innovative institutional arrangements but also sustained political commitment to enforcement, especially when legal obligations conflict with economic or strategic interests.



CHAPTER 2.

Sweden

By Marcia Grimes, Professor of Political Science, University of Gothenburg

Introduction

The foundational institutional structures that moved Sweden from high to low corruption were introduced in the mid-19th century and encompassed decentralisation, a merit-based civil service and a ban on selling public office. Rothstein describes this phenomenon as an indirect Big Bang approach to anti-corruption, as “almost all major political, social and economic formal institutions were transformed during a relatively short period of time with the 1860s as the central decade”.¹⁸⁰

The path-dependent historical legacy has shaped present-day trends, since nowadays Sweden consistently ranks among the least corrupt countries in the world. Surveys by the University of Gothenburg¹⁸¹ show very low rates of reported bribery in Sweden’s public sector, with less than 0.8% of employees ever offered a bribe.¹⁸² Nevertheless, as discussed below, openings for corruption have also emerged over time because the quality of institutions has declined slightly, whereas civil society has not mobilised to a significant extent.

One of the factors most consistently associated with levels of corruption is the extent to which civil servants are meritocratically recruited or, alternatively, politically appointed. In Sweden, the civil service remains largely protected from partisan interference. **Only heads of agencies are politically appointed**, and although they often step down after elections, they cannot be dismissed mid-term.¹⁸³

Just as separating politics from the administration limits partisan resource use, judicial independence is essential to uphold the rule of law. In Sweden, V-Dem expert survey data consistently demonstrates that **the judiciary is by and large independent from political interference** (see figures below).

Sweden’s media are additionally rated as operating freely and featuring robust investigative journalism, according to Reporters Without Borders’ rankings.¹⁸⁴ Sweden’s public service television and radio are funded independently of government budgets, which provides for insulation from political interference.

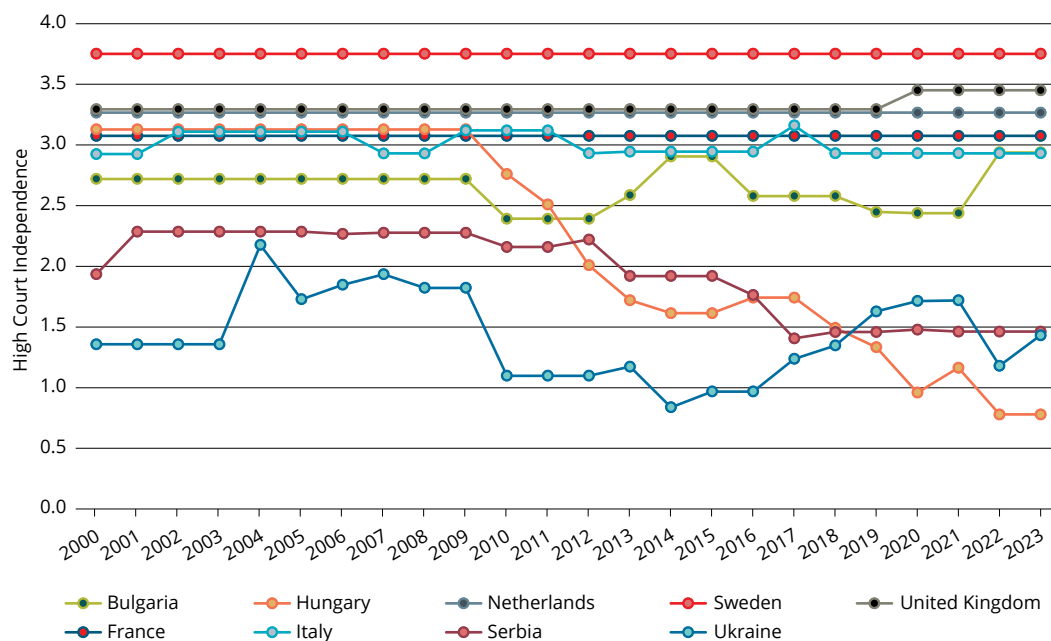
¹⁸⁰ Rothstein, B., 2011, ‘Anti-corruption: the indirect ‘big bang’ approach’, *Review of International Political Economy*, 18(2), p. 245

¹⁸¹ The SOM Institute, *Society, Opinion, and Media Surveys*

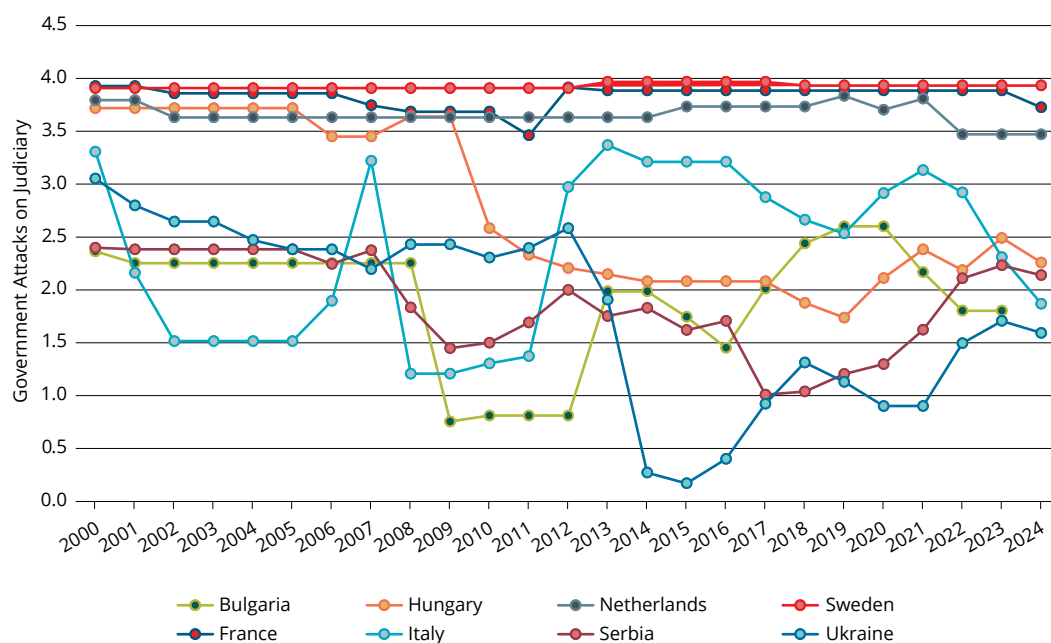
¹⁸² Arkhede, S., Bauhr, M., and Holmberg, S., 2017, ‘Svenska folket bedömer korruption 2016’, SOM-rapport 2017:25, p. 4

¹⁸³ Dahlström, C., Holmgren, M., 2019, ‘The political dynamics of bureaucratic turnover’, *British Journal of Political Science* 49(3), p. 823-836.

¹⁸⁴ The index builds on 117 questions relating to the political context, legal framework, economic context, sociocultural context and safety. The resulting index ranges from 0 to 100. Reporters without Borders, *Index*

Figure 2. High Court Independence (2000-2023)¹⁸⁵

Source: Varieties of Democracy Institute online graphing tool.

Figure 3. Government Interference in Judicial Rulings (2000-2024)¹⁸⁶

Source: Varieties of Democracy Institute online graphing tool.

¹⁸⁵ Note: Expert assessments on the question: "When the high court in the judicial system is ruling in cases that are salient to the government, how often would you say that it makes decisions that merely reflect government wishes regardless of its sincere view of the legal record?" with responses from 0=Always to 4=Never.

¹⁸⁶ Note: Expert assessments on the question: "When judges not on the high court are ruling in cases that are salient to the government, how often would you say that their decisions merely reflect government wishes regardless of their sincere view of the legal record?" 0=Always. 4: Never.

However, political stances aimed at restricting media independence have recently emerged. The far-right Sweden Democrats have submitted a number of motions in parliament proposing that, for example, journalists be fined for not being impartial (whereby impartiality depends on the political perspective) and that the three public service TV and radio companies be combined into one with a smaller mission and budget based on selling ownership stakes to private companies.¹⁸⁷ Two other parties in the current ruling coalition, the Christian Democrats and the Moderates, have also “proposed a narrower public service mission with a focus on, among other things, news, social information and public education”.¹⁸⁸ Moreover, while oversight and administrative board members are traditionally non-partisan, they are appointed by the government – and no laws prevent partisan appointments. High ownership concentration, a decline in the number of journalists and the closure of local editorial offices¹⁸⁹ are further concerns on the local level, weakening municipal accountability amid growing signs of corruption.

Sweden’s civil society generally remains autonomous. The country has historically had exceptionally powerful unions representing, among others, industry and agriculture. These types of associations previously participated in policy making in a corporatist system and while that is less so the case today, they remain strong.

A few small organisations focus on issues related to revolving doors, conflicts of interest, lack of transparency in lobbying and undue influence. For example, *Klägget*, run by investigative journalists, highlights overlapping networks among politicians, PR consultants and media professionals.¹⁹⁰ The *Institute Against Bribes*, is a hybrid organisation and a joint initiative by the Stockholm Chamber of Commerce, the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner & Regioner*) and the Confederation of Swedish Enterprise (*Svenskt Näringsliv*). This organisation engages in awareness raising but advocating for reform does not constitute a core activity. For its part, *Acta Publica* is a consultancy that uses data primarily to map connections between organised crime and companies and, to a lesser extent, politicians, using public records. They publish pro bono reports about links between Swedish companies and foreign oligarchs or criminal networks inside Sweden.

Beyond the above mentioned CSOs, **citizen concern and especially mobilisation in relation to corruption remain weak.** Calls for stricter regulations regarding campaign finance as well as the creation of a lobby register have been raised in policy inquiries as well as by non-state actors but a sustained advocacy effort is absent. While diminished perceptions of corruption have been stable over time,¹⁹¹ up to 39% of Swedish respondents express fears of future corruption, possibly linked to rising organised crime.¹⁹² As an overall trend, supporters of the far-right party Sweden Democrats tend to perceive corruption as more prevalent than others and the party has steadily gained in popularity since 2006.

¹⁸⁷ Andersson, U., 2024, ‘Ideologi Vs Användning – Om Dynamiken Bakom Förtroendet För Public Service’ (‘Ideology vs. Use – On the Dynamics Behind Trust in Public Service’), in *Ulrika Andersson, Björn Rönnerstrand & Anders Carlander (Red.)*, Inferno, SOM-institutet vid Göteborgs universitet

¹⁸⁸ Ibid., p. 54

¹⁸⁹ Nord, L. & von Krogh, T., 2021, ‘Sweden: Continuity and change in a more fragmented media landscape’, in Trappel, J., & Tomaz, T., (eds.), *The Media for Democracy Monitor 2021: How leading news media survive digital transformation (Vol. 1)* (pp. 353–380), Gothenburg: Nordicom, University of Gothenburg

¹⁹⁰ Zachari, R., ‘Inlägget SvD tackade nej till’, (‘The post SvD rejected’), *Klägget*

¹⁹¹ Bågenholm, A., Holmberg, S., 2023, ‘Svenska folket bedömer graden av korruption i Sverige’ (‘The Swedish people assess the level of corruption in Sweden’), *Quality of Government Institute (QoG) Report*

¹⁹² Bauhr, M., Holmberg, S., Arkhede, S., 2016, *Svenska folket bedömer korruption* (‘The Swedish people assess corruption’), *Som-Institutet*

Is Sweden a Special Case? Slowly Catching up to the Reality of Corruption

The preceding analysis has demonstrated that Sweden has in both historical and contemporary terms been characterised by low levels of corruption and high degrees of public transparency. However, recent patterns pointing to emerging areas of corruption (as detailed in the box below) and growing citizen concerns about undue influences show that Sweden is far from a corruption-free country. Nevertheless, these negative changes have not yet precipitated sufficient societal and political action, with research and journalistic investigations remaining circumscribed. Hence, **unlike the other countries examined in this report, legislative activity on corruption prevention in Sweden has been more limited and primarily focused on political finance** and, to some extent, lobbying, whereas the revolving door phenomenon and media have received less attention.

Indeed, legislative activity in the area of revolving doors has been scant. A policy inquiry was completed in 2023¹⁹³ concluding that the existing Act (2018:676)¹⁹⁴ had had some effect despite reliance on self-regulation (individuals voluntarily consult with a Board in cases of uncertainty). It was therefore decided that introducing sanctions was not needed. The inquiry did suggest, however, the need to further consider whether the law should be expanded to also regulate top civil servants. For its part, the Board for the Examination of Transitional Restrictions tasked with reviewing cases that might invoke Law 2018:676 publishes an annual report on its activities. In 2024, the Board reviewed three cases and in none of those did it find a potential violation of the transitional restrictions.¹⁹⁵

Box 10. The new Swedish reality? Emerging areas of corruption.

Recent attention has focused on the municipal level as an emerging and growing area of corrupt exchanges. Local networks at times raise concerns about the risk of conflicts of interest. A study found that municipal council members or municipal executive board members often serve on the boards of municipally owned enterprises (MOEs).¹⁹⁶ In the 11 municipalities examined, between 16% and 45% of council members sit on the boards of MOEs and between 18% and 100% of members of the executive board are also themselves council members. Relatedly, Bergh et al.¹⁹⁷ concluded that perceptions of corruption are higher in municipalities with a greater number of corporations in which the municipality is at least a 50% shareholder.

Furthermore, a 2025 report,¹⁹⁸ jointly written by the Social Insurance Authority, the police, the Tax Authority and eleven other authorities, shows **extensive links between organised crime and companies that work under government contracts** in order to provide assistance to vulnerable populations. Of the 699 companies investigated, 83 had connections to organised crime and 63 of those were among the largest service providing companies.

¹⁹³ Statens Offentliga Utredningar, SOU, (Government Public Inquiries), 2023:45, 'Övergångsrestriktioner – ökat förtroende för offentlig verksamhet', ('Transitional restrictions – increased trust in public services')

¹⁹⁴ Sveriges Riksdag, 2018, 'Lag (2018:676) om restriktioner vid statsråds och statssekreterares övergång till annan än statlig verksamhet' ('Act (2018:676) on restrictions on the transfer of ministers and state secretaries to activities other than government activities')

¹⁹⁵ 2024/25:NSÖ1. 'Redogörelse till riksdagen. Verksamhetsredogörelse för Nämnden för prövning av statsråds och vissa andra befattningshavares övergångsrestriktioner 2024' ('Report to the Riksdag. Activity report for the Committee for the Review of Transitional Restrictions for Ministers and Certain Other Executives 2024')

¹⁹⁶ Bergh et al., 2022, 'What happens when municipalities run corporations? Empirical evidence from 290 Swedish municipalities', *Local Government Studies*, 48:4, p. 704-727

¹⁹⁷ Ibid.

¹⁹⁸ Nationellt underrättelsecentrum (National Intelligence Center), 2025, 'Tecken på missbruk av Försäkringskassans förmåner hos den organiserade brottsligheten och hur den verkar inom assistansersättning', Diarienummer: A220.933/2025 ('Signs of abuse of Social Insurance Agency benefits by organized crime and how it operates within assistance compensation')

The following case further shows that Sweden may be experiencing an underestimation and underreporting of political corruption.

Box 11. Corruption in campaign finance: An absence of evidence

Very few scandals have emerged in the areas of campaign finance, lobbying and revolving doors. One media investigation consisted of a hypothetical but highly revealing **sting operation** aired in late August 2022, in which a businessman who was collaborating with investigative journalists contacted all parties in Sweden and expressed an interest in making a large donation. He recorded the interactions asking party employees how he could go about making a large donation but still remain anonymous (*Kalla fakta*– Cold facts). Employees at five of the eight parties with seats in the Riksdag helpfully suggested strategies for circumventing the law. As one newspaper recounted: “The Sweden Democrats’ finance director Lena-Karin Lifvenhjelm said that the money could be sent to a friend, who on paper could be responsible for the donation. The Social Democrats suggested that the CEO could start a foundation, together with other people. The Christian Democrats’ party secretary Peter Kullgren suggested that the donation could be spread out among many different parliamentary candidates.”¹⁹⁹ The episode triggered a number of resignations of the party employees involved.

A politician from the Left Party, Nooshi Dadgostar, subsequently filed a complaint with Kammarkollegiet, the authority responsible for receiving and compiling revenue reports from parties, requesting a full-scale investigation of all parties’ finance reports. This initiative did not produce any results. “There is no concrete information in the program that any party has violated the provisions of the Transparency Act. Nor has any such information emerged after our inspection. Kammarkollegiet therefore assesses that there is no reason to take further measures,” said Gunnar Larsson, Director General of Kammarkollegiet, in a press release.²⁰⁰

Nevertheless, several motions and interpellations relating to a lobby register as well as campaign finance were submitted in 2022 subsequent to the airing of the *Kalla fakta* episode, which was mentioned in parliamentary debates as a compelling reason to revisit the regulations of campaign finance and lobbying (e.g. Protokoll 2022/23:58).²⁰¹ It is thus likely that the scandal may have triggered renewed attention to the issue of political finance and possibly even contributed to the current government’s commissioning a policy inquiry.²⁰²

¹⁹⁹ Wisterberg, E., 2022, ‘Hemliga vd:n avslöjade fusk med donationer’ (‘Secret CEO exposed donation fraud’), *Svenska Dagbladet*, 20 August 2022

²⁰⁰ Aftonbladet, 2023, ‘Granskning av fusk med partibidrag läggs ned’, (‘Investigation into cheating with party contributions is closed’)

²⁰¹ Sveriges Riksdag, 2022, ‘Protokoll 2022/23:58 Tisdagen den 7 februari’

²⁰² Funke, N., ‘Regeringen driver utredare att komma fram till “rätt” slutsats’ (‘The government pushes investigators to arrive at the “right” conclusion’), Inquiry directive – Regeringen Dir 2023:88, 15 June 2023

Political Finance and Lobbying: Constitutional Considerations and Partisan Interests

Political Finance

On balance, civil society actors investigate and expose practices they deem to be suspect in the area of political finance but they do not engage extensively in efforts to bring about reform. Politicians are the primary actors moving legislative matters forward, although to date they mainly commission policy inquiries instead of enacting policy – frequently as a response to criticism from GRECO.

International bodies and norms have indeed been an important and frequent point of reference in the policy debates in Sweden about both campaign finance and lobbying. As early as 2009, GRECO directed a number of recommendations for improving the regulatory framework on political finance in Sweden regarding, among others, the prohibition of anonymous contributions, requirements for reporting donations that exceed certain thresholds, the need for independent auditing and the establishment of bookkeeping and accounts.²⁰³

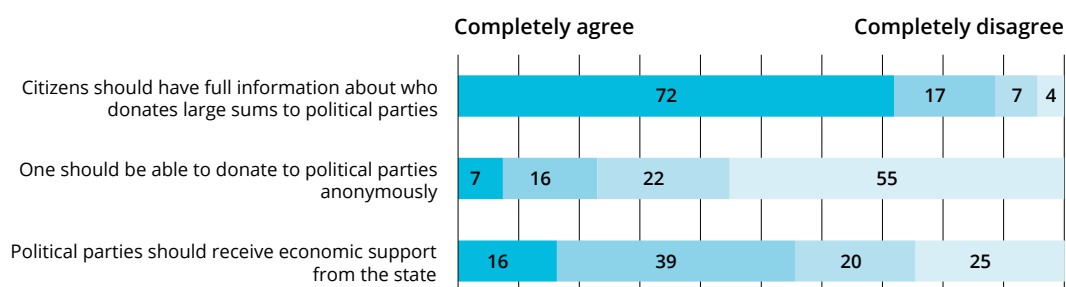
In a 2014 follow-up assessment, GRECO deemed that three recommendations had been implemented, while the remaining four were only partially implemented. Some shortcomings included the fact that finance laws in Sweden did not require parties to include expenditures in their reporting (and that these could therefore not be audited); and regulations contained the loophole that donors could divide up donations in increments to remain anonymous. The 2023 United Nations Convention against Corruption review reached similar conclusions.²⁰⁴ Still, a recently published policy inquiry found that the criticism about anonymous donations is to some extent overstated as parties are required to document donors' identity on any donation above approximately €30 and the disclosure requirement applies if *total* donations over the course of a year surpass €300. Multiple donations under the €300 limit do not therefore represent a means to circumvent the 2018 law.

In line with international evaluations, Swedish public opinion has also been in favour of the need to institute greater transparency and stricter regulations on political finance. Respondents of the 2021 SOM survey expressed strong support for additional transparency (89% agreed or completely agreed) and opposed anonymous donations (77%). Support for state funding was also moderately strong (55% completely agreed or agreed, see Figure below). In addition, 74% felt donations from foreign donors should be banned entirely, 36% stated that donations from ordinary citizens should be prohibited completely and 53% and 54% respectively thought that donations from companies and unions should be banned.²⁰⁵

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Wennerhag, M., Kravchenko, ZH., Sörbom, A., 2022, 'Politikens resurser–Medborgarnas syn på ekonomiskt stöd till politiska partier, civilsamhället och andra politiska aktörer' ('The resources of politics – Citizens' views on financial support to political parties, civil society, and other political actors'), *Du sköra nya värld: SOM-undersökningen 2021*, p. 484

Figure 4. Attitudes towards campaign finance regulation

Source: Wennerhag et al. 2021, 484 (translation by author)

In the context of growing international pressure and changing public opinion, **the Social Democratic government (supported by the Green party) of 2018-2022 commissioned a policy analysis of corruption and undue influence at all levels of government**, with a focus on fraud in outsourcing welfare services to private companies, at times with connections to criminal networks. That commission was dissolved after the change of government in 2022 and was replaced by another commission with a watered-down mandate. The head of the dissolved commission stated in the media that he suspected: “that the real reason (for the dissolution) is that the government does not want a review of the effects that the increase of market interests and privatisation has had on the occurrence of influence and corruption in publicly funded activities.”²⁰⁶

The post-2022 government (consisting of the Moderate Party, the Christian Democrats and the Liberals, further supported by the Sweden Democrats) thus **commissioned a new policy inquiry in 2023 with a narrower mission, focusing on the regulatory frameworks in the areas of party finance as well as lobbying** (Dir. 2023:88).²⁰⁷ Sweden’s first law on political party finance dates back to 2014 (Act 2014:105).²⁰⁸ Beforehand there was no codified regulation and political finance was informally regulated through an agreement among the secretaries of seven parties in parliament. In 2024, according to their own reporting, political parties receive on average 61% of their total funding from the state and only 2.4% from private individuals and 0.4% from organisations, companies or foundations.²⁰⁹ Compared to other countries, there is less suspicion of the role of private money in the policy decisions of parties. Nonetheless, the lack of transparency requirements in this area was a conspicuous aberration in an otherwise transparent context. The issue of absent and lax regulation has thus been on the policy agenda at least since 1999 when Sweden joined the Council of Europe’s Criminal Law Convention on Corruption and was expected to align its laws on undue influence accordingly.

²⁰⁶ Dagens Samhälle, 2023, ‘[Regeringen skrotar utredning om korruption](#)’ (‘The government scraps corruption inquiry’), 31 January 2023

²⁰⁷ Regeringskansliet, 2023, ‘[Förstärkt insyn och transparens i finansieringen av politiska partier Dir. 2023:88](#)’ (‘Increased transparency and accountability in the financing of political parties Dir. 2023:88’)

²⁰⁸ Sveriges Riksdag, 2014, ‘[Lag \(2014:105\) om insyn i finansiering av partier](#)’ (‘Act (2014:105) on transparency in party financing’)

²⁰⁹ Jansson, J., forthcoming, ‘Partiernas Finansiering’ (‘Party Financing’), in Hagevi, M., (ed.) *Partier och Partisystem (Parties and Party Systems)*, Lund: Studentlitteratur.

A parliamentary debate from 2011 exemplifies the political positions prior to 2014 (Protokoll 2011/12:43).²¹⁰ Perhaps due to the strong norm of transparency in the country, all parties with the exception of the Sweden Democrats expressed support for the need for a law requiring disclosure in the area of party finance. A motion submitted by the Green Party demanded that the government draft a law to this end. In the debate, all parties expressed support for such a law in principle, but speakers from the center-right block deferred to an on-going negotiation among the party secretaries to draft the legislation and expressed hope that a law would be in place in time for the campaign leading up to the September 2014 election. The motion did not pass but a law was enacted in March of 2014.

Adjudicating whether the strategy to defer to ongoing negotiations and inquiries (which then are followed by the circulation of a draft law, parliamentary debate and public consultation rounds) **reflects the Swedish tradition of consensus-building or an effort to delay taking legislative action is difficult to ascertain.** The Green Party and Left Party implied in the 2011 debate that other parties were indeed doing the latter (Protokoll 2011/12:43).²¹¹

Currently, the question of campaign finance is once again on the agenda through another recently published inquiry²¹² commissioned in 2023 (Dir. 2023:88).²¹³ The inquiry commission was tasked to address a range of policy proposals, including the prospect of the introduction of a lobby register or at least fostering greater transparency on contacts between political decision-makers and lobbyists. As regards campaign finance, the commission was tasked with assessing a ban on anonymous contributions and donations from foreign donors as well as whether reporting on party finances should include expenditures, assets and debts.

That the matter of political finance is subject to partisan interests becomes apparent when considering two additional points being considered in the policy inquiry: 1) if reporting requirements should be extended to include contributions from special fundraising organisations and 2) if special requirements on transparency and consent should be implemented for financial support received from labour market organisations. The Social Democrats, now in opposition, have two sources of funding that other parties do not: lottery sales (38% of total revenues) and contributions from a portion of members' fees from the largest labour union (2% of total revenues).²¹⁴

This new mandate for a policy inquiry thus specifically targeted forms of revenue generation employed by the Social Democratic party: the **use of “special fundraising organisations” refers to lotteries.** More conspicuous still, in January of 2025, one month before the original deadline for the conclusion of the inquiry, the government modified the mission in its directive of 2025, Issue 7 and asked that the commission re-examine the question of financial support from labour market organisations and how the laws can be amended such that members can opt out of this indirect donation.

²¹⁰ Sveriges Riksdag, 2011, ‘[Riksdagens protokoll 2011/12:43 Onsdagen den 7 december](#)’

²¹¹ Sveriges Riksdag, 2011, ‘[Riksdagens protokoll 2011/12:43 Onsdagen den 7 december](#)’

²¹² Regeringskansliet, 2025, ‘[Ökad insyn i politiska processer](#)’ (‘Increased Transparency in political processes’), *Statens Offentliga Utredningar, SOU*, (Government Public Inquiries), 2025:52

²¹³ Regeringskansliet, 2023, ‘[Förstärkt insyn och transparens i finansieringen av politiska partier Dir. 2023:88](#)’ (‘Increased transparency and accountability in the financing of political parties Dir. 2023:88’)

²¹⁴ Ibid.

The new instructions therefore consisted not of an open mission to review the issue, but rather a specific request to propose a legal measure that would require that members of an organisation grant or withhold consent as to whether a portion of their dues could be donated to a party. A draft of the almost complete inquiry shared with *Svenska Dagbladet* (SvD) in January 2025, a major daily paper, indicated that the preliminary conclusion of the commission was that the government could not interfere with the internal decision-making processes of any civil society association, including unions. In an e-mail shared with SvD,²¹⁵ the chair of the inquiry and former justice on the Supreme Administrative Court of Sweden, Mats Melin, wrote to the members of the commission: “The extension is due to the fact that we are also being tasked, regardless of the committee’s assessment of the substance, to investigate how a regulation of consent from individual members regarding financial support to parties and election candidates from organisations in the labour market, based on the Danish model, can be designed.” **These events have received very little media attention, again suggesting low salience and public attention.** In addition to the story in SvD, only one further article on the matter could be identified.²¹⁶

The dissolution of one study and commissioning a new one as well as the new directive issued one month before the original deadline for the inquiry, are strongly consistent with party political interests of the incumbent government. These conflicts did not focus on limiting or detecting fraud but were instead predicated on limiting specific sources of financing in **a seeming effort by a center-right government to close the tap on the two main sources of income for the most well-funded party in Sweden, the Social Democrats.** Nevertheless, the inquiry of 2025 ultimately concluded that “the right of organisations [such as labour unions] to decide how to use their funds and how to conduct their activities should be safeguarded”.²¹⁷

One issue area not covered in the directive is whether foundations or organisations that donate to parties should disclose the source of their funds, especially if there are credible links between the party and the donor organisation. **Indeed, the question of donations being funneled through third party organisations in order to hide the identity of the true source has received some attention.** In October 2024, the think tank Tiden published a report about how inadequate legislation enables anonymous contributions to political lobbying campaigns in Sweden. In the report, particular emphasis is laid on foundations that seem to exist with the sole purpose of funneling money from donors to parties, whereby donors donate anonymously first to a foundation and then the foundation donates to the party. Effectively, such an arrangement allows donors to remain anonymous. The report argued that this practice could be associated with the Sweden Democrats and Moderate Party, which are both in the current government.²¹⁸ Here as well, these disclosures prompted only a handful of stories in the news outlets.²¹⁹

²¹⁵ Nyman, J., 2025, ‘LO-medlemmars samtycke kan krävas för bidrag till S’ (‘Consent from LO members may be required for contributions to the Social Democrats’), *Svenska Dagbladet*, 18 January 2025, p. 24

²¹⁶ Funke, N., 2025, ‘Regeringen driver utredare att komma fram till “rätt” slutsats’ (‘The government pressures investigators to reach the ‘right’ conclusion’), *Fokus*, 21 January 2025

²¹⁷ Regeringskansliet, 2025, ‘Ökad insyn i politiska processer’ (‘Increased Transparency in political processes’), *Statens Offentliga Utredningar, SOU*, (Government Public Inquiries), 2025:52, p. 47

²¹⁸ As examples the Fundraising Foundation for Swedish Conservatism (Insamlingsstiftelse för svensk konservatism), which is closely associated with the Sweden Democrats and the think tank Timbro and the Free Enterprise Foundation (Stiftelsen fritt näringsliv), which is itself close to Moderaterna (Moderate party) are named. Similar loopholes were criticised in 2019, in relation to the far-right party Alternativ för Sverige (Alternative for Sweden), where suspicions were raised on how the party financed its electoral campaign.

²¹⁹ Dagens Nyheter, 2019, ‘Anonyma bidrag till högerextremt parti döljs i förening’ (‘Anonymous contributions to far-right party are hidden in association’), 7 July 2019; Expressen, 2024, ‘Hemliga pengar betalar för politisk verksamhet’ (‘Secret money pays for political activities’), 18 October 2024; Nordfjell, E., 2024, ‘Hemliga donationer betalar för politisk verksamhet’ (‘Secret donations pay for political activities’), *Morgontidningen*, 21 October 2024; Aktuellt i Politiken, 2024, ‘Ny rapport: Hemliga donationer finansierar högerlobby’ (‘New report: Secret donations finance right-wing lobby’), 18 November 2024

The recently concluded 2025 policy inquiry has weighed in on the above concerns, recommending more stringent regulations. The inquiry concluded that **donors making donations smaller than 0.05 price base amount (~€30) may remain anonymous** but the identity of any donor making a donation above that threshold must be made public. This requirement should encompass parties' sub-organisations as well as companies, foundations or other legal persons a party has decision-making influence in, or whose aims are linked to those of the party. Organisations outside the control of the party, even those created expressly for party fund-raising, should not be covered by these reporting requirements, which would seem to allow the Social Democratic party to continue to use lotteries to raise funds.

That said, it is recommended that regulations should be put in place that prevent fund-raising organisations from being utilised to hide the identity of donors. In other words, any donation *intended for a party* must comply with reporting requirements, even if made through a third-party organisation. Thus, a party may not receive donations from an organisation that does not document the original donor. The same requirements apply to in-kind donations. The inquiry additionally recommends a ban on foreign donations and extending the scope of reporting to include expenditures, assets and debts.

Lobbying

Lobbying in Sweden has received some attention as a driving force in, for example, the extremely unpopular emergence of for-profit care and service provision.²²⁰ A mapping of policy professionals in Stockholm found that this growing sector (in which approximately 3,500 individuals are employed) has extensive influence, not least through winning government contracts for the services provided, but operates very much behind the scenes and cannot be held accountable in the same way as politicians.²²¹

In terms of legislative regulations, eleven motions were submitted between 2005 and 2017 in parliament by five different parties. In each case, the Constitutional Committee of the Riksdag deemed that a lobby register would limit representation by contributing to more selective access to members of parliament and favouring more well-positioned actors in society. It was also asserted that it is legally difficult to define what constitutes a lobby organisation. **The motions were subsequently all voted down.** This recommendation is in each case justified with reference to the conclusions of a 2016 Democracy Inquiry.²²²

²²⁰ Svallfors, S., & Tyllström, A., 2017, 'Lobbying for Profits: Private Companies and the Privatization of the Welfare State in Sweden', Working Paper 2017:1, *Institute for Futures Studies*

²²¹ Garsten, C., 2014, 'De policyprofessionella och demokratins framtid' ('The policy professionals and the future of democracy'), Statens Offentliga Utredningar, p.10

²²² Statens Offentliga Utredningar, SOU, (Government Public Inquiries), 2016:5, *Låt fler forma framtiden!* (Let more people shape the future!)

The most recent inquiry²²³ of 2025 has altered the preceding policy directions, proposing the creation of a lobby register. It is also stated that all registered companies should file reports three times a year, detailing all communication with policy makers at the national level and political parties. Once a year, political advocacy consultants must additionally provide information on the resources used for advocacy communication. The Commission conducting the inquiry argues that the impact of such a law should be evaluated over an initial test period of time before similar requirements are extended to regional and local level policy makers. The Commission finally concludes that the primary oversight actor should be the public. But given the currently rather low-intensity engagement of media and civil society in corruption-related matters, that recommendation does not bode well for vibrant accountability.

Conclusion

In sum, the Swedish policy machinery has churned slowly in the areas of campaign finance and lobbying. Few elected representatives outwardly oppose greater transparency in both areas and members of parliament have on multiple occasions submitted motions and interpellations pertaining to lobbying, campaign finance and, to some extent, revolving doors. The parliament's constitutional committee as well as parliamentarians in debates frequently justify their lack of support for legal action by deferring to milestone policy inquiries like the Democracy Inquiry of 2016, ongoing negotiations among party secretaries or ongoing policy inquiries.

Whether these tactics reflect a genuine respect for the policy process or also reflect a desire to postpone legal reform is of course difficult to ascertain. Parties naturally act both to advance their own policy agenda but also in their own organisational interest. The mission of the 2025 policy inquiry, and specifically the proposal of legislation that would affect the Social Democratic party, clearly illustrate that partisan considerations are involved. As a related example, state funding support to parties more than doubled between 1971 and 2011 (even correcting for inflation), perhaps in part due to the fact that parties themselves decide on levels of funding support.²²⁴ Societal pressure has at the same time been low, allowing politicians leeway to postpone legislation with little public backlash.

Ultimately, developments in recent years have shown that corruption is an emerging problematic area at the municipal level as is the issue of organised crime and its possible connections to the realm of politics and welfare services. Hence, overcoming the long-ingrained perception that Sweden is by and large corruption-free would be a first step in the direction of more decisively tackling the new reality of growing malfeasance in the Scandinavian country.

²²³ Regeringskansliet, 2025, 'Ökad insyn i politiska processer' ('Increased Transparency in political processes'), *Statens Offentliga Utredningar, SOU*, (Government Public Inquiries), 2025:52

²²⁴ Hagevi, M., forthcoming, (ed.) *Partier och Partisystem (Parties and Party Systems)*, Lund: Studentlitteratur.

Catalogue 1. Sweden’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Political finance An ongoing, non-partisan policy review commissioned 2023 Committee Directive 2023:88 <i>Enhanced visibility and transparency in the financing of political parties</i> https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-201890-om-insyn-i-finansiering-av-partier_sfs-2018-90/	- Committee directives are guidelines for the investigations commissioned by the government (cabinet). - The committee must decide on a number of points, including: - if there is a need for clarification of the ban on anonymous contributions, - if the accounting/reporting of the parties shall include expenses, assets and debts, - whether the regulation regarding independent audit should be changed to better accommodate the recommendation of the control body GRECO, - if foreign contributions to parties, members and substitutes for members and election candidates are to be prohibited or otherwise covered by a special regulation, - whether there should be special requirements for transparency and consent from individual members regarding financial support for parties, members and substitutes for members as well as election candidates from organisations in the labour market, and - whether a regulation with requirements for transparency regarding contacts between political decision-makers and lobbyists should be introduced and how it should then be designed and administered.	The investigation is carried out by a committee commissioned by the government.	N/A
Political finance Non-partisan policy investigation submitted May 2025 (recommendations) Committee Report 2025:52 <i>Enhanced visibility and transparency in the financing of political parties</i> https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/05/sou-202552/	Anonymous contributions: Parties must document and disclose donor identity of any donation above .05 price base amount (~€30). This requirement should encompass parties’ sub-organisations as well as companies, foundations or other legal persons a party has decision-making influence in, or whose aims are linked to those of the party. Organisations outside the control of the party, even those created expressly for party fund-raising, should not be covered by these reporting requirements. Regulations should be put in place that prevent fund-raising organisations from being used to hide the identity of donors. In sum, any donation intended for a party must comply with reporting requirements, even if made through a third-party. A party may thus not receive donations from an organisation that does not document the original donor. - The Commission recommends a ban on foreign donations. Accounting/reporting: Should be expanded to include expenditures, assets and debts in accordance with GRECO recommendations. Costs related to campaigning should be listed separately.	Kammarkollegiet (The Legal, Financial and Administrative Services Agency) receives reports. Any anonymous donations should be returned to the donor and if not possible, the sum should be paid to the supervisory authority. Failure to do so if detected will result in a fine equal to the sum of the donation.	Anonymous and foreign donations must be returned to the donor. If not possible, the amount must be paid to the supervisory authority. Failure to do so results in a fine double the sum of the original donation.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Political finance Act (2018:90) on transparency in the financing of parties. Issued 2018. Replaced Act (2014:105). https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-201890-om-insyn-i-finansiering-av-partier_sfs-2018-90/	• The purpose of the law is to ensure public transparency in how parties, members of decision-making political assemblies and substitutes for such members finance their activities. • The law applies to: parties (a party that participates or has participated in elections to the Riksdag (Swedish Parliament), regional council, municipal council or European Parliament), members (a member of the Riksdag, regional council, municipal council or European Parliament) and substitutes for members (a substitute for a member of the Riksdag, regional council, municipal council or European Parliament) • Accounting/reporting: according to the law, parties are obliged to report how they have financed their activities. It must be clear from the report which funds have come into the organisation and where the funds come from. The report must cover both the party’s activities and the activities of its subsidiary organisations. If the activity is conducted through several non-profit associations, each association must submit its own report. A party that is not a non-profit association is equated with a non-profit association within a party in application of the law. • Revenue report for a non-profit association within a party or for a party’s subsidiary organisation must contain information on the amount of support according to law (1972:625), law (2010:473), law (2016:1109), party support that has been paid to the supported party the Municipal Act (2017:725) as well as state or municipal support to a youth organisation. It must also contain information on the size of membership fees, income from sales and lotteries, revenues from cash collections, contributions from private individuals, companies, organisations, associations and other associations as well as foundations, funds and any other forms of proceeds. • For income from lotteries that require a license according to law (2018:1138), the number of lots and price per lot must be stated in the income statement. • Cash collection refers to money collected from multiple donors at the same time, where it is difficult to identify the donors and their contributions. In the revenue report, each such collection must be specified with information on the amount collected as well as the time and place of the collection. • Anonymous contributions: parties and their affiliated organisations, members and substitutes for members, as well as election candidates for parties may not receive anonymous contributions to the extent that the value exceeds 0.05 price base amount. This refers to the price base amount according to ch. 2. Sections 6 and 7 of the Social Insurance Code that apply at the end of the accounting year or calendar year referred to in Section 6. Parties must document donor identity for any contributions over 0.05 price base amount (~€30). • If a contribution, or total contributions for the year, from a private person, organisation, association, other association, foundation, fund or a company exceeds 0.5 price base amount (kr3000 or €300), information about the donor’s identity, type of contribution and the size of the contribution must be reported. Identity refers to information about name and either civic registration number or organisational registration number or address. • Audit: the revenue report must be reviewed by an auditor if the person who is to submit the revenue report is obliged to appoint an auditor according to the statutes or the Auditing Act (1999:1079). The auditor must submit a written opinion on the review and the opinion must be attached to the revenue report. • Time period for reporting: the revenue report must refer to the accounting year, if the person who must submit the report is required to keep records according to the Accounting Act (1999:1078). Otherwise, the revenue report must refer to the calendar year.	• Kammarkollegiet (The Legal, Financial and Administrative Services Agency) supervises that the law and regulations issued in connection with the law are followed. • The Kammarkollegiet must make the revenue reports available to the public on its website. However, this does not apply to information about a contributor’s identity if the contributor is a natural person. • If a report or other circumstances raise suspicions, the Kammarkollegiet must investigate whether someone has failed to submit a revenue report, whether a revenue report is incorrect, or whether someone has received an anonymous contribution.	• The House of Commons can issue injunctions to ensure that parties, their affiliates and their representatives comply with the law. An injunction may be accompanied by a fine. • Late fee: if an investigation shows that someone has not submitted a revenue report on time, a late fee shall be charged to the non-profit association or natural person who is required to do so. The delay fee is kr10,000 for a non-profit association at central level within a party with a mandate in the Riksdag or the European Parliament or receiving support according to law (1972:625), or an association within such a party’s subsidiary organisation. It is kr2,500 for other non-profit associations, and kr500 for members and substitutes. • Special fee: if an investigation shows that revenues have been omitted or reported too low, a special fee must be charged by the non-profit association or the natural person who submitted the income report of a maximum of kr100,000. • If it appears that the obligation to provide information according to certain sections has not been fulfilled correctly, a special fee must be charged. This fee is kr20,000 for central level within a party with a mandate in the Riksdag or European Parliament or receiving support according to law (1972:625), as well as for their side organisations. For other non-profit associations, members and substitutes, the fee is kr5,000. • If it turns out that an anonymous contribution has been received in violation of the applicable rules, a special fee will be charged that is twice the amount of the contribution that exceeds 0.05 price base amount. • Decisions on injunctions, delay fees and special fees can be appealed to the general administrative court. Other decisions according to the law cannot be appealed.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Political finance Handbook: Information for politicians in the Government Office (i.e., not a statue but a code of conduct) Published in 2022. https://www.regeringen.se/contentassets/7332c211974841b5a22d914e72015f28/information-for-politiker-i-regeringskansliet.pdf	• The handbook is addressed to ministers as well as state secretaries and other political employees in the Government Office. Chapter 7 of the 16 chapters deals with information on ethical guidelines for receiving gifts and participating in events, as well as conflicts of interest, insider information and trading. The recommendations are quite general. • The ethical guidelines emphasise that everyone who works in public activities has a special responsibility not to be suspected of allowing themselves to be influenced by considerations not pertinent to their work. In the case of an offer of a gift or any other benefit, great care must be taken with regard to the Criminal Code’s rules on accepting and giving bribes. A benefit is improper if it is not included as a natural part of the recipient’s work or is an expression of generally acceptable forms of association. • Any gift received by a minister in their official role belongs to the state, e.g., during a visit to a foreign country or from a private company. Gifts in the form of cash or gift cards should not be accepted at all. If any suspicion exists that the gift or is an effort to influence the politician’s decisions, it should not be accepted. Gifts of value over €50 should not be accepted.	• Government Office	N/A
Political finance Law (1972:625) on state aid to political parties Issued in 1972. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1972625-om-statligt-stod-till-politiska_sfs-1972-625/	• Political parties that have participated in elections to the Riksdag receive state aid according to this law. The forms of support are party support and office support. • Party support: provided according to seats held in the Riksdag. Each seat/mandate amounts to kr324,704 (€28,700). The number of mandate contributions that each party receives is determined annually taking into account the outcome of the two immediately preceding regular elections, unless otherwise follows from extra elections. • Office support (to the party secretariate): paid as basic support and additional support. A party that received at least 4 percent of the vote in the entire country during elections to the Riksdag receives a full basic support for each year for which the election applies. Total basic support amounts to kr5,803,200 (€513,000). • In addition to basic support, additional support is paid to the parties. Parties that form the government kr16,350 per mandate, while others receive kr24,300 per mandate.	• The question of support is examined by the Party Subsidies Board	• When submitting their application for state support, political parties are obliged to attach their annual report for the most recently completed financial year. The accounts must have been audited by an authorised or approved auditor. The audit must be as thorough and comprehensive as good auditing practice requires. Support may not be granted if the application is lacking in the respects just stated.
Political finance Act (2010:473) on state support to the parliamentary parties’ women’s organisations Issued in 2010. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2010473-om-statligt-stod-till_sfs-2010-473/	• This law contains provisions on state support for women’s organisations within or in connection with political parties that are represented in the Riksdag. The forms of support are basic support and mandated support. • A women’s organisation in this law means 1. a non-profit association that a) is connected to a political party, b) aims to strengthen the position of women in society, and c) has a democratic structure, or 2. an association that a) is within a political party, b) works to strengthen the position of women in society, and c) has a democratic structure. • Women’s organisations that are eligible for support receive an annual basic support amounting to 55 percent of the allocated funds, divided equally between them. They also receive an annual mandate support, equivalent to 1/349 of 45 percent of allocated funds, for each mandate their political party won in the last election.	• The question of support is examined by the Party Subsidies Board	N/A

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Political finance Act (2016:1109) on support to the party groups for the work of members of the Riksdag in the Riksdag. This is funding provided by the Riksdag, while funding under Law (1972:625) is from the state. Issued in 2016. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161109-om-stod-till-partigrupperna-for_sfs-2016-1109/	• This law aims to ensure that members of parliament and party groups receive the support they need for parliamentary work to function well. • Target group: the party groups in the Riksdag and individual members of the Riksdag who have been elected without belonging to a party group. As a party group, each group of members of the Riksdag is counted for a party that has received at least 4 percent of the votes in the entire country in a Riksdag election. • Basic support for party groups: the basic support consists of a basic amount and an additional amount. The basic amount is kr2,400,000 per year and the additional amount is kr79,000 per year. • Other support: the Riksdag administration must also provide the party groups in the Riksdag with support for political secretaries to members of the Riksdag and for others who work in the party groups’ chancelleries, support for expenses for members of the Riksdag’s trips abroad and support for costs for members of the Riksdag’s language training. • The Riksdag administration must also provide support to an individual member of the Riksdag who has been elected without belonging to a party group.	• The Riksdag administration is responsible for providing support according to the law.	• There are no compliance requirements and therefore no sanctions.
Political finance Policy inquiry: 2024:3 Party political lotteries Published in 2024. https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2024/03/ds-20243/	• The government commissioned an inquiry as to whether political parties should be prohibited from using lotteries to generate funding, or whether the practices should be more strictly regulated. • The investigation produced two proposals. One proposal held that lotteries for the benefit of political party activities should no longer be licensed under the Gambling Act, while another proposal involved certain changes to the conditions for the provision of such lotteries. The investigation advocated for the latter proposal with stricter requirements, rather than a complete ban.	• Ministry of Finance	N/A
Political finance Gaming team (2018:1138) Issued in 2018. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/spellag-20181138_sfs-2018-1138/	• Licenses for gambling may be granted to non-profit associations or registered religious communities that promote public good purposes. The license does not cover casino games, online bingo, cash machines, value machines or computer simulated slot games.	• The Swedish Gaming Authority supervises the law	• Violations of the Gambling Act can lead to fines or imprisonment.
Lobbying Policy review commissioned in 2023, submitted in May 2025 https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/06/dir.-202388/ Committee Directive 2023:88 <i>Enhanced visibility and transparency in the financing of political parties</i>	• The aim of the policy review was to examine whether a regulation with requirements for transparency regarding contacts between political decision-makers and lobbyists should be introduced and how it should then be designed and administered.		N/A

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Lobbying Committee Report 2025:52 <i>Enhanced visibility and transparency in the financing of political parties</i> https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/05/sou-202552/	The Commission recommends regulations requiring that organisations whose primary activities include advocacy work register and submit reports three times annually detailing all communication with policy makers at the national level and political parties. Once a year, political advocacy consultants must also provide information on resources used for advocacy communication.	Supervisory authority is recommended to be vested in the Legal, Financial and Administrative Services Agency, the same as for political finance.	None: “Given that the introduction of the regulation is a major step in itself, we have concluded that no opportunities for sanctions should be introduced at this time” (SOU 2025:52, 54).
Lobbying Report 2023/24: KU16 Constitutional issues Decided 2024. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/betankande/forfattningsfragor_hb01ku16/	The Riksdag voted against motion 2023/24:2571 on the introduction of lobby legislation and a lobby register. The value of greater transparency was pointed out but most members of parliament advocated for waiting for the results of the ongoing policy review work (2023:88 mentioned above).		N/A
Revolving door Act (2018:676) on restrictions on the transfer of ministers of state and state secretaries to non-state activities Issued in 2018. https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2018676-om-restriktioner-vid-statsrads-och_sfs-2018-676/	- The act contains special rules for ministers and state secretaries who want to start another assignment, another employment or start a business. Due diligence provision: the person covered by the law must, when transferring to and in the exercise of a new assignment or a new employment, or in connection with the establishment of business activities, always strive to act in such a way that there is no risk of financial damage to the state, undue advantage for any individual or damage of public confidence in the state. Notification obligation: before a person who is covered by this law begins a new assignment or a new employment in a non-governmental activity, or establishes a business activity, they must report this to the Board for Examination of the Transitional Restrictions of the Minister of State and Certain Other Officials. - The notification obligation applies to assignments, employment or the establishment of business activities that begin within 12 months after the end of the assignment or employment as a minister or state secretary. - The Board for examination of the transitional restrictions of ministers and certain other officials shall, within three weeks from the receipt of a complete notification to the board, examine whether there are grounds for announcing a transitional restriction.	- The Board for examining the transitional restrictions of ministers and certain other officials makes decisions in accordance with the law. - The Board may announce a transitional restriction in the form of suspension (quarantine) and/or subject restriction. Suspension (quarantine) means that a person may not start a new assignment or employment, establish a business or have contacts of a non-practical nature with the future client or employer. Subject restriction means that a person, within the framework of a new assignment, a new employment or a new business activity, may not deal with certain specified issues or areas. Criteria for decision: a transitional restriction must be announced if a person within the scope of their assignment or employment has acquired such information or knowledge that there is a risk of financial damage to the state, undue advantage to an individual or damage to public trust. A transitional restriction may apply up to twelve months after the Minister of State or the Secretary of State has completed their mission or employment. Remuneration: a former cabinet minister or state secretary without the right to severance pay or severance compensation can receive compensation under transitional restrictions if they are unable to take up a new assignment or employment. The compensation corresponds to their salary at the time of departure and is adjusted according to the rules for severance pay or severance compensation.	No sanction possibilities. The issue has been investigated by SOU 2023:45, see below.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for non-compliance
Revolving door SOU 2023:45 Transitional restrictions – increased trust in public activities Report (policy inquiry/review) submitted to the government in 2023. https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2023/08/sou-202345/	• The investigation’s mission has been to evaluate the Act (2018:676) and at the same time take a position on whether the circle of persons affected by the regulation should be expanded, whether the restriction period should be extended and whether sanctioning options should be introduced. • The investigation concludes, among other things: ➤ That the Act (2018:676) has had a certain self-regulatory effect and that the notification obligation appears to have been fulfilled. The investigation does not suggest any possible sanctions. ➤ The investigation also does not consider that there is reason to propose a change to the maximum time restrictions. ➤ The investigation proposes that the notification obligation should be limited to include transitions outside the public sector, instead of being limited to only include transitions outside government activities, as is currently the case. ➤ The investigation also proposes that heads of authorities should be subject to transitional restrictions.	• The investigation has been carried out by a special investigator commissioned by the government.	N/A
Media State funding SFS 2023:664 Law on support to media https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2023664-om-mediastod_sfs-2023-664/	• Public service radio and TV: funded through a mandatory fee paid by everyone over 18 years of age with a taxable income. • Support can be given to an outlet that: ➤ has a publishing activity that does not significantly work against basic principles of the democratic state or are essentially in conflict with respect for the equal value of all people and the freedom of the individual, dignity and personal integrity, ➤ has an editorial content that forms an essential part of the medium as a whole content (at least 45%), ➤ has exclusive, self-produced editorial content (at least 45%) which, consists of news reporting and review and which constitutes an essential part of the medium’s entire editorial content, ➤ is publicly available, ➤ has its own title with independent editorial resources, ➤ has a responsible publisher, ➤ promotes the availability of its editorial content to persons with disabilities, ➤ is aimed at a Swedish target group, ➤ is published or broadcast with high regularity (at least 45 times a year), and ➤ has a good user base (3000 or 15% of a town’s local population but no fewer than 1500 listeners/readers, or 1500 subscribers).	• Public service: The revenues are managed by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>). The decision about providing support to private providers is taken by the Media Support Committee, and the members of the committee may not be a member of the Riksdag, minister or employee of the Riksdag the administration or the Government Office.	N/A
Media Registries of owners https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/radio-och-tv-lag-2010696_sfs-2010-696/	• The Radio and TV Law requires as of March 1 2023 that all radio and TV companies must publish information about their ownership.	• The Media Agency encourages the public to contact them by e-mail if this information is not available. They also publish a media map, which shows the owners of major outlets.	• No sanctions for non-compliance are stipulated.
Media Limitations on journalists’ access to information (such as through specific national transpositions of the EU’s GDPR) https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2018218-med-kompletterande-bestammelser_sfs-2018-218/	• GDPR is transposed in the Swedish Data Protection Law. The Swedish constitution and specifically the Freedom of the Press Ordinance and the Freedom of Expression Act take precedence over the Data Protection Law (and Ordinance), which means that journalists and any person engaging in journalistic (as well as academic, artistic or literary) activities and aims can take photographs and handle personal data but these must be handled in accordance with data protection laws.		

CHAPTER 3.

The Netherlands

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Introduction

The Netherlands consistently ranks among the world's least corrupt countries in perception surveys. In 2023, it scored 78/100 on Transparency International's Corruption Perceptions Index, ranking 9th globally.²²⁵ Expert and business surveys likewise view the Netherlands as “one of the least corrupt countries in the world”.²²⁶ However, recent years have seen a decline in these scores to historic lows, reflecting growing public scrutiny of integrity in politics.²²⁷ Notably, several political scandals (e.g., the “childcare allowances affair” in 2021) have eroded public trust despite not involving classic bribery, indicating that issues of abuse of power and poor governance can strongly impact perceptions.

According to Michael Johnston's typology of corruption, the Netherlands fits the “influence markets” syndrome, wherein corruption manifests itself through trading in influence and informal networks rather than outright graft.²²⁸ **In practice, Dutch political corruption tends to be rare and subtle, more focused on undue influence, conflicts of interest, or policy capture by private interests than systemic bribery.** Sectors prone to integrity risks include land use and construction, public procurement and the interface between business and politics (energy policy, lobbying by multinationals, etc.). Organised crime has also attempted to influence local governments, a threat the authorities treat as a “strategic priority” in anti-corruption policy.²²⁹ Crucially, outright petty corruption in public services is virtually non-existent in the Netherlands.²³⁰ The country's challenges thus primarily lie in preventing conflicts of interest and maintaining transparency and accountability to uphold its high standards of public integrity.

Several structural features of Dutch democracy have historically helped contain corruption:

- *Political and economic competition:* The Netherlands has a highly pluralistic, competitive multi-party system and an open market economy. Power is not monopolised by a single faction. For example, the competition regulator ACM (Netherlands Authority for Consumers and Markets) blocked a major media merger in 2023 to prevent an overly dominant private broadcaster.²³¹

²²⁵ Transparency International, 2025, *Corruption Perceptions Index*, 1 February 2025

²²⁶ European Commission, 2023, *Rule of Law Report 2023*, p. 41

²²⁷ Civil Liberties Union for Europe, 2025, *Liberties Rule of Law Report 2025*

²²⁸ Johnston, M., 2009, *Syndromes of corruption*, Cambridge University Press

²²⁹ European Commission, 2023, *Rule of Law Report 2023*, p. 41

²³⁰ Gan Integrity, 2022, *Netherlands country risk report*

²³¹ Kuipers, P., and Rampersad, R., 2024, ‘Main Developments in Competition Law and Policy 2023 – The Netherlands, Kluwer Competition Law Blog’, 22 May 2024

- *Professional civil service*: The Netherlands boasts a professional, merit-based civil service that is largely insulated from politics. Top civil servants are career officials bound by strict integrity rules, rather than political appointees, which reduces patronage. A new overall integrity policy for public officials was adopted recently to further reinforce ethical standards.²³²
- *Rule of law and judicial independence*: The Dutch judiciary is independent and held in high regard. Judges are insulated from political interference, and recent reforms have strengthened judicial integrity (e.g., rules on judges' conflicts of interest).²³³ Courts and prosecutors effectively handle corruption cases that do arise, ensuring accountability under law.²³⁴ However, enforcement against more diffuse forms of influence (lobbying, revolving doors) is a recognised gap outside the criminal arena.
- *Low income inequality*: Disposable-income inequality in the Netherlands is among the tightest in the EU: the national Gini coefficient was 0.288 in 2022²³⁵ and Eurostat's harmonised series shows 0.264 for 2023, against an EU-27 average of 0.296.²³⁶ This comparatively narrow spread is widely viewed as a brake on patronage-based corruption.
- *Resilient middle class*: Roughly two-thirds of Dutch households are in the middle-income bracket, defined by the OECD as 75–200% of median disposable income, one of the highest shares in the OECD and well above its 61% average.²³⁷ A broad, financially secure middle class tends to press harder for transparency and accountability.
- *Free media and investigative journalism*: The Netherlands enjoys a free and robust press. Investigative journalism, including outlets like *NRC*, *De Groene Amsterdammer*, and non-profits like *Follow the Money*, have exposed several integrity issues in recent years. The media environment remains independent, although the landscape is highly concentrated among a few private conglomerates. While there is no evidence of systematic “media capture” by political interests, such concentration poses transparency concerns. The government has introduced measures to improve media ownership transparency and protect journalists. Overall, press freedom is strong (the Netherlands ranked 3rd worldwide in the 2025 World Press Freedom Index), although reporters investigating powerful interests have faced intimidation.²³⁸ Threats and physical violence against journalists, as well as insufficient compliance with the EU Whistleblower Directive, remain important issues.
- *Active civil society*: There is a vibrant civil society and high civic engagement. Dutch NGOs, watchdog groups, and citizen movements play a role in promoting integrity. Organisations like Transparency International Netherlands (TI-NL) and the Open State Foundation advocate for greater government transparency (open data, lobby registers, etc.). Public outrage over scandals has spurred reforms (e.g. citizen and media pressure after a minister's controversial career move helped prompt tighter revolving door rules).²³⁹ Civil society operates freely, although stakeholders have noted some new challenges such as occasional restrictions on the right to protest.²⁴⁰

²³² European Commission, 2023, *Rule of Law Report 2023*

²³³ Civil Liberties Union for Europe, 2025, *Liberties Rule of Law Report 2025*

²³⁴ European Commission, 2023, *Rule of Law Report 2023*

²³⁵ Statistics Netherlands (CBS), 2025, *Income inequality; Gini coefficient, equivalised disposable income, 2013-2024*, 4 March 2025

²³⁶ Eurostat, 2024, *Gini coefficient of equivalized disposable income – EU-SILC survey*, European Commission, 15 January 2024

²³⁷ OECD, 2019, *Under pressure: The squeezed middle class*, 1 May 2019; OECD, 2024, *Income Distribution Database (IDD): Middle-income share, 1975-2023*, OECD Statistics, 12 February 2024

²³⁸ Reporters without Borders, 2025, *Netherlands*

²³⁹ Corporate Europe Observatory, 2022, ‘Kroes-ing through the revolving door’, 11 July 2022

²⁴⁰ European Commission, 2023, *Rule of Law Report 2023*

The following analysis reviews Dutch regulatory frameworks in the four key areas of political finance, lobbying, revolving doors and media ownership, demonstrating how they have evolved in response to the above-described structural factors. Specific case studies illustrate both progress and remaining weaknesses in the anti-corruption efforts of the Netherlands.

Political Finance: From Permissiveness to Regulation

Campaign and party financing in the Netherlands was long governed by relatively permissive rules. Until the 2010s, there were no strict donation limits or comprehensive disclosure requirements – only a 1999 law on subsidising political parties, and voluntary party codes, addressed funding transparency.²⁴¹ This laissez-faire approach came under criticism for falling short of international standards. **Reforms were driven by both domestic demand for transparency and external pressure (notably from the Council of Europe’s GRECO evaluations).** The *dominant concern* has been to curb undue influence via big donations and shed light on party finances, rather than combat vote-buying or cash bribery (which are already criminalised). Recent changes have significantly tightened the rules, especially with regard to foreign funding and disclosure thresholds.

The main legislation on political finance is the *Wet financieren politieke partijen* (Wfpp), or **Political Parties Financing Act**. The Wfpp was adopted in 2012 and took effect in May 2013, overhauling the previous subsidies act.²⁴² It has since been amended to address identified gaps. The adoption of the Wfpp in 2013 came after a decade of debate. GRECO’s Third Evaluation Round (2008) had found Dutch party funding rules insufficient and recommended stronger transparency and an independent oversight body.²⁴³ In response, the government drafted the Wfpp to require all parliamentary parties to submit annual financial reports and to improve donation disclosure.

Once in force, the Wfpp brought the Netherlands closer to international standards, but some weaknesses remained. For instance, initial regulations still allowed relatively large undisclosed donations (up to €4,500) and did not cover local political branches. Oversight remained with the Interior Ministry, which GRECO viewed as problematic (lacking independence). As a response, **the Wpp (*Wet op de politieke partijen*, Political Parties Act) was developed to improve upon the Wfpp**, based on recommendations from two key reports: the Remkes Commission (Staatscommissie parlementair stelsel) and the Veling Commission (Evaluatiecommissie Wfpp). The Veling Commission’s report, evaluating the Wfpp, emphasises the need to enhance transparency in political financing. It references GRECO’s third-round monitoring and OSCE findings, both of which criticised the lack of independence in the current oversight body, the Commission for the Oversight of Political Party Financing (Ctfpp). The commission recommends strengthening the Ctfpp by expanding its mandate, giving more power to its advisory board, limiting political appointments, and requiring the minister to provide justification when rejecting Ctfpp advice. These recommendations are set to be adopted under the new Wpp.

Another key issue is the threshold for anonymous donations, currently set at €4,500. Both GRECO and the Veling report argue that threshold is too high. A reduction to €2,500 was proposed, but the

²⁴¹ Groupe D’États Contre la Corruption, 2010, *Compliance Report on the Netherlands*, Council of Europe

²⁴² Eerste Kamer der Staten-Generaal, 2020, *Evaluatiewet Wet financieren politieke partijen* (Evaluation Act Political Parties Financing Act)

²⁴³ Groupe D’États Contre la Corruption, 2010, *Compliance Report on the Netherlands*, Council of Europe

government opted to keep the €4,500 limit for donors eligible to vote in the Dutch elections and residing in the EU/EEA. For all other EU/EEA entities, full disclosure is required regardless of the amount.

The Wpp aims to consolidate party legislation and incorporate the Wfpp. It follows the Remkes Commission’s recommendation (see p. 229 of its report) to centralise rules on political parties. Additional proposals include increasing transparency, lowering the donation threshold, and allowing the judiciary to ban parties that threaten democratic order.

Despite this, the Wpp has not yet come into force. The bill was officially submitted to the House of Representatives (Tweede Kamer) in May 2025, but has not yet been approved. **The legislative process has involved multiple consultations and debates.** During an online consultation launched on December 23, 2022, 1,162 responses were submitted (979 published). Notable contributors included the VNG (Association of Dutch Municipalities) and the Kiesraad (Electoral Council), both influential in shaping election-related policies and expected to play key roles under the Wpp framework.

Overall, the Netherlands has moved from a light-touch regime to a much stricter regulatory framework on political finance in the past decade. Today, all major donations are exposed to public scrutiny and certain funding sources are forbidden, which helps guard against corruption in the form of policy influence for sale. Enforcement capacity will be crucial – currently the Interior Ministry’s team can investigate party accounts and impose sanctions like subsidy cuts. The effectiveness of these measures will be watched, and further refinement (such as truly independent oversight or even caps on donation amounts) may be on the agenda as the Netherlands continues to develop its anti-corruption toolkit.

Table 2. Key actors and their role in political-finance legislation

Level	Key actors	Role & incentives	Net effect
Governance/ State	Interior Ministry; Commission for the Oversight of Political Party Financing (Ctfpp); House Standing Committee on the Interior	Draft, amend and oversee legislation; balance privacy vs. transparency	Generally promotive, albeit slowed by coalition bargaining
Civil society & media	Open State Foundation; TI-Netherlands; investigative outlets (NRC Handelsblad, Follow the Money)	Supply data on opaque donors; maintain media pressure	Promotive, amplifying scandals
International	GRECO; OSCE/ODIHR; Venice Commission	Issue recommendations; peer pressure; provision of templates	Promotive; critical reports cited in parliamentary debates

Lobbying: Between Voluntary Disclosure and Legal Gaps

Lobbying in the Netherlands is legal and commonplace – an established part of the policy-making process in a consensus-driven polity framed by traditional Dutch political culture based on trust and informal transparency (the famed “polder model” of consultation).. **However, for many years lobbying has been regulated only by soft rules and voluntary transparency, leading to concerns about undue influence and “behind-closed-doors” policymaking.** Unlike some countries, the Netherlands has *no comprehensive lobbying disclosure law or mandatory lobbyist register*. This has increasingly been seen as a gap.

Efforts to establish a mandatory lobby register in the Netherlands have been ongoing, with groups such as Open State Foundation (OSF) and Transparency International NL (TI-NL) advocating for it. A 2023 report (Mozaïek van belangen) by Leiden University researchers Braun and Fraussen recommended improving transparency through existing tools (e.g., publishing consulted stakeholders, ministerial calendars, etc.), and suggested that a more robust lobby register could help in this regard. However, in March 2025, the Minister of Internal Affairs, Judith Uitermark (of the New Social Contract Party, NSC), rejected calls for an expanded register, citing constitutional limits and pending EU legislation (Defend Democracy Package). This is notable given that fellow NSC member Pieter Omtzigt and Laurens Dassen (Volt) had earlier introduced an *initiatiefnota* (initiative memorandum) in 2022, calling for increased transparency and stricter lobbying rules inspired by GRECO recommendations.

The Netherlands currently has limited legal restrictions on post-government lobbying, leading to criticism after high-profile transitions like that of former Minister of Infrastructure and Water Management Cora van Nieuwenhuizen, who left cabinet in 2021 to become a lobbyist within a month (for more detail see Box 12).

In response, the proposed *Wet regels vervolgfuncties bewindspersonen* (Law on rules for former cabinet members) aims to regulate “revolving door” transitions. The bill:

- Introduces a 2-year cooling-off period during which former ministers cannot work on or lobby about their previous or adjacent policy areas.
- Requires an independent advisory committee to assess and publicly report on new roles taken by former cabinet members.
- Still allows ministers to override these restrictions, provided justification is published.
- Codifies rules that were previously only part of a code of conduct.

The legislative process began in 2021, referencing GRECO’s fifth evaluation round and motions from MP Dassen (Volt). The bill has been adopted unanimously by the House of Representatives. The full debate and decision by the Senate’s (Eerste Kamer) Committee on Home Affairs are still pending.

NGOs like OSF and TI-NL continue to highlight gaps in lobbying and revolving door rules. OSF notes poor compliance with agenda transparency and an imbalance in stakeholder representation (47% corporate vs. 8% NGO). TI-NL has issued multiple statements calling for stricter rules and better enforcement.

In the absence of a single lobbying statute, the regulatory framework is a patchwork of internal parliamentary rules, government codes of conduct, and general transparency laws. Freedom of Information Law – The Open Government Act (*Wet open overheid*, Woo) replaced the older Wob law. It grants the public and press rights to request government documents, including records that

can reveal lobbying influence (e.g., correspondence between lobbyists and officials). The Woo also encourages proactive disclosure – for instance, ministries are expected to publish their calendars and external consultation inputs, though implementation has been uneven.

While not a lobbying regulation per se, the freedom of information act (FOI law) is a tool to expose lobbying after the fact. Oversight of information access is carried out by the courts and, eventually, by an Information Commissioner, but the latter has not yet been fully established. Government agencies are required to comply with public information requests or provide justified reasons for refusal. If an agency fails to comply, the requester can appeal to the courts, which have the authority to order the release of information. Although there are currently no fines for failing to proactively publish information, persistent secrecy can lead to judicial criticism and political consequences. Oversight is carried out by the Information Commissioner (yet to be fully established) and courts (for appeals). Each agency must comply with requests or justify refusals. Non-compliance can be challenged in court; a judge can order the release of information. There are no fines for failing to publish proactively, but agencies risk judicial rebuke and political fallout for excessive secrecy.

The stagnation of lobbying regulation can be illustrated by the fate of the 2022 parliamentary initiative. Following public concerns about outsized corporate influence (e.g., revelations of Shell’s lobbying on Groningen gas production), Parliament pressed for a register listing who meets with ministers and top officials. Yet, by early 2025 the Interior Ministry definitively rejected this, with Minister Uitermark arguing it is hard to define “who qualifies as a lobbyist” and preferring to “strengthen existing tools”. Instead, the government pledged to more consistently publish ministers’ agendas and to improve consultation transparency in lawmaking.

Meanwhile, the European Commission in its Rule of Law Report has taken note of these delays, recommending that the Netherlands “establish stricter transparency rules on lobbying for members of the Government and Parliament”.²⁴⁴ The gap is evident: without a register, it remains difficult for the public to know which interest groups are influencing policies behind the scenes. In the absence of formal regulation, media investigations and ad-hoc disclosures (e.g., through the Woo/FOI law) have become the de facto accountability mechanism – for instance, journalists have used document requests to uncover lobbying in areas like tobacco control and defence procurement. This reactive transparency is valuable but inconsistent.

Table 3. Key actors and their role in lobbying legislation

Level	Key actors	Role & incentives	Net effect
Governance/ state	Ministry of the Interior; Council of State; House Rules Committee	Weigh constitutional constraints; fear administrative overload	Currently neutral to obstructive
Civil society & media	Lobby Watch NL; Open State Foundation	Push for EU-style register; supply comparative data	Promotive
International	European Commission (DoD Package); OECD LGI; GRECO V Round	Recommend transparency standards	Promotive

²⁴⁴ European Commission, 2023, *Rule of Law Report 2023*, p.42

Revolving Doors: A Legal Response to Policy Capture Risks

The “revolving door” phenomenon – movement of officials between public office and private sector roles – is a significant concern in the Netherlands, as in many democracies. **For a long time, Dutch law imposed no statutory cooling-off periods for ministers, MPs or senior civil servants.** The assumption was that personal integrity and political checks would suffice to prevent abuses (such as officials unduly favouring companies in office to secure a future job).

However, several high-profile cases have challenged this assumption. The most notorious recent example was former Minister of Infrastructure Cora van Nieuwenhuizen, who resigned in August 2021 to almost immediately (within one month) take a lobbying job as president of Energie-Nederland (the energy industry association). This move – effectively a public-to-private leap with potential conflict of interest – sparked public outcry and was widely seen as inappropriate, although not illegal under then-current rules. It highlighted the absence of enforceable cooling-off rules in the Netherlands. GRECO’s Fifth Round Evaluation (2019) had already urged the Netherlands to tighten restrictions on revolving doors for top executives, noting the need for clearer standards and sanctions. In response, the government has started to act: new rules for ex-ministers are in the legislative pipeline, and codes of conduct have been updated. Still, **as of 2025 the system relies heavily on voluntary compliance and “naming and shaming,” and some weaknesses persist** (especially regarding enforcement). The following case study exemplifies the recent developments in the revolving doors framework in the Netherlands.

Box 12. A high-profile revolving-door transition sparks legislative movement in the Netherlands

The impetus for concrete revolving doors regulation in the Netherlands can be traced to the outcry over Cora van Nieuwenhuizen’s swift move to an energy lobbying role in 2021. At that time, the only guidance was an informal expectation that ex-ministers be “modest” in leveraging their contacts – an expectation she arguably flouted. Within weeks, Parliament reacted: the Tweede Kamer passed a motion (by MP Dassen of Volt) requesting the government to draft stricter rules on ministers becoming lobbyists. Around the same time, GRECO’s evaluation report explicitly recommended the Netherlands implement cooling-off periods for senior public officials to prevent such situations. The government quickly acknowledged the issue. By November 29, 2021 – just two months after van Nieuwenhuizen’s job change – the Minister of Interior had submitted a draft law (No. 36549) to Parliament addressing lobbying and revolving doors for ex-ministers. In the accompanying letter to Parliament, the minister cited GRECO’s recommendations and the Dassen motion as rationale, notably *without* mentioning the specific scandal that likely spurred it. Nevertheless, the timing made it clear that the van Nieuwenhuizen affair was a catalyst.

The proposed *Wet regels vervolgfuncties bewindspersonen* has been passed by the Tweede kamer and is currently (i.e., as of August 2025) awaiting approval by the Eerste Kamer. Concerns nevertheless still remain that the law as written still relies on individual responsibility and transparency rather than coercive enforcement. The European Commission has cautioned that such a reliance on “non-binding advice might limit its effectiveness”, implicitly urging the Netherlands to consider adding teeth (e.g., real penalties or making negative advice effectively bar the appointment).

Another facet of revolving door policy is prevention of conflicts while in office. The Netherlands addresses this through disclosure – ministers must list any job offers or future plans that could conflict (to the extent known) and refrain from decisions involving potential future employers. For Parliament, the new integrity code urges MPs to consider public perception when negotiating post-parliament jobs. An illustrative case here was an MP from the financial committee who was in talks to join a bank – once revealed, he faced pressure and ultimately delayed his departure to avoid votes on banking matters. This kind of peer and media scrutiny has been the *de facto* enforcement mechanism.

In terms of **administrative-related revolving doors cases**, in 2019, it emerged that a senior tax ministry official had taken a job at a Big Four accounting firm that advises corporations on tax – raising concerns about regulatory capture (the official had insider knowledge of tax rulings). Although legal, the practice fueled debate about extending cooling-off rules to high-level civil servants, not just politicians. In response, the government’s 2020 integrity agenda for the civil service stressed that agencies should assess post-employment moves of their staff, especially if they join sectors they used to regulate. By 2023, new screening legislation for police hires and external police consultants was introduced to curb infiltration.

Overall, the trajectory is toward stricter revolving door controls in the Netherlands, driven by high-profile controversies and international norms. The culture is shifting from one of largely *unwritten* rules to formal requirements. The van Nieuwenhuizen case arguably provided the “negative momentum” necessary to overcome political reluctance – what was once handled by trust is now being codified. Positive momentum is also evident: for example, Pieter Omtzigt (a longtime anti-corruption advocate) has gained influence and public support for integrity reforms. Furthermore, the presence of the issue in the EU’s Rule of Law recommendations puts gentle pressure on Dutch authorities to deliver results.

When the new law on ex-ministers is enacted, the Netherlands will join the growing list of EU countries that impose cooling-off periods (the two-year restriction is relatively robust, on par with France’s recent rules). **The challenge will lie in enforcement:** ensuring that the advisory committee is empowered and that any violations (say, covert lobbying through proxies) are detected. Civil society can play a monitoring role – for instance, TI-NL has called for the advisory committee’s opinions to be not just public but also debated in Parliament to shame offenders.

In conclusion, the revolving door was a long-neglected area of anti-corruption policy in the Netherlands, but it is now being addressed. The predominant form of corruption risk here is not bribery but rather “policy capture” or undue advantage – ex-officials leveraging insider knowledge and networks for private gain. Closing the revolving door via cooling-off rules should mitigate that risk. **The Netherlands’ experience underscores a lesson: rules often tighten only after a scandal provokes public demand.** Going forward, consistent application of these new rules will be key to maintaining trust that public officials serve the public interest first, not their own future employers.

Table 4. Key actors and their role in revolving-doors legislation.

Level	Key actors	Role & incentives	Net effect
Governance/state	Prime-Minister's Office; individual ministries; Parliament	Draft & debate bill; enforce bans	Promotive, but concerned about over-reach
Civil society & media	Nieuwsuur; TI-NL; Volt party	Highlight scandals; table motions	Promotive
International	GRECO V Round; European Commission RoL Report	Criticise lax enforcement	Promotive

Media: Balancing Freedom and Accountability in a Concentrated Market

A free and pluralistic media is a cornerstone of anti-corruption efforts, an area in which the Netherlands generally excels. The press is independent from government control, journalists aggressively investigate wrongdoing, and public broadcasting is strong. **However, the media landscape is highly concentrated in ownership and faces some transparency issues.** A few large private media conglomerates (some foreign-based) own the majority of newspapers and commercial TV/radio stations. For example, two Belgian companies (DPG Media and Mediahuis) control a large share of the Dutch print media and a proposed merger between the two biggest commercial TV networks (RTL Nederland and Talpa) in 2021 would have created a near-monopoly in television – a merger that the competition authority ultimately blocked to preserve pluralism. Such concentration raises the risk (albeit still low in the Dutch context) of media capture – where owners could skew editorial lines or align with political interests.

Another concern has been opaque ownership structures: until recently, it was not always easy for the public to find out who the ultimate owners or financiers of media outlets were, especially if layered through holding companies. This opacity can hide conflicts of interest or even foreign state influence. Media freedom groups have urged the Netherlands to improve “transparency of media ownership, particularly regarding complex shareholding structures”.²⁴⁵ In addition, while direct government interference in media is virtually absent, there have been instances of legal pressure on journalists (e.g., via defamation suits, though the Netherlands does not yet have special anti-SLAPP laws). The link between media and corruption is indirect but important: when media markets are fair and information about ownership is public, it is harder for corrupt actors to secretly control narratives or launder their image through media.

The Netherlands regulates media mainly through its Media Act and general competition and transparency laws. Despite the legal framework, full transparency of media ownership remains an area for improvement. The EU’s 2023 Rule of Law report noted that “challenges with regard to transparency of media ownership persist” in the Netherlands.²⁴⁶ In other words, while the laws exist on paper, accessing clear information on who owns what media outlet can still be difficult for

²⁴⁵ European Commission, 2023, *Rule of Law Report 2023*, p. 42

²⁴⁶ European Commission, 2023, *Rule of Law Report 2023*

the public. To address this, the Dutch government in 2022–2023 announced it would introduce new legislation specifically to enhance media ownership transparency.²⁴⁷ This coincides with the proposed EU European Media Freedom Act (EMFA), which includes provisions for media companies to disclose ownership information to regulators and the public. The Netherlands has been generally supportive of these EU efforts and is preparing to adjust national law accordingly.²⁴⁸

- One concrete step is **the creation of a centralised database or registry where significant shareholdings in media companies would be listed in an accessible way**. As of early 2024, an amendment to the Media Act to that effect was being drafted (mentioned in parliamentary documents on the EU Media Freedom Act ratification). The Ministry of Education, Culture and Science (which handles media affairs) also set up a Media Pluralism Committee in 2021 to advise on maintaining diverse ownership. This led to the establishment of the advisory board on media plurality by 2023, as noted above.²⁴⁹
- Another relevant aspect is **how state resources interact with media**. In the Netherlands, public funding primarily goes to the national public broadcaster (NPO) and local public broadcasters by law, with strong guarantees of editorial independence.²⁵⁰ The state does not typically buy excessive advertising in private media as a means of influence – government advertising is modest and spread across outlets. During COVID-19, for example, public health ads were placed widely without favouritism. This means media capture or undue influence via state advertising (a problem in some countries) is not a major issue in the Dutch context. There are rules to ensure that any government advertising is transparent and not used to reward positive coverage.
- **Dutch libel laws balance reputation and free speech**; they generally do not excessively favour powerful plaintiffs. There is concern internationally about SLAPP suits (strategic lawsuits to silence journalists). While the Netherlands has no specific anti-SLAPP law, courts have thrown out frivolous defamation claims, and the government is watching EU initiatives on this front. In one notable case, a real estate tycoon’s libel suit against journalists investigating him was dismissed, reinforcing that investigative reporting is protected if done responsibly.
- **Dutch security services have warned in the past about potential foreign propaganda channels** (for instance, Russian or Chinese state media efforts). The government’s approach has been to rely on transparency and general law, e.g., requiring foreign state media operating in the Netherlands to register under the Media Act and labeling them accordingly. When Russia’s RT was banned on the EU level in 2022, Amsterdam complied. In another example, in 2019, a Dutch newspaper publisher was revealed to have indirect ties to a Russian oligarch; once uncovered, there was public pressure, and the publisher had to clarify and distance itself. This shows that while not widespread, cross-border media ownership can be a vector for political influence, so sunlight is crucial.

²⁴⁷ Ibid.

²⁴⁸ Council of the European Union, 2024, ‘[European Media Freedom Act: Council adopts new rules to protect journalists and media providers](#)’, Press Release, 26 March 2024

²⁴⁹ European Commission, 2023, [Rule of Law Report 2023](#)

²⁵⁰ Ibid.

- The blocking of the RTL–Talpa merger in 2023 serves as a good illustration of the **institutional commitment to media pluralism**. If that merger had succeeded, one company would have controlled roughly 70% of the TV advertising market and a huge share of viewership. The ACM, after investigation, concluded this would likely lead to higher costs for advertisers and cable companies (harming consumers) and less incentive to offer diverse content. ACM’s decision noted that a combined RTL/Talpa could not be “ignored” by TV distributors, possibly raising subscription prices for viewers. Importantly, the ACM also implicitly recognised that a single dominant private broadcaster might reduce the diversity of viewpoints. The merger was prohibited – a significant action showing that the rule of law mechanisms check media concentration in the Netherlands. This move was praised by press freedom advocates as preventing an unhealthy media monopoly. It also aligns with the idea that anti-corruption includes preventing excessive consolidation of informational power.
- Relatedly, **threats to journalists** (especially by organised crime, given the Netherlands’ issues with drug trafficking gangs) have prompted government action (e.g., the establishment of a task force for murdered journalists’ cases, and funding for journalist protection). While not a corruption issue per se, ensuring journalists can work safely is essential for uncovering corruption. The government’s recent measures, like hiding journalists’ home addresses in the company register to prevent harassment,²⁵¹ indicate a supportive stance for investigative media.

In summary, the media sector in the Netherlands is free but concentrated, and the legal framework is adapting to ensure transparency and competition. There is no evidence of systemic media capture by corrupt interests – if anything, Dutch media are ferociously independent, often acting as corruption watchdogs. But vigilance is needed to maintain pluralism as commercial pressures increase. The country is bolstering its laws to shine a light on who owns the media (so the public can “consider the source”) and to guard against any single entity – whether a mogul or a foreign state – gaining outsized influence over public opinion. These efforts complement the anti-corruption regime: a transparent, plural media environment helps expose corruption and reduces the space for it to be concealed.

Table 5. Key actors and their role in media legislation

Level	Key actors	Role & incentives	Net effect
Governance/ state	Ministry of Culture & Media; Dutch Media Authority; ACM	Draft bill; enforce ownership caps	Promotive but cautious
Civil society & media	NDP Nieuwsmedia; NVJ (journalists’ union); RSF	Split: publishers sceptical, journalists supportive	Mixed
International	European Commission; Council of Europe; EBU	Set minimum transparency standards	Promotive

²⁵¹ Civil Liberties Union for Europe, 2025, *Liberties Rule of Law Report 2025*

Conclusion

The Netherlands offers several insights into the robustness of anti-corruption efforts in a high-functioning democracy. On one hand, the country benefits from a strong rule of law, social trust and institutional integrity, which have kept corruption low by global standards. On the other hand, recent developments show that no country is immune to corruption risks and that legal frameworks must evolve to address emerging vulnerabilities. **A consistent pattern is that reforms in the Netherlands have often been reactive, catalysed by scandals or external pressure, rather than proactive.** For instance, the tightening of party finance laws came after critical evaluations and perceived threats of foreign money, the push for lobbying transparency gained momentum only after public trust was dented by policy fiascos and revolving door rules were introduced in earnest only after a high-profile “missing norm” incident.

The Dutch case further underscores that in an established democracy, **corruption most commonly appears in subtler forms like influence trading, conflicts of interest, and regulatory capture** – what Johnston labels “*Influence Markets*” corruption.²⁵² Rather than blatant bribery or embezzlement, the biggest issues have involved undue influence: wealthy interest groups seeking quiet influence over policies (e.g., through campaign donations or behind-the-scenes lobbying), or public officials leveraging public office for private advantage after their term (revolving door).

One can observe that enforcement has been strongest against clear-cut corruption (bribery, fraud) – Dutch prosecutors and judges effectively handle those cases (both domestically and in pursuing foreign bribery by Dutch companies). The more prevalent challenges are gray-area issues that are not outrightly illegal but corrosive to good governance: undisclosed lobbying, nepotism in appointments and misuse of revolving doors. These require regulatory and cultural solutions more than courtroom solutions. The Netherlands is making progress by enacting laws (cooling-off periods, donation transparency, etc.) to bring these gray areas into the light of day.

More generally, **the Dutch system has proven robust in many ways.** The Netherlands engages with international frameworks – implementing EU directives on transparency, heeding (albeit sometimes slowly) GRECO recommendations and supporting new EU anti-corruption and media freedom initiatives. The synergy between civil society vigilance, investigative journalism and institutional response is a noteworthy strength: scandals have come to light primarily due to journalists and watchdog groups, and those revelations have led to political action. For example, media outrage over the childcare benefits scandal (a case of institutional misbehaviour and discrimination) led to the resignation of the government in 2021, showing a willingness to take political responsibility at the highest level.

At the same time, certain weaknesses have been identified. Oversight mechanisms can be overly politicised or fragmented, such as having the Interior Ministry oversee party finance and ministerial ethics, rather than an independent body. The Dutch government has been somewhat slow to adopt some modern anti-corruption tools (like lobby registers or asset declaration systems), possibly out of an enduring belief in its political culture of informality. This lag has had consequences: it arguably allowed a buildup of public cynicism that contributed to new anti-establishment political forces gaining ground.

²⁵² Johnston, M., 2009, *Syndromes of corruption*, Cambridge University Press

Two major lessons learnt thus stand out:

- ✓ For anti-corruption policymaking, **the Dutch case illustrates the importance of constant updating.** It is not enough to score well on perception indices; legal frameworks must keep pace with changing corruption modalities. The Netherlands learned that transparency is key, whether it is about who funds political parties, who is lobbying officials, or who owns the media. Incremental steps toward greater transparency have generally had positive effects (with downsides regarding bureaucracy).
- ✓ **Additionally, the interplay between domestic and international levels is instructive.** The EU's Rule of Law recommendations and forthcoming directives (on anti-corruption, on media freedom) have provided an impetus and cover for Dutch reformers to push changes that might otherwise stall. Conversely, Dutch best practices (such as its effective prosecution of foreign bribery cases through corporate settlements or its model of public broadcasting independence) offer lessons to others.

In conclusion, the Netherlands remains a low-corruption, high-integrity environment overall, but it has recognised that maintaining this status requires continual effort. The most prevalent form of political corruption, undue influence and conflicts of interest, is tackled by enhancing transparency and accountability mechanisms rather than by police and prosecutors alone. The Dutch case reaffirms that sunlight is the best disinfectant: whether through revealing political donations, making lobbying visible, or disclosing officials' future employment plans, transparency measures are vital in a democracy where outright corruption is rare but subtle influence is pervasive. By learning from recent shortcomings and bolstering its legal framework, the Netherlands is working to ensure that its democratic institutions remain clean, responsive and worthy of public trust.

Catalogue 2. The Netherlands’ legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance Wet op de politieke partijen (Law on political parties), yet to be adopted by the Senate https://www.parlement.com/wet-op-de-politieke-partijen	• The Law on the financing of political parties was evaluated in 2023. The results of the evaluation served to draft the Law on Political Parties (which has passed through Parliament and awaits approval by the Senate), after having been positively assessed by the Council of the State. The main changes in the Evaluation Act compared to the old legislation include the following: • In addition to the name and address details about a donation, the natural persons behind legal entities and other legal entities must be published. • Ancillary institutions and foundations for individual candidates must also submit the same statement as the one published by political parties; • Anonymous donations to political parties are capped at €250-; • Donations from abroad are prohibited, with the exception of voters residing abroad, for parliamentary elections; • There is a cumulative maximum for donations to political parties, ancillary institutions and candidates of €100,000- per donor per year. • The threshold for disclosure is lowered to €1,000 – per donor per year. • Gifts from €10,000 – per donor per year must be reported within three days of receipt to the supervisor. • After an election to the House of Representatives, the subsidy will be adjusted in four 25% steps in one year according to the new seat distribution; • The distribution key for subsidies for political youth organisations (further: PJOs) will be aligned with that of political parties, so PJOs will also receive a basic subsidy; • The subsidy available to political parties is substantially increased.	N/A	N/A

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance Wet financiering politieke partijen (Law on the financing of political parties), entered into force in 2013 https://wetten.overheid.nl/BWBR0033004/2025-01-01	- Political parties can claim subsidies under the Wfpp under certain conditions. They are not obliged to make use of this, but practice shows that parties almost always do so. - A party qualifies if it is registered with the central electoral committee, if it has full legal capacity, if it has (obtained) seats in the Upper or Lower House, if it has at least 1,000 members on 1 January with meeting and voting rights in the party and pay at least €12 in membership fees. - In the Netherlands, funds are distributed based on three criteria: a fixed amount is distributed to all parties represented in parliament; additional funds are distributed depending on the number of seats obtained; and a further amount is distributed in proportion to the number of contributing party members. A party is ineligible if it is a group of voters who – without designation and registration with the central electoral committee, submit a candidate list; if it has no seats (obtained) in either the Senate or the House of Representatives; if it links itself to a split-off group in the Upper or Lower House; if they have fewer than 1,000 members or when their members pay less than €12 subscription fee or when their members have no meeting and voting rights in the party or when their members are only members of ancillary institutions and have not explicitly indicated their commitment to commit to the party. - If all conditions for obtaining a grant are met, a party is eligible for a grant for undertaking certain activities: political education and training activities, providing information, maintaining contacts with sister parties outside the Netherlands supporting formation and training activities for the benefit of the executives of those parties; political science activities, activities to promote the political participation of young people; recruiting members; involving non-members in activities of the political party; recruitment, selection and guidance of political office holders; election campaign activities. Once a party has received the grant, it is in principle free to decide what to spend the money on, as long as the expenditure fits within the list of eligible activities. - The Wfpp requires all political parties to keep reliable records. These records must provide a reliable picture of the party’s financial position. Parties are required to keep statements of the following data: subsidies received; contributions (donations) received; other income; equity position; debts of the party. Political parties are required to have their financial report audited by an auditor. - Before 1 July each year, all political parties that are represented with at least one seat in the Upper or Lower House, whether or not they receive a subsidy, must send the following documents to the Minister of the Interior and Kingdom Relations for justification: a financial report; an overview of the contributions totalling €1,000 or more that the party has received in that calendar year from a giver and from foundations and associations in cash and in-kind statement of debts; and the written auditor’s report. In addition to sending accountability documents, political parties must also report contributions totalling €10,000 or more per giver per year to the Minister of the Interior and Kingdom Relations. Most of these documents are then made public.	- Parties are required to report to the Minister of the Interior and Kingdom Relations. - According to the Wfpp, the Committee on Supervision of Political Parties’ Finances is established. This Committee advises the Minister of the Interior and Kingdom Relations on the application and supervision of compliance with this Wfpp. The Commission itself is not a regulator, this is the Interior Minister himself. The Commission consists of three members, who are appointed by the Minister of the Interior and Kingdom Relations for a maximum of four years. Reappointment can take place twice and each time for a maximum of four years.	For acts or omissions in violation of one of the paragraphs or parts thereof, the fine shall not exceed €25,000. The Minister of the Interior and Kingdom Relations shall relate the amount of the fine to the severity and culpability of the violation.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying Motie van de leden Sneller en Bromet over het opnemen van alle externe afspraken in de publieke agenda’s van bewindspersonen (Resolution to publish the minister and state secretary agendas), 2021 https://berthub.eu/tkconv/zaak.html?nummer=2021Z18918&utm_	At the end of 2021, Members of Parliament Joost Sneller (D66) and Laura Bromet (GroenLinks) introduced a resolution to publish the minister and state secretary agendas. The resolution calls on public officials to publish all external meetings unless there are important arguments for not publishing. Furthermore, the resolution calls on the government to structure the data to make the type of meeting itself clear. That facilitates a better public understanding of the data. Lastly, the resolution requests that data be updated regularly.	- One of the primary concerns is that the current legal basis for publishing agendas is enshrined in policy, not law, which means minimal guarantees of ministerial compliance with the regulation. - In addition, there is still a lot of information missing. In their current form, the agendas do not provide sufficient transparency on third-party contacts. More specifically, sufficient information about third-party contacts and a summary of meeting content are missing. Lastly, the agendas are not published in accordance with open data standards best practices.	None.
Lobbying Internal parliamentary decision, 2012 https://www.transparency.nl/nieuws/2025/06/hoe-gaan-we-van-transparantie-over-de-lobby-naar-inzicht-in-de-lobby/?utm_source=chatgpt.com	- In July 2012, a register of lobbyists was introduced in the House of Representatives. Lobbyists have to declare which company they work for and for what purpose, in order to obtain a permanent access pass to the parliamentary premises. The register is publicly available on the House of Representatives’ website. - There are two ways in which a lobbyist can register in the Netherlands. Lobbyists can also become a member of the BVPA, which registers them and makes them subject to the Code of Conduct and the Complaints Committee (see ‘Self-Regulation of Lobbyist activities’).	- The General Secretariat of the Tweede Kamer is in charge of requests to enter building. - However, it is important to note that little lobby register-related progress has been made and the register fails to administer basic elements of the lobbying process. Its voluntary nature lacks enforceability, and no list of individual meetings is available. Furthermore, the current register only indicates the company name and name of the lobbyist. This makes it nearly impossible to hold politicians and companies to account.	Informal sanction for unacceptable behaviour, blocking access to enter building.
Lobbying Parliamentary resolution on legislative footprint, 2016 https://www.eerstekamer.nl/behandeling/20160218/debat_over_het_bericht_dat_ing_en/document3/f%3D/vk-2sok01pkxr.pdf?utm_s	The policy in effect at the time of writing became two-fold. First, it requested that the government devote attention to the topics discussed in the consultation process in the explanatory memorandum (loosely translated from: <i>memorie van toelichting</i>). Second, an instruction was added to ‘instructions for draft legislation’ (loosely translated from: <i>Wettelijke Aanwijzing voor Wetgeving</i>), a policy document for government officials with policy-writing guidelines. It states that every draft law should include a paragraph addressing the stakeholders involved.	No institution in charge of monitoring and enforcement. - Parliamentary records make little to no reference to the lobby paragraph and the latter frequently does not meet standards as formulated in their data collection questionnaire such as providing an exhaustive list of consulted stakeholders. In current practice, the Dutch government equates online consultation with a legislative footprint.	Voluntary basis.
Revolving doors Handbook for Ministers and State Secretaries (“Blauwe Boek”), 2024 https://www.rijksoverheid.nl/documenten/richtlijnen/2024/07/02/handboek-voor-bewindspersonen	The Handbook for Ministers and State Secretaries indicates that when accepting a position after the end of their term of office, ministers or state secretaries must take care not to create appearance to have acted improperly during the performance of their official duties or dealt incorrectly with knowledge gained during that period. Any intention by cabinet members who are still in office to hold talks on future positions for themselves are to first be approved by the Prime Minister.	Prime minister’s office	N/A

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving doors “Lobbying in daylight: listening and showing” policy document, 2017 https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2017D04675&did=2017D04675	- Following up on the policy document “Lobbying in daylight: listening and showing”, the Council of Ministers agreed (2017) to ban lobbying by former Cabinet members (according to Government circular and the Handbook for Ministers and State Secretaries) meaning that they cannot act as intermediaries, lobbyists or agents in commercial contacts with their former ministry, specifically in the policy areas for which they were previously responsible. - The ban aims at preventing outgoing or former cabinet members from improperly using their expertise, influence or network as former cabinet members for the organisation that employs them after they leave office. Ministries have to expressly refuse lobbying by former cabinet members. This covers civil servants, who may not maintain any commercial contact, in any form (emails, telephone calls or other telecommunication or participation in a business delegation) with former cabinet members. The ban lasts for two years after leaving office. The ban on lobbying does not apply to political advisers. - There are exceptions to this ban: former cabinet members working in trade and industry after they leave office, may head or form part of a trade delegation organised by the former ministry. Former cabinet members may also hold subsequent positions in the public administration (e.g., King’s Commissioner, mayor, member of a provincial or municipal executive), including membership of a parliamentary representation.	N/A	N/A
Revolving doors Parliamentary letter on post-employment measures for former members of government (29 November 2021) https://www.rijksoverheid.nl/documenten/kamerstukken/2021/11/29/kamerbrief-over-integriteitsbeleid-voormalige-bewindspersonen	- Three post-employment measures for former members of government were announced in November 2021 in a parliamentary letter from the Minister of the Interior and Kingdom Relations. - Firstly, the existing ban on lobbying in respect of former members of government was expanded to include adjacent policy areas in which the former member of government has been actively involved while in office. Secondly, a revolving door ban was also announced: former members of government will not be allowed to be employed by their former ministry for two years after the end of their term of office. Thirdly, a cooling-off period of two years with compulsory advice is foreseen: former members of government will have to seek advice from an independent committee on the suitability of a new function in the private sector for a period of two years.	N/A	N/A
Media UBO Register for Ultimate Beneficial Owner https://business.gov.nl/regulation/ubo-register-ultimate-beneficial-owner/	- Addresses availability of registries of beneficial owners of media outlets - Companies and legal entities must register Ultimate Beneficial Owners (UBOs), the owners or those in charge of a company.	N/A	N/A

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media Media Act 2008 https://www.government.nl/binaries/government/documenten/publications/2022/06/14/media-act-2008/Media+Act+2008.pdf	• Addresses rules on state funding for media (including advertising). • Regulates the Dutch public broadcasting system, including airtime division and state funding. Funds allocated by the Ministry of Education, Culture, and Science support public broadcasting. Ster, an independent agency, manages advertising for Netherlands Public Broadcasting across various platforms. A portion of private media advertising revenue funds the Journalism Promotion Fund. • Addresses prevalent funding models of private outlets & make-up/independence of editorial bodies • Covers regulations for commercial and public media, addressing editorial independence. Commercial media institutions operate under a permit system, generating revenue through advertising and home shopping messages, subject to transparency regulations. Public media institutions receive government funding and Ster advertising revenue. Regulations govern their advertising, home shopping messages, and sponsorships to protect editorial independence.	• Media Authority: Supervises public and commercial broadcasters, including finances. Grants and withdraws permissions for commercial broadcasting and oversees editorial statutes for commercial and public media. • Dutch Advertising Code Authority: Oversees the Ster and public media institutions that use advertising or home shopping messages. • Netherlands Authority for Consumers & Markets: can be asked to analyse a new media channel’s market impact. • Dutch Advertising Code Authority: Regulates commercial advertising practices; consumers can lodge complaints. • Ministry of Education, Culture, and Science: Allocates funding.	• Broadcasters breaking the rules can face fines up to €225,000. The Media Authority can also withdraw a public broadcaster’s airtime or a commercial broadcaster’s permission to broadcast.
Media General Data Protection Regulation (GDPR), implemented May 2018, including Article 43 UAVG https://gdpr-info.eu/	• Addresses limitations on journalists’ access to information. • Gives individuals greater control over their personal data. Applies to processing of personal data by automated or non-automated means if data forms part of a filing system. Covers data controllers and processors outside the EU handling EU citizens’ data. The Dutch implementation includes a journalistic exception.	• Autoriteit Persoonsgegevens (AP, Dutch Data Protection Authority): Monitors GDPR compliance, actively monitoring companies, public institutions, and data controllers.	• Data subjects can lodge a complaint with a supervisory authority like the AP and seek judicial remedies. The AP can impose fines up to €20 million, or 4% of worldwide turnover. Individuals suffering damages from a GDPR infringement can seek compensation.
Media Dutch Criminal Code (Articles 261 and 262) https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Netherlands-Criminal-Code.pdf Dutch Civil Code (Article 6:162) http://dutchcivillaw.com/legislation/dcctitle6633.htm Draft anti-SLAPP Implementation Act https://cmpf.eui.eu/country/the-netherlands/	• Addresses legislation on libel and defamation. • Criminal law protects individuals’ moral integrity by prohibiting slander and defamation. Civil law deems these actions unlawful acts. • The draft legislation aims to implement the EU anti-SLAPP Directive, safeguarding against lawsuits with a cross-border element.	• Police: Individuals can file reports regarding slander or defamation, potentially leading to criminal prosecution. • Courts: Adjudicate libel and defamation cases, considering the European Convention on Human Rights and Dutch law.	• Criminal Law: Punishments can include prison sentences (rarely imposed), fines, and community service. • Civil Law: Remedies can include rectification or financial compensation. • Draft Act: Aims to implement safeguards like early dismissal of SLAPP cases and legal cost compensation, but effectiveness and alignment with EU Directive standards are debated.



CHAPTER 4.

United Kingdom

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Introduction

The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy and a parliamentary democracy. The UK has a unique constitutional system without a written constitution – it is uncoded, only partly written, and is designed as such to be flexible.²⁵³ Therefore, the constitution is sourced through the statutes passed by Parliament and in the common law, which has been developed over the centuries in the decisions of the courts.²⁵⁴ Institutions in the UK are also not divided into the usual separate functions of the state: the executive, the legislature, and the judiciary – but they are much more intertwined. The government (i.e. the executive) comprises Members of Parliament and peers who are also members of the Houses of Parliament (i.e. the legislature).

The nature of the UK's uncoded constitution has further meant that, due to the absence of clear rules and regulations, the constitution (and its enforcement) is reliant on a “shared understanding of what constitutes good behaviour in public and political life, and trust that people in positions of power will abide by that understanding” – what has often been called the “good chaps” theory of government in the UK.²⁵⁵ However, over the past few decades, we have seen political corruption scandals stretch the limits of this theory of government. As we will detail in the following sections, **this approach to government in the UK is reliant on the self-restraint of actors and trust that they will act in the spirit of the rules, which runs through the entirety of the codes, regulations and legislation that we will discuss.**

The nature of the constitution and its lack of codification also means that the regulatory framework in the UK is not only reliant on self-regulation (due to the prevalence of “good chaps”), but that **the regulations that do exist are a patchwork of various layers** that do not add up to the whole, and do not entirely cover all potential misuses of influence or avenues of political corruption. Hence, cultural norms and expectations of “good behaviour” (and the concomitant support for lack of regulation) also enable politically corrupt actors and vested interests to take advantage of this status quo to maintain the patchwork of rules, rather than to work towards a more streamlined framework.

²⁵³ Encyclopædia Britannica, 2019, ‘[United Kingdom | History, Geography, Facts, & Points of Interest](#)’, 27 January 2019

²⁵⁴ Courts and Tribunals Judiciary, *The Justice System and the Constitution*

²⁵⁵ Institute for Government, 2022, ‘[The Failure of ‘Good Chaps’: Are Norms and Conventions Still Working in the UK Constitution?](#)’, 10 March 2022

The UK has therefore consistently dealt with issues of political corruption. This is reflected in the country's ranking in Transparency International's Corruption Perception Index (CPI), where the UK ranked 20th out of 180 countries with a score of 71/100.²⁵⁶ While this is a good indicator relative to other states, relative to its own historical performance, the UK has dropped 11 places in the CPI since 2017 – indicating how political corruption is growing.²⁵⁷ V-Dem reports paint a similar picture, where the UK was ranked as an Electoral Democracy+ moving lower in the scale towards autocracy. Between 2012 and 2024, the UK had lost its position as a “liberal democracy” (the highest end of the scale towards democracy) and had shifted downwards towards autocracy, ranking as an “electoral democracy”.²⁵⁸

Accordingly, public opinion on political corruption in the UK has been on a downward trajectory. Recent surveys by the Electoral Reform Society found that **66% of people feel that they have “little or no opportunities to influence government decisions,” whilst 63% believe that the wealthy have too much influence on politics.**²⁵⁹ There is a big gap between public desires for a stronger system of political accountability for corruption and the current regulatory framework that exists. This has led to a negative view of the political system within the British public, with a YouGov poll in the run-up to the 2024 general election finding that three in four Britons have a negative view of politics in the UK, and only 7% have a positive view. That negative view extends to politicians themselves – with a majority of the British public viewing politicians as less honest, less likely to follow the rules, less likely to work for the country's best interests, and more corrupt than previously.²⁶⁰

Political Finance: Fragmentation Undermines Enforcement

Political funding in the UK is regulated through a patchwork of legislation, codes, and regulations, similar to all other areas covered in this report. Political parties can receive funding through public financing, donations, loans, membership fees, or via third parties. In this section, we will focus on three core categories of rules: the key legislative acts, the codes of conduct/practice that are relevant, and the regulation of public funding.

The regulatory framework in the UK when it comes to political finance and elections is also piecemeal. The two core pieces of legislation are the Political Parties, Elections and Referendums Act 2000 (PPERA) and the Representation of the People Act 1983 (RPA). There are a few other codes of conduct that are relevant to political finance as well as regulations on public funding (Short Money and the Policy Development Grants).

Regulatory Framework

The main legislative vehicles for political finance and electoral funding in the UK lie in the **Political Parties, Elections and Referendums Act 2000 (PPERA) and the Representation of the People Act 1983 (RPA).**

²⁵⁶ Transparency International, 2025, ‘[2024 Corruption Perceptions Index – Explore United Kingdom’s Results](#)’, 11 February 2025

²⁵⁷ Cresswell, F., Prokic, L., Myrzabekova, A., 2025, ‘[CPI 2024 for Western Europe & EU: Leaders’ Hollow Efforts Cause Worsening Corruption Levels](#)’, *Transparency International*, 11 February 2025

²⁵⁸ Angiolillo, F., Good God, A., and Lindberg, S., 2025, *25 Years of Autocratization – Democracy Trumped?*, V-Dem Institute, May 2025

²⁵⁹ Mortimer, J., 2021, ‘[New Polling Reveals Just How Powerless People Feel over Westminster](#)’, *Electoral Reform Society*, 9 April 2021

²⁶⁰ Abraham, T., 2024, ‘[General Election 2024: Three Quarters Have a Negative View of Politics in Britain](#)’, YouGov, 27 June 2024

Interestingly, the first piece of legislation tangentially related to political finance in the UK was the Corrupt and Illegal Practices Prevention Act 1883 (Corrupt Practices Act), which was a landmark piece of legislation that was designed to tackle political corruption, and which placed limitations on how much money candidates could spend on their election campaigns for the first time in the UK's history.²⁶¹ It was repealed by the Representation of the People Act 1949, which consolidated all previous electoral law, clarified constituency types and boundaries, and established a unified electoral register for elections. This was subsequently amended by various RPAs over the decades to come, which were all then repealed and consolidated into the Representation of the People Act 1983. The RPA 2000 further consolidated the RPA 1983 and other electoral provisions.

The second key piece of legislation, and arguably more important, is the **Political Parties, Elections and Referendums Act 2000 (PPERA)**. Before PPERA, political finance and funding practices were “effectively unrecognised” and the definition of a political party was not explicitly established as part of electoral law. PPERA introduced a comprehensive regulatory structure for elections in the UK that was meant to increase transparency, and it placed restrictions on who can donate to parties (specifically banning foreign donations), limited national campaign spending to certain amounts, and established the Electoral Commission that would oversee the various legislative aspects related to PPERA and other electoral laws.²⁶²

PPERA came about through recommendations made by the fifth report of the Committee on Standards in Public Life, which at the time was chaired by Lord Neill of Bladen QC, and was thus known as the Neill Committee. **Following a series of scandals in the 1990s, in 1997, the Government, led by Tony Blair, extended the Committee's terms of reference and requested that they study the funding of political parties**, and make recommendations about any necessary changes.²⁶³ The Committee published the Fifth Report on the Funding of Political Parties in the UK, in October 1998, which included over one hundred recommendations on how to deal with the reporting of political donations, the necessity of banning foreign donations, the role of shareholder approval for company donations, the financing of political parties in Parliament, the limits necessary on election campaign expenditure, the conduct of referendums, the role of the media and advertising, and the role and practices of the Honours system.²⁶⁴ **In July 1999, the Government responded to the report with a White Paper which set out a draft of what eventually became PPERA, giving effect to the Committee's recommendations.**²⁶⁵ In 2015, PPERA was amended by Part 2 of the Transparency in Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, which addressed non-party campaigning (i.e. campaigning by third parties).

Furthermore, political parties in the UK have received various forms of **public funding** to assist them in their campaigns and policymaking:²⁶⁶

- One type is in the form of policy development grants, which is legislated for in the PPERA, and through its own statutory instruments (i.e. Elections (Policy Development Grants Scheme) Order 2025).

²⁶¹ Rix, K., 2024, ‘[Tackling the Problem of Electoral Corruption: The 1883 Corrupt and Illegal Practices Prevention Act](#)’, *History of Parliament Project*, 25 August 2024

²⁶² Fisher, J., 2023, *The Regulation of Political Finance: Choppier Waters Ahead?*, Institute for Government, 2 May 2023

²⁶³ UK Government, 2000, *Political Parties, Elections and Referendums Act 2000 – Explanatory Notes*, Legislation.gov.uk

²⁶⁴ Committee on Standards in Public Life, 1998, *The Funding of Political Parties in the United Kingdom*, October 1998

²⁶⁵ UK Government, 2000, *Political Parties, Elections and Referendums Act 2000 – Explanatory Notes*, Legislation.gov.uk

²⁶⁶ The Electoral Commission, 2025, ‘[Public Funding for Political Parties](#)’, 18 March 2025

- This scheme consists of £2 million from the UK Parliament and distributed by the Electoral Commission to political parties.
- Only parties that have at least two sitting members of the House of Commons who have taken the oath of allegiance can receive the funds.
- The grant gives political parties funding to develop policies to include in their election manifestos.

The second type of public funding is that which is provided by the Houses of Parliament to opposition parties in order to support their parliamentary duties. In the House of Commons, this is known as **Short Money**, and an analogous scheme exists for members who have not sworn the oath, known as Representative Money:

- Short Money was introduced in 1975 and is provided by the House of Commons.
- It is made available to all opposition parties that have secured either two seats, or one seat and more than 150,000 votes.
- It comprises three components:
 - ✓ Funding to assist an opposition party in carrying out its Parliamentary business;
 - ✓ Funding for the opposition parties' travel and associated expenses;
 - ✓ Funding for the running costs of the Leader of the Opposition's (LOTO) office.
- In the House of Lords, this funding is known as Cranborne Money.

The third type of public funding that political parties receive is **public funding in kind from public institutions/agencies**. They receive free postage for election communications (as mandated in the RPA), the free use of meeting rooms in public buildings (also mandated in the RPA), and party-political broadcasts (mandated in the Communications Act 2003).²⁶⁷ The Broadcasting Act bans any form of paid political advertising on radio and television, and so airtime is made available within certain limits for party political broadcasts for free.

The final type of regulation on political finance and corruption is that of the patchwork of codes of conduct. The Ministerial Code, the Nolan Principles, and the Codes of Conduct of both Houses of Parliament all include provisions on declarations of financial interests (as detailed above). The Nolan Principles (which are embedded in all codes that regulate holders of public offices) include three rules that are of particular relevance to political finance: the commitments to integrity, accountability, and openness. The Ministerial Code explicitly states that not only do ministers have the responsibility to put in place measures to prevent conflicts of interest, but that this particularly applies when it comes to the separation between their ministerial role and party politics. The Code makes it clear that ministers are not permitted to use government resources (including Civil Service activity) or property in any fashion for the purposes of party politics or constituency work. **However, as detailed above, the final decision on any breaches lies with the Prime Minister, who will be from the same political party.** Both Codes for the Houses of Commons and Lords require declaration of any financial interests and they are registered in the relevant Register of Interests.

Recent Developments

The key problematic issue with the laws on political finance is that they are piecemeal – and divided between different acts and codes. Local campaigns in individual constituencies are under the auspices of the RPA, while national-level rules on campaigning only came into effect with the PPERA. UK

²⁶⁷ Ibid.

electoral law is piecemeal, and as stated in a 2021 report of the Committee on Standards in Public Life (CSPL), “regulations are superimposed upon, rather than integrated with, existing (sometimes Victorian) legislation,” and as such, it is “complex, voluminous and fragmented.”²⁶⁸ This means that if one is able to know how to navigate them, then one can exploit the loopholes that lie within the various layers. The same report stated that the interaction between the RPA and PPERA “creates a two-tier system of regulation, with candidate spending limits and party spending limits falling under differing regulatory controls.”²⁶⁹ Therefore, **candidate spending is regulated by the RPA, while party spending is covered by PPERA – both of which have different spending caps, different reporting and regulation timelines, and different ways of imposing sanctions.**

In a 2022 report co-written by the Institute for Government and the Bennett Institute for Public Policy, as part of their Review of the UK Constitution, Justin Fisher argued that due to technological changes, internationalisation, and the significant role that non-party actors are now playing, PPERA’s ability to effectively regulate political finance will be heavily tested.²⁷⁰ Fisher argued that these three risk factors mean that, at the moment, actors are being expected to abide to the spirit of PPERA and to not abuse it – once again, a reflection of the “good chaps” approach to government and the constitution in the UK.²⁷¹

The Electoral Commission itself has called for reforms to electoral law to make it simpler, up-to-date, future-proof, and to respond to the digital age.²⁷² The House of Commons’ Public Administration and Constitutional Affairs Committee published a report in 2019 on Electoral Law: The Urgent Need for Review, within which it called for reform and simplification of the electoral law in the UK (including that on political finance) and the urgent need for the consolidation of the “complex, voluminous, and fragmented” primary and secondary legislation involved in governing electoral politics in the UK.²⁷³ In a July 2021 report, the Committee for Standards on Public Life also published a review on Regulating Election Finance, within which it highlighted the way in which the current framework for regulating political finance might not be coherent or proportionate, especially in light of the way digital technologies are revolutionising elections.²⁷⁴ **The recommendations by the aforementioned report have not been implemented or taken on by the subsequent governments since the reports were published.**

When the **Elections Act 2022** came into force, it gave the government a new set of powers that would enable it to provide a strategy and policy statement, containing government priorities for elections, guiding the Electoral Commission, and for which the Commission must have regard.²⁷⁵ It also amended PPERA to remove the potential for the Commission to bring criminal prosecutions in England, Wales and Northern Ireland. The Chair of the CSPL, Lord Evans, wrote to Michael Gove (the then Secretary of State for Levelling Up, Housing and Communities) in response to the Elections Bill, expressing his serious concern that the **then Bill would give the Government power over the strategic direction of the Commission, which goes against the fundamental**

²⁶⁸ Committee on Standards in Public Life, 2021, *Regulating Election Finance*, July 2021

²⁶⁹ Ibid.

²⁷⁰ Fisher, J., 2023, *The Regulation of Political Finance: Choppier Waters Ahead?*, Institute for Government, 2 May 2023

²⁷¹ Ibid.

²⁷² Electoral Commission, ‘*Reforming Electoral Law*’

²⁷³ Public Administration and Constitutional Affairs Committee, *Electoral Law: The Urgent Need for Review*, House of Commons, 31 October 2019

²⁷⁴ Committee on Standards in Public Life, 2021, *Regulating Election Finance*, July 2021

²⁷⁵ UK Government, 2022, *Elections Act 2022*, Legislation.gov.uk

principle that the regulator of elections should be fully independent of government as a safeguard against political interference.²⁷⁶ Nonetheless, the legislation passed. This legislation was widely criticised for curtailing the independence of the Commission and bringing it under government oversight.²⁷⁷

Moreover, in November 2023, the Government passed a statutory instrument that increased the threshold for donations by individuals to parties that do not require a declaration, raising it from £7,500 to £11,180.²⁷⁸ This was criticised by civil society actors, including the Electoral Reform Society, for increasing the amount of anonymous money in politics, rather than regulating political finance more strictly.²⁷⁹ The instrument was further out of line with public opinion on political finance – as there has been a long-term decline in the public’s perception of transparency in political finance. According to an Electoral Commission report, 58% of people in the UK believe that party funding is not transparent, an increase from 36% in 2019. Moreover, 60% of people ranked inadequate regulation of political parties’ spending as a top problem in UK democratic processes.²⁸⁰

Box 13. Scandals breed mistrust in UK politics

This negative view of the regulatory framework on political finance comes from a series of high-profile scandals that have seeded mistrust and suspicion in the public. For example, in the run-up to the 2005 General Election, there was significant concern about anonymous donations being channelled through connected parties, the use of loans by all three major parties to bypass the transparency rules, and the rules on foreign financing.²⁸¹ In 2007, the cash-for-honours scandal brought to light that a loophole in electoral law meant that those providing loans to political parties at commercial interest rates did not have to make a public declaration. The scandal involved several individuals nominated for life peerages who had provided significant loans to the Labour Party, at the suggestion of a Labour Lord, in an apparent quid pro quo. During the investigations by the Metropolitan Police, various members of all three major parties (Labour, Conservatives, and the Liberal Democrats) were questioned, including the Prime Minister himself. **However, although there were arrests and resignations, no charges were brought against any of the individuals involved,** as no direct evidence could be found that this quid pro quo was agreed upon in advance.²⁸² However, the scandal had a wide political impact, damaging the government and the Labour Party’s reputations.

²⁷⁶ Committee on Standards in Public Life, 2022, *Letter to Rt Hon Michael Gove MP about the Elections Bill*, GOV.UK, 22 April 2022

²⁷⁷ Raj, K., 2022, ‘A Bleak Week for Rights in the UK’, *Human Rights Watch*, 30 April 2022; James, T., 2022, ‘Democracy Undermined: Elections in the UK Are Changing – Here’s How’, *The Conversation*, 29 April 2022.; The Big Issue, 2022, ‘The Controversial New Laws Rushed through by the Government This Week’, 30 April 2022

²⁷⁸ UK Government, 2023, *The Representation of the People (Variation of Election Expenses, Expenditure Limits and Donation Etc. Thresholds) Order 2023*, Legislation.gov.uk

²⁷⁹ Garland, J., 2023, ‘New Political Funding Rules Sneak In’, *Electoral Reform Society*, 24 November 2023

²⁸⁰ The Electoral Commission, 2023, *Public Attitudes 2023*, 11 December 2023

²⁸¹ Committee on Standards in Public Life, 2011, *Political Party Finance – Ending the Big Donor Culture*, November 2011

²⁸² UCSC GB003, Transcrime database (part of RESPOND project)

This negative perception of politics was further compounded by the then Labour general secretary, Peter Watt, resigning his position after it came to light that a property developer had donated close to £600,000 over four years via three associates without disclosing the donation, which is a violation of the law requiring that donations on behalf of others must declare who is providing the money.²⁸³ The Electoral Commission had asked Labour to explain the donations.²⁸⁴ **However, once again, the Crown Prosecution Services (CPS) refused to bring any charges in the matter due to insufficient evidence.** This was followed by Peter Hain's resignation from his position as a cabinet minister in 2008 after it transpired that he had failed to declare over 20 donations worth over £100,000 in total during his campaign for deputy leader, and that he would be investigated by the Electoral Commission and the Metropolitan Police.²⁸⁵ **Predictably, the CPS did not bring charges against Hain, as they stated that he was not responsible for the donations and that there was insufficient evidence to charge him.**²⁸⁶

Most recently, in 2025, a report by Transparency International UK found that “millions of pounds donated to political parties and their members have come from unknown or questionable sources,” including from individuals who have been accused or known to have bought political access or other criminality. £48.2 million of the £115 million in suspected donations were linked to donors who had previously either been alleged or have proven to have “bought privileged access, potential influence, and/or political honours.” Another £42 million of that amount came from individuals that have either alleged or have been proven to be corrupt, fraudulent, or involved in money laundering. Furthermore, £38.6 million came from unknown sources, and even with the transparency laws that do not permit this, did not have identifiable beneficial owners for the unincorporated associations that donated them.²⁸⁷ **This not only shows the lack of appropriateness and effectiveness of the transparency laws around political finance, but it means that politics in the UK is increasingly susceptible to interference by foreign actors, undue influence, and vested interests, with little to no means to enforce accountability measures.**

Lobbying: Behind Closed Doors in British Politics

The UK's approach to lobbying has long been piecemeal and is lacking in transparency. The key legislation for lobbying is the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014. Otherwise, public officials are bound to **overlapping codes of conduct that are self-investigated by the authorities themselves (i.e., the House in question or the Prime Minister), which leaves them open to interpretation and capture.** Furthermore, these overlapping codes of conduct are inherently reliant on self-regulation. Despite a range of

²⁸³ BBC News, 2007, ‘[Labour Boss Quits over Donations](#)’, 27 November 2007; BBC News, 2007, ‘[Concern over Secret Labour Donor](#)’, 25 November 2007

²⁸⁴ Ibid.

²⁸⁵ BBC News, 2008, ‘[Hain Quits Jobs ‘to clear name’](#)’, 24 January 2008; Hencke, D., Wintour, P., 2008, ‘[Hain Failed to Declare £100,000 of Donations](#)’, *The Guardian*, 10 January 2008

²⁸⁶ BBC News, 2008, ‘[Hain Not Charged over Donations](#)’, 5 December 2008

²⁸⁷ Transparency International UK, 2023, ‘[New Research Reveals Almost £1 in Every £10 of Political Donations Comes from “Unknown or Questionable Sources”](#)’

parliamentary enquiries and civil societal activity, there remains a prioritisation of self-regulation and the patchwork of codes of conduct, rather than a more unified approach to lobbying. This further enables political actors, who lack the willingness or motivation to put in place a more unified framework. Political actors can thus hide behind the centrality of self-regulation in order to prevent any movement towards an integrated regulation.

In contrast, recent developments with lobbying scandals have led to renewed calls from civil society and other actors in the public space for stronger transparency laws around lobbying, particularly by businesses. In the UK, there is general agreement by actors in the public space that lobbying can be a force for good and is a legitimate and necessary part of the democratic process. The Committee on Public Standards highlights that “fair lobbying is a good and legitimate activity,” and that it is “vital to democracy that individuals, businesses and charities are able to input and respond to policy developments or proposed new legislation.”²⁸⁸ However, there is disagreement as to how that lobbying should be regulated, if at all.

A Chartered Institute of Public Relations (CIPR) study, conducted with Opinium, demonstrated this conflicting dialectic. On the one hand, it showed that two-thirds (67%) of adults in the UK feel “the public should know more about lobbyists seeking to influence MPs and Ministers.”²⁸⁹ It also showed that only 15% of the public believe that there is sufficient publicly available information about who is participating in lobbying activities. On the other hand, it also showed that most of the public believe that lobbying “can help create better policy and law” (52%), and that businesses and organisations (e.g., charities, pressure groups, trade unions) should be able to meet with MPs and Ministers to promote ideas and facilitate discussions that feed into public policy (59%).²⁹⁰

Regulatory Framework

Lobbying scandals, and investigations into them, have been a constant presence in the UK’s political arena from the 1990s until the present. In 1991, following a public interest, **the Select Committee on Members’ Interests published a report that recommended the creation of a Register of Lobbyists for all “professional lobbyists”** (i.e., those who are professionally employed to lobby on behalf of clients), alongside an associated Code of Conduct, that would be under the auspices of the House of Commons.²⁹¹ **This report was debated in the Commons, but was not voted on, and thus was never enacted.** The Select Committee began a new enquiry into Parliamentary Lobbying in the 1993/1994 session but adjourned it without producing a report.²⁹²

²⁸⁸ Evans, J., 2023, ‘[Lobbying – Building a Culture of Openness and Transparency – Committee on Standards in Public Life](#)’, 6 September 2023

²⁸⁹ CIPR, 2021, ‘[Two-Thirds of UK Adults Feel the Public Should Know More about Lobbyists Seeking to Influence MPs and Ministers CIPR Research Reveals](#)’, 21 April 2021

²⁹⁰ Ibid.

²⁹¹ European Parliament Directorate General for Research, 1995, [Rules Governing Lobbying in the National Parliaments of the Member States](#), Council of Europe, 12 September 1995

²⁹² Ibid.

Box 14. A lobbying-scandals saga in British politics

In 1994, The Guardian reported that a high-profile parliamentary lobbyist, Ian Greer, had bribed two Conservative MPs (Neil Hamilton and Tim Smith) to ask parliamentary questions on behalf of Harrods and its owner, Mohamed Al-Fayed.²⁹³ This became known as the *cash-for-questions* affair. It led to public and political furore, with libel cases initiated (and then dropped) by Hamilton and Smith, and the resignation of Smith immediately from Parliament, as well as the eventual collapse of Greer's lobbying firm.

The public outcry about the affair led to **the establishment of the Committee on Standards in Public Life (CSPL) in 1994 by the then Prime Minister, John Major**, and first chaired by Lord Nolan:

- Its explicit purpose was to examine concerns about public office holders' conduct and to make recommendations for necessary changes.²⁹⁴
- The CSPL continues to operate, advising the Prime Minister on ethical standards across the whole of public life in England, and monitoring and reporting on issues related to the standards of conduct of public office holders.²⁹⁵
- In 1995, it published the "Nolan Principles" – Seven Principles of Public Life that apply to all public office holders: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.²⁹⁶

The outcry moreover led to the appointment of Sir Gordon Downey as Parliamentary Commissioner for Standards to investigate the affair. Sir Downey's report was eventually published in July 1997, in which he exonerated MPs but stated that some of the evidence against Hamilton was compelling. Eventually, the Standards and Privileges Committee only took on board some of his conclusions, and Hamilton and others were harshly criticised.²⁹⁷

Following this, there was **a series of other lobbying scandals**, and there was notable public concern about the negative influence of lobbying in politics. Critically, there was the case of Bernie Ecclestone and the exemption of Formula One from the ban on tobacco advertising. In 1997, before the General Election, Bernie Ecclestone (the then head of Formula One) donated £1 million to the Labour Party. After the Labour Party won the 1997 election, an October 1997 meeting between Ecclestone and Tony Blair (the then Prime Minister) led to the issuance of instructions to the Department of Health to seek an exemption for Formula One from the EU's proposed ban on tobacco advertising.²⁹⁸ Blair, the government of the day, and the Labour Party had to apologise to the public for their mishandling of the affair. After Blair stepped down as Prime Minister in 2008, there was renewed objection to the case, as it became evident that they had provided an incorrect timeline of the case to the public.

²⁹³ Hencke, D., 1994, 'Tory MPs Were Paid to Plant Questions Says Harrods Chief', *the Guardian*, 20 October 1994

²⁹⁴ Committee on Standards in Public Life, 'About Us', GOV.UK; European Parliament Directorate General for Research, 1995, *Rules Governing Lobbying in the National Parliaments of the Member States*, Council of Europe, 12 September 1995

²⁹⁵ Ibid.

²⁹⁶ Committee on Standards in Public Life, 1995, 'The 7 Principles of Public Life', GOV.UK, 31 May 1995

²⁹⁷ BBC Research, 1998, 'UK Politics: Talking Politics – Neil Hamilton – a Chronology', 19 October 1998

²⁹⁸ Public Administration Select Committee, 2008, *Lobbying: Access and Influence in Whitehall, House of Commons*, 9 December 2008

In March 2007, the Select Committee on Standards and Privileges published a report following a complaint by the Parliamentary Commissioner for Standards with regards to the conduct of David Cameron (the then Leader of the Opposition and the Conservative Party) and his “Leaders” Group. The complaint was that Cameron’s office in the House of Commons, which is provided to him at public expense, was being used as part of a party fundraising strategy, and to host lunches and events in his Parliamentary Office for party donors. It also included instances of Cameron’s chief fundraiser using researcher passes to gain access to facilities inside the Palace of Westminster. The report concluded that the complaint should be upheld as they cannot use the Parliamentary office as part of a fundraising strategy, and Cameron had to apologise (ensuring this would not happen again).²⁹⁹ The scandal was followed by a series of other lobbying-related scandals, including the investigation of the Department of Transport by the Information Commissioner’s Office regarding the mishandling of records relating to lobbying in the Heathrow consultation to avoid publication under Freedom of Information laws; the usage of passes for people to get into Parliamentary facilities; lobbying by agencies for purposes that were not in the public interest (such as the nuclear industry); and more.³⁰⁰

In 2009, the House of Commons Public Administration Select Committee published a report on Lobbying: Access and influence in Whitehall. In this report, they explicitly recommended that the ethics of lobbying activities should be regulated by a “rigorous and effective single body with robust input from outside the industry.”³⁰¹ They recommended that a statutory register of lobbying activity be created, which would include information on both lobbyists and who they are lobbying, and that it should be independently managed and enforced.³⁰² In this report, it was highlighted that there are “virtually no regulations” binding public affairs consultancies and in-house lobbyists, and that there is very little self-regulation of any substance. **In response, the Government rejected the mandatory register of lobbying groups, in an effort to provide more time for the industry to self-regulate (without a clear timeline for them to do so), but put in place other recommendations.** The latter mandated that all departments would publish quarterly reports detailing ministerial meetings with interest groups, and any hospitality received, and that more civil servants would have to publish details of hospitality received and expenses incurred.

In March 2010, the *cash-for-influence* scandal, brought to light by a Channel 4 current affairs documentary, “Dispatches”, also caused public outrage about the lack of regulation of lobbying in the UK.³⁰³

²⁹⁹ Committee on Standards and Privileges, 2007, *Conduct of Mr David Cameron*, House of Commons, 27 March 2007

³⁰⁰ Public Administration Select Committee, 2008, *Lobbying: Access and Influence in Whitehall*, House of Commons, 9 December 2008

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ CEU GB002 – Transcrime database (part of RESPND project)

- The investigation exposed several senior British politicians (including former Cabinet ministers) for accepting offers to conduct paid lobbying on behalf of a fictitious company.³⁰⁴
- The politicians agreed to use their influence in Parliament to sway policy in exchange for daily cash payments.
- The four MPs were suspended from the Labour Party, and three of them also received bans from Parliament.³⁰⁵
- Previously, the Labour Party had rejected any proposals to regulate lobbying, but it committed to doing so after the scandal.³⁰⁶ However, it was Cameron (who called lobbying “the next big scandal” during the general election campaign) and his Coalition Government that then went on to introduce legislation in this area.³⁰⁷

All of these scandals and ensuing public outcry culminated in the passing of the **Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014** (also known as the “Lobbying Act”), which required statutory registration of professional lobbyists. The register is maintained by an independent office that is legislated by statute, the Office of the Registrar of Consultant Lobbyists. **However, the Act only requires the registration of consultant lobbyists – a small minority of lobbyists as it does not include in-house lobbyists.** Other individual lobbyists or lobbying organisations can opt into the UK Lobbying Register, which aims to increase transparency and instil a professional code of conduct in the industry.

Also in 2010, a collective of three associations (the Association of Professional Political Consultants, the Public Relations Consultants Association, and the Chartered Institute of Public Relations) came together to establish **a self-regulatory body for lobbying named the UK Public Affairs Committee.** However, this was not very successful, as one of the three associations (the Public Relations Consultants Association) resigned from the Council in December 2011 due to concerns about the accuracy of the Council’s register of individual lobbyists, and other organisations estimated that the vast majority of lobbyists ignored the register. The UK Public Affairs Council (UKPAC) closed in 2015 following the passing of the Lobbying Act. **It was replaced in 2015, when the CIPR launched the UK Lobbying Register** – an open, universal and free register of individual lobbyists and organisations which are involved in lobbying.³⁰⁸ It seeks to provide a more comprehensive set of information about lobbying, but it is entirely voluntary.

In addition to the Lobbying Act, there is a patchwork of codes of conduct and professional codes that are intended to regulate the actions of public officials in effect in the UK. The Nolan Principles form a core part of all other codes of conduct and professional codes that we will address, and it is expected that all individuals that are in public office align with its seven standards of public life. There are also the Codes of Conduct of both Houses of Parliament, which regulate the conduct of Members of both Houses and are internally regulated by each House.

³⁰⁴ Public Administration and Constitutional Affairs Committee, 2024, *Lobbying and Influence: Post-Legislative Scrutiny of the Lobbying Act 2014 and Related Matters*, House of Commons, 30 April 2024

³⁰⁵ CEU GB002 – Transcribe database (part of RESPOND project)

³⁰⁶ Public Administration and Constitutional Affairs Committee, 2024, *Lobbying and Influence: Post-Legislative Scrutiny of the Lobbying Act 2014 and Related Matters*, House of Commons, 30 April 2024

³⁰⁷ Ibid.

³⁰⁸ UK Lobbying Register, ‘[Home – UKLR](#)’

The enforcement of the **House of Commons Code of Conduct** is in the hands of the Committee on Standards, the Independent Expert Panel and the Parliamentary Commissioner for Standards. The Parliamentary Commissioner for Standards (an independent officer of the House of Commons) may investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code and the rules relating to upholding the Code. The Commissioner can agree remedial action or provide an opinion on a breach to the Standards Committee (for Code of Conduct cases). The Committee determines whether there has been a breach and recommends a sanction. **However, sanctions are ultimately decided on by the House of Commons itself.**

The Code's rules on lobbying make it clear that members must not engage in lobbying whether by initiating or participating in a proceeding or an approach that would provide benefit to any identifiable person. The HoC Code not only binds current Members of the House to its lobbying rules, but former members must also abide by the restrictions of the lobbying rules for 12 months after leaving the House, and cannot use their privileged parliamentary pass for the purposes of lobbying. **However, it is the personal responsibility of the relevant member to ensure that they resolve any conflicts of interest, and to ensure that they are following the restrictions on lobbying.**

The **House of Lords** has its own standards system and **Code of Conduct**:

- The Commissioner for Standards is the decision-maker in individual Code-of-Conduct cases with the Conduct Committee acting in an appellate role.
- Commissioners are appointed to investigate alleged breaches of the Code or of the rules governing members' financial support or use of parliamentary facilities.
- Any investigation is conducted in accordance with procedures set out in the Code of Conduct and during the investigation the member must adhere to any restrictions on their access to the facilities and services of the House which the Commissioner may impose.
- If the Commissioner finds that a member has breached the Code, except in the case of minor breaches, their report, including the recommended sanction, is presented to the Conduct Committee.
- The Committee reports its conclusions to the House. For the most serious sanctions, the final decision rests with the House.

The House of Commons' and Lords' Codes are supplemented by the **Ministerial Code, which Ministers in government are required to adhere to**. The Ministerial Code is enforced by the Independent Adviser on Ministerial Standards, who is appointed by the Prime Minister to advise them on matters relating to the Ministerial Code:

- The Adviser is meant to be independent of government and is expected to provide impartial advice to the Prime Minister.
- If there is an allegation about a breach of the Ministerial Code and the Prime Minister feels that it warrants further investigation, they may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the Independent Adviser on Ministerial Standards. The Independent Adviser can also initiate an investigation after notifying the Prime Minister.
- If the Prime Minister determines that a breach of the expected standards has occurred, they may ask the Independent Adviser for confidential advice on the appropriate sanction. However, the final decision rests with the Prime Minister.

- Where the Prime Minister retains their confidence in the minister, available sanctions include requiring some form of public apology, remedial action, or removal of ministerial salary for a period.
- Ultimately, **the decision on whether a minister remains in office lies with the Prime Minister**, as the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards.

Once again, this Code relies heavily on **personal responsibility**. Ministers are expected to ensure that no conflict of interest arises, or can be perceived to arise, between their public office and their private interests. It is their personal responsibility to decide whether an action is necessary and to determine what that action would be, to avoid any conflict of interest (with the advice of their permanent secretary and the Independent Adviser). They are also expected to keep their roles as Minister and as a constituency Member of Parliament separate from each other in the House of Parliament. Furthermore, they are prohibited from taking on any lobbying roles for two years and are required to liaise with the independent Advisory Committee on Business Appointments (ACOBA) on any appointments or employment they wish to take within these two years.

This brings us to the **Business Appointment Rules**, which all Ministers and Crown servants at all levels, including all civil servants, special advisers, members of the armed forces and diplomats, are subject to when accepting new appointments after their service.

- These rules apply for either 1 or 2 years after an official leaves their role (dependent on seniority).
- Their aim is to avoid any suspicion that appointments are a reward for favours given while in office, the risk that an employer gains an improper benefit by appointing them (and to protect sensitive information they might hold), the risk that a former civil servant or minister is exploiting their privileged access to government contacts, and any questioning or criticism of their integrity.
- Ministers are expected to seek advice from ACOBA on any appointments or employment they wish to take up, and they must abide by the advice of the Committee.
- ACOBA publishes its independent advice to departments and ministers when appointments are taken up. **However, it is again for the Prime Minister (or relevant Permanent Secretary in the case of special advisers) to take the final decision** on the application based on the advice received from the Advisory Committee, and it is merely advice (which is not legally binding).

It needs to be noted, however, that in July 2025, the UK government announced the closure of ACOBA from 13 October 2025.³⁰⁹ The content of the Business Appointment Rules will remain unchanged, but enforcement will be transferred to the Civil Service Commission (see below) or the Prime Minister's Independent Adviser on Ministerial Standards. Alongside this announcement, the Ethics and Integrity Commission was also established in order to strengthen commitment to the Seven Principles of Public Life, including support for the development of codes of conduct within public bodies, sharing of best practices and reporting on areas of improvement.³¹⁰ The Commission is envisioned as a reformed iteration of the Committee on Standards in Public Life, with a stronger mandate and required annual reporting on the health of the public standards system.

³⁰⁹ UK Government, 2025, 'Closure of the independent Advisory Committee on Business Appointments (ACOBA)'

³¹⁰ UK Parliament, 2025, 'Government of service Statement made on 21 July 2025'

Civil Servants are moreover statutorily bound to the Civil Service Code, through which they are forbidden from misusing public office, disclosing information without authority, being influenced by improper pressures, and acting in a way that unjustifiably favours or discriminates against certain individuals or interests. The Civil Service Code is enforced primarily by the individual departments or agencies, who can then refer any breaches to the Civil Service Commission, an independent body formally established by statute. The Commission is the final arbiter on whether there has been a breach of the Code. However, it has no formal sanctioning powers: it cannot dismiss civil servants or apply financial sanctions. Instead, the Commission publishes details of its investigations and findings and makes recommendations to the department as to how breaches can be avoided in the future. Sanctions can only be undertaken by the department internally.

The ultimate decisionmaker remains the Prime Minister – the statute also established that the minister for the civil service (who is by convention the Prime Minister) has the power to manage the civil service. **The statute around the Civil Service Code does not therefore establish the civil service as an independent entity from the government** and even the Civil Service Commission only has the power to recommend improvements where departments have breached the code, rather than give sanctions.

In conclusion, it is clear that there is an incomplete patchwork of legislation, codes of conduct, professional codes and voluntary registers that aim to regulate (or self-regulate) lobbying in the UK. Moreover, this incomplete patchwork further enables political motivations that seek to entrench self-regulation and a lack of a robust system. Beyond the Lobbying Act, which is limited in its remit as it only focuses on consultant lobbyists, it is this patchwork of codes that attempts to self-regulate lobbying in the UK. At the heart of the system is the centrality of the Prime Minister (for ministers and civil servants) and the Houses of Parliament (for members of the Houses), who are vested with the authority to decide on the appropriate sanctions. As such, it is the political actors that are only able to sanction themselves or their colleagues, with power concentrated in their hands.

Recent Developments

Gradually, it has become clear that these codes and legislation are insufficient. **The Lobbying Act, which was introduced in order to increase transparency and improve public trust, was deemed to have failed by every measure in a recent Institute of Directors (IOD) report.**³¹¹ Criticism of the Act revolves around the fact that it only covers third-party lobbyists, and misses out on all in-house lobbying efforts. Transparency International estimates the register captures only 4% of lobbying activity.³¹² This means that it is incredibly difficult to get a clear measure of who is influencing policymaking and decisions in the UK at the government level and there is no clear and direct way to uncover such information due to the patchwork of codes and legislation.

³¹¹ McCapra, A., 2023, 'Lobbying Legislation in the UK: Now Is the Time for Transparency and Trust', Institute of Directors, 24 November 2023

³¹² Ibid.

Box 15. The Greensill scandal

The insufficiency of Britain's regulatory framework on lobbying was demonstrated clearly by the Greensill scandal and its aftermath. It involved former UK Prime Minister David Cameron and Greensill Capital, a financial services company. After he left office in 2016, Cameron acted as an advisor for Greensill and reportedly held share options worth up to \$60 million. In 2021, it was revealed that Cameron had lobbied senior government officials, including the then Chancellor Rishi Sunak and other high-profile ministers to be able to secure access to Greensill for the government's Covid-19 loan schemes. Greensill was authorised to provide loans under one of the schemes in June 2020, and by October 2020, it had issued the maximum allowable amount of loans – which were guaranteed 80% by the government. However, Greensill filed for insolvency in March 2021 and left behind substantial debts and disruption. It also became clear that Cameron had conducted extensive lobbying efforts, bypassing formal transparency and accountability measures, in order to use his personal connections to advocate for the company's interests.

The Greensill scandal led the UK government to launch an independent review, led by Nigel Boardman (a high-profile lawyer), in order to examine the circumstances surrounding Greensill's access to public funding schemes and to make recommendations and suggestions for improvement on the broader issues of lobbying and regulatory oversight.³¹³ In April 2021, the Public Administration and Constitutional Affairs Committee published a report on the Propriety of Governance in Light of Greensill, and the role of ethics watchdogs. It called for a more robust regime to regulate ethical conduct in public life, but did not support greater external regulations in a statutory fashion.³¹⁴

Following the Boardman inquiry, the government operationalised one of Boardman's recommendations and asked for a report on post-legislative scrutiny of Part One of the Lobbying Act (Part Two is not related to lobbying). This scrutiny consultation process brought in a wide variety of actors, and resulted in the publication of the report on Lobbying and Influence: post-legislative scrutiny of the Lobbying Act 2014 by the House of Commons' Public Administration and Constitutional Affairs Committee.³¹⁵ The report found that there is not enough transparency in lobbying, and that this should be improved by addressing the Government's transparency releases to a more frequent timeline, involving a greater range of officials and Special Advisers and to include contact made via instant messaging platforms. However, it did not back the calls by many civil society organisations, including CIPR and Transparency International, to extend the lobbying register, and recommended maintaining the exclusive focus on consultant lobbyists.³¹⁶ Instead, it stated that, if this does not improve, the case for a register of all lobbying activities should be revisited – without providing a timeline or strict measures to trigger this review.³¹⁷

³¹³ Boardman, N., 2021, *A Review into the Development and Use of Supply Chain Finance in Government*, Cabinet Office, 22 July 2021

³¹⁴ Public Administration and Constitutional Affairs Committee, 2022, *Propriety of Governance in Light of Greensill*, House of Commons, 22 November 2022

³¹⁵ Public Administration and Constitutional Affairs Committee, 2024, *Lobbying and Influence: Post-Legislative Scrutiny of the Lobbying Act 2014 and Related Matters*, House of Commons, 30 April 2024

³¹⁶ Ibid; CIPR, 2024, 'CIPR Disappointed in Lobbying Report Recommendations', 2 May 2024

³¹⁷ Ibid.

Hence, **the regulatory framework in the UK remains lacking.** The official lobbying register only captures a handful of the lobbying activities that happen, with 96% of all investigations conducted by ORCL between June 2019 and February 2024 being outside of the Lobbying Act's provisions, and being dismissed due to the lack of registration requirement found.³¹⁸ Data provided by departments (as necessitated by the various codes) does not provide sufficient or timely details about meetings, and does not have to include all meetings held.³¹⁹ Special advisers, who are hired by ministers but funded by the government, remain a key route to influencing government, are still largely exempted from the transparency requirements; and party-political donors can influence policymaking as their meetings with ministers are not published.³²⁰

Revolving Doors: ACOBA and the Myth of Oversight

There is no explicitly separate regulation on revolving doors in the UK – it is intertwined closely with the regulations on lobbying and political finance. Once again, not only are the regulations for revolving doors piecemeal, but they are also entirely dependent on a patchwork of codes of conduct and rules for different public offices and bodies. This means that there is no full transparency or enforcement of any issues that arise related to revolving doors.

As discussed above, the lack of a unified approach means that political unwillingness to act is enabled and the deficiencies in the legislative system are purposefully left untouched. The key piece of regulation that is necessary for us to cover here is the Business Appointment Rules, enforced by the Advisory Committee on Business Appointments (ACOBA), alongside the established patchwork of codes of conduct and professional codes. The political unwillingness is particularly clear within the remit of ACOBA, which is often ignored by ministers (who are meant to report to it any appointments), and which has no sanctioning or statutory powers, as it can only make recommendations to the Prime Minister.

Regulatory Framework

The relevant codes for regulating the revolving door include those of both Houses of Parliament, the Ministerial Code, the Civil Service Code, and the Nolan Principles.

The enforcement of the **House of Commons Code of Conduct** is in the hands of the Committee on Standards, the Independent Expert Panel and the Parliamentary Commissioner for Standards. The Code requires members to declare any interest relevant to proceedings that are being discussed during any sitting and is complementary to the registration requirements. These declarations in the House are necessary for both financial interests, and non-financial interests which are not registered but meet the test for relevance (in that they can be thought by others to influence their actions) and are required during all parliamentary business. It is the **personal responsibility** of the relevant member to ensure that they resolve any conflicts of interest, and to ensure that they are following the rules on declarations. **Final decisions on sanctions are ultimately decided on by the House of Commons itself.**

³¹⁸ CIPR, 2024, *Failure by Design: The Lobbying Act at Ten*, June 2024

³¹⁹ Spotlight on Corruption, 2025, *Levelling the Playing Field: How Economic Policy Gets Captured and What to Do about It*, 28 March 2025

³²⁰ Ibid.

Separately, the **House of Lords** has its own standards system and Code of Conduct. In the Lords, the Commissioner for Standards is the decision-maker in individual Code of Conduct cases with the Conduct Committee acting in an appellate role. The Conduct Committee, having considered any appeal, and having agreed any appropriate sanction, reports its conclusions to the House. For the most serious sanctions, **the final decision rests with the House**. The House of Lords is particularly different as the Code recognises that membership of the House is not an office and does not officially constitute employment, and as such, most members will have primary employment outside of Parliament, and they are encouraged to draw on their experience and expertise from outside Parliament in their parliamentary duties. However, similarly to the House of Commons, members are required to declare when speaking in the House, or communicating with ministers or public servants, any interest which is relevant to the context of the debate or matter under discussion.

For their part, Civil Servants are also statutorily bound to the **Civil Service Code**, through which they are forbidden from misusing public office, disclosing information without authority, being influenced by improper pressures, and acting in a way that unjustifiably favours or discriminates against certain individuals or interests. The Civil Service Code is enforced primarily by the individual departments or agencies, which can then refer any breaches to the Civil Service Commission, an independent body formally established by statute. The Commission is the final arbiter on whether there has been a breach of the Code. However, **the ultimate decisionmaker is the Prime Minister**. It is through the Code that civil servants are further bound to the Business Appointment Rules.

This patchwork of codes is completed by the Ministerial Code, which Ministers in government are required to adhere to. The Ministerial Code is enforced by the Independent Adviser on Ministerial Standards, who is appointed by the Prime Minister to advise them on matters relating to the Ministerial Code. They are meant to be independent of government and expected to provide impartial advice to the Prime Minister. **However, the final decision rests with the Prime Minister**. Where the Prime Minister retains their confidence in the minister, available sanctions include requiring some form of public apology, remedial action, or removal of ministerial salary for a period. The decision on whether a minister remains in office is for the Prime Minister, as the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards.

Once again, this Code relies heavily on **personal responsibility**:

- Ministers are expected to ensure that no conflict of interest arises, or can be perceived to arise, between their public office and their private interests.
- It is their personal responsibility to decide whether an action is necessary, and to determine what that action would be, to avoid any conflict of interest (with the advice of their permanent secretary and the Independent Adviser).
- They are also expected to keep their roles as Minister and as a constituency Member of Parliament separate from each other in the House of Parliament.
- They have to declare their financial and non-financial interests.
- Ministers are expected to give up any other public appointments they may hold, and membership of any select committees or all-party parliamentary groups.
- Most importantly, ministers are prohibited from lobbying government for two years according to the Business Appointment Rules and are required to liaise with the independent Advisory Committee on Business Appointments on any appointments or employment they wish to take within these two years.

This brings us to the key regulatory framework concerning revolving doors for public officers in the UK – the **Business Appointment Rules**, and the **independent Advisory Committee on Business Appointments (ACOBA) that enforces them**. ACOBA was first established in 1975 by the then Prime Minister, Harold Wilson, in a non-statutory fashion, in order to provide advice on appointments sought by senior civil servants (i.e. permanent secretaries and deputy secretaries) after their time in public office.³²¹ In May 1995, the newly established Committee on Standards in Public Life published their first report, where they recommended that a similar system of appointment rules should be applied to former ministers in order to “secure public confidence and ministerial compliance” – this new system came into effect in the 1995-1996 Parliamentary session.

In 2004, Tony Blair as Prime Minister appointed Sir Patrick Brown to review the Business Appointment Rules to ensure they were “compatible with a public service that is keen to encourage greater interchange with the private and other sectors.”³²² This report was not published until December 2005 and it recommended a review of the rules in relation to civil servants, whilst not commenting on arrangements for former ministers. The Government then asked the Public Administration Select Committee to reflect on the report, and whether it can be taken up. The Committee reported that the approach suggested by Sir Brown was insufficient and would not bolster public confidence or combat insidious forms of influence usage. In response, the Government reported that the current system provides for a more flexible approach and that Sir Brown’s narrower suggestion would not be sufficient. The Government also accepted a recommendation by the Committee that former ministers should be mandated to submit applications to ACOBA and to act on the advice given by the body on their appointments.³²³

In November 2005, David Blunkett, a former MP, did not seek ACOBA’s advice before taking up positions after leaving his public office, and refused to resign as it became evident that ministers were not required by the Ministerial Code (as it was then) to abide by ACOBA’s advice, even if they had to seek it. In June 2007, Gordon Brown, the then Prime Minister, and his Government announced changes that former ministers would be required to seek ACOBA’s advice about any appointments or employment taken up within two years of leaving their office, and that they would be expected to abide by ACOBA’s advice. In 2011, the new Coalition Government updated the Ministerial Code once again to include a provision that prohibited former ministers from lobbying the Government for two years after leaving office.³²⁴ There were further minor amendments in both 2014 and 2016 that clarified the rules for both civil servants and former ministers and made it clear that retrospective applications would not normally be accepted.

As they currently stand, the Business Appointment Rules apply to all Ministers and Crown servants at all levels, including all civil servants, special advisers, members of the armed forces and diplomats, when accepting new appointments after their service:

- Ministers are required to apply to ACOBA for any potential employment or appointments within two years of leaving office.
- These rules apply for either 1 or 2 years after leaving a role (dependent on seniority).
- As outlined above, the rules are meant to avoid suspicion that appointments were for favours gained in office or intended to benefit from privileged access or sensitive information.

³²¹ Armstrong, H., Rhodes, Ch., 2023, *The Business Appointment Rules*, House of Commons Library, 27 July 2023

³²² Ibid.

³²³ Ibid.

³²⁴ Ibid.

- Ministers are expected to seek advice from ACOBA on any appointments or employment, and they must abide by the advice of the Committee.
- However, **it is again for the Prime Minister** (or relevant Permanent Secretary in the case of special advisers) **to take the final decision** on the application based on the advice received from the Advisory Committee, and it is merely advice (which is not legally binding).

Recent Developments

The Business Appointment Rules and ACOBA's limitations have long been criticised as an insufficient way of preventing the misuse of influence and revolving doors between the public and private sectors. This is also due to the fact that the Business Appointment Rules in their current iteration are not binding or respected by former ministers.

Box 16. Boris Johnson's transgressions of the Business Appointment Rules

One conspicuous example of violating the Rules is linked to Boris Johnson, a former Prime Minister and Member of Parliament, and his extensive dealings (and disregard for) ACOBA's process and rulings.³²⁵ In 2018, Johnson failed to follow the rules when he took up an appointment at The Telegraph a week after resigning as Minister and also did not seek or obtain advice from ACOBA about the employment, after which he was reprimanded and ACOBA requested his contract be amended with regards to privileged information.³²⁶ It is unclear whether that was enforced, as ACOBA does not have enforcement powers.

In June 2023, the former Chair of ACOBA, Lord Pickles, wrote to the then Cabinet Office Minister, Oliver Dowden, about Johnson's failure to seek advice from ACOBA from publicising a new journalistic appointment with The Daily Mail. Johnson confirmed his new role on social media, only 30 minutes after submitting an application to ACOBA for advice – a “clear and unambiguous breach of the government's rules and requirements.”³²⁷ In this letter, Lord Pickles expressed frustration with the current process and rules, stating that Johnson's case “is a further illustration of how out of date the government's Business Rules are,” and that “they were designed to offer guidance when ‘good chaps’ could be relied on to observe the letter and the spirit of the Rules.” He also highlighted that ACOBA had recommended to the government over two years ago that a more modern and updated framework for considering business appointments is needed, including sanctions for non-compliance and greater clarity, so that the process can be more effective in rooting out corruption.³²⁸

³²⁵ Advisory Committee on Business Appointments, 2018, *Johnson, Boris – Prime Minister – ACOBA Advice*, GOV.UK, 8 August 2018

³²⁶ Advisory Committee on Business Appointments, 2018, ‘*ACOBA Letter: Boris Johnson, Columnist, the Telegraph*’, 8 August 2018

³²⁷ Advisory Committee on Business Appointments, 2024, ‘*Letter from ACOBA to the Cabinet Office Regarding Breach of the Rules (Daily Mail)*’, GOV.UK, 2 May 2024

³²⁸ Ibid.

In 2024, Johnson clashed with ACOBA once again by failing to clarify his relationship with Merlyn Advisers (a hedge fund) which had set up talks between him and the Venezuelan president Nicolas Maduro – and he refused to clarify his relationship with the hedge fund to ACOBA.³²⁹ Lord Pickles criticised Johnson heavily for making his own decision that there was “no reason to seek advice,” stating that it is ACOBA’s decision to make that assessment and criticised his lack of openness and evasiveness with the committee. **He emphatically decried the lack of enforcement of the rules, stating that “given the Rules no longer have relevance in the modern world and are unenforceable to applicants determined to ignore them, there is little action you can take other than to acknowledge the breach.”**³³⁰

There have been multiple reviews of the Rules and ACOBA’s role. In 2021, the Committee on Standards in Public Life published a report on its widespread review of the rules, guidance and bodies of the standards in public life. It was recommended that the government should pass primary legislation to place ACOBA on a statutory basis, to strengthen the Business Appointment Rules, and to allow for more extensive bans on lobbying and revolving doors. It also recommended that ACOBA rulings should be directly binding, and that they would be empowered to take on investigations into potential breaches of the Rules.³³¹

Similarly, **the Public Administration and Constitutional Affairs Select Committee and its predecessor (the Public Administration Select Committee) have held several inquiries into the effectiveness (or lack thereof) of the Business Appointment Rules.**³³² In 2022, following their inquiry into the Greensill scandal, the Committee recommended that ACOBA become statutorily backed, with legal powers that allow it to enforce its recommendations and rules, which are often “toothless”.³³³ In their report on Greensill and the ethics regulations in public life, they noted that failure to comply with the rules and the advice and decisions of ACOBA “attracts negative publicity,” and is an indication of a “clearly flawed regulatory regime” that cannot sanction anyone who does not comply with it.³³⁴ They also recommended that the rules should be extended to prohibit employment in sectors where the applicant at hand had previously had “significant and direct responsibility for policy, regulation or the award of contracts.”³³⁵

In his evidence to the inquiry, Lord Pickles, the then Chair of ACOBA drew attention to concerns about the lack of effectiveness and competence in the monitoring of business appointments by government departments. He highlighted the worrying “lack of procedures that exist within departments,” and that ACOBA’s offer to develop training schemes for departments was rejected by the civil service.³³⁶

³²⁹ Geiger, Ch., 2024, ‘[Boris Johnson Broke Rules over Venezuela Talks, Government Advisers Say](#)’, BBC News, 19 April 2024

³³⁰ Ibid.

³³¹ Committee on Standards in Public Life, *Upholding Standards in Public Life: Final Report of the Standards Matter 2 Review*, November 2021

³³² Armstrong, H., Rhodes, Ch., 2023, *The Business Appointment Rules*, House of Commons Library, 27 July 2023

³³³ Ibid.

³³⁴ Public Administration and Constitutional Affairs Committee, 2022, *Propriety of Governance in Light of Greensill*, House of Commons, 22 November 2022

³³⁵ Armstrong, H., Rhodes, Ch., 2023, *The Business Appointment Rules*, House of Commons Library, 27 July 2023

³³⁶ Ibid.

The government responded to this report, and other reports by the Committee on Standards in Public Life and the Boardman review (in relation to Greensill) in July 2023, but only partially agreeing to some of the recommendations.³³⁷ However, they agreed to make fundamental reforms to the Business Appointment Rules and that they would undertake consultations on the proposed reforms.³³⁸ One of the reforms promised was that of a new “ministerial deed” which ministers would have to sign, and that would make the rules legally binding.³³⁹ **However, none of the changes or reforms have been brought into force.**³⁴⁰

Civil society groups, such as Transparency International UK and Spotlight on Corruption, have long campaigned for tighter enforcement of the Business Appointment Rules.³⁴¹ There has also been international pressure on the UK to tighten up the rules, with the Group of States Against Corruption calling for the UK “to strengthen the status, remit and powers of ACOBA,” and to introduce sanctions for noncompliance, in 2017.³⁴² Transparency International UK’s 2023 report found that nearly a third of all jobs taken by former ministers and senior officials “had significant overlap with their previous brief,” with 29% of all appointments between January 2017 and June 2022 falling into this category.³⁴³

Media: From Hacking Scandal to Regulatory Retreat

Media regulations in the UK are piecemeal, with a range of different practices and legislation that govern different areas (most of which do not have a statutory basis), as well as a small group of regulations that are primarily concerned with broadcast media organisations and Public Service Broadcasters (PSBs) specifically. In essence, this means that there are two core ways through which the UK’s media system is regulated: **broadcast media is subject to specific rules regarding its content; while the print media is wholly self-regulating and does not have any legislation that regulates its operations.** In addition, all media organisations are subject to laws regarding defamation, freedom of information, data protection and whistleblowing.

Regulatory Framework

There is a long history in the UK of concerns with regards to media regulation as well as with the balance between freedom of expression, privacy, and accuracy in reporting. The first set of regulations cover the “press”, particularly newspapers and publishers. In 1947, 1962, and 1974, there were successive Royal Commissions on the Press that investigated the efficacy of media regulation.

The distrust of media was accentuated by the widespread criticism of the Press Council throughout the 1980s, especially during the “era of tabloid expose,” when tabloids in the UK committed harmful

³³⁷ Cabinet Office, 2023, ‘[Strengthening Ethics and Integrity in Central Government](#)’, GOV.UK, 20 July 2023

³³⁸ Ibid.

³³⁹ Spotlight on Corruption, 2024, ‘[Britain’s Revolving Door Rules Are Broken – so Where Are the Government’s Promised Reforms?](#)’, 18 April 2024

³⁴⁰ Durrant, T., Savur, S., 2021, ‘[Jobs after Government: Rules for Ex-Ministers and Civil Servants](#)’, *Institute for Government*, 31 March 2021

³⁴¹ Mills-Sheehy, J., 2023, ‘[ACOBA Reform Delays Increase ‘Revolving Door’ Corruption Risks](#)’, *Transparency International UK*, September 2023

³⁴² Spotlight on Corruption, 2024, ‘[Britain’s Revolving Door Rules Are Broken – so Where Are the Government’s Promised Reforms?](#)’, 18 April 2024

³⁴³ Transparency International UK, 2023, ‘[Research Reveals Extent of ‘Revolving Door’ Corruption Risk in Westminster](#)’, 24 March 2023

breaches of privacy and conducted unethical journalistic practices.³⁴⁴ In 1991, the Press Complaints Commission (PCC) was set up, which was to adjudicate complaints on breaches of a new Code of Practice, which was to be drawn up by a committee of editors.

From 2006 until 2011, the phone hacking scandal had been a key focus for public opinion and political discourse. In 2006, the News of the World's Royal Editor, Clive Goodman, and a private investigator, Glenn Mulcaire, were both arrested by the Metropolitan Police on suspicion of hacking and intercepting the voicemail messages of members of the Royal Family. They were both found guilty and sentenced to jail. In 2009 and 2011, the Guardian published follow-up investigations that provided evidence for more extensive instances of phone hacking by News of the World employees to gain information about celebrities, politicians, the Royal Family, and victims of tragic crimes and their families. These investigations, and the public outrage surrounding them, led to police operations, inquiries, and future legislation.

The Joint Committee on Privacy and Injunctions, which reported in 2011, criticised the current system of self-regulation of the press, and found the PCC not fit for purpose and “not equipped to deal with systemic and illegal invasions of privacy.”³⁴⁵ Following the public outrage in the phone hacking case and the latest revelations in 2011, News of the World was closed by its parent company, News International, in July 2011. This was then followed by the Leveson Inquiry, which criticised the PCC's role and its funding, stating that it is merely a “complaints handling body” that is ineffective, and that in practice, it is “aligned with the interests of the press.”³⁴⁶ The report recommended the creation of a new self-regulatory body that would be underpinned by a statute and that should be independent of the press.

Box 17. The Leveson Inquiry

The Leveson Inquiry is key to our understanding of the regulatory framework in the UK. Lord Justice Leveson published his findings on the “culture, practices and ethics of the press,” in response to the phone hacking scandal.³⁴⁷ The inquiry was the “most public and wide-ranging inquiry of its kind in British history” and was broadcast on television and available online, with witnesses spanning a wide range of politicians, journalists, editors, celebrities, judges, victims of wrongdoing, and more.³⁴⁸ The inquiry was meant to be divided into two parts. Part I (also known as Leveson I) was the part conducted in 2011-2012, and which covered the culture, practices, and ethics of the process. Part II (also known as Leveson II) was meant to inquire into the relationships between newspapers, the police, politicians, prosecuting authorities, and other relevant regulatory bodies during the phone hacking scandal, alongside corporate and organisational failures at newspapers.³⁴⁹ Leveson II was never initiated and has been permanently shelved by the current Labour government.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

³⁴⁶ Lord Justice Leveson, 2013, *An Inquiry into the Culture, Practices and Ethics of the Press: Overview [Leveson Report] HC 779*, Session 2012-2013, House of Commons, November 2013

³⁴⁷ Woodhouse, J., 2024, *How Is the Press Regulated?*, House of Commons Library, 16 July 2024

³⁴⁸ Discover Leveson, ‘Leveson Inquiry’

³⁴⁹ Woodhouse, J., 2024, *How Is the Press Regulated?*, House of Commons Library, 16 July 2024

Leveson's November 2012 report found the Press Complaints Commission (which was the main regulator of press at the time) to be unfit for purpose, and recommended the creation of a new independent regulatory body that would promote high standards in the press, and which would have statutory powers to investigate serious breaches and sanction newspapers, backed by legislation. Leveson's recommended legislation would have placed a legal duty on the government to protect the freedom of the press and that would have created an arbitration system for victims of the press to seek redress. Whilst membership to the body would be voluntary, newspapers would have been incentivised to join by allowing for more damages to be brought against those who weren't members.

In response to Leveson I, David Cameron (the then Prime Minister) stated that the government accepted the majority of Leveson's recommendations, but that they did not see a need for statutory underpinnings for a press regulator. Faced with opposition in Parliament, parties reached a compromise that allowed for one *or more* independent self-regulatory bodies for the press to be established – and these bodies would be recognised and overseen by a Recognition Panel which would be established under a Royal Charter.³⁵⁰

A core part of the Royal Charter, and the role of the PRP, was the legal incentive created by Sections 34-39 and Section 40 of the Crime and Courts Act 2013. Sections 34-39, which have been brought into force, protect members of an approved regulator from the risk of exemplary damages in legal actions brought against them for libel, invasion of privacy or harassment.³⁵¹ **Section 40 would have established an incentive for news publishers to join a regulator approved by the PRP** by requiring news publishers who were not members of an approved regulator to pay the costs of legal claims made against them, regardless of the outcome of the case.³⁵² It also would have protected news publishers that were part of a PRP-approved regulator from costs. Section 40 was never brought into force, and it was repealed in 2024 by the Media Act.

In the run-up to the Media Act 2024, it was clear that the Conservative government would be aiming to repeal Section 40. A November 2016 consultation on the implementation of the Leveson inquiry by the Department of Culture, Media and Sports and the Home Office sought out views on Section 40, and the government's 2018 response held that it would find a "legislative vehicle" to repeal Section 40 as soon as possible.³⁵³ Moreover, the Conservative Party Manifesto of 2019 had labelled it as a tool to "coerce the press" and that it should be repealed to "support free speech."³⁵⁴ This was in line with the opposition from the press industry to Section 40 specifically, and the Royal Charter for press regulation as a whole. In contrast, civil society organisations that campaigned for media reform and regulation were in opposition to the repealing of Section 40. The Media Reform Coalition saw that Section 40 "was the one remaining vestige of hope for fair and effective independent press regulation," and the "best opportunity to reform our media regulation in the interests of the public and for democracy."³⁵⁵ However, Section 40 was never enacted, and it was repealed by the Media Act 2024.

³⁵⁰ Ibid.

³⁵¹ Press Recognition Panel, 2017, [PRP Consultation on the Recognition System](#), 7 September 2017

³⁵² Woodhouse, J., 2024, [How Is the Press Regulated?](#), House of Commons Library, 16 July 2024

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ Fenton, N., 2022, 'Playing to the Press Gallery: The Repeal of Section 40', *Media Reform Coalition*, 12 May 2022

The tangible impact of the Leveson Inquiry featured the **Royal Charter on self-regulation of the press, which was passed and granted Royal Assent in October 2013**. The Charter brought into legislation some of Leveson's key recommendations and led to the creation of the **Press Recognition Panel (PRP)**. The PRP would approve regulators as well as report on the success/failure of the recognition system.³⁵⁶ To date, there are two press regulators in the UK: Impress and the Independent Press Standards Organisation (IPSO). Impress is the only regulator recognised by the PRP (since October 2016) and it is not heavily subscribed to by news publishers.³⁵⁷ IPSO is the regulator which most news publishers are a part of, but IPSO has not been recognised by the PRP, and has stated that they do not intend to seek recognition.³⁵⁸ Impress has its own code of standards for the media organisations that are a part of it and the same applies to IPSO, which has the Editors' Code of Practice. IPSO has clearly stated that it does not intend to gain recognition as an approved regulator under the Royal Charter (i.e., through the PRP). There are also publications that have not joined either regulator but that may have appointed their own internal ombudsmen for self-regulation, such as the Guardian and the Financial Times.³⁵⁹

The second form of regulation relates to broadcasting regulations. There are two types of broadcasting media in the UK: public service broadcasting (PSBs) such as the BBC, and commercial broadcasting (which is produced by private media companies) such as ITV. **PSBs are funded by license fees paid by the public, whilst private media companies are commercially owned**. Both types of broadcasters are regulated by the Office of Communications (Ofcom), which was set up under the Communications Act 2003 and is accountable to Parliament.³⁶⁰ **The Communications Act 2003 was the key piece of legislation that established Ofcom and consolidated the telecommunications and broadcasting regulatory frameworks, bringing them together under Ofcom's auspices**. It required PSBs to fulfil their public service obligations to maintain their licences as well as lifting some of the restrictions on cross-media ownership.

Under the Broadcasting Act (1996) and the Communications Act (2003), Ofcom is required to draft a broadcasting code for television and radio and to enforce this code with regards to fairness and privacy, product placement, programme standards and sponsorship. Ofcom sets and enforces regulatory guidelines for TV, radio and video-on-demand as well as phones/mobiles, postal services and wireless devices. While Ofcom regulates ethical guidelines and standards in terms of fairness, accuracy and privacy, it is also a market and competitions agency which is intended to secure plurality and protect PSBs. Moreover, Ofcom has a statutory duty to establish complaints resolution procedures for consumers of broadcast channels (radio and TV) that it regulates and it can impose a statutory sanction against a broadcaster, if necessary.³⁶¹

The BBC is regulated through its own Royal Charter, which is reviewed on a ten-year basis. Following the 2017 review of the Charter, the BBC's internal regulatory mechanism (the BBC Trust) was removed and Ofcom became the regulator for the BBC as well. The BBC's Charter is the constitutional basis for its existence and it sets out its object, mission and public purposes, clearly stating that its mission is to act in the public interest and to serve all audiences.

³⁵⁶ The 'recognition system' refers to the entire scheme of recognition by the PRP of regulators, which would in turn then have media organisations as members.

³⁵⁷ Press Recognition Panel, 2016, '[PRP Board Recognises Impress – Press Recognition Panel](#)', 25 October 2016

³⁵⁸ IPSO, 2021, '[Response to Press Recognition Panel's Annual Report](#)', 23 February 2021

³⁵⁹ Woodhouse, J., 2024, '[How Is the Press Regulated?](#)', House of Commons Library, 16 July 2024

³⁶⁰ Waitzman, E., 2024, '[Regulation of News Broadcasting Companies](#)', House of Lords Library, 11 March 2024

³⁶¹ Ibid.

Ofcom is also now in charge of the implementation of the Online Safety Act 2023, which places a range of new duties on social media companies and search services, making them more responsible for users' safety. Ofcom is required to develop guidance and codes of practice to set out how the online platforms will meet their obligations and is carrying out public consultations on the draft codes, which will then be presented to Parliament.

The most recent development in the media regulatory landscape in the UK is the Media Act of 2024. This Act is the first significant reform of media regulation in the UK for two decades since the Communications Act 2003 (which it amends). It is aimed at modernising the legislative framework for public service broadcasters (including their digital platforms), promoting UK PSBs and radio stations, addressing the inconsistencies between global streaming platforms and UK-based services (especially those of PSBs, such as BBC iPlayer).³⁶² Whilst some parts of the Act are now in force, it is still in the process of being implemented in various phases, with Ofcom leading on the consultations and implementation of the legislation, as well as the drafting of any necessary secondary legislation.³⁶³ The Media Act also changed Ofcom's existing responsibilities to be able to ensure that they can support PSBs and radio networks to deliver their obligations and to be able to enact new duties.

Conclusion

Overall, the British regulatory framework with respect to political finance, lobbying, revolving doors and media is typically characterised by the prevalence of self-regulation and piecemeal rules, whose adjudication tends to be vested in political rather than independent authorities. Manifold corruption scandals have plagued British politics and showcased the entrenchment of informal networks and conflicts of interest. The resulting public outcry has put pressure for the establishment of review commissions and inquiries that produce reports, whose recommendations are not consistently heeded and implemented by the government. However, the British public's growing frustration with the state of political play will likely ensure that crafting a more comprehensive regulatory framework will remain on the political agenda for the foreseeable future.

³⁶² Osborne Clarke, 2024, '[The UK Media Act 2024 Takes First Steps on Ofcom's Roadmap to Implementation](#)' 16 October 2024

³⁶³ Ofcom, 2024, '[Media Act Implementation](#)', 27 September 2024

Catalogue 3. The UK’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: Political Parties, Elections and Referendums Act 2000 https://www.legislation.gov.uk/ukpga/2000/41/contents https://www.legislation.gov.uk/ukpga/2000/41/notes/contents https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Table-of-offences-and-sanctions_for_EP.pdf https://assets.publishing.service.gov.uk/media/60e460b1d3bf7f56801f3bf6/CSPL_Regulating_Election_Finance_Review_Final_Web.pdf	• The Act establishes the Electoral Commission and defines its general functions. • Registered parties must submit annual accounts of income and expenditure to the Commission, based on the Neill Committee’s principle of public transparency. • The Act prohibits foreign and anonymous donations, requiring reporting of donations above £5,000, and allows only those from permissible donors whose identity is known. • Permissible donors include individuals on the electoral register; UK-registered companies operating in the UK; registered political parties; trade unions; building societies; LLPs; friendly societies; and UK-based unincorporated associations. • Donations given anonymously, through deception, or with concealed identity are prohibited, and parties must verify donor identity. • Campaign expenditure by political parties is capped, with £30,000 allowed per contested constituency. National maximums are: England (£15.87m), Scotland (£2.16m), Wales (£1.2m), Northern Ireland (£540k), and total UK (£19.77m). • The Act limits national expenditure by third parties, imposes controls on donations to candidates, and increases by-election expense limits. It also clarifies election expenses, amends election petition procedures, and defines the consequences of corrupt and illegal practices. • Companies must obtain shareholder consent before donating or incurring political expenses, and disclose such spending in annual directors’ reports.	• The Electoral Commission is the primary regulator, responsible for monitoring compliance with the Act’s provisions. • It is a criminal offence to fail to publish required accounts or to accept donations from impermissible or unidentified sources. • The Commission may apply to a court for the forfeiture of such unlawful donations. • It is also a criminal offence to knowingly evade donation rules, including by withholding or falsifying information. The Commission can bring criminal proceedings and seek forfeiture. • Party treasurers commit an offence by failing to submit donation reports or by submitting non-compliant reports. • The Act includes anti-evasion measures to address the use of multiple small donations to circumvent rules. • The Commission is empowered to require financial information from political parties, third parties, referendum participants, donees and candidates and to enter premises to inspect records.	• Failure to submit required documents to the Electoral Commission is a civil offence, with penalties that scale according to the length of non-compliance. These can be recovered as debts through the courts. The Act also outlines general offences such as document suppression, alteration, or knowingly providing false information. • Section 150 and Schedule 20 detail the penalties for all criminal offences under the Act. Sanctions available under PPERA include fixed and variable fines, compliance and restoration notices, enforcement undertakings and convictions. • For summary offences or prescribed contraventions, civil sanctions may apply, with variable fines capped at £5,000, and in some cases up to £20,000. • Offences are categorised in guidance tables: Table 1 covers serious offences requiring referral for criminal investigation or prosecution (typically involving intent to mislead); Table 2 includes offences that may be subject to either civil or criminal action, and allows the Commission to sanction organisations for breaches by individuals; Table 3 lists offences eligible for civil sanctions only, with fines capped at £5,000.
Political Finance: Short Money – House of Commons Report 2025 <i>Administered under a resolution of the House of 26 May 1995, amended March 2016, and updated regularly by the MEC.</i> https://researchbriefings.files.parliament.uk/documents/SN01663/SN01663.pdf https://commonslibrary.parliament.uk/research-briefings/sn01663/	• Short Money – funding to support opposition parties. It is recorded in the Electoral Commission donation basis as public funding. • There are two analogous schemes: Cranborne Money (for members of the House of Lords) and Representative Money (for HoC members who have not sworn the oath) • Short Money is made available to all opposition parties in the House of Commons that have secured either two seats, or one seat and more than 150,000 votes at the previous general election. • The scheme has three components: 1) funding to assist an opposition party in carrying out its Parliamentary business; 2) funding for the opposition parties’ travel and associated expenses; and 3) funding for the running costs of the Leader of the Opposition’s (LOTO) office.	• The Members Estimate Committee is charged with codifying and keeping under review the provisions of the relevant Resolutions, and with modifying these provisions as is appropriate. • Parties claiming Short Money must provide the Accounting Officer of the HoC or the HoL (for Cranborne Money) with an auditor’s certificate confirming that all expenses claimed were incurred exclusively in relation to the party’s Parliamentary business. • From 2016/2017 onwards, parties in receipt of Short Money have to provide accounts and information on salaries of staff funded from Short Money. • Total staff costs, office running costs, and other costs have to be reported.	• No sanctions are detailed about misuse of short money. • Any misuse could potentially be covered under the Codes of Conduct of either the House of Common or the House of Lords, as appropriate.
Political Finance: Representation of the People Act 1983 (amended 2015) https://assets.publishing.service.gov.uk/media/60e460b1d3bf7f56801f3bf6/CSPL_Regulating_Election_Finance_Review_Final_Web.pdf https://www.legislation.gov.uk/ukpga/1983/2/contents https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Candidates-code-of-practice.pdf	• The Representation of the People Act 1983 (RPA) governs constituency candidate spending, while party spending limits are set out in PPERA. • Foreign and anonymous donations to candidates are capped at £50; otherwise, there are no limits on donations from permissible sources. • Candidate spending is restricted during a regulated period, with limits based on the type of election and constituency. • At a parliamentary general election, spending limits are: ➢ County constituencies: £11,390 + 12p per elector ➢ Borough constituencies: £11,390 + 8p per elector ➢ Parliamentary by-election: £180,050 • Candidates are entitled to free use of rooms in public buildings for campaign meetings and to send election-related post free of charge, within limits. • The RPA defines bribery, treating, and undue influence aimed at affecting voting behaviour—before, during, or after the election—as corrupt practices, whether committed by the candidate or their agents.	• All candidate reporting is submitted to the Electoral Commission, including election spending returns, statements of accounts and donation reports. • The Commission may prepare a Code of Practice on candidate election expenses, clarifying what qualifies as election spending. • Under Section 81 of the RPA, the election agent must submit a return of expenses to the Returning Officer. • Under Section 82, both the agent and candidate must declare the accuracy of the return. • It is a criminal offence to knowingly make a false declaration.	• Criminal breaches of the RPA are investigated by the police and prosecuted by the Crown Prosecution Service (CPS). All offences under the Act fall under the jurisdiction of the police, CPS, and the courts. • If a candidate or agent is found personally guilty of an illegal or corrupt practice, they are disqualified from holding elective office for three or five years, depending on the offence. • In the case of a candidate, their election is declared void.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political Finance, Revolving Door, Lobbying: Ministerial Code <i>Published 20 September 2010, updated 6 November 2024</i> https://www.gov.uk/government/publications/ministerial-code/ministerial-code https://committees.parliament.uk/publications/45177/documents/224139/default/ https://www.gov.uk/government/organisations/independent-adviser-on-ministers-interests/about	- Ministers must avoid any actual or perceived conflict between public duties and private interests throughout their time in office. They are personally responsible for managing such risks, with advice from their permanent secretary and the Independent Adviser on Ministerial Standards. Actions taken must be documented. Declaration of Interests - Applies to both financial and non-financial interests. - On appointment, ministers must declare private interests—including those of close family—to their permanent secretary. - Declarations are reviewed, shared with the Independent Adviser within 14 days and kept up to date. - Any action taken must be recorded and reported. - Ministers must declare relevant interests when public business arises, recuse themselves, if necessary, and possibly act similarly for former interests. - Departments may restrict access to papers or decisions; if unresolved, the Prime Minister must be consulted and the minister may need to step down. Usage of Government Resources Government resources and facilities must not be used for party-political or constituency purposes. Ministers and Appointments - Civil Service appointments must comply with the Constitutional Reform and Governance Act 2010, with no partisan influence. Cabinet ministers may appoint special advisers only with the Prime Minister’s written approval. PPSs, though outside government, must avoid conflicts. Ministers and other Roles/Business - Ministers may not publish books on their ministerial work while in office. - Contributions to publications are allowed if unpaid and aligned with duties; regular journalism needs No. 10 approval. - They must not accept payment for speeches or articles related to their ministerial role. - MPs must separate ministerial and constituency roles and resign other public appointments. - Cooling Off Period - Former ministers may not lobby government for two years, under the Business Appointment Rules. Lobbying - Ministers must not accept gifts, hospitality or services that could compromise judgement; this also applies to family members. - Meetings should be arranged through departments with an official present. - Significant informal discussions must be promptly reported. - Departments publish quarterly disclosures of ministers’ external meetings, including with media figures. - Ministers must not support or join organisations funded wholly or partly by government.	- The Independent Adviser on Ministerial Standards is appointed by the Prime Minister to provide impartial advice on compliance with the Ministerial Code, and operates independently of government. - Their role includes: (1) advising ministers on managing private interests; (2) publishing the List of Ministers’ Interests quarterly; (3) advising the PM and investigating alleged breaches of the Code; and (4) providing confidential advice on request. - The Adviser must uphold the Seven Principles of Public Life and the Code of Conduct for Board Members of Public Bodies. - If the Prime Minister, after consulting the Cabinet Secretary, considers an allegation warrants investigation, it may be referred to the Cabinet Office or the Adviser. - The Adviser may also initiate an investigation independently, with prior notice to the PM, if the matter is serious and has not already been referred. Ministers are required to cooperate fully. - The Prime Minister makes the final decision on outcomes. If a breach is confirmed, possible sanctions include a public apology, remedial action, or withholding of ministerial salary—though the PM may also choose to retain the minister’s services.	- Following an investigation, the Independent Adviser may advise the Prime Minister on whether, in their view, a breach of the Ministerial Code has occurred, and may also recommend an appropriate sanction. - The Prime Minister retains final authority over whether a minister remains in office, acting as the ultimate judge of expected standards and the consequences of any breach. - The Independent Adviser may require that any advice provided to the Prime Minister on the investigation’s outcome be published in a timely manner. - If a minister cannot avoid a conflict of interest, it may be necessary for them to step down from their post.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political Finance, Lobbying: Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 https://www.legislation.gov.uk/ukpga/2014/4/notes/division/2 https://www.legislation.gov.uk/ukpga/2014/4/introduction	• The Act amended PPERA to reduce how much third parties can donate to support a party or candidate. • It lowered registration thresholds, tightened spending limits and redefined when third-party spending counts toward party limits. • Third parties must now publish detailed records on spending, donations, accounts, and board members. • A third party must register with the Electoral Commission if it plans to spend: £20,000+ in England or £10,000+ in Scotland, Wales, or Northern Ireland. • An additional constituency-level threshold applies: £9,750 (0.05% of the national limit). • A recognised third party may spend up to 2% of the national limit in England, and 2% + £20,000 in each devolved nation. • If spending targets a registered party, it must be counted toward that party’s national limit. • Reportable donations trigger quarterly reporting within 30 days during the regulated period. • During general elections, reporting is more frequent and must include: Donations over £7,500, Cumulative donations exceeding £7,500 from a single source, Further donations over £1,500 from that source. • A statement of accounts must be submitted for the regulated period. • • Lobbying • The Act created a statutory register of consultant lobbyists, overseen by a Registrar. • Consultant lobbyists must register, name their clients and update quarterly. • Lobbying is prohibited unless the individual or their employer is on the register. • Only VAT-registered entities must register; smaller businesses are exempt. • Exemptions also apply if lobbying is not the main business, if the entity represents a group, or is a foreign government or international body. • “Payment” is defined broadly but excludes MPs’ salaries and allowances under parliamentary rules.	• The Electoral Commission remains the oversight and enforcement body, responsible for registering third parties and ensuring compliance with the Act. • It must monitor and take all reasonable steps to secure adherence to the restrictions and requirements set out in the legislation. • Registrar of Consultant Lobbyists • The Act establishes a Registrar of Consultant Lobbyists, who must maintain a publicly accessible register containing specified information. • The Registrar is an independent officeholder, appointed by the Secretary of State. Anyone who has been a minister, permanent secretary, or consultant lobbyist in the past five years is ineligible. • Each registered consultant lobbyist must declare whether they adhere to a publicly available code of conduct. • Registered lobbyists must update their entry quarterly and notify the Registrar of any changes within two weeks of the end of the relevant quarter. • The register is publicly available online. • The Registrar may issue an information notice to obtain compliance-related information from a consultant lobbyist – or someone reasonably believed to be one.	• A third party that exceeds spending thresholds without registering commits an offence, including where over £9,750 is spent in a single constituency without authorisation or in breach of limits. • The responsible person of a recognised third party commits an offence if they fail to submit a required report, omit the declaration or submit a noncompliant or knowingly false report. • The Electoral Commission may apply to the court for forfeiture of a donation received in breach of the rules. • The Act created a statutory register of consultant lobbyists, overseen by a Registrar; lobbying without registration is a criminal offence and may also incur a civil penalty. Lobbying • It is an offence to act as a consultant lobbyist without an accurate, up-to-date register entry, or to fail to submit required information or provide inaccurate or incomplete returns. • Offences may be tried in the Magistrates’ Court or the Crown Court, with penalties including: on summary conviction, a fine up to £5,000 (or unlimited once the Legal Aid Act is in force); on indictment, an unlimited fine; in Scotland or Northern Ireland (summary conviction), a fine up to the statutory maximum; in England and Wales, a fine on either basis. • The Registrar may impose a civil penalty instead of prosecution; the due diligence defence does not apply, and penalties must include breach details and not exceed £7,500. • The Registrar cannot impose a civil penalty if the person is already subject to criminal proceedings or has been convicted of the same offence, and no criminal conviction may follow where a civil penalty has already been imposed. • The Act ensures civil penalties are enforceable if unpaid.
Political Finance, Lobbying, Revolving Door: Nolan Principles Published 31 May 1995 https://www.gov.uk/government/publications/ministerial-code/ministerial-code https://publications.parliament.uk/pa/cm/cm5803/cm-code/1083/1083-1.pdf https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/hl-code-of-conduct.pdf https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2	• All Members of Parliament (through the HoC and HoL Codes of Conduct), public officials and Ministers (through the Ministerial Code) are expected to adhere to the Seven Principles of Public Life (also known as the ‘Nolan Principles’), which are set out by the Committee on Standards in Public Life, and apply to all public office holders: ➢ Selflessness: they should act solely in the public interest. ➢ Integrity: they must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships. ➢ Objectivity: they must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. ➢ Accountability: they are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this. ➢ Openness: they should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so. ➢ Honesty: they should be truthful. ➢ Leadership: they should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.	• The standards are upheld by the relevant enforcement authority for each institution, as detailed above.	• Sanctions for breaches are enforced by the relevant enforcement authority for each institution, as detailed above.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political Finance: Policy Development Grants Scheme <i>Legislated for in PPERA 2010</i> <i>Elections (Policy Development Grants Scheme) Order 2025</i> https://www.electoralcommission.org.uk/political-registration-and-regulation/financial-reporting/donations-and-loans/public-funding-political-parties https://www.legislation.gov.uk/uksi/2025/159/contents/made https://www.legislation.gov.uk/uksi/2025/159/pdfs/uk-siem_20250159_en_001.pdf https://www.legislation.gov.uk/ukpga/2000/41/section/12	• The Policy Development Grants Scheme is £2 million of funding from the UK Parliament which is distributed by the Electoral Commission to political parties with at least two sitting members of the House of Commons who have taken the oath of allegiance. • The grant gives political parties funding to develop policies to include in their election manifestos. • The Scheme (and the Commission’s duties and powers) are outlined in PPERA, Section 12.	• The Scheme is distributed by the Electoral Commission. • At the end of the year, each party must submit an independent audit report confirming that the funds were spent on policy development.	• Once the report is submitted, then the Commission will either pay the party the full amount of the grant or they will recover the grant they paid in advance if the party did not spend it on policy development activities. • If they recover any grants, it goes back to the government’s consolidated fund.
Political Finance, Lobbying, Revolving Door: House of Commons Code of Conduct https://www.parliament.uk/business/publications/commons/hoc-code-of-conduct/ https://committees.parliament.uk/committee/290/committee-on-standards/role/ https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/ https://committees.parliament.uk/publications/45177/documents/224139/default/	Registration of interests • Members must meet the Register of Members’ Financial Interests requirements by registering all current financial interests and any registrable benefits (excluding earnings) received within 12 months before their election, within one month of election, and report any changes within 28 days. • Financial interests include material benefits and payments in kind, which must be placed in the Register and made publicly available on a continuing basis. • Categories and thresholds (per calendar year) include: Employment and earnings (£300+); Donations/support (£1,500+ as a single payment or multiple £500+ donations from the same source); UK gifts/benefits/hospitality (£300+); Overseas visits (£300+ if not fully self/publicly funded); Gifts/benefits from abroad (£300+); Land/property (£100,000+ value or £10,000+ income); Shareholdings (15%+ of issued capital or £70,000+); Miscellaneous (no threshold); Family employed via parliamentary expenses (£700+); Family engaged in lobbying (no threshold). • Accepting a bribe to influence conduct – including payment in connection with promoting or opposing business before the House or its Committees – is unlawful under parliamentary law. Declaration of interests • Members must declare relevant interests in all House proceedings and communications with Ministers, Members, public officials or office holders. • Declarations must be made at the appropriate time and apply from the first sitting after election, covering almost all parliamentary duties. • Declarations must be informative but succinct and include both financial interests meeting the test of relevance and non-financial interests (registered or not) that could also meet it. • The test of relevance is whether an interest might reasonably be thought by others to influence the Member’s actions or words. • Declarations must be made, where relevant, in the Chamber, General Committees, Select Committees, Committee on Opposed Private Bills, written notices, communications with Ministers, Members, or public officials, and when booking parliamentary facilities for events. • If a Select Committee inquiry directly concerns a Member’s financial interest, they must assess whether they should participate or step aside to avoid any risk of paid advocacy or perceived bias.	• The House of Commons is responsible for applying the Code, primarily through the Committee on Standards, the Independent Expert Panel, and the Parliamentary Commissioner for Standards. • The Parliamentary Commissioner for Standards maintains and prepares the Register of Members’ Financial Interests, published electronically under the Committee on Standards’ authority; entries stay on the Register for 12 months. • The Commissioner may investigate any matter relating to a Member’s adherence to the Code or associated rules. • In Code of Conduct cases, the Commissioner may agree remedial action or refer a breach to the Committee on Standards, which decides whether a breach occurred and recommends a sanction—ultimately decided by the House. • The Commissioner is an independent officer of the House, appointed for a five-year term, and conducts independent, fair, and impartial investigations into alleged breaches of the rules. • The Commissioner’s work is overseen by the Committee on Standards, which they also advise on Code-related matters. • The Commissioner also investigates allegations under the Independent Complaints and Grievance Scheme (ICGS), which handles complaints of bullying, harassment, and sexual misconduct in the parliamentary community.	• If the Commissioner upholds an allegation that an MP has breached the Code of Conduct, there are two possible outcomes. • Option 1: The Commissioner decides the breach is at the less serious end of the spectrum and concludes the matter through the rectification process. This requires that the MP acknowledges and apologise for their breach. The MP will also explain the steps they are taking to ensure further breaches do not happen. • Option 2: The Commissioner will refer the matter to the Committee on Standards once he has finished his inquiry, sending a Memorandum setting out the facts of the investigation. The Committee then reach their own conclusion on whether a breach has occurred, and if so, they may recommend a sanction is imposed on the MP. Sanctions are ultimately decided by the House. • Graduated sanctions can be recommended, including but not limited to: ➤ Informal resolution; ➤ Words of advice (informal or formal); ➤ Requirement to attend training; ➤ Requirement to update their register within 7 days; ➤ Written apologies mandated by Standards Committee; ➤ Apologies on a point of order or personal statement; ➤ Withdrawal of services/access/facilities; ➤ Loss of pass; ➤ MP not to be permitted to serve on, or dismissed from, a Select Committee; ➤ MP to make repayment of money; ➤ MP to be suspended from service of the House, without pay for 10 days or more; ➤ MP to be suspended from service of the House, without pay for 9 days or less; ➤ MP to be expelled; ➤ Salary or allowances withheld without suspension.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political Finance, Lobbying, Revolving Door: House of Lords Code of Conduct <i>Fourteenth edition: April 2025</i> https://www.parliament.uk/business/lords/whos-in-the-house-of-lords/house-of-lords-members-conduct/ https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/hl-code-of-conduct.pdf https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards/house-of-lords-commissioner-for-standards/ https://committees.parliament.uk/committee/402/conduct-committee/news/200674/review-of-the-code-of-conduct-for-members/ https://publications.parliament.uk/pa/ld5901/ldselect/ldcond/66/66.pdf https://lordslibrary.parliament.uk/review-of-the-house-of-lords-code-of-conduct-recommendations/	Lobbying - Members must follow lobbying rules set out in the Code of Conduct; former Members are bound by restrictions for 6 months and may not use their parliamentary pass for lobbying. Paid advocacy is strictly prohibited – Members cannot speak, vote, initiate proceedings, or approach others in return for payment in cash or kind. - Members must not initiate or take part in any proceeding or approach that would confer a financial or material benefit on a person or organisation (or their registrable client) from whom they or a family member have received, are receiving or expect to receive reward or consideration. - Members must not enter contractual arrangements that compromise their independence or allow any body to control or penalise them based on parliamentary conduct. - If in doubt, Members should seek advice from the Registrar of Members’ Financial Interests; following this advice activates the ‘safe harbour’ protection. - Lobbying restrictions apply for 12 months after any reward or consideration is received. - Members may not initiate or take part in proceedings that benefit a foreign government, NGO, or agency that provided hospitality or funded a visit in the previous 12 months. - Members must not provide or agree to provide paid parliamentary advice or act as a paid strategist, adviser, or consultant. - Members taking paid employment with an outside body must obtain a written contract specifying that duties will not include lobbying or paid parliamentary advice, and that the employer may not request such activities Declaration of financial interests - There are two methods for disclosing relevant interests: (1) Registration in a public register, and (2) Declaration during debates or interactions (e.g., with ministers). Members must register all relevant interests with the Registrar of Lords’ Interests within one month of taking their seat or returning from leave. - A relevant interest is one that might reasonably be seen to influence a member’s parliamentary duties. This includes both financial and non-financial interests. - Members must keep entries up to date and notify changes within one month. Failure to do so breaches the Code of Conduct. Registrable categories include: remunerated employment, shareholdings, land/property, sponsorship, overseas visits, gifts/benefits/hospitality and relevant non-financial interests. - Interests or cumulative benefits over £500 (or £300 for gifts/hospitality) must be registered. - Interests below these thresholds must be registered if they fall into certain mandatory categories, or could reasonably be seen to influence duties. - In March 2025, the Lords Conduct Committee approved a new version of the Code, the Fourteenth edition, which has been brought into force from April 2025 onwards. This new edition of the Code removed the requirement to register and declare non-financial interests. - One major change: removal of the requirement to register and declare non-financial interests.	- The Committee on Standards: Oversees the Commissioner’s work Examines how the Commissioner compiles, maintains and grants access to the Register of Members’ Financial Interests and other registers Reviews the content and format of these registers. Considers complaints referred by the Commissioner relating to the registering or declaring of interests Considers conduct issues, including specific complaints about Code breaches referred by the Commissioner Recommends modifications to the Code of Conduct as needed - A Member who seeks and follows advice from the Registrar of Members’ Financial Interests (or, for stationery rules, the Clerk of the Journals) and provides enough information to make the advice relevant will not be considered in breach of the rules for that action. - In the Lords, the Commissioner for Standards is the decision-maker in individual Code of Conduct cases with the Conduct Committee acting in an appellate role. - Commissioners for Standards are appointed to investigate alleged breaches of the Code, or of the rules governing members’ financial support or use of parliamentary facilities. - Commissioners decide on alleged breaches independently of one another. - Any investigation is conducted in accordance with procedures set out in the Guide to the Code of Conduct and during the investigation the member must adhere to any restrictions on their access to the facilities and services of the House which the Commissioner may impose. - The Commissioner may also inform the complainant and the relevant senior managers of any such restrictions. - If the Registrar becomes aware of a failure by a member to register their interests, he/she may write to the member to ask them to comply with the requirements of the Code. In the absence of such compliance, he/she may refer the matter to the Commissioner for Standards. It is also a breach of the Code not to respond to the annual audit notice within six weeks of its original sending. - The Conduct Committee, having considered any appeal, and having agreed any appropriate sanction, reports its conclusions to the House. For the most serious sanctions, the final decision rests with the House.	Any suspension of 10 days or more triggers the Recall of MPs Act which provides that if 10% of an MP’s constituents sign a petition opened in their constituency, a by-election shall be held. It is open to the MP concerned to stand in any by-election triggered by a recall petition. - An MP may appeal on certain grounds to the Independent Expert Panel (the Panel) against a decision by the Committee that they have breached the Code of Conduct and/or on the appropriate sanction to be imposed for that breach. A sub-Panel will consider the appeal, and can dismiss it, or uphold it in full or in part, and their decisions are usually published in a report to the House. - If the Commissioner for Standards finds a breach of the Code (except for minor cases), a report with recommended sanctions is submitted to the Conduct Committee. - The member has a right of appeal to the Conduct Committee, which then reports to the House, where final decisions on serious sanctions are made. - If no breach is found, or remedial action is agreed, the outcome is usually published only on the Commissioner’s webpages. - Where remedial action includes training, the Commissioner may impose temporary restrictions on the member’s access to facilities until training is completed and may inform senior managers. - The Commissioner may still refer remedial cases to the Conduct Committee at their discretion. Sanctions range from loss of access or allowances to suspension or expulsion for serious breaches. New changes to the Code (April 2025 edition) introduce two enforcement routes: A minor cases procedure for general breaches, where resolved cases are not published; A separate process for bullying, harassment, and sexual misconduct. The Commissioner may escalate cases if they no longer qualify as minor.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
	Declaration of interests • Members must declare relevant interests when speaking in the House or communicating with ministers or officials. • Declarations are compulsory, including relevant clients of the member or of an organisation in which they hold a financial interest. • If a duty of confidentiality prevents declaring a client, the member must not participate in related proceedings. • Members may take part in proceedings despite relevant interests, but must declare them fully and prioritise the public interest. Lobbying • Members must avoid giving the impression that paid lobbyists have undue influence. • They must follow the exclusive benefit rule and not provide parliamentary services in exchange for payment. • All but minor hospitality or gifts from lobbyists should be declined. • The new version of the Code highlights the general principle that members should “conduct themselves in a manner that maintains and strengthens public trust and confidence in the integrity of the House of Lords.” The report on the reviews to the Code clarifies that “this is not an enforceable rule of conduct, but an expectation the House sets for its members.” The Exclusive benefit rule • Members must not use parliamentary means to confer an exclusive benefit on any person or body in which they hold a financial interest. • The definition of “exclusive benefit” is to be interpreted narrowly. Parliamentary advice and services • Members must not accept payment or rewards for providing parliamentary advice or services. • They may not act as paid parliamentary consultants or accept payment for actions related to their House duties – even if registered or declared. • Exceptions apply if: (a) No payment is received for parliamentary work, and b) Any payment is for non-parliamentary expertise, not due to House membership. Foreign governments and organisations • In dealings with foreign governments or related entities, members must uphold parliamentary integrity and act in line with the Seven Nolan Principles.		

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying, Revolving Door: Business Appointments Rules <i>Published 2 May 2012, updated 27 June 2024</i> https://questions-statements.parliament.uk/written-statements/detail/2025-07-21/hcws870	- All Ministers and Crown servants (civil servants, special advisers, armed forces, diplomats) are subject to Business Appointment Rules for 1 or 2 years after leaving office, depending on seniority. Rules for Civil Servants - Civil servants must not misuse their position for private gain, be influenced by improper pressure, or act in a biased way; they must decide solely on merit. - The Rules apply to all civil servants, with Permanent Secretaries (incl. Second Permanent Secretaries) subject to a minimum 3-month wait before taking outside employment. - The Advisory Committee may recommend a longer waiting period (up to 2 years) or advise that a role is unsuitable. - A general 2-year ban applies on lobbying Government by former Permanent Secretaries and SCS3s (or equivalents, including senior special advisers). This can be modified or shortened by the Committee. Lobbying includes any communication with Government (Ministers, advisers, officials) aimed at influencing decisions, policies or contract/grant outcomes for personal or employer benefit. - This does not prohibit social or unrelated party-political contact. - The Committee may permit contact with Government on issues that are part of an organisation’s normal business, even during the lobbying ban. For Ministers - Ministers face a 2-year ban on lobbying after leaving office and must seek Advisory Committee approval for any roles taken within that period. The same definition of lobbying applies as for civil servants.	ACOPA (The Advisory Committee on Business Appointments) considers applications under the government for former ministers and the most senior Crown servants. Applicants at all other grades are dealt with by the relevant government departments. - ACOPA publishes its independent advice to departments and ministers when appointments are taken up. - Departments publish their decisions and any restrictions imposed on business appointment rules applications from senior civil servants and special advisers in quarterly transparency publications. - Before accepting any new appointment or employment, whether in the UK or overseas, which they intend to take up after they have left the Civil Service, individuals must consider whether an application under the Rules is required. If it is required, they should not accept or announce a new appointment or offer of employment before it has been approved. - Applications may be approved unconditionally, or approved subject to conditions applying for a maximum of two years from the individual’s last day of paid service. Such conditions may include a waiting period and/or a prohibition on the individual being involved in lobbying Government on behalf of their new employer. - In July 2025, the UK government announced the closure of ACOPA, transferring its functions to the Civil Service Commission as well to the Prime Minister’s Independent Adviser on Ministerial Standards.	- The Advisory Committee may advise that they see no reason why an appointment or employment should not be taken up forthwith without any condition. - However, if it considers that public concern could be of such a degree or character, it may recommend a delay in taking up the appointment or that for a specified period the former Minister should stand aside from involvement in certain activities. - Any conditions advised may apply for a maximum of two years after the former Minister leaves office. - Exceptionally, the Committee may advise that they view a particular appointment or employment to be unsuitable. It is for the Prime Minister (or relevant Permanent Secretary in the case of special advisers) to take the final decision on the application based on the advice received from the Advisory Committee.
Lobbying, Revolving Door: Civil Service Code, updated 16 March 2015 <i>The statutory basis for the management of the Civil Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010.</i> https://www.legislation.gov.uk/ukpga/2010/25/contents	Civil servants are prohibited from: ➤ Misusing their official position, such as using information gained through their duties to benefit themselves or others; ➤ Accepting gifts, hospitality, or other benefits that could reasonably be seen to compromise their judgement or integrity; ➤ Disclosing official information without proper authority; ➤ Being influenced by improper pressure or the prospect of personal gain; ➤ Acting in a way that unjustifiably favours or discriminates against particular individuals or interests.	- Civil servants that are in breach are dealt with through their individual departments or agencies, and must discuss it with their line management chain first or their nominated officers who advise on the code. - They can also report the matter to the Civil Service Commission. - One of the Civil Service Commission’s main functions is to investigate complaints under the Civil Service Code brought to it by any current civil servant once that complaint has been investigated in the relevant department. - They are expected to report evidence of criminal or unlawful activity to the police or other appropriate regulatory authorities.	- The Civil Service Commission is the final arbiter on whether a breach of the Civil Service Code has occurred, but it has no formal powers to impose sanctions – it cannot dismiss staff or impose financial penalties. - Instead, the Commission publishes its findings and makes recommendations to departments on how to prevent future breaches. Sanctions are the responsibility of individual departments, which handle disciplinary action internally. - The Prime Minister is the ultimate decision-maker, as the Minister for the Civil Service, a role that carries statutory authority over civil service management.
Lobbying: Committee on Standards in Public Life <i>Established 1994</i> https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life/about	- The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across public life in England but does not investigate individual cases. - It cannot examine devolved matters without consent. - The Committee reviews conduct in public office, including financial, commercial, and service delivery standards, and makes recommendations for reform. - Its remit extends to publicly funded private or voluntary sector work and political party funding.	The Committee advises the Prime Minister on arrangements for upholding ethical standards across public life. The Committee is not a regulator and has no remit to investigate individual cases.	The Committee does not investigate or sanction individual cases, but provides advice on general standards of conduct.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: Media Act 2024 https://www.legislation.gov.uk/ukpga/2024/15/contents https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/media-bill/media-bill-roadmap/?v=331005 https://www.ofcom.org.uk/tv-radio-and-on-demand/public-service-broadcasting/what-is-the-media-bill-and-what-does-it-mean-for-ofcom/	• The Act revises the regulatory framework for public service broadcasters (PSBs), updating their public service remit to include a range of audio-visual services and enabling delivery via digital platforms. PSBs are now required to publish annual statements of programme policy explaining how they will fulfil their remit and online services and television platforms must prominently display public service content. • Ofcom now has new regulatory powers to draft and enforce a Video-on-Demand (VOD) Code, and the Act contains provisions to update the regulatory framework for commercial radio. • The Act also repeals section 40 of the Crime and Courts Act 2013, which would have made non-member publishers of an approved regulator liable for court costs regardless of the outcome. • The Act makes amendments to primary broadcasting legislation to address retained EU law failures and other deficiencies following the UK’s withdrawal from the EU.	• Ofcom is tasked with reviewing and reporting on how well PSBs have fulfilled the public service remit for television in the UK, and must issue Codes of Practice with recommendations for compliance. It has the power to resolve disputes where certain conditions are met. • Ofcom is still developing codes, guidance, and enforcement mechanisms for various parts of the Act, with consultations in 2025 to determine how regulated platforms can meet their duties and how Ofcom will oversee compliance. Ofcom has started consultations on PSB quotas, local radio news, Channel 4 duties and listed events. • Further updates and consultations are expected throughout 2025 and 2026, including on enforcement and dispute resolution procedures. Ofcom has set out how PSB’s internet services should be designated, the guidance for PSBs Codes of Practice and how PSBs can deliver their remits.	• As this is new regulation, Ofcom is still in the process of developing codes and guidance for the various parts, as well as details and consultations on the potential enforcement mechanisms. Ofcom’s existing regulatory powers, as outlined below in the Communications Act, still stand.
Media, Political Finance: Communications Act 2003, amended by Media Act 2024 https://www.legislation.gov.uk/ukpga/2003/21/contents https://www.ofcom.org.uk/siteassets/resources/documents/consultations/report-to-the-secretary-of-state-on-the-media-ownership-rules-the-under-section-391-of-the-communications-act/ofcoms-report-to-the-secretary-of-state-under-section-391-of-the-communications-act-2003.pdf?v=384966 https://lordslibrary.parliament.uk/regulation-of-news-broadcasting-companies/ https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/policies/penalty-guidelines/penalty-guidelines-september-2017.pdf?v=322695	• The Act established the Office for Communications (Ofcom), replacing the Telecommunications Act 1984, and merged the Independent Television Commission, Radio Authority, Office of Telecommunications, and Radiocommunications Agency, thereby consolidating telecommunications and broadcasting regulation. It requires PSBs and other broadcasters to meet public service obligations to retain their licences. • The National Cross-Media Ownership rules prohibit individuals with 20% or more of the national newspaper market share from holding or significantly owning a Channel 3 licence, and vice versa; the Secretary of State may amend or repeal this rule. The Media Public Interest Test empowers the Secretary of State to intervene in certain mergers involving broadcasters and/or newspaper enterprises. • The Act bans political advertising on TV and radio, while requiring broadcasters to air party political broadcasts and referendum campaign broadcasts (PEBs, PPBs, RCBs) under licence conditions set and regulated by Ofcom. Only Electoral Commission-registered organisations may receive such broadcasts, which must be aired during designated time slots: TV between 5.30pm–11.30pm and radio between 6.00am–10.00pm. • Each registered party must be offered one or more PEBs before a General Election, and for other elections as appropriate, subject to specified rules.	• Ofcom implements and enforces communications, competition, and consumer protection law. It drafts and monitors compliance with the broadcasting code for TV and radio and develops the BBC’s operating framework. • It may require individuals to provide information necessary to carry out its functions, and has a statutory duty to establish procedures for handling and resolving complaints from viewers and listeners. • While Ofcom is the regulator, it is subject to PPERA and must have regard to the views of the Electoral Commission.	• Ofcom has powers to sanction individuals or organisations who act unlawfully or breach regulatory requirements. • Sanctions may include a direction to broadcast a correction or statement of findings, a financial penalty, shortening or suspending a licence (depending on licence type), or revoking a licence – though revocation does not apply to the BBC, Channel 4, or S4C. • Penalties also apply for non-compliance with Ofcom’s information notices, with fines determined by Ofcom to be appropriate and proportionate, up to a maximum of £250,000. • The Secretary of State may issue an intervention notice identifying a media public interest concern, triggering an Ofcom review of whether a merger could harm the public interest.
Media: Royal Charter (BBC) and The Agreement <i>The current Charter began on 1 January 2017 and ends on 31 December 2027.</i> https://www.bbc.com/aboutthebbc/governance/charter https://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/2016/charter.pdf	• The BBC Charter sets out the organisation’s object, mission, public purposes, governance, and regulatory arrangements and operates on a ten-year cycle. • The Agreement between the Secretary of State and the BBC complements the Charter, detailing areas such as funding and regulatory duties. • Both documents affirm the BBC’s editorial independence and outline its public obligations. • The BBC’s mission is “to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain.”	• The BBC must publish, as soon as possible, Board meeting minutes, key decisions (with reasons and supporting evidence) on changes to its creative remit, workplace, or other activities and other information necessary to maintain transparency and openness. • The BBC Board is responsible for ensuring the organisation fulfils its Mission and promotes its Public Purposes, while Ofcom regulates the BBC and enforces compliance with these obligations.	• If Ofcom finds the BBC has failed to comply with a specified requirement, it may direct the BBC – or accept undertakings from it – to take steps to remedy the failure and ensure future compliance. • Ofcom may also issue a notice requiring the BBC to pay a financial penalty within a specified period. The amount must not exceed the maximum set out in section 198(5) of the Communications Act 2003.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: Royal Charter on self-regulation of the press, 30 October 2013 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean_Final_.pdf https://researchbriefings.files.parliament.uk/documents/CBP-7576/CBP-7576.pdf	• The Charter incorporated key recommendations from the Leveson Report, enabling the creation of one or more independent self-regulatory bodies for the press, overseen by the Press Recognition Panel (established in November 2014). • Publishers joining a recognised regulator would have benefited from more favourable legal treatment under Section 40 – though this provision was never enacted and was repealed by the Media Act 2024.	• The Charter established the Press Recognition Panel (PRP) to assess applications for recognition from Regulators, review their continued eligibility, withdraw recognition if warranted and report on the effectiveness of the recognition system. • The PRP grants recognition if a Regulator meets the Charter and Leveson Report criteria, with reviews required after two years initially, and every three years thereafter.	• The Press Recognition Panel (PRP) may withdraw recognition from a Regulator either at the Regulator’s request or if the PRP Board determines the Regulator no longer meets the recognition criteria. In either case, the PRP must provide three months’ written notice of its intention to withdraw recognition to do so.
Media: Freedom of Information Act 2000 https://www.legislation.gov.uk/ukpga/2000/36/contents https://ico.org.uk/for-organisations/foi/what-is-the-foi-act-and-are-we-covered/ https://www.met.police.uk/foi-ai/af/accessing-information/what-is-the-freedom-of-information-act/ https://ico.org.uk/for-organisations/foi/foi-complaints-and-ico-enforcement-powers/#:~:text=You%20may%20be%20breaching%20the,to%20prevent%20it%20being%20released	• The Freedom of Information Act makes provision for the disclosure of information held by public authorities or by persons providing services for them. It creates new rights of access to information. The Act provides individuals with a right to access to recorded information held by public authorities as well as outlining exemptions to these disclosures and mechanisms for enforcement. • Disclosure of information is the default. An applicant does not need to give a reason for the request, but the authority must justify the refusal of information. All requests must be treated equally, regardless of the identity of the requester. • The Act covers all recorded information held by a public authority, including emails, drafts, notes, recordings of conversations, and CCTV. It also covers information received by the authority.	• The public authority receiving a request is responsible for responding within 20 working days (or 20 school days/60 working days for schools, whichever is shorter), starting from the first working day after receipt. • Authorities may refuse requests exceeding £600 (central government/armed forces) or £450 (other bodies) in cost, or charge extra. Requests may also be refused if they are too costly, staff-intensive, vexatious, or repeated. • Exemptions apply for information that would harm government policy, prejudice criminal investigations or commercial interests, or conflict with UK GDPR or the DPA. Security service information is absolutely exempt. • Though not required, providing an internal complaints process is considered good practice. If an authority fails to respond properly, the ICO investigates complaints and may issue a decision notice if informal resolution fails.	• If the ICO finds a breach of the Act, it will issue a decision notice outlining what the authority must do to correct it. The ICO can enforce compliance if an authority fails to adopt a publication scheme or publish required information, even without a complaint. • Deliberately destroying, hiding, or altering requested information to avoid disclosure is a criminal offence, punishable by a fine. Other breaches are unlawful but not criminal. • The ICO cannot issue fines for general non-compliance with the Act, nor can it require compensation to be paid. • While there are no direct financial or custodial penalties for failing to provide or publish information, authorities could be held in contempt of court for ignoring ICO notices, potentially resulting in a fine or imprisonment for a senior officer – though this is rare.
Media: Defamation Act 2013 <i>This act amended English and Welsh law of defamation. The civil law on defamation previously was developed through common law, and the most recent Defamation Acts before this were in 1996 and 1952.</i> https://www.legislation.gov.uk/ukpga/2013/26/contents https://www.legislation.gov.uk/ukpga/2013/26/notes/division/5 https://www.gov.uk/government/news/defamation-act-reforms-libel-law https://www.pinsentmasons.com/out-law/guides/defamation-guide	• The law applies to all individuals and organisations, stating that a statement is only defamatory if it causes or is likely to cause serious harm to the claimant’s reputation. For profit-making bodies, harm must involve serious financial loss. • It replaced the common law defence of justification with a statutory defence of truth, available if the defendant shows the statement is substantially true. • It introduced new defences of honest opinion, publication on a matter of public interest and for website operators when defamatory content is posted by third parties. • The law also amended the rules on absolute and qualified privilege, and outlawed “libel tourism”.	• Defamation cases are brought to the High Court. The Act also removes the presumption in favour of jury trial for defamation cases. Defamation cases are tried without a jury unless the court orders otherwise.	• Damages are awarded to compensate for reputational harm, vindicate the claimant’s reputation, and reflect the distress caused by the defamatory statement. • Exemplary damages may be granted if the publisher knew or acted recklessly in publishing the defamatory content. • If successful, the claimant may also obtain an injunction to prevent further publication and a court order requiring the defendant to publish a summary of the judgment. • Typically, claimants also seek an apology, retraction, and corrective statement.
Media: Online Safety Act 2023 https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer https://www.legislation.gov.uk/ukpga/2023/50/contents	• The Act places new duties on social media companies and search services to enhance user safety, requiring them to implement systems to reduce the risk of illegal activity and remove illegal content when it appears. • It establishes a duty of care, obliging platforms to act against illegal content and material harmful to children, while also requiring them to preserve access to journalistic and democratically important content, such as political commentary. • The Act applies to search services and user-interactive platforms, including those based outside the UK if they operate in or target UK users.	• Ofcom is responsible for ensuring platforms comply with user protection duties. As these duties come into force, platforms must demonstrate appropriate processes to meet the Act’s requirements. • Ofcom must develop guidance and codes of practice, subject to public consultation and Parliamentary review, outlining how platforms can fulfil their obligations. • Duties relating to illegal content are already in effect and Ofcom can enforce them.	• Ofcom has powers to act against companies that breach their duties, including issuing fines of up to £18 million or 10% of global revenue, whichever is higher. • Criminal liability may apply to senior managers who fail to comply with Ofcom’s information requests or enforcement notices, particularly in relation to child safety duties or child sexual abuse and exploitation. • Ofcom can block access to user-to-user services or search engines and require payment providers, advertisers, and ISPs to cut ties with non-compliant sites.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
		• Duties on content harmful to children began partially in January 2025, with full implementation and mandatory risk assessments required from Spring and Summer 2025. In April 2025, Ofcom published their guidance on children’s protection. The Code of Practice came into force in July 2025. • Guidance on other duties for categorised services will be issued by summer 2025 and early 2026. In July 2025, Ofcom published its final guidance on transparency reporting for categorised services. It is expected to issue final notices in November 2025 and for the fee regime to come into force in December 2025.	• Criminal offences for individuals under the Act came into effect on 31 January 2024.
Media: UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (supersedes the Data Protection Act 1998) <i>The Act supersedes the Data Protection Act of 1998, and accounts for the internet/digital technologies.</i> <i>This was first the EU GDPR, but after the UK left the EU, the GDPR was converted into UK law (with some amendments) under the European Union (Withdrawal) Act 20</i> https://www.gov.uk/data-protection	• All UK organisations, including government bodies and companies offering goods or services in the UK, must comply with UK GDPR. • Data subjects are granted rights including: to be informed, access, rectification, erasure, restriction of processing, data portability, objection, and rights related to automated decision-making and profiling. • The UK GDPR and the Data Protection Act 2018 define six data processing principles: data must be (1) processed lawfully, fairly, and transparently; (2) used only for its original purpose; (3) minimised; (4) accurate; (5) not retained longer than necessary; and (6) kept secure and confidential. • UK GDPR does not apply to certain activities, such as law enforcement, national security, or purely personal use, which are governed by the DPA. • The Data Protection Act 2018 outlines how personal data must be handled and gives individuals the right to access or erase their data in some cases. • Article 85(1) UK GDPR balances data protection with freedom of expression, particularly for journalistic, academic, artistic, or literary purposes. The data controller must reasonably believe publication is in the public interest and consider editorial codes, such as the BBC Editorial Guidelines, Ofcom’s Broadcasting Code, and IPSO’s Editors’ Code.	• The Information Commissioner’s Office (ICO) regulates data protection in the UK and provides rules and guidance for managing data privacy and related risks including security breaches. • The ICO’s role includes monitoring compliance with DPA and GDPR; monitoring breach reports; conducting audits; offering advice and guidance; handling concerns, complaints and inquiries; and enforcing data privacy regulation with legal action, where appropriate. • When a personal data breach has occurred, organisations need to establish the likelihood of the risk to people’s rights and freedoms. If a risk is likely, they must notify the ICO; if a risk is unlikely, they don’t have to report it. However, if they decide they don’t need to report the breach, they need to be able to justify this decision. • The ICO can issue information and assessment notices, if necessary. They can ask a court to order a person to comply.	• The ICO can issue enforcement notices requiring individuals or organisations to take – or refrain from taking – specific steps to remedy failures to comply with the UK GDPR or DPA. • Data breaches must be reported within 72 hours to the Supervisory Authority, and to affected individuals in severe cases. • Fines for non-compliance can reach £17.5 million or 4% of annual global turnover, whichever is higher. • Failure to notify the ICO of a breach when required can result in fines of up to £8.7 million or 2% of global turnover. • Failure to comply with an information notice may lead to proceedings for contempt of court. • Individuals have the right to compensation from data controllers or processors for damage suffered due to infringements of the GDPR or DPA. • It is a criminal offence to deliberately or recklessly obtain, disclose, procure, share, or retain personal data without the data controller’s consent, including selling or offering to sell unlawfully obtained data.
Media: IPSO Code, latest version 1 January 2025 https://researchbriefings.files.parliament.uk/documents/CBP-7576/CBP-7576.pdf https://www.ipso.co.uk/editors-code-of-practice/	• Most newspapers and magazine publishers are regulated by IPSO. Organisations that are a part of IPSO must comply with its Editors’ Code of Practice. • This code covers accuracy, privacy, harassment, intrusion into grief or shock, reporting suicide, children, reporting of crime, and other issues.	• The public can complain to IPSO about the titles it regulates. IPSO also uses data from complaints, monitoring of the media landscape, and engagement with relevant groups to track patterns and provide targeted interventions to raise press standards. • IPSO was reviewed by the PRP, which stated that “it is not a fully operating regulator of the UK press”.	• IPSO may resolve a complaint through: (1) the publication of a correction, apology, follow-up piece or letter from the complainant; (2) a private letter of apology from the editor; (3) an undertaking as to future conduct by the newspaper; (4) the annotation of the publication’s records to ensure that an error is not repeated.
Media: Public Interest Disclosure Act 1998 https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2 https://www.legislation.gov.uk/ukpga/1998/23/contents https://www.legislation.gov.uk/uksi/1999/1549/sched-ule/made	• The Public Interest Disclosure Act protects workers from detriment or victimisation by their employer when they blow the whistle on wrongdoing in the public interest. • Whistleblowing rights apply from day one of employment. • Workers have the right not to suffer any detriment due to making a protected disclosure, whether through an act or a deliberate failure to act by the employer. • A protected disclosure is defined as a qualifying disclosure made by a worker. • The Act applies regardless of whether the wrongdoing occurs in the UK or abroad, or under UK or foreign law. • A non-disclosure agreement cannot override the right to make a protected disclosure.	• A worker presents a complaint to an employment tribunal that they have been subjected to a detriment in contravention of the Act. • The operations of employment tribunals are set out in the Employment Rights Act 1996. Workers have 3 months minus 1 day from the date of the unfair dismissal or detriment to make a claim to an employment tribunal.	• Employment tribunals can award compensation and may also order reinstatement or re-engagement if a claim is upheld. • The burden of proof is reversed: dismissal following a protected disclosure is treated as automatically unfair. • Employees can apply for interim relief if claiming unfair dismissal due to whistleblowing. The application must be made within 7 days of the termination date.



CHAPTER 5.

France

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Introduction

France is generally recognised for its strong democratic institutions and competitive electoral system. Its market economy is the second largest in the Eurozone, benefiting from extensive regulations designed to ensure fair competition. France's public administration, supported by a professional civil service and meritocratic recruitment practices, further enhances its governance. The judiciary, with respected institutions like the *Cour de Cassation* and the *Conseil d'État*, is a cornerstone of France's commitment to the rule of law.

Despite these strengths, corruption has been a recurring issue in the country. In 2023, France received a score of 71 out of 100 in the Corruption Perceptions Index, placing it 20th among 180 countries.³⁶⁴ While according to Transparency International, the country remains among the better-performing nations, this rating has shown little variation over the past ten years, indicating limited measurable progress. Other indices, such as those from the V-Dem Institute, corroborate this assessment, suggesting **limited progress in key anti-corruption efforts in recent years.**

These broad features persist despite France's ambitious anti-corruption framework. The National Multi-Year Plan to Fight Corruption (2020-2022) has outlined key priorities such as the need to improve data analysis to detect and understand corruption, raising awareness among public employees and expanding international outreach.³⁶⁵ The OECD's Anti-Corruption and Integrity Outlook for 2024 acknowledges that France's institutional framework remains robust, with institutions like the French Anti-Corruption Agency (AFA) playing a central role in overseeing anti-corruption measures. Other institutions, including the High Authority for Transparency in Public Life (HATVP), the Commission for Access to Administrative Documents (CADA) and Etalab, work in tandem to promote transparency and public integrity. The National Commission for Campaign Accounts and Political Financing (CNCCFP) ensures independent oversight of political finance, while the Inter-ministerial Committee for Internal Control and Internal Audit (CICIA) works to harmonise audit procedures across the public administration. The Inter-ministerial Anti-Fraud Coordination Mission leads the fight against fraud in public financial

³⁶⁴ Transparency International, 2024, 'Indice de Perception de la Corruption 2023 de Transparency International : la France stagne encore, la faute au manque d'exemplarité du pouvoir exécutif et au manque d'indépendance de l'autorité judiciaire' ('Transparency International's 2023 Corruption Perceptions Index: France still stagnates, due to the lack of exemplary executive power and the lack of independence of the judicial authority'), 30 January 2024

³⁶⁵ Agence Française Anti-Corruption, 2020, *National Multi-Year Plan to Fight Corruption 2020-2022*

management.³⁶⁶ Media freedom plays a crucial role in exposing corruption, with investigative journalism outlets like *Mediapart* and *Le Canard Enchaîné* regularly reporting misconduct.³⁶⁷ Civil society organisations, including Transparency International France and Anticor, also contribute significantly to anti-corruption advocacy.

The legal, institutional and political mechanisms are thus in place – yet their impact is often stalled by limited enforcement, lack of coordination, occasional lapses in political will and the persistence of a culture of “self-regulation” among political and economic elites.³⁶⁸ Scandals involving prominent political figures have periodically eroded confidence in the country’s commitment to accountability and ethical governance.³⁶⁹ The **practice of *pantouflage***, where senior public officials transition into roles within the private sector that may overlap with their former public responsibilities, has raised concerns about potential conflicts of interest.³⁷⁰ **Sectors such as construction, real estate and strategic industries like energy and defence remain vulnerable to favouritist practices.** In addition, structural factors, including **regional disparities and socio-economic vulnerabilities, have exacerbated corruption risks**, especially at the local level where public procurement and administrative processes are frequently subject to irregularities.³⁷¹ **Low-intensity corruption**, often involving minor infractions by local officials, reflects deeper systemic weaknesses.³⁷² On the civil society front, **the work of NGOs, in particular, has been impeded sometimes** by resource constraints and bureaucratic challenges, as recently seen in controversies over the accreditation of anti-corruption associations.³⁷³ While not at risk per se, **media freedom has been the subject of growing concerns** in recent years due to concentrated media ownership and legal actions against journalists.³⁷⁴

³⁶⁶ OECD, 2024, *Anti-Corruption and Integrity Outlook 2024 – Country Notes: France*, 26 March 2024

³⁶⁷ Kaciaf, N., and Le Derff, P., 2018, ‘Du devenir des enquêtes de Mediapart et du Canard enchaîné Contribution à l’analyse de la « carrière médiatique » des révélations journalistiques’ (‘On the Fate of Investigations by Mediapart and Le Canard enchaîné: A Contribution to the Analysis of the ‘Media Career’ of Journalistic Revelations’), *Les cahiers du journalisme et de l’information* 2(1), p. 119-129

³⁶⁸ Lascoumes, P., 2022, *L’économie morale des élites dirigeante (The Moral Economy of the Ruling Elites)*, Paris: Presses de Sciences Po

³⁶⁹ Lascoumes, P., 2010, *Favoritisme et corruption à la française : petits arrangements avec la probité (Favouritism and Corruption à la Française: Small Arrangements with Integrity)*, Paris: LGDJ

³⁷⁰ France, P., and Vauchez, A., 2017, *Sphère publique, intérêts privés : enquête sur un grand brouillage (Public Sphere, Private Interests: Investigation into a Major Blurring)*, Paris: Presses de Sciences Po

³⁷¹ See Morand, PH, 2022, *Où va l’argent public ? La commande publique au défi des données ouvertes, (Where does public money go? Public procurement and the challenge of open data)*, Avignon: Editions universitaires.

³⁷² Agence Française Anti-Corruption, 2018, *Survey on the prevention of local government corruption*, November 2018

³⁷³ Le Monde, 2023, ‘Anticor perd son agrément et dénonce « une atteinte grave aux libertés associatives », des élus de la gauche à l’extrême droite s’offusquent’ (‘Anticor loses its accreditation and denounces « a serious attack on associative freedoms », elected officials from the left to the right are offended’), 23 June 2023

³⁷⁴ In addition, while media coverage of corruption is often essential for bringing attention to the issue, research indicates that its portrayal in French general media often emphasises individual behaviour, failing to frame it in structural terms or as a broader matter of public accountability. See Wickberg, S., 2016, ‘Scandale et corruption dans le discours médiatique français: la partie émergée de l’iceberg?’ (‘Scandal and corruption in French media discourse: the tip of the iceberg’), *Ethique publique*, 18(2)

Public opinion surveys echo these various concerns over corruption in the country, revealing a **deep-seated ambivalence among the French public**. A 2023 survey³⁷⁵ conducted by Harris Interactive for Fondation Jean Jaurès and Transparency International found that 43% of respondents believe a significant portion of those in power are corrupt, a figure that rises to 61% among socially excluded groups. While 76% of the population supports increased resources for combating corruption, trust in political actors remains low – only 7% view them as central to anti-corruption efforts. Instead, the public places trust in whistle-blowers (27%) and the judiciary (21%) as key players in the fight against corruption. Furthermore, 69% of respondents believe ministers under investigation for corruption should resign and 61% feel that current transparency regulations are insufficient, signalling widespread dissatisfaction with existing measures and a demand for stronger oversight.

In short, while France’s institutional and legal framework provides a strong foundation for tackling corruption, the country’s stagnation in key anti-corruption indices highlights the need for a more effective and coordinated approach. Strengthening institutional mechanisms, promoting transparency and preventing conflicts of interest are crucial steps toward enhancing France’s ability to combat corruption. Institutional reforms must be accompanied by stronger political commitment to anti-corruption measures and a better coordination between the public and private sectors. Likewise, improving the effectiveness of civil society organisations and investigative journalism will be essential for holding institutions accountable and ensuring public trust in the government. Such efforts will be instrumental in reinforcing public confidence and aligning France’s governance standards with its democratic and economic aspirations.

Political Finance: Legal Evolution and Lingering Loopholes

France’s approach to political finance has shifted significantly, transitioning from minimal oversight to a detailed regulatory system focused on transparency and accountability. Historically, the absence of specific legislation on political funding allowed practices to operate in a legal grey area, fuelling public scepticism and recurring scandals. **Since the late 1980s, a series of legal reforms** have however responded to domestic controversies and international pressures, culminating in the establishment of mechanisms like public funding, spending caps and independent oversight authorities.³⁷⁶

³⁷⁵ Boy, D., and Bristielle, A., 2024, ‘[Les attitudes des français à l’égard de la corruption](#)’ (‘French Attitudes towards corruption’), *Fondation Jean Jaurès*, 22 February 2024

³⁷⁶ An exhaustive presentation of the developments briefly summarised here appear in François, A., and Phelippeau, E., 2015, *Le financement de la vie politique (The Financing of Political Life)*, Paris: Armand Collin

Historical Overview of Political-Finance Regulations

The financing of political activities in France, often entangled in controversies, remained largely unregulated for decades. While the penal code contained provisions addressing crimes such as corruption, undue advantage (*prise illégale d'intérêts*) and misconduct (*concupiscence*), no specific legislation governed political financing. Until the 1980s, government ministers and parliamentarians often maintained “conspicuous silence” in response to allegations of impropriety – and **between 1970 and 1987, approximately thirty legislative proposals were introduced to address these concerns, but a pervasive state of legal ambiguity ultimately prevailed.**³⁷⁷ However, as detailed in the box below, successive crises and scandals eventually compelled lawmakers to confront the challenges of regulating political financing, culminating in the legalisation of private political funding in the late 1980s.

Box 18. Scandals generate legislative changes in France

A defining moment in this evolution was the *Affaire Luchaire* (1986), which emerged when the local newspaper *La Presse de la Manche* revealed suspicious arms shipments. The report detailed how two cargo ships, operating under the flags of the Bahamas and Cyprus, had loaded military equipment in Cherbourg in July and September 1985. While these shipments were officially destined for the governments of Thailand, Brazil and Portugal, investigations by Lloyd's of London revealed that the vessels had instead offloaded their cargo at the Iranian port of Bandar Abbas. This covert transaction occurred amidst the Iran-Iraq War and stemmed from clandestine agreements between the French government and the Islamic Republic of Iran. Further inquiries revealed that the ruling Socialist Party (*Parti Socialiste*) had profited from commissions on these arms sales, intensifying public outrage and political scrutiny.

In response to such mounting scandals, including the *Affaire Luchaire*, legislative action followed. When the right-wing coalition returned to power in 1986, President François Mitterrand (Socialist Party) tasked Prime Minister Jacques Chirac (*Rassemblement pour la République*, RPR) with drafting a comprehensive framework for regulating political financing. This led to the passage of *Loi du 11 mars 1988* (Law of March 11, 1988), which implemented state financing for political parties and introduced limits on campaign spendings. Just two years later, under the left-wing coalition led by Michel Rocard (*Parti Socialiste*), the *Affaire Urba* further stressed the urgency of reform. This scandal exposed a scheme in which local authorities awarded public contracts to companies in exchange for payments used to illegally finance the Socialist Party.³⁷⁸ Brought to light by a *juge d'instruction* (investigating magistrate) and a police officer, the revelations led to the passage of *Loi Rocard* (Rocard Law) on January 15, 1990.³⁷⁹ This law extended spending limits to all elections and allowed public funding for political parties not represented in Parliament, while also permitting private donations within regulated limits.

³⁷⁷ For an extended discussion, see Phélippeau, E., 2013, ‘Les financements de la vie politique française par les entreprises (1970- 2012)’, (‘The Financing of French Political Life by Companies (1970–2012)’), *L'Année sociologique*, 63(1), p. 189-223

³⁷⁸ Libération, 1997, ‘L'affaire Urba retrouve les tribunaux. Début du procès des activités marseillaises de la pompe à finances du PS’, (‘The Urba case returns to court. The trial of the Marseille activities of the Socialist Party's money pump begins’), March 1997

³⁷⁹ Le Monde, 1991, ‘Les débuts de l'affaire Urba’, (‘The beginnings of the Urba affair’), September 1991

The 1988 and 1990 laws established strict donation limits and introduced measures aimed at enhancing transparency. The 1990 law also led to the creation of the *Commission nationale des comptes de campagne et des financements politiques* (CNCCFP, National Commission for Campaign Accounts and Political Financing) to oversee compliance. While the impact of the CNCCFP's oversight has been difficult to quantify, the publication of financial accounts has had tangible effects. It has increased the information available to donors, allowing them to better understand the sources of funding for political parties and candidates. For voters, it has revealed the financial backers of various candidates, fostering greater accountability. These developments have reinforced previously observed trends, encouraging candidates and donors to strategically adapt their fundraising efforts to optimise outcomes.³⁸⁰

The CNCCFP began releasing simplified campaign finance disclosures for candidates in 1994, improving public access to financial data. Media attention focused on corporate donations, frequently referring to the “financial backers” of politicians.³⁸¹ In response to this pressure, business leaders sought to adopt codes of conduct. However, sustained media attention ultimately led to the **prohibition of corporate donations**. To mitigate the financial shortfall caused by the ban, lawmakers introduced pragmatic solutions in 1995, including lowering campaign spending limits and increasing public funding for political parties and candidates. Despite these reforms, the effectiveness of such measures remains difficult to assess. **Candidates have found ways to circumvent restrictions by creating satellite organisations, such as associations, to collect funds. Donations from legal entities, while formally prohibited, persist in practice,** highlighting the ongoing challenges faced by the CNCCFP in ensuring compliance and maintaining transparency in political financing.

In its 2001 public report, the *Conseil d'État* (Council of State), France's highest administrative jurisdiction, classified the CNCCFP as an independent administrative authority, a status formally codified by *Ordonnance n° 2003-1165 du 8 décembre 2003* (Ordinance No. 2003-1165 of December 8, 2003), concerning administrative simplifications in electoral matters.³⁸² This official recognition was accompanied by **increased responsibilities and enhanced operational flexibility for the CNCCFP**. In 2006, despite the absence of significant changes to campaign finance legislation, the scope of the commission's oversight expanded. *Loi organique n° 2006-404 du 5 avril 2006* (Organic Law No. 2006-404 of April 5, 2006) transferred responsibility for reviewing presidential campaign accounts – previously overseen by the *Conseil constitutionnel* (Constitutional Council) – to the CNCCFP.³⁸³

Recent Developments

Prior to 2011, the commission's authority was limited to either validating or rejecting campaign accounts. This binary system meant that even minor errors could result in the outright rejection of accounts, regardless of the triviality of the amounts in question or the candidate's good faith. The commission's decisions therefore produced one of two outcomes: either the candidate retained full entitlement to the flat-rate reimbursement provided under *Article L. 52-11-1 du code électoral*

³⁸⁰ François, A., and Sauger, N., 2006, 'Groupes d'intérêts et financement de la vie politique en France' ('Interest Groups and the Financing of Political Life in France'), *Revue française de science politique*, 56(2), p. 227-254

³⁸¹ Phélippeau, E., 2013, 'Les financements de la vie politique française par les entreprises (1970- 2012)' ('The Financing of French Political Life by Companies (1970-2012)'), *L'Année sociologique*, 63(1), p. 189-223

³⁸² CNCCFP, 2009, *Annual report for 2008*, Paris

³⁸³ CNCCFP, 2010, *Annual report for 2009*, Paris

(Article L. 52-11-1 of the Electoral Code), or they were entirely denied such reimbursement. The CNCCFP itself expressed regret over this rigid framework, acknowledging that it was sometimes compelled to reject accounts even when the infractions in question did not warrant such a severe penalty.³⁸⁴

In response, legislators introduced provisions allowing the imposition of financial penalties as an alternative to outright rejection of campaign accounts. The commission's capacities were further strengthened by *Loi relative à la transparence de la vie publique du 11 octobre 2013* (Transparency in Public Life Law of October 11, 2013). This legislation granted the CNCCFP greater access to documentation, enabling it to request all relevant financial records and supporting documents necessary for its audits. The same law required the **annual disclosure of the list of individuals who had donated to or paid membership fees to political parties, with donation and fee amounts subject to legally established caps.**

Subsequent reforms introduced additional safeguards. *Loi pour la confiance dans la vie publique* (Law on Confidence in Public Life) of 2017 imposed **stricter regulations on loans granted by legal or natural persons**, recognising such loans as a potential avenue for circumventing the donation caps established in 2013. Under the new provisions, only political parties and financial institutions were permitted to issue loans to candidates. Moreover, the law mandated that party financial accounts adhere to the standards set by the *Autorité des Normes Comptables* (ANC, Authority of Accounting Standards), ensuring greater consistency and accountability in financial reporting.³⁸⁵ Through these successive reforms, the CNCCFP's role has been significantly enhanced, reflecting a broader commitment to improving transparency and accountability in political finance while addressing systemic vulnerabilities in the regulatory framework.

In recent years, **the CNCCFP has been involved in several high-profile cases concerning the campaign finances of French political figures.** In 2013, the CNCCFP rejected President Nicolas Sarkozy's 2012 presidential campaign accounts, citing expenditures that exceeded the legal limit. This decision was upheld by the *Conseil constitutionnel*, leading to the forfeiture of public reimbursement and the imposition of financial penalties.³⁸⁶ In 2018, French authorities investigated campaign finance practices linked to La France Insoumise, including a review of Jean-Luc Mélenchon's 2017 presidential campaign accounts. The CNCCFP's scrutiny of his campaign finances was part of broader inquiries into potential financial improprieties.³⁸⁷ In 2022, the CNCCFP also rejected certain expense claims in Marine Le Pen's campaign, such as €316,182 for vehicle branding.³⁸⁸

Overall, the regulation of political financing in France has undergone significant evolution since the 1980s, with numerous legal reforms aimed at increasing transparency and accountability. While substantial progress has been made, challenges remain, particularly in ensuring full compliance with campaign finance laws and transparency in political parties' various sources of funding. **The**

³⁸⁴ For a comprehensive discussion, see Ferchiche, N., 2012, 'La rationalisation du droit du financement des campagnes législatives et le renforcement de la transparence de la vie politique' ('The Rationalisation of Campaign Finance Law and the Strengthening of Political Transparency'), *Revue française de droit constitutionnel*, n°90(2), p. 87-117

³⁸⁵ CNCCFP, 2019, *Annual report for 2018, Paris*

³⁸⁶ Conseil Constitutionnel, 2013, 'Decision n° 2013-156 PDR of 4th July 2013, following an appeal from Mr Nicolas Sarkozy against the decision of 19 December 2012 of the National Commission for Campaigns Accounts and Political Financing'

³⁸⁷ The Guardian, 2018, 'French police question Jean-Luc Mélenchon over alleged misuse of funds', October 2018

³⁸⁸ Le Monde, 2024, 'Campagne de Marine Le Pen en 2022 : une information judiciaire ouverte sur les conditions de financement' ('Marine Le Pen's 2022 campaign: judicial investigation opened into financing conditions'), 9 July 2024

CNCCFP continues to play a crucial role in monitoring political finances, yet its ability to effectively oversee and enforce regulations is indeed continuously tested by innovative circumvention strategies and emerging financial practices. As political financing remains a central issue in French politics, ongoing vigilance and refinement of the legal framework will be essential to upholding the integrity of the political process.

Lobbying: Legal Recognition and the Institutionalisation of Influence

The regulation of lobbying practices in France, initially characterised by minimal oversight, shares notable parallels with the trajectory of political finance regulation, evolving from a low-regulation framework to undergoing substantial transformation in recent decades in response to growing public demand for transparency and accountability. Historically, lobbying lacked formal recognition within French law, a reflection of a political culture deeply rooted in republican ideals of indivisibility and universalism. These principles, enshrined during the French Revolution and manifested in laws like *Loi Le Chapelier* (Le Chapelier Law, 1791), sought to curtail the influence of intermediary bodies, viewing them as threats to the unified expression of the popular will. This legacy contributed to a **delayed formalisation of lobbying practices**, which only gained legal recognition with the passage of *Loi relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique* (Loi Sapin II, 2016). The legislation marked a pivotal shift, embedding transparency and accountability in lobbying activities while addressing France's historical ambivalence towards interest representation.

Historical Overview of Lobbying Regulations

Lobbying in France operated informally for much of its history, shaped by a cultural predisposition against institutionalised interest representation. **Although various forms of interest representation and corporatism de facto emerged in the French context, lobbying was initially characterised by minimal formal recognition.** Until the late 20th century, lobbying was broadly perceived as antithetical to the principles of republican democracy, where the *Assemblée Nationale* (lower chamber) and the *Sénat* (upper chamber) were regarded as the sole legitimate channels for expressing the general will.³⁸⁹ *Loi Le Chapelier* (Le Chapelier Law, 1791) and *Décret d'Allarde* (Allarde Decree, 1791) epitomised the revolutionary ethos by prohibiting guilds and associations, thereby eliminating collective representation in favour of individual citizenship. While these laws were eventually repealed, their legacy persisted, shaping French attitudes toward intermediary organisations for centuries.

Despite this formal resistance, interest representation persisted in practice, with businesses, professional associations, and unions exerting influence behind the scenes. **The emergence of lobbying as a recognised activity began in the 1980s, driven by the professionalisation of public relations and consulting.** The establishment of the *Association Française des Conseils en Lobbying* (AFCL, French Association of Lobbying Consultants) in 1991 and the adoption of lobbying charters by industry groups reflected an increasing acceptance of the practice.³⁹⁰ However, the absence

³⁸⁹ See for an extended discussion Ronsavallon, 2004, *Le Modèle politique français : La Société civile contre le jacobinisme de 1789 à nos jours* (*The French Political Model: Civil Society Against Jacobinism from 1789 to the Present Day*), Paris: Le Seuil

³⁹⁰ Courty, G., 2018, *Le lobbying en France: Invention et normalisation d'une pratique politique* (*'Lobbying in France: The Invention and Normalisation of a Political Practice'*), Bruxelles: Peter Lang

of formal regulation allowed lobbying activities to thrive in a legal gray zone, fostering public skepticism about its legitimacy.

Efforts to address interest representation emerged sporadically in the late 20th century. **A critical turning point came in the early 2000s with growing demands for transparency and accountability in public life** fostered by diverse domestic actors, including political institutions, civil society organisations, and professional associations. Parliamentary initiatives, such as the missions led by Christophe Sirugue in 2012 and Jean-Jacques Urvoas in 2013, were instrumental in framing lobbying as a policy issue requiring legislative action. NGOs like Transparency International France and Anticor played a crucial role in advocating for stricter regulations, often drawing public attention to the risks of unregulated lobbying through high-profile campaigns and reports.³⁹¹ Various scandals, such as those involving improper lobbying influence over public procurement, intensified calls for reform.³⁹²

At the same time, **international pressure, particularly from the European Union (EU), further galvanised efforts to regulate lobbying**. As France sought to align its practices with international norms, the groundwork was laid for the formalisation of lobbying regulation. The EU's transparency initiatives, including the **European Transparency Register**, have served as a reference point, encouraging France to adopt similar measures. The **US Federal Regulation of Lobbying Act (1946)** and subsequent reforms, such as the **Honest Leadership and Open Government Act (2007)**, have also informed the design of French legislation, particularly in terms of registration and disclosure requirements.³⁹³ In this context, the 2009 adoption of internal lobbying registers by the *Assemblée Nationale* and *Sénat* marked an initial foray into transparency.³⁹⁴ These measures, though limited in scope, reflected a growing recognition of lobbying as a legitimate aspect of policymaking. However, their voluntary nature and lack of enforcement mechanisms limited effectiveness, requiring more comprehensive reforms.

The enactment of the *Loi relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique* (Sapin II Law, 2016) represented a watershed moment in the regulation of lobbying in France. The law introduced a mandatory register of lobbyists, overseen by the *Haute Autorité pour la Transparence de la Vie Publique* (HATVP, High Authority for the Transparency of Public Life), an independent administrative authority established under the 2013 Transparency Law (*Loi relative à la transparence de la vie publique*).³⁹⁵ Under Sapin II, lobbyists are required to disclose their identities, objectives and expenditures when engaging with public officials. The law defines lobbying broadly as activities aimed at influencing public decision-making, thereby encompassing a wide array of actors, from corporate representatives to non-governmental organisations. Additionally, the legislation mandates the publication of lobbying data in an accessible online registry, promoting transparency and enabling public scrutiny.

³⁹¹ Courty, G., and Millet, M., 2018, 'Mobiliser au nom de la transparence : genèse et usages de l'encadrement institutionnel du lobbying en France (2004-2017)' ('Mobilising in the Name of Transparency: Origins and Uses of the Institutional Framing of Lobbying in France (2004-2017)'), *Revue française d'administration publique*, n°165, p. 17-32.

³⁹² Morand, PH, 2022, *Où va l'argent public ? La commande publique au défi des données ouvertes* ('Where Does Public Money Go? Public Procurement and the Challenge of Open Data'), Avignon: Editions universitaires

³⁹³ Courty, G., and Millet, M., 2018, 'La judiciarisation du lobbying en France : les faux-semblants de l'eupéanisation soft d'une politique de transparence' ('The Judicialisation of Lobbying in France: The False Appearances of the Soft Europeanisation of a Transparency Policy'), *Politique européenne*, n°61, p. 78-113

³⁹⁴ Assemblée nationale, 2023, *Les représentants d'intérêts*, September 2023

³⁹⁵ A detailed presentation of this legislation and its implications appears in Kerléo, JF, 2025, 'Le droit des représentants d'intérêts : réflexions théoriques et programmatiques' ('The Law of Interest Representatives: Theoretical and Programmatic Reflections'), *Revue française d'administration publique*, n°186, p. 347-368

In 2017, Sapin II's provisions were bolstered by a decree extending lobbying transparency requirements to local authorities, including regional council presidents and mayors of municipalities with populations exceeding 100,000. The HATVP's oversight role was further strengthened, and the authority was empowered to issue guidelines and impose sanctions for non-compliance.³⁹⁶ Recent evaluations, such as the 2021 report by Deputies Raphaël Gauvain and Olivier Marleix, have highlighted areas for improvement in the law's implementation.³⁹⁷ Recommendations include refining the definition of lobbying to reduce ambiguities and enhancing the usability of the lobbying register to increase its effectiveness as a transparency tool.

Recent Developments

Despite its improvements, France's lobbying framework faces several challenges. The HATVP's reliance on self-reported data raises concerns about the accuracy and comprehensiveness of disclosures. The lobbying register, while constituting a valuable transparency tool, remains inaccessible to non-experts due to its complexity and lack of user-friendly features.³⁹⁸ Additionally, the enforcement of lobbying regulations has been uneven, with high-profile cases revealing persistent gaps. As recently argued by Jean-François Kerléo:

*“Generally speaking, legitimisation through transparency proves deficient, as it paradoxically keeps the most influential lobbyists in the shadows. While the law envisions the possibility of an interest representative “engaging in communication” with a public official, the 2017 decree interpreted this to mean that interest representation is limited to actions initiated solely by the lobbyists themselves, thereby excluding from the scope of the Loi Sapin II any contacts initiated by public officials. In practice, the most influential lobbyists are embedded within ministries and maintain regular contact with public officials who frequently solicit their opinions on reform projects to assess their feasibility, implications and risks for the relevant sectors. This results in the exclusion of the most active and influential interest representatives from the digital registry, such as actors in national defence or certain pension funds. Consequently, the registry leads to skewed conclusions, as the transparency it purports to provide is inherently biased”.*³⁹⁹

Moreover, critics argue that **the current framework does not sufficiently address indirect lobbying tactics, such as the use of third-party consultants and think tanks to influence policy decisions.** The cultural shift required to fully integrate lobbying transparency into French political life also poses a challenge. Historically, lobbying has been stigmatised as a covert and illegitimate activity. On a more positive note, however, recent survey evidence suggests that information provision through the HATVP has had a significant and favourable impact on citizens' perceptions of the agency, political transparency and the integrity of representative democracy.⁴⁰⁰

³⁹⁶ Monnery, B., and Phélippeau, E., 2025, ‘La HATVP : dix ans de lutte contre les conflits d'intérêts dans la sphère publique. Entretien avec Didier Migaud’ (‘The HATVP: Ten Years of Fighting Conflicts of Interest in the Public Sphere. Interview with Didier Migaud’), *Revue française d'administration publique*, n°186, p. 369-380

³⁹⁷ Gauvain, R., and Marleix, O., 2021, *Rapport d'information n°4325* (‘Information Report No. 4325’), Paris: Assemblée Nationale, 7 July 2021

³⁹⁸ Lachîze-Rey, R., 2025, ‘Qui sont les représentants d'intérêts ? Une classification basée sur une analyse des données de la HATVP’ (‘Who Are the Interest Representatives? A Classification Based on an Analysis of HATVP Data’), *Revue française d'administration publique*, n°186, p. 433-453

³⁹⁹ Jean-François Kerléo, 2025, *ibid.*, Author's translation from French

⁴⁰⁰ Monnery, B., and Chirat, A., 2024, ‘Trust in a national anti-corruption agency: A survey experiment among citizens and experts’, *European Journal of Political Economy*, n°185

Overall, the regulation of lobbying in France has evolved significantly, transitioning from a historical aversion to intermediary representation to the adoption of a comprehensive legal framework under the Loi Sapin II. **This transformation reflects a broader shift toward transparency and accountability in public life, driven by domestic advocacy and international norms.** While the current framework represents a substantial improvement, persistent challenges – including data reliability, enforcement inconsistencies, and cultural resistance – highlight the need for ongoing reforms.

Revolving Doors: Closing the Gap between Cultural Norms and Regulation

Revolving door practices – the movement of individuals between public office and private-sector roles – are a globally recognised phenomenon. In France, these practices are usually encapsulated in the term *pantouflage*, which refers to the transition of senior civil servants, particularly those from elite administrative corps, into private-sector leadership positions. While the concept of revolving doors is less widely discussed in France compared to other (particularly Anglo-Saxon) countries, ***pantouflage* is deeply ingrained in the nation's socio-economic and administrative structures.**⁴⁰¹ The prevalence of *pantouflage* can be attributed to two key factors: the dominance of large CAC 40 firms in the French economy and the hierarchical organisation of the French civil service, especially the influence of the *Grands Corps de l'État*.

Historical Overview of Revolving-Door Regulations

The practice of *pantouflage* has historical roots dating back to the 19th century, when the modernisation of France's economy created strong ties between the public administration and strategic industries. Elite civil servants played pivotal roles in managing economic reforms and building public infrastructure. Such positions naturally positioned them to transition into leadership roles within the private sector, particularly in banking, railways and other emerging sectors. This mobility was seen as a natural extension of their public service, reinforcing the **perception that high-ranking civil servants were uniquely equipped to bridge public and private interests.**⁴⁰² The structure of the French economy has further institutionalised *pantouflage*. Large multinational firms listed on the CAC 40 frequently recruit former senior civil servants for their regulatory expertise, insider knowledge and extensive networks. Concurrently, the *Grands Corps de l'État* – elite administrative bodies such as the IGF, the *Conseil d'État*, and the *Cour des Comptes* (Auditing Court) – serve as incubators for France's political and economic leadership. Membership in these corps provides civil servants with unparalleled access to decision-making processes, making them highly sought after by private-sector entities.⁴⁰³ Recent studies have documented the persistence of this phenomenon, along with its evolving manifestations – particularly the growing role of law and consultancy firms

⁴⁰¹ Carius, M., 2020, 'Les Revolving Doors au sein de la fonction publique' ('Revolving Doors within the Civil Service'), *L'actualité juridique – Droit Administratif*, n°26, p. 1470-1477

⁴⁰² Charles, C., 1987, 'Le pantouflage en France (vers 1880-vers 1980)' ('Pantouflage in France (circa 1880-circa 1980)'), *Annales. Histoire, Sciences Sociales*, 42(5), p. 1115-1137

⁴⁰³ Rouban, L., 2002, 'L'inspection générale des finances : 40 ans de pantouflage (1958-2000)' ('The General Inspectorate of Finances: 40 Years of Pantouflage (1958-2000)'), *Les Cahiers du CEVIPOF*, n°31

as primary entry points, supplanting former public enterprises.⁴⁰⁴ Research has also highlighted differences in how *pantouflage* practices operate across ministries as well as disparities in career outcomes, dependent on gender-related dynamics.⁴⁰⁵

In this context, the regulation of revolving doors in France has historically lagged behind other forms of transparency and anti-corruption initiatives. Initial legislative efforts focused primarily on preventing outright corruption rather than addressing the broader implications of *pantouflage*. For much of the 20th century, the legal framework allowed high-ranking civil servants significant latitude in transitioning to the private sector, provided they adhered to basic ethical guidelines. In the more recent period, **domestic scandals and public pressure have been essential in driving reforms**. High-profile cases of *pantouflage*, particularly involving senior civil servants joining major energy firms or financial institutions, have ignited public debate about the ethical boundaries of such practices.⁴⁰⁶ Advocacy organisations, such as Transparency International France, have played a significant role in amplifying these concerns and pushing for more robust regulatory measures. **France's approach to regulating revolving doors has also been shaped by international norms**, including the OECD Guidelines on Managing Conflicts of Interest⁴⁰⁷ and EU anti-corruption directives. These frameworks emphasise transparency, accountability and the need for robust cooling-off periods to mitigate the risks of regulatory capture. Aligning with these standards, France has sought to harmonise its domestic regulations with broader global best practices.

A turning point in regulating revolving doors came with the above-mentioned *Loi n° 2013-907 du 11 octobre 2013 relative à la transparence de la vie publique* (Transparency in Public Life Law). This legislation mandated that government officials obtain prior approval for career transitions from the HATVP. By introducing mandatory declarations of assets and interests, the law sought to identify potential conflicts of interest and prevent undue influence during post-public employment transitions. The law also included cooling-off periods, requiring former public officials to observe a mandatory waiting period before transitioning into roles within industries they previously regulated.⁴⁰⁸

These measures marked a significant step in addressing the risks associated with *pantouflage*, fostering greater accountability in public administration (HATVP, 2023). **Building on the 2013 framework, *Décret n° 2017-105 du 27 janvier 2017* detailed specific rules governing the post-employment activities of former government ministers, civil servants and private law contractual agents.** It introduced enhanced scrutiny of private-sector roles taken up by public officials, with a particular focus on activities that could exploit insider knowledge or regulatory connections. The decree sought to close loopholes by addressing indirect forms of influence, such as advisory roles or board memberships, which often fell outside the scope of earlier regulations.

⁴⁰⁴ France, P., and Vauchez, A., 2017, *Sphère publique, intérêts privés : enquête sur un grand brouillage* ('Public Sphere, Private Interests: Investigation into a Major Blurring'), Paris: Presses de Sciences Po

⁴⁰⁵ Kolopp, S., 2020, 'Pantoufler, une affaire d'hommes ? Les énarques, l'administration financière, et la banque (1965-2000)' ('Pantoufling, a Man's Game? ENA graduates, the Financial Administration, and Banking (1965-2000)'), *Sociétés contemporaines* n°120, p. 71-98

⁴⁰⁶ Scapin, T., 2018, 'Entre valeur du service public et instrument déontologique: quelle place pour la transparence dans la 'bonne' conduite des fonctionnaires en France (1970-2016)' ('Between Public Service Values and Ethical Instrument: What Place for Transparency in the 'Proper' Conduct of Civil Servants in France (1970-2016)'), *Revue française d'administration publique* n°165, p. 63-78.

⁴⁰⁷ For an updated version, see OECD, 2025, [Recommendation of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service](#)

⁴⁰⁸ See Scapin, T., 2018, 'Entre valeur du service public et instrument déontologique: quelle place pour la transparence dans la 'bonne' conduite des fonctionnaires en France (1970-2016)' ('Between public service values and ethical instrument: What place does transparency have in 'proper' conduct of civil servants in France (1970-2016)'), *Revue française d'administration publique* n°165, p. 63-78

Loi n° 2019-828 du 6 août 2019 relative à la transformation de la fonction publique (Civil Service Transformation Law) represented another milestone in revolving door regulation. It transferred oversight responsibilities from the former Ethics Commission for the Civil Service (established in 1991) to the HATVP, consolidating regulatory authority and extending its purview to senior public officials and certain key local elected representatives. Under this law, officials are required to undergo ethical scrutiny by their immediate supervisors and designated ethics officers before transitioning to private-sector roles. Moreover, the HATVP was granted authority to publish its opinions on revolving door cases, providing journalists, civil society organisations and citizens with tools to monitor compliance.

This transparency mechanism has proven instrumental in highlighting potential ethical violations and fostering public trust in regulatory frameworks. According to Article 432-13 of the French Penal Code, *pantouflage* is a criminal offence punishable by imprisonment and fines. This provision specifically targets public officials who, within three years of leaving their positions, engage in private-sector activities that exploit their prior roles to gain competitive advantages. By criminalising such conduct, the law underscores France's commitment to preserving the integrity of public administration.

Recent Developments

The REVOLVE project, which analyses revolving door practices and regulations across Europe, positions France as having a hybrid regulatory framework. Specifically, it notes that the movements of high-ranking officials are regulated at the central level by the HATVP, while the transitions of lower-level officials are managed by *référénts déontologues* within decentralised administrative units. Overall, the project concludes that civil society organisations, such as Transparency International France and Anticor, play a significant role in raising awareness about revolving door issues.⁴⁰⁹

Despite significant legislative progress, **enforcement remains a persistent challenge**. The HATVP relies heavily on self-reporting mechanisms, raising concerns about the accuracy and completeness of disclosures. Additionally, penalties for non-compliance are often viewed as insufficient to deter violations, undermining the effectiveness of regulatory frameworks. The cultural entrenchment of *pantouflage* within elite administrative circles complicates regulatory efforts. For many civil servants, transitioning to the private sector is considered a natural career progression, particularly among graduates of prestigious institutions like the École Nationale d'Administration (ENA – now replaced by INSP, the *Institut National du Service Public*). **This normalisation of revolving door practices poses a significant barrier to fostering a culture of accountability and public service integrity.** Existing regulations primarily address direct transitions between public office and private-sector roles. However, indirect forms of influence – such as consulting arrangements, advisory positions, or strategic partnerships – often evade regulatory scrutiny. These loopholes enable former officials to exert significant influence without formally breaching legal boundaries.

⁴⁰⁹ Avril, L. et al., 2022, 'REVOLVE: Studying Revolving Doors and Their Regulation in the EU and Its Member States', *Politique européenne* n°78, p. 134-146

As a result, and while legislative reforms, particularly since 2013, have made notable strides in enhancing transparency and accountability, significant challenges remain. **Gaps in enforcement, cultural acceptance of elite mobility and regulatory loopholes continue to undermine the effectiveness of existing frameworks.** Addressing these challenges requires a multi-faceted approach. Strengthening the enforcement mechanisms of the HATVP, introducing more stringent penalties for non-compliance and fostering a cultural shift within elite administrative institutions are essential steps toward ensuring ethical governance. As France navigates the complexities of regulating its revolving doors, striking a balance between fostering collaboration and safeguarding public trust will remain a critical task in the pursuit of democratic integrity and accountability.

Media: Press Independence Amidst Structural Concentration

Media capture in France is a case of tension between legal safeguards for press freedom and the persistent threat of media concentration and influence. France's legislative framework, while robust in its foundational principles, often struggles to adapt to evolving political, economic and technological realities. From *Loi du 29 juillet 1881 sur la liberté de la presse* (Law of July 1881 on the Freedom of the Press), which established press freedom as a cornerstone of democracy, to Law No. 2021-1382, addressing the digital media landscape, legal reforms have sought to reconcile the ideals of media independence with the challenges posed by modern media ownership and control. Despite these efforts, significant vulnerabilities remain, leaving the French media landscape susceptible to capture by powerful economic and political interests.

Historical Overview of Media Regulations

Media regulation in France has a long and complex history, shaped by political, social and technological changes. The Law of July 29, 1881 (*Loi du 29 juillet 1881*), one of the earliest and at the time, one of the most comprehensive legal guarantees of press freedom in the world, preserved the principles of freedom of expression and editorial independence. However, the financial realities of the media sector, such as reliance on advertising revenue and government subsidies, have historically limited the practical application of these ideals. The mid-20th century saw the introduction of additional measures to address emerging concerns. Law No. 47-585 of April 2, 1947 (*Loi n° 47-585 du 2 avril 1947*), regulated the distribution of press subsidies and advertising, ensuring a fair allocation of resources. Similarly, Law No. 86-1067 of September 30, 1986 (*Loi n° 86-1067 du 30 septembre 1986*), addressed the burgeoning broadcast media sector by establishing safeguards for ownership transparency and pluralism. While these laws strengthened the regulatory framework, they also contained gaps that allowed for media concentration and external influence.⁴¹⁰

⁴¹⁰ For an exhaustive overview, see Charon, J., 2014, *Les médias en France* (The Media in France), Paris: la Découverte

Against the backdrop of increasing privatisation and commercialisation of television and radio in the late 1980s, **France established the Conseil Supérieur de l'Audiovisuel (CSA) in 1989 as an independent authority to regulate television and radio broadcasting.** The CSA emerged where ownership concentration and content diversity had become pressing issues. With the CSA's establishment, France sought to provide a mechanism to uphold pluralism in broadcasting and ensure compliance with Law No. 86-1067 of September 30, 1986 (*Loi n° 86-1067 du 30 septembre 1986*), which laid the groundwork for regulating private broadcasters alongside public service media.⁴¹¹

By the late 20th century, France had built a comprehensive legal framework for traditional media. However, **these laws often struggled to adapt to the realities of economic consolidation and political influence.** For example, while the Law of 1986 imposed limits on ownership concentration, they were frequently circumvented or insufficiently enforced.⁴¹² This led to the emergence of powerful conglomerates dominating key segments of the media landscape.

Observers have pointed to media ownership concentration, including the case of Vincent Bolloré's holdings, as a test of the robustness of existing safeguards.⁴¹³ V. Bolloré's editorial interventions in outlets such as *CNews*, *Paris Match*, *Europe 1*, *Le Journal du Dimanche* have sparked widespread concern from NGOs about the erosion of journalistic independence, raising questions about whether the legal framework has kept pace with the evolving nature of media capture.⁴¹⁴ The 21st century brought new challenges as the digital revolution transformed how information is produced, distributed and consumed. Traditional media outlets faced declining revenues, while global digital platforms like Google and Facebook now command a substantial share of the advertising market, diverting revenues away from traditional media outlets and undermining their financial sustainability.⁴¹⁵

Recognising the inadequacies of existing regulations in addressing these shifts, France introduced Law No. 2021-1382 of October 25, 2021 (*Loi n° 2021-1382 du 25 octobre 2021*). This law established **the *Autorité de régulation de la communication audiovisuelle et numérique (ARCOM)*, a successor to the CSA with expanded authority to regulate both traditional broadcasters and digital platforms.** The creation of ARCOM marked a significant step in modernising media oversight, with a particular focus on combating disinformation, ensuring platform accountability and maintaining pluralism in an increasingly fragmented information ecosystem.⁴¹⁶ The development of recent legislative initiatives has often been shaped by specific historical events and broader political pressures. For instance, the transposition of the European Union's Audiovisual Media Services Directive (*Directive 2018/1808 sur les services de médias audiovisuels*) into French law exemplifies the **influence of supranational norms on domestic regulation.** This directive, aiming to harmonise standards across EU member states, has emphasised the need for transparency in state aid and accountability for digital platforms. France's adoption of such measures has reflected not only its commitment to EU

⁴¹¹ See Rigaud, J., 1992, 'Le Conseil supérieur de l'audiovisuel ou la difficulté d'être' ('The Higher Audiovisual Council or the Difficulty of Existing'), *Commentaire*, 59(3): 647-656.

⁴¹² A detailed and substantive discussion of ownership concentration in the sector appears in Requin et al., 2022, '[La concentration des médias à l'ère numérique: de la réglementation à la régulation](#)' ('Media concentration in the digital age: from regulation to governance'), Paris: Inspection Générale des Finances et Inspection générale des affaires culturelles

⁴¹³ For a critical academic perspective, see Cagé, J., 2022, 'Pour une télé libre: contre Bolloré' ('For a Free TV: Against Bolloré'), Paris: Seuil libelle

⁴¹⁴ Reporters sans frontières, 2024, *Country Report: France*

⁴¹⁵ Cagé, J. and Huet, B., 2021, *L'information est un bien public* ('Information is public good'), Paris: Seuil

⁴¹⁶ See CSA, 2021, *En route vers l'ARCOM* ('On the way to ARCOM'), Press Release, 26 October 2021

standards but also the growing recognition of the digital platforms' outsized role in shaping public discourse. **Public scandals and investigative journalism** have also played a critical role in catalysing reform. Cases of media capture, such as the editorial influence wielded by leaders of large conglomerates, have highlighted the limitations of existing laws in curbing ownership concentration.

One of the most significant challenges in the French media landscape in this regard is the **lack of transparency in ownership structures**. Although Law No. 86-1067 includes provisions for disclosing ownership, there are no publicly accessible registries of beneficial owners. This opacity enables powerful conglomerates to obscure the extent of their influence, complicating efforts to hold media owners accountable for conflicts of interest. Additionally, the allocation of press subsidies under Law No. 47-585 has been criticised for disproportionately benefiting established players, further entrenching the dominance of major media groups.⁴¹⁷

Regulatory bodies tasked with enforcing these laws face significant obstacles. ARCOM, for instance, has a broad mandate but limited resources, making it difficult to effectively monitor compliance, particularly in the digital sphere. Similarly, the French Competition Authority (*Autorité de la concurrence*), which oversees mergers and acquisitions in the media sector,⁴¹⁸ often struggles to address anti-competitive practices due to ambiguities in the legal framework.⁴¹⁹ The *Commission Paritaire des Publications et Agences de Presse* (CPPAP), responsible for granting press subsidies, wields indirect influence by tying funding eligibility to adherence to ethical standards. However, the CPPAP's lack of sanctioning power limits its ability to address violations, creating a regulatory environment where ethical breaches can persist unchecked.⁴²⁰

Recent Developments

In 2024, France ranked 21st in the Reporters Without Borders (RSF) World Press Freedom Index and 8th among European nations in media freedom and pluralism, according to the Media Pluralism Monitor (MPM). While these rankings suggest a generally favourable legal and regulatory environment, they also reveal the limitations of existing safeguards. Tools designed to address conflicts of interest and protect journalistic independence, including source confidentiality, are described as “insufficient, inadequate, and outdated”.⁴²¹ **Among the most pressing concerns are SLAPP lawsuits** – legal actions aimed at silencing journalists or whistle blowers – and the broader threats to journalist safety. Events in recent years, including cases involving investigative journalists, have drawn attention to ongoing debates about the balance between press freedom and state security. Although legislative proposals enabling electronic surveillance of journalists have been rejected, such as the 2023 Constitutional Council's annulment of provisions allowing source identification, concerns remain about state overreach and restrictions on press freedom.⁴²²

⁴¹⁷ See, in particular, the various reports of the Cour des Comptes cited in Oukrat, A., 2024, ‘*La liberté des médias en France*’ (‘Media freedom in France’), *Vie Publique*, 22 August 2024

⁴¹⁸ See Autorité de la concurrence, 2011, *Culture, médias et concurrence*, (Culture, media and competition), Paris: La Documentation Française

⁴¹⁹ Reporters sans frontières, 2024, *Country Report: France*

⁴²⁰ Oukrat, A., 2024, ‘*La liberté des médias en France*’ (‘Media Freedom in France’), *Vie Publique*, 22 August 2024

⁴²¹ Reporters sans frontières, 2024, *Country Report: France*

⁴²² Oukrat, A., 2024, ‘*La liberté des médias en France*’ (‘Media Freedom in France’), *Vie Publique*, 22 August 2024

Transparency in media ownership continues to be a challenge, with **no significant progress reported in 2023 regarding the simplification of complex ownership structures**. The European Commission has urged France to intensify its efforts in this area.⁴²³ Public subsidies, totalling over €1.1 billion annually, remain a vital support mechanism for the media but are often criticised for favouring large, established outlets owned by wealthy entrepreneurs like Bernard Arnault and Vincent Bolloré. These subsidies, distributed on criteria such as readership and content type, have been charged with reinforcing media concentration and limiting diversity.⁴²⁴ While these funds are allocated transparently by the CPPAP, their uneven distribution raises concerns about media independence and pluralism. Financial challenges, such as those stemming from the abolition of the public broadcasting licence fee, further complicate the landscape, as do restrictions on access to information caused by broad interpretations of state secrecy.

Overall, recent years have seen heightened public awareness of media capture, driven by investigative journalism and civil society activism. Controversies surrounding media conglomerates have reignited debates about ownership transparency and regulatory oversight. Efforts to combat disinformation and promote pluralism have also gained traction, with initiatives such as France's implementation of EU directives serving as a step forward.

However, these measures have often been criticised for their limited scope and lack of effective enforcement. Consequently, media capture in France reveals the persistent challenges of reconciling legal safeguards for press freedom with the realities of economic and political influence. While laws like the Law of 1881, the Law of 1986 and the Law of 2021 reflect a strong commitment to media independence, their implementation has often fallen short in addressing the complexities of a rapidly evolving media landscape. The creation of ARCOM and compliance with EU directives represent progress, but the concentration of ownership, regulatory gaps, and the dominance of global platforms continue to undermine pluralism and independence. Addressing these issues will require not only legislative innovation but also stronger enforcement mechanisms, greater transparency, and sustained public engagement to protect the integrity of France's media landscape.

Conclusion

France benefits from robust democratic foundations and an extensive legal and institutional architecture designed to combat corruption. However, the effectiveness of this framework is frequently undermined by persistent enforcement gaps, regulatory ambiguities and entrenched practices among political and administrative elites. Despite the establishment of specialised oversight bodies and repeated waves of reform – particularly in the regulation of political finance, lobbying and post-public employment – progress has been limited in some areas. Key governance indicators have stagnated and public perceptions of corruption remain high. These patterns reflect a broader erosion of trust in political actors and institutional accountability.

⁴²³ Requin et al., 2022, '[La concentration des médias à l'ère numérique: de la réglementation à la régulation](#)' ('Media concentration in the digital age : from regulation to governance'), Paris: Inspection Générale des Finances et Inspection générale des affaires culturelles

⁴²⁴ International Press Institute, 2024, '[France: crash-test for press freedom as threats of media capture rise](#)', 12 September 2024

Reversing these trends will require more than incremental legal adjustments. Strengthening transparency mechanisms, safeguarding the autonomy of regulatory authorities and bolstering the role of civil society and independent media are all necessary steps. What is also ultimately needed is a more integrated and politically supported approach – one capable of addressing not only formal compliance but also the deeper structural and normative conditions that allow corruption and undue influence to persist within France’s democratic system.

Catalogue 4. France’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political Finance LAW No. 88-227 of March 11, 1988, on the Financial Transparency of Political Life [introduces requirements for the disclosure of assets by elected officials and establishes the Commission for Financial Transparency in Political life (CNCCFP)] https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000321646 Amended in: • 2011 (increases the penalties for non-compliance) • 2013 (expands the scope of disclosure obligations, creation of the High Authority for the Transparency of Public Life, HATVP) • 2017 (prohibits certain types of donations and enhances transparency) Electoral Code of 1964, with multiple amendments and modifications pertaining to political finance (mostly from 2013) https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070239/	• The legal framework imposes comprehensive limits on private income for political parties, banning donations from foreign entities, corporations, trade unions, and anonymous donors, and setting strict limits on contributions. • Public funding is provided based on the share of votes in the previous election, with additional subsidised media access and tax exemptions. Candidates receiving at least 5% of the vote are reimbursed for specific campaign expenses. • The laws prohibit vote buying and set spending limits. Political parties must maintain annual accounts, disclose donor identities, and make reports public.	• Oversight and enforcement are delegated to two independent administrative authorities. • CNCCFP’s role involves ensuring that political parties comply with legal obligations under the Law of March 11, 1988, on Financial Transparency in Political Life. It requests accounting documents and justifications from political parties as needed for its oversight. The Commission publishes party accounts in the Official Journal of the French Republic, including consolidated loan amounts and the identity of corporate lenders from 2018 onwards. It grants or withdraws approval for party financing associations, manages receipts for party representatives, checks for irregularities in revenue justifications and verifies donor and contributor limits. Additionally, it authenticates tax benefit documents and reports financing violations to tax authorities. • The HATVP is responsible for ensuring transparency and integrity in campaign finance in France. It oversees and monitors the financial activities of political candidates, ensuring they comply with legal requirements. HATVP mandates the disclosure of assets, income and interests by candidates and elected officials to prevent conflicts of interest and promote transparency. Additionally, it verifies the accuracy of these financial disclosures and can impose sanctions for non-compliance, thereby upholding ethical standards in political finance.	• CNCCFP’s sanctioning powers include rejection of campaign accounts, financial penalties, ineligibility (for up to three years), and referral to judiciary for the most serious violations. • HATVP’s sanctioning powers include warning and recommendations, financial penalties, publication of non-compliance, referral to judicial authorities, and administrative sanctions (such as suspending public funding or deregistering a political party). • However, most conflicts and disputes are resolved amicably.
Lobbying LAW No. 2013-907 of October 11, 2013, regarding the transparency of public life, modified in February 2022 [definition of lobbying, creation of HATVP] https://www.hatvp.fr/wordpress/wp-content/uploads/2018/01/Act-no.-2013-907-dated-11-October-2013-on-transparency-in-public-life.pdf LAW No. 2016-1691 of December 9, 2016, regarding transparency, anti-corruption and the modernisation of economic life [main legislation] https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033558528?init=true&page=1&query=2016-1691+du+9+decembre&searchField=ALL&tab_selection=all Followed by: Decree No. 2017-867 of May 9,2017, regarding the digital registry of interest representatives [public registry] https://www.europarl.europa.eu/cmsdata/216442/EPRS_BRI(2018)625104_EN_lobbying_law_france.pdf	• A lobbyist or lobbying organisation is a private entity (which can potentially be a public one if it engages in commercial activities) whose primary occupation is to seek influence over public officials and the law-making process. Elected officials, political parties, employer and employee associations, religious organisations and associations of elected officials are explicitly not considered lobbyists. • Lobbyists and lobbying organisations must report to HATVP, their identity, the scope of their activities, the number of people they employ, their revenue and the professional associations to which they potentially belong. • Each year, they also report to HATVP the types of decisions their activities have focused on, the scope of these activities, the type of public officials they have lobbied and the expenditures allocated to lobbying.	• Oversight and enforcement are delegated to HATVP, an independent administrative authority responsible for overseeing transparency and ethics in public life. HATVP ensures that public officials, elected representatives, and certain individuals and organisations engaged in lobbying activities comply with disclosure requirements and ethical standards. • HATVP’s public registry of lobbyists and their activities is available online.	• HATVP’s sanctioning powers include warning and recommendations, financial penalties, publication of non-compliance, and referral to judicial authorities. • However, most conflicts and disputes are resolved amicably.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving Door: LAW No. 2013-907 of October 11, 2013, regarding the transparency of public life. https://www.hatvp.fr/wordpress/wp-content/uploads/2018/01/Act-no.-2013-907-dated-11-October-2013-on-transparency-in-public-life.pdf Decree No. 2017-105 of January 27, 2017, concerning the exercise of private activities by former public officials and certain private law contractual agents after cessation of their functions, multiple employments and the ethics committee of the civil service [specifies rules and restrictions regarding the post-employment of former government ministers and civil servants] https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033936795?utm_ LAW No. 2019-828 of August 6, 2019, on the transformation of the civil service [delegate the HATVP the oversight and monitoring of revolving doors for civil servants] https://www.legifrance.gouv.fr/loda/id/JORFTEXT000038889182	• Since 2013, members of the government have been required to obtain prior approval from HATVP for their career transitions. • This oversight has since been expanded to include senior public officials and certain key local elected officials following the 2019 reform of the civil service, which transferred responsibilities from the former Ethics Commission for the Civil Service to HATVP. As of 2019, other public officials must undergo scrutiny from their immediate supervisors and ethics officers when considering career changes. These ethics bodies oversee potential violations of the criminal offence of “revolving door” practices and assess ethical risks that could undermine public administration. HATVP is authorised to publish its opinions, allowing journalists, civil society and citizens to monitor compliance with these opinions.	• HATVP oversees the implementation and enforcement of rules related to revolving door practices. It reviews declarations of assets and interests from public officials to ensure compliance with ethical standards and may issue recommendations or sanctions for non-compliance.	• There is a criminal offence known as <i>pantouflage</i> (Article 432-13 of the Penal Code), punishable by up to three years’ imprisonment and a fine of €200,000. • This offence applies to former public officials, government members and local elected officials who, within three years of leaving their public positions, participate in activities such as employment or acquiring shares in a private sector company that operates in a competitive field they previously oversaw in their public roles.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: LAW of July 1881, on the Freedom of the Press [overall framework that shapes the other laws given provisions on freedom of the press and editorial independence] https://legislationline.org/taxonomy/term/17578 LAW No. 47-585 of April 2, 1947, concerning the status of newspaper and periodical distribution and grouping companies [regulates the distribution of press subsidies and advertising] https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000684244 LAW No. 86-1067 of September 30, 1986, concerning the freedom of communication EU 2018/1808 Audiovisual Media Service Directive [includes provision on state aid and advertising] https://www.wipo.int/wipolex/en/legislation/details/18513 LAW No. 2021-1382 of October 25, 2021, concerning the regulation and protection of access to cultural works in the digital age [creation of an independent body in charge of regulating both traditional and online media] https://www.wipo.int/wipolex/en/legislation/details/21527	• There are no publicly accessible registries of beneficial owners of media outlets, although transparency in media ownership is governed by laws on corporate governance and media ownership. • State funding, including advertising, is regulated by Law No. 86-1067 of September 30, 1986, and more recent decrees, which detail rules for press subsidies. • Private media funding models and editorial independence are overseen by the Press Law of July 29, 1881, and ethical charters adopted by media and sector organisations. • Transparency in the advertising market, including the market shares of major advertising companies, is regulated by competition law and enforced by the Competition Authority. • Limitations on journalist access to information, due to specific national adaptations of the EU’s GDPR, are governed by French data protection laws. Defamation legislation, which can affect journalists and lead to SLAPP cases, is addressed by the Press Law of 1881 and the Penal Code. Excessive regulations against disinformation are addressed through the implementation of the Audiovisual Media Services Directive (SMA), which aims to combat disinformation and regulate digital platforms.	• In France, media oversight and sanctioning power over lack of media independence primarily rests with the French media independent regulatory authority known as the Autorité de régulation de la communication audiovisuelle et numérique (ARCOM) (Regulation Authority of audiovisual and digital communication). • The ARCOM is responsible for ensuring the independence and pluralism of the media, particularly in the broadcasting sector. It monitors compliance with laws and regulations regarding editorial independence, ownership transparency and the avoidance of conflicts of interest within media organisations. The ARCOM has the authority to investigate complaints, issue warnings, impose fines, and, in severe cases, revoke broadcasting licenses if media entities fail to uphold independence standards or breach regulatory requirements. • For the written press, oversight and sanctioning related to media independence primarily fall under the purview of the Commission paritaire des publications et agences de presse (CPPAP), or the Joint Commission for Publications and Press Agencies. This commission is responsible for granting and monitoring press subsidies, which are contingent upon adherence to certain ethical and professional standards, including editorial independence. • The CPPAP evaluates applications for subsidies from newspapers and press agencies based on criteria such as circulation, content quality and adherence to legal and ethical standards. While the CPPAP does not have direct sanctioning powers similar to those of the ARCOM in the broadcasting sector, its decisions regarding subsidies can influence the financial viability of newspapers. This indirect influence encourages compliance with professional standards and safeguards editorial independence in the written press in France. • The French Competition Authority (independent agency) de facto plays a crucial role in safeguarding media independence and preventing concentration by overseeing and regulating mergers, acquisitions and anti-competitive practices within the media sector. It ensures that no single entity can dominate the media landscape. This contributes to maintaining a diversity of viewpoints and protecting democratic discourse.	• The ARCOM wields significant sanctioning powers to uphold broadcasting standards and ensure compliance with regulations. • These powers include issuing warnings and reprimands for violations, imposing financial penalties based on the severity of offenses, and potentially suspending or revoking broadcasting licenses in serious cases of non-compliance. • The ARCOM’s regulatory measures aim to maintain ethical broadcasting practices, enforce content standards and safeguard the independence and diversity of the audiovisual sector in France.

Author’s note: Based and adapted from public and institutional sources including: Haute Autorité pour la Transparence de la Vie Publique (HATVP); Commission nationale des comptes de campagne et des financements politiques (CNCCFP); Legifrance (French government legal portal); Transparency International; OECD Anti-Corruption & Integrity Outlook; EU Parliament Briefings on Lobbying & Transparency; WIPO/WIPOLEX Legislative Databases; Media Pluralism Monitor (MPM) Reports.

CHAPTER 6.

Italy

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Introduction

Between 2018 and 2023, Italy saw a modest improvement in corruption perceptions. However, as of 2024, Italy's standing in Transparency International's Corruption Perception Index fell to 52nd place.⁴²⁵ **Public appraisal of corruption remains markedly more negative than the EU average:** according to the *2025 Special Barometer on Corruption*,⁴²⁶ 82% of Italians consider corruption to be widespread. Findings from Transparency International's *Global Corruption Barometer 2021* similarly show that 58% of Italians fear reprisals for reporting corruption, compared to the EU average of 45%. The same Barometer⁴²⁷ also reveals that 85% of Italian respondents view corruption in government as a serious issue, compared to an EU average of 62%. In contrast, **law enforcement institutions are perceived more positively**, with only 9% of respondents believing that most police officers are corrupt. The *2025 Special Barometer on Corruption*⁴²⁸ shows that 66% of Italians would report corruption to the police, exceeding the EU average of 61%. These findings therefore suggest that, while corruption is seen as pervasive at the governmental level, public confidence in the integrity of law enforcement remains comparatively strong.

A 2024 study⁴²⁹ of ISTAT (Italy's National Institute of Statistics) found that 5.4% of families had at least one member who, at some point, was solicited for money, favours, or other benefits in exchange for services. **The justice sector was most affected by corruption**, with 4.8% of families encountering requests for money or favours, followed by welfare benefits (2.7%), public offices (2%), healthcare (1.3%), workplace (0.8%), education (0.7%) and public utilities and law enforcement (0.4%). Approximately 2.9 million entrepreneurs and self-employed professionals see paying for services as common, with 1.3% personally experiencing such requests for obtaining licences, permits, public administration contracts, customs clearances, tax-related benefits, or legal expediting.

⁴²⁵ Transparency International, 2024, *CPI 2024 Global Results & Trends Database*

⁴²⁶ European Commission, 2025, *Citizens' attitudes towards corruption in the EU in 2025*, July 2025

⁴²⁷ Transparency International, 2021, *Global Corruption Barometer European Union 2021*, 15 June 2021

⁴²⁸ European Commission, 2025, *Citizens' attitudes towards corruption in the EU in 2025*, July 2025

⁴²⁹ ISTAT, 2024, *'La corruzione in Italia – anno 2022-2023'* ('Corruption in Italy – years 2022-2023'), Italian National Statistic Agency, 6 June 2024

Italy has a comprehensive legal and institutional framework to combat corruption, yet its complexity hampers its overall effectiveness. This is particularly noticeable in the regulation of conflicts of interest, where multiple regulations apply to different categories of officials, while there is a notable gap regarding ministers' advisers. Additionally, financial disclosure rules differ for ministers and their advisers and not all disclosed information undergoes thorough independent review.⁴³⁰

Recent reforms in the justice system have not unequivocally contributed to the creation of an effective system in the fight against corruption. For example, Law No. 71/2022⁴³¹ and the establishment of the Department of Tax Justice (Law No. 44/2023)⁴³² aim to enhance tax courts' independence from the Ministry of Economy and Finance. However, key reforms – such as the proposed constitutional amendment to separate the careers of judges and prosecutors and establish a High Disciplinary Court for magistrates (Draft Constitutional Law No. 1917)⁴³³ – remain under consideration, with concerns that separation could increase prosecutors' political vulnerability.

Other legislative changes have also been introduced, including **the removal of the offence of abuse of public office and a narrowing of the scope of trading in influence** (Law No. 114/2024),⁴³⁴ which are justified by the government by the fact that the offence rarely leads to convictions and hinders the functioning of public administrations.⁴³⁵ The Constitutional Court upheld the abolition of the offence of abuse of office in 2025 (Judgment No. 95/2025),⁴³⁶ confirming its legitimacy. However, stakeholders caution that this legal change can weaken the detection and investigation of fraud and corruption.⁴³⁷ Likewise, proposed amendments to the statute of limitations, currently under review in the Senate, could shorten the time allowed for prosecuting criminal offences, including corruption cases.⁴³⁸ Legal experts warn that such changes might create administrative challenges, potentially disrupting the timely resolution of cases, particularly those involving high-level corruption.⁴³⁹

The Italian government has also undertaken **broad steps against corruption**, notably establishing the National Anti-Corruption Authority (ANAC) to monitor corruption, enhance procurement transparency and oversee the conduct of public officials. However, inconsistent follow-through and recent amendments risk weakening key tools like abuse of office and trading in influence, without offering clear solutions to ensure transparency and accountability, particularly in political financing.

⁴³⁰ GRECO, 2024, *Fifth evaluation round. Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*, 28 August 2024

⁴³¹ Law No. 71/2022, Delegations to the Government for the reform of the judicial system and the adjustment of the military judicial system, as well as provisions regarding judicial structure, organisation and discipline, the eligibility and reinstatement of magistrates and the establishment and functioning of the Superior Council of the Judiciary

⁴³² Law No. 44/2023, Urgent provisions to strengthen the administrative capacity of public administrations

⁴³³ Draft Constitutional Law No. 1917, Provisions on the Judicial System and the Establishment of the Disciplinary Court

⁴³⁴ Law No. 114/2024, Amendments to the Penal Code, the Code of Criminal Procedure, the Judicial System Code and the Military Code

⁴³⁵ Negri G., 2024, 'Nordio Law Decree: Chamber Approves Article 1, Abolishing Abuse of Office', 4 July 2024

⁴³⁶ Constitutional Court of Italy, 2025, 'Judgment No. 95, 3 July 2025, abolition of the offence of abuse of public office (Article 323 of the Penal Code)', 3 July 2025

⁴³⁷ Cottone Nicoletta, 2024, 'Supporters and Opponents in Debate: A Comparison on Abuse of Office', *Il Sole24 Ore*, 12 July 2024

⁴³⁸ Draft Law A.C. 893, Amendments to the Criminal Code and the Code of Criminal Procedure on the subject of limitation periods

⁴³⁹ European Commission, 2024, *Rule of Law Report – Country Chapter Italy*

Essential reforms concerning conflicts of interest, lobbying and political party financing remain under consideration. Comprehensive legislation on conflicts of interest for political officeholders is still pending. Italy lacks a comprehensive lobbying law, with only partial rules in the Chamber of Deputies and no overarching framework for parliament. Draft laws on party and campaign financing have not progressed, despite recommendations to curb donation channelling through political foundations and establish a single electronic finance register. Corruption risks persist in public procurement,⁴⁴⁰ although digitalisation of public contracts has improved transparency.⁴⁴¹ ANAC's updated National Anti-Corruption Plan⁴⁴² emphasises public contracts following new provisions in Legislative Decree No. 36/2023.⁴⁴³

Italy boasts a strong regulatory framework that supports independent media, with further steps being taken to streamline financial support for the sector. However, **media stakeholders have called for more effective measures.** Proposed changes regarding journalists' access to judicial documents and wiretaps have sparked criticism, and while protections for journalists against threats have been put in place, their safety and working conditions remain a concern.⁴⁴⁴

Political Finance: Struggling for Transparency amid Fragmented Regulations

Italy has strict regulations on political party donations. However, no progress has been made in the regulation of political party and campaign financing. The 2023 EU Rule of Law Report recommended that Italy effectively and promptly address the practice of channelling donations through political foundations and associations and introduce a single electronic register for party and campaign finance information.⁴⁴⁵ The current system of private donations to political parties may undermine transparency and public accountability while posing the risk that large donors exert disproportionate influence over the political agenda.

Despite various draft legislations being introduced over the years with the aim of addressing this longstanding issue, none have been enacted. At present, the Constitutional Affairs Committee is examining two draft legislations, presented in December 2022 and March 2023, which aim to consolidate and rationalise existing regulations on political parties and their financing while enhancing transparency. At the same time, a draft law was introduced in 2023 to amend the rules governing the Committee for Transparency and Control of Political Parties and Political Movements, with the objective of increasing its autonomy to align it more closely with that of an independent administrative body. However, the outcome of these discussions and the finalisation of a technical report on the financing of the Committee remains pending.⁴⁴⁶ Furthermore, a centralised register on political party and campaign finance information is still lacking.

⁴⁴⁰ European Commission, 2024, *Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU*

⁴⁴¹ European Commission, 2024, *Rule of Law Report – Country Chapter Italy*

⁴⁴² ANAC, 2023, *National Anticorruption Plan*, 19 December 2023

⁴⁴³ *Legislative Decree No. 36* of 31 March 2023, Public Contracts Code in implementation of Article 1 of Law No. 78 of June 21, 2022, delegating powers to the Government on public contracts

⁴⁴⁴ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁴⁴⁵ Ibid.

⁴⁴⁶ Ibid.

Historical Development of the Legal Framework

Italy's struggle to regulate political financing dates to the 1970s, with multiple reforms attempting to balance transparency and financial sustainability. Public funding was initially introduced under a law proposed by Flaminio Piccoli (Law No. 195 of 1974), in response to the *Trabucchi case* (a corruption scandal involving a Christian Democrat senator and former Minister of Finance in 1965).⁴⁴⁷ The law aimed to enhance transparency and prevent illicit financial practices. It established two types of funding: operational funds for political parties and reimbursements for electoral expenses in local, national and European elections. However, it failed to prevent further corruption scandals, as evidenced by *Tangentopoli* in the 1990s, which revealed large-scale schemes of illicit party financing.⁴⁴⁸

This framework was later amended by Law No. 659 of 1981 and supplemented by additional legislative measures.⁴⁴⁹ The primary objective of this legislation was to mitigate corruption as, in the absence of public funds, political parties would have been entirely dependent on private donations, thereby being exposing to potential undue influence. Additionally, the law introduced the first regulatory framework for private financing of political parties. Subsequent reforms further reshaped the system. Law No. 96 of 2012⁴⁵⁰ introduced a new mechanism for allocating public funds, allowing them to be used not only for electoral expenses but also for institutional activities.⁴⁵¹

In 1993, the Radical Party, led by Marco Pannella, pushed for a national referendum to abolish public financing for political parties. The proposal received overwhelming support, with 90% of voters in favour. While the reform eliminated funding for the daily operations of parties, it still allowed for electoral reimbursements. In the following years, a series of legislative changes between 1995 and 1999 gradually reinstated parts of the public financing system that had been abolished.

The Group of States against Corruption (GRECO), in its third-round evaluation reports, identified significant transparency issues in political financing in Italy including:⁴⁵²

- Fragmented and weak oversight: supervision is divided among three separate bodies with limited powers and there is a lack of coordination, leading to a scarce control system.
- Lack of internal and independent control: political parties are not required to implement internal control, which undermines financial credibility.
- Lack of a functioning sanction system: sanctions are mostly limited to the suspension of public funding for reporting errors.
- Limited transparency: financial data is presented unclearly, often made available late in order to prevent public scrutiny.

⁴⁴⁷ Law No. 195/1974, State contribution to the financing of political parties

⁴⁴⁸ Transparency International Italia, 2024, *Money and Politics, the integrity of politics in Italy: regulations, data, and perspectives*

⁴⁴⁹ Law No. 659/1981, Amendments and additions to the law of May 2, 1974, No. 195, on the state contribution to the financing of political parties

⁴⁵⁰ Law No. 96/2012, Rules on the reduction of public contributions to political parties and movements, as well as measures to ensure transparency and control of their financial reports. Delegation to the Government for the adoption of a unified text of laws concerning the financing of political parties and movements and for the harmonisation of the regime related to tax deductions.

⁴⁵¹ Maroccia, I., Valpreda, I., 2024, 'Il finanziamento dei partiti politici' ('The financing of political parties'), *Osservatorio sui Conti Pubblici Italiani*, 31 May 2024

⁴⁵² GRECO, 2012, *Third evaluation round, Evaluation Report on Italy Incriminations (ETS 173 and 191, GPC 2)*, 20-23 March 2012
Incriminations provided for in the Criminal Law Convention on Corruption, its Additional Protocol and Guiding Principle 2, Transparency of Party Funding with reference to the Recommendation of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns.

GRECO recommended the development of a coordinated approach for disclosing financial information on political parties and electoral campaigns and ensuring that such information is made available in a consistent and comprehensible manner, facilitating public access, including through optimised online publication.⁴⁵³

The Legislative Decree No. 149/2013, later amended and converted into Law No. 13/2014, introduced a gradual abolition of direct public financing for political parties, which became fully effective in 2017.⁴⁵⁴ The reform established a system based on private funding through voluntary donations, alongside new regulations for party oversight. As a result, **electoral reimbursements and direct public contributions for political activities were abolished.** To compensate for the removal of public funding, the new framework introduced tax deductions for private donations and the voluntary allocation of 0.2% of personal income tax. Under this system, taxpayers may choose to allocate a portion of their income tax (the so-called “2 per mille”) to a registered political party.

Access to these financial mechanisms is restricted to political parties registered in the National Register of Political Parties, which requires compliance with transparency and democratic governance standards set forth by the decree. According to Legislative Decree No. 149/2013, political parties must ensure transparency and public accessibility to information regarding their statutes, governance structure and financial status. These documents must be published on their official websites and submitted to the Presidents of the Chamber of Deputies and the Senate by July 15 each year.

Despite the progress in this area, GRECO’s 2018 Addendum to the Second Compliance Report on Italy noted only partial implementation of its recommendations.⁴⁵⁵ It highlighted that the core issue, **ensuring a structured approach to the publication of electoral campaign financing data, had not been effectively addressed.** This deficiency continues to limit public access to transparent and meaningful financial information.

The abolition of public funding, combined with restrictions on private donations and enhanced transparency requirements, has led to the **proliferation of political foundations and associations established by political leaders for para-political purposes.**⁴⁵⁶ Initially unregulated, these entities have since been subject to legal provisions aimed at increasing transparency. Law No. 3/2019 (*Spazzacorrotti* law) sought to reform corruption-related offences and extended transparency obligations to political parties, foundations and associations. It mandated the disclosure of all donations exceeding €500.⁴⁵⁷

⁴⁵³ Ibid.

⁴⁵⁴ Legislative Decree No. 149/2013, Abolition of direct public funding, provisions for the transparency and democracy of political parties and regulation of voluntary contributions and indirect contributions in their favour.

⁴⁵⁵ GRECO, 2016, *Third evaluation round. Second Compliance Report on Italy. Evaluation report: Italy, Group of States Against Corruption*, Council of Europe, 2 December 2016.

⁴⁵⁶ Maroccia, I., Valpreda, I., 2024, ‘Il finanziamento dei partiti politici’ (‘The financing of political parties’), *Osservatorio sui Conti Pubblici Italiani*, 31 May 2024

⁴⁵⁷ Law No. 3/2019, Measures to combat crimes against public administration as well as in the matter of statute of limitations for crimes and in the matter of transparency of political parties and movements

Despite the significant reduction in public funding, state support remains the primary source of financing for political parties. In 2022, out of a total of approximately €86 million received by the ten major political parties, only 33% (€28 million) came from private sources, while the remaining 67% originated from public sources, either through the mechanism of 0.2% of personal taxes (Irpef) or parliamentary group contributions. The latter was estimated based on the total funds allocated by the Chamber and Senate, distributed in proportion to each party's parliamentary representation.⁴⁵⁸

Recent Developments

The recent **Toti case**⁴⁵⁹ has reignited discussions on how political campaigns are financed in Italy and the transparency of funding for parties and candidates. Both issues have been central to political agendas and parliamentary debates for years. The ongoing discourse focuses around identifying the most effective method to prevent financial mismanagement, while ensuring that political parties maintain a strong connection with their electorate beyond election periods.⁴⁶⁰

Giovanni Toti, President of the Liguria Region and National Council President of Noi Moderati, is currently under investigation for corruption. Allegedly, over four electoral campaigns, he received tens of thousands of euros from companies linked to businessmen in the form of legal donations to his electoral committee. In exchange, Toti reportedly facilitated bureaucratic processes and allocations favouring private business interests. This case underscores broader concerns regarding political financing, particularly the extent to which reliance on private funding may compromise the independence of political decision-making.⁴⁶¹

Since the abolition of public funding, political parties in Italy have experienced a sharp decline in revenue. As a result, the so-called **party tax** (mandatory contributions from elected officials to their respective parties) **has become a crucial source of funding**. Transparency International estimates that in 2022, these contributions accounted for approximately 60% of the total funds raised by political parties in Italy.⁴⁶²

Italy has established relatively stringent transparency measures compared to other Western European nations. Donations exceeding €500 must be publicly disclosed and comprehensive data on political donations are available on the Italian Parliament's website, and the maximum allowable donation per individual or entity is capped at €100,000 per year.⁴⁶³ However, the system lacks uniformity, making it difficult to compare financial disclosures across different political parties. This inconsistency weakens overall transparency, potentially creating opportunities for corruption.⁴⁶⁴

⁴⁵⁸ Maroccia, I., Valpreda, I., 2024, 'Il finanziamento dei partiti politici' ('The financing of political parties'), *Osservatorio sui Conti Pubblici Italiani*, 31 May 2024

⁴⁵⁹ Il Post, 2024, 'What Is the President of Liguria Giovanni Toti Accused Of?', 7 May 2024

⁴⁶⁰ Bodrero, L., 2024, 'Partiti senza frontiere', ('Parties without borders'), *IrpiMedia*, 31 May 2024

⁴⁶¹ Ibid.

⁴⁶² Transparency International Italia, 2024, *Money and Politics, the integrity of politics in Italy: regulations, data, and perspectives*

⁴⁶³ Parlamento Italiano, 'Erogazioni ai partiti politici iscritti nel registro nazionale' ('Donations to political parties registered in the national register')

⁴⁶⁴ Bodrero, L., 2024, 'Partiti senza frontiere', ('Parties without borders'), *IrpiMedia*, 31 May 2024

Most Italian political parties are in financial distress, facing substantial budget deficits compared to their European counterparts. Those that manage to secure electoral victories often survive by leveraging the *party tax*, requiring elected representatives to contribute a portion of their salaries to the party's finances. This reliance on internal party contributions risks distorting political competition by favouring well-established parties with numerous elected officials, as well as those with strong ties to major donors – particularly corporate entities – while disadvantaging smaller or newer parties.

In 2022, approximately 61.38% of the contributions (€19.7 million) came from the remittances made by elected politicians. As in previous years the sustainability of the system continued to rely on contributions from parliamentarians already elected to office. This can be seen as a form of indirect public funding, as these donations are based on agreements within the party, which require elected officials to donate a portion of their earnings.⁴⁶⁵

Key Actors and Their Role in Legislation

Civil society and advocacy groups have called for greater transparency in political financing. Organisations such as Transparency International Italy have consistently demanded stronger regulations and better public access to data on political donations, for example with the Money and Politics dataset. **The efforts of civil society have thus raised awareness of the dangers posed by opaque funding systems and generated international pressure on Italy to align with EU standards of financial transparency.**⁴⁶⁶ These organisations have played a key role in shaping public opinion, particularly in the wake of corruption scandals like the Toti case, holding both the government and political institutions accountable.

In contrast, **Italian politicians have exerted a more complex influence on the development of political financing laws.** While there has been support for reforms aimed at reducing corruption, such as the introduction of voluntary donations and the restructuring of public funding mechanisms, there has also been significant resistance to changes that would limit access to private funding, which is essential for financing political campaigns. This tension has often resulted in reforms being weakened, particularly when they would constrain the ability of political parties to rely on private donations. The case of Giovanni Toti and the continued reliance on party taxes highlight the ongoing struggle to balance the need for financial sustainability with efforts to reduce political corruption. A step in this direction was taken with the 2025 Budget Law (Law No. 207/2024, Article 1, paragraph 850),⁴⁶⁷ which introduced conditional restrictions for Members of Parliament, members of Government and regional presidents. During their mandate, they are prohibited from accepting contributions, services or other benefits from public or private entities and companies without a registered office and operations in the EU. While this measure marks some progress, it remains limited in scope and does not address the broader systemic issues in political financing.

⁴⁶⁵ Transparency International Italia, 2024, *Money and Politics, the integrity of politics in Italy: regulations, data, and perspectives*

⁴⁶⁶ Ibid.

⁴⁶⁷ Law No. 207/2024, State budget estimate for the financial year 2025 and multi-year budget for the three-year period 2025–2027

Lobbying: Historical Aversion and Piecemeal Efforts

Lobbying in Italy has long suffered from a negative reputation, often associated with scandals, corruption, and undue influence over public decision-making. Unlike in other democratic systems where lobbying is recognised as a legitimate mechanism for interest representation, in Italy, it is frequently perceived as an opaque and illicit practice. According to Transparency International Italia,⁴⁶⁸ **three main historical and cultural factors contribute to the widespread skepticism towards lobbying.**

Firstly, the Italian political system has traditionally prioritised the authority of the state and legal principles over negotiations between different interest groups, viewing laws as the sole expression of the collective will. Secondly, political parties have been constitutionally recognised as the primary, and often exclusive, channel through which citizens can engage with institutions, limiting a role for lobbying to act as a legitimate form of interest representation. Lastly, the long-standing absence of clear regulations and transparency has obscured the interactions between lobbyists and public officials, fostering an environment of secrecy that has further fueled skepticism and mistrust.⁴⁶⁹

Unlike other Western democracies that have adopted stringent transparency and accountability measures, **Italy has historically lacked clear regulations to distinguish legitimate lobbying activities from illicit influence-peddling.** This regulatory vacuum has fueled a culture of secrecy and has made lobbying susceptible to unethical practices, reinforcing public distrust.

The negative perception of lobbying is further amplified by recurring scandals, both in Italy and internationally, which reinforce the association between lobbying and corruption. **In Italy, several major cases have emerged over the past two decades, highlighting the blurred lines between legal advocacy and illicit influence networks.** Among the most notable are the *P3* and *P4* scandals,⁴⁷⁰ which emerged in 2010 and 2011, respectively. Both cases involved the creation of secret networks aimed at controlling and manipulating public tenders and appointments. *P3* implicated high-profile political figures as well as business leaders and judges. *P4*, on the other hand, extended to members of law enforcement and various politicians. Central to the *P4* case was businessman and lobbyist Luigi Bisignani who was believed to have connections with senior executives at ENI, members of Opus Dei and intelligence officials. These cases illustrate the urgent need for a robust regulatory framework to ensure transparency and accountability in lobbying activities.

Historical Development of the Legal Framework

In Italy, the regulation of lobbying remains insufficient and fragmented, leading to an opaque and non-transparent process. This regulatory void has fostered a growing public distrust, not only towards lobbyists, who are often perceived negatively, but also towards lawmakers and governments, who face accusations of lacking transparency in their decision-making processes.⁴⁷¹

⁴⁶⁸ Transparency International Italia, 2024, *Money and Politics, the integrity of politics in Italy: regulations, data, and perspectives*

⁴⁶⁹ OECD, 2014, *Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying*, 27 November 2014

⁴⁷⁰ La Repubblica, 2011, 'P3, P4 and those millions given away: The money track leads to the Knight', 29 August 2011

⁴⁷¹ OECD, 2014, *Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying*, 27 November 2014

Over the years, a series of rulings by the Constitutional Court, beginning in 1974, have emphasised that lobbying activities foster equality and participation, both of which are fundamental principles enshrined in the Italian Constitution.⁴⁷² For instance, the Constitutional Court revisited the issue of lobbying in its Decision No. 379 of 2004,⁴⁷³ concerning the statute of the Emilia-Romagna region. The Court underscored the crucial role of lobbyists in the decision-making process, noting that they contribute technical expertise and share valuable experiences that enable public decision-makers to make well-informed and comprehensive choices.

In 2007, Prime Minister Romano Prodi and Minister Giulio Santagata presented one of the most significant legislative proposals to date, which included the establishment of the **Public Register of Interest Representatives**.⁴⁷⁴ This proposal included a list of individuals excluded from the profession, and sanctions for those engaging in lobbying activities without prior registration. However, this proposal was never approved by Parliament.

In the absence of a national framework, some regions (Tuscany, Molise, and Abruzzo) have managed to introduce **regional lobbying regulations**, while others (Emilia Romagna, Calabria, and Veneto) have made unsuccessful attempts.

The existing laws are modelled after the European Transparency Register, establishing a voluntary register for lobbyists, a list of permitted tools for conducting lobbying activities and specific sanctions for those who violate these rules. Tuscany was a pioneer in this regard, with a legislative initiative dating back to 2002,⁴⁷⁵ although it has significant limitations. The regional law does not provide a specific definition of a “lobbyist,” and the existing register is only applicable to organisations whose internal structure is based on democratic principles, excluding most businesses and consulting agencies. Moreover, the register is only applicable to the Regional Council, not to the Executive Board, which holds real executive power.⁴⁷⁶

Molise’s regional law follows Tuscany’s lead, with similar limitations, including the fact that the register is not visible on the official website of the region. In 2010,⁴⁷⁷ Abruzzo introduced a more detailed law compared to the previous examples, defining “lobbyists” and allowing interest groups’ access to both the Regional Council and the Executive Board. The law came into force at the end of 2012, but its implementation has been slow, with only six registered entities, one of which is the International Working Dog Research Centre.

The Lombardy region, in 2016, established a mandatory registry for interest representatives.⁴⁷⁸ However, the regulations regarding the rights and obligations of registered groups do not apply to the regional government, which must adopt a regulation within twelve months to govern interest representation in its decision-making processes.

⁴⁷² Transparency International Italia, 2014, *Lobbying and Democracy, Interest Representation in Italy*

⁴⁷³ Italian Constitutional Court, *Judgment No. 379 of 2004*

⁴⁷⁴ Chamber of Deputies, No. 3439, Bill proposal. Regulation of the activity of representation of specific interests in institutional relations and before public decision-makers, presented on 18 November 2015.

⁴⁷⁵ *Regional Law* of 18 January 2002, No. 5. Norms for the Transparency of Political and Administrative Activities of the Regional Council of Tuscany

⁴⁷⁶ Transparency International Italia, 2014, *Lobbying and Democracy, Interest Representation in Italy*

⁴⁷⁷ *Regional Law* of 22 December, 2010, No. 61. Regulation on the Transparency of Political and Administrative Activities and on the Activity of Representing Specific Interests

⁴⁷⁸ *Regional Law* of 20 July 2016, No. 17. Regulations for the Transparency of Interest Representation in Public Decision-Making Processes at the Regional Council

The regions of Puglia and Lazio developed similar regulations. Puglia's draft law stands out for extending its scope not only to the Regional Government but also to assessors and the heads of regional companies.⁴⁷⁹ It introduces a mandatory registry for interest groups and a public agenda to disclose meetings with decision-makers. It also includes an annual report to monitor the law's implementation.

In 2012, **the Ministry of Agricultural, Food, and Forestry Policies also initiated a process for establishing a lobbyists' register.** Minister Mario Catania issued a decree⁴⁸⁰ to regulate the participation of interest groups in the ministry's decision-making processes, in line with European Union standards and based on two key elements: the establishment of a lobbyist register and a permanent consultation procedure. According to the decree, lobbyists wishing to participate in consultations and submit documents or proposals must be registered in the public register, and ministry officials must include a record of participants and the consultation process in an annexed document. The decree also established a transparency unit to manage the register and ensure transparency in the Ministry's decision-making process, as well as to coordinate activities related to the implementation of Regulatory Impact Analysis (RIA).

The decree defines lobbyists as those "professionally representing lawful interests at the Ministry... with the aim of influencing public decision-making processes." This definition also covers individuals or entities representing non-profit organisations or whose main activity is not economically driven. However, the decree's list does not include major agricultural organisations, as it appears they have not been willing to identify themselves as lobbyists. The ministry's register remains an embryonic form of lobbying regulation and, despite being limited to a single Public Administration, it represents the first concrete legislative action outlining the rights and responsibilities of interest representatives and the Administration after forty years of legislative proposals that were never realised.⁴⁸¹

The closest approximation to lobbying regulation is found in the Regulation of Interest Representation Activities in the Chamber of Deputies,⁴⁸² part of the parliamentary regulations. Although these rules officially expired in 2017, they are still largely respected in practice. The regulation introduced several key parameters, which are essential for evaluating its effectiveness and rigour. First, it provided a definition of a lobbyist, though this definition is incomplete, as it excludes activities conducted during parliamentary hearings. Additionally, it mandated the creation of a public electronic register for those wishing to meet with parliamentarians, imposed a 12-month cooling-off period for former government officials or parliamentarians before they could register and prohibited the registration of individuals convicted of crimes against the public administration. Furthermore, those registered were required to submit an annual report on their lobbying activities.

However, the regulation has significant shortcomings. It lacks provisions for penalties for non-compliance, does not regulate donations to political parties or candidates, and allows physical access to the Chamber without proper identification for lobbyists, using visitor badges provided by parliamentarians instead.

⁴⁷⁹ Draft Law No. 101 of June 15, 2016. Regulation of Lobbying Activities with Public Decision-Makers

⁴⁸⁰ Ministerial Decree No. 2284, 19 February 2012

⁴⁸¹ Transparency International Italia, 2014, *Lobbying and Democracy, Interest Representation in Italy*

⁴⁸² *Rules on Lobbying in the Chamber of Deputies*. Approved by the Committee on the Rules of Procedure at the sitting of 26 April 2016.

In general, **lobbying regulations in Italy, where they exist, are not stringent due to the absence of three essential elements:**

- A unified national legislative framework;
- A mandatory national register for lobbyists;
- Enforceable sanctions for violations of existing regulations.

The absence of these components undermines the transparency of the decision-making process and highlights the urgency of legislative intervention to address this regulatory gap, in alignment with the standards set by other democratic systems.

Recent Developments

There has been no progress in adopting comprehensive lobbying regulations and establishing a clear legislative framework for lobbying activities.⁴⁸³ The 2023 EU Rule of Law Report advised Italy to “adopt comprehensive lobbying regulations to establish an operational lobbying register, including a legislative footprint”.⁴⁸⁴ Despite the existence of lobbying rules within the Chamber of Deputies and a register for interest representatives, comprehensive regulations are still absent for both chambers of Parliament. **The lack of regulation surrounding lobbying activities continues to be identified as one of the major weaknesses in Italy’s national integrity system.**⁴⁸⁵

As of March 2025, 403 legal entities and 100 natural persons were registered in the lobbying register, marking an increase from 365 legal entities and 74 natural persons registered in December 2023.⁴⁸⁶ While this represents a positive development, there were no parliamentary debates regarding any of the proposed lobbying laws introduced in either chamber. Furthermore, the fact-finding inquiry into the activities of interest representatives, established in March 2023, was extended until 31 March 2024, from its original deadline of June 2023. Upon completion of the inquiry, the relevant Committee plans to produce a report and assess whether new regulations are necessary or if a guide should be issued instead.⁴⁸⁷

However, some critics have expressed frustration with the continued focus on the inquiry, emphasising that concrete legislative action is urgently needed. The need for comprehensive rules on lobbying, including a clear definition of a lobbyist, has become more pressing, especially in light of proposed changes to the scope of the criminal offence of trading in influence. GRECO further asserts that, in addition to rules governing the activities of third parties and lobbyists, regulations are also necessary to address the relationships and interactions between parliamentarians and lobbyists.⁴⁸⁸

Given the lack of tangible legislative developments and the ongoing uncertainty regarding whether the parliament will propose comprehensive lobbying regulations or establish a legislative footprint, no meaningful progress has been made in implementing the recommendations put forward in previous years.

⁴⁸³ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁴⁸⁴ European Commission, 2023, *Rule of Law Report. Country Chapter Italy*

⁴⁸⁵ OECD, 2021, *Lobbying in the 21st Century: Transparency, Integrity and Access*

⁴⁸⁶ Chamber of Deputies, ‘Register for interest representatives’

⁴⁸⁷ European Commission, 2024, *Rule of Law Report – Country Chapter Italy*

⁴⁸⁸ GRECO, 2024, *Fifth evaluation round. Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*, 28 August 2024

Key Actors and Their Role in Legislation

In Italy, lobbying regulation has seen complex interactions between various actors. **Politicians have often been resistant to comprehensive reforms**, such as the 2007 proposal for a Public Register of Interest Representatives, due to their ties to interest groups and concerns about limiting access to political and financial resources.⁴⁸⁹ This resistance has left the regulatory landscape fragmented.

On the judiciary side, **the Constitutional Court acknowledged the importance of lobbying in democratic participation but abstained from enforcing regulation.**⁴⁹⁰

Despite this, certain regions have taken proactive steps to address lobbying concerns. These **regional efforts highlight the fragmented nature of lobbying regulation in Italy**, as they represent isolated initiatives rather than a coordinated national framework. Civil society organisations like Transparency International Italy have been a key advocate for transparency and regulation, raising awareness about the risks of unregulated lobbying and pressuring the government to adopt EU standards on lobbying transparency.⁴⁹¹ Despite these efforts, significant reforms continue to be necessary.

Revolving Doors: Legal Vacuums and the Push for Reform

The Italian regulatory framework addressing the phenomenon of “revolving doors”, known locally as *pantouflage*, is notably fragmented and lacks comprehensive enforcement. Current laws do not establish clear rules on shifts between the private and the public domain for elected officials, political appointees, and public administrators at various levels, leaving significant gaps that can lead to conflicts of interest and undue influence.⁴⁹² The following case illustrates the grey area of vague revolving-door regulatory practices.

Box 19. Pistelli’s Revolving-Doors Case

Lapo Pistelli, a long-serving Italian parliamentarian, held the position of Deputy Minister of Foreign Affairs and international cooperation in the Letta government starting in 2013, and the subsequent Renzi government. On 15 June, 2015, he resigned from his office to join ENI as a senior vice president for strategic analysis and international business development, officially assuming the position on 1 July 2015. In 2017, he was promoted to executive vice president and director of international relations.

⁴⁸⁹ Chamber of Deputies, No. 3439, Bill proposal. Regulation of the activity of representation of specific interests in institutional relations and before public decision-makers, presented on 18 November 2015.

⁴⁹⁰ Italian Constitutional Court, [Judgment No. 379](#) of 2004

⁴⁹¹ Transparency International Italia, 2014, *Lobbying and Democracy, Interest Representation in Italy*

⁴⁹² Anghelè, F., Rotondo, F., Turola, M., 2021, *Fermiamo le poltrone girevoli, tra politica, economia e lobby*, (Let's stop the revolving doors, between politics, economics and lobbies), The Good Lobby, 2021

His transition from politics to ENI, a publicly traded company in which the Italian state holds a significant stake, sparked controversy, particularly among opposition parties.⁴⁹³ The decision prompted scrutiny from the President of the Republic and the Italian Competition Authority (Antitrust), which was required to assess the compatibility of the case in light of conflict of interest regulations under Law No. 215/2004⁴⁹⁴ (the “Frattini Law”). Both the President of the Republic and the Antitrust ultimately endorsed Pistelli’s appointment, arguing that his prior governmental responsibilities were not closely linked to ENI’s activities.⁴⁹⁵ However, this decision drew widespread criticism, as it allowed ENI to secure a former high-ranking official with deep ties to the government and extensive expertise in the Middle East, a region of strategic importance to ENI. It should be noted that during his tenure as Deputy Minister, Pistelli had been responsible for foreign policy in the Middle East, further reinforcing concerns about the revolving door between public office and major corporate entities.⁴⁹⁶

Historical Development of the Legal Framework

Controversial cases like Pistelli’s might be explained by the fragmentation of the Italian regulatory framework and loose and sporadic adherence to existing legal provisions. An early example of restrictions for former public officials is established by **Article 6 of Law No. 60 of 1953**, known as the “Sturzo Law” (still in force).⁴⁹⁷ This law establishes a restriction for individuals, who have held government positions, from taking up roles in specific organisations for a one-year period after leaving office. The law specifically applies to cultural, welfare, and religious entities, as well as universities and higher education institutions. It also bars these individuals from assuming positions such as administrators, liquidators, directors, or legal consultants in organisations that manage services on behalf of the state or public administration, or those receiving direct or indirect state funding.

Subsequent regulations added further restrictions to protect administrative impartiality in certain sectors by requiring former public officials to undergo a “cooling-off” period, a temporary prohibition of variable duration, preventing them from assuming positions or engaging in professional activities. For instance, **Article 63 of Presidential Decree No. 600/1973** prohibited employees of the financial administration from representing entities before tax commissions for two years after leaving their government position.⁴⁹⁸

⁴⁹³ Corporate Europe Observatory, Friends of the Earth Europe, & Food and Water Action Europe, 2021, *Stop the revolving door: fossil fuel policy influencers*, October 2021

⁴⁹⁴ Law No. 215 20 July 2004, Provisions on the resolution of conflicts of interest

⁴⁹⁵ Ciccarello, E., 2015, ‘Lapo Pistelli from government to Eni: Antitrust approves, but abroad they would have stopped it. *Il Fatto Quotidiano*’, *Il Fatto Quotidiano*, 18 June 2015

⁴⁹⁶ Anghel, F., Rotondo, F., Turola, M., 2021, *Fermiamo le poltrone girevoli, tra politica, economia e lobby*, The Good Lobby, 2021

⁴⁹⁷ Law No. 60 of 13 February 1953, Parliamentary Incompatibilities, Article 6

⁴⁹⁸ Presidential Decree No. 600 of 29 September 1973. Common provisions on the assessment of income taxes. Article 63, Representation and assistance of taxpayers

In a similar way, **Article 2 of Law No. 481/1985**⁴⁹⁹ restricted former members of public utility regulatory authorities from holding direct or indirect consultancy or employment relationships with companies operating in their regulated sectors with a cooling-off period of two years. Perpetrators face financial penalties, up to the amount received for their activities.

Additional provisions were enacted to regulate specific sectors, such as **Law No. 185/1990**⁵⁰⁰ which imposed a three-year prohibition for former civil and military public employees responsible for administrative functions from assuming senior positions or providing consultancy for companies in the armaments sector. Violations are subject to penalties for companies involved.

Legislative Decree No. 165 of 2001, establishes that, within three years following the termination of employment, public employees are prohibited from being hired or taking on assignments for the private entities that were subject to their previous official decisions.⁵⁰¹ Any contracts concluded, or assignments given in violation of this provision are deemed null and void. Furthermore, private entities that have entered into such contracts or assignments are forbidden from engaging in any transactions with public administrations for the following three years and must return any compensation received during the violation period. The scope of this prohibition has been expanded by **Article 21 of Legislative Decree No. 39/2013**, which extends the application of the ban to individuals holding positions in both public administrations and public-private entities under public control. This includes employees and external collaborators with whom public administrations or entities establish work relationships, whether subordinate or autonomous.⁵⁰²

Law No. 215/2004 (“Frattini Law”) introduced incompatibility restrictions for government members, which last for one year after the end of their mandate. Former government officials are prohibited from holding positions or practicing professions related to their former government roles in public or private profit-oriented entities operating in sectors connected to their previous functions.⁵⁰³

Subsequently, **Law No. 190/2012** (“Severino Law”) addressed the issue of revolving doors in the public administration, establishing specific post-office incompatibilities (Article 1, paragraph 42, letter l). It stipulates that public employees who have exercised authoritative or negotiatory powers on behalf of the public administration (PA) in the last three years of service must undergo a three-year cooling-off period after leaving their public office. During this time, they are prohibited from engaging in work with private entities that are recipients of PA activities involving similar powers. Moreover, external subjects in contractual relations with public entities or public-controlled private entities are also subject to these regulations. Violations of these rules lead to the invalidation of contracts and a three-year ban on contracting with the public administration for the private entities involved.⁵⁰⁴

⁴⁹⁹ [Law No. 481](#) of 14 November 1995, Rules for competition and regulation of public utility services. Establishment of Regulatory Authorities for public utility services. Article 2, paragraph 9

⁵⁰⁰ [Law No. 185](#) of 9 July 1990, New rules on the control of export, import and transit of military materials. Article 22.

⁵⁰¹ [Legislative Decree No. 165](#) of 30 March 2001, General rules on the organisation of employment in public administration

⁵⁰² [Legislative decree No. 39](#) of 8 April 2013, Provisions regarding the incompatibility and non-appointment of positions within public administrations and private entities under public control, pursuant to Article 1, paragraphs 49 and 50 of Law No. 190 of 6 November 2012.

⁵⁰³ [Law No. 215](#) of 20 July 2004, Provisions on the resolution of conflicts of interest

⁵⁰⁴ [Law No. 190](#) of 6 November 2012, Provisions for the prevention and repression of corruption and illegality in public administration

The **parliament's code of conduct** does not specifically address the revolving doors phenomenon. It only requires deputies to declare any positions held at the time of candidacy and their professional or entrepreneurial activities. Deputies must also declare any subsequent private positions and report on their professional activities. In contrast, the Senate does not have its own Code of Conduct, as highlighted by GRECO.⁵⁰⁵

Recent Developments

This fragmented regulatory landscape often leads to new scandals, with former parliamentarians or government officials leaving their public office to assume prominent positions in the private sector. Notable examples include Luca Giansanti, who, after holding important diplomatic roles such as ambassador to Iran and political director at Italy's Ministry of Foreign Affairs and International Cooperation, was appointed senior vice president and head of European government affairs at ENI in 2019. He has participated in several events organised by EU media and trade associations linked to the fossil fuel industry, alongside EU climate and energy policymakers.⁵⁰⁶

The Italian Anti-Corruption Authority (ANAC) is directly tasked with overseeing cases of *pantouflage* (the revolving door phenomenon) and its increased focus on this issue is central to the National Anti-Corruption Plan.⁵⁰⁷ ANAC has also sent a formal report to Parliament (No. 6, May 27, 2020) proposing ways to strengthen the legal framework governing *pantouflage* and enhance its effective application.⁵⁰⁸

The Report to the Parliament on the Activities of ANAC in 2021 highlights the need for Parliament and the Government to extend the revolving doors regulations to private entities under public control and those managed by figures involved in authorising or negotiating measures. Furthermore, ANAC emphasises the need for a clearer and more structured approach to the discipline surrounding prohibited activities. **As it stands, the law imposes automatic sanctions without considering the specifics of individual cases, prescribing a blanket ban as the direct consequence of the nullification of the appointment.** ANAC advocates for a reconsideration of the legal framework to incorporate a more nuanced assessment. It is also proposed that the legislature intervene to create a new system of sanctions, primarily based on financial and prohibitive measures, which would increase depending on the severity of the violation. In particular, the prohibitive sanctions should be differentiated by their duration, with clear minimum and maximum limits, as well as distinctions between sanctions applicable solely to the public administration of origin and those extending to the entire public sector.⁵⁰⁹

⁵⁰⁵ GRECO, 2024, *Fifth evaluation round. Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*, 28 August 2024

⁵⁰⁶ Corporate Europe Observatory, Friends of the Earth Europe, & Food and Water Action Europe, 2021, *Stop the revolving door: fossil fuel policy influencers*, October 2021

⁵⁰⁷ European Commission, 2024, *Rule of Law Report – Country Chapter Italy*

⁵⁰⁸ ANAC, *Act of Notification No. 6* of 27 May 2020, concerning proposed amendments to the regulations on *pantouflage* as outlined in Article 53, paragraph 16-ter, of Legislative Decree No. 165 of 30 March 2001 ('General Rules on the Organisation of Employment in Public Administration')

⁵⁰⁹ ANAC, 2022, *Report to Parliament on the activities carried out by ANAC in 2021*, National Anti-Corruption Authority, 2022

Overall, the legislature has granted ANAC various powers regarding *pantouflage*, including the issuance of opinions and the exercise of regulatory authority, embodied in the Regulation governing the supervision and sanctioning functions related to *pantouflage*.⁵¹⁰ Furthermore, the judiciary has also recognised ANAC's role in overseeing and enforcing sanctions related to *pantouflage*.⁵¹¹

However, ANAC's ability to monitor post-office employment transitions is hindered by the fact that government members are not required to notify the Authority about their subsequent positions. Regarding ministers' advisers, there is uncertainty about whether existing regulations, including those under Legislative Decree No. 165/2001, apply to them. There have been numerous examples of problematic moves from the public to the private sector by both ministers and their advisers, which indicates the need to strengthen the *pantouflage* regime for Publicly Owned Entities (PTEFs). As a result, GRECO⁵¹² recommends enhancing the post-employment regime to improve its effectiveness and expanding its scope to cover all individuals holding top executive functions.

Key Actors and Their Role in Legislation

Several actors have shaped the regulatory framework around the revolving doors phenomenon. **The Italian Anti-Corruption Authority (ANAC), an independent administrative body, has been a key player in advocating for stronger regulations.** ANAC has highlighted gaps in the current laws and recommended reforms, such as extended cooling-off periods and more differentiated sanctions for violations. The authority also issued guidelines in 2024 to assist public administrations in preventing conflicts of interest.⁵¹³ ANAC has also collaborated with the National School of Administration to deliver training courses on anti-corruption and transparency in public procurement, targeting public officials to reduce risks of conflicts of interest and revolving doors. These initiatives are part of the updated National Anti-Corruption Plan and the 2024–2026 Open Government National Action Plan.

Politicians, however, have had a mixed influence. While some have supported post-office cooling-off periods, others have resisted stronger measures, fearing they would limit their access to the private sector. This resistance is evident in cases like that of Luca Giansanti, who moved from diplomacy to a prominent role in the private sector, underscoring the regulatory gaps.

The judiciary has played a limited role, making few interventions to enforce post-office restrictions.

Overall, while some progress has been made, the legal framework of revolving doors remains fragmented and enforcement is weak.

⁵¹⁰ ANAC, 2024, *Regulation on the Exercise of Supervisory and Sanctioning Functions Regarding Violations of Article 53*, Paragraph 16-ter, Legislative Decree 165/2001 – Resolution No. 493 bis of 25 September 2024

⁵¹¹ Sentence No. 7411 of 29 October 2019, of the Council of State and ruling of the Court of Cassation No. 36593 of 25 November 2021

⁵¹² GRECO, 2024, *Fifth evaluation round. Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*, 28 August 2024

⁵¹³ ANAC, 2024, *Guideline No. 1* on the so-called *pantouflage* prohibition – Article 53, paragraph 16-ter, Legislative Decree 165/2001 (adopted by the Authority with Resolution No. 493 on 25 September 2024)

Media: The Impact of Political Power on Press Independence

Italy has established a strong legislative framework to regulate the media sector, ensuring the effective operation of an independent and well-resourced media regulator. **While rules are in place to safeguard the independence and pluralism of public service media, ongoing concerns persist regarding the effectiveness of its governance and funding mechanisms.**⁵¹⁴

To optimise financial support for the media sector, the government has introduced additional measures, although stakeholders continue to call for more substantial actions. At the same time, legislative initiatives concerning journalists' access to judicial documents and wiretapped content have faced criticism from media representatives. In addition, despite specific protections for journalists against threats, issues related to their safety, working conditions and the rising incidence of strategic lawsuits against public participation (SLAPPs) remain significant challenges. Furthermore, no major progress has been made in reforming the press defamation regime, a matter that continues to raise concerns.⁵¹⁵

Historical Development of the Legal Framework

Freedom of the press and freedom of expression are fundamental values enshrined and safeguarded in the Italian Constitution.⁵¹⁶

A comprehensive legal framework ensures media freedom and guarantees media pluralism, while the Communications Regulatory Authority (AGCOM) operates as an independent regulator overseeing the media sector. Additionally, the Freedom of Information Act (FOI Act) grants citizens the right to access documents and information held by public administration bodies. This right is established by Legislative Decree No. 97 of 2016, which modified Legislative Decree No. 33 of 2013 (the so-called “Transparency Decree”),⁵¹⁷ introducing broad public access to promote citizen involvement in administrative processes and support widespread oversight of the implementation of institutional functions and the allocation of public funds.⁵¹⁸

In accordance with the new regulatory framework on media pluralism (Art. 51 of Legislative Decree No. 208/2021), AGCOM began updating the definitions of relevant markets and the Integrated Communications System (SIC), while also working on the development of guidelines for assessing concentration within the media sector.⁵¹⁹ These guidelines, which were intended to provide criteria for evaluating significant market power positions, were published in April 2023 (AGCOM Resolution

⁵¹⁴ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁵¹⁵ *Ibid.*

⁵¹⁶ Italian Constitution, 1948, [Article 21](#)

⁵¹⁷ [Legislative Decree No. 33](#) of 14 March 2013, Reform of the provisions concerning the right of civic access and the obligations of publicity, transparency and dissemination of information by public administrations, (13G00076)

⁵¹⁸ [Legislative Decree No. 97](#) of 25 May 2016, Revision and simplification of provisions on corruption prevention, publicity and transparency, corrective of Law No. 190 of 6 November 2012 and Legislative Decree No. 33 of March 14, 2013, pursuant to Article 7 of Law No. 124 of 7 August 2015, on the reorganisation of public administrations, (16G00108)

⁵¹⁹ [Legislative Decree No. 208](#) of 8 November 2021, Implementation of Directive (EU) 2018/1808 of the European Parliament and Council, of 14 November 2018, amending Directive 2010/13/EU, regarding the coordination of certain legislative, regulatory and administrative provisions of Member States, concerning the consolidated text for the provision of audiovisual media services in light of market developments, (21G00231), Article 51
Positions of significant market power detrimental to pluralism in the integrated communications system

No. 94/23/CONS) and opened for public consultation.⁵²⁰ Additionally, in January 2023, AGCOM issued regulations (Resolution No. 3/23/CONS) regarding fair compensation from platforms to publishers for the use of protected content.⁵²¹

Recent Developments

Since 2022, media freedom in Italy has faced growing pressure. **Unusual attacks and violations of press and media freedom have increasingly occurred, often driven by public officials.**⁵²²

On 6 May 2024, RAI journalists, supported by the Union of Journalists of RAI (USIGRAI), organised a 24-hour strike to protest against what they perceived as excessive interference in their journalistic work.⁵²³ The union expressed concerns about RAI becoming a tool for government propaganda. They also criticised the absence of a clear plan for the network's information services, staff shortages in editorial teams and the lack of transparency in the recruitment process for journalists. With 75% of union members participating, the strike underscored significant discontent within the company. The Court of Rome ruled that RAI had taken actions against the union during the strike. The union's legal appeal uncovered several violations, prompting the court to order RAI to publicly announce the ruling for two consecutive days in major newspapers and online platforms.⁵²⁴

During the period of January 2022 – March 2025, Mapping Media Freedom (MMF), the monitoring tool of the Media Freedom Rapid Response, registered 291 alerts related to Italy. The consortium has registered a rise in the number of alerts over this timespan. In 71 cases out of the 291 alerts recorded between 2022 and 2025, the source of the incidents was identified as government or public officials.⁵²⁵

Legal threats have thus been increasingly used by public officials and members of the ruling coalition to silence independent and critical voices. The growing use of vexatious lawsuits, exploiting both civil and criminal defamation laws, underscores the urgent need for a swift and comprehensive implementation of the newly adopted anti-SLAPP directive.⁵²⁶ Concerns have grown regarding journalists' protection of sources and professional secrecy, following reported cases of spyware targeting journalists.⁵²⁷

Attacks on journalists are reflective of the wide problem of media capture, which remains one of the most pressing challenges facing the Italian media landscape. While political influence over RAI, the national public service broadcaster, has long been a concern, the past two years have seen an unprecedented escalation of this phenomenon. This has led to significant pressure

⁵²⁰ AGCOM, 2021, *Resolution No. 94/23/CONS*, Public consultation on the adoption of guidelines for verifying the existence of positions of significant market power detrimental to pluralism, pursuant to Article 51, Paragraph 5, of Legislative Decree No. 208 of 8 November 2021

⁵²¹ AGCOM, 1941, *Resolution No. 3/23/CONS*, Regulation on the identification of benchmark criteria for determining fair compensation for the online use of press publications, as set forth under Article 43-bis of Law No. 633 of 22 April 1941

⁵²² MFRF, 2024, *Silencing the fourth estate: Italy's democratic drift*

⁵²³ USIGRAI, 2024, 'May 6: Rai journalists on strike, the reasons in the video statement', 5 May 2024

⁵²⁴ USIGRAI, 2024, 'The judge condemns Rai for anti-union behaviour during the strike on May 6', 12 July 2024

⁵²⁵ European Centre for Press and Media Freedom, *Mapping Media Freedom tool*

⁵²⁶ Directive (EU) 2024/1069 of the European Parliament and the Council of 11 April 2024, on the protection of persons involved in public participation from manifestly unfounded claims or abusive legal proceedings ('Strategic lawsuits against public participation'). [Document 32024L1069](#)

⁵²⁷ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

on journalists and a rise in self-censorship.⁵²⁸ Despite the recent adoption of the European Media Freedom Act (EMFA),⁵²⁹ Italy's current legal framework governing public broadcasting continues to allow for persistent and undue political interference, and the ongoing reform of RAI governance has not yet fully ensured compliance with EMFA requirements.⁵³⁰ This, combined with inadequate and unsustainable financial resources, poses a serious threat to the independence of public service media and undermines citizen rights to access free and impartial information.

The revisions to Law No. 28 of 2000,⁵³¹ which have favoured ruling coalition parties, have further deepened concerns about the politicisation of public broadcasting and the risk of unfiltered political propaganda. The potential sale of AGI, one of Italy's major news agencies, to a company owned by a politician from Lega party exemplifies indirect political capture and highlights a clear conflict of interest that threatens an already fragile media market.⁵³²

According to a European University Institute report, in 2023, the overall risk level in the area of political independence stands at 52%, indicating a medium risk.⁵³³ Three indicators: political independence of the media, editorial autonomy and state regulation of resources and support to the media sector, remain within the medium-risk category. The indicator related to audiovisual media, online platforms, and elections falls within the low-risk category, although it has slightly decreased compared to the previous year, when it was at the threshold of medium risk. The indicator linked to the independence of public service media, historically one of the most critical issues in the Italian context, continues to be classified as high risk.⁵³⁴

Indeed, public service media play a vital role in Italy's media landscape, but challenges persist regarding their governance and funding. RAI remains the most widely used news source and holds a dominant position in both the audiovisual and radio sectors. While its service contract with the government stipulates independence, impartiality and pluralism, concerns about political influence over its governance structure are longstanding. Stakeholders emphasise the need for comprehensive reform to better protect RAI from political interference. Following the appointment of a new CEO and other top executives, the 2024 EU Rule of Law Report indicates an editorial shift that led to the resignation of several journalists and presenters.⁵³⁵

Regarding the newspaper sector, the entrenched problem of indirect political control over major national dailies remains unchanged. Antonio Angelucci, a member of parliament elected in 2022 owns, through a trust system, the Tosinvest group, which controls several newspapers. In 2023, the group also acquired "Il Giornale", formerly owned by the Berlusconi family, thereby consolidating a significant media hub. In addition, as previously mentioned, in the early months of

⁵²⁸ MFRR, 2024, *Silencing the fourth estate: Italy's democratic drift*

⁵²⁹ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA relevance), OJ L, 2024.

⁵³⁰ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁵³¹ Law No. 28 of 22 February 2000, Provisions on Equal Access to Media during Electoral and Referendum Campaigns and on Political Communication

⁵³² Il Post, 2024, 'Antonio Angelucci Wants AGI Too', 29 March 2024

⁵³³ Bleyer-Simon K., et al, 2024, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023*, EUI, 2024

⁵³⁴ MFRR, 2024, *Silencing the fourth estate: Italy's democratic drift*

⁵³⁵ European Commission, 2024, *Rule of Law Report – Country Chapter Italy*

2024, Angelucci himself expressed an interest in acquiring AGI, a well-established and authoritative news agency. As of 2025, this potential acquisition has raised concerns regarding compliance with the EMFA requirements on conflicts of interest and editorial independence.

The media regulator is generally assessed to operate independently and effectively.⁵³⁶ AGCOM, indeed, oversees the electronic communications, audiovisual media services and postal sectors.

AGCOM also plays a crucial role in safeguarding electoral integrity, serving as the competent authority responsible for monitoring and ensuring the plurality, accuracy and impartiality of political communications and information across the press, radio and audiovisual media services, including during electoral periods (the so-called *Par Condicio* Law).⁵³⁷ A well-established legal framework guarantees AGCOM's functional autonomy and independence in the exercise of its regulatory mandate, which includes monitoring, enforcement and sanctioning powers over media providers. Since 2006, a self-financing system based on contributions collected from service providers operating within AGCOM's regulatory scope has further ensured its financial stability and independence.

Key Actors and Their Role in Legislation

Various actors have influenced the evolution of media regulation, often in conflicting ways.

AGCOM, as an independent regulator, has played a central role in safeguarding pluralism and enforcing transparency, issuing guidelines on media concentration and regulating political communication, particularly during elections.⁵³⁸ In 2025, AGCOM's monitoring role has intensified, especially regarding digital media and political interference, in alignment with the European Media Freedom Act (EMFA).⁵³⁹ However, its effectiveness is challenged by persistent political influence and limited enforcement capacity.

Civil society, including journalist unions like USIGRAI, has mobilised against interference, highlighting the need for structural reforms to protect editorial independence.⁵⁴⁰

Meanwhile, political actors have at times undermined media freedom through legislative amendments and ownership consolidation, as seen in the growing control of media outlets by politically affiliated individuals. International institutions, notably the EU, continue to push for stronger safeguards through instruments like the European Media Freedom Act and Rule of Law reports.

⁵³⁶ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁵³⁷ [Law No. 28](#) of 22 February 2000, Provisions for equal access to the media during electoral and referendum campaigns and for political communication

⁵³⁸ Ibid.

⁵³⁹ European Commission, 2025, *Rule of Law Report – Country Chapter Italy*

⁵⁴⁰ MFRR, 2024, *Silencing the fourth estate: Italy's democratic drift*

Conclusion

Italy has made progress in fighting corruption through a series of legislative reforms and institutional measures. However, substantial challenges remain. While Italian citizens still perceive corruption as a pervasive issue, there have been notable improvements in public trust, particularly toward law enforcement and specific sectors of the government. Despite the comprehensiveness of the country's legal framework, it is hindered by its complexity and gaps in implementation, especially in areas such as conflicts of interest, lobbying practices and political financing.

Although Italy has made progress in digitalisation and anti-corruption efforts, it must now prioritise the development and implementation of more comprehensive legislation to address unresolved concerns. Strengthening regulations around lobbying, improving transparency in political financing and introducing effective measures to curb corruption are critical steps toward meaningful change. By enhancing accountability and rebuilding trust in its institutions, Italy can continue to move closer to aligning with EU standards for good governance and integrity.

Catalogue 5. Italy’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: Law No 3/2019 Measures to fight crimes against the public administration and on the transparency of political parties and movements (“Spazzacorrotti”) https://www.normattiva.it/eli/id/2019/01/16/18G00170/ORIGINAL	• Strengthens criminal provisions on corruption-related offences, such as undue inducement and influence peddling. Extends the scope of anti-corruption and transparency rules to political parties and movements. Mandates the disclosure of all donations exceeding €500. • Target: public officials, intermediaries, private individuals involved in illicit influence, and political entities (parties, movements, candidates).	• Judicial authorities for criminal enforcement. • National Anti-Corruption Authority (ANAC) for preventive and transparency-related aspects.	• For undue inducement: imprisonment from 6 to 10 years and fines. • For influence peddling: imprisonment from 1 to 4 years and fines. • Disqualification from public office. • Ineligibility for elected office (Art. 1 of the law modifies electoral legislation accordingly).
Political finance: Legislative Decree no. 33/2013 Reorganisation of regulations concerning the obligations of publicity, transparency and dissemination of information by public administrations https://www.gazzettaufficiale.it/eli/id/2013/04/05/13G00076/	• Obligations of public administrations require them to disclose information about all members holding political office, whether elected or vested with decision-making powers, at the national, regional and local levels. This information includes financial statement and income and assets declaration (art. 14, comma 1).	• Compliance is monitored by the person responsible for corruption prevention within the public administration (RPCT). The RPCT reports to the political decision-making body, the Independent Evaluation Body (OIV), the National Anti-Corruption Authority (ANAC), and, in the most serious cases, the disciplinary office, cases of failure or delayed compliance with publication obligations (art. 43).	• Administrative monetary penalty from €500 to €10,000 and the publication of the relevant decision on the website of the administration or organisation concerned (art. 47, comma 1).
Political finance: Law Decree No. 149/2013, as amended by the Law No. 13/2014 Abolition of direct public funding, provisions for the transparency and democratic functioning of parties and regulation of voluntary and indirect contributions in their favour https://www.gazzettaufficiale.it/eli/id/2013/12/28/13G00194/sg	• Obligation for political parties and connected foundations/associations to publish online balance sheets and other relevant information (art. 5, comma 1, 2, 4). • Regulation of cases where legal representatives of the recipient parties should submit to the President of the Chamber of Deputies the list of individuals who provided funding or contributions exceeding €5,000 per year (art. 5, comma 3). • Abolition of direct public funding of political parties and regulation of the methods for accessing forms of voluntary contributions based on choices expressed by citizens in favour of political parties.	• Commission for Statutes, Transparency, and Oversight of Political Party Financial Statements (art. 8, comma 1, art. 10, comma 12).	• In case of failure to publish online, the Commission imposes an administrative monetary penalty on the political party, consisting of a reduction of one-third of the amounts due to them (art. 8, para. 3). • For political parties that have either omitted data or provided inaccurate information in their financial statements, differing from their accounting records and financial documents, the Commission imposes a penalty equal to the undeclared or misrepresented amount. This penalty involves a reduction of the sums due to them up to one-third of the respective amount (art. 8, para. 4). • Administrative penalty of two to six times the undeclared amount and the additional penalty of temporary disqualification from public office (art. 5, comma 3). • Administrative penalty equal to double the amount of the excess grants or contributions received or paid beyond the specified limit set in art. 10, commas 7 and 8 (art. 10, comma 12).
Political finance: Law no. 441/1982 Provisions for the disclosure of the financial status of holders of elective offices and management positions in certain entities https://www.gazzettaufficiale.it/eli/id/1982/07/16/082U0441/sg	• Publication obligations of financial statement and income and assets declaration, as well as expenditures of election campaigns, in a special printed bulletin. • This applies to elected officials at various levels of government, including members of the national parliament, the President and Ministers of the government, regional and provincial councillors, and councillors from major municipalities with large populations.	• The President of the Chamber of Deputies, the President of the Senate, the President of the Council of Ministers, the mayor or the president of the local administration are in charge of ascertain cases of non-compliance (art. 7, art. 14).	• The actors responsible for oversight (listed in the preceding column) shall issue a formal warning, requiring compliance within fifteen days (art. 7, art. 11, art. 14). For parliamentarians, if the warning is not heeded, the President of the relevant Chamber will inform the Assembly (art. 7). In other cases, the authorities responsible for verifying non-compliance shall publish notice of it in the Official Gazette of the Italian Republic or in the municipal or provincial register, as applicable (art. 14).

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: Law no. 207/2024 State budget estimate for the financial year 2025 and multi-year budget for the three-year period 2025–2027 https://www.gazzettaufficiale.it/eli/id/2024/12/31/24G00229/sg	- Members of the Italian Government, Presidents of Regions and of the Autonomous Provinces of Trento and Bolzano and members of the Italian Parliament (except those elected abroad) are prohibited, during their mandate, from accepting directly or indirectly any contributions, services, counter-services, or other benefits provided by public or private entities, including through intermediaries such as individuals, companies, or organisations, if these entities do not have their legal and operational headquarters in the European Union or in countries of the European Economic Area. - For Government office holders only, the prohibition does not apply if prior authorisation is obtained from the relevant governing body, according to established procedures and the compensation received does not exceed €100,000 per year. Targeted individuals: Italian Government ministers, Presidents of Regions and Autonomous Provinces, Italian Parliament members (excluding those elected abroad) and Members of the European Parliament elected in Italy (subject to the procedures established by the European Parliament).	Not specified.	Repayment Obligation: Any compensation received in violation of the prohibition must be returned within 30 days to the State budget, for subsequent allocation to the Fund for the Amortisation of State Securities. Administrative Fine: If the repayment is not made within the prescribed period, an administrative pecuniary sanction equal to the amount of the unpaid compensation is applied.
Lobbying: Resolution of the Presidency Bureau of the Chamber of Deputies (8 February 2017) Regulation of lobbying activities within the Chamber of Deputies https://rappresentantidiinteressi.camera.it/sito/deliberazione.html	- Establishment of a register of individuals who engage in lobbying activities with Members of the Chamber of Deputies (Register of Lobbying Activities) (art. 1). - The resolution applies to natural and legal persons who intend to engage in lobbying activities with Members of the Chamber of Deputies (art. 1, comma 4).	Presidency Bureau at the Chamber of Deputies (art. 6, comma 2).	Removal from the Register with a ban on reapplying for a period of up to five years, or suspension from the Register for a period of up to one year (art. 6, comma 1).
Revolving doors: Law No. 114/2024, Amendments to the Penal Code, the Code of Criminal Procedure, the Judicial System Code and the Military Code https://www.gazzettaufficiale.it/eli/id/2024/08/10/24G00122/SG	Repeals the crime of abuse of office (art. 323 c.p.). - Revision of the offence of undue influence peddling (art. 346-bis c.p.). - Strengthening protections for attorney-client communications. - Reform of the precautionary detention system. Target: holders of political offices, judiciary, lawyers and prosecutors.	Judiciary for enforcement of amended criminal provisions. Ministry of Justice for implementation of judicial system reforms. Parliament and Superior Council of the Judiciary (CSM) for application monitoring.	For undue influence peddling: criminal penalties as per revised art. 346-bis, imprisonment from 1 to 4 years and fines from €1,000 to €10,000. Disciplinary or criminal sanctions in cases of unauthorised disclosure of protected communications. Procedural invalidity in case of violation of defence rights or judicial composition.
Revolving doors: Law decree No. 92/2024, Urgent measures concerning the penitentiary system, civil and criminal justice and personnel of the Ministry of Justice https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2024-07-04;92.	- Introduction of art. 314 bis c.p. to prevent the misuse of public funds and embezzlement by officials, particularly when it involves significant financial harm or EU interests. Target: public officials or persons entrusted with a public service.	Not specified	Imprisonment from six months to three years. The penalty is imprisonment from six months to four years when the act harms the financial interests of the European Union and the unjust financial advantage or unjust harm exceeds €100,000.
Revolving doors: Law No. 215/2004 Rules on conflict of interest resolution https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2004-07-20;215	12-month ban for former holders of government positions (the President of the Council of Ministers, Ministers, Deputy Ministers, State Undersecretaries and Extraordinary Government Commissioners) from holding any positions or offices, or engaging in professional or freelance activities related to their government role, of any kind, even if unpaid, at public law entities, including economic ones, or profit-oriented companies operating in sectors related to the position they previously held (art. 2, comma 1 and 4). - Regulation of the procedures for former holders of government positions to declare any situations of incompatibility (art. 5).	The Competition Authority and the Authority for Communications Guarantees monitor any irregularities in declarations concerning any situation of incompatibility. Upon identifying such issues, they shall notify the competent judicial authority as well as the Presidents of the Senate of the Republic and the Chamber of Deputies with a documented report. (art. 8, comma 2).	Removal or dismissal from the position or office; suspension of the employment or work relationship, either public or private; suspension from registration in professional registers (art. 6, comma 1); detention from 6 months to 2 years (article 328 penal code, mentioned in art. 8, comma 2).

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving doors: Legislative Decree No. 165/2001, as modified by Law No. 190/2012 General rules on the regulation of employment within public administrations https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2001-03-30;165~art53!vig=. → as modified by https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-11-06;190!vig=	• Prohibition for public employees to carry out, in the three years following the termination of the public employment relationship, work or professional activities for private subjects that have been beneficiaries of the public administration’s activities (art. 53, comma 16-ter). • Public employees are defined as those who in the last three years of service have exercised authoritative or negotiating powers on behalf of the public administrations, private entities that have concluded contracts with public administrations (art. 53, comma 16-ter).	• National Anti-Corruption Authority (ANAC), as appointed by the National Council (Verdict 7411, 29 October 2019)	• Nullity of the contracts concluded and the appointments granted, accompanied by an additional sanction of an interdiction nature, expressed in the prohibition on private individuals who have concluded or granted them from contracting with public administrations for the following three years. At the same time, there is an obligation to return any fees received and identified as pertaining to them.
Revolving doors: Law No. 185/1990 New rules on the control of the export, import and transit of arms materials https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1990-07-09;185	• 3-year ban for former civil and military public employees, who were previously responsible for administrative functions, from holding senior positions in companies operating in the arms sector and from providing consultancy services (art. 22, comma 1).	• A commission has been established at the Ministry of Defence to advise the Minister on matters concerning cancellation or suspension from the register. The commission is chaired by a magistrate from the Council of State and comprising representatives from the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Finance, the Ministry of Defence, the Ministry of Industry, Trade, and Crafts and the Ministry of Foreign Trade (Article 44, comma 11, Legislative Decree No. 66/2010).	• Companies that violate this ban are suspended for two years from the national company register (art. 22, comma 2).
Revolving doors: Law No. 481/1985 Rules for competition and regulation of public utility services. Establishment of Regulatory Authorities for public utility services https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1995-11-14;481	• Ban on former members of the regulatory authority for public utility services responsible for electricity, gas and the water system and for telecommunications to engage in collaboration, consultancy, or employment relationships with companies operating in the relevant sector (art. 2, comma 9).	• Not specified	• Financial penalty equal, at a minimum, to the greater of 50 million <i>lire</i> (around €26,000) or the amount of the compensation received, and at a maximum, to the greater of 500 million <i>lire</i> (around €260,000) or the amount of the compensation received (art. 2, comma 9).
Revolving doors: Presidential decree No. 600/1973 Common provisions regarding the assessment of income taxes https://www.normattiva.it/uri-res/N2Ls?urn:nir:presidente.repubblica:decreto:1973-09-29;600	• Ban on employees of the tax administration from providing assistance and representation before tax authorities and tax commissions for a period of two years from the date their employment ends (art. 63)	• Not specified	• Administrative fine ranging from €1,000 to €5,000 (art. 63)
Revolving doors: Law No. 60/1953 Parliamentary Incompatibilities https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1953;60	• Restrictions on members of Parliament to a) hold positions or offices of any kind in public or private entities if appointed or designated by the Government or by State Administration bodies (art. 1); b) hold certain positions in associations or entities that manage services of any kind on behalf of the State or public administration, or that receive regular contributions from the State, directly or indirectly (art. 2); c) hold positions in certain banking institutions or joint-stock companies (art. 3). The law also sets out a cooling-off periods of one year (art. 6).	• The verification and investigations regarding incompatibilities fall under the jurisdiction of the Committee on Elections of the Chamber of Deputies or the Senate (art. 8).	• Members of Parliament for whom any of the incompatibilities outlined in the law exist or arise must, within thirty days from the publication of this law in the Official Gazette, choose between the positions they hold and their parliamentary mandate (art. 7).
Media: Law No. 97/2016 Review and simplification of provisions on corruption prevention, publicity and transparency (FOIA Act) https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2016-05-25;97!vig	• Regulation of cases where public administrations, under current legislation, are required to publish documents, information, or data and the right of any individual to request them if their publication has been omitted (art. 6).	• National FOIA Competence Centre and the Department of Public Administration regularly monitor the application of the law	• If a request for civic access is denied, postponed, or ignored, the applicant can appeal to the administrative court under Article 116 of the Administrative Procedure Code. • If the request for civic access concerns data, information, or documents subject to mandatory publication, the officer responsible for preventing corruption and ensuring transparency must report the matter to the disciplinary office. The officer must also report any non-compliance to the political head of the administration and to the Independent Performance Evaluation Body (OIV) (art. 5, comma 7).

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: Law No. 198/2016 Establishment of the Fund for Media Pluralism and Innovation https://www.normattiva.it/eli/id/2016/10/31/16G00211/ORIGINAL	• Establishment of the Fund for Media Pluralism and Innovation aiming to consolidate all existing public contributions into a single, permanent source for distributing financial aid to the media sector. • The Fund aims to ensure the implementation of constitutional principles regarding freedom and pluralism of information at both the national and local levels. It seeks to promote innovation in the provision of information and foster the development of new publishing enterprises, including those in the digital information sector. • The fund consolidates state resources allocated to various forms of support for daily and periodical publishing, as well as local radio and television broadcasting. Additionally, it includes a portion of the revenue generated from television licence fees.	Not pertinent	Not pertinent
Media: Law No. 249/1997 Establishment of the Communications Regulatory Authority and Regulations on Telecommunications and Broadcasting Systems <a "="" href="https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1997-07-31;249!vig=">https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1997-07-31;249!vig=	• Establishment of the Communications Regulatory Authority and Regulations on Telecommunications and Broadcasting Systems (AGCOM). AGCOM oversees electronic communications, audiovisual media services and postal sectors. The Authority is also responsible for functions related to electoral integrity and for monitoring, enforcing and sanctioning media providers (art. 1, comma 6). • Obligation for all press, radio, audiovisual media outlets, as well as search engines and online intermediation services, to register in the Register of Communication Operators (art. 1, comma 6, letter 5).	• Communications Regulatory Authority and Regulations on Telecommunications and Broadcasting Systems – AGCOM (art. 1, comma 6).	• Entities that provide false accounting data or information related to the exercise of their activity in communications requested by the Authority are subject to imprisonment from one to five years (as provided for by Article 2621 of the Civil Code). • Entities that fail to comply, within the prescribed time and manner, with the communication of documents, data, and information requested by the Authority are subject to an administrative fine ranging from one million to two hundred million <i>lire</i> (between around €500 and €100,000). • Entities that do not comply with the orders and warnings issued by the Authority under this law are subject to an administrative fine ranging from twenty million to five hundred million <i>lire</i> (between around €10,000 and €250,000).

CHAPTER 7.

Hungary

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Introduction

According to the 2024 Corruption Perception Index (CPI) by Transparency International, Hungary ranks as the most corrupt country in the EU – a position it has retained since 2022. Between 2012 and 2024, Hungary scored increasingly worse on the CPI, reflecting high levels of systemic corruption and the deterioration of the rule of law.⁵⁴¹ In response to this low ranking, the government and the Prosecution Service of Hungary claimed that they find Transparency International's ranking misleading and suggested that Eurobarometer's corruption perception survey, in which Hungary ranks in the middle in comparison to other European countries, paints a more realistic picture.⁵⁴² In the Eurobarometer corruption perception survey, Hungary came 8th, with 88% of citizens considering corruption to be widespread in their country, whereas the EU average stands at 68%.⁵⁴³ In summary, both the CPI and Eurobarometer surveys highlight that **Hungary is in the lower end of EU countries when it comes to corruption perception and there has been no noticeable improvement in the past few years in this regard.**

Hungary's low ranking reflects systemic deficiencies in the country's justice system, legal anti-corruption framework, level of media pluralism and governmental checks and balances.⁵⁴⁴ **The deterioration of these aspects of Hungary's governance is tied to the operational model of Prime Minister Viktor Orbán's System of National Cooperation,**⁵⁴⁵ which has been steadily eroding civil liberties and the rule of law ever since Orbán became the head of government in 2010. According to Freedom House, an NGO that categorises Hungary as a "partially free" country, "since taking power in the 2010 elections, Prime Minister Viktor Orbán's Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through constitutional and legal changes that have allowed it to consolidate control over the country's independent institutions",⁵⁴⁶ thereby **making Hungary an electoral autocracy with a Freedom House score of 65/100.** This means that Orbán's System of National Cooperation has not only made Hungary more corrupt but also eroded the

⁵⁴¹ Transparency International, 2024, *Hungary remains the most corrupt country in the European Union*, 30 January 2024

⁵⁴² Magyarország Ügyészsége, 2024, 'A korrupcióérzékelés valós helyzete Magyarországon – az Eurobarométer hivatalos mérése tükrében – a Legfőbb Ügyészség sajtóközleménye' ('The Real Situation of Corruption Perception in Hungary – In Light of the Official Eurobarometer Survey – Press Release of the Office of the Prosecutor General'), 19 February 2024

⁵⁴³ Eurobarometer, 2024, *Citizens' attitudes towards corruption in the EU in 2024*

⁵⁴⁴ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁴⁵ Transparency International, 2024, *Hungary remains the most corrupt country in the European Union*, 30 January 2024

⁵⁴⁶ Freedom House, 2024, *Hungary*

overall health of the country's democracy and some of the structural factors which could alleviate the problem of corruption.

The following examples highlight severe problems related to **a wide-ranging set of structural factors contributing to corruption in Hungary:**

- **Fidesz has ruled Hungary since 2010 with a two-thirds majority in Parliament**, allowing it to pass all legislation and change the constitution without the need to seek consensus with other political parties of the fragmented opposition.
- Hungary ranks **amongst the worst performers in the EU in terms of the impartiality and professionalism of its civil service**.⁵⁴⁷
- Since 2010, Hungary has undergone a “**gradual solidification and polarisation of class structure**”,⁵⁴⁸ which is reflected in the growth of inequalities and the increasing national income share of the top 10% in the period between 2010 and 2019.⁵⁴⁹
- **The autonomy and impartiality of the Prosecutor General (PG) and the entire prosecution service are at a high risk in Hungary**. The PG is elected for nine years through a procedure that requires a two-thirds majority in Parliament, and since a one-third plus one minority can veto the election of a new PG, “this provision means in practice that the acting PG can be kept in office indefinitely”.⁵⁵⁰ The PG has a “very wide and unchecked discretion to reassign cases and to instruct subordinate prosecutors [which] puts the right to fair procedure at risk”.⁵⁵¹
- **There are serious threats to media pluralism** and the national media regulator does not have the functional independence that would allow it to work in an impartial manner. The media landscape suffers from a lack of transparency regarding the ownership of media companies and the lack of “editorial and financial independence of public service media”.⁵⁵²
- Since 2010, **the operation of civil society organisations critical of the government's policies has been made increasingly difficult**,⁵⁵³ and “obstacles affecting civil society organisations persist, while (...) concerns related to the State's role in financing civil society continue”.
- Finally, in the legislative branch, “**the quality of law-making and the frequent changes in legislation remain a significant cause for concern**”,⁵⁵⁴ with legislation-related transparency further reduced by the State of Danger (introduced on the heels of the war in Ukraine), allowing the government to pass legislation through executive decrees. The State of Danger was first declared by the government in May 2022 and has lasted ever since (according to current plans, until November 2025).⁵⁵⁵

⁵⁴⁷ European Commission, 2018, *Public administration characteristics and performance in EU28: Hungary*

⁵⁴⁸ Huszár, Á., & Füzér, K., 2023, ‘Improving Living Conditions, Deepening Class Divisions: Hungarian Class Structure in International Comparison, 2002–2018’ *East European Politics and Societies*, 37(2), p. 740–763

⁵⁴⁹ World Inequality Database, *Hungary*

⁵⁵⁰ Transparency International, 2023, *Judiciary*

⁵⁵¹ Ibid.

⁵⁵² Ibid.

⁵⁵³ Freedom House, 2024, *Hungary*

⁵⁵⁴ Ibid.

⁵⁵⁵ HVG, 2024, ‘Megszavazták: jövő májusig biztosan marad a háborús veszélyhelyzet’ (‘It’s been voted: the wartime state of danger will definitely remain until next May’), 4 November 2024

The legislative framework affecting the prevention of and response to corruption is fragmented and often ineffective.⁵⁵⁶ Broadly speaking, there were three waves of legislation that affected corruption prevention, response and government transparency since the regime change in 1989. The first wave consists of laws passed after the regime change. The second wave concerns a series of laws (including the 2011 Constitution of Hungary) introduced by Fidesz after they rose to power in 2010 to facilitate the establishment of their new System of National Cooperation. In 2022, the 12th year of Orbán's regime, EU institutions decided to suspend Hungary's access to funds related to the EU's Cohesion Policy and Recovery and Resilience Facility until the Hungarian government adopted certain legal reforms to address "severe breaches of the rule of law and human rights".⁵⁵⁷ The third wave of corruption-related legal reforms were constructed in order to comply with the conditions to access these funds. These reforms were minor and often insubstantial,⁵⁵⁸ resulting in the ongoing suspension of EU funds.

Overall, **corruption in Hungary is most dominant and widespread in the field of public procurement**, so much so that "it is estimated that systemic corruption adds as much as 20-25% to the costs of government procurement and frequently results in the purchase of inferior or unnecessary goods and services".⁵⁵⁹ The fragmented nature of related legislation, the existence of national security-related exemptions from procurement regulation and the lack of transparency and accessibility of public contracts results in systemic corruption related to public procurement.⁵⁶⁰ According to the European Commission,⁵⁶¹ **corruption is also seriously impacting the Hungarian justice system**, the media and the legislative systems. To conclude, despite minor reforms in all domains, systemic corruption remains a serious problem in Hungary.

Political Finance: Gaps in Transparency and Oversight

The existence of corruption related to political finance on multiple levels of government has been a major reason for EU institutions to withhold funds from Hungary. Although the Hungarian government set up an Anti-Corruption Task Force in 2022 and introduced a new National Anti-Corruption Strategy for 2024-2025 envisaging the adoption of measures related to asset declarations, ethical standards and party financing, it is yet to be seen whether the national strategy and the related action plan can successfully address systemic weaknesses in state organs and public institutions. As pointed out by the OECD and the Council of Europe, the strategy still misses a comprehensive set of policies aimed at tackling high-level corruption.⁵⁶² Civil society organisations report serious shortcomings related to political campaign financing and argue that the Anti-Corruption Task Force lacks the resources necessary to combat corruption effectively on all levels.⁵⁶³

⁵⁵⁶ Transparency International, 2023, *Public Procurement*

⁵⁵⁷ Amnesty International Hungary, 2024, *Assessment of Hungary's compliance with conditions to access European Union funds*

⁵⁵⁸ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁵⁹ Transparency International, 2024, *Hungary remains the most corrupt country in the European Union*

⁵⁶⁰ Ibid.

⁵⁶¹ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁶² Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁶³ Ibid.

Campaign and party finance is mainly regulated by Act XXXIII of 1989 on the Operation and Financial Management of Political Parties and Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly. The legislative framework prescribes exact rules related to the provision of both public and private funding to finance electoral campaigns. Public funding consists of standard amounts of subsidies provided for both individual candidates and candidate lists. Candidates and parties are also allowed to accept private donations from Hungarian private individuals for campaign purposes but are prohibited from receiving donations from foreign sources.

One of the main concerns highlighted by the report of the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) is the **lack of donation disclosures in Hungary**.⁵⁶⁴ Despite the existence of clear international standards including the UN Convention against Corruption calling for transparency regarding campaign and party financing, **the Hungarian legislative framework does not prescribe the disclosure of donations below a threshold of HUF 500,000 (€1,320) in party reports, limiting transparency and accountability.** That is why the Council of Europe's Group of States against Corruption (GRECO) and the ODIHR both called for reforms to introduce disclosure obligations regarding campaign donations.⁵⁶⁵

Although clear campaign spending limits are set out in legislation (HUF 5.9 million, that is, €15,700 per candidate), there are significant concerns regarding the **underregulation of third-party campaign spending.** This type of campaign spending allows unknown funders to contribute to the success of party campaigns (mostly on the pro-government side) **without the need to follow strict legal rules ensuring transparency.** An example of this is the negative poster and billboard campaign against opposition leader Péter Márki-Zay in the 2022 elections, which was financed by a company set up by CÖF-CÖKA, a pro-government NGO. According to ODIHR, CÖF-CÖKA acknowledged that "it is regularly supported by the Fidesz party foundation and has received funding from state companies and a state-owned bank in the past".⁵⁶⁶ To prevent the further distortion of the political playing field and reduce intransparency in the system, the ODIHR called for the introduction of limits on third-party campaign spending.

Campaign finance audits and political party finance monitoring is conducted by the State Audit Office. Although statements on campaign incomes have to be published 60 days after the day of the election at the latest, **there is no reporting obligation on campaign financing before the election day,** which serves as another barrier to transparency and was criticised in the European Commission's Rule of Law report.⁵⁶⁷ An additional major issue is that **the State Audit Office does not have the investigative capacity to monitor campaign financing effectively,** which is why the ODIHR called for the empowerment of the office.⁵⁶⁸ Furthermore, **the impartiality of the State Audit Office is also questionable** as it mostly identifies irregular financial practices related to opposition parties (see below). This is problematic, since there are no legal remedies to appeal against the conclusions of the office.

⁵⁶⁴ OSCE ODIHR, 2022, *Hungary Parliamentary Elections and Referendum*, 3 April 2022

⁵⁶⁵ Ibid.

⁵⁶⁶ Ibid.

⁵⁶⁷ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁶⁸ Ibid.

The prevention of foreign campaign and party funding has been high on the agenda of the government, with related measures appearing prominently in its National Anti-Corruption Strategy 2024-2025. One of the reasons for this focus is that following the 2022 elections, the State Audit Office found through an investigation that six opposition parties received illegal foreign funding to support their joint election campaign. The State Audit Office imposed a fine of HUF 261 million (€650,000) on these parties, which were widely criticised for their behaviour in the pro-government media.⁵⁶⁹

Finally, the transparency and fairness of political campaigns is heavily impacted by the **loose regulation of political advertisements on billboards and on social media**. The ODIHR criticised the government for failing to regulate campaign-related billboard advertisements⁵⁷⁰ and the European Commission also reported that a number of stakeholders expressed their concerns about systemic overspending related to billboards in the 2022 elections.⁵⁷¹ Furthermore, since campaign-related social media content is not regulated by Act XXXVI of 2013 *on Electoral Procedure*, social media platforms (mostly Facebook) were used heavily during the election campaign to promote pro-government narratives.⁵⁷² **The fact that the State Audit Office does not have the mandate to audit social media spending further adds to the severity of the problem.**

To conclude, although the legislative framework provides some level of transparency regarding the income sources of political parties, serious shortcomings remain when it comes to political campaign financing and monitoring activities in Hungary.⁵⁷³ **While the State Audit Office monitors campaign finances after election campaigns, the most significant precedents are connected to opposition parties.** Despite repeated requests by NGOs and international organisations, no substantial changes have been introduced or announced by the government to improve transparency and accountability in this domain.

Lobbying: Institutional Blind Spots and Privileged Access

Although Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists establishes a general framework for managing integrity and sets procedural rules for public officials for engaging with lobbyists, **lobbying remains underregulated.**⁵⁷⁴ The exact process of legislation remains non-transparent and official consultation mechanisms are lacking.⁵⁷⁵

⁵⁶⁹ Presinszky, J., 2024, 'Az ÁSZ 520 millió forint büntetést szabott ki az ellenzéki pártokra' ('The State Audit Office imposed a 520 million forint fine on the opposition parties'), *Telex*, 20 February 2024

⁵⁷⁰ OSCE ODIHR, 2022, *Hungary Parliamentary Elections and Referendum*, 3 April 2022

⁵⁷¹ European Commission, 2023, *2023 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁷² Ibid.

⁵⁷³ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁷⁴ Transparency International, 2023, *Lobbying*

⁵⁷⁵ Ibid.

The undue and murky influence of lobbyists is facilitated by the centralised nature of the Hungarian governance structure. **Large international corporations with a substantial presence in Hungary may enter into a Strategic Partnership with the government** which may serve as a publicly visible sign of significant lobbying activity. Although the list of Strategic Partners is published and continuously updated on the website of the Ministry of Foreign Affairs and Trade,⁵⁷⁶ there is no publicly available information on the content of the partnership agreements and the exact nature of the lobbying activity of these partners.

Direct lobbying is further facilitated in case of investments with national economic importance that are declared priority investment projects. Until 2023, the government was free to make private investment projects worth at least HUF 90 million (€237,000) and creating at least 15 new jobs priority investments – thereby facilitating the lobbying activity of a relatively large number of private actors. Although the legislation regulating priority investments was amended at the end of 2023, the impact of allowing a large number of investment projects to attain priority status is yet to be assessed.⁵⁷⁷ Investment projects can gain priority status if the government publishes a decree stating that the project has an exceptional importance for the development of the national economy. Such projects can gain environmental and operational permits considerably faster than non-priority investments. The issue with this regulation is that these large investment projects often pose the greatest degree of environmental and operational risk and their proper assessment is hindered by the short deadlines.⁵⁷⁸ Recently, **the number of priority investment projects rose sharply in the electric vehicle battery industry where the lack of proper enforcement led to serious accidents.**⁵⁷⁹

The creation of special economic zones – another form of lobbying-related policy tool – allows companies to operate without complying with local regulations and contributes to the structural factors that facilitate corruption in Hungary. Special economic zones are set up to allow the implementation of the government's centrally planned industrial policies even in cases where local municipalities would oppose certain investment projects. For instance, in Göd and Iváncsa, concerns over local opposition made the central government declare local battery manufacturing sites to be special economic zones, thereby stripping municipalities of the powers of local business tax collection and administrative oversight.⁵⁸⁰ Deprived of their right to influence local developments, locals have raised their voice, which has resulted in national attention including an attempt to have a national referendum on the expansion of the battery industry.⁵⁸¹

⁵⁷⁶ Külgazdasági és Külügyminisztérium, 2025, *Stratégiai partnerségi megállapodások* (Strategic Partnership Agreement)

⁵⁷⁷ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁷⁸ TASZ, 2025, *Fellépés kiemelt beruházások ellen* (Action against priority investments)

⁵⁷⁹ Czirfusz, M., 2023, 'The battery boom in Hungary', *Friedrich Ebert Stiftung*, February 2023

⁵⁸⁰ Weiler, V., 2023, 'Akkumulátorgyártás: az iparág, amelynek az útjából eltakarítják a törvényeket' ('Battery production: the industry for which laws are being cleared out of the way') *Telex*, 20 February 2023

⁵⁸¹ *Ibid.*

Overall, despite repeated requests by European international organisations such as GRECO, **Hungary still has not adopted any comprehensive legislation on lobbying**.⁵⁸² The European Commission's 2024 report found that the Hungarian government made no recent progress on regulating lobbying and recommended the adoption of a comprehensive regulatory framework.⁵⁸³ The lack of clear regulation leaves civil society organisations with the option to publish education materials and information provision campaigns related to corruption. An example of this is TASZ's guide for locals who wish to question the environmental standards of large-scale industrial developers at mandatory public hearings.⁵⁸⁴ Nevertheless, lobbying in Hungary remains largely underregulated and the government seems to have no clear plans to introduce regulations called for by both civil society and international organisations.

Box 20. Legislation in the name of vested interests in Hungary

Legislation in a number of policy subsystems continuously favours specific companies or corporate groups linked to government-friendly individuals, which suggests that strong corporate ties to high-ranking government officials may be in operation in the background.⁵⁸⁵ This is perhaps best exemplified by the case of the repeated amendment of Government Decree 42/2015. (III. 12.) *on the security of information technology systems of financial institutions, insurance and reinsurance undertakings, investment firms and commodity exchange service providers*, aimed at making only one company fit the criteria for receiving a license to issue cyber security certifications.⁵⁸⁶ The decree requires certain financial institutions to provide cyber security certification to continue operating in Hungary. These certifications can only be granted by companies that meet a set of financial, HR-related, administrative and national security-related criteria. Since the decree came into force, the only company that met all the requirements was Hunguard Kft., a corporation with strong ties to Antal Rogán, the Minister in charge of the Prime Minister's Cabinet Office.⁵⁸⁷ Since 2015, the regulation has been amended twice to ensure that only Hunguard Kft. can meet the criteria. The Association of Information Technology, Telecommunication and Electronics Entrepreneurs claimed that the regulation is not in line with international standards and closes the door to the majority of companies that would be able to perform the tasks at hand. The government kept disregarding these comments despite similar concerns raised by the Association of Hungarian Banks and the Hungarian Central Bank.⁵⁸⁸

⁵⁸² Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁸³ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁸⁴ TASZ, 2025, *Fellépés kiemelt beruházások ellen (Action against priority investments)*

⁵⁸⁵ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁸⁶ Bolcsó, D., 2023, '„Mint a védelmi pénz” – Egy Rogán-közelről évek óta tartanak a csúcson a pont jókor változó jogszabályok’ (“Like protection money” – A company close to Rogán has been kept at the top for years thanks to conveniently timed legal changes’), *Telex*, 21 September 2023; Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁸⁷ Bolcsó, D., 2023, '„Mint a védelmi pénz” – Egy Rogán-közelről évek óta tartanak a csúcson a pont jókor változó jogszabályok’ (“Like protection money” – A company close to Rogán has been kept at the top for years thanks to conveniently timed legal changes’), *Telex*, 21 September 2023

⁵⁸⁸ Ibid.

Revolving Doors: From Office to Industry – Unregulated and Unchecked

Conflicts of interest in the public sector can be illustratively examined by focusing on two key pillars of the phenomenon, namely post-employment restrictions and asset declarations.

In Hungary, post-employment restrictions and the code of conduct of public officials and civil servants is outlined in Act CXCV of 2011 *on Civil Servants*. The act obliges officials to protect public data, specifies a code of conduct and limits secondary employment during their time in office. Indeed, **most of the provisions only apply to the tenure of public employment and fail to set out clear guidelines for the aftermath of holding public office.** Without such provisions, Hungary still lacks a comprehensive regulatory framework that would limit the revolving door phenomenon, in spite of the fact that both GRECO and the EC have repeatedly called for such regulations. The current legal framework only requires a cooling-off period after public employment in four agencies: the Integrity Authority, the Public Utility Agency, the Concessions Bureau and the Nuclear Energy Agency.⁵⁸⁹

The first comprehensive review of the revolving door phenomenon was published in 2012 by Transparency International, which criticised the regulatory framework for failing to require former public officials to notify their former public employer of any new position after they left public office. The report also called for the general regulation of post-employment restrictions.⁵⁹⁰ Civil society organisations kept raising the issue of revolving doors, with a group of nine NGOs noting in 2024 that there has been no substantial development with regards to the matter for years.⁵⁹¹ Although according to the government's new National Anti-Corruption Strategy 2024-2025 soft-law tools are to be introduced to prevent post-employment conflicts of interest, there have been no concrete actions taken so far to regulate this field.⁵⁹²

Another general problem is the existence of **revolving doors between the private sector and the Hungarian Competition Authority**. The Competition Authority operates at exceptionally high standards and employs a group of well-trained professionals with easily marketable expertise. Private companies are often eager to gain information regarding the mechanisms supervising competitive practices through the employment of former staff members with expertise from the Competition Authority.⁵⁹³ The following case exemplifies the revolving doors problem in Hungary.

⁵⁸⁹ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁹⁰ Burai, P., Földes, Á., & Tausz, P., 2012, *The Revolving Door Phenomenon in Hungary*, Transparency International Magyarország

⁵⁹¹ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁵⁹² European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁵⁹³ Burai, P., Földes, Á., & Tausz, P., 2012, *The Revolving Door Phenomenon in Hungary*, Transparency International Magyarország

Box 21. Unproblematic public-private transitions.

Without a general regulation, former public office holders often go back-and-forth between private companies and public office. **The case of László Szabó, former Deputy Foreign Minister is an illustrative example.** In 2013, Szabó worked as the CEO of the Hungarian branch of the Israeli pharmaceutical company Teva. Shortly after signing a strategic cooperation agreement with the Hungarian government as Teva's representative in May 2013, he left the company and joined the Ministry of Foreign Affairs and Trade in June 2014 where he became Deputy Minister. As such, he continued having an active relationship with the Teva leadership, engaging with them at the 2015 Israeli-Hungarian investor forum in Tel Aviv. In 2021, he returned to the industry by becoming a member of the board of directors at the largest Hungarian pharmaceutical company, Richter.⁵⁹⁴

For their part, asset declarations are currently regulated by Act CLII of 2007 *on Obligations Related to Asset Declarations* and by Act XXXVI of 2012 *on the National Assembly*. The conditionality mechanism imposed on Hungary by the EU recognised the weakness of the aforementioned regulations and requires Hungary to extend the scope of asset declarations, digitise them and strengthen related oversight mechanisms.⁵⁹⁵

As a response to the EU's conditionality requirements, the Hungarian government amended Act XXXVI of 2012 several times in 2022. One of the amendments, "intended as a slap in the face to the European Commission", actually reduced the information provision requirements of the declarations: the amendment introduced a system of income bands instead of the obligation to report exact income figures and it also abolished the regular duty of relatives to declare their assets. After substantial criticism from European institutions and NGOs, the government "reinstalled the asset declaration system to its much-criticised old form, only adding new loopholes while preserving the system's flaws and shortcomings".⁵⁹⁶

As part of Hungary's anti-corruption strategy, the **Hungarian Integrity Authority** was established in 2022. Its mandate includes monitoring activities to protect EU funds and the oversight and verification of asset declarations – although concerns remain whether the authority will have the necessary tools to complete this task.⁵⁹⁷

⁵⁹⁴ Alfahír, 2021, 'Forgóajtó-jelenség: Orbánék betennék a Mediaworks vezérét a Richterbe' ('Revolving Door Phenomenon: Orbán's Circle Wants to Appoint the Head of Mediaworks to Richter'), 31 March 2021

⁵⁹⁵ Amnesty International Hungary, 2024, *Assessment of Hungary's compliance with conditions to access European Union funds*

⁵⁹⁶ K-Monitor Jogi Munkacsoport, 2023, 'Hungarian MP's assets: Less declared and still not monitored', *K-Blog*

⁵⁹⁷ Ibid.

In 2023, the Hungarian Integrity Authority published a comprehensive review on asset declarations that included a comparison of the Hungarian framework with international standards and an assessment of the overall functioning of the Hungarian system. The report found that the framework for asset declarations is in line with European standards when it comes to determining who needs to declare their assets, how often this needs to take place and what part of it needs to be public. However, the Integrity Authority concluded that **oversight mechanisms related to asset declarations only exists theoretically, with the practical system being out of date and dysfunctional.**⁵⁹⁸

To address the lack of real asset declaration checks, **the Authority recommended the introduction of a digital monitoring system and a compulsory investigation** at least once every four years for everyone submitting asset declarations. The Integrity Authority stated that their recommendations related to asset declarations would be most effectively realised within the framework of a comprehensive anti-corruption strategy.⁵⁹⁹

Whether the government will accept the recommendations of the Integrity Authority remains uncertain.⁶⁰⁰ Although there was an attempt to pass a reform related to asset declarations in 2023, the bill containing the reform was completely changed before the Parliament voted on it and the final content of the bill was entirely unrelated to asset declarations.⁶⁰¹ In its response to the Integrity Authority's report, the government stated that it is currently reviewing its options regarding the reform of the asset declaration system in line with its commitment to transparency declared in the National Anti-Corruption Strategy for 2024-2025.⁶⁰²

Until the asset declaration system is reformed, it will be hard to gain clarity in cases involving the non-transparent asset accumulation of political leaders and their families. Weak regulations already allowed Minister Antal Rogán to remain unpunished and simply issue a slightly updated asset declaration after the press discovered incorrect data in his declaration and concerns remain around land purchases carried out by his wife. Amendments to the asset declaration system introduced in 2022 now allow Rogán to report even less about alternative income sources and the assets of his family members.⁶⁰³

To conclude, while serious problems remain in Hungary, the government's goal to access EU funds may provide the necessary motivation in the not too distant future to adopt regulations called for by international organisations. Until such meaningful reforms are introduced, the media and civil society will carry the burden of investigating the validity of declarations and pushing for a more transparent asset declaration system.

⁵⁹⁸ Integritás Hatóság, 2023, *Vagyonynyilatkozatokról szóló eseti jelentés* (Special report on asset declarations)

⁵⁹⁹ Ibid.

⁶⁰⁰ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁶⁰¹ Cseke, B., Márton, B., 2023, 'Megszavasták a módosítóba rejtett igazságügyi reformot, ami 13 milliárd eurót érhet' ('The judicial reform hidden in the amendment was voted on, which could cost 13 billion euros'), *Telex*, 3 May 2023

⁶⁰² Integritás Hatóság, 2024, *Az Integritás Hatóság 2023. évre vonatkozó éves elemző integritásjelentésében megfogalmazott megállapításokkal kapcsolatos kormányzati álláspont* (Government Position on the Findings Formulated in the Integrity Authority's 2023 Annual Analytical Integrity Report)

⁶⁰³ Cseke, B., 2022, 'Rogán Antalnak többször is magyarázkodnia kellett a vagyonynyilatkozata miatt, most átírják a törvényt' ('Antal Rogán had to explain himself multiple times because of his asset declaration — now the law is being rewritten'), *Telex*, 7 July 2022

Media: In the Government's Shadow

According to the EU's 2024 Rule of Law Report,⁶⁰⁴ the Hungarian media landscape is seriously distorted, threatening the maintenance of media pluralism. Pressing issues remain regarding the media regulator's functional independence, as well as the editorial independence of public service media. Specific legal rules are lacking regarding the transparency of ownership structures of media companies. "Journalists and independent media outlets continue to face numerous challenges including seemingly coordinated smear and de-legitimisation campaigns and selective access to government premises and events".⁶⁰⁵ The introduction of legislative amendments in 2023 and 2024 expanding the grounds on which governmental bodies can reject freedom of information requests only adds to the severity of this problem.

Since the beginning of Orbán's regime in 2010, media pluralism has deteriorated and the government used its media dominance to influence the political views of the public. Act CLXXXV of 2010 on Media Services and Mass Media requires public service media content to be balanced and makes the Media Council responsible for initiating an official proceeding if such a requirement is violated. However, the Act does not specify the procedure for monitoring the balanced nature of media reporting, which is one of the reasons why the Media Council fails to initiate proceedings regarding systemic breaches of balance.⁶⁰⁶ Currently, there are no mechanisms to check and report the oversight activity of the Media Council, effectively allowing the imbalanced operation of public service media. Moreover, signs of undue influence can be detected on the operation of the Media Council and the two other public service media monitoring bodies (the Public Service Public Foundation and the Public Service Body). This is so because of the appointment framework of the president of the Media Council, which depends on the proposal of the Prime Minister and the vote of the Parliament (controlled by Fidesz).⁶⁰⁷

Besides allowing political considerations to influence the professional operation of public service media, **the Orbán regime has also used increasing levels of state advertising to promote its agenda.** The principal issue regarding state advertising is the lack of transparency in the decision-making processes as well as the exact financial figures accounting for how much is spent on which media channel. The trend is clear: since Orbán's second term, the overall spending on state advertising increased steadily.⁶⁰⁸ As a result, "the State is, by far, the most important player in the media advertising ecosystem and the channelling of significant state resources to pro-government media continues to prevent a level playing field in the Hungarian media landscape".⁶⁰⁹

⁶⁰⁴ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

⁶⁰⁵ Ibid.

⁶⁰⁶ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁶⁰⁷ Ibid.

⁶⁰⁸ Átlátszó, 2022, *Állami Hirdetés (State Advertisement)*

⁶⁰⁹ European Commission, 2024, *2024 Rule of Law Report, Country Chapter on The Rule of Law Situation in Hungary*

Public procurement procedures related to state advertising are also prone to favouritism and corruption. The vast majority of public procurement tenders for government communications have been won by the consortium consisting of Lounge Design Kft. and New Land Media Kft., a group of companies owned by Gyula Balásy, a businessman with close ties to the government. In the first three quarters of 2023 alone, Balásy's consortium was awarded HUF 42.8 billion (EUR 113 million) worth of communications tenders.⁶¹⁰ Balásy's successful bid at most of these tenders is not surprising, considering that in the third quarter of 2023, all 39 published tenders had only one applicant, one of Balásy's companies.⁶¹¹

Further issues concerning government-related political advertising are visible if one considers the **vast amounts of money spent on Facebook to promote the Fidesz government's narratives.** Although political parties are officially only allowed to spend HUF 6 million (€14.600) per candidate on campaign-related marketing, government-friendly political influencers have spent this amount every day in the past four years to boost their Facebook posts, as revealed by public information gathered from Meta Ad Library. In a European comparison, Hungary stands out with its exceptionally high levels of spending per capita on political advertising on Facebook.⁶¹² The government and organisations related to the governing party contribute the most to these expenses on Hungarian social media. Megafon, a pro-government group with an undisclosed financial background stands out as one of the most significant Facebook advertisers promoting the messages of pro-government influencers.⁶¹³

A comprehensive report by Political Capital on the promotion of disinformation and on political advertising spending on social media during the 2024 local and European Parliamentary election campaign in Hungary reveals that **spending on political advertisements is highly asymmetric.** While all 14 opposition parties and associated organisations spent €839,000 on Google and Meta ads, pro-government forces spent almost five times that amount, €4.3 million. The majority of the money was expended on disinformation campaigns and the promotion of hostile and exaggerated narratives such as the existence of an international European alliance of pro-war politicians pushing for a new world war.⁶¹⁴ Such narratives played an important role in the final few weeks before the elections.

Furthermore, the independent media in Hungary have faced continuous threats since 2010, with **a number of independent news outlets being purchased by the pro-government business elite.** An outstanding example is the purchase of Index.hu Zrt. in 2020, after which the portal slowly started to produce more and more government-friendly content, less explicitly political news and more tabloid content.⁶¹⁵ Although the editorial board and most of the journalists moved on to establish Telex.hu, the new portal has had to use crowdfunding to survive.

⁶¹⁰ Bakró-Nagy, F., 2023, 'Újabb negyedév, újabb 15 milliárd kormányzati kommunikációra' ('Another quarter, another 15 billion for government communication'), *Telex*, 23 October 2023

⁶¹¹ Ibid.

⁶¹² Hanula, Zs., 2023, 'Így tett a magyar politika 10 milliárd forintot Mark Zuckerberg zsebébe' ('This is how Hungarian politics put 10 billion forints into Mark Zuckerberg's pocket'), *Telex*, 1 December 2023

⁶¹³ Amnesty International Hungary, 2024, *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*

⁶¹⁴ Political Capital, 2024, 'Fidesz & Co. flood social media with anti-Western hostile disinformation in Hungary's election campaign, reaching EU spending records', 8 June 2024

⁶¹⁵ Előd, F., 2023, 'A 10 legfontosabb állítás arról, hogyan használja az Indexet a Fidesz' ('The 10 most important claims about how Fidesz uses Index'), *Telex*, 13 November 2023

Despite continuous criticism by independent media companies, civil society and supranational organisations, threats to media pluralism remain unaddressed. The existence of undue political influence in the public service media remains unchanged due to the weakness of regulatory authorities and the fact that the state still dominates the advertisement landscape.

Conclusion

Hungary's poor and worsening ranking in both the CPI and Eurobarometer surveys is explained by the existence of systemic corruption affecting most aspects of the public sector including procurement, political finance and lobbying. The lack of post-employment restrictions for public officials and loose asset declaration regulations only add to the severity of problems. Independent NGOs are often targeted by hostile policies and the government remains unwilling to consider the input of civil society when it comes to substantial policy reforms. Last but not least, the media landscape in Hungary is highly distorted and there is an absence of transparency regarding the financial background of political advertisements on social media.

For years, corruption-related criticism has been levelled at the government by opposition parties, international organisations (including the European Commission, GRECO and OSCE ODIHR) and NGOs (including Amnesty International Hungary, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, K-Monitor, Mérték Media Monitor, Political Capital, Transparency International Hungary). The lack of substantial reforms despite these criticisms led the EU to suspend significant funds in 2022. Since then, the government commenced some reforms (such as the adoption of a new National Anti-Corruption Strategy for 2024-2025 alongside a related Action Plan) to address some of the issues highlighted by EU institutions. However, the majority of these reforms were minor and often insubstantial, resulting in the ongoing suspension of EU funds.

Catalogue 6. Hungary’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: Law XXXIII of 1989 on the Operation and Financial Management of Political Parties https://njt.hu/jogszabaly/en/1989-33-00-00	• Scope: This Act specifically covers the financing of election campaigns for both individual candidates and political parties. Its primary aim is to ensure transparency and fairness in campaign financing, establishing regulations on campaign spending and funding sources. • Target Group: The law applies to: ➢ Individual Candidates: Those running in national or local elections who receive public funds or donations to finance their campaigns. ➢ Political Parties: Parties that participate in elections and receive campaign funding, including public subsidies and private donations. ➢ Donors and Contributors: Private individuals or organisations that provide financial support to candidates or political parties during election periods, as certain restrictions and transparency obligations apply to them.	• State Audit Office (SAO): The SAO is the primary body responsible for overseeing and enforcing compliance with the Act. • Its functions include: ➢ Monitoring Compliance: Reviewing financial reports and disclosures submitted by candidates and parties to ensure that all donations and campaign expenditures are accurately reported. ➢ Verification: Auditing campaign finances to verify that spending does not exceed set limits and that all funding sources are legitimate and compliant with legal restrictions. ➢ Public Reporting: Publishing findings on compliance or non-compliance, making these records accessible to the public for transparency and accountability. • National Election Office (NEO): During elections, the NEO works alongside the SAO to ensure adherence to campaign finance regulations, particularly in tracking the use of public funds allocated to campaigns and monitoring spending limits.	• Fines: Candidates or political parties that fail to adhere to campaign finance regulations or exceed spending limits may face financial penalties. The severity of the fine depends on the extent of noncompliance. • Disqualification: In severe cases, the SAO or NEO may recommend that a candidate or political party be disqualified from the election if serious violations are identified, such as undeclared funding sources or repeated failure to comply with spending limits. • Repayment of Public Funds: Candidates or parties found to misuse public campaign funds may be required to repay the misused amounts to the state. This repayment is in addition to other sanctions imposed. • Public Disclosure of Violations: The SAO has the authority to publicly disclose instances of noncompliance, which can impact a candidate’s or party’s reputation and serve as a deterrent to other entities.
Political finance: Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly https://www.coe.int/en/web/venice-commission/-/cdl-ref-2021-064-e	• Scope: The Act applies to the financing of election campaigns for the National Assembly, European Parliament and local government elections in Hungary. It establishes rules for campaign spending limits, permissible funding sources and reporting obligations to promote transparency and prevent corruption. • Target Group: The law targets: ➢ Individual Candidates: Those running for elected positions are subject to spending limits and must adhere to reporting requirements. ➢ Political Parties: Parties participating in elections must comply with financial regulations, including limits on campaign expenditures and obligations to disclose funding sources. ➢ Donors: Individuals and entities providing financial support to candidates or parties are subject to restrictions, such as prohibitions on anonymous donations and limitations on foreign contributions.	• State Audit Office (SAO): The SAO is the primary body responsible for monitoring compliance with the Act. Its duties include: ➢ Reviewing Financial Reports: Assessing the accuracy and completeness of financial disclosures submitted by candidates and parties. ➢ Conducting Audits: Investigating potential irregularities or violations in campaign financing. ➢ Publishing Findings: Making audit results publicly available to ensure transparency. • National Election Office (NEO): The NEO collaborates with the SAO to oversee the electoral process, including aspects related to campaign financing.	• Fines: Financial penalties are imposed on candidates or parties that exceed spending limits or fail to comply with reporting obligations. • Forfeiture of Illegal Contributions: Funds obtained through prohibited means, such as anonymous or foreign donations, may be confiscated. • Disqualification: In severe cases, candidates or parties may be disqualified from participating in the election. • Public Disclosure of Violations: The SAO is mandated to publish information about violations, which can damage the reputation of noncompliant candidates or parties.
Political finance: Act XXXVI of 2013 on Electoral Procedure https://njt.hu/jogszabaly/en/2013-36-00-00	• Campaign Activities: The Act defines the framework for campaign activities, including regulations on the duration of campaigns, permissible campaign methods, and the use of media during the campaign period. These regulations indirectly influence campaign financing by setting boundaries on how financial resources can be utilised during campaigns. • Campaign Silence: It establishes periods of campaign silence, during which certain campaign activities are restricted. This affects the timing and planning of campaign expenditures. • Use of Public Spaces: The Act regulates the use of public spaces for campaign purposes, which can have financial implications for organising events and advertising.	• National Election Office (NEO): ➢ While primarily responsible for managing the technical aspects of elections, the NEO plays a supporting role in verifying that campaign finance rules are adhered to by overseeing the use of public funds allocated to candidates and parties during election campaigns. ➢ Administrative Support: The NEO provides guidance to election commissions on compliance with finance-related aspects of campaign regulations. It also coordinates with other agencies (such as the State Audit Office) in overseeing financial disclosures and expenditures. • National Election Commission (NEC): ➢ Role in Political Finance Oversight: The NEC has a broader role in ensuring compliance with electoral rules, including resolving disputes that may arise over campaign finance issues. It interprets financial rules as they apply to electoral procedures and addresses complaints regarding campaign spending practices. ➢ Resolution of Disputes: If disputes arise over campaign finance activities, such as allegations of illegal donations or spending, the NEC has the authority to issue rulings and impose sanctions where applicable.	• Fines for Unauthorised Campaign Spending: Candidates or parties that exceed permitted spending limits or violate spending-related rules during campaigns can be subject to fines. This includes any unauthorised use of funds or activities that may contravene the campaign finance guidelines established in conjunction with this Act. • Disqualification for Serious Financial Violations: In cases of severe financial misconduct, such as fraud or illegal use of campaign funds, candidates may be disqualified from participating in the election. This measure serves as a deterrent against misuse of campaign finances. • Annulment of Election Results Due to Financial Misconduct: If a candidate’s financial misconduct or significant irregularities in campaign finance influence election results, the NEC (National Electoral Commission) or relevant regional commission may annul those results and call for a new election. This measure ensures the integrity of elections when financial irregularities impact outcomes.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: Criminal Code, 2012 https://www.refworld.org/legal/legislation/natlegbod/2012/en/78046	While the Criminal Code does not explicitly detail offences like illegal campaign contributions or exceeding spending limits, such actions can be prosecuted under broadier corruption offences if they involve bribery, abuse of office or other corrupt practices. It is applicable to public officials as well as to private persons participating in bribery of public official.	The Hungarian Police and the Prosecutor’s Office are the primary bodies responsible for investigating and prosecuting offences under the Criminal Code, including political finance-related crimes.	Imprisonment: ➤ Bribery of Public Officials: The severity of penalties depends on the role of the offender and the amount involved. For instance: <i>Active Bribery</i> (Offering a Bribe): Punishable by up to five years of imprisonment. <i>Passive Bribery</i> (Accepting a Bribe): Public officials accepting bribes face stricter penalties, with sentences up to ten years in severe cases (Sections 293-294). ➤ Abuse of Office: Misuse of a public position for personal or political gain can result in imprisonment, with sentences ranging from one to five years, depending on the offence’s severity (Section 305). ➤ Vote Buying: Offering financial incentives to influence voters is considered a criminal act, with potential imprisonment of up to three years (Section 211). Fines and Financial Penalties: Fines may be imposed either as a standalone punishment or alongside imprisonment, particularly in cases of minor infractions or as additional penalties for more severe crimes. These fines are intended to act as a deterrent against engaging in corrupt practices. ➤ Disqualification from Public Office: Public officials convicted of bribery, abuse of office or similar offences may be barred from holding public office. This sanction is designed to prevent those who have misused public trust from returning to positions of power. ➤ Companies or Organisations Involved in Corruption: The Criminal Code allows for sanctions on legal entities found complicit in corrupt practices, including financial penalties, restrictions on activities, or, in extreme cases, dissolution. These sanctions aim to hold organisations accountable if they participate in political finance-related offences.
Lobbying: Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists https://corruptionprevention.gov.hu/download/7/ce/02000/Governmental%20Decree%2050_2013.pdf	- The decree applies to all public administration bodies and their officials. It establishes a framework for managing integrity and sets procedural rules for engaging with lobbyists. The primary objectives include: ➤ Public Officials: Ensuring that officials adhere to ethical standards and maintain transparency in their interactions. ➤ Lobbyists: Defining the procedures and limitations for lobbyists seeking to influence public administration decisions.	- The decree specifies the following procedures for public officials when dealing with lobbyists: ➤ Prior Authorisation: Public officials must obtain permission from their superiors before meeting with lobbyists. ➤ Documentation: Details of meetings, including the purpose, participants and content discussed, must be documented and reported to the relevant authority. ➤ Transparency: Information about such meetings should be made publicly accessible to ensure transparency.	- The Government obliges public servants to ask prior permission from their hierarchy to meet lobbyists and to also report back on the contacts or outcome of meetings. There is no mechanism in place targeting the monitoring of the implementation of these obligations. - Moreover, the Decree requires neither the mandatory registration of lobbyists, nor the disclosure of contacts with lobbyists to an independent control body, nor does it expect public organs to make reports on lobbying contacts publicly accessible.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying, Revolving door/Conflict of Interest Law No. CXCIX of 2011 on civil servants https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/99864/HUN-99864.pdf	• The law covers a wide array of areas essential to civil service operation, including: ➤ Professional Conduct: Standards for behaviour, conflict of interest and impartiality are clearly defined to ensure transparency and ethical conduct. ➤ Employment Terms: It includes provisions for the hiring, promotion, re-assignment, and termination of civil servants, outlining their employment rights and obligations. ➤ Performance Evaluation and Accountability: Mechanisms for regular performance assessments are in place to maintain accountability and enforce regulations. • The primary target group includes: ➤ Civil Servants: All individuals employed within the civil service at various levels of government, including local, regional and national bodies. ➤ Government Officials and Supervisors: Higher-ranking officials who oversee civil servants, ensuring they adhere to standards and manage public resources responsibly. ➤ Administrative and Support Staff in Public Institutions: Employees in public institutions receiving state funds may also fall under the purview of certain provisions if they manage or influence public resources.	• Act CXCIX designates oversight and enforcement responsibilities primarily to internal government bodies, including: ➤ Governmental Supervisory Bodies: These bodies are tasked with oversight of civil servants and state officials to ensure compliance with regulations, including conflict-of-interest rules. ➤ Internal Audit and Compliance Departments: In larger government bodies, specific departments are assigned to verify adherence to conflict-of-interest requirements and monitor compliance in day-to-day activities. ➤ These bodies often work in conjunction with Hungary’s State Audit Office and Prosecution Service, especially in cases involving significant breaches or suspected criminal conduct.	• Disciplinary Actions: For minor conflicts of interest, the act allows for warnings, suspension or re-assignment. • Administrative Penalties: More serious breaches may result in fines, demotion or temporary exclusion from civil service roles. • Termination of Employment: Severe or repeated violations can lead to dismissal and may be accompanied by bans on future government employment.
Lobbying, Revolving door/Conflict of interest Act XXXVI of 2012 on the National Assembly https://njt.hu/jogszabaly/en/2012-36-00-00	• The law targets MPs of the National Assembly, besides other things covering incompatibility and conflicts of interest for MPs: ➤ MPs are prohibited from engaging in activities that could compromise their impartiality or the integrity of their duties. Specific roles and activities deemed incompatible with parliamentary duties are outlined and MPs must declare any personal interests that may conflict with their legislative responsibilities. ➤ Declaration of Assets: MPs are required to submit a declaration of assets, income, and economic interests within thirty days of commencing their term. This declaration must be updated regularly to reflect any significant changes. The Committee on Immunity oversees the submission and verification of these declarations.	• The Committee on Immunity, Incompatibility, Discipline and Mandate Control is responsible for investigating potential conflicts of interest and incompatibilities. It can initiate procedures based on reports or its own findings and recommend actions to the National Assembly. If a conflict is confirmed, the National Assembly may declare the incompatibility and take appropriate measures.	• Failure to comply with conflict-of-interest regulations can lead to various sanctions, including: ➤ Declaration of Incompatibility: The National Assembly may declare an MP’s position incompatible, leading to the termination of their mandate if the conflict is not resolved. ➤ Financial Penalties: MPs may be required to repay remuneration received during the period of incompatibility. ➤ Public Disclosure: Noncompliance and the resulting sanctions may be made public, affecting the MP’s reputation.
Lobbying, Conflict of interest Act CLXXXI of 2007 on the Transparency of Public Funding https://net.jogtar.hu/jogszabaly?docid=a0700181.tv&utm	• The Act primarily focuses on ensuring the transparent use of public funds by organisations receiving state support. While the act does not explicitly define or regulate conflicts of interest, it establishes mechanisms that indirectly address such concerns.	• The act places primary responsibility for compliance directly on the decision-making bodies or individuals responsible for the allocation of funds, along with the heads of these entities and a designated government website operator for public transparency purposes	• Disqualification from Funding: If a conflict of interest is identified at any stage, the applicant may be excluded from receiving the funding. Additionally, the law allows any individual to initiate a disqualification request if there is suspicion of noncompliance, with the final decision made by the decision-making entity. • Void Contracts: If a grant is awarded despite a known conflict of interest, the resulting contract is considered null and void. Any funds disbursed must be repaid with interest calculated from the time of disbursement. • Public Disclosure of Violations: In cases where applicants are disqualified due to noncompliance, the decision must be publicly disclosed on the government’s website for a period of two years. This measure serves as both a deterrent and a means of informing the public about compliance issues

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying, Conflict of interest Act CXXV of 2018 on Government Administration https://njt.hu/jogszabaly/2018-125-00-00	- The act applies to: ➤ Governmental Administrative Bodies: This includes central government bodies, their territorial units and other administrative entities operating under government authority. ➤ Government Officials: Individuals employed within these bodies, encompassing a range of positions from senior officials to administrative staff.	- The act designates specific bodies responsible for oversight and enforcement: ➤ Supervisory Authorities: The law places oversight responsibilities on higher-level administrative authorities within the government hierarchy. This includes central government bodies like ministries, which oversee compliance with administrative and ethical standards among subordinate entities. ➤ Internal Audit Units: These units within governmental bodies are tasked with monitoring adherence to internal regulations and procedures. ➤ Disciplinary Committees: Established to handle breaches of conduct, these committees assess violations and recommend appropriate sanctions.	Disciplinary Actions: For minor infractions, officials may receive warnings, reprimands or temporary suspension. Financial Penalties: In cases involving misuse of funds or financial misconduct, penalties may include fines or restitution. Demotion or Dismissal: Serious breaches can lead to demotion or termination of employment. Legal Proceedings: If the noncompliance constitutes a criminal offence, the matter may be referred to judicial authorities for prosecution.
Lobbying, Conflict of interest Constitution of Hungary (2011) https://www.constituteproject.org/constitution/Hungary_2011	- Article 12(2) stipulates that the President may not hold any other public office or pursue any gainful occupation during their term, except for activities related to science, education or art. This provision aims to prevent conflicts between presidential duties and other roles. Members of Parliament (MPs): Article 4(3) outlines that MPs cannot hold certain positions or engage in activities that could lead to conflicts of interest. Specific details are provided in subsequent laws, but the constitution establishes the principle of incompatibility to ensure MPs’ impartiality. Judges and Constitutional Court Members: Article 26(3) states that judges cannot be members of political parties or engage in political activities, ensuring judicial independence and preventing conflicts of interest. Article 24(8) specifies similar restrictions for members of the Constitutional Court, emphasising their impartiality.		
Lobbying, Conflict of interest Act CX of 2011 on the Status and Remuneration of the President of the Republic https://net.jogtar.hu/jogszabaly?docid=a1100110	The President is prohibited from holding any other public office during their term. This measure prevents conflicts between presidential responsibilities and other governmental roles.	National Assembly (Parliament): The Hungarian National Assembly has oversight authority regarding the President’s adherence to rules on conflicts of interest. If concerns arise about potential conflicts or non-compliance with the law, Parliament can review the situation. Additionally, the President’s asset declarations are subject to public scrutiny and Parliament can request explanations or clarifications if any discrepancies are observed.	Public Disclosure and Accountability: If there are inconsistencies or issues in the President’s asset declaration or if the President engages in prohibited activities, Parliament may take action by publicly disclosing these issues, impacting the President’s public standing. Impeachment Procedures: In severe cases of non-compliance, particularly if the conflict of interest is linked to a violation of the Constitution or if criminal conduct is suspected, Parliament has the authority to initiate impeachment proceedings. This process can lead to the President’s removal from office if two-thirds of Parliament votes are in favour of impeachment.
Media: Act CXII on the Right of Informational Self-Determination (2011) https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)021-e	- The Act applies to all data processing activities related to personal data, data of public interest and data accessible on public interest grounds within Hungary. It encompasses: ➤ Public Authorities: Bodies performing state or local government functions or other public duties defined by law. ➤ Private Entities: Organisations and individuals processing personal data or holding data of public interest, especially when such data pertains to public funds or services. - By mandating transparency, the Act aims to deter corrupt practices by ensuring that information about public decision-making and resource allocation is accessible to the public.	The National Authority for Data Protection and Freedom of Information (NAIH) is the primary body responsible for monitoring and enforcing compliance with the Act. NAIH’s functions include: ➤ Supervision: Overseeing adherence to data protection and freedom of information regulations. ➤ Investigation: Conducting inquiries into potential violations, either upon notification or ex officio. ➤ Guidance: Providing opinions and recommendations to ensure proper implementation of the Act.	Fines: NAIH can impose financial penalties on organisations or individuals violating data protection or freedom of information obligations. Publication of Infringements: Public disclosure of violations serves as a deterrent by highlighting noncompliance. Legal Proceedings: In cases of significant breaches, NAIH may initiate legal actions to enforce compliance.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: Act CLV on the Protection of Classified Information (2009) https://europam.eu/data/mechanisms/FOI/FOI%20Laws/Hungary/3.%20Act%20CLV%20on%20the%20Protection%20of%20Classified%20Information%20of%202009_HUN,%20consolidated,%20last%20amended%202020.pdf	• The Act applies to all individuals and entities involved in the creation, handling, storage and dissemination of classified information. This includes: ➤ Public Officials: Government employees and officials who access or manage classified data. ➤ Private Contractors: Organisations and individuals contracted by the government that may encounter classified information during their work. ➤ Foreign Entities: International organisations or foreign nationals granted access to Hungarian classified information under specific agreements.	• The primary body responsible for overseeing and enforcing the provisions of the Act is the National Security Authority (NSA). The NSA's responsibilities include: ➤ Monitoring Compliance: Ensuring that entities adhere to classification standards and procedures. ➤ Conducting Inspections: Performing regular audits and inspections of facilities and systems handling classified information. ➤ Issuing Security Clearances: Granting personnel security clearances to individuals requiring access to classified information.	• Administrative Penalties: Fines or other administrative measures imposed on individuals or organisations violating the Act's provisions. • Revocation of Security Clearances: Withdrawal of access rights for individuals who breach security protocols. • Criminal Charges: In severe cases, individuals may face criminal prosecution, leading to imprisonment or other legal consequences.
Media: Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content https://nmhh.hu/dokumentum/162262/smtv_110803_en_final.pdf	• The Act applies to all media content providers operating within Hungary, encompassing: ➤ Media Service Providers: Entities responsible for the editorial content of media services, including television, radio and online platforms. ➤ Press Products: Publishers of printed and digital newspapers, magazines and other periodicals. • The Act defines media services as any service provided on a regular basis, for profit, with the primary aim of delivering programs to the general public for informational, entertainment, or educational purposes through electronic communications networks.	• The primary body responsible for monitoring and enforcing compliance with the Act is the National Media and Infocommunications Authority (NMHH), specifically through its Media Council. The Media Council's responsibilities include: ➤ Supervision: Overseeing adherence to media laws and regulations. ➤ Licensing: Granting and renewing licenses for media service providers. ➤ Content Monitoring: Ensuring that media content complies with legal standards, including those related to public morals and the protection of minors. • The Media Council operates as an autonomous body, with its members appointed by the Hungarian Parliament.	• The Act established the National Media and Infocommunications Authority (NMHH) and its Media Council to oversee media operations. The Act grants the Media Council authority to impose significant fines and sanctions for non-compliance.
Media: Act CLXXXV of 2010 on Media Services and Mass Media https://nmhh.hu/dokumentum/106487/act_clxxx_on_media_services_and_mass_media.pdf	• The Act applies to all media service providers and press products operating within Hungary, encompassing: ➤ Media Service Providers: Entities responsible for the editorial content of media services, including television, radio and online platforms. ➤ Press Products: Publishers of printed and digital newspapers, magazines and other periodicals. • The Act defines media services as any service provided on a regular basis, for profit, with the primary aim of delivering programs to the general public for informational, entertainment or educational purposes through electronic communications networks.	• The primary body responsible for monitoring and enforcing compliance with the Act is the National Media and Infocommunications Authority (NMHH), specifically through its Media Council. The Media Council's responsibilities include: ➤ Supervision: Overseeing adherence to media laws and regulations. ➤ Licensing: Granting and renewing licenses for media service providers. ➤ Content Monitoring: Ensuring that media content complies with legal standards, including those related to public morals and the protection of minors. • The Media Council operates as an autonomous body, with its members appointed by the Hungarian Parliament.	• The Act outlines several sanctions for media content providers that fail to comply with its provisions, including fines, suspension or revocation of license, and publication of decisions. • By controlling the licensing and renewal processes, the Media Council has significant influence over which entities operate in the media space.



CHAPTER 8.

Bulgaria

By Dr. Stoyan Panov, Senior Research Fellow, Institute for Global Analytics

Introduction

Bulgaria has experienced persistent systemic problems with grand and political corruption over the last 35 years. Bulgaria ranked 67th out of 180 countries in the latest Transparency International Corruption Perceptions Index with an overall score of 45/100.⁶¹⁶ Only Hungary has a worse score in the EU. Bulgaria ranks 59th out of 142 countries in the World Justice Project Rule of Law Index reaching a point of 0.56/1.00.⁶¹⁷ This result places Bulgaria 30th out of 31 EU/EFTA/North America countries in the regional assessment with only Hungary behind. The most poignant and problematic issue is political corruption, reflected in the score of 0.19 for officials in the legislative branch not using public office for private gain, with an EU/EFTA/North America average of 0.53 and a global average of 0.35.⁶¹⁸

Political influence poses a significant risk to judicial independence in Bulgaria. The Office of the Prosecutor is critiqued for selective investigations, linked to political interests and pressure. The politicisation and utilisation of the prosecutorial discretion to open (or not) investigations is one of the core facilitators of exerting political pressure and political corruption. **It comes as no surprise that corruption in the private sector is almost absent from the socio-political discourse; the main focus is on political and grand corruption.** As illustrated below, in light of the loose political financing regulation, political parties may function as conduits of grand and political corruption. Sitting MPs have been sanctioned by the US Department of Treasury's Office of Foreign Asset Control (OFAC) under the Global Magnitsky Human Rights Accountability Act for grand corruption.⁶¹⁹

Political Finance: Opaqueness Undermines Accountability

At first sight, political finance in Bulgaria is subject to stringent regulation. But upon deeper inspection, a conclusion is warranted that while the regulatory framework exists on paper, its implementation is problematic and selective.

⁶¹⁶ Transparency International, 2023, *Corruption Perceptions Index: Bulgaria*

⁶¹⁷ World Justice Project, 2024, *Rankings: Bulgaria*

⁶¹⁸ World Justice Project, 2024, *Absence of Corruption Factors: Bulgaria*

⁶¹⁹ Dzhambozova, B., Bayer, L., 2021, 'US sanctions top Bulgarians for graft. EU does zilch', *Politico*, 2 June 2021

Regulatory Framework

The Election Code and the Political Parties Act are the primary legal sources, establishing the legal framework of financing of political parties in Bulgaria. In general, donations to political parties are prohibited from foreign sources, corporations, trade unions, religious institutions, individual traders or anonymous donors. The rationale behind such a restriction is to disable foreign or commercial influence over political parties and corresponding direct interference in the political realm. Individuals can donate up to BGN 10 000 (approximately €5 000) per year to political parties or political candidates or committees.⁶²⁰

The restrictive approach towards donations to political parties is balanced with a public allocation of funding, a model which is common in many European states:

- The allocation is structured around a formula including the votes obtained in the preceding elections as well as the share of seats in the National Assembly. State subsidies are granted to political parties with at least 1% of the valid votes in the national elections or coalitions with at least 4% of the vote (basically, coalitions represented in the National Assembly as the election threshold for the National Assembly is 4%) according to Article 25 of the Political Parties Act. The annual state subsidy is calculated on a per-vote basis with a fixed amount per vote.
- Public funding is earmarked for and restricted to expenses of preparation and participation in upcoming elections as well as party structure maintenance, event organisation or other official party activities.
- Party membership fees are another source of political financing. According to data for 2024, only 44 out of 126 parties or coalitions have declared membership fees as a financial source. Membership fees amount to 13.17% of the political financing in 2024, totaling approximately €2.3 million, while the officially declared primary source are state subsidies (47.95%, amounting to approximately €8.5 million) and donations (34%, amounting to approximately €6.2 million).⁶²¹

The spending regulation strictly prohibits vote buying or use of municipal transport vehicles for canvassing and transport, for example. The proscriptive aspect attempts to regulate activities which may contribute to swaying electoral preferences in a disproportionate manner or unduly influence the electorate.

Oversight

The oversight of political financing is split between several institutions. The **National Audit Office** (NAO) plays an essential role in checking the expenditures of the political parties. The latter are required to submit publicly accessible financial reports which include and identify donors and are overseen and assessed by the National Audit Office and the Sofia City Prosecutor's office. As Bulgaria has witnessed seven elections since 2020, the National Audit Office has been under strain to perform its duties properly. The high number and regularity of

⁶²⁰ Lex.bg, 2014, 'Изборен кодекс' ('Election Code of Bulgaria'), promulgated in SG No. 19 of 5 March 2014, last amended in SG No. 104 of 30 December 2022, Art. 167 (1)

See also Lex.bg, 2005, 'Закон за политическите партии' ('Political Parties Act'), promulgated in SG No. 28 of 1 April 2005, last amended in SG No. 88 of 14 October 2022, Art. 24

⁶²¹ Open Parliament, 2025, 'Party Membership Fees: Between Rules and Reality', 2 May 2025

elections have put the NAO in the difficult position to process the party reports in a quality manner.⁶²²

Moreover, as a result of recent Constitutional changes, the head and deputy-head of the NAO are eligible to be appointed as interim Prime Ministers of caretaker governments during the campaign season. On one occasion, in 2024, the head of NAO became the Prime Minister at the end of the mandate of the 50th National Assembly. This may create a conflict of interest as the head of the NAO is primarily responsible for assessing the financial reports, while the same person may hold the highest political position in the country. In addition, once there is a regular government, the former caretaker Prime Minister may return to their position at the NAO. **Such an institutional design creates an incompatibility problem which has not been seriously addressed in Bulgaria yet.**

Sanctions

There are various sanctioning mechanisms listed in the Election Code and the Political Parties Act. **One particularly stringent sanction results in the loss of public funding subsidy in cases of missing or late submissions of financial reports and statements by the political parties to the NAO.** The loss of the public subsidy is applicable until the next National Assembly elections. Suspension or dissolution of political parties is also envisaged in the legal framework under Article 40 of the Political Parties Act when systematic violations of the Act have been committed or the political party has failed to submit the financial reports for two consecutive years. **An emphasis is thus placed on the regular submission of financial report, which however raises the question about the substantive ways in which such reports are analysed on an annual basis.**

“Donations in Cash”

Although the regulatory framework may seem adequate and encompassing various activities with respect to political financing on paper, interviews conducted by IGA with anti-corruption activists have exposed the **deficient implementation of political financing regulations in Bulgaria.** One expert stated that there is a very high level of under-disclosure of political financing.⁶²³ What is submitted to the NAO in the annual reports does not correspond to various declared and undeclared expenditures. Another expert expressed a similar sentiment by labelling political financing as opaque at best and with spending patterns falling outside of the established legal framework.⁶²⁴ Experts openly opined that, in general, corporations and businesses allegedly donate in cash for political campaigns in order to secure protectionism and lobby or exert undue influence over political parties. Moreover, traditional kickback structures are also still widely utilised to circumvent political financing in Bulgaria.

In fact, there have been instances in which one political party may receive a total of 400 individual donations in a matter of 2 minutes, according to experts.⁶²⁵ Businesses seek protection through

⁶²² European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 16

⁶²³ RESPOND, IGA Interview 1_Civil Society

⁶²⁴ RESPOND, IGA Interview 2_Civil Society

⁶²⁵ RESPOND, IGA Interview 3_Civil Society

illicit donations as otherwise business owners would be subjected to selective, politicised prosecutions and investigations.⁶²⁶ Fear is widespread that in case of refusal to bankroll political campaigns, there might be dire and serious consequences for private firms. Another expert stated that public administration and investigative organs may be weaponised to target particular politicians or political groups for seeming improprieties in political financing.⁶²⁷ The following case-study exemplifies how political pressure may be exerted on political actors in campaign time.

Box 22. Anti-corruption investigations in Bulgaria: “the perfect timing”

A recent investigation into alleged bribery or illegal political financing illustrates the opaque characteristics of the implementation and enforcement of the regulatory framework in Bulgaria. In the build-up before the Parliamentary elections on 17 October 2024, the then independent MP Djeyhan Ibryamov was apprehended for receiving cash from a businessperson. Although the MP claimed that the cash was a repaid loan, the money was marked and the prosecution opened an investigation in bribery and undue influence by the MP. The MP’s immunity was lifted under unclear circumstances in the 50th National Assembly. Law experts claim that there were many procedural deficiencies with the investigation and the arrest of the MP before his immunity was lifted.⁶²⁸ In the meantime, Ibryamov was elected in the current 51st National Assembly and his immunity was reinstated.⁶²⁹ The investigation is still ongoing.

The Office of the Prosecutor has also launched an investigation for vote buying of the amount of approximately €7500 and bribery for facilitating public procurement procedures in early 2025 against another MP, Mario Rangelov, from the same political coalition.⁶³⁰ The allegations involve facilitation and undue influence of public procurement for maintenance of school property and a kickback of 5% of the total value of the tenders and 50% of the profits.⁶³¹ Rangelov became an unaffiliated MP after leaving his political group in early July 2025 due to alleged political pressure linked to the ongoing investigation.⁶³²

⁶²⁶ RESPOND, IGA Interview 1_Civil Society

⁶²⁷ RESPOND, IGA Interview 3_Civil Society

⁶²⁸ SEGA, 2024, ‘Андрей Янкулов: Арестът на Джейхан Ибрямов е разправа със законността’ (‘Andrey Yankulov: Djeyhan Ibryamov’s Arrest Is Messing with Legality’), 6 October 2024

⁶²⁹ Mediapool, 2025, ‘Прокуратурата не се отказва от имунитетите на двама от ДПС-Доган’ (‘The Prosecution Does Not Give Up on the Immunities of Two Individuals from DPS-Dogan’), 4 February 2025

See also: SEGA, 2025, ‘Сарафов нападна парламента заради имунитета на Ибрямов’ (‘Sarafov Attacks Parliament with Respect to Ibryamov’s Immunity’), 4 February 2025

⁶³⁰ Mediapool, 2025, ‘Сарафов отново иска имунитета на доганист. Този път – заради корупция’ (‘Sarafov Wants Again the Immunity of a Doganist. This Time – for Corruption’), 7 April 2025

See also: SEGA, 2025, ‘Сарафов поиска имунитет на депутат от ДПС-Доган за подкуп’ (‘Sarafov Wants Immunity Lifted from an MP of DPS-Dogan for Bribery’), 7 April 2025

⁶³¹ Ibid.

⁶³² Clubz, 2025 ‘Четвърти депутат напусна парламентарната група на АПС’ (‘Fourth MP leaves the parliamentary group of APS’), 3 July 2025

Andrey Yankulov, an expert on anti-corruption and former prosecutor, has stated that the above-mentioned investigations were **probably a case of weaponisation of the prosecution for political purposes** as there was a split within Ibryamov's party DPS-APS and a 'political hit job' was conducted with the purpose of sending a message to political opponents.⁶³³ The umbra of weaponisation of law enforcement and judicial organs is discernible: whenever the Office of the Prosecutor is willing to launch investigations in improprieties related to political financing or bribing, the investigation materialises. If there is no willingness, no investigation takes place. In this manner, the selectivity of who is investigated and at what point in time comes to the fore. The case exemplifies some of the reasons for the observed lack of solid, sustainable track of investigations and prosecutions in political financing in Bulgaria.

Another problematic practice related to political financing according to experts in the field concerns **political parties with financial ties to foreign states exercising malign influence such as Russia**.⁶³⁴ One of the schemes that the experts outlined is the so-called self-donations by MP candidates, who may receive funds from external sources, which in itself circumvents the prohibition for donation from foreign actors.⁶³⁵ Experts lamented that cash donations to political parties may find their sources in illegal activities like money laundering.⁶³⁶ Such practices go against the gravamen of the prohibition of foreign entities and states to donate to political campaigns.

Political financing is also compromised not only on the national but also on the local level. It might be even easier to exert undue influence via donations locally as there are allegations that local firms and business owners bankroll political parties and leaders on a regular basis.⁶³⁷ Such practices resemble clientelism, especially in smaller localities. One expert even concluded that some small towns are feudalised by the confluence of businesses, donations for political campaigns and local politicians.⁶³⁸ Interviewees shared their impression that there is no oversight or control over spending in small localities and the NAO anyway remains largely passive when signals for improper political financing are relayed or reported.⁶³⁹

In conclusion, it was asserted that legally and in effect there is no specific organ for investigations in campaign financing and spending and no correspondingly applied sanctions while the level of misappropriations and vote buying are at such a degree that they might compromise the legitimacy of the electoral process at large.⁶⁴⁰ For example, it was estimated that private firms may even serve as sludge fund pools for political campaigns and that the corporate clientelist vote may amount to a total of 10 % of all votes.⁶⁴¹

⁶³³ SEGA, 2024, 'Андрей Янкулов: Арестът на Джейхан Ибрямов е разправа със законността' ('Andrey Yankulov: Djeihan Ibryamov's Arrest Is Messing with Legality'), 6 October 2024

⁶³⁴ RESPOND, IGA Interview 1 and 3_Civil Society
See also: Mediapool, 2025, '“Възраждане” се връща на партията на Путин, ще работи за връщането на МОЧА' ('"Revival" pledged allegiance to Putin's party, will work for the return of the Monument to the Soviet Army'), 29 April 2025

⁶³⁵ RESPOND, IGA Interview 3_Civil Society

⁶³⁶ RESPOND, IGA Interview 1_Civil Society

⁶³⁷ Ibid.

⁶³⁸ RESPOND, IGA Interview 3_Civil Society

⁶³⁹ RESPOND, IGA Interview 2_Civil Society

⁶⁴⁰ Ibid.

⁶⁴¹ RESPOND, IGA Interview 3_Civil Society

The main players facilitating undue influence in political financing are connected to the interests of various corporate entities. The mixture of political and corporate representation is heavily entangled in Bulgarian political life. Malign foreign influence is also observed in the financing of some political parties. Essential players for the enforcement of the regulatory framework like the NAO remain relatively passive. Moreover, other essential institutions such as the Office of the Prosecutor often engage in selective investigations.

Overall, while the regulatory framework for political financing exists on paper, the reality of how political parties and campaigns are funded differs from the ascribed norms. Institutions are slow to respond to political financial reports, especially in light of the numerous general elections over the last five years in Bulgaria. Enforcement is selective at best. Public and expert opinion captures the tenet that undeclared donations continue to be utilised as a means of political financing.

Lobbying: Pending Regulations

Bulgaria does not currently have a specific regulation for lobbying. There is no existing lobbyist register and no official reporting of contacts between public officials and lobbyists. Bulgaria committed to adopting a lobbying regulatory framework as part of the EU's Resilience and Recovery Plan in November 2020⁶⁴² with a deadline at the end of 2023, an initial goal that was not met. The concept for lobbying was also included in the National Strategy for prevention of corruption and the corresponding roadmap 2021-2027.⁶⁴³ Various EU institutions, the OECD and GRECO have strongly recommended that Bulgaria introduce a legal framework on lobbying.⁶⁴⁴

Early attempts to regulate lobbyist activities in Bulgaria date back to 2002 but up to this moment, after four unsuccessful endeavours to pass such bills over the course of the last 20 years, there is still no law with a specific focus on lobbying. The most recent developments show that in 2023 the Ministry of Justice published a concept paper for regulation of lobbyist activities with the main aim to create transparency in lobbyist practices and to respond to the public image of lobbyists as associated with corruption and undue influence in line with the OECD Recommendation of the Council on Transparency and Integrity in Lobbying and Influence.⁶⁴⁵ The first version of the concept paper from 2023 seems to distinguish between lobbying and advocacy by nonprofit organisations.⁶⁴⁶ This version was well received by the EU as well as the civil society sector in Bulgaria.

The concept paper, which was subject to public discussion, was amended in March 2024 with a **significant detrimental merging of lobbyist and advocacy activities**: in a nutshell, civil society actors and organisations may fall under the scope of lobbyists, even in cases when they express opinions or take positions on political or civil topics. The concept paper also highlights that interaction between interested citizens and organisations and institutions with respect to institutions'

⁶⁴² See Council of Ministers, 2020, 'Решение № 806 от 6 ноември 2020 г.' ('Decision No. 806 of 6 November 2020'), promulgated in State Gazette no. 97 of 13 November 2020

⁶⁴³ See Council of Ministers, 2021, 'Решение № 235 от 19 март 2021 г.' ('Decision No. 235 of 19 March 2021'), promulgated in State Gazette no. 26 of 26 March 2021

⁶⁴⁴ GRECO, 2023, *GRECO Fifth Evaluation Round – Evaluation report*, recommendation xiii, para. 74

⁶⁴⁵ OECD, 2024, 'Recommendation of the Council on Transparency and Integrity in Lobbying and Influence', 3 May 2024

⁶⁴⁶ Bulgarian Center for Not-for-Profit Law, 2025, 'Криворазбрана идея за закон за лобизма заплашва гражданските свободи' ('The Misunderstood Idea of a Lobbying Law Threatens Civil Liberties'), 10 January 2025

decisions and concrete policies could be regulated as lobbying.⁶⁴⁷ In mid-December 2024, the Ministry of Justice shared a concept structure of the bill with members of the working group⁶⁴⁸ with concrete texts which are not publicly available. The main critique focused on blurring the lines between lobbying and advocacy work by civil society actors.⁶⁴⁹ In March 2025, the Minister of Justice announced that the drafted bill would be amended or re-drafted as the legal framework would be based on a new concept. The new working group has not been active. There is also an indication that a deputy minister would be appointed to coordinate the drafting of the bill.

Deficiencies in the Proposed Regulations

As seen from the legislative timeline so far, **the public participation in the discussion and deliberation of the proposed lobbying framework is limited.** Some civil society actors have voiced concerns about the unclear procedure and problems with publicity, transparency and public participation in the discussion.⁶⁵⁰ The Ministry of Justice has been the initiator of the legislative package but the working group proceedings have been lacking in transparency and public outreach. This may diminish the quality of the legislative package.

The quality of the legislation is especially relevant as the lobbying bill in general tries to address one of the signs of irregular lobbying, namely the adoption of legal acts that modify other acts by amendments, including in the transition and final provisions of the amending act. In some cases, the transition and final provisions of the amending acts do not directly or indirectly concern and fall within the scope of the amended acts. In the vast majority of instances, legislative amendments are not put for impact assessments and public consultations.⁶⁵¹ In this manner, the quality of the law deteriorates significantly, which is seemingly caused by undue influence and the amendments reflecting various interests.⁶⁵²

The main features of the concept for regulation include defining lobbying and establishing a transparency register for lobbyist activities and funds. Another institutional feature is that the National Audit Office would be engaged in managing the transparency register.⁶⁵³ The sanctions for breaches of the lobbyist framework would be imposed as administrative violations by the head of the National Audit Office.⁶⁵⁴ This should not come as a surprise as the draft legislation was prepared by Dimitar Glavchev's interim government, who was the President of the National Audit Office.

⁶⁴⁷ Ministry of Justice on Regulation of Lobbyism, 2024, 'Концепция за регулиране на лобистките дейности в Република България', ('Concept for the Regulation of Lobbying Activities in the Republic of Bulgaria'), 20 March 2024, p.1

⁶⁴⁸ The Working Group of 2024 included civil society actors as well as representatives from business organisations.

⁶⁴⁹ Yankov, Z., 2025, 'Проектот законът за лобизма заплашва гражданските свободи' ('The Lobbying bill threatens civil liberties'), *Dnevnik*, 6 January 2025. See also Dachkova, D., 2025, 'Натикаха гражданските активисти в кюпа с лобистите' ('Civil society activists are put together in the pile of lobbyists'), *SEGA*, 1 February 2025. See also, Bulgarian Center for Not-for-Profit Law, 2024, 'Position by Bulgarian Center for Not-for-Profit Law on the Structure of the Bill on Lobbying', 18 December 2024

⁶⁵⁰ Bulgarian Center for Not-for-Profit Law, 2024, 'Position by Bulgarian Center for Not-for-Profit Law on the Structure of the Bill on Lobbying', 18 December 2024, p. 6

⁶⁵¹ European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 22

⁶⁵² National Centre for Parliamentary Research, 2019, *Research of the legislative activities of the 44th National Assembly: comparative data, covering draft laws, submitted in the 8 parliamentary sessions*

⁶⁵³ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, pp. 22-23

⁶⁵⁴ Ministry of Justice on Regulation of Lobbyism, 2024, 'Концепция за регулиране на лобистките дейности в Република България', ('Concept for the Regulation of Lobbying Activities in the Republic of Bulgaria'), 20 March 2024, p.14

The application of a broad definition of lobbying has been criticised by civil society actors as creating a negative effect on NGO work. **One of the problematic features does not differentiate between lobbying and advocacy.** In a similar vein, freedom of assembly to represent civil and political interests and freedom of expression may be compromised by the framework outlined in the current draft. For example, the lobbying regulation may cover public dissemination of information and direct communication with public officials for the purpose of influencing the public official to support a given position.⁶⁵⁵ In this manner, there is no strict differentiation between communication related to public or private interests as long as state officials are part of the communication for bills, decisions of the National Assembly, general administrative acts and EU legal acts. Such a lack of differentiation may affect the work of civil society actors in one of their primary functions in advocacy.

The issue of muddling the distinction between advocacy by civil society actors and organisations and lobbying practices in the proposed concept was highlighted as very problematic by experts who were interviewed as part of the RESPOND research. One expert emphasised the crucial role of civil society actors in various anti-corruption activities through engagement in civil activism and demonstrations.⁶⁵⁶ Civil society in the context of anti-corruption efforts in Bulgaria plays a significant role in exerting peer pressure and keeping a close eye on the legislative processes and only civil society actors can openly put pressure on highly corrupted branches of government, according to one expert.⁶⁵⁷ **Classifying and treating advocacy as lobbying would create a chilling effect on civil society and the definition of what falls under the scope of lobbying is crucial for civil society actors.** This may create the possibility for a “witch hunt” for NGOs if the definition is not fine-tuned and streamlined.⁶⁵⁸ In general, civil society actors and NGOs have been very cautious with respect to the promulgated wide definition in the draft law, according to one expert.⁶⁵⁹ The Venice Commission has also clearly established that “lobbying as a professional, remunerated activity should be clearly defined in the legislation and be clearly distinguished from ordinary advocacy activities of civil society organisations, which should be carried out unhindered.”⁶⁶⁰

The draft may thus result in silencing various civil society actors, which has been observed in attempts to legislate on the so-called “foreign agents” acts.⁶⁶¹ This may lead to situations in which civil society actors may be enlisted as lobbyists in a newly created register, resulting in a chilling effect of advocacy.⁶⁶² It is reasonable to expect that during the hearings in the National Assembly various political groups may use the opportunity to amend the bill in such a manner as to **create a “foreign agents” act** which would primarily affect the civil society sector.⁶⁶³

⁶⁵⁵ Dachkova, D., 2025, ‘Натикаха гражданските активисти в купа с лобистите’ (‘Civil society activists are put together in the pile of lobbyists’), *SEGA*, 1 February 2025

⁶⁵⁶ RESPOND, IGA Interview 2_Civil Society

⁶⁵⁷ Ibid. See also, European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p.p. 14-15

⁶⁵⁸ RESPOND, IGA Interview 3_Civil Society

⁶⁵⁹ Ibid.

⁶⁶⁰ European Commission for Democracy Through Law (Venice Commission), 2019, *Report on Funding of Associations* CDL-AD(2019)002, p. 44

⁶⁶¹ The “foreign agents” bill restricts the ability of individuals and organisations to offer educational services and to engage in political function and acts if they receive more than approximately €500 from abroad. The latest version of the bill was proposed by the Revival Party in the National Assembly in September 2024. See Svobodna Evropa, 2024, ‘За четвърти път. “Възраждане” внесе законопроект за чуждестранните агенти’ (‘For the fourth time. Revival submits the “foreign agent” bill’), 12 November 2024

⁶⁶² Bulgarian Center for Not-for-Profit Law, 2025, ‘Криворазбрана идея за закон за лобизма заплашва гражданските свободи’ (‘The Misunderstood Idea of a Lobbying Law Threatens Civil Liberties’), 10 January 2025

⁶⁶³ See, European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 24

The concept structure also envisages the establishment of a transparency register, in which lobbyists and their function would be listed as well as the lobbyist's expenditures. Lobbyists would be required to include all necessary information in the transparency register prior to engaging in lobbyist activities. The register would be publicly available and it would be linked to a unified information system which would also contain an electronic calendar with the meetings.⁶⁶⁴ Such a publicly accessible register is an essential part of disclosing and tracing what lobbyists do and whom they lobby and meet. This may have a positive anti-corruption effect if the register is properly maintained, regularly updated and accessible for the public.

The scope of who can be lobbied is limited to members of the National Assembly along with experts and MP aides, the President of the Republic along with advisors and secretaries, the Council of Ministers, Ministers and members of the political cabinets of the Ministries, high regional and municipal officials, mayors, city hall members. Every communication with lobbyists should be registered and put in a calendar. It is prohibited to lobby members of the judiciary and the Constitutional Court as well. A cooling-off period of one year is planned to be imposed on those who leave public office before engaging as lobbyists.⁶⁶⁵ Such a cooling-off period after public office is in line with the OECD recommendations.⁶⁶⁶

A loophole in the draft allows different sectors to be excluded from the definition of lobbyists, including law firms, unions, or business associations. However, these are important players in the lobbying sector. The exception exists despite the fact that such organisations may create or finance other legal subjects or members who may be considered interest groups.⁶⁶⁷ Participation in working groups and consultative councils, per invitation and created by the state organs, the National Assembly, the executive branch organs or regional authorities for information and expert purposes is not considered a lobbyist activity.⁶⁶⁸ Private individuals are also exempted from the definition of a lobbyist as long as they act in their private capacity on issues of private nature without significant economic or social importance. There is no clarification of what is meant by “significant economic or social importance”. Such a broad list of exceptions will undermine the proper and effective functioning and applicability of the legal framework. The unclear and vague definitions were flagged as problematic by civil society actors.⁶⁶⁹ It is also noticeable that the focus is on the status of the legal subject instead of an assessment whether the actual activity amounts to lobbying or not.⁶⁷⁰

⁶⁶⁴ Ministry of Justice on Regulation of Lobbyism, 2024, ‘Концепция за регулиране на лобистките дейности в Република България’, (‘Concept for the Regulation of Lobbying Activities in the Republic of Bulgaria’), 20 March 2024, p. 14

⁶⁶⁵ Ministry of Justice on Regulation of Lobbyism, 2024, ‘Концепция за регулиране на лобистките дейности в Република България’, (‘Concept for the Regulation of Lobbying Activities in the Republic of Bulgaria’), 20 March 2024, p.12

⁶⁶⁶ OECD, 2010, *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, OECD/LEGAL/0379 (Amended on 3 May 2024), pt. VIII (c)

⁶⁶⁷ Ministry of Justice, 2024, ‘Закон за регулиране на лобистките дейности в Република България’, (‘Law on the regulation of lobbyist activities in the Republic of Bulgaria’), Art. 7(2), 12 December 2024

⁶⁶⁸ Ministry of Justice, 2024, ‘Закон за регулиране на лобистките дейности в Република България’, (‘Law on the regulation of lobbyist activities in the Republic of Bulgaria’), Art. 6(1)(4), 12 December 2024

⁶⁶⁹ Bulgarian Center for Not-for-Profit Law, 2024, ‘[Position by Bulgarian Center for Not-for-Profit Law on the Structure of the Bill on Lobbying](#)’, 18 December 2024

⁶⁷⁰ Ibid., p.6

Revolving Doors: The (False) Promise of the New Anti-Corruption Commission

The regulation of revolving doors has several legal bases. Conflict of interest and incompatibility measures for civil servants are defined in various domestic laws such as the Civil Servants Act, the Labour Code, the Ministry of Interior Act, the State Agency for National Security Act, the Customs Act and other organic laws.⁶⁷¹ **The modus is focused on the disclosure of assets of public officials on an annual or ad hoc basis.** The overlapping legislative framework creates some ambiguity with respect to its efficacy and implementation as shown below.

As early as 2020, the European Commission has noted in its Rule of Law report on Bulgaria the problems associated with the conflict-of-interest procedures. Although through the years, the Anti-Corruption Commission has identified conflict of interest situations, the sanctions have been relatively low.⁶⁷² The number of signals for conflict of interests has varied through the years. For example, in 2021, the Anti-Corruption Commission received 255 reports, resulting in 22 decisions with respect to high-level public officials,⁶⁷³ while in 2022 there were a total of 25 decisions based on 384 reports.⁶⁷⁴ The recently reformed Anti-Corruption Commission in 2023 initiated 419 proceedings resulting in a total of seventeen findings of conflict of interest.⁶⁷⁵

Overall, **the rules on asset and interest disclosures for public officials are implemented in a fairly systematic manner, although the effectiveness of the verification procedure and respective sanctions could be enhanced.**⁶⁷⁶ In 2024, the Commission concluded that “the effectiveness of verifications and sanctions is lacking”.⁶⁷⁷ This problem was also noted with respect to the revolving doors regulation by the Commission in its 2024 Rule of Law Report under the commitments of Bulgaria in the RRP framework.⁶⁷⁸ The OECD has also found in 2023 that the Anti-Corruption Commission has been facing difficulties in integrity checks and code of ethics promotion in a rather fragmented manner.⁶⁷⁹

⁶⁷¹ European Commission, 2021, *EU Rule of Law Report on Bulgaria 2021*, p. 15

⁶⁷² European Commission, 2020, *EU Rule of Law Report on Bulgaria 2020*, p. 13

⁶⁷³ European Commission, 2022, *EU Rule of Law Report on Bulgaria 2022*, p. 15

⁶⁷⁴ European Commission, 2023, *EU Rule of Law Report on Bulgaria 2023*, p. 16

⁶⁷⁵ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p. 22

⁶⁷⁶ European Commission, 2023, *EU Rule of Law Report on Bulgaria 2023*, p. 21: “For 2022, there were 11 915 declarations of assets received by the Anti-Corruption Commission and a total of 11 363 verifications of asset declarations submitted in 2022 with 750 decisions establishing an administrative violation. 8 844 verifications of declarations submitted in 2021 were also still processed in 2022.”

⁶⁷⁷ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p. 23. See also, EU Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 15

⁶⁷⁸ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p. 23

⁶⁷⁹ OECD, 2023, *Reforming Integrity Checks and Code of Ethics in Bulgaria: Recommendations for the Anti-Corruption Commission*. This report was produced in the framework of an EU-funded project, implemented through the Technical Support Instrument (TSI).

Regulatory Framework

The regulatory framework on revolving doors in Bulgaria is structured around three primary pillars: a cooling-off period and anti-corruption measures, disclosure of assets of public officials and the prevention of conflict of interests. The first pillar of anti-corruption measures in preventing revolving doors is based on the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act of 2018, recently updated by the Anti-Corruption Act of 2023. This framework is applicable to the Head of State, the Members of the Council of Ministers, and all Members of Parliament, magistrates as well as the members of the Supreme Judicial Council. The Anti-Corruption Act of 2023 (also known as the Countering Corruption Act) includes the latest restrictions for public officials after leaving office. Article 85 of the Act stipulates that a public official with a conflict of interest or in violation of Articles 86 and 87 of the same Act cannot hold a public office for a period of one year after the entry into force of the decision on conflict of interest.

The **cooling-off period** has the following main features:

- Public officials cannot be employed or provide services in the private sector as far as the public official has exerted any powers, control, regulatory functions or entered into agreements with such private, juridical entities, traders, trade associations or non-profit organisations as part of public functions over the period of the preceding one year according to Article 86;
- Article 87 introduces another cooling-off period, namely the restriction of former public officials who participated in their official capacities and powers in procurement procedures with EU funds to represent any legal entity or individual in such procurement procedures at the institution or office where the public official used to work;
- The public official is also restricted for a period of one year from becoming a partner, holding assets or being a member of the board or an executive director in legal entities partaking in such public procurement procedures with EU funds.

The temporal scope only covers performance in public roles over the preceding one year. Nonetheless, the European Commission noted the changes introduced in the Anti-Corruption Act as positive developments with respect to the revolving doors regulation.⁶⁸⁰

The **envisaged sanctions** in the Anti-Corruption Act of 2023 are of an administrative character:

- The violation of the cooling-off period in the Act may lead to a fine between BGN 5000 and BGN15000 (approximately €2500 – 7500), according to Article 114 of the Act.
- Legal entities and traders who enter into contracts with or are managed by a public official under the scope of Articles 86 and 87 of the Act are penalised in the realm of €5000-10000. Repeat violations lead to doubling of the sanction amount.
- Article 119 of the Act penalises breaches of Article 86 of the same Act with fines of €2500 to 10000 if the committed breach is not of a criminal character.
- There are also sanctioning mechanisms for individuals and legal entities that fail to provide the requested information to the Anti-Corruption Commission in the vicinity of €100 – 500 and €500 – 2500, respectively, with exponentially increasing amounts for repeat violations.

⁶⁸⁰ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p. 24

The asset declaration procedure is the second pillar of the revolving doors regulatory framework in Bulgaria. It is only of a depository character for civil servants.⁶⁸¹ According to the Public Disclosure of Senior Public Officials' Financial Interest Act of 2000, statements are required on assets such as real estate, movable assets, cash, debts, income from outside employment, gifts, and shares in private or public companies. High public officials submit to the Chairperson of the National Audit Office their declaration and the Audit Office verifies the submissions on their accuracy. The Audit Office is also responsible for enforcing sanctions which are applicable for late filing, lack of filing or declaring false information on assets. Spouses and underage children must be included in the disclosure. The sanctions are usually pecuniary although there is an option for a 3-year imprisonment.

However, the sanctioning mechanism behind the asset declaration framework is problematic.

In essence, there is no verifying mechanism although the asset declarations should be made publicly available. The focus is on income from employment or real estate beyond the public position. One of the key institutions, tasked with checking the asset declarations of the civil servants, is the recently restructured Anti-corruption Commission. The control mechanism still remains superficial and insufficiently deterring in its function. In terms of the sanctions, civil servants may face disciplinary sanctions such as a reprimand, demotions, or discharge, especially in cases of conflict of interest with enacted administrative acts. The sanctioning mechanism does not rely on criminal sanctions. For example, a public official who does not submit the requisite asset declaration on time could be punished with a fine in the range of €500 – €1500, according to Article 115 of the Anti-Corruption Act. The same sanction applies to a public office holder who does not file a declaration or falsely declares in circumstances where one is required to submit an asset declaration according to Article 116 of the same act.

The third pillar is the conflict-of-interest framework which is primarily based on the Conflict-of-Interest Prevention and Ascertainment Acts of 2008 (amended in 2016):

- High public officials such as the Head of State, Members of the Council of Ministers as well as Members of Parliament must avoid conflicts of interest.
- A cooling-off restriction is required on former high-level public officials who may not use information obtained in their position or function for a period of one year after leaving office along with a restriction on becoming unlimited partners, directors, managers or advisors in commercial legal entities and companies.
- The Anti-Corruption Commission plays a monitoring and enforcement role with respect to the Head of State and Ministers, while the cases of Members of Parliament are handled by the Anti-Corruption, Conflicts of Interest and Parliamentary Ethics Committee.
- Ministers and Members of Parliament may face administrative sanctions in the range of approximately €500 to 5000.

⁶⁸¹ See Lex.bg, 2020, 'Кодекс за поведение на служителите в държавната администрация' ('Code of Conduct of Civil Servants in the State Administration'), adopted by Council of Ministers (PMS № 57 of 2 April 2020), promulgated in State Gazette no. 33 of 7 April 2020, in force from 8 May 2020 and Lex.bg, 1999, 'Закон за държавния служител' ('Civil Servant Law'), promulgated in SG no. 67 of 27 July 1999

The legal framework is divided into several laws. As noted in the Rule of Law reports of the European Commission, positive developments in the recently passed Anti-Corruption Act of 2023 can be observed. **The legal framework however still remains rather broad and allows for ambiguity and undermining legal certainty.** A more streamlined legal framework would also create potential for better and efficient enforcement. **This speaks to a recurring problem in Bulgaria: although the legal framework exists more or less on paper, implementation and enforcement are deficient, as noted on multiple occasions by bodies such as the European Commission.** Enforcement is also highly relevant for the function of the regulatory bodies.

Regulatory Bodies

In 2023, the regulatory framework of asset declaration was amended by introducing two new bodies, the Anti-Corruption Commission and the Commission for Confiscation of Illegally Acquired Assets (CCIAA). The Anti-Corruption Act of 2023 stipulates that the Anti-Corruption Commission would be primarily responsible in the areas of corruption prevention, detection of conflicts of interest, acceptance and verification of declarations of assets and conflicts of interest as well as detection and investigation of corruption-related crimes committed by high-level public officials such as Members of Parliament, members of the judiciary, members of the Supreme Judicial Council. However, significant problems, particularly related to politicisation, plague this institution (as outlined in the box below).

The Commission for Confiscation of Illegally Acquired Assets (CIAA) was also established in 2023. It is responsible primarily for seizing and confiscating illegally acquired property:

- Similar to the Anti-Corruption Commission, the CIAA is supposed to collaborate closely with various investigative and judicial bodies such as the Office of the Prosecutor, the Ministry of the Interior, the Ministry of Finance.
- The CCIAA is tasked with examining whether assets or declarations of conflict of interest were properly declared and submitted.
- The CCIAA has an important role in the management of seized and frozen assets as well as the management of confiscated assets.
- The scope of the illegally acquired property ranges from ownership of the investigated person, spouses, minor children, or cohabitants. Moreover, the CCIAA has the competence to confiscate assets transferred or passed to relatives, legal entities or third parties with the purpose to conceal ownership.

In terms of the efficiency of the CCIAA in 2024, the total sum of confiscated assets amounts to approximately €1.6 million in 33 cases.⁶⁸² 77 motions were filed for the confiscation of assets valued at €13.9 million in 2024. Overall, the budget of the newly created CCIAA is 4.3 times the value of the confiscated assets in 2024.⁶⁸³ This could lead to the conclusion that the CCIAA is ineffective in its function.

⁶⁸² See CCIAA (Commission for Counteracting Corruption and Illegal Assets Forfeiture), 2024, 'Годишен доклад за дейността на КПКОНПИ за 2024 г.' ('Annual Report on the Activity of the CCIAA for 2024')

⁶⁸³ Nikolova, R., 2024, 'КОНПИ е конфискувала само 3,3 млн. лв. – 4 пъти по-малко от бюджета си' ('CCIAA has confiscated only 3.3 million levs – 4 times less than its budget'), *SEGA*, 8 April 2024

Box 23. Selectivity without mandate

The Anti-Corruption Commission has been involved in a few recent investigations. The ACC found a conflict of interest of the mayor of Gorna Oryahovitsa in Bulgaria who signed contracts with his mother's firm for auctions of eight public property plots for the sum of approximately €310 000.⁶⁸⁴ This could be classified as a relatively trivial case.

The Anti-Corruption Commission was also involved in a high-profile incompatibility case. The deputy director of the Bulgarian National Bank, Andrey Gyurov, was found to be in a position of incompatibility as the Anti-Corruption Commission concluded that he was a partner in one firm and on the board of directors of two other firms.⁶⁸⁵ There were speculations that the decision of the Anti-Corruption Commission might be politically motivated as the deputy director of the BNB was one of the positions eligible for being nominated as an interim/care-take prime minister.⁶⁸⁶ The BNB Executive Board removed Gyurov from his position following the finding of the Anti-Corruption Commission.

Gyurov appealed the act of removal as well as generally the findings of the Anti-Corruption Commission, and the Sofia Appellate Court rescinded the Anti-Corruption Commission act. One of the grounds was that the act was made by an institution (the Anti-Corruption Commission) which was not constituted in accordance with the legal framework. This was so due to the fact that the preceding institution, which the ACC was set to succeed, continued to function de facto as no members of the newly formed Anti-Corruption Commission were elected by the National Assembly.

Nonetheless, the ACC continues to be embroiled in high-level investigations and arrests against the mayor of Varna, Blagomir Kotsev, and two city counsellors for alleged improprieties in public procurement procedures. The case has provoked a significant political reaction on the domestic and EU level with opinions that the investigation is politically motivated. It has been branded as an example of institutional repression and weaponisation against a democratically election mayor in light of the decision not to release Kotsev on bail and remand him in detention.⁶⁸⁷

⁶⁸⁴ SEGA, 2025, 'Съд потвърди, че кметът на Г.Оряховица е в конфликт заради договор с майка си' ('Court confirms that the mayor of Gorna Oryahovitsa is in conflict of interest due to a contract with his mother'), 19 February 2025

⁶⁸⁵ Dachkova, D., 2024, 'Съдът отмени акта на КПКОНПИ, с който Гюров беше махнат от БНБ' ('Court rescinds the act of KPKONPI which removed Gyurov from the Bulgarian National Bank'), *SEGA*, 12 December 2024

⁶⁸⁶ Dachkova, D., 2024, 'Съдът отмени акта на КПКОНПИ, с който Гюров беше махнат от БНБ' ('Court rescinds the act of KPKONPI which removed Gyurov from the Bulgarian National Bank'), *SEGA*, 12 December 2024

⁶⁸⁷ Mediapool, 2025, 'От "бухгалка" до закриване на КПК: Реакциите на ареста на Коцев' ('From "political point-scoring" to closing down the ACC: Reactions after Kotsev's arrest') 18 July 2025. See also, Mediapool, 2025, '"Обнови Европа" осъди ареста на Благомир Коцев' ('"Renew Europe" Condemns Blagomir Kotsev's Arrest'), 12 July 2025

Media: Captured by Nefarious Interests and Low Standards

The Bulgarian media landscape has been plagued for years by vested political interests and a related concentration of oligarchic media ownership as well as (self)censorship that serves to uncritically portray and promote government agendas. Deficiencies in the quality of media and the ubiquitous presence of pro-Kremlin proxies (frequently themselves connected to and empowered by the abovementioned dominant political-economic groups) further predispose the entry of foreign authoritarian media initiatives and reinforce and erode democratic processes and transparent reporting. Media capture, ownership overconcentration and a segmented media market among a few significant players predispose to political corruption.

However, an effective response to the deterioration of media freedom has not been crafted. There remain significant governance gaps and (deliberate) political inaction in relation to forging a credible government-level set of policies for fostering free journalism and tackling disinformation. Political actors in Bulgaria often shape, bend and deploy the regulatory framework to their own benefit. EU initiatives with respect to improving the conditions for an independent press in member states have not been fully embraced by Bulgarian authorities so it has been up to civil society to provide a more concerted push for improving media freedom, albeit with limited concrete legislative uptake.

Regulatory Framework

In Bulgaria, the governance framework in the sphere of the media has been characterised by **incomplete, inadequately enforced, and misused legislative provisions coupled with controversial legal proposals**, which have exacerbated persistent media problems. The relevant regulatory bodies have been under-resourced and accused of lacking independence.

The main legal provision through which the disclosure of media ownership has been regulated is the *Law on the Mandatory Deposit of Printed and Other Publications (2009)*,⁶⁸⁸ according to which each publisher of periodical print newspapers is obliged to report beneficial ownership on an annual basis to the Ministry of Culture, which in turn provides this information on its website. In 2014, the Council for Electronic Media created a register for the declaration of ownership of providers of radio and audio-visual services. An amendment to the Law of 2009 states that the Ministry of Culture's registry should be upgraded to include a declaration of ownership, sources of public financing, and editorial management of all types of media. For its part, the Bulgarian-language online media space remains largely unregulated outside EU-mandated initiatives.

However, conceptual and implementation gaps prevent the complete, transparent, and effective disclosure of beneficial ownership. First, amendments to the Law on the Mandatory Deposit of Printed and Other Publications concerning the disclosure of final beneficial ownership were notably introduced on the initiative of Magnitsky-law sanctioned former media mogul and chairman of the political party Movement for Rights and Freedoms – New Beginning, Delyan Peevski. In particular, the size of fines for non-disclosure of ownership is significant and can lead to the bankruptcy of media outlets with limited resources. Also, the ownership structures that will be most readily revealed are those of smaller media as the owners of big news outlets can provide information on financing through complicated, hard-to-trace ownership structures of chain companies.

⁶⁸⁸ Lex.bg, 'Закон за задължителното депозиране на печатни и други произведения и за обявяване на разпространителите и доставчиците на медийни услуги' ('Law on the Mandatory Deposit of Printed and Other Publications and for the Disclosure of Distributors and Suppliers of Media Services'), promulgated in SG no. 108 of 29 December 2000, last amended in SG no.17 of 26 February 2019

Second, gaps can be identified in the data provided as part of the registration arrangements for disclosing final beneficial ownership. For instance, the Ministry of Culture's system for depositing ownership declarations (active until 2018 and governed by the 2009 Law) does not supply exhaustive information as not all print outlets submit declarations. The upgraded registry (devised to align with the amendment to the 2009 Law) is not easily accessible but is similarly incomplete in terms of there being missing information about all print and online outlets' ownership structures, with figures on the financing received (by those outlets present in the registry) being typically omitted. The self-declaration of ownership is not effective. The Council on Electronic Media's registry⁶⁸⁹ is most readily available for consulting the most current, rather than historical, information on ownership (i.e., it is best for gaining information from the most recent year for which data has been gathered). **CEM as an essential regulatory player has the competence to evaluate in the licensing procedure whether media diversity and plurality of ownership are maintained; in practice, effective mechanisms are absent to address the lack of plurality in media ownership.**

Third, a much more comprehensive disclosure of the ownership structures of media outlets necessitates the legal codification of an expanded definition of financial and decision-making influence, which includes not only the declaration of final beneficial ownership but also the names of shareholders as well as the (editorial) board members with their particular voting weight.⁶⁹⁰ No sanctions, as foreseen by law, have been imposed in 2024 despite reported violations of the disclosure of ultimate owners.⁶⁹¹ Political and economic pressure of media by private and politically affiliated players remains high. Local media is particularly prone to political and economic undue influence.⁶⁹²

Moreover, Bulgaria reaches some of the highest risk levels within the EU on the indicator of **state regulation of resources to the media sector**. However, the lack of sufficient safeguards for media regulator independence remains a recurring problem. The 2024 Media Pluralism Monitor indicates that CEM could be more active in monitoring and enforcement activities of media.⁶⁹³ CEM would seemingly benefit from the Constitutional amendment, passed in 2023, that guarantees more independence of the regulatory bodies (as in the selection of the Parliamentary quota in such institutions requiring a two-thirds majority) but there is still no ordinary legislation to implement the provisions in practice and effect.⁶⁹⁴

⁶⁸⁹ The Council is the media market regulator in Bulgaria. The law stipulates that the Council is an independent body vested with the authority to license, register and monitor the activities of media services providers in order to safeguard pluralism and freedom of speech.

⁶⁹⁰ Association of European Journalists – Bulgaria, 2015, 'Осветляване на медийната собственост в България: необходимите стъпки' ('Making Transparent Media Ownership in Bulgaria: The Necessary Steps'), 18 November 2015

⁶⁹¹ European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 18

⁶⁹² EUI Centre for Media Pluralism and Media Freedom, 2024, 'Monitoring Media Pluralism in the Digital Era. Country Report: Bulgaria', *2024 Media Pluralism Monitor*, p. 24

⁶⁹³ EUI Centre for Media Pluralism and Media Freedom, 2024, *2024 Media Pluralism Monitor*, p. 13

⁶⁹⁴ Lex.bg, 1991, 'Конституция на Република България' ('Constitution of the Republic of Bulgaria'), promulgated in SG No. 56 of 13 July 1991, Article 91b

The deficient legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets and the low transparency in relation to allocation criteria, amounts, and beneficiaries of advertising contracts has been revealed to embed favouritism, censorship, and distortion of the media market. **Advertising still occurs in a non-transparent manner and is considered inherently interlinked with media revenues and even editorial policies.** In 2023, amendments to the Public Procurement Act were introduced with respect to the allocation of state advertising with a focus on procurement notices and specifications of awarded funds to media service providers. However, the allocation of state advertising is hardly monitored or reported by the state authorities.⁶⁹⁵

Advertising can also be used to influence private media actors and editorial decisions.⁶⁹⁶ The question about funds allotted via intermediaries remains open and the situation remains similar as prior to the amendments.⁶⁹⁷ Also, direct state subsidies to the Bulgarian public media make the latter excessively dependent on government support,⁶⁹⁸ while indirect subsidies (such as tax exemptions or non-collection of tax)⁶⁹⁹ can provide financial benefits to selected media.⁷⁰⁰ Moreover, the state can exercise further leverage by allocating the communication budgets for publicising EU programmes. Around BGN58 million (or approximately €30 million) have been distributed since Bulgaria's entry into the Union until 2019 on the basis of direct negotiation with electronic media outlets without a competitive process, which cements direct state influence over the editorial line and financing of Bulgarian media.⁷⁰¹

Concerns remain unaddressed about the use of state advertising to exert influence, especially in **online media receiving funding from political parties during elections.**⁷⁰² In addition, no media concentration regulation exists in Bulgaria, which results in "vertical integration" of businesses acquiring telecommunication and media outlets, leading to pressures on editorial content and decision-making.⁷⁰³ The legal framework does not provide specific regulations on cross-ownership of media companies. In general, providers of audio-visual material shall be registered as individual or legal entities in Bulgaria or an EEA member state.

⁶⁹⁵ European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 19

⁶⁹⁶ See Ibid., p. 19

⁶⁹⁷ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p. 29

⁶⁹⁸ 94% of the revenue of Bulgarian public media is made up of state subsidies, with highly restrictive rules on advertising for instance limiting advertising time to 15 minutes a day on the Bulgarian national Television: Antonova, V., 2019, 'Сложното уравнение – пари за обществени медии' ('Complex Equation – Money for Public Media'), *Capital Daily*, 15 February 2019

⁶⁹⁹ Yordanova, Ts., 2016, 'Три четвърти от проверените от НАП печатни медии "пестят" данъци' ('Three Quarters of Print Media Investigated by the National Revenue Agency "save" from Tax'), *Mediapool*, 3 June 2016

⁷⁰⁰ Brogi, E., et al., 2018, 'Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey', *European University Institute*, January 2018, pp. 51-52

⁷⁰¹ Svobodna Evropa, 2019, 'Купуване на медии. Как с пари от еврофондове може да се осигури поръчкова журналистика' ('Buying Media. How Money from the European Funds Can Ensure Favourable Journalistic Portrayal'), 10 July 2019

⁷⁰² European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 19

⁷⁰³ European Commission, 2024, *EU Rule of Law Report on Bulgaria 2024*, p.28

Legal provisions on journalists' access to and utilisation of information have been further employed in ways that hamper rather than promote freedom of expression. The transposition of the EU's General Data Protection Regulation (GDPR) into Bulgarian national legislation was criticised for creeping censorship and granting the authorities a wide margin of discretion as to what constitutes an infringement on personal data. In the Bulgarian case, 10 criteria were set for how journalists should work with personal data, including detailed stipulations on the origin of the data, the circumstances requiring disclosure of the data, and the private and public aftermath that would ensue. The law has retained those criteria albeit with the proviso that they should not be applied cumulatively in every single case, as originally envisaged, but only the most relevant ones are to be taken into consideration.⁷⁰⁴ Concerns about the curtailment of the journalistic profession were thus not completely alleviated, as the Commission for Personal Data Protection can still stretch the interpretation of the criteria as an instrument for repression and impose disproportionately high fines.⁷⁰⁵ Administrative refusals for access to information, based on the GDPR as the reason for the rejection, are still reported.⁷⁰⁶

Legislation with respect to libel and defamation has also been increasingly applied against journalists, who maintain critical stances against public officials.⁷⁰⁷ The Council of Europe has itself sounded a warning against the chilling effect that this phenomenon has had on investigative journalists, urging the Bulgarian authorities to repeal criminal provisions against defamation offences and instead deal with such incidents through proportional civil law sanctions.⁷⁰⁸ Similar provisions meant to protect the integrity of the financial system have been used in 2014 during a banking crisis in the country to intimidate the national and regional media.

SLAPP cases continue to be used against independent media outlets. A defamation case was lodged against a media service provider for approximately €500 000 in 2023 and the litigation continues at last-instance level as of July 2025.⁷⁰⁹ Some positive steps were taken in lowering the fines in defamation and insult cases against public officials and recent proposals aim at fast-track procedures for SLAPP cases and without instituting injunctions against journalists. Legal reforms against SLAPPs are nevertheless delayed and there are continued instances of verbal attacks and harassment against journalists.⁷¹⁰

⁷⁰⁴ Association of European Journalists – Bulgaria, 2019, 'Президентът Румен Радев да наложи вето на Закона за защита на личните данни' ('President Rumen Radev to Veto the Personal Data Protection Act'), 24 January 2019

⁷⁰⁵ Association of European Journalists – Bulgaria, 2019, 'АЕЖ ще следи влиянието на Закона за личните данни върху правото на изразяване' ('AEJ Will Be Monitoring the Effect of the Personal Data Protection Act on the Freedom of Expression'), 20 February 2019

⁷⁰⁶ EUI Centre for Media Pluralism and Media Freedom, 2024 *Media Pluralism Report*, p. 12.

⁷⁰⁷ Reporters Without Borders, 2019, 'Bulgarian Reporter's Defamation Conviction Sets Dangerous Precedent,' 7 June 2019

⁷⁰⁸ Council of Europe, 2020, *Commissioner for Human Rights of the Council of Europe Dunja Mijatović Report Following Her Visit to Bulgaria from 25 to 29 November 2019*, 31 March 2020, pp. 5, 28

⁷⁰⁹ Mediapool, 2025, '“Лев инс” ще съди Mediapool за 1 млн. лв. и на трета инстанция' ("Lev Ins" will sue Mediapool for 1 million leva at third instance"), 27 June 2025

⁷¹⁰ European Commission, 2025, *EU Rule of Law Report: Bulgaria 2025*, p. 19

Conclusion

Bulgaria exemplifies a case in which detailed legal frameworks are oftentimes present but the lack of adequate implementation, enforcement and solid track record of addressing political corruption characterises the situation on the ground. While the regulatory framework of political financing is overall existent on paper, the implementation is problematic and selective. The National Audit Office plays an essential role in checking expenditures of political parties. In reality, **political financing** is opaque and with alleged spending patterns falling outside of the established legal framework, even including undeclared cash donations for political campaigns. Vote buying remains a pressing issue with few concrete investigations.

With respect to revolving doors, the regulatory framework is focused on the disclosure of assets of public officials on an annual or ad hoc basis. There are various sanctions of a primarily administrative character (fines). In 2023, two new bodies, the Anti-Corruption Commission and the Commission for Confiscation of Illegally Acquired Assets (CCIAA) were introduced. However, the continuous instability at the National Assembly has resulted in the inability to appoint the heads and members of the newly established anti-corruption and confiscation commissions. There are few investigations by the two bodies leading to concrete sanctions.

Lobbying is hardly regulated and the respective legislative framework is still in development. Important players such as various EU institutions, the OECD and GRECO have strongly recommended that Bulgaria introduce a legal framework on lobbyists. The drafting process of the bill has highlighted some major problems such as the lack of differentiation between lobbyist activities and advocacy by non-profit organisations. The application of a broad definition of lobbying has been criticised by civil society actors as creating a negative, silencing effect on NGO work. A loophole may allow whole sectors to be excluded from the definition of lobbyists, including law firms, unions, business associations.

In terms of media, one of the problematic aspects remains media ownership. Online media is hardly regulated. SLAPP cases are weaponised against independent media outlets. Experts invoked examples of political pressure in editorial decisions at various media outlets through the years.

Catalogue 7. Bulgaria’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance: The Election Code 2014 https://lex.bg/laws/ldoc/2136112596	• Donations to parties and candidates are prohibited from foreign interests, corporations, trade unions, anonymous donors, religious institutions, and sole traders. • Contributions from individuals are capped at BGN 10,000 per calendar year for a party, coalition, or nomination committee. • Parties receive annual public funding based on their vote share, representation, and seats in the previous election. This funding is earmarked for election-related expenses. • Spending regulations include bans on vote buying, restrictions on using municipal transport for canvassing, and limits on election expenditures.	• Parties must report finances both generally and for elections, including donor identities. These reports are publicly available and reviewed by the National Audit Office (NAO) and the Sofia City Prosecutor’s Office.	• Fines: Extensive fines for various violations under Part III of the Election Code (2014, amended 2015) and Chapter 6 of the Political Parties Act (2005, amended 2015), up to BGN 15,000. • Loss of public funding: Political parties that fail to submit or delay financial statements to the National Audit Office lose their state subsidy until the next parliamentary elections. • Forfeiture: If a party is dissolved under Art. 38 (1-3), authorities determine the disposal of its property. If dissolved under Art. 38 (4-5), its property transfers to the state, which assumes liability only up to the received assets. • Party suspension: Under Art. 40 PPA (1, 4), the Sofia City Court may dissolve a party for systematic PPA violations or failure to submit annual financial statements for two consecutive years. Penal sanctions, party deregistration, loss of office, nomination, or political rights are not included in Bulgarian law.
Political finance: Political Parties Act 2005 https://lex.bg/laws/ldoc/2135501352	• Political parties receiving over BGN 50,000 must undergo an independent financial audit before submitting reports. • Party statutes must include rules on fundraising, spending, and property management, with notarised signatures and member lists for court registration. Parties cannot create workplace structures in commercial entities to avoid conflicts of interest. • Funding comes from membership fees, state subsidies, donations, and income from real estate, securities, or publishing. Prohibited sources include anonymous donations, overdue tax entities, religious institutions, and foreign governments. State subsidies are granted to parties receiving at least 1% of votes and coalitions with 4% or more, based on votes received. • Funds must be used for election activities and party functions, with transparent accounting. Parties with parliamentary groups or ≥1% of votes may receive state-owned premises, but must cover operational costs and cannot sublet or use them for business.	• Financial control over the activity of political parties and the management of the property provided to them is carried out by the Audit Chamber. • Political parties apply bilateral accounting registration according to the provisions of the Accounting Act.	• Failure to submit or late submission of financial reports (Art. 34) results in a fine of BGN 5,000 – 10,000. • Failure to create or update a public register (Art. 29) results in a fine of BGN 3,000 – 10,000. • Repeat offences lead to double fines. • Violations of funding and reporting rules (Arts. 22, 24, 29) result in fines of BGN 3,000 – 15,000 for responsible persons. • Failure to declare bank accounts (Art. 28a) results in a fine of BGN 500 – 1,000. • Failure to fulfil other financial obligations (Art. 30) results in a fine of BGN 500 – 1,000, doubled for repeat offences. • Party officials failing to submit required declarations face fines of BGN 1,000 – 2,000. • Mayors or regional governors who fail to comply with court decisions on granting premises to political parties face fines of BGN 500 – 1,500. • Repeat violations result in fines of BGN 5,000 – 10,000.
Political finance: Election of Member of Parliament Act 2001 https://lex.bg/laws/ldoc/2135182336	• State subsidies are allocated proportionally to the valid votes received by each party or coalition. • Coalition subsidies are distributed based on the coalition agreement or, if absent, proportionally to the number of MPs from each party. • The Minister of Finance determines the method of subsidy distribution, with funds transferred to designated party accounts.	• The National Audit Office oversees the financial activities and property management of political parties. • Within 30 days after polling day, parties, coalitions, and nomination committees must submit a financial report (both hard and soft copies) detailing raised and spent funds, assumed payment obligations, and a bank account statement to the Audit Office. • If the National Audit Office identifies financial violations, it must forward the relevant report sections and evidence to the Sofia City Prosecutor’s Office within seven days of the report’s adoption.	• Violations of this Act result in fines ranging from BGN 500 to 5,000, unless the act constitutes a crime. Officials who intentionally commit such violations face higher fines between BGN 1,000 and 10,000. • The Central and Regional Election Commissions are responsible for identifying violations and must issue a decision within three days of receiving a complaint. • Penal decrees are issued by regional governors within three days of receiving the case file, except when the violation involves a regional governor, in which case the Prime Minister or an authorised representative issues the decree. All procedures for establishing violations, issuing fines, and handling appeals follow the Administrative Violations and Penalties Act and the Administrative Procedure Code.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying: A working group has been set up to examine the issue of lobbying, as it remains unregulated.	- There are currently no requirements for lobbyist registration or for reporting contacts between public officials and lobbyists. Under the RRP framework, Bulgaria has committed to adopting lobbying regulations by the end of 2023. - GRECO has strongly recommended introducing rules on how top executive officials interact with lobbyists.		
Revolving door/ Conflict of interest Civil Servants Act of 1999 (https://lex.bg/laws/ldoc/2134673408) and Code of Conduct of Civil Servants of 2020 (https://lex.bg/bg/laws/ldoc/2137201712)	The Civil Servants Act (1999 last amended 2016) makes fewer requirements for Civil Servants, with them only having to declare income from outside employment and real estate.	While no monitoring body is specified for Civil Servants, the Appointing Authority becomes active as enforcement body.	- Civil Servants mainly face disciplinary sanctions ranging from reprimand to discharge. - Revelation of a conflict of interest with the enacted administrative act shall be a basis for dismissal from office.
Revolving door/ Conflict of interest Rules for the Organisation and Activity of the National Assembly of 2017 https://www.parliament.bg/bg/rulesoftheorganisations	- Any national representative or natural/legal person can file a complaint or report a violation of ethical conduct to the Commission for Combating Corruption, Conflict of Interest, and Parliamentary Ethics, following the procedure outlined in the rules. - The Commission will decide on a measure under Art. 153, para. 1 after hearing the representative and reviewing all materials related to the violation. The decision is published in the public register of the National Assembly after being communicated to the representative. - The representative has the right to express an opinion on the decision, which will also be published in the register. - The Commission will adopt rules for the implementation of this section.	Commission for Combating Corruption, Conflict of Interest and Parliamentary Ethics formed on a parity basis – two representatives from each parliamentary group.	- The Commission for Combating Corruption, Conflict of Interest, and Parliamentary Ethics can determine a violation and impose the following measures: notice, censure, suspension from one to three committee meetings. - When deciding on the measure, the Commission considers the severity of the violation and whether it is episodic, repeated, or systematic. - A suspended member of parliament does not receive remuneration for the meetings from which they are suspended.
Revolving door/ Conflict of interest The Anti-Corruption Act of 2023 https://lex.bg/bg/laws/ldoc/2137236963	- According to the regulation, the Anti-Corruption Commission will carry out activities related to corruption prevention, detection of conflict of interest, acceptance and verification of declarations of assets and conflict of interest, detection and investigation of corruption crimes committed by high-level officials (Members of Parliament, Ministers, managers of State authorities, established by law or Council of Ministers Regulation, magistrates, Members of the Supreme Judicial Council and others). - The Anti-Corruption Commission implements the state policy on prevention of corruption by collecting, summarising and analysing information on national anti-corruption policies and measures; performing analyses, developing and proposing measures for prevention and counteraction of corruption and coordinating their implementation, including and by sectors. It also carries out activities for dissemination of information related to the fight against corruption, including anti-corruption policies and measures.	- The Commission is an independent, specialised, permanent State body. The Commission is a collective body consisting of three members elected by the National Assembly for a term of 6 years. The Commission will be chaired in rotation for two years by each of the members. - The National Assembly supervises the activities of the Anti-Corruption Commission and its members are obliged to report before the National Assembly and provide information if requested. - The Commission presents an annual report on its activities, which is also submitted to the President of the Republic and the Council of Ministers and is published on the website of the Commission. - The Anti-Corruption Act provides for active interaction among State bodies, both with regard to counteracting corruption by detecting illegal conducts of high public officials, and the interaction of the Anti-Corruption Commission with the Prosecutor’s Office of the Republic of Bulgaria, the Ministry of Interior, the bodies of the State Agency for National Security, the bodies of the Revenue Agency, the bodies of the Customs Agency, the General Inspectorate of the Council of Ministers, the Inspectorate of the Supreme Judicial Council and the Inspectorates under Art. 46 of the Law on Administration, according to their competence. With regard to the protection of whistleblowers, the Commission interacts with the Data Protection Commission.	- A public official who violates a restriction after leaving office is fined BGN 5,000 to BGN 15,000. - A sole trader or legal entity involved with the official is fined BGN 10,000 to BGN 20,000. For repeated violations: fine of BGN 10,000 to BGN 30,000; property sanction BGN 20,000 to BGN 50,000. - A public official who fails to submit a declaration on time is fined BGN 1,000 to BGN 3,000. For repeated violations: Fine BGN 3,500 to BGN 6,000. - A public official who does not declare or falsely declares required information is fined BGN 1,000 to BGN 3,000, unless a more severe penalty is specified. For repeated violations: Fine BGN 3,000 to BGN 6,000. - A person failing to provide requested information to the Commission is fined BGN 200 to BGN 1,000. For repeated violations: Fine BGN 500 to BGN 2,000. - A legal entity failing to provide requested information is fined BGN 1,000 to BGN 5,000. For repeated violations: Property sanction BGN 2,000 to BGN 20,000. - For breach of Art. 66, para. 1, the official is fined BGN 5,000 to BGN 20,000, unless it constitutes a crime. - A violation of Art. 86 results in a fine of BGN 5,000 to BGN 20,000, unless the offence is criminal.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving door/ Conflict of interest The Forfeiture of Illegally Acquired Property Act of 2023 https://lex.bg/bg/laws/ldoc/2137180227	• The Commission for Confiscation of Illegally Acquired Assets can initiate proceedings against unlawfully acquired assets if there is reasonable suspicion that assets were obtained illegally. This includes cases where criminal charges have been made under Art. 108 LCIA, even if the proceedings were terminated or suspended. The law now includes bribery in the private sector as a crime. • The Commission can also begin an examination if asset and conflict-of-interest declarations were not submitted on time or if discrepancies are found between the declared property and income (amounting to at least €12,500). • Asset Management: Frozen assets are generally managed by the Commission, though in some cases, the person under examination or another court-appointed entity may oversee them. Depending on the asset type, safekeeping may be handled by institutions like the National Museum of History or the National Bank. The Commission covers related storage and maintenance costs. • Confiscated Asset Management: An Interministerial Council (ICMCA) manages confiscated assets. It consists of deputy ministers from various ministries, chaired by the Deputy Minister of Finance. The ICMCA proposes asset allocation to budget organisations or municipalities or recommends asset sale. Confiscated property sold by the National Revenue Agency follows the Tax and Social Security Procedural Code. • At least 30% of the proceeds from sold confiscated property are allocated for social purposes, with conditions set by the Council of Ministers.	• The Commission for Confiscation of Illegally Acquired Property is an independent state body responsible for confiscating illegally acquired property. It is budget-supported and based in Sofia. Its activities are managed by an administration, including territorial units led by directors and supported by inspectors. Regional organisation and work procedures are determined by regulations. • The Commission has five members: a chairman, a deputy chairman, and three members. The chairman must have at least 10 years of legal experience; the deputy chairman and members must have at least 5 years of relevant experience. Members are elected by the National Assembly for a 6-year term. The chairman is the primary budget administrator. • The Commission collaborates with various bodies, including the Prosecutor’s Office, Ministry of Internal Affairs, and others. A joint instruction defines the collaboration procedures and timelines, issued by key officials, including the Prosecutor General and the Minister of Finance.	• Illegally acquired property is subject to confiscation by the state, including assets owned by the person under investigation, their spouse, minor children, and cohabitants. Transactions involving such property may be invalidated, and confiscation extends to assets transferred to relatives, legal entities, or third parties to conceal ownership. • If direct seizure is not possible, the property’s market-value equivalent is confiscated. Confiscation also applies to transformed assets, heirs, and legatees up to the received amount. A 10-year statute of limitations applies, except during ongoing proceedings. • Failure to cooperate with the Commission results in fines ranging from BGN 200 to 1,000, increasing for repeat violations, while legal entities face penalties from BGN 1,000 to 5,000, escalating to BGN 2,000 to 20,000 for repeated offenses. • All fines and sanctions are paid into the state budget.
Revolving door/ Conflict of interest Conflict of Interest Prevention and Ascertainment Act (2008), Bulgarian Constitution https://lex.bg/laws/ldoc/2135603507	• The Bulgarian Constitution (1991, amended in 2007) and the Conflict of Interest Prevention and Ascertainment Act (2008, amended in 2016) require the Head of State, Ministers, and MPs to avoid conflicts of interest. • They are prohibited from accepting gifts or holding positions incompatible with their public official status, particularly regarding involvement with private companies. • These individuals cannot use information obtained in their role for private gain for one year after leaving office. • Civil Servants, under the Code of Conduct for State Employees (2004), are also barred from being unlimited partners, directors, managers, or advisors of commercial companies.	• The Commission for Prevention and Ascertainment of Conflict of Interest serves as the monitoring and enforcement body for Head of State and Ministers, while the Anti-Corruption, Conflicts of Interest and Parliamentary Ethics Committee is tasked with these functions for MPs.	• While no sanctions are specified for violating behaviour of the Head of State, Ministers and MPs may face fines ranging from BGN 1.000 to BGN 10.000.
Media: Radio and Television Law (1998), the Code of ethics of Bulgarian media (2005) https://lex.bg/laws/ldoc/2134447616	• Media in Bulgaria are guaranteed editorial independence from economic and political actors, as outlined in the Radio and Television Law and the Bulgarian media Code of Ethics. The Law was amended in December 2020 to align with EU Directive 2018/1808. • There are no specific legal processes for assessing media plurality by state bodies or for requiring companies to take steps to ensure it. While the Council for Electronic Media (CEM) evaluates media diversity and pluralism when issuing licenses for radio and TV activities, the absence of effective mechanisms may undermine media independence and quality journalism. • Bulgarian media regulations, under the Protection of Competition Act (PCA) of 2008, align with EU competition rules (Council Regulations EC 1/2003 and EC 139/2004). Media permit holders must declare no conflicting ownership in other radio or TV operators above set thresholds. While there are provisions for the separation of transmission and content, and transparency in media ownership, there is no specific law on cross-ownership. The Radio and Television Law restricts local or regional license holders from obtaining national coverage unless they relinquish the former, but this does not apply to DTB license holders.	• Council for Electronic Media (CEM)’s duties include overseeing compliance with the Radio and Television Act, issuing and modifying licenses, sanctioning violations, and managing media registrations. • However, online media remain unregulated. CEM maintains a public register of media ownership, while the Ministry of Culture tracks beneficial ownership and public funding. • Proposed amendments to the criminal code aim to reduce fines for defamation against journalists, but strategic lawsuits (SLAPPs) continue. A working group formed in June 2023 seeks to protect journalists from SLAPPs.	• Media service providers who breach specific provisions of the Radio and Television Act face fines ranging from BGN 3,000 to 30,000, with penalties doubling for repeated offenses. • Additional sanctions apply for violating license terms, registration conditions, and copyright regulations, with fines between BGN 1,000 and 30,000. Persistent non-compliance may lead to the deregistration of operators and their removal from public registers. • Unauthorised distribution of radio, television, and on-demand media services incurs fines from BGN 2,000 to 30,000, which double for repeat violations. • Media service providers that fail to comply with binding decisions of the Ethics Commission are subject to fines between BGN 2,000 and 5,000. The Council for Electronic Media (CEM) is responsible for enforcing these penalties, with violations formally documented and communicated via registered mail or electronic notification. Penal decrees are issued by the Chairman of CEM, and legal notices must be served according to established regulatory procedures to ensure due process.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media: Access to Public Information Act (2000) https://lex.bg/laws/ldoc/2134929408	• The Act regulates the access to, and re-use of, public sector information. It applies to state bodies, their regional offices, local self-government bodies, public law organisations, and organisations funded by state monies. • The 2000 Act itself provides that government agencies may withhold classified information pertaining to topics like state secrets and ongoing government negotiations.	• Appeals can be made to administrative courts or the Supreme Administrative Court. However, there is no alternative appeal process through public bodies or independent non-judicial mechanisms, such as an information commissioner. • Agencies are required to designate officials responsible for providing public information, but there is no designated body overseeing the implementation of Freedom of Information (FOI) laws. Sanctions for non-compliance are applied by the Ministry of Justice.	• There are administrative sanctions and fines specified for disclosure violations by both individuals and organisations.
Media: The Protection of Classified Information Act (2002) https://lex.bg/laws/ldoc/2135448577	• The Act governs the definition, maintenance, and release of classified information. There is a public interest test whereby exemptions to disclosure may be overridden in cases where the public interest outweighs the prohibition on disclosure.	• The State Agency for National Security (DANS) is responsible for safeguarding national security in Bulgaria, focusing on threats to national interests, independence, sovereignty, territorial integrity, and fundamental rights. Its functions include, among others, investigating corruption among senior public officials and ensuring the proper functioning of the National System for Classified Information Protection.	• Fines are imposed for various administrative violations, with penalties varying based on the offender’s role and the severity of the infraction. Individuals may be fined between BGN 30 and BGN 20,000, while legal entities can face financial sanctions up to BGN 15,000 or more for serious breaches. • Higher penalties apply to company executives and officials responsible for compliance. Violations include failing to provide required information, breaching security protocols, and obstructing regulatory oversight. Repeat offences result in doubled penalties. • Designated authorities enforce these penalties, with appeals handled under the Administrative Offences and Penalties Act.
Media: The Law on the Economic and Financial Relations with Entities Registered in Jurisdictions with Preferential Tax Treatment https://lex.bg/laws/ldoc/2136014509	• Under the Law on Radio and Television, audio-visual media service providers must be registered under Bulgarian law or incorporated in another EEA member state. • Since 1 January 2014, entities registered in jurisdictions with preferential tax treatment, and their controlled entities, are prohibited from incorporating or acquiring a 10% or greater share in a TV or radio programme license holder under the Law. This restriction also applies to publishers of periodic print media, but not to TV and radio operators whose programs are not for digital terrestrial or analogue broadcasting, nor to on-demand service providers.	• The Minister of Finance together with the Minister of Economy and Industry and the Minister of Justice issues instructions on the implementation of this law.	• Presenting false documents under Art. 4 incurs a fine of BGN 50,000 to BGN 100,000, unless a more severe penalty applies. • Companies in preferential tax jurisdictions acquiring shares in periodical publishers face a property sanction of BGN 100,000 to BGN 500,000. • Failure to report changes under Art. 4 or Art. 6 on time results in fines of BGN 10,000 to BGN 50,000. Repeated violations lead to higher fines: BGN 100,000 to BGN 200,000 for false documents, BGN 20,000 to BGN 100,000 for late submissions, and BGN 500,000 to BGN 1,000,000 for companies in preferential jurisdictions.

CHAPTER 9.

Serbia

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Introduction

After the breakup of Yugoslavia, Serbia has undergone a series of reforms aimed at reducing corruption and aligning its legislative framework with European standards, a process not free from contradictions.⁷¹¹ Corruption scandals have been a constant in the country's political life and public debate.⁷¹² In fact, Serbia keeps declining in international rankings, such as Transparency International Corruption Perception Index, with a progressive weakening of institutional controls and accountability mechanisms.⁷¹³

The enormity of local corruption, entangled with international malign practices, has been most starkly exemplified by an incident in November 2024, when the canopy of the recently renovated Novi Sad train station in Serbia collapsed, killing 15 people. The work had been led by a Chinese consortium and inaugurated just months earlier, sparking scrutiny over its safety and transparency. The tragedy triggered months of student-led anti-corruption protests.

Against this background, nonetheless, Serbia has taken some relevant steps to advance its legal framework, with the aim of limiting corruption and undue influences. The Law on Financing Political Activities (2011), amended in 2014 and 2019, for example, aims to regulate political party financing and ensure transparency. However, this regulatory framework has been repeatedly criticised by civil society organisations and international institutions for failing to effectively address issues of accountability and transparency in the financing of political campaigns. Similarly, Serbia has made some efforts to regulate lobbying activities. Regulations officially outline procedures for registering lobbyists and establishing transparency. However, informal lobbying remains a significant problem in the country and regulatory bodies lack the necessary power and will to implement and enforce such legislation. At the same time, Serbia has strived to regulate conflicts of interest and post-public employment transitions, but reforms have been slow, and enforcement remains a challenge. Finally, media controls seem to constitute one of the major sources of concern for civil society organisations and investigative journalists operating in the country. The Serbian Progressive Party (SNS), currently in power, has been accused of using its control over state institutions to suppress

⁷¹¹ Subotić, J., 2010 'Explaining Difficult States: The Problems of Europeanization in Serbia', *East European Politics and Societies*, vol. 24, no.4, p. 595-616

⁷¹² Zumić, M., 2014, 'Researching Corruption Scandals in Serbia: New Approaches and Challenges', *Sociological Review*, vol. 48, no. 2, p. 183-208

⁷¹³ Transparency International Serbia, 2023, *National Integrity System Assessment*

opposition voices, including through targeted attacks on journalists and independent media, despite the complex system of media regulation adopted by the Serbian state over the last few years.

Notwithstanding the Serbian National Anti-Corruption Strategy (2013–2018) and Belgrade's commitments to EU accession, many proposed changes remain unimplemented. This unveils broader concerns regarding the lack of political will to implement effective enforcement mechanisms in the fight against corruption, as examined in detailed in the remainder of this chapter.

Political Finance: Between Reform Commitments and Systemic Corruption

Despite the comprehensive regulatory framework shaped by the 2011 Law on Financing Political Activities (amended in 2014 and 2019), civil society organisations and international institutions have repeatedly pointed to **persisting issues in ensuring transparency and accountability about the financing of Serbian politics**. Over the years, key anti-corruption institutions, such as GRECO,⁷¹⁴ have highlighted deficiencies in Serbia's political financing practices. The National Anti-Corruption Strategy (2013–2018) and commitments to join the EU highlight the urgent need for reform. However, many proposed changes have not been put into action, beleaguered by issues of enforcement and a lack of political will.⁷¹⁵

Historical Overview

The first form of regulation of political financing in Serbia emerged already in 1990 with the Law on Political Organisations, which defined funding sources and banned foreign contributions but failed to set caps on donations. In 1991, the Law on the Participation of the Republic in the Financing of Political Organisations tied state subsidies to the number of parliamentary seats, benefiting the ruling SPS, which won the majority of seats with less than half the votes. In 1992, the Law on the Financing of Political Organisations established more explicit funding rules, banning donations from foreign entities and anonymous sources exceeding 3% of annual income. By 1997, a new Law on the Financing of Political Parties changed the salary-based subsidy calculation to account for devaluation and introduced donation caps for companies. Private donations were regulated, tying public funding to average salaries to mitigate economic instability.⁷¹⁶

Changes occurred again after former president Slobodan Milošević⁷¹⁷ was removed from office in 2000. The new Law on the Financing of Political Parties at the federal level allocated 0.2% of the public budget to parties, with distribution based on parliamentary representation. The law identified large property owned by former communist groups and required that these properties be transferred to the federal government. However, party accounts were not publicly accessible and key revenues were often unrecorded, limiting transparency. Financial irregularities persisted and the legal framework failed to ensure accountability and a fair distribution of resources.

⁷¹⁴ GRECO, 2010, *Third Evaluation Round* and GRECO, 2012, *Third Evaluation Round – Compliance Report on Serbia*

⁷¹⁵ Transparency Serbia, 2019, *Analyses of the legal framework for party and election campaign finance*, 2019

⁷¹⁶ Goati, V., 2016, 'Party Finance in Serbia', *Political Finance and Corruption in Eastern Europe*, pp. 159-170

⁷¹⁷ President of Serbia (1989-1997) and President of the Federal Republic of Yugoslavia (1997-2000).

Oversight mechanisms, initially overseen by the Parliamentary Committee for Finances and the Republic Electoral Commission (REC), have been criticised for their inefficiency and lack of independence. In 2010, oversight responsibilities were shifted to the newly established Anticorruption Agency (ACA) following recommendations from GRECO⁷¹⁸ and the European Commission. Despite these measures, corruption in political financing is still a sensitive issue, with investigations pointing at possible illicit financing mechanisms.⁷¹⁹

Moreover, an EU assessment has found that the ACA faces problems in fulfilling its oversight responsibilities given the “imprecise and unclear provisions of the law on the Anti-Corruption Agency and the lack of legal access to databases and records of other state bodies. The Anti-Corruption Council continued to analyse cases of systemic corruption and to provide the government with policy advice. The Council remains underresourced and the government does not follow up and act on its recommendations systematically.”⁷²⁰

Regulatory Framework

The Law on Financing of Political Activities (2011, amended in 2014 and 2019) is the primary legislation governing the financing of political parties in Serbia. It imposes restrictions on the private income of political parties, including prohibitions on donations from foreign interests, trade unions and anonymous donors. Corporate contributions are prohibited only when the corporation is partially government-owned. Additionally, there are limits on the amounts that can be donated to political parties and candidates, both during and outside of election periods.

Political entities in Serbia can obtain funding from both public and private sources to finance their operational activities and election campaigns. These funds can be secured through various channels, including membership fees, donations, inheritances, income from properties and loans from domestic banks and financial institutions. Public financial resources include funds from the Republic of Serbia, the autonomous province of Vojvodina, and local governments. Private funding sources for political parties include membership fees, donations from Serbian individuals and corporations, income from property and loans. Political parties have the authority to establish membership fees and decide on payment methods, which typically require payments to be made from a member’s personal bank account. If cash payments are used, a party officer must issue a receipt and the funds must be deposited into the party’s account within seven days.⁷²¹

Donations can be either monetary or in-kind contributions, given voluntarily by individuals or legal entities. Donations from foreign entities and public institutions are not allowed. Both individual and corporate donations must comply with the caps imposed by law. All donations above one average monthly salary must be disclosed publicly.

⁷¹⁸ In 2010, GRECO welcomed this change stating that “the effective transfer to the Anti-Corruption Agency of responsibility for supervising the application of the Law on Financing of Political Organisations, which had until then been exercised theoretically by the Election Commission and the Finance Committee of Parliament. The latter’s supervision was ineffective since the Committee, as a parliamentary body, has no autonomous legal personality enabling it to initiate proceedings against political parties, nor any real political will to do so, as it is composed of members of Parliament.” p.18, GRECO, 2010, *Third Evaluation Round*

⁷¹⁹ Kostic, V., Rudic, F., 2017, ‘Probe Sought into Serbian Ruling Party’s Donations’, *Balkan Insight*, 27 December 2017

⁷²⁰ European Commission, 2016, *Serbia 2016 Report*

⁷²¹ National Democratic Institute, 2020, *Serbia: A Guide to Political Fundraising*

Political parties may acquire property through purchases, inheritances, or legacies. However, any properties obtained with public funds must be used exclusively for political activities. Furthermore, political entities are not permitted to generate income from commercial activities, endowments or foundations. Campaign expenses must be paid from a dedicated account exclusively for election-related costs. Public resources cannot be used for campaign purposes and political entities are forbidden from utilising state assets – such as vehicles, websites or offices, for their campaigning efforts.⁷²²

Political entities must keep comprehensive records of their income, expenditures, and donations. Annual financial statements must be submitted to the Anti-Corruption Agency and made accessible on the organisation’s official website. Reports must be submitted within 30 days of the election results. The State Audit Institution may perform audits of the financial reports subsequent to the Agency’s oversight.

Violations of the law are punishable with imprisonment from three months to three years. If the amount of funds exceeds RSD1.5 million, the punishment ranges from six months to five years. Additionally, using violence or threats or disadvantaging individuals or entities based on donations to a political entity is punishable by imprisonment for three months to three years. Furthermore, these offenses result in the confiscation of funds.⁷²³

As highlighted by Transparency International (TI) in a report on political finance transparency in the Western Balkans and Turkey (2023), **the Serbian law bans anonymous donations and partially bans foreign contributions** (i.e., the ban does not apply to international political associations when they provide non-financial aid to political parties). Individuals can donate up to 10 average monthly salaries (€7,000 per year) and twice as much in election years. Corporates can donate up to 30 average monthly wages (€21,000) per year, twice as much in election years. Long-term service providers are also banned from contributing political donations. Third parties are forbidden from donating to political parties but not from campaigning for political parties. Spending limits are not explicitly regulated. Political parties and independent candidates must report annually on their financial status as well as over the election period. Reporting for candidates of political parties or third parties is not subject to regulation.

Information on political financing must be disclosed online, on time and free of charge by publishing donors’ names, donation amounts, individual expenditures, assets and liabilities and specifying in-kind donations. In the case of Serbia, data are available online in html format.⁷²⁴ According to the TI report, political parties in Serbia often fail to comply with these obligations or do so incorrectly. The report stresses that major parties such as the ruling SNS and the socialist SPS have repeatedly categorised costs associated with distributing campaign materials under the “others” section rather than using the correct one or failing to disclose names of service providers for campaign activities.⁷²⁵

⁷²² Ibid.

⁷²³ EuroPAM, *Serbia Public Accountability Index*

⁷²⁴ Data can be uploaded through an online application ACK, *Political subjects*. The Agency produces annual reports based on this information, but the raw data is not accessible. Reports on electoral expenses and party financing are available here and here.

⁷²⁵ Transparency International, 2023, *Bringing the Receipts*, p. 24

Control and oversight functions are in the hands of the Anti-Corruption Authority, whose independence has often been questioned. In particular, CSOs and investigative media have discussed the ties of its former director, Dragan Sikimić (2018-2023), with the ruling SNS party.⁷²⁶ Sikimić, elected in 2018,⁷²⁷ had previously served as a member of the Working Body of the Republic Election Commission for the Municipality of Zemun under the proposal of the SNS⁷²⁸. After his election, Transparency Serbia called on the Agency to investigate potential political connections between the newly elected director and the SNS. However, the Agency dismissed the matter, claiming that Sikimić had never been a member of any political party at the time of his appointment.⁷²⁹

In 2022, the Law on Financing Political Activities (LFPA) introduced some amendments to the campaign regulations in order to comply with previous ODIHR recommendations, such as **lowering donation limits and introducing interim reporting on donations**.⁷³⁰

Recent Developments

Since the beginning of Aleksandar Vučić's presidency (2012), elections in Serbia have become more frequent. From 2012 to 2022, the country held five parliamentary elections and three presidential elections, in addition to provincial and local elections. In the course of the last parliamentary elections (2022/2023), opposition parties, NGOs, media and international observers questioned the quality of the Serbian electoral process, in particular its fairness and freedom.⁷³¹

The OSCE Office for Democratic Institutions and Human Rights has recently made several recommendations to improve the electoral process in Serbia. These suggestions include establishing a clear separation between official duties and campaign activities, implementing measures to prevent voter intimidation and coercion, reinforcing the independence of the media regulatory body and conducting a review to address concerns regarding the misuse of administrative resources and access to media.⁷³²

As reported by the Serbian Lobbyists Association (Društvo Lobista Srbije), "in the previous parliamentary elections in 2022, political parties spent a total of 1,168,088,991.45 dinars, according to statements submitted to the Anti-Corruption Agency. That year, political parties and other political entities generated income of 1,086,404,093.25 dinars during the election campaign, of which 80.50% came from the budget. Last year, political parties generated income of 1,764,193,845.35 dinars for regular operations and spent 1,357,743,102.86 dinars, 88.26% of which came from public funds, i.e., from the taxpayers of Serbia."⁷³³

⁷²⁶ Blic, 2018, 'Board of the Anti-corruption Agency Sikimić did not tell us that he was a donor to SNS, we did not deal with that', 19 January 2018; N1 info, 2018, 'The director of the Anti-corruption Agency was a donor to SNS', 18 January 2018

⁷²⁷ Decision adopted by the Republic Election Commission at its 22nd session held on 15 March 2017, available at: Radno Telo, [Zemun Sikimic](#)

⁷²⁸ Veljkovic, J., 2018, 'Dragan Sikimić, SNS member of the election commission', *BIRN*, 17 January 2018

⁷²⁹ Isitomer, 2023, [Dragan Sikimic](#)

⁷³⁰ Office for Democratic Institutions and Human Rights, 2023, [ODIHR Election Observation Mission Final Report](#)

⁷³¹ BTI Transformation Index, 2024, [Serbia Country Report 2024](#)

⁷³² Office for Democratic Institutions and Human Rights, 2023, [ODIHR Election Observation Mission Final Report](#)

⁷³³ Lobisti, M., 2024, 'Financing Political Parties and Democracy', *Lobisti*, 20 May 2024

Reports and investigations by Serbian civil society organisations and media suggest biased mechanisms through which political parties in the country access resources for regular operations, diverting them into electoral campaigns.⁷³⁴ In 2024, the Serbian investigative media CINS compiled a detailed database⁷³⁵ on party funding in Serbia, collecting data on the “income and expenses of 40 political parties and citizens’ groups”⁷³⁶ from 2015 to 2023. The database gathers information on parties’ and individuals’ financial resources, distinguishing between revenues coming from the state budget, revenues from companies’ donations and resources gathered through party fees and additional sources of income. The data also detail the expenses for each party and individual candidate, disaggregating the total expenditure into overhead costs, advertising costs, costs for materials and public events, salaries, training and additional expenses.

According to CINS’s Party Funds database,⁷³⁷ the governing party, SNS, indeed benefits from privileged access to administrative and financial resources, both for conducting its standard operations and in election times. Over the years, SNS hence accumulated a large number of resources that could have covered the usual operating costs of 38 other political parties and citizens’ groups, using solely the budget funds it received for its regular operations. According to CINS, SNS received approximately €49.2 million from 2015 to 2023.

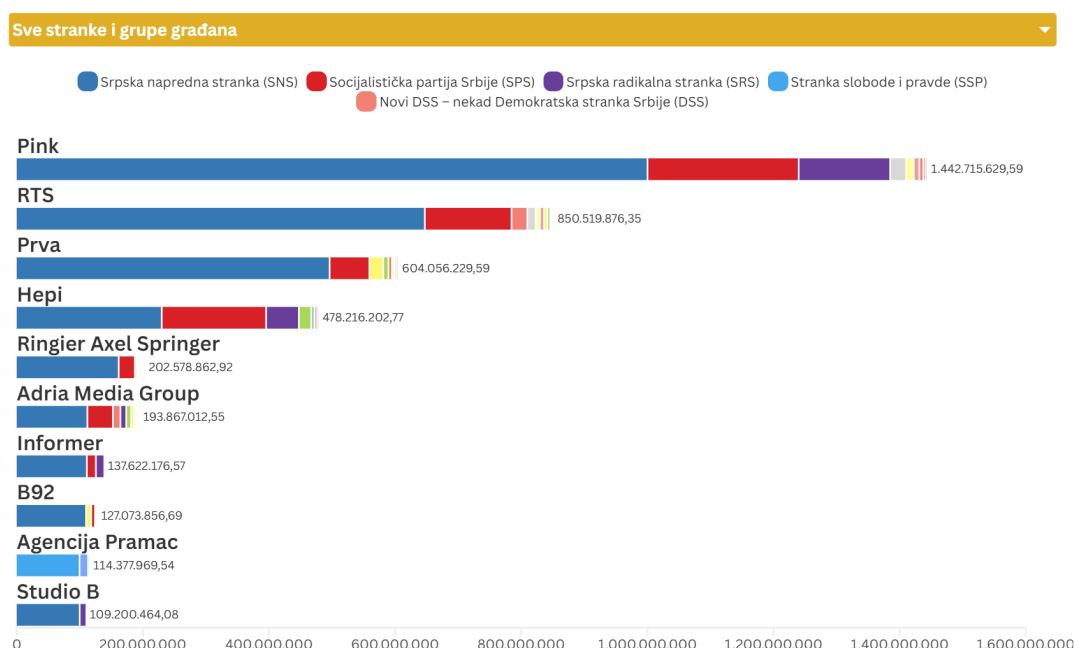
Figure 5. SNS costs per year, 2015-2023, CINS database⁷³⁸



The dataset shows that the ruling SNS party spends the most on media advertising and that this spending over-represents media outlets that are considered to be particularly close to the government, such as those controlled by the Pink group.⁷³⁹

⁷³⁴ Center for Investigative Reporting Serbia, *Party Cash Register*
⁷³⁵ Ibid.
⁷³⁶ Ćurčić, T., 2024, ‘Party Funds Database: SNS, the Financially Strongest Political Party in Serbia’, CINS, 3 December 2024
⁷³⁷ Ibid.
⁷³⁸ Center for Investigative Journalism Serbia, *Serbian Progressive Party*
⁷³⁹ Media Ownership Monitor Serbia, 2023, *Pink Media Group*

Figure 6. Money for advertising, the election campaign and regular work from 2015 to the end of 2023⁷⁴⁰



Political parties receive funding for their regular activities only if they overcome the electoral threshold and secure seats in local, provincial or national assemblies. The amount of funding they can obtain is determined by their electoral performance, precisely the number of votes they receive. The SNS electoral performances over the years explain its privileged positions in terms of resource collection. According to CINS and Transparency, the 2014 amendment to the Law on Financing Political Activities has further benefited the SNS, opening the possibility of using funds collected for regular operations for electoral purposes.

Lobbying: Formal Rules, Informal Realities

As of January 2025, the legislation⁷⁴¹ governing lobbying in Serbia outlines the conditions and procedures for lobbying activities, including the establishment of a register for lobbyists and lobbying entities. Lobbying is defined as “an activity that exerts influence on the authorities of the Republic of Serbia (...) in the procedure of passing laws, other regulations and general acts (...) in order to realise the interests of lobbying beneficiaries, in accordance with the law”,⁷⁴² either at the national, provincial or local levels. **Certain activities are explicitly excluded from the definition of lobbying:** among them, public communication of opinions on laws and regulations, expert opinions provided to government bodies, civic initiatives addressed to authorities and the activities of government personnel in their official capacity.

⁷⁴⁰ CINS Party Funds database, [Search the database](#) – Center for Investigative Reporting of Serbia

⁷⁴¹ Off. Herald of the RS Nos. 87/2018 and 86/2019 – other law, *Law on Lobbying*; Jankovic Popovic Mitic, 2018, *Law on Lobbying*; China-CEE Institute, 2018, *Serbia Social briefing: Lobbying Act Entering the Parliamentary Procedure*, July 2018

⁷⁴² Off. Herald of the RS Nos. 87/2018 and 86/2019 – other law, *Law on Lobbying*, *Article 2*

Historical Overview

Under the Socialist Federal Republic of Yugoslavia (1945–1992), which included Serbia with five other constituent republics,⁷⁴³ pluralism was rejected, while the single party and the Socialist Alliance of the Working People represented different interests. However, informal interest representation existed outside the party and the communist system. Interest representation efforts were carried out by chambers of commerce, foreign trade associations and large companies.⁷⁴⁴ Decisions such as awarding contracts were often determined not by institutional frameworks but by personal contacts, power struggles among republics and provinces and conflicting policy priorities.

According to Randelović and Jelenković,⁷⁴⁵ **after Yugoslavia’s dissolution, “informal” lobbying was widespread in Serbia.** While other former Republics formulated legislation on lobbying activities quite early in their transition process (e.g., North Macedonia), the authors suggest that the Republic of Serbia initially failed to pass such legislation despite its Constitution providing a solid foundation for regulating lobbying – guaranteeing freedoms of speech, association, petition and public participation. However, the authors recall that different attempts at regulating the matter started with efforts by civil society organisations. In 2011, to start the legislative process, the National Assembly conducted a comparative study of international lobbying regulations. However, state authorities delayed implementing the proposed solutions, leaving lobbying unregulated for years.

The regulation of lobbying in Serbia was first outlined in the National Strategy for the Fight against Corruption in 2005 and reinforced in the subsequent 2013–2018 strategy. GRECO’s 2015 recommendations⁷⁴⁶ emphasised the importance of regulating lobbying in Serbia, especially for members of parliament. However, **Serbia only accelerated the adoption of its Law on Lobbying after the 2018 GRECO report⁷⁴⁷ pointed to the fact that the authorities failed to meet its recommendations.** The debate around Serbia’s first Law on Lobbying, hence, began officially only in 2018, after years of pressure from civil society and international organisations to align with international standards. The first draft of the law built on the National Strategy for the Fight against Corruption⁷⁴⁸ (2013–2018) and recommendations from the Council of Europe and the European Union.⁷⁴⁹ Nevertheless, this first draft was criticised for being based on a narrow definition of lobbying compared to the European standard and for not mandating the public disclosure of meetings between lobbyists and public officials.⁷⁵⁰

⁷⁴³ Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Slovenia.

⁷⁴⁴ Orlović, S., 2019, ‘Serbia: Interest Groups in an Unconsolidated Pluralist Democracy’, *Journal of Public Affairs*, vol. 19, no. 2.

⁷⁴⁵ Randelović, N., Jelenković, P., 2014, ‘Legal, Historical, and Political Aspects of Lobbying in Serbia and the Neighbouring Countries’, *Zbornik Radova Pravnog Fakulteta u Nišu*, vol. 66.

⁷⁴⁶ GRECO, 2015, *Fourth Evaluation Round – Evaluation Report Serbia*, 2 July 2015.

⁷⁴⁷ Ibid.

⁷⁴⁸ UNEP-LEAP, *National strategy for the fight against corruption in the Republic of Serbia for the period from 2013 to 2018*.

⁷⁴⁹ EUR-Lex, 2009, *Framework for the activities of interest representatives (lobbyists) in the institutions of the European Union*, 12 November 2009.

⁷⁵⁰ Nenadic, N., 2018, ‘Lobbying: Reaches of the First Draft Law and Suggestions for Its Improvement’, *Centre for Applied European Studies*, 28 December 2018.

Regulatory Framework

The Law on Lobbying passed in November 2018 and entered into force in 2019. The enforcement of the regulation is in the hands of the Anti-Corruption Agency, which has a mandate over training, certificates and registration into the official Register of Lobbyists, besides overseeing the correct implementation of the Law.⁷⁵¹

According to the Law, natural persons may be listed in the register when they meet the following conditions: being a Serbian citizen, having full contractual capacity, holding a university degree, not having been convicted of a criminal offence, not having been subject to a security measure, having completed training for a lobbyist.⁷⁵² Foreign natural persons may acquire the same status if they are registered as lobbyists in their own country and by applying to a dedicated Register. As of January 2025, the Register counted 52 Serbian natural persons registered as lobbyists and 3 Serbian legal persons.⁷⁵³ No foreign persons or entities are listed on the Agency website.

Legal persons may act as lobbyists when registered as business entities if they employ at least one lobbyist, have not been convicted for criminal offences or security measures and are represented by a person who has not been subject to convictions for criminal offences. Foreign legal persons may acquire the same status if registered as lobbyists in their country and by applying to a dedicated Register.⁷⁵⁴

The necessary training⁷⁵⁵ for lobbyists is offered and conducted by the Anti-corruption Agency,⁷⁵⁶ which issues a certificate once the course is completed.⁷⁵⁷ The Director of the Agency is responsible for decisions regarding the inclusion and removal of individuals or entities from the Register of Lobbyists and the Register of Legal Entities Engaged in Lobbying. The Agency oversees the content and maintenance of records on lobbying contacts maintained by public authorities.⁷⁵⁸

The Law prescribes lobbyists to act according to principles of integrity, transparency, and accountability in their activities. The Code of Conduct of Lobbying Participants, issued by the Agency for Prevention of Corruption,⁷⁵⁹ contains ethical rules on the conduct of all participants in lobbying to protect the public interest.⁷⁶⁰

⁷⁵¹ Doklestic, 2019, *Serbia: Law on Lobbying stepped into force on 14 August 2019*

⁷⁵² Off. Herald of the RS, No. 87/2018 and 86/2019 – other law, *Law on Lobbying, Article 10*

⁷⁵³ Acas, *Register of Lobbyist*

⁷⁵⁴ Off. Herald of the RS, No. 87/2018 and 86/2019 – other law, *Law on Lobbying, Article 11*

⁷⁵⁵ ACK, 2019, *Rulebook on training for lobbyists* and its amended version ACK, 2020, *Rulebook on training for lobbyists*

⁷⁵⁶ ACK, *Lobbyist training*

⁷⁵⁷ As of 2022, the Agency completed 11 training sessions, with 102 participants
GRECO, 2022, *Fifth Evaluation Round – Evaluation Report Serbia*, 5 July 2022

⁷⁵⁸ Republic of Serbia, *Enhancing the effectiveness of anticorruption bodies*, 2020

⁷⁵⁹ ACAS, 2021, *Code of Conduct for lobbyists*

⁷⁶⁰ Off. Herald of the RS, Nos. 87/2018 and 86/2019 – other law, *Law on Lobbying – Article 8 and Article 9*

The Agency can issue disciplinary actions, conduct administrative investigations, and impose administrative sanctions. Sanctions can be imposed on legal persons, responsible individuals within organisations, lobbyists and beneficiaries of lobbying for various violations of the lobbying regulations. These include failing to notify the Agency of changes within the required timeframe, starting lobbying activities without a contract as a lobbyist, not submitting the mandatory annual reports to the Agency, or after having been removed from the register. Additionally, sanctions apply if the requested data is not provided to the Agency within the prescribed deadline. Beneficiaries of lobbying, whether legal or natural persons, can also face penalties for failing to comply with these obligations. Fines range from RSD50,000 to 150,000, depending on the subject.⁷⁶¹ **There is no available information on procedures initiated or sanctions enforced by the ACA related to illegal lobbying.**

In 2019, a few months after the Law was passed, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Mission to Serbia hosted a **training on lobbying** against corruption in Belgrade. The event was attended by participants from Serbia's Anti-Corruption Agency, the U.S. Embassy and civil society organisations. Training sessions focused on international lobbying standards, practices and the development of a code of conduct and a lobbyist registration process.⁷⁶²

In 2021, **Transparency International (TI) Serbia criticised the law** for addressing the influence of lobbying over general laws, excluding individual decisions, for mandating public officials to disclose their lobbying meetings to the Agency for Prevention of Corruption but not to the public, for not mentioning informal lobbying activities – defined as attempts to influence that occur before an official lobbying memo is sent, and for ignoring civic initiatives by citizens, associations and economic entities to pass or change a regulation.⁷⁶³ The same year, TI Serbia sent out 23 requests to access information on meetings between lobbyists and public officials. All the institutions replied that no meeting had been registered. The organisation accounted for the data referring to a general lack of awareness regarding the obligation of keeping track of every contact with lobbyists. At that time, Serbia counted 26 registered lobbyists.

In 2022, **GRECO's evaluation⁷⁶⁴ highlighted significant shortcomings in the law's application.** While the law requires lobbyists to formally disclose their activities to the Agency for Prevention of Corruption, it fails to address informal lobbying, leaving significant gaps in transparency and oversight. GRECO and Transparency Serbia⁷⁶⁵ both criticised the lack of mechanisms to track informal lobbying and the absence of obligations for officials to disclose all lobbying contacts, whether formal or informal.

⁷⁶¹ Off. Herald of the RS, Nos. 87/2018 and 86/2019 – other law, *Law on Lobbying – Article 34*

⁷⁶² OSCE, 2019, 'ODIHR, OSCE Mission to Serbia support implementation of Serbian law on lobbying', 18 April 2019

⁷⁶³ Transparency International Serbia, 2021, *Grand Corruption and tailor-made Laws in Serbia*, March 2021

⁷⁶⁴ GRECO, 2022, *Fifth Evaluation Round – Evaluation Report Serbia*, 5 July 2022

⁷⁶⁵ Transparency International Serbia, 2022, *Corruption Risks in Regulations and Lobbying*, December 2022

In May 2024, stakeholders met at the roundtable to evaluate Serbia's lobbying legislation and propose further enhancements to the existing legislation. The Economic Crime and Cooperation Division reported that the discussion served to identify various areas of intervention, including definitions, procedures and reporting of lobbying activities, resulting in 44 recommendations to strengthen the law and align it with GRECO's Fifth Round standards.⁷⁶⁶

Lobbying: Data and Cases

According to TI Serbia, **informal lobbying is still widespread in the country, remaining largely untracked and unreported.** The organisation laments low levels of compliance with the law, poor enforcement and limited awareness. Data on lobbying is also considered of poor quality and hardly accessible, limiting the functioning of accountability mechanisms,⁷⁶⁷ as illustrated in the following case.

Box 24. The low discoverability of domestic lobbying in Serbia

In 2022, TI Serbia worked to collect data on lobbying contracts from the Agency for the Prevention of Corruption, which reported only 7 cases of registered lobbying. However, TI suspects that the actual number of lobbying cases (i.e., involving unregistered lobbyists) was higher but went unreported. At the same time, TI submitted 25 information requests to obtain the records of lobbying contacts for officials who are “elected, appointed, named, employed or otherwise employed in that authority,” as mandated by the Law. In particular, requests were sent to the Cabinet of the Prime Minister, the Ministry of Science, Technological Development and Innovation, the Ministry of Family Care and Demography, the Ministry of Environmental Protection, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Defence, the Ministry of European Integration, the Ministry of Internal Affairs, the Ministry of Finance, the Ministry of Youth and Tourism, the Ministry of Health and the Ministry of Construction, Transport and Infrastructure. **As reported by the organisation, none of them responded, except for the Ministry of Economy,** which disclosed details on lobbying related to amendments to the Bankruptcy Law in 2022.⁷⁶⁸ At the same time, TI criticised the Anti-Corruption Agency for its lack of proactive steps to improve transparency, such as publishing the data it already has. Although a new website was launched in 2022, it does not include a section for such information. As of 2022, 40 lobbyists and 3 legal entities were registered.⁷⁶⁹

⁷⁶⁶ Council of Europe Portal, Economic Crime and Cooperation Division, 2024, ‘[Reviewing the regulatory framework for lobbying in Serbia](#)’, 13 May 2024

⁷⁶⁷ Transparency International Serbia, 2022, *Corruption Risks in Regulations and Lobbying*, December 2022

⁷⁶⁸ Ibid.

⁷⁶⁹ GRECO, 2022, *Fifth Evaluation Round – Evaluation Report Serbia*, 5 July 2022

Meanwhile, Serbia's government has actively engaged in geopolitical lobbying efforts as seen below.

Box 25. The Serbian government's international lobbying effort

Over the years, **the Serbian government has been involved in prominent cases of international lobbying, both “formal” and “informal”**. In particular, the SNS cabinet has extensively resorted to lobbying activities to strengthen its position regarding the Kosovo issue. Serbia has sometimes attempted “informal” lobbying to counter Kosovo's efforts to obtain international recognition or to convince states that recognised Kosovo's statehood to reconsider their position. In 2018, for example, local media in the Central African Republic (CAR) uncovered a scandal involving a €350,000 payment from the Serbian government to a CAR minister. This payment was allegedly made in exchange for a letter of “de-recognition” of KosoVol.⁷⁷⁰

At a formal level, the Serbian government has a history of hiring American lobbying firms to promote its interests and counter Kosovo's push for international recognition. This includes engaging firms for tasks ranging from trade disputes to improving Serbia's overall image. In 2019, Serbia hired a US law firm – Cleary Gottlieb Steen & Hamilton LLP – to represent its interests in a dispute with Kosovo over trade tariffs. The law firm assisted Serbia in matters related to its conflict with Pristina, particularly regarding trade restrictions imposed by Kosovo on Serbian goods and services. Kosovo also had existing lobbying contracts with US firms.⁷⁷¹

Revolving Doors: Delayed Reforms and Persistent Loopholes

Serbia's regulatory framework concerning revolving doors is rooted in the regulations governing conflicts of interest, determining the conditions for the transition of individuals from public office into the private sector. **Until 2019, the country lacked comprehensive legislation explicitly aimed at restricting post-public employment.** However, in recognition of the potential for conflicts of interest, the Serbian government enacted reforms to enhance transparency and accountability.

Historical Overview

The first regulation on conflict of interest was passed in 2004, within the framework of the Law on Prevention of Conflict of Interest in the Discharge of Public Office.⁷⁷² Here, conflict of interest was defined as a situation in which one “has a private interest that affects or could affect the discharge of his/her public office.”⁷⁷³ The law, thus, regulated incompatibilities between public office and private roles but did not include any direct provision aimed at regulating the revolving doors phenomenon.

⁷⁷⁰ Selimi, P., 2019, ‘Serbia's “derecognition” campaign unravelling as corruption scandals mount’, *Medium*, 26 August 2019

⁷⁷¹ Kosovo Online, 2023, ‘Belgrade hired lobbyists in the USA: Why is it important that the Serbian voice is heard at the Capitol right now?’, 30 July 2023

⁷⁷² Tomić, S., 2019, ‘Serbia (Case Studies 2 and 3): The Republicans Committee for Resolution of Conflict of Interest (Committee) and the Anticorruption Agency (Agency)’, *Leadership, Institutions, and Enforcement: Anti-Corruption in Serbia, Croatia and Macedonia*

⁷⁷³ Official Gazette of the Republic of Serbia, 2004, *Law on the Prevention of conflict of interest in discharge of public office*, 20 April 2004

This was, de facto, the first piece of legislation recognising the need to regulate the transition conflicts of interest. The 2004 law foresaw the creation of the Republican Committee for Resolution of Conflict of Interest as part of a broader plan of reforms aimed at bringing Serbia closer to international and European standards. However, according to Tomić,⁷⁷⁴ the first Committee had limited powers and it was continuously threatened to be discontinued and substituted by another agency, which indeed happened in 2009 when the new Anti-Corruption Agency (ACA) was established. During this period, the Committee faced criticism and attacks from members of different governments. It maintained a critical stance towards all of the cabinets that alternated during its existence, asking for an improvement of the country's anti-corruption framework and more powers. From 2005 to 2009, the Committee focused mainly on public officials' disclosure of personal assets, creating an ad hoc register.

The Committee was designed as an independent body, autonomous from government and parliamentary control. It operated outside the government hierarchy, with Parliament having limited influence over the appointment and removal of its commissioners. Appointments were made through a mix of external nominations and parliamentary selections, avoiding the possibility of a single political party dominating the selection process. The Parliament had the power to remove Commissioners only in cases of serious misconduct. However, the limited financial and administrative resources significantly circumscribed the Committee's power and independent action.⁷⁷⁵

The ACA substituted the Committee and became fully operational in 2010. The new Agency was designed to align with international standards, obtaining more resources and powers for combating corruption. It introduced stricter integrity regulations, a more precise definition of conflicts of interest and moderate sanctions. However, even this Agency was greatly criticised by institutional actors, who feared it would be an overly bureaucratic body with the potential for political misuse.⁷⁷⁶ The Agency had no power to intervene over potential conflicts of interest in post-office times.

This changed in 2019 with **the new Law on the Prevention of Corruption, which replaced the previous legislation and expanded the restrictions on public officials**. It introduced a "cooling-off" period during which former officials are prohibited from engaging in activities that could create conflicts of interest. Specifically, the law states that public officials cannot be employed or have business relationships with any legal entities over which they had authority or supervisory powers for a period of two years after leaving office.

⁷⁷⁴ Tomić, S., 2019, 'Serbia (Case Studies 2 and 3): The Republicans Committee for Resolution of Conflict of Interest (Committee) and the Anticorruption Agency (Agency)', *Leadership, Institutions, and Enforcement: Anti-Corruption in Serbia, Croatia and Macedonia*

⁷⁷⁵ Ibid.

⁷⁷⁶ Ibid.

Regulatory Framework

The new law on the Prevention of Corruption⁷⁷⁷ (passed in 2019, amended in 2021) renamed the Anti-Corruption Agency (ACA) into the **Agency for the Prevention of Corruption (APC)**. The Agency is an independent administrative body responsible for preventing corruption, promoting transparency and ensuring compliance with anti-corruption laws. Its main functions include monitoring conflicts of interest, overseeing political party financing, raising public awareness through training, investigating complaints and enforcing regulations with penalties for violations. It reports to the Serbian Parliament, maintaining independence while eventually referring cases to law enforcement or judicial authorities.

The Law prescribes that, **when taking office or performing their duties, public officials must notify their immediate superior and the Agency – within five days – if they suspect a conflict of interest** involving themselves or someone connected to them. In case of a potential conflict of interest, public officials must stop exercising their functions and wait for the Agency's opinion unless there are urgent matters. The Agency is required to express its judgment on the case within 15 days of the notification. For public procurement cases, this period is shortened to 8 days. To formulate its judgment, the Agency may request additional information from public officials. At the end of the process, the Agency can issue recommendations and advice on how to solve the conflict.

Besides the regular procedure, the Agency can autonomously start investigations into possible cases of conflict of interest. This must happen within two years of receiving a notification about potential conflicts or becoming aware of possible cases. These procedures cannot be initiated or concluded if 5 years have passed “since the action or inaction of a public official that raised suspicion of the existence of a conflict of interest”⁷⁷⁸ emerged. Investigations can also begin based on reports from individuals or organisations. Violation of the laws governing conflicts of interest can lead to fines ranging between RSD50,000 and 150,000 as well as possible expulsion from office. These sanctions apply to all public officials. **However, the effectiveness of these controls appears questionable.** According to a report compiled by the European Union, proceedings related to potential conflicts of interest have slightly diminished over the years. The Agency received less than 1,358 requests in 2015, against 1,481 in 2014. 30 of these proceedings ended up resulting in reprimands and fines.⁷⁷⁹

With the new regulation, the Agency has competence over conflict-of-interest regulation and post-employment restrictions or incompatibilities. These regulations apply to every public official,⁷⁸⁰ including the President, the President's chief of cabinet and advisers, the Prime Minister, ministers, assistant ministers, state secretaries, the Secretary General of the Government and the Secretary General of the President and their deputy. However, the regulations do not apply to the Prime Minister's and Deputy Prime Ministers' chiefs of cabinet or government advisers.⁷⁸¹

⁷⁷⁷ Refworld, 2020, *Serbia: Law on Prevention of Corruption*, 1 September 2020

⁷⁷⁸ Art 43 in Official Gazette of the Republic of Serbia Np. 35/19 and 88/19, *Law on Prevention of Corruption*

⁷⁷⁹ European Commission, 2016, *Serbia 2016 Report*

⁷⁸⁰ Public officials are defined as “any person who was elected, appointed or nominated to a public authority, with the exception of persons who are representatives of private capital in managing bodies of companies that are public authorities” Article 2, paragraph 1, point 3, *Law on Prevention of Corruption* in Official Gazette of the Republic of Serbia Np. 35/19 and 88/19, *Law on Prevention of Corruption*

⁷⁸¹ Refworld, 2020, *Serbia: Law on Prevention of Corruption*, 1 September 2020

Article 55 of the Law on Prevention of Corruption⁷⁸² states that “[t]wo years after the termination of public office, a person whose public office has ceased may not establish an employment relationship and/or business cooperation with a legal person, entrepreneur or international organisation performing activities related to the public office that had been discharged by the public official, except with the obtained consent of the Agency.” According to the Law, **former public officials must seek the Agency’s approval before entering into any employment relationship or business cooperation for two years after leaving office.** The Agency has 30 days to examine the request and provide a decision. If such a decision does not arrive within the 30-day limit, applicants are allowed to establish any employment and/or business cooperation. This prohibition, however, does not apply to public officials directly elected by citizens.⁷⁸³

The Agency should publish decisions on requests for approval from former public officials. However, Transparency International Serbia laments⁷⁸⁴ that the Agency does not usually share the exact number of such requests and related approvals in its annual report, nor does it report them on its website.⁷⁸⁵

Box 26. Legislation does not prevent wrongdoing: Government officials’ revolving-door scandals

As explained above, former public officials must seek the Agency’s approval before initiating any employment contract or business activity for two years after having left office if that contract or activity is related to the official’s former role. However, over the years, some scandals have emerged in connection to former prominent figures who disregarded this requirement. Among others, in 2023, the media outlet N1 reported⁷⁸⁶ **the case of Jovanka Atanacković**, former State Secretary at the Ministry of Mining and Energy. According to N1, Atanacković was investigated by the Serbian Agency for the Prevention of Corruption because she did not file a formal request to the Agency before entering into business cooperation with a green energy company, which might have constituted a conflict of interest.

Once the Agency confirmed the investigation on her behalf, Atanacković defended herself, affirming that she had notified the Agency but that she was not obliged to seek the Agency’s approval since the law states that this is prescribed only under the condition that that person enters into an employment relationship or business cooperation with a legal entity that had a business relationship with the public authority in which the public official performed a public function⁷⁸⁷. Atanacković hence maintained that the company she worked for at the time of the investigation (CWP) had no previous business ties with the Ministry of Mining and Energy and that the company did not play any role or exert any influence on the legislative processes she was involved in during her service as State Secretary. She also specified that CWP did not obtain any beneficial act from the Ministry over her time serving as a public official.

⁷⁸² Official Gazette of the Republic of Serbia, No. 35/19 and 88/19, *Law on Prevention of Corruption*

⁷⁸³ Ibid.

⁷⁸⁴ Transparency International Serbia, 2023, *Civil Society Report*, 17 July 2023

⁷⁸⁵ Decisions are not available on the Agency’s portal, as cross-checked [here](#).

⁷⁸⁶ N1 News, 2023, ‘Today: The State Secretary did not task for the Agency’s consent when hiring’, 10 January 2023

⁷⁸⁷ Danas, 2023, ‘The state secretary from the ministry transferred to a private company without the consent of the Agency for the Prevention of Corruption’, 10 January 2023

Other scandals have also emerged after the publication of the Pandora Papers, a massive leak of confidential financial documents that exposed the secretive business dealings of numerous high-profile figures, including the former Vice Prime Minister of Serbia (2022 – 2024), former minister of finance since 2018 and former mayor of Belgrade Sinisa Mali. In 2021, a piece from the media outlet Balkan Insight,⁷⁸⁸ building on from the Pandora Papers and FinCEN files, summarised cases and names revealed by the leaks involving politically exposed persons in the Balkans, with Mali's standing out as one of the most prominent. The scandal erupted in 2015 thanks to the work of the investigative media KRIK.⁷⁸⁹ The leaked documents indeed served to reconstruct several instances of conflict of interest that involved Mali during his time serving as a public official with different institutional roles. **Mali was found to own 24 luxury apartments⁷⁹⁰ on the Bulgarian coast through two offshore companies and direct ownership**, which significantly exceeded his declared income. The documents⁷⁹¹ confirmed that Mali was the sole shareholder of the companies with ties to the apartment ownership.⁷⁹²

An investigation by the Serbian Anti-Corruption Agency followed the revelations. In 2016, a report by the Serbian Administration for the Prevention of Money Laundering (APML) detailed suspicious transactions involving Mali, his wife and companies he owned or was associated with. It was revealed that Mali held at least 42 bank accounts⁷⁹³ registered under his name, his wife's and his three underage children, into which he deposited large sums of money. Additionally, he had a power of attorney over three accounts registered under other names. As a response, Mali claimed his signature had been forged, and a court cleared the case due to a lack of evidence.⁷⁹⁴ **In 2018, Mali was appointed as finance minister, controlling the Administration for the Prevention of Money Laundering⁷⁹⁵ (APML), which has not investigated him since he was appointed.** Instead, as Minister of Finance, Mali started an investigation⁷⁹⁶ into KRIK finances through the Anti-Money Laundering Unit.

Media: Political Control and Favouritism

The state of Serbian media is significantly influenced by the country's historical processes and structural characteristics. The still underdeveloped state of the market and low economic growth are a reason for the significant dependence of the media on the state budget and institutional actors.⁷⁹⁷

⁷⁸⁸ Balkan Insight, 2021, 'Pandora Papers: New Leak Exposes Balkan PEPs' Hidden Riches', 4 October 2021

⁷⁸⁹ KRIK, 2021, 'New documents from the Virgin Islands: Mali was definitely the owner of 24 apartments', 3 October 2021

⁷⁹⁰ KRIK, 2015, 'The Mayor's Hidden Property', 19 October 2015

⁷⁹¹ OCCRP, 2021, 'Despite Denials, Serbian Finance Minister Owned Luxury Apartments After All', 3 October 2021

⁷⁹² KRIK, 2016, 'Belgrade Mayor remains director of offshore firms', 20 October 2016

⁷⁹³ OCCRP, 2018, 'The Mayor of Belgrade's Multiplying Bank Accounts', 26 February 2018

⁷⁹⁴ KRIK, 2016, 'Belgrade Mayor remains director of offshore firms', 20 October 2016

⁷⁹⁵ N1info, 2021, 'Documents obtained by KRIK journalists in the framework of the international project "Pandorini Papers" prove that the finance minister Siniša Mali is the owner of 24 luxury apartments on the Bulgarian coast. Mali, as the owner of two offshore companies in the British Virgin Islands, bought 23 apartments, and another one he bought in his own name, writes KRIK', 3 October 2021

⁷⁹⁶ Nesic, M., 2020, 'Serbia Turns the Tables, Investigates the Investigative Journalists', *VOA News*, 5 August 2020

⁷⁹⁷ Media Ownership Monitor, 2023, *Serbia*

According to Freedom House, Serbia can be considered as a partly free country. The organisation shows concerns about the status of civic and political liberties in the country, mentioning how the SNS ruling party has contributed to a progressive deterioration of the state of democracy by targeting journalists and independent media. Initiatives such as Mapping Media Freedom offer a clear overview of the critical status of press independence in Serbia,⁷⁹⁸ reporting daily political attacks against journalists and media outlets.

According to the Vibrant Information Barometer,⁷⁹⁹ besides media control, the Serbian informational landscape is characterised by a poor quality of content, often produced by government-controlled outlets. The media environment is highly polarised and politicised, with few credible media operating in the country due to a lack of resources and continuous attacks. The SNS party attracts most of the media attention and limits the opposition's visibility. According to the Barometer, media contents display high levels of hate speech and propaganda, sensationalistic crime reports, manipulated information, anti-Western sentiments and pro-Russian narratives. Hate content has increased around election times when the Parliamentary Assembly of the Council of Europe (PACE) noted a surge in negative campaigning, violent rhetoric and attacks on opposition members and journalists.⁸⁰⁰

The lack of transparency about media ownership complicates the assessment of the quality and credibility of news. NGOs, media and investigative journalists work tirelessly to provide fact-check services and good-quality information despite the risks associated with this activity and the open opposition of government and institutional actors, as in other Balkan countries⁸⁰¹. Regulatory bodies, such as the Ministry of Information and the Regulatory Authority for Electronic Media, lack effectiveness and contribute to the flourishing of disinformation.

Historical Overview

The history of the Serbian media system can be traced back to the passage of the first Press Law in 1870. In 1904, the Ribnikar brothers founded Politika, the oldest Serbian newspaper, which is still published today. The first radio station, Radio Belgrade, was founded in 1924 and is still broadcasting.

In the aftermath of the Second World War, the Communist Party banished all private mass media. Each state within the Socialist Federal Republic of Yugoslavia thus created its regional communication channels, such as the Serbian RTV Belgrade, under government control.

After the dissolution of Yugoslavia, the once regional system turned into a national one but maintained its strong dependence on the state. In 1991, the new Law on Electronic Media merged the media houses in Novi Sad, Pristina and Belgrade, resulting in the creation of the Radio Television of Serbia (RTS). The media system was entirely controlled by the Milošević government, which exercised a monopoly on public communications. Over the years, the media system has become increasingly dependent on political parties, both in government and opposition. The national telecommunication infrastructures were severely damaged during the NATO bombings in 1999.

⁷⁹⁸ European Centre for Press and Media Freedom, *Mapping Media Freedom*

⁷⁹⁹ Vibrant Information Barometer, 2024, *Serbia*

⁸⁰⁰ Ibid.

⁸⁰¹ Milosavljević, M., Poler, M., 2018, 'Balkanization and Pauperization: Analysis of Media Capture of Public Service Broadcasters in the Western Balkans', *Journalism*, vol. 19, no. 8

Despite the numerous changes the country has undergone since the start of its democratic transition in 2000, the reforms experienced by the media system are regarded as still **insufficient**. Matić and Valić Nedeljković,⁸⁰² for example, claim that the beginning of 2000 marked a relevant move towards a pluralistic, independent and relatively free media system in Serbia. The study suggests that the democratic transition went hand in hand with a progressive loosening of political controls over the Serbian media, which passed into private hands. In particular, the authors maintain that “after 13 years of democratisation efforts, no one can argue that a new media system has not been put in place (...) the legal framework includes European democratic standards; broadcasting is regulated by bodies separated from executive state power; public service broadcasters have evolved from the former state-run radio and television company which acted as a pillar of the fallen autocratic regime.”⁸⁰³

However, the question of whether and how these changes have indeed created a free and independent media system often receives a negative evaluation, especially by those civic actors who operate in the Serbian media ecosystem. While new regulations have been passed, civil society organisations and independent media lament their poor implementation. Moreover, as President Vučić and his SNS party have consolidated political power, they have also strongly intervened to influence the media landscape and **progressively distanced Serbia from EU standards**. As discussed by Milojević and Kleut, the current Serbian scenario is very much characterised by a capture of the media system.⁸⁰⁴ Investigating media regulations, the capture of the media regulatory authority, control of public service media, state ownership and financial control and ownership takeover, the authors conclude that **the past adoption of EU-aligned regulations has produced few relevant changes, given the lack of implementation and enforcement of such rules**.

Regulatory Framework

The **Law on Public Information and Media** in Serbia includes all types of registered media, covering newspapers, news agencies, radio, TV and digital platforms like editorial websites and online portals. The **Law on Electronic Media** supplements these regulations, addressing broadcasting rights for radio and TV, while the Law on Public Media Services specifically covers public broadcasters like Radio Television Serbia. Taken together, the legal framework outlines provisions affecting media ownership, regulation and journalist protections, whereby a notable provision allows public entities to own media outlets, provided they do not receive state aid or serve general interests.

A **Unified Information System** is established for managing and monitoring public co-financing of media projects. This includes a new **Registry of Media Content Producers** and a legally recognised self-regulatory body, the **Press Council**, tasked with promoting media accountability. However, disagreements persist over the Press Council’s authority in distributing public funds and the eligibility criteria for media publishers. This controversy reflects ongoing disputes between government officials and independent media bodies.⁸⁰⁵

⁸⁰² Matić, J., Nedeljković, V., 2015, ‘Serbia’, *Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism*

⁸⁰³ Ibid., p. 328

⁸⁰⁴ Ibid.

⁸⁰⁵ Media Ownership Monitor, 2023, *Legal Assessment of Media Ownership in Serbia*

The Law on Electronic Media, aligned with the EU's Audiovisual Media Services Directive of 2018, further aims to improve the professionalism and autonomy of the Regulatory Body for Electronic Media (REM). The law mandates the creation of a Council as a decision-making body and a director as its representative, with stricter criteria for Council member selection. **The REM has faced criticism over its independence and enforcement record**, especially as regards the awarding of national broadcast rights to pro-government outlets despite numerous violations. REM's oversight of state-influenced media content, including limiting the diversity of programming, aligns with a pattern of pro-government bias. The European Commission and local journalist associations have expressed concern, highlighting REM's constrained budget and political influence over member appointments, which undermines media transparency and regulatory effectiveness.⁸⁰⁶

Despite these reforms, Serbian journalist associations have expressed frustration over the perceived expansion of state influence and the weakening of regulatory bodies. Articles 39 and 41 of the Law on Public Information and Media have been particularly contested, as they **de facto reintroduce state ownership in media** – a move seen as contradictory to the nation's Media Strategy, which advocates for an independent and competitive media environment.

Moreover, recent media acquisitions, mainly through state-owned Telekom Serbia, highlight growing concerns over state influence on the informational landscape. The independent media company United Media has criticised the increase in state-backed acquisitions, arguing that Telekom Serbia's expanded role threatens transparency. Complex ownership structures often obscure who truly controls outlets and this opacity is expected to worsen as state-owned entities continue media takeovers. **Weak oversight of state funding in Serbia's media sector has led to pro-government biases, compounded by the lack of transparency around state advertising spending.**⁸⁰⁷ This dependence on government funding and advertising gives the state significant control over editorial direction and content, undermining press freedom, as shown in the following case study.

Box 27. Political control subverts media pluralism and legislation

As of 2024, the Media Ownership Observatory reports that **eight significant media companies in Serbia control 92.55% of the media market**. The Public Broadcaster, RTS, leads with a 39.95% share, followed by Pink Media Group at 22.15%. Other notable players include Mondo Inc., United Group and Ringier Serbia. This level of concentration suggests a significant capacity to shape public opinion across various media platforms. Even when excluding the Public Broadcaster, commercial media still holds a share of 90.56%. According to the Observatory, public media such as Telekom Srbija have kept on growing, buying TV stations and financing the production of media content. This is evaluated as “an attempt to use the state-owned company to reduce the influence of the few private television stations which have a critical attitude towards the current government.”

⁸⁰⁶ NUNS Press, 2024, *The Rule of Law and Media Freedom in Serbia*

⁸⁰⁷ Ibid.

Political control over media outlets thus represents a considerable risk to editorial independence. According to the Observatory, 55.77% of TV stations are owned by individuals with political connections, including Zeljko Mitrović,⁸⁰⁸ whose platforms have often been accused of serving as conduits for pro-government propaganda. Similarly, 45.38% of radio stations appear to be tied to political parties, promoting biased reporting. Regulations for editorial autonomy are hence de facto undermined by ownership interests and political actors' influence.

The Observatory recorded a moderate level of risk with regard to media ownership transparency (3 out of 5), with a 60% effectiveness in transparency and disclosure provisions. The Law on Public Information and Media mandates that media outlets disclose their ownership structure and the identity of their editor-in-chief on their websites as well as to the Media Register. However, enforcement of these requirements is often inconsistent. While penalties for non-compliance exist, the transparency obligations do not fully ensure that the public can identify the actual owners of media companies.⁸⁰⁹

State control over media resources poses another significant risk due to the government's considerable influence on media funding, which often results in favouritism toward pro-government outlets. The Observatory points to a substantial lack of transparency regarding state advertising budgets. Research findings suggest that pro-government media outlets are the primary beneficiaries of direct state subsidies, whereas indirect subsidies remain ambiguous and politically biased.

In the electronic media sphere, the concentration of ownership is higher than in other segments of the media scene. The presence of telecommunication operators is visible – state-founded Telekom Srbija cooperates with Kopernikus Company (owner of two national broadcasters, B92 and Prva TV), the most influential private TV station Pink and public broadcaster RTS through joint co-production of programs. SBB is the owner of United Media Group, which runs cable TV stations, N1 and Nova S. Division between the two is also visible in editorial directions – while media supported by Telekom follow the pro-government line in reporting, media under the SBB umbrella are critical towards government moves.

Three companies – S Media Team, Maxim Media and the public broadcaster account for around 40% of radio listenership. When it comes to online media, most influential websites are owned by companies that already possess other types of media.

Thus, although most media are privately owned, the ruling party has enormous influence over the media – via control of advertising, directing state funds, or direct influence over owners. **The ultimate effect of this is that, although private ownership is diverse, editorial policies often have the same direction, news programs frequently resemble each other and there is a noticeable lack of criticism of officials in power.**

⁸⁰⁸ Zeljko Mitrović is a prominent Serbian media entrepreneur and owner of Pink Media Group, which includes TV Pink. He is well-known for his close ties to the Serbian government and with President Vučić. Media Ownership Monitor Serbia, 2023, [Zeljko Mitrovic](#)

⁸⁰⁹ Media Ownership Monitor Serbia, 2023, [Indicators of Risks to Media Pluralism](#)

CSOs and Political Repression

NGOs, and investigative media in particular, have long been the target of governmental attacks. In 2020, the Department of the Finance Ministry, with jurisdiction over terrorism and money laundering, interrogated banks to oversee the transactions of NGOs and investigative media working on human rights, corruption and transparency.⁸¹⁰ This sparked intense protests by international civil society organisations, such as the Hungarian Helsinki Committee, expressing solidarity with Serbian independent media.

Over the years, the Serbian government has continued to pressure civic watchdogs and alternative media through various methods. In 2023, the Guardian⁸¹¹ reported on **the use of spyware against opponents and activists in the anti-corruption sector**. In 2024, a judge filed a lawsuit against the investigative media KRIK, asking for a fine and a two-year-long ban from the journalistic profession, together with prison sentences for some of its journalists. **The use of strategic litigation (SLAPP) against independent journalists is not new in the Serbian case.** Relevant international civic actors, such as Civil Rights Defenders, have firmly denounced this practice.⁸¹²

Conclusion

Political corruption and undue influence remain deeply entrenched in Serbia's political landscape, with limited progress in addressing the underlying causes of systemic forms of corruption. Despite the initiatives of civil society organisations, investigative journalists and NGOs, Serbia's overall anti-corruption framework is seldom effectively implemented, facing significant challenges in enforcement, transparency and media independence. The wave of anti-corruption protests led by the student movement between 2024 and 2025 has shed new light on these issues, prompting debate by international organisations. On February 20, 2025, rapporteurs from the Council of Europe and the Parliamentary Assembly of the Council urged the government to "take all necessary measures to address the legitimate demands of the protesters and to avoid the use of violence".⁸¹³ The future trajectory of the Serbian governance framework will thus ultimately depend on the outcome of the tug-of-war between the authorities and the protesters.

⁸¹⁰ Stojanovic, M., 2020, 'Serbian Authorities Seek Bank Data of Rights Groups, Investigative Media', *BalkanInsight*, 28 July 2020

⁸¹¹ Kirchgaessner, S., 2023, 'Critics of Serbia's government targeted with 'military-grade spyware'', *The Guardian*, 28 November 2023

⁸¹² Civil Rights Defenders, 2024, 'Standing with KRIK against abusive legal tactics', 21 June 2024

⁸¹³ N1 News, 2020, 'CoE urges dialogue to defuse tensions in Serbia', 20 February 2020

Catalogue 8. Serbia’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification, and evaluation	Envisaged sanctions for noncompliance
Political Finance Law on the Financing of Political Activities (2011, amended in 2014 and 2018) https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2014)035-e Published in the “Official Gazette of the Republic of Serbia”, No. 43/11 from 14 June 2011 https://www.transparency.cz/wp-content/uploads/2021/02/Comparative-Analysis-of-the-Legal-Framework-for-Party-and-Election-Campaign-Finance.pdf	• The Law on Financing of Political Activities regulates party financing in Serbia. It prohibits donations from: foreign states or persons (except non-monetary donations from international political associations), anonymous donors, trade unions, non-profits, religious communities, public institutions, state-owned or state-funded companies and those with public contracts (during the contract and for two years after), as well as entities in the gaming or excise goods industries and those with unsettled public revenue obligations. Parties are also barred from acquiring shares or being financed by endowments/foundations (Article 12, 2022 amendment). • Donation limits are capped at 20 average monthly salaries per year for natural persons and 200 for legal persons. Donations exceeding one average net salary must be published on the party’s website within 8 days. • Public funding is based on electoral performance, parliamentary representation, and candidate list composition, including gender equality measures. It also includes free or subsidised media access. • While there are bans on vote buying and using state resources, there are no overall limits on party or candidate expenditure. • Parties must keep annual accounts, disclosing campaign finances and donor identities, and submit them to the Anti-Corruption Agency.	• Serbian Anti-corruption Agency & Auditing agency • The Agency may investigate violations of the Law on Financing of Political Activities based on complaints from individuals or organisations. In election campaigns, it may act ex officio or on complaints from political entities. It must notify the entity under investigation and may request information. In campaign-related cases, the Agency must issue a decision within five days and publish it on its website. • Control of reports under Articles 28 and 29 is conducted according to a plan of controls adopted by the Agency. • The plan of controls for annual reports is published by 15 March; the plan for election campaign expenditure is published five days after elections are called. • Amendments to the plan must be published within three days. • Reports on the results of annual report controls are published by 1 February of the following year. • Reports on election campaign expenditure (including the preliminary report) are published within 120 days of the deadline for submitting the final report. • The audit programme of the State Audit Institution must include political entities represented in the National Assembly. Selection is based on public funding received and frequency of previous audits. Following its controls, the Agency may request that the State Audit Institution audit financial reports, in accordance with the Law.	• It is illegal to provide or use funds for a political entity in violation of the Law with the intent to hide the source or amount of funds. The punishment for this offence is imprisonment for three months to three years. If the amount of funds exceeds RSD 1.5 million (dinars), the punishment ranges from six months to five years. • Additionally, using violence or threats, or disadvantaging individuals or entities based on donations to a political entity is punishable by imprisonment for three months to three years. Furthermore, these offences result in confiscation of funds.
Political Finance (financial disclosure) Serbian Anti-Corruption Agency Act (2008, last amended 2010) https://www.paragraf.rs/propisi/zakon-o-sprecavanju-korupcije.html	• The Serbian Anti-Corruption Agency Act (2008, last amended 2010) governs financial disclosure for all public officials, including the Head of State, Ministers, Members of Parliament and Civil Servants. Officials must disclose: ➢ Real estate, movable assets, cash, debts, gifts ➢ Outside income and shares in private or public companies ➢ Government contracts where they hold over 20% of the enterprise ➢ Private interests that may influence decision-making ➢ Financial interests of spouses and underage children • Officials are required to submit declarations on income and assets and provide annual updates if changes occur. Obligations continue for two years after leaving office. Declarations are submitted to the Anti-Corruption Agency.	• Serbian Anti-corruption Agency, which verifies the accuracy of declarations, may impose sanctions, and publishes disclosures online, excluding car registration numbers, bank/account numbers and physical addresses. • Information on petitions, investigations and convictions is available in the Agency’s annual reports.	• Submitting late declarations is punishable with a fine, while failing to make a declaration or making false disclosure statements may lead to imprisonment from six months to five years.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification, and evaluation	Envisaged sanctions for noncompliance
Lobbying Lobbying regulation “Official Gazette of RS”, No. 87/2018 and 86/2019 https://track.unodc.org/uploads/documents/BRI-legal-resources/Serbia/5_-Law_on_Lobbying.pdf https://www.jpm.law/wp-content/uploads/2018/12/Law-on-lobbying.pdf https://www.acas.rs/storage/page_files/Law%20on%20Lobbying.pdf	• The Law on Lobbying defines lobbying as efforts to influence public bodies across all levels of government to advance particular interests. It establishes a Register of Lobbyists and sets out who may engage in lobbying and under what conditions. • Excluded from the scope are public opinions, expert input, civic initiatives and actions performed as part of official duties. Lobbying may be conducted by: ➢ Registered individuals or legal entities ➢ Unregistered persons acting on behalf of a lobbying client. • Lobbyists must act lawfully, transparently and in the public interest, avoiding conflicts of interest, in line with a Code of Conduct adopted by the Anti-Corruption Agency. Registration requirements: ➢ Individuals must be Serbian citizens, legally competent, university graduates, with no disqualifying criminal record and certified via Agency training ➢ Legal entities must be registered, employ at least one certified lobbyist and meet statutory criteria (Articles 10 & 11) • Former public officials are prohibited from lobbying for two years after leaving office. Training and certification are conducted by the Anti-Corruption Agency.	• Anti-corruption Agency	• A fine in the amount of RSD 50,000 to RSD 2,000,000 will be imposed on a legal entity that performs lobbying. • The responsible person in the legal entity shall be fined in the amount of RSD 30,000 to RSD 150,000. • The lobbyist shall be fined in the amount of RSD 30,000 to RSD 150,000. • The legal entity user of lobbying shall be fined in the amount of RSD 50,000 to RSD 2,000,000. • A natural person user of lobbying, i.e., a responsible person in a legal entity user of lobbying, shall be fined in the amount of RSD 30,000 to RSD 150,000.
Revolving doors Conflict of Interest Anti-Corruption Agency Act (2008, amended in 2010) https://www.paragraf.rs/propisi/zakon-o-sprecavanju-korupcije.html	• Under the Anti-Corruption Agency Act, public officials must avoid conflicts of interest (Articles 26–38). • Officials may hold only one public office unless otherwise approved. Directly elected officials may hold multiple roles if not legally incompatible. • Political activity is permitted if it does not interfere with official duties and public resources must not be used for political promotion. • Officials must notify the Agency of any potential conflict; the Agency may impose corrective measures. While in office: • Officials may not establish or manage private businesses unless delegated to a non-associated person. • Ownership of more than 20% in a company involved in public procurement or privatisation must be reported. • Attempts to influence officials must be reported. After leaving office: • Officials are barred for two years from employment with entities linked to their former duties, unless authorised by the Agency. • Ministers, MPs, and Civil Servants may not accept gifts, own businesses, serve on boards, or engage in state contracts during public service. • All officials are barred from working with organisations they previously cooperated with for two years post-tenure. • The 2006 Constitution (Art. 115) prohibits the Head of State from holding any other professional role and bars the President and Ministers from using public office for personal gain.	• The Anti-Corruption Agency monitors compliance, offers guidance and enforces sanctions for breaches involving MPs, Ministers, and Civil Servants.	• Violation of the laws governing conflicts of interests can lead to a fine from RSD 50,000 to RSD 150,000, and possible expulsion from office. These sanctions apply to all public officials.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification, and evaluation	Envisaged sanctions for noncompliance
Media Law on Public Information and Media (Official Gazette of RS, no. 92/2023) https://www.paragraf.rs/propisi/zakon-o-javnom-informisanju-i-medijima-2023.html Law on Electronic Media (Official Gazette of RS, no. 92/2023) https://www.paragraf.rs/propisi/zakon-o-elektronskim-medijima-2023.html	• The law introduced a unified information system for overseeing co-financed public information projects. The Ministry for Public Information is responsible for ensuring transparent tender procedures for media producers and local governments. • A Record of Media Content Producers was established for legal entities or entrepreneurs producing media content without acting as publishers. This complements the existing Media Register, which tracks shareholders holding over 5% of media capital. Non-compliance with updates can result in removal from the registry. • Media publishers cannot be governmental bodies, but can include legal entities in public ownership, provided they do not receive state aid or engage in general interest activities. • The law strengthens journalist protections, aiming to safeguard professional integrity and prevent workplace abuse. • The law defines media pluralism as diversity of political opinions and programme content. It mandates transparency in media ownership, including mandatory reporting and approval of changes in ownership and share capital by the Regulatory Body. Fines for violations range from RSD 500,000 to RSD 2,000,000. • Licences cannot be issued to public bodies, authorities, local governments, political parties, or entities with public ownership.	• Unified Information System & Media Regulation (Serbia) • The law establishes a Unified Information System for implementing and monitoring co-financed public information projects, alongside the existing Register of Media and a new Registry of Media Content Producers. It also formally recognises the Press Council as a self-regulatory body. • Regulatory Body for Electronic Media (REM) The law introduces two new bodies within REM: • a Council (decision-making) • a Director (representative body) It also introduces stricter criteria for selecting Council members, elected by the National Assembly based on nominations from the Ombudsman, the Commissioner for Equality and the Commissioner for the Protection of Information of Public Importance and Personal Data.	• A fine of RSD 2,000,000 to 3,000,000 applies for providing media services without a licence. • For failing to comply with a regulatory warning related to violations of media pluralism: ➢ Media service providers face fines of RSD 100,000 to 1,000,000. ➢ The responsible person in the legal entity may be fined RSD 10,000 to 200,000. • For failure to meet obligations on media pluralism protections: ➢ Operators face fines of RSD 100,000 to 1,000,000. ➢ Their responsible persons may be fined RSD 10,000 to 200,000. • Failure to report changes in media ownership or share capital without approval from the Regulatory Body may incur fines of RSD 500,000 to RSD 2,000,000.
Media Freedom of Information https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.html Constitution (2006) https://faolex.fao.org/docs/pdf/srb129685.pdf?utm_source=chatgpt.com Law on Free Access to Information of Public Importance (2004, amended 2010). https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.html	• Serbia’s FOI framework derives from both its Constitution (2006) and from the Law on Free Access to Information of Public Importance (2004, amended 2010). The FOI law applies to central government bodies, territorial autonomy bodies, local self-government bodies or organisations vested with public powers and a legal entity founded by or funded by a government body. • Specific exemptions from disclosure are outlined in the FOI law, Law on Secrecy of Data (2009), and Law on the Protection of Personal Data (2008). Exceptions to disclosure may be overridden in cases where the public interest outweighs the prohibition on disclosure.	• The implementation process is supervised by the Ministry responsible for administrative affairs, the Commissioner monitors compliance, reports to the public and the National Assembly, makes motions to draft or amend regulations, proposes measures to improve operations and trains employees of government bodies. • Appeals may be filed with public authorities and with the courts. An applicant may also lodge a complaint with the Commissioner for Information of Public Importance.	• Monetary fines may be imposed on individuals for the failure to provide information.

CHAPTER 10.

Ukraine

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Introduction

Despite ongoing reform efforts, perceptions of corruption in Ukraine remain mixed, reflecting both a recognition of progress and continuing concerns about systemic integrity. According to Transparency International's 2024 Corruption Perceptions Index (CPI), Ukraine ranked 105th out of 180 countries, with a score of 35/100.⁸¹⁴ Although this reflects a modest improvement over previous years, societal perceptions of corruption remain high: *"both the population and entrepreneurs consider political corruption to be the most serious type of corruption"* according to a recent study produced by the National Agency on Corruption Prevention (NACP).⁸¹⁵

NACP's investigation highlights the complex relationship between societal perceptions of corruption and individuals' direct experiences with it across various sectors. The findings show that certain sectors, for instance the judiciary, are perceived among the most corrupt institutions in Ukraine. However, when respondents reported on their personal experiences of interacting with sectors where corruption occurred, the judiciary was notably absent from the top sectors cited. Instead, sectors involving frequent day-to-day interactions, such as healthcare, education, and law enforcement, dominated the experience-based responses. This discrepancy suggests that **while perceptions of systemic corruption in institutions like the judiciary remain deeply entrenched, actual corruption encounters are more commonly reported in sectors where citizens have more regular and practical interactions.** It also highlights how public perceptions are shaped not only by personal experience but also by broader narratives, media reporting and collective societal attitudes toward institutions.⁸¹⁶

Such challenges are further intertwined with the overall state of Ukraine's democracy. Since the 2014 Revolution of Dignity, Ukraine has made significant strides in strengthening democratic institutions, fostering political pluralism and promoting civic activism. Political competition has become more vibrant, and market reforms have aimed to enhance economic competitiveness. Nevertheless, these processes remain fragile. A professional, politically neutral civil service is still a work in progress, often subject to political interference, and judicial independence, despite reforms, remains vulnerable to political pressure and informal influence.⁸¹⁷

⁸¹⁴ Transparency International, *Ukraine*

⁸¹⁵ InfoSapiens, 2024, *Corruption in Ukraine 2024: Understanding, perception, prevalence*

⁸¹⁶ Ibid.

⁸¹⁷ European Commission, 2024, *Ukraine report 2024*, 30 October 2024

Structural factors such as high levels of inequality and a relatively weak middle class also complicate anti-corruption efforts. However, the resilience of Ukraine's civil society, the presence of vibrant investigative journalism, and a politically active population have served as critical counterweights to entrenched corruption networks. Media freedom, although under strain particularly during wartime, continues to play an important role in exposing corruption. Initiatives from civil society organisations, such as watchdogs monitoring public procurement and e-declarations, have increasingly shaped public debates and pushed for reforms.

Analysing Ukraine's patterns of corruption by following Michael Johnston's typology⁸¹⁸ suggests that Ukraine has historically exhibited features of oligarch-and-clan corruption, with political power and economic wealth concentrated in the hands of a few oligarchic groups, resulting in the capture of natural resources and widespread informal governance. While this classification accurately reflected the situation in pre-war Ukraine, the country has since undertaken significant efforts to break free from the entrenched model of corruption. Through the implementation of progressive reforms across various sectors, Ukraine is striving to dismantle the structures of oligarchic influence. Today, the fight is increasingly against the remnants of old networks and the emergence of newly formed clans, as the country seeks to strengthen transparency, accountability and democratic governance, in particular, given the ongoing process of European integration.

Against this backdrop, Ukraine has embarked on significant legislative reforms aimed at addressing key vulnerabilities. This chapter examines four legislative initiatives – the Resolution on Electoral Fund Oversight, the Lobbying Law, the Law on De-Oligarchisation, and the new Law on Media – each representing an effort to improve transparency, limit undue influence and strengthen democratic resilience.

Political Finance: Strengthening Oversight of Election Funds

From the time Ukraine gained independence in 1991 until the adoption of legislation on preventing and combating political corruption in 2015,⁸¹⁹ the financing of political parties was largely influenced by big business, which could rely on illegal lobbying to promote its interests after elections. **This period was marked by the dominance of oligarchic groups, whose financial support often determined the composition of party lists and legislative agendas.** The issue of financing electoral campaigns repeatedly became a source of corruption scandals, as candidates and parties previously had the opportunity to operate with unofficial funds – such as financing from oligarchs or foreign players. Consequently, GRECO, in its Third Round evaluation of Ukraine, focused significant attention on issues of transparency in the financing of political parties and electoral campaigns. The evaluation results indicated that legislative inadequacies combined with institutional weaknesses in oversight create a dependency of parties and candidates on big business due to the lack of state funding and the proliferation of shadow schemes (cash donations, exceeding donation limits, use of unaccountable party resources, support from third parties).⁸²⁰

⁸¹⁸ Johnston, M., 2014, *Syndromes of Corruption: Wealth, Power, and Democracy*, Cambridge University Press

⁸¹⁹ Law of Ukraine, 2015, 'Про запобігання політичній корупції' ('On Preventing and Combating Political Corruption'), Law No. 731-VIII of 8 October 2015.

⁸²⁰ GRECO, 2011, *Третій раунд оцінювання. Оцінювальний звіт по Україні Прозорість фінансування партій (Third Evaluation Round. Evaluation Report on Ukraine. Transparency of Party Funding)*, 8 August 2011

The socio-political backdrop has changed since then, but the problems of non-transparent financing have remained. Indeed, with the onset of Russia's full-scale aggression in 2022, this issue has become more pressing than ever and the relevance of information security issues and countering external interference has increased even further. Political campaign financing can be used as a tool of hybrid warfare. Therefore, **the adoption of the resolution by the Central Election Commission and the National Bank of Ukraine No. 66 "On the procedure for controlling the funds in the election of people's deputies of Ukraine" became an important step to prevent the use of electoral financing in promoting pro-Russian narratives.**

The resolution was published on October 20, 2023 in the context of the overall transformation of Ukraine's electoral legislation and the tightening of requirements for transparency in political finance. The adoption of the resolution occurred against the backdrop of the electoral reform implemented in 2019, which specifically established mechanisms for financing political parties. From 2020 to 2023, there was a process of detailing and establishing these mechanisms. This was accompanied by amendments to the Law "On Political Parties in Ukraine" and the growing role for the National Agency for the Prevention of Corruption (NACP) in monitoring financial reports. Thus, the resolution of the Central Election Commission and the National Bank became a logical and necessary complement to the entire process as a specific control tool.

On November 2, 2021, the Verkhovna Rada of Ukraine adopted Draft Law 5253-1 "On Amendments to the Law of Ukraine "On Political Parties in Ukraine" regarding the improvement of legal regulation of the financing of political parties' activities." As noted in the International Foundation for Electoral Systems (IFES) report, "the adopted Law includes a number of positive provisions; however, some of its norms regarding the **continuation of the parties' right not to submit financial reports due to the pandemic, as well as the restrictions on the scope of parties' financial reporting, raise concerns.** These provisions are a significant violation of Ukraine's international obligations, as a comprehensive regulatory framework in the area of political financing was an important precondition for the introduction of a visa-free regime for Ukrainians travelling to EU countries."⁸²¹ As a result of the pressure exercised by the public and non-governmental organisations, the President vetoed the draft law.

At the same time, there was a process of **strengthening the role of the NACP in monitoring the financial reporting of political parties.** An electronic registry called "POLITDATA" was created in 2020 to "simplify the procedure for submitting political parties' reports, expedite the implementation of relevant legislative changes and ensure more effective public oversight."⁸²² Hence, since 2021, the NACP has accepted reports from political parties only in electronic form, which marked a significant step in modernising monitoring and easing bureaucratic procedures, given that previously parties had to submit reports in three formats: PDF, Excel, and paper. Moreover, the registry is open to the public, which has increased transparency and access to information.

⁸²¹ IFES в Україні, Парламент ухвалив Проект Закону №5253-1 про внесення змін до Закону України «Про політичні партії» ('Parliament adopted Draft Law No. 5253-1 on Amendments to the Law of Ukraine "On Political Parties"')

⁸²² National Agency on Corruption Prevention, 2020, 'НАЗК вводить у дослідну експлуатацію новий е-реєстр звітів політичних партій "POLITDATA" та проводить вебінар про особливості користування' ('NACP introduces into trial operation a new e-register of political party reports "POLITDATA" and holds a webinar on the features of use'), 15 July 2020

Ultimately, under public pressure (including from “CHESNO” and “OPORA,” mentioned later) and influenced by international actors (GRECO and the EU), **the regulations outlined in No. 66 of the Central Election Commission and the National Bank of Ukraine were implemented concerning “the procedure for controlling the funds in the election of members of parliament of Ukraine.”** Importantly, the resolution was executed by two independent institutions, indicating a high level of interagency involvement in addressing issues related to the regulation of political party financing.

The Role of Civil Society and International Organisations

The adoption of the aforementioned resolution was preceded by the active engagement of the civil sector. In 2021, the “CHESNO” movement published an investigation into the financing of the statutory activities of political parties in 2020 and 2021. Activists found that a record sum was allocated for party financing in the 2022 budget – ₪697 million, which is a 21% increase compared to the previous year. It is worth noting that the rise in funding occurred amid ongoing changes to the Law on “Political Parties in Ukraine,” introduced in April 2020, which effectively allowed parties not to submit reports.⁸²³ This resolution created numerous corruption risks and opened the door to the misappropriation of public funds. Therefore, it is not surprising that obviating the need to submit reports in this context appeared absurd: “That is, having used about a billion hryvnias from the budget in 2020 and 2021, parliamentary parties do not report on how they spend taxpayers’ money. The CHESNO movement urges parliament to restore financial reporting for political parties as soon as possible.”⁸²⁴

Similarly, the OPORA Civil Network viewed the area of public financing as problematic. In 2021-2022, they conducted in-depth interviews regarding the financing of political parties and the inflow and use of electoral fund resources. The identified deficiencies included: 1) Difficulty in ascertaining non-material contributions and funds of questionable origin; 2) The ability to circumvent restrictions through shell companies; 3) Only reports are monitored, not actual expenditures; 4) Low capacity of election commissions to oversee financing during local elections; 5) Partial duplication of functions of the NACP and CEC; 6) Lack of automation in the POLITDATA reporting system and archaic requirements for the reports themselves; 7) Legal issues, specifically the ambiguity of Article 212-21 of the Code of Administrative Offences and the difficulty of proving intent under Article 159-1 of the Criminal Code.⁸²⁵

In fact, **the efforts of civil society organisations, primarily CHESNO and OPORA, directly influenced the adoption of the relevant resolution,** as they created external pressure through publicity and brought the core issues of the political financing system to the public’s attention.

⁸²³ Law of Ukraine, 2020, ‘Про внесення змін до деяких законодавчих актів України, спрямованих на забезпечення додаткових соціальних та економічних гарантій у зв’язку з поширенням коронавірусної хвороби (COVID-19)’ (‘On Amendments to Certain Legislative Acts of Ukraine Aimed at Ensuring Additional Social and Economic Guarantees in Connection with the Spread of Coronavirus Disease (COVID-19)’)

⁸²⁴ Feshenko, I., 2021, ‘На фінансування партій у 2022 році виділять майже 900 мільйонів’ (‘Almost 900 million will be allocated for party financing in 2022’), *ЧЕСНО*, 17 September 2021

⁸²⁵ OPORA, 2022, ‘Звіт за результатами глибинних інтерв’ю щодо фінансування політичних партій, надходження та використання коштів виборчого фонду’ (‘Report on the results of in-depth interviews on the financing of political parties, receipt and use of election funds’), 2 February 2022

Moreover, **provisions in the resolution are aligned with international standards** aimed at ensuring transparency in political financing, such as those of GRECO and the EU. Among the requirements necessary for Ukraine's accession to the EU is the following: "Implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life."⁸²⁶ For its part, recommendation IV of GRECO's Third Evaluation Report advised recourse to the banking system in order to make party income more traceable.⁸²⁷

Furthermore, reports from the OSCE regarding the elections in Ukraine, dated November 20, 2019, listed a number of shortcomings of the electoral financing system, including: the *imperfection of supervisory bodies* (overlapping powers of the Central Election Commission and the National Agency for Corruption Prevention, their insufficient independence, lack of investigative powers and resources); *problems with financing regulation* (lack of restrictions on the use of personal funds by parties and candidates, absence of a ceiling on campaign spending, possibility of circumventing legislation through established limits); as well as *low transparency* (opacity of income from party budgets without disclosing initial donors, unregulated financing from third parties and the period before official candidate registration).⁸²⁸

Accordingly, the resolution adopted by the Central Election Commission and the National Bank of Ukraine aimed to fulfil international recommendations. It stipulates that the bank where the corresponding party account is opened is obligated to report this to the National Agency for Corruption Prevention and the Central Election Commission within one day; it must verify individuals making charitable contributions and their amounts; and provide daily information on financial transactions.⁸²⁹ However, for full compliance with the recommendation, it is still necessary to extend the reform to the financing of political parties in general, ensuring a similar level of transparency and accountability not only during election campaigns but also in the daily activities of parties.

Thus, the decision of the Central Election Commission and the National Bank has become an important milestone in reforming the electoral legislation of Ukraine. Its main objective is to overcome systemic challenges in the area of political financing that have remained unresolved for years. The reason for its adoption was the long-term influence of oligarchs on electoral processes, which significantly distorted democratic mechanisms. The decision serves as a systemic response to the need for ensuring transparency in the funding of electoral campaigns as well as accountability of the resources involved. The creation of this document took place with the influential advocacy of civil society and was further pushed by Kyiv's determination to fulfil Ukraine's international commitments.

⁸²⁶ European Commission, 2022, *Communication from the commission to the European Parliament, the European council and the Council*, 17 June 2022

⁸²⁷ GRECO, 2024, *Third Evaluation Round: Compliance Report on Ukraine, "Transparency of Party Funding"*, 26 February 2024

⁸²⁸ Central Election Commission, 2020, *Звіти зі спостереження за виборами* ('Election Observation Results')

⁸²⁹ Central Election Commission and National Bank of Ukraine, 2023, *Про Порядок контролю виборчих фондів на виборах народних депутатів України : ПОСТАНОВА від 20.10.2023 № 66* ('On the Procedure for Control of Election Funds in the Elections of People's Deputies of Ukraine: DECREE dated 20 October 2024 No. 66')

Lobbying: Enhancing Transparency and Accountability

Lobbying in Ukraine has occurred for many years, but it has traditionally kept a low profile. For this reason, the term was perceived negatively by society for a long time, as equivalent to corruption. And more often than not, it was. It is an uncertain, blurry activity that is not reflected in the legislation in any way, despite repeated attempts to do so. Interest groups and individuals have therefore been undermining the foundations of democracy by conducting illegal lobbying activities. **One of the features of Ukrainian lobbying is the merger of the subject and object of lobbying in the form of civil servants.**⁸³⁰ It is not a rare situation when, for example, an MP promotes the interests of his or her own business or a close business group. Thus, the basic idea of lobbying as a quality communication between business, the public and the authorities is being destroyed and discredited.

At the same time, the need to legitimise lobbying activities has also been repeatedly floated. The history of attempts to regulate lobbying can be located on the following timeline:⁸³¹

- **1999:** Two draft laws were submitted in 1999: No. 3188 and No. 3188-1. The first proposed a broad definition of lobbying, encompassing almost all non-governmental activity directed at influencing public authorities, including by religious, commercial, and civic organisations. The second focused more narrowly on regulating lobbying within the Verkhovna Rada. Both drafts were criticised as overly declarative, meaning they outlined general principles and intentions without specifying concrete mechanisms for implementation. They were also considered legally inconsistent because they lacked coordination with existing legislation. For example, the drafts did not clearly define procedures for lobbyist registration, oversight, or sanctions, and failed to address how the new rules would interact with anti-corruption or public service laws. As a result, neither draft advanced to plenary discussion.
- **2005:** Draft Law No. 8429 attempted to introduce regulation of lobbying in Parliament, but lacked practical enforceability. It failed to define clear procedures or implementation mechanisms and was ultimately rejected for being too idealistic and disconnected from institutional realities.
- **2009:** Under the Ministry of Justice, a working group developed a draft law titled “On the Influence of the Public on Normative Legal Acts.” Although the Cabinet of Ministers approved it in December 2009, the draft was shelved following the change in government in early 2010, as the new administration deemed it politically inexpedient. Legalising lobbying was seen as a threat to existing informal influence networks and could have constrained the opaque decision-making practices preferred by the incoming political leadership.
- **2010:** Draft Law No. 7269 was submitted and defined lobbying as legal influence exercised by officially registered and accredited lobbyists. The law attempted to formalise lobbying through a system of mandatory registration and accreditation. However, it was criticised for creating only the illusion of regulation without establishing substantive mechanisms for enforcement or accountability. For example, the draft did not provide for penalties against unregistered lobbyists, allowed lobbying only through intermediaries even for civil society

⁸³⁰ Yevtsenko, R. I., 2023, *Lobbying in Ukraine: cannot be prohibited to regulate*, *Politicus*

⁸³¹ Kotsupal, D. V., 2024, *Analysis of Normative-Legal Support of Lobbying Activity in Ukrainian Public Governance*, *Scientific Notes of Taurida V.I. Vernadsky University*, series “Public Administration”, No. 1, pp. 103–111

Nesterovych, V. F., 2010, *Конституційно-правові засади інституту лобіювання: зарубіжний досвід та перспективи для України: Монографія* (‘Constitutional and Legal Foundations of the Institution of Lobbying: Foreign Experience and Prospects for Ukraine: Monograph’), Luhansk: Publishing Department of E.O. Didorenko Luhansk State University of Internal Affairs, 752

Holovko, V., 2012, ‘Становлення лобізму в Україні: проблеми законодавчого регулювання’ (‘The Formation of Lobbying in Ukraine: Problems of Legislative Regulation’), *Humanities Journal*, No. 4, pp. 130–134

Nesterovych, V. F., 2015, ‘Легітимація лобіювання в Україні: від ідеї до закону’ (‘Legitimation of Lobbying in Ukraine: From Idea to Law’), *Visnyk of E.O. Didorenko Luhansk State University of Internal Affairs*, No. 4, pp. 36–46

organisations and excluded key institutions such as the judiciary and law enforcement from the scope of regulation. As a result, the Main Scientific and Expert Department of the Verkhovna Rada issued a negative review, arguing that the law lacked the legal coherence and infrastructure necessary for effective implementation. The draft was never brought to a parliamentary vote.

- **2016:** Two alternative draft laws (No. 5144 and No. 5144-1) offered a wide and narrow approach, respectively. One aimed to regulate lobbying at all levels of government, the other limited itself to parliamentary practice. Both were withdrawn by the authors in 2017, partly due to concerns over vague distinctions between lobbying and civic advocacy.
- **2017:** Draft laws (No. 5661, No. 7129) were submitted to the Parliament, evaluated by committees but were not put to a vote.
- **2020:** Four draft laws (No. 3059, No. 3059-1, No. 3059-2, No. 3059-3) were proposed.

Triggers for Reform and Pushback

Most recently, the Russian-Ukrainian war has added to the urgency of adopting a regulation on lobbying. In the post-war period, Ukraine will face the challenge of a profound transformation of the economy, which will require updating the regulatory framework for numerous industries. **Without clear lobbying rules, there is a risk that the new regulatory framework will be under the influence of the largest economic groups that have the resources to intervene in decision-making in a non-transparent manner.** The adoption of a law on lobbying should thus become the basis for creating a level playing field for all economic actors. This law must ensure that the interests of large corporations and small and medium-sized businesses, which are a key element of the country's economic recovery, are protected. Moreover, attracting international aid for Ukraine's reconstruction would require the state to demonstrate a strong commitment to the principles of transparency and anti-corruption standards.

The trigger that brought the issue of lobbying back to the forefront was the scandal over draft law No. 5655, which was adopted by the Ukrainian Parliament on 13 December 2022. The draft law was about urban planning reform and, from the beginning, generated uproar, which was caused by the significant weakening of monitoring over construction projects and wide potential for corruption opportunities. It was clear that the draft law played into the hands of large developers but the authors of the law insisted otherwise. As a result, Ukrainian society collected the necessary signatures in record time to petition the president not to sign the bill, forestalling its adoption.

The scandal was further escalated by a public quarrel between MP Olena Shulyak (who initiated the law) and military officer Oleh Symoroz, who wrote a critical post on Facebook about the law.⁸³² Shulyak arrived unannounced at the hospital where the soldier was undergoing rehabilitation after losing both legs. This shocking, unethical behaviour of the MP brought public attention to the subject of the conflict. The scene became a metaphor for the wider circumstances surrounding the draft law: some people are well aware of the social harm caused by the law, while MPs (who are supposed to represent their interests) are passionately defending the interests of certain business groups.

⁸³² BBC News Україна, 2022, 'Закон 5655 про містобудування спричинив скандал і посварив "Слуг народу" – BBC News Україна' ('Law 5655 on Urban Planning Caused a Scandal and Divided "Servants of the People"'), 21 December 2022

This case serves as a vivid example of non-transparent lobbying of influential business groups in the lawmaking process, raising the spectre of regulatory challenges. In particular, a detailed analysis of the adoption of Draft Law No. 5655 showed several disturbing trends that ignite serious public and expert concerns. Among them are the use of an urgent procedure for reviewing the bill without providing opportunities for proper public discussion, systematic disregard for comments and suggestions from representatives of the expert community and the promotion of norms that cause controversy under the cover of the necessary reform.

Thus, in 2023, the NACP began drafting a law on lobbying, which is part of the systematic implementation of anti-corruption legislation in the process of de-oligarchisation. The draft law was then submitted to the Cabinet of Ministers and then to the Ukrainian Parliament. On 23 February 2024, the Parliament of Ukraine adopted the “Law on Fair Lobbying”, and less than three weeks later, it was signed by the President of Ukraine. The law came into force on 14 March 2024 and was supposed to be fully implemented no later than 1 January 2025. However, a condition for this is that the NACP should create and put into practice a Transparency Register, similar to the EU Transparency Register⁸³³ – an open database of actors influencing policymaking (Ukrainian and European, respectively). The tool should also make lobbyists’ activities more transparent, but unlike the European example, it is more stringent. Lobbyists operating in Ukraine would have to register there, report regularly on their activities and face fines in case of violation of the rules. It was supposed to start working at least two months before the full implementation of the lobbying institute, which failed to happen in 2024. Therefore, the Verkhovna Rada was forced to postpone the entry into force of the law until 1 September 2025, while already noting that the Transparency Register should start operating by May 2025.⁸³⁴ As of August 2025, it is still under development.

The tortuous path to implementing the law is also compounded by the public’s concern about several issues. Immediately after the initial version was published on the NACP’s website in November 2023, **civil society organisations pointed out their own lack of involvement in the hearings during the drafting of the law and the fact that the lawmaker ignored the Council of Europe’s recommendations.** The public hearings that were organised afterwards proved to be formalistic in nature and did not have any serious impact on the wording of the law. As a result, 260 civil society organisations united and published a joint statement asking the Cabinet of Ministers to send the draft law back for revision and ensure real, full-fledged public consultations.⁸³⁵

In addition to the exclusion of civil society from the discussions of the legal initiative, the Law of Ukraine “On Fair Lobbying” poses risks to the very operations of NGOs and charitable foundations. Their registration in the Transparency Register is optional, and yet their activities may be labelled as lobbying. This can create barriers to participation in decision-making, increase administrative and financial burdens and decrease transparency and accessibility of information.⁸³⁶ **It seems that the main conundrum that has haunted Ukrainian lawmakers for more than 20 years is the distinction between lobbying and civic activities and the adopted law is no exception.** The report

⁸³³ European Commission, 2011, *Commission and European Parliament launch Joint Transparency Register to shed light on all those seeking to influence European policy*, Press Release, 23 June 2011

⁸³⁴ Parliament of Ukraine, 2025, ‘Про Державний бюджет України на 2025 рік. Final Provisions, Article 31, paragraph 1’ (‘On the State Budget of Ukraine for 2025. Final Provisions, Article 31, paragraph 1’)

⁸³⁵ OPORA – Civil Network, 2023, ‘Заява щодо необхідності забезпечення прозорих, змістовних та інклюзивних публічних консультацій щодо законопроектів про лобіювання’ (‘Statement on the Need to Ensure Transparent, Meaningful, and Inclusive Public Consultations on Lobbying Draft Laws’), 30 November 2023

⁸³⁶ Yaprak, D., 2024, ‘Чим загрожує лобізм організаціям громадянського суспільства’ (‘What Lobbying Threatens to Civil Society Organizations’), 5 May 2024

of the Assembly of the Council of Europe “Lobbying in a democratic society” under paragraph 1.11 clearly states: “lobbying should be very clearly defined, differentiating between lobbying as professionally compensated activity and the activities of civil society organisations”.⁸³⁷

At first, the Ukrainian law tried to find a solution by distinguishing between “advocacy” and “lobbying”, which were practically synonymous anyway. In the second reading, advocacy was excluded and it was specifically stated that “the activities of public associations and other non-profit organisations shall not be considered lobbying, except when such activities relate to commercial interests”. Therefore, the current text still does not make a clear distinction because the wording leaves open risks for the activities of NGOs. The legal text can therefore become a dangerous tool, damaging democratic principles by allowing the authorities to put pressure on any NGO, accusing it of lobbying without proper registration.

For example, CM/Rec(2017)2 of the Committee of Ministers of the Council of Europe states in paragraph 17 that the law should include regulation of the behaviour of the lobbying object.⁸³⁸ Ukrainian law (Art. 15) partially implements such requirements as providing quality feedback, preventing the receipt of undue benefits or gifts from a lobbyist and informing the NACP of violations of the communication procedure.⁸³⁹ However, according to the law, there is no liability for civil servants: they are not obliged to report or account for any contacts with lobbyists. In the same Council of Europe document, Paragraph 15 states that sanctions for violations should be established. The sanction for lobbyists for conducting their professional activities without proper registration is only a fine of €1700.⁸⁴⁰ This logically raises the question: How exactly will the NACP detect this illegal lobbying activity? And the law does not provide an answer.

In addition, the potential practical implementation of the law raises questions. The fact is that the general nature of the law is coercive, not stimulating. The only benefit for lobbyists here is the opportunity to be involved in drafting laws, which will not be of interest to everyone. Those who are currently engaged in lobbying activities simply have no incentive to register officially, as it only imposes obligations, bureaucratic red tape and the risk of being prosecuted. Instead, it should create new opportunities for all parties, as this is the main idea behind legalising lobbying. Therefore, there is a high risk that the actual implementation of the law will fail and lobbying will not be brought out of the shadows.

Nevertheless, **the law on lobbying, although imperfect, is also necessary for the sake of harmonising Ukraine’s legislation with the EU.** Ukraine’s candidate status for EU membership in 2022 was the most significant external push in the impetus to make legal changes. The law on lobbying is a valuable contribution to the implementation of the EU’s recommendation to limit the excessive influence of oligarchs in economic, political, and public life.⁸⁴¹ The law also responds to

⁸³⁷ Parliamentary Assembly of the Council of Europe, 2009, *Lobbying in a democratic society (European Code of Conduct on Lobbying)*, Report, Doc. 11937, 5 June 2009

⁸³⁸ Council of Europe, 2017, *Legal regulation of lobbying activities in the context of public decision making*, Recommendation CM/Rec(2017)2 adopted by the Committee of Ministers of the Council of Europe on 22 March 2017 and explanatory memorandum, Strasbourg: Council of Europe

⁸³⁹ Parliament of Ukraine, ‘Про лобіювання’ (‘On Lobbying’), Official Web Portal of the Parliament of Ukraine

⁸⁴⁰ Parliament of Ukraine, 2024, ‘Про внесення змін до Кодексу України про адміністративні правопорушення щодо порушення законодавства в сфері здійснення лобіювання : Проект Закону від 21.03.2024 № 10373’ (‘On Amendments to the Code of Ukraine on Administrative Offenses Regarding Violations of Legislation in the Field of Lobbying: Draft Law of 21 March 2024 No. 10373’)

⁸⁴¹ European Commission, 2022, *Commission Opinion on Ukraine’s application for membership of the European Union: Communication from the Commission to the European Parliament, the European Council and the Council*, Brussels, 17 June 2022

GRECO's recommendation IX related to the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.⁸⁴²

In summary, the Law “On Fair Lobbying” is a long-awaited necessity for Ukrainian legislation. It is a step towards harmonisation with European legislation. The law introduces a number of European standards, including ensuring transparency of lobbying organisations’ activities and financial flows, creation of an open register for the registration of lobbyists, mandatory reporting on the work done and state supervision and monitoring through a specialised body. **While the law itself is unlikely to fundamentally change the established traditions of nepotism, it certainly contributes to the development of a culture of zero tolerance of corruption.** As the law is not yet fully functioning, it is not possible to assess its effectiveness. However, business groups and the public are actively preparing for the start of the Transparency Register, which will be the first step in launching an ethical lobbying institution that could bear fruit over time.

Revolving Doors: The Power of the De-Oligarchisation Law

Ukraine has long been under the influence of oligarchic groups that have concentrated massive economic and political power in their hands. **During the years of independence since 1991, a small group of business leaders built powerful financial and industrial empires** that allowed them to control key sectors of the economy, influential media and entire political parties. The impact of the oligarchs on Ukraine’s political system is hard to overestimate. By financing election campaigns, they secured the loyalty of members of parliament and senior government officials. Control over national TV channels allowed them to shape public opinion in the desired direction. Using “their” people in the government, the oligarchs received preferential treatment, profitable government contracts and access to privatisation of strategic enterprises. This system led to a distortion of democratic processes, slowing down reforms and deepening corruption.

The anti-oligarchic law (The Law of Ukraine “On Prevention of Threats to National Security Associated with Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)”) was an attempt by the state to break this vicious circle and restore the balance between business and politics by creating legal mechanisms to limit the excessive influence of financial and industrial groups on state institutions and the information space of Ukraine. The legislation was adopted by the Verkhovna Rada (Ukrainian Parliament) in 2021 and entered into force in 2022. President of Ukraine Volodymyr Zelenskyy initiated the law as it became one of the key elements of his reform agenda and was a pillar of his presidential campaign in 2019 based on the promise to fight the excessive influence of oligarchs on Ukrainian politics.⁸⁴³

⁸⁴² GRECO, 2023, *Corruption prevention in respect of members of parliament, judges, and prosecutors*, 24 March 2023

Verkhovna Rada of Ukraine, 2023, ‘ВІСНОВОК щодо проєкту Закону України «Про доброчесне лобіювання» (р. № 10337 від 13.12.2023, Кабінет Міністрів України)’ (‘Conclusion on the Draft Law of Ukraine “On Honest Lobbying” (No. 10337 of 13 December 2023, Cabinet of Ministers of Ukraine)’), Kyiv: Committee of the Verkhovna Rada of Ukraine on Ukraine’s Integration into the European Union

⁸⁴³ Slovo i Dilo, ‘Зеленський пообіцяв запровадити в Україні механізм деолігархізації, завдяки якому олігархи будуть позбавлятися можливості впливу на медіа та політику’ (‘Zelensky promised to introduce a de-oligarchisation mechanism in Ukraine, thanks to which oligarchs will be deprived of the ability to influence the media and politics’)

The law introduces a special register of persons identified as oligarchs based on the following criteria: significant assets, monopolies, influence on the media and political activity. The decision to recognise a person as an oligarch is approved by the NSDC (National Security and Defence Council of Ukraine). This status puts limits on them, such as a ban on financing political parties, participating in privatisation and the obligation to make a declaration of contacts with high-ranking officials.⁸⁴⁴ The case study detailed below illustrates the complexity of the legislative process surrounding the anti-oligarch law.

Box 28. The questionable efficacy of the anti-oligarch law in Ukraine

The law immediately provoked heated discussions about the excessive concentration of power in the hands of the President, as the NSDC is under his direct supervision. In particular, the Chairman of the Verkhovna Rada, Dmytro Razumkov, expressed concern that the NSDC could not determine who was an oligarch in Ukraine, as this body had a conflict of interest. It consists of representatives of different branches of government who may defend the interests of certain oligarchs.⁸⁴⁵ Such criticism is definitely valid. After all, with the level of influence of big business on the government at the time, the NSDC and the official status of an oligarch could have become another tool for influential people to settle accounts with competitors. After the criticism gained momentum, Razumkov was actually blamed for slowing down the President's key initiatives, which led to his dismissal later.⁸⁴⁶

The Verkhovna Rada Commissioner for Human Rights, Lyudmyla Denisova, also criticised the law, sending a letter to Razumkov. The letter stated that the provisions of the law do not comply with the Constitution of Ukraine and its implementation will lead to human and civil rights and freedom breaches, as it gives the President and the National Security and Defence Council powers contrary to the Constitution.⁸⁴⁷ Denisova further highlighted the need to submit the draft law to the Venice Commission, which was eventually initiated by Razumkov.

⁸⁴⁴ Law of Ukraine, 2021, 'Про запобігання загрозам національній безпеці, пов'язаним із надмірним впливом осіб, які мають значну економічну та політичну вагу в суспільному житті (олігархів)' ('On the Prevention of Threats to National Security Related to the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)'), Law No. 1780-IX of 2021.

⁸⁴⁵ Ukrainskaya Pravda, 2021, 'Разумков: Олігархів в РНБО поки що немає, але не хочеться, щоб з'явилися' ('Razumbok: There are no oligarchs in the National Security and Defence Council yet, but we don't want them to appear'), 17 August 2021

⁸⁴⁶ Kramar, O., 2021, 'Арахамія ініціював збір підписів за відставку Разумкова з посади голови парламенту' ('Arakhamia initiated the collection of signatures for Razumkov's resignation from the post of Parliament Speaker'), *Hromadske*, 30 September 2021

⁸⁴⁷ Interfax-Ukraine, 2021, 'Денісова вказує на порушення Конституції в законопроекті про олігархів і закликає скерувати його до Венеційської комісії' ('Denisova points to violations of the Constitution in the bill on oligarchs and calls for it to be referred to the Venice Commission'), 3 September 2021

With some changes, the law was adopted on 7 October 2021 and it was supposed to enter into force on 7 May 2022. However, the full-scale war of February 2022 impacted the bill. The law did come into force, while it has lost much of its meaning. **Martial law has become a catalyst for fundamental changes in society.** The situation in Ukraine evolved rapidly and dramatically, including the balance of power and influence. Most Ukrainian oligarchs lost their wealth and influence, some fled the country and some assets were nationalised. One of the most famous and wealthy Ukrainians, Rinat Akhmetov, who was supposed to be included in the register of oligarchs, voluntarily gave up all media licences owned by Media Group Ukraine in favour of the state to avoid being subject to the anti-oligarchic law.⁸⁴⁸

In general, the law has not fulfilled its full potential. As mentioned above, the positions of oligarchic groups weakened significantly due to the loss of assets, business relocation and general changes in the country's economic landscape under martial law. Moreover, the Venice Commission's decision was not rendered for a long time, making it impossible to fully launch the law.⁸⁴⁹ This led to legal uncertainty when the law is formally in force, but the actual mechanisms for its implementation are not working.

Looking at the anti-oligarch law from the perspective of the public sector, it is worth noting that its implementation was preceded by dozens of scandals, journalistic research and investigations. For example, it is worth noting the investigations produced by the "Схеми" ("Schemes") project. They primarily focused on the **connections of Ukrainian oligarchs with the government and potential channels of influence.** One of these high-profile cases was an investigation by journalists that uncovered connections between Zelenskyy's team and oligarchs. In April 2019, there were visits by associates of the President of Ukraine and other influential people (including Timur Mindich and Hennadiy Kernes) to the Israeli office of well-known businessman Ihor Kolomoisky on the eve of the second round of the presidential election. Afterwards Kolomoisky returned to Ukraine.⁸⁵⁰ In September 2019, journalists exposed the presence of the state leadership (in particular, the head of the Security Service of Ukraine Ivan Bakanov and presidential assistant Serhiy Shefir) at the celebration of the anniversary of Hryhoriy Surkis, a sponsor of a pro-Russian party, which was also attended by oligarchs (Viktor Medvedchuk), former presidents and actors of "Kvartal 95" (Zelenskyy's business before the presidency). In December 2019, journalists documented a secret meeting between the head of the Presidential Office, Andriy Bohdan, and Ihor Kolomoisky and his business partners at a Kyiv hotel, highlighting Bohdan's longstanding ties to the oligarch, whom he had previously represented as a lawyer. In early 2020, President Zelenskyy's office refused to publish lists of visitors to Bankova Street, despite campaign promises of transparency, which allowed the visits of oligarchs and other influential people to be concealed.⁸⁵¹

⁸⁴⁸ Borodkin, A., Novik, M., 2022, 'Ахметов віддає всі медіа, щоб не потрапити в реєстр олігархів. Чим загрожує антиолігархічний закон найбагатшим українцям' ('Akhmetov gives up all media to avoid being listed as an oligarch. How the anti-oligarch law threatens the richest Ukrainians'), *Forbes*, 12 July 2022

⁸⁴⁹ Nikolov, Y., 2022, 'Антиолігархічний закон Зеленського поставили на паузу, але у Ахметова відбирають комбінати' ('Zelensky's anti-oligarch law has been put on hold, but Akhmetov's factories are being taken away'), *Our Money*, 26 November 2022

⁸⁵⁰ Tkach, M., 2019, '«Бенефіціар»: хто відвідує ізраїльський офіс олігарха Коломойського напередодні 2-го туру виборів?' ('"Beneficiary": who visits the Israeli office of oligarch Kolomoisky on the eve of the 2nd round of elections?'), *Radio Svoboda*, 17 April 2019

⁸⁵¹ Andrushko, S., 2020, 'Зелене світло на Банковій. Хто ходить в ОП і чому списки гостей досі таємні (спецрепортаж)' ('Green light on Bankova. Who goes to the OP and why the guest lists are still secret (special report)'), *Radio Svoboda*, 30 January 2020

In 2019, SlidstVol.info released the film “Offshore 95”. The film is based on declassified documents that were part of the large international Pandora Papers project. The investigation showed that when “Kvartal 95” studio was taken over by Ihor Kolomoisky’s TV channel in 2012, Volodymyr Zelenskyy and his close associates started an offshore structure that owned valuable property in London worth several million dollars. The journalists also confirmed that companies linked to Kolomoisky transferred about \$40 million to “Kvartal 95” firms the same year. Additionally, the investigation uncovered a central company in Zelenskyy’s offshore network registered in the British Virgin Islands. The company’s shareholders were Zelenskyy himself and his wife, brothers Serhii and Borys Shefir, and Andrii Yakovliev, each with an equal share. It is noteworthy that about three weeks before the first round of the presidential election, Zelenskyy transferred his 25% stake in this key offshore company to Serhiy Shefir, who later became his first aide, for free.⁸⁵²

Civil societal organisations took part in the debate, too. For example, Daria Kalyniuk, director of the Anti-Corruption Action Centre, criticised the law, saying that it was not finalised because it was not clear who would monitor compliance with the rules and there was no guarantee that all oligarchs would actually be listed.⁸⁵³

In general, Zelenskyy’s initiative to introduce this law has often been labelled a PR, political hype and a trick to nominally fulfil election promises. According to a Kyiv International Institute of Sociology (KIIS) study, up to 36% of respondents considered the de-oligarchisation law a populist move to boost presidential ratings, while up to 17.5% believed it was an attempt to redistribute property and Zelenskyy’s desire to enrich himself by becoming an oligarch.⁸⁵⁴

At the international level, attention to the anti-oligarch law was quite high, especially from the EU. In particular, in 2021, the case of the anti-oligarchic law was discussed at the 23rd EU-Ukraine Summit, where, in addition to typical statements, the European Union positively assessed Ukraine’s actions aimed at reducing corruption opportunities and preventing excessive influence of private interests. In particular, the EU noted the proper legal justification and implementation of the relevant legislation. At the same time, the European partners encouraged Ukraine to continue moving in this direction and to take further steps to strengthen the results achieved.⁸⁵⁵

Nevertheless, the law also attracted criticism, in particular by the Venice Commission, to which the law was sent for review after the 2nd reading at the initiative of Denisova and Razumkov. The Commission has repeatedly criticised the anti-oligarchic law, pointing out that it is ineffective and that instead of the current punitive personal approach, a law should be developed to combat the

⁸⁵² Remazhevska, L., 2022, ‘«Розбірки» наркокланів у центрі Києва, президентські офшори та російське оточення українського розвідника: найкращі матеріали «Слідства.Інфо» у 2021-му’ (“Showdowns” of drug clans in the center of Kyiv, Presidential Offshores and the Russian entourage of a Ukrainian intelligence officer: The best materials from the “Slidstva.info” in 2021”), *SlidstVol.info*, 4 January 2022

⁸⁵³ Klymenko, Z., 2021, ‘Каратимуть по-різному, – у ЦПК назвали недоліки законопроекту щодо олігархів’ (‘They will be punished differently – the Central Criminal Procedure Code named the shortcomings of the draft law on oligarchs’), *24 Канал*, 27 May 2021

⁸⁵⁴ KIIS, 2021, *Звіт: Суспільно-політичні настрої населення України: актуальні політичні події за результатами телефонного опитування, проведеного 26-29 листопада 2021 року* (Report: Socio-political sentiments of the population of Ukraine: current political events based on the results of a telephone survey conducted on November 26-29, 2021)

⁸⁵⁵ President of Ukraine, 2021, ‘Joint statement following the 23rd EU-Ukraine Summit’, 12 October 2021

problem systematically. The Venice Commission hence recommended that Ukraine postpone the implementation of the law.⁸⁵⁶

Overall, **adopted as a response to a long-standing public demand to limit the influence of oligarchs, the law found itself in a legal vacuum due to a combination of political, legal and security factors.** The full-scale war became an external factor that significantly changed the balance of power in the country's political and economic environment. It seems that de-oligarchisation has partially occurred “naturally” – the oligarchs have lost a significant part of their assets and influence. Investigative journalism and sociological studies show that society saw the adoption of the law not as a systemic reform, but as a political tool and a PR move by the President's team, despite the awareness of the need for such changes. At the international level, there was ambivalence: on the one hand, the EU welcomed the fact that anti-oligarchic legislation was in place, while on the other, the Venice Commission recommended postponing its implementation due to conceptual gaps. This has created a difficult situation in the context of European integration, in which the introduction of the law is defined as one of the requirements for joining the EU, but European institutions critically assess its current version.

Media: A Game-Changing Law?

Since 1991, the media landscape in Ukraine has been formed under the influence of oligarchs, creating a unique model of media ownership and control. This influence is evident in the existence of vertical media holdings that include national television channels, print and online media. In this situation, **the media did not become a source of independent information, or even a way to make money, but a tool for protecting the business interests of certain groups or individuals.**

For a long time, almost all popular media were concentrated in the hands of a few influential individuals. This model was formed in the 1990s during uncontrolled privatisation. Furthermore, the situation only got worse because there was no real antimonopoly legislation in the early years of independence. And there was no real need for it because most of the major capital was in the hands of a tiny group of individuals. There were no other ways to get funding and attempts at independent work failed because they could not compete with the oligarchs' resources. This atmosphere gave rise to the main characteristics of the Ukrainian media landscape until 2022: the vast majority of large television channels were owned by businesses; offshore companies were used to hide the real owners; content was politically biased; and events were covered selectively. According to research, in 2016, politicians controlled as much as 75% of all Ukrainian media.⁸⁵⁷

The main media holdings in Ukraine up until 2022 included the following:

- *StarLightMedia*, controlled by Viktor Pinchuk. One of the most famous Ukrainian oligarchs, connected with the metallurgical industry and the media sector, he has a controversial reputation. While he is an active philanthropist and patron of the arts, his name is widely associated with clientelism.

⁸⁵⁶ Council of Europe, 2023, *On the prevention of threats to national security related to the excessive influence of persons with significant economic and political weight in public life (oligarchs)*, 12 June 2023

⁸⁵⁷ Zakusylo, M., 2016, ‘Концентрація медіаринку: Як із цим боротися’ (‘Media Market Concentration: How to Fight It’), *detector.media*, 14 October 2016

- *I+I Media*, de facto owned by Ihor Kolomoyskyi. His main activities were concentrated in the banking sector (PrivatBank before its nationalisation) and energy. He has the reputation of an oligarch with aggressive business methods and behind-the-scenes influence. Arrested in 2023, control of his assets was passed to a new management.
- *Inter Media Group*, related to two oligarchs. Dmytro Firtash is a key player in the gas supply and chemical industries (especially through the company Ostchem). His business was closely linked to Russian gas and political activities in Ukraine. Valery Khoroshkovsky is an influential businessman and official who held positions in the Security Service of Ukraine and the government during Yanukovich's Presidency. The oligarchs' business has continued to operate after 2022, but its presence in the media space has significantly decreased.
- *Media group "Ukraine"*, controlled by Rinat Akhmetov. One of the most influential Ukrainian oligarchs in the industrial and energy sector, he had significant political clout for a long time, in particular through his support for the Party of Regions (the party of former President Yanukovich). In 2022, Akhmetov officially renounced his media assets in order to be de-listed as an oligarch under the new law.
- *Media holding "Novyny"*, indirectly owned by Viktor Medvedchuk, a pro-Russian politician and businessman. His media assets were used as a political weapon aimed at undermining Ukraine's pro-European course. In 2021, the channels were blocked by a decision of the National Security and Defence Council. In April 2022, Medvedchuk was detained by the Security Service of Ukraine after escaping from house arrest, and in September, he was exchanged for 215 Ukrainian prisoners of war. The holding ceased to exist and its assets were transferred to the state.
- *Channel 5 and TV channel Pryamy*, owned by Petro Poroshenko, ex-President of Ukraine (2014-2019) and an owner of a large confectionery business. He owned the TV channels for almost 20 years, and after the adoption of the law, he formally rescinded his ownership rights, but kept his influence over it.⁸⁵⁸

Since the start of the full-scale Russian invasion, significant shifts have occurred. Several oligarchs, including Rinat Akhmetov and Ihor Kolomoyskyi, either voluntarily relinquished or lost control over their media assets. In many cases, these assets were either nationalised, shut down, or transferred to state control under wartime conditions or in response to the implementation of the Law on De-Oligarchisation. As a result, the media market has undergone partial de-oligarchisation, though questions remain about political influence and centralised control during wartime.⁸⁵⁹

The combination of the acute situation with excessive business influence, European integration requirements, the rapid development of online media and the intensification of the Russian Federation's information war led to the adoption in 2022 of the new Law on Media No. 2849-IX. It aimed to harmonise Ukrainian media legislation with European standards, in particular with the EU Audiovisual Media Services Directive. Moreover, the legislation consolidates and replaces several previous laws regulating different types of media, so the law covers a wide range of topics. Among the new features, the National Council on Television and Radio Broadcasting acts as the regulator, alongside self-regulation, which has been given more powers (a structure created by media representatives to establish common professional standards). The National Council has been

⁸⁵⁸ Minyaylo, N., 2021, 'Офшори, дружини і матері. Хто володіє провідними українськими телеканалами' ('Offshores, Wives, and Mothers. Who Owns the Leading Ukrainian TV Channels'), *ms.detector.media*, 10 August 2021

⁸⁵⁹ N-ost, 2023, 'Who owns the media in Ukraine?', 18 December 2023. See also, Dyczok, M., 2024, 'The collapse of Ukraine's oligarchy: Ten years of war', *Wilson Center*, 14 March 2024, and Koval, M., 2023, 'The paradox of de-oligarchization in Ukraine', *Wilson Center*, 27 June 2023

granted the status of an independent collegial body with expanded regulatory functions, enabling it to ensure compliance with standards and norms in the Ukrainian media space more effectively.

From a technical point of view, the law has adopted a gradual implementation approach and therefore has a clearly defined strategy for the steps to be taken. Violations of the rules were previously regulated with warnings, which, if repeated, could lead to the license being revoked. Violations are now divided into three categories: minor, significant and gross. In response to these, orders are issued with different limits for different actors. Once the limit is crossed, fines will be imposed. New rules for media registration and licensing are also being created and the activities of online media and video-sharing platforms are being regulated. The law also provides for the protection of minors from harmful content, establishes restrictions on the media of the aggressor country, introduces mechanisms to combat disinformation and hate speech and sets requirements for media ownership transparency.

Among the main changes is an increase in the quota for the Ukrainian language. Instead of the previous quota of 75% for national and regional channels, a quota of 90% is being introduced. Quotas have been set for providers on the number of Ukrainian-language channels in a package and the percentage of foreign languages used in films, music videos, etc. Since 2014, the issue of Russian content has become inseparable from the challenges of national security. Therefore, detailed restrictions are now being imposed on content, platforms and social networks containing Russian propaganda. A special register of such sources subject to blocking in Ukraine is being created. The decision to block and the procedure for inclusion in the register are now clearly regulated and these powers have been granted to the aforementioned National Council on Television and Radio Broadcasting. Of course, such a norm may raise concerns about excessive censorship, but the decision is entirely justified given the 11 years of war with Russia. The amount and prevalence of Russian content as part of the information war has traditionally been very high, given the resources of the Russian Federation. Therefore, restricting platforms where Russian propaganda is disseminated is essentially the only option at this point. The law came into force on 31 March 2023, with certain transition periods for its various provisions.⁸⁶⁰

The creation of such a comprehensive new law was bound to cause a storm of reactions from the public. There was no consensus in the media community on the new regulations, although most recognised the need to update the legislation in line with European standards and information security challenges.

The Institute for Mass Information (IMI) noted a number of positive aspects, including the relevance of the law, the regulation of online media, quotas for national content and the Ukrainian language and the absence of licensing or excessive restrictions on the registration of online media. The law clearly separates the status of journalists from that of television presenters, preventing manipulation when politicians call themselves journalists, and also increases the transparency of the appointment of National Council members.

However, significant criticisms were also raised. **IMI points out that the law does not fully comply with European requirements for the regulation of audiovisual media**, especially with regard to the functions of the National Council and co-regulation procedures. The terminology of the

⁸⁶⁰ Parliament of Ukraine, 2025, 'Про медіа, Закон України № 2849-IX (2025) (Україна)' ('On Media, Law of Ukraine No. 2849-IX (2025) (Ukraine)')

document is vague (such as the definition of a “news programme”) and the scope of the law is not sufficiently specific, allowing even classified ad websites to be regarded as online media. The rules are presented in a non-systematic way, with the same provisions repeated in different articles with different meanings. The mechanical transfer of control procedures from television to print and online media creates excessive regulation. Among the critical gaps, the law lacks clear obligations for the media to comply with journalistic standards, which allows media holdings to continue manipulating public opinion. Antimonopoly regulation remains ineffective due to the lack of a clear definition of a “market” and the co-regulation mechanism is poorly defined: the procedure for forming co-regulatory bodies, their powers, and interaction with the National Council are unclear. The concepts of “propaganda” and “incitement to hatred” as gross violations have no clear definitions or criteria, which creates risks of abuse.⁸⁶¹

Serhiy Tomilenko, head of the National Union of Journalists of Ukraine, also criticised the new law, pointing out certain risks inherent in the status and appointment procedure of the National Council. “The thing is that, **according to the law, members of the National Council are elected on a 50/50 quota basis between the president and the Verkhovna Rada, which makes the body politically biased.**”⁸⁶² On his Facebook page, he also noted: “From what we know about the new version of the bill, only 10% of it concerns commitments to the EU. The rest of the text is about the authorities’ desire to gain more influence over the media: to issue orders and fines and shut them down. And all this at the expense of taxpayers.”⁸⁶³

On the other hand, the media law has been met with a rather **mixed response from the international media community**. The European Federation of Journalists, together with the National Union of Journalists of Ukraine and the Independent Media Trade Union of Ukraine, have spoken out against the law. Ricardo Gutiérrez, the EFJ General Secretary, made a rather harsh comment, stating that the priority should be media independence, not control over the press: “The coercive regulation envisaged by the bill and in the hands of a regulator totally controlled by the government is worthy of the worst authoritarian regimes. It must be withdrawn. A state that would apply such provisions simply has no place in the European Union.”⁸⁶⁴ The Committee to Protect Journalists also opposed the bill, saying that it “would strengthen government control over information at a time when it is most needed,” according to CPJ’s Europe and Central Asia programme coordinator, Gulnoza Said.⁸⁶⁵

At the same time, some organisations, such as Reporters Without Borders, welcomed Ukraine’s efforts to regulate the media. They noted that the law harmonises Ukrainian legislation with European legislation and simplifies the identification of the real owners of media outlets. **However, RSF, like many others, noted that there are risks of bias on the part of the National Council and opportunities for political control over it.**⁸⁶⁶

⁸⁶¹ Institute of Mass Information, 2019, ‘[Плюси та мінуси проекту закону про медіа. Експертна оцінка ІМІ](#)’ (‘Pros and Cons of the Draft Media Law: IMI Expert Assessment’), 27 December 2019

⁸⁶² Humenyuk, O., 2022, ‘[Верховна рада ухвалила закон «про медіа» — тепер влада може накладати санкції на ЗМІ та регулювати медійну політику. чи це демократично? Розбір заборони](#)’ (‘The Verkhovna Rada Passed the “On Media” Law — Now the Authorities Can Sanction the Media and Regulate Media Policy. Is This Democratic? Analysis by Zaborona’), 20 December 2022

⁸⁶³ Tomilenko, S., 2022, ‘[“Схвалення у першому читанні законопроекту про медіа — це крок назад від стандартів свободи слова, до якої ми звикли в Україні...” \[Оновлення статусу\]](#)’ (‘Approval of the Media Draft Law in the First Reading Is a Step Back from the Freedom of Speech Standards We Are Used to in Ukraine...’), 30 August 2022

⁸⁶⁴ European Federation of Journalists, 2022, ‘[Ukraine: Authorities should withdraw the draft media law](#)’, 8 July 2022

⁸⁶⁵ CPJ, 2022, ‘[CPJ calls on Ukrainian lawmakers to drop media bill — Committee to Protect Journalists](#)’, 13 September 2022

⁸⁶⁶ Reporters Without Borders, 2023, ‘[RSF hails Ukraine’s adoption of new media law, despite war with Russia](#)’, 11 January 2023

Some criticism was taken into account before the final vote, as evidenced by the comment of Natalia Lygachova, head of Detector Media, who also responded critically to the first version of the law. She said the following about the problems in the current version: “Some remain, but we hope that during the implementation of the provisions of the law, we will be able to resolve them. Then [in previous drafts], any blogger who simply runs a blog, posts something on YouTube, Facebook, Instagram, or TikTok could fall under the regulation of the bill. This has now been removed, which is important. It is also important that without a court ruling, the National Council can only take measures against unregistered online media.”⁸⁶⁷ But the procedure for adopting the law has also been criticised. After the vote, the final text was not published, only comparative tables were publicised. As mentioned earlier, the law is very long, which made it much more difficult for the public to understand the new legislative provisions.

The Impact of Russia's War

It is worth highlighting the changing conditions for media legislation in Ukraine following Russia's full-scale invasion. **Martial law has significantly altered the media landscape. The most important development was the NSDC Resolution of 18 March 2022.**⁸⁶⁸ It approved the creation of the television marathon Yedyni Novyny (Unified News), which centralised television broadcasting and strengthened state control over information. Since the information aspect of the war is extremely important for maintaining the capabilities of national resistance, this decision seems rational. However, Yedyni Novyny has been widely criticised. Firstly, there are frequent references to the high cost of the project for the state budget, especially given its low ratings. Secondly, the quality of content is declining every year. Thirdly, many people express concerns that the format has become a tool for propaganda, distorting the real picture of the present, embellishing Ukraine's successes, rather than objectively informing the public. At the beginning of the war, the confused society needed to be provided with specific, essential information in a centralised manner, but as of 2025, there is no need for such a format. Currently, the broadcasts are filled with low-quality content and dubious guests (such as astrologers, tarot readers and mediums).

In addition, the role of online media and social networks, especially Telegram, has grown significantly as sources of breaking news. The economic model of the media market has suffered from a 70-80% drop in advertising budgets, leading to staff cuts, closures of publications and the dependence of media outlets on grants and donors. Professional risks for journalists have increased significantly — many media workers have been killed, injured or taken prisoner, leading to an acute shortage of qualified personnel, particularly military correspondents. We can say that the war has led to the de-oligarchisation of the media market (although we must not forget the Law on De-Oligarchisation), a focus on digital platforms instead of traditional television and an emphasis on military content. **This is a fundamentally new media landscape, characterised by significant centralisation, digitalisation, security restrictions and financial vulnerability.** 2022 marked the end of the classic oligarchic model of the media market in Ukraine. Therefore, in addition to the gradual implementation of the strategy under the new Media Law, legislators should focus on new challenges.

⁸⁶⁷ Radio Svoboda, 2023, ‘Незалежність Нацради і блокування сайтів: Експерти оцінили загрози свободі слова у законі «Про медіа»’ (‘Independence of the National Council and Website Blocking: Experts Assessed Threats to Freedom of Speech in the “On Media” Law’), 12 January 2023

⁸⁶⁸ President of Ukraine, 2022, *Про рішення Ради національної безпеки і оборони України від 18 березня 2022 року «Щодо реалізації єдиної інформаційної політики в умовах воєнного стану»*, УКАЗ ПРЕЗИДЕНТА УКРАЇНИ № 152/2022 (‘On the Decision of the National Security and Defense Council of Ukraine dated 18 March 2022 “On the Implementation of a Unified Information Policy under Martial Law”’, PRESIDENTIAL DECREE OF UKRAINE No. 152/2022’), 2022

Conclusion

The review of Ukraine's recent legislative developments in the areas of political finance, lobbying, de-oligarchisation and media regulation reveals a consistent and determined effort to confront systemic corruption and oligarchic influence across multiple sectors. Despite wartime challenges and structural fragilities, the country is actively pursuing legal and institutional reforms that align with European standards and aim to enhance transparency, accountability, and democratic resilience.

A key pattern across all four legislative initiatives is the recognition of informal and entrenched influence networks. These include oligarchic clans, shadow lobbying actors and politically controlled media empires, all of which have served as critical sources of political corruption. The reforms are designed to disrupt the mechanisms by which powerful interests have historically captured the state, distorted public discourse and manipulated democratic institutions. In this regard, Ukraine is moving away from a legacy of oligarchic and clan-based corruption and toward more structured, regulated and publicly accountable systems.

Each reform also reflects a reactive and adaptive regulatory approach. Legislation often follows public scandals, investigative reporting, or civic pressure. For example, the lobbying law gained momentum following the controversy surrounding urban planning reform, while media regulation was shaped by Ukraine's urgent need to counteract disinformation in wartime. This highlights **the critical role played by civil society, independent journalism and international partners in driving and supporting anti-corruption progress, especially when state institutions face limitations.**

However, challenges remain. Legal uncertainty, incomplete institutional arrangements, limited enforcement capacity and overlapping oversight responsibilities continue to undermine the effectiveness of these reforms. Additionally, while the power of traditional oligarchs has weakened due to war-related disruptions, new elite groups are beginning to emerge. **This raises the risk of replacing one form of informal control with another rather than achieving a full systemic transformation.**

The Media Law, for example, reflects a delicate balance between necessary information security measures and the risk of excessive state influence. Safeguarding media independence will be essential. Similarly, the Law on De-Oligarchisation, while symbolically important, has not yet translated into a sustainable institutional mechanism. A more comprehensive and depersonalised approach is needed to address oligarchic influence effectively.

Ukraine's recent reforms offer important lessons for other states tackling strategic corruption. Progress is achievable even under conditions of fragility and conflict, especially when there is strong political will, active public engagement and consistent support from international partners. However, the long-term success of these efforts will depend on the robustness of implementation, the independence of oversight institutions and the continued development of a democratic political culture. The direction is promising, but the fight against corruption is far from over.

Catalogue 9. Ukraine’s legislation on political corruption

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance Resolution of the Central Election Commission and National Bank of Ukraine on the Procedure for Controlling Electoral Funds in the Elections of People’s Deputies of Ukraine of October 20, 2023 No. 66 https://zakon.rada.gov.ua/go/v0066359-23	This regulation defines the procedures for monitoring election funds of political parties and individual candidates in parliamentary elections, ensuring compliance with the legal framework for financial control during elections. It targets political parties, candidates and banks managing election fund accounts.	Central Election Commission, National Bank of Ukraine, National Agency on Corruption Prevention (NACP), National Police of Ukraine	- Under Article 212-15 of the Code of Ukraine on Administrative Offenses, violations in the procedures for providing or receiving contributions in support of a political party, state funding for party activities, or financial (material) support for election or referendum campaigning are punishable by a fine ranging from seventy to one hundred tax-free minimum incomes for citizens (₴1190–₴1700), and from one hundred to one hundred and thirty tax-free minimum incomes for officials (₴1700–₴2210), alongside the confiscation of any unlawful contributions or campaign support received or provided. Article 159-1 of the Criminal Code of Ukraine stipulates under Part 1 that knowingly submitting false information in a political party’s report on property, income, expenses, or liabilities, or in a financial report concerning election fund usage, is punishable by a fine of one hundred to three hundred tax-free minimum incomes (₴1700–₴5100), or by corrective labour, probation, or restraint of liberty for up to two years, in addition to a five-year disqualification from holding certain positions or engaging in specified activities. ➤ Part 2 criminalises the intentional provision or receipt of contributions or financial support in breach of eligibility rules or above the legal threshold, whether by individuals or legal entities. These offences carry the same penalties as Part 1: a fine of ₴1700–₴5100, or up to two years of corrective labour, probation, or imprisonment, with an accompanying five-year disqualification. ➤ Under Part 3, repeated commission of offences described in Parts 1 or 2 is punishable by a higher fine of three hundred to five hundred tax-free minimum incomes (₴5100–₴8500), or by up to two years of corrective labour, probation, or imprisonment, again with a five-year disqualification. ➤ Part 4 establishes that offences under Part 2 committed by a group of individuals acting in prior conspiracy, or involving extortion of contributions or campaign support, are punishable by two to five years of restraint or imprisonment, alongside a five-year disqualification. - For the purposes of this article, a “large amount” is defined as exceeding the legally prescribed limits for contributions or support: ₴3,200,000 for individuals, ₴6,400,000 for legal entities, ₴80,000 for local elections, and ₴3,200,000 for referenda.
Political finance The Law of Ukraine “On the All-Ukrainian Referendum” of January 26, 2021 No. 1135-IX https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69060	- The provided document outlines the legal framework for conducting nationwide referendums in Ukraine. - Regarding financing, key points include that only funds specified by law can be used for referendum campaigns and it prohibits the use of other financial sources. - Political parties and registered entities involved in the referendum process must adhere strictly to the financial regulations set out in this law to ensure transparency and fairness during referendum campaigns.	Central Election Commission and NACP impose control over the provisions of this specific law. National Police of Ukraine investigates the criminal offence on political finances. CEC and NACP impose administrative sanctions.	-//- See above

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance Methodology for determining the size (amount) of a contribution to support a political party in the form of works, goods or services, approved by the NACP Order of May 18, 2021, No. 263/21 https://zakon.rada.gov.ua/go/z0773-21	The methodology regulates how to determine the value of contributions to political parties in the form of services, goods, or works. It ensures compliance with reporting requirements and transparency in political party financing.	NACP	-//- See above - This document (as well as the three listed in the following columns) is an order issued by the NACP that sets out the procedures for submitting, verifying, and maintaining the Unified Register of Political Party Reports. These documents serve as guidelines for both political parties – when preparing and submitting their reports – and for the NACP in the process of reviewing them. While these documents do not themselves prescribe penalties for non-compliance, violations of the rules on political party financing, which they reference, may lead to the forms of liability previously mentioned.
Political finance The Procedure for Formation and Maintenance of the Unified State Register of Political Parties’ Reports on Property, Income, Expenses and Financial Obligations was approved by the NACP Order No. 102/21 of February 19, 2021. https://nazk.gov.ua/uk/documents/nakaz-vid-19-02-2021-102-21-pro-deyaki-pytannya-podannya-zvitnosti-politychnyh-partij-pro-majno-dohody-vytraty-i-zobov-yazannya-finansovogo-harakteru-2/	This regulation outlines the procedures for maintaining and operating the Unified State Register of financial reports submitted by political parties, covering assets, income, expenses, and liabilities.	NACP	-//- See above
Political finance The procedure for submitting a political party’s report on property, income, expenses and financial liabilities is approved by the NACP Order of February 19, 2021, No. 102/21. https://nazk.gov.ua/uk/documents/nakaz-vid-19-02-2021-102-21-pro-deyaki-pytannya-podannya-zvitnosti-politychnyh-partij-pro-majno-dohody-vytraty-i-zobov-yazannya-finansovogo-harakteru-2/	This procedure defines the submission process for financial reports of political parties in Ukraine, including details about assets, income, expenses and financial obligations. It applies to both national and local organisations of political parties that have acquired legal status.	NACP	-//- See above
Political finance The Procedure for Verification of Political Parties’ Reports on Property, Income, Expenses and Financial Liabilities is approved by the NACP Order No. 6/21 of January 14, 2021. https://nazk.gov.ua/wp-content/uploads/2021/02/Poryadok-perevirky.pdf	This procedure outlines how the NACP conducts audits of financial reports from political parties, including their compliance with laws on funding and proper use of state resources.	NACP	-//- See above

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Political finance LAW OF UKRAINE “On Prevention of Threats to National Security Associated with Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” No. 1780-IX of 2021 https://zakon.rada.gov.ua/go/1780-20	• The law prohibits oligarchs from financing political parties, campaigns, and political demonstrations, aiming to curb undue influence in politics.	• Council of National Security and Defense of Ukraine	• A person recognised as having significant economic and political weight in public life (oligarch) and included in the Register is prohibited from • 1) making contributions in the form of their own money, work, goods, services or in the form of money, work, goods, services provided by related parties and/or legal entities whose ultimate beneficial owner is such a person, in support of political parties in accordance with the Law of Ukraine “On Political Parties in Ukraine”; from making contributions to election funds of candidates (except for their own election fund), political parties during the election process in accordance with the Electoral Code of Ukraine; • 2) being a buyer (beneficiary of the buyer) in the process of privatisation of large-scale privatisation objects; • 3) from financing any political campaigning or holding of meetings or demonstrations with political demands.
Political finance Electoral Code of Ukraine (2020) https://zakon.rada.gov.ua/laws/show/364-20	• Among other things, it establishes that the financing of election campaigns (pre-election campaigning) in Ukraine is carried out at the expense of election funds (Article 51(4) of the EC of Ukraine), which are controlled in parliamentary and presidential elections, in addition to the NACP, by the Central Election Commission and the bank where the relevant account is opened (Article 94(1), Article 150(14) of the EC of Ukraine). Local elections are subject to selective control by the Central Election Commission and the bank where the election fund account is opened (Article 215(9) of the EC of Ukraine).	• Central Election Commission, National Agency on Corruption Prevention (NACP)	• -//- See provisions for Resolution of the Central Election Commission and National Bank of Ukraine on the Procedure for Controlling Electoral Funds in the Elections of People’s Deputies of Ukraine. • Under Article 212-15 of the Code of Ukraine on Administrative Offenses, violations in the procedures for providing or receiving contributions in support of a political party, state funding for party activities, or financial (material) support for election or referendum campaigning are punishable by a fine ranging from seventy to one hundred tax-free minimum incomes for citizens (€1190–€1700), and from one hundred to one hundred and thirty tax-free minimum incomes for officials (€1700–€2210), alongside the confiscation of any unlawful contributions or campaign support received or provided. • Article 159-1 of the Criminal Code of Ukraine addresses criminal liability for violations of political party and campaign financing rules. • Under Part 1, knowingly submitting false information in a political party’s report on property, income, expenses, or liabilities, or in a financial report concerning election fund usage, is punishable by a fine of one hundred to three hundred tax-free minimum incomes (€1700–€5100), or by corrective labour, probation, or restraint of liberty for up to two years, in addition to a five-year disqualification from holding certain positions or engaging in specified activities. ➤ Part 2 criminalises the intentional provision or receipt of contributions or financial support in breach of eligibility rules or above the legal threshold, whether by individuals or legal entities. These offences carry the same penalties as Part 1: a fine of €1700–€5100, or up to two years of corrective labour, probation, or imprisonment, with an accompanying five-year disqualification. ➤ Under Part 3, repeated commission of offences described in Parts 1 or 2 is punishable by a higher fine of three hundred to five hundred tax-free minimum incomes (€5100–€8500), or by up to two years of corrective labour, probation, or imprisonment, again with a five-year disqualification.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Lobbying The Law of Ukraine “On Lobbying” comes into force on September 1, 2025. https://zakon.rada.gov.ua/go/3606-20	The Law on Lobbying in Ukraine sets the legal framework for lobbying activities, defining the rights, obligations, and restrictions on both lobbyists (referred to as “subjects of lobbying”) and those they seek to influence (“objects of lobbying”). It covers contractual relationships, the procedures for registering lobbyists, and reporting requirements, aiming for transparency and accountability in lobbying practices. Additionally, the Law established the Register of Integrity.	NACP	➤ Part 4 establishes that offences under Part 2 committed by a group of individuals acting in prior conspiracy, or involving extortion of contributions or campaign support, are punishable by two to five years of restraint or imprisonment, alongside a five-year disqualification. For the purposes of this article, a “large amount” is defined as exceeding the legally prescribed limits for contributions or support: ₴3,200,000 for individuals, ₴6,400,000 for legal entities, ₴80,000 for local elections, and ₴3,200,000 for referenda.
Lobbying LAW OF UKRAINE “On Prevention of Threats to National Security Associated with Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” No. 1780-IX of 2021 https://zakon.rada.gov.ua/go/1780-20	The law includes provisions that monitor and regulate contacts between public officials and oligarchs or their representatives, requiring declarations of such interactions.	Council of National Security and Defense of Ukraine	- A person recognised as having significant economic and political weight in public life (oligarch) and included in the Register is prohibited from: 1) making contributions in the form of their own money, work, goods, services or in the form of money, work, goods, services provided by related parties and/or legal entities whose ultimate beneficial owner is such a person, in support of political parties in accordance with the Law of Ukraine “On Political Parties in Ukraine”; making contributions to election funds of candidates (except for their own election fund), political parties during the election process in accordance with the Electoral Code of Ukraine; 2) from being a buyer (beneficiary of the buyer) in the process of privatisation of large-scale privatisation objects; 3) from financing any political campaigning or holding of meetings or demonstrations with political demands.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving door/ Conflict of interest The Law of Ukraine “On Corruption Prevention” of 14.10.2014 No. 1700-VII https://zakon.rada.gov.ua/go/1700-18	- Establishes that persons subject to the law (most officials in Ukraine) must file declarations upon taking office, annually, and before and after dismissal. In addition, they are subject to requirements to prevent and resolve conflicts of interest, requirements on incompatibility and non-compatibility. - Establishes a ban on the direct subordination of close relatives, restrictions on receiving gifts and unlawful demands, and rules of ethical behaviour (priority of interests, political neutrality, impartiality).	NACP, National Police, National Anti-Corruption Bureau of Ukraine, Specialised Anti-Corruption Prosecution, State Bureau of Investigations	- Liability for corruption-related offences in Ukraine takes both administrative and criminal forms. Under the Code of Ukraine on Administrative Offenses, Article 172-4 prohibits public officials from holding multiple paid positions or engaging in business activities. Violations result in fines ranging from 300 to 500 non-taxable minimum incomes (€5100 to €8500), with confiscation of the illicit earnings. Repeat offences within a year incur higher fines – from 500 to 800 minimums (€8500 to €13,600) – and a one-year disqualification from certain positions. Article 172-5 restricts the acceptance of gifts. Offenders face fines of 100 to 200 minimums (€1700 to €3400) and confiscation of the gift. A second offence within a year increases the fine to 200–400 minimums (€3400 to €6800) and includes a one-year prohibition from specific posts. Article 172-6 addresses violations of financial control, such as failure to submit declarations on time or to report foreign bank accounts. Initial offences are penalised with fines of 50 to 100 minimums (€850 to €1700), while repeated non-compliance may lead to fines of 100 to 300 minimums (€1700 to €5100). If false information is submitted, the penalty may rise to 2,500 minimums (€42,000). Article 172-7 concerns conflicts of interest. Failing to disclose a conflict results in a fine of 100 to 200 minimums (€1700 to €3400). Taking actions while in conflict raises the penalty to 200 to 400 minimums (€3400 to €6800). Repeat infractions can result in fines of 400 to 800 minimums (€6800 to €13,600) and disqualification from certain roles. Article 172-9 obliges officials to take measures against corruption when identified. Failure to act is penalised with a fine of 125 to 250 minimums (€2125 to €4250), increasing to 250–400 minimums (€4250 to €6800) for repeated violations. - Under the Criminal Code of Ukraine, Article 366-2 criminalises the intentional submission of false data in asset declarations. If discrepancies range between 500 and 2,000 subsistence minimums (€1,460,000 to €5,840,000), offenders face fines of €51,000 to €68,000, community service, or up to two years’ restricted liberty, along with a three-year ban from public office. Discrepancies exceeding 2,000 subsistence minimums (over €5,840,000) may lead to imprisonment of up to two years and higher fines of €68,000 to €85,000. Article 366-3 addresses failure to file declarations altogether, punishable by fines of €42,500 to €51,000, community service, or up to two years of liberty restraint or imprisonment, along with a three-year prohibition from holding public office. Article 368-5 concerns unlawful enrichment, stipulating that acquiring assets exceeding €110,500 without legitimate justification is punishable by five to ten years of imprisonment and a three-year disqualification. - Finally, Article 368 covers bribery. Basic offences – soliciting or accepting bribes – carry penalties ranging from fines of €17,000 to €68,000, probation, or two to four years’ imprisonment, with a three-year disqualification. Where the benefit is significant, the sentence increases to three to six years. For large-scale bribery or aggravating circumstances, the penalty rises to five to ten years’ imprisonment and confiscation of property. Particularly large-scale cases can result in eight to twelve years’ imprisonment, also with confiscation.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Revolving door Conflict of interest The Law of Ukraine “On Civil Service” of 10.12.2015 No. 889-VIII https://zakon.rada.gov.ua/laws/show/889-19	• This Law defines the principles, legal and organisational framework for ensuring a public, professional, politically impartial, efficient, citizen-oriented civil service that functions in the interests of the state and society, as well as the procedure for exercising the right of equal access to the civil service by Ukrainian citizens based on their personal qualities and achievements.	• -//- See above • National Agency on Civil Service, all authorities where civil servants work, the NAPC (in terms of control over anti-corruption legislation)	• -//- See above • Additionally, civil servants are subject to disciplinary liability for committing one of the violations prohibited by law (disciplinary reprimand, disciplinary warning, demotion or reduction in position, suspension from duty, termination of employment or dismissal) imposed by the authority where the particular civil servant is working.
Revolving door LAW OF UKRAINE “On Prevention of Threats to National Security Associated with Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” No. 1780-IX of 2021 https://zakon.rada.gov.ua/go/1780-20	• The law targets conflicts of interest related to political and business powers by prohibiting individuals with significant economic and political influence (“oligarchs”) from participating in activities like funding political parties or controlling media. These restrictions limit their ability to move between influential public roles and private business interests, which is how it addresses the “revolving doors” phenomenon. • Furthermore, it mandates transparency through declarations of contacts between public officials and oligarchs, preventing former politicians from using their positions to gain undue influence in business sectors.	• Council of National Security and Defense of Ukraine	• A person recognised as having significant economic and political weight in public life (oligarch) and included in the Register is prohibited from: • 1) making contributions in the form of their own money, work, goods, services or in the form of money, work, goods, services provided by related parties and/or legal entities whose ultimate beneficial owner is such a person, in support of political parties in accordance with the Law of Ukraine “On Political Parties in Ukraine”; from making contributions to election funds of candidates (except for their own election fund), political parties during the election process in accordance with the Electoral Code of Ukraine; • 2) being a buyer (beneficiary of the buyer) in the process of privatisation of large-scale privatisation objects; • 3) financing any political campaigning or holding of meetings or demonstrations with political demands.
Media LAW OF UKRAINE “On Prevention of Threats to National Security Associated with Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” No. 1780-IX of 2021 https://zakon.rada.gov.ua/go/1780-20	• Oligarchs are identified based on their significant influence on media, and restrictions are placed on their media ownership and control.	• Council of National Security and Defense of Ukraine	-//- See above

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media Law of Ukraine “On Media” of 13.12.2022 No. 2849-IX https://zakon.rada.gov.ua/go/2849-20	• The law emphasises freedom of expression, prohibiting censorship and any political interference in editorial control. It also forbids prior approvals of content by government bodies or political parties, ensuring that media organisations can operate free from direct political control. • The law regulates ownership transparency in the media sector by requiring disclosure of key stakeholders, including beneficial owners, ensuring that no single entity controls more than 35% of the market. This prevents monopolies and ensures a diverse media landscape that is not dominated by specific economic actors. • Media outlets are protected from external pressures, including from the state or private entities, under strict provisions that uphold the rights of journalists and media companies. This ensures that editorial decisions are independent and free from undue influence. • The law empowers the National Council of Ukraine on Television and Radio Broadcasting to oversee compliance with these principles, preventing both the concentration of ownership and political or economic interference in the media’s functioning.	• National Council of Ukraine on Television and Radio Broadcasting and relevant investigative bodies in case of criminal offence (National Police of Ukraine, Prosecutors General)	• Media Regulation and Legal Protection of Journalists in Ukraine ➢ Under Ukrainian law, media entities may face various sanctions for violations of legal or licensing requirements, as outlined in the applicable legislation. These include formal warnings and fines imposed by the National Council, revocation of licences or registrations by court decision (as per Article 116), prohibition of print publication and distribution, temporary or permanent bans on online media dissemination – either by the National Council or via court ruling. • Criminal Liability for Offences Against Journalists ➢ Article 171 of the Criminal Code criminalises obstruction of journalists’ lawful professional activities. This includes seizure of materials or equipment, denial of access to information, censorship, and other intentional interference. Basic offences are punishable by a fine (up to 50 tax-free minimum incomes), probation for up to three years, or restraint of liberty for the same term. More severe interference, including attempts to pressure or persecute a journalist, increases the penalty to a fine of up to 200 minimums, probation or liberty restraint for up to four years. If committed by officials abusing their position or by a group, the penalty rises to 200–500 minimums, probation or restraint for up to five years, and an optional three-year ban from certain roles. ➢ Article 345-1 addresses threats or violence against journalists. Threats involving harm or property damage carry penalties including corrective labour, probation, or up to three years’ imprisonment. Physical assaults causing minor to moderate harm are punishable by up to five years’ imprisonment. Grievous bodily harm carries a penalty of five to twelve years in prison. If any such actions are carried out by an organised group, the sentence ranges from seven to fourteen years. ➢ Article 347-1 penalises intentional damage or destruction of journalists’ property. Basic offences may result in a fine of 1,000 – 4,000 tax-free minimum incomes, or up to five years of probation or liberty restraint. If the act involves arson, explosions, or leads to death or serious harm, imprisonment may range from six to fifteen years.
Media Law of Ukraine “On Information” of 02.10.1992 No. 2657-XII https://zakon.rada.gov.ua/laws/show/2657-12#Text	• This law provides a broad framework for information regulation in Ukraine, covering the creation, collection, use, dissemination, and protection of information. It establishes the rights and responsibilities of individuals and entities regarding information and sets basic principles for how information should be handled. • It applies to all forms of information, whether public, personal, or restricted. It addresses issues like information protection, access, freedom of speech, and censorship.	• State Service of Special Communications and Information Protection of Ukraine • Commissioner of the Verkhovna Rada of Ukraine for Human Rights (Ombudsman) • Governmental authorities and local authorities (as they are responsible for sharing the information) • National Police of Ukraine	• Administrative Offences (Article 212-3, Code of Administrative Offences): Officials face fines ranging from ₴450 to ₴850 for violations such as: failure to disclose information required by laws. Offences include unjustified classification of information, failure to respond to requests, incomplete or false responses, and violations of deadlines or procedures. • Fines rise to ₴1020–₴1360 for unlawful restriction of access when explicitly prohibited by law. Repeated violations within one year may lead to fines of the same range or 20–30 hours of community service. • Similar penalties apply to failures to provide information to attorneys (under the <i>Bar and Practice of Law Act</i>), to grant access to court files (<i>Access to Court Decisions Act</i>), or to properly respond to citizens’ appeals (<i>On Citizens’ Appeals Act</i>). Delayed or restricted access to the Environmental Impact Register also falls under this provision.

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
			• Criminal Offences: ➢ Article 114-2: Disclosing military movement or deployment data under martial law, if not authorised by official bodies, is punishable by 3–5 years’ imprisonment; 5–8 years if it identifies positions; and 8–12 years if committed by a group, for profit, or with serious consequences. ➢ Article 163: Violating the secrecy of correspondence or communication may lead to a fine (2850–s,100), corrective labour, or up to 3 years’ liberty restraint. If repeated or involving journalists, public figures, or surveillance devices, 3–7 years’ imprisonment applies. ➢ Article 182: Illegal handling of private data (collection, use, dissemination, etc.) carries 28500–,7,000 fines, labour, or up to 3 years of liberty restraint. Repeat offences or significant harm increase this to 3–5 years’ restraint or imprisonment. ➢ Article 231: Unlawful acquisition or use of commercial/banking secrets causing harm to a business is punishable by a 251,000–,36,000 fine. ➢ Article 361-2: Selling or distributing restricted electronic information may result in 234,000–8,000 fines or up to 2 years’ imprisonment; repeat or group offences lead to 2–5 years. ➢ Article 362: Persons with authorised access who alter, destroy, intercept, or leak protected electronic information face 234,000–8,000 fines, labour, or up to 3 years’ imprisonment, plus possible disqualification. Aggravated cases may result in 3–6 years of imprisonment. • Clarifications: Public disclosures about offences by journalists, NGOs, or trade unions in accordance with the law do not constitute criminal acts under Articles 182 or 231.
Media Law of Ukraine “On access to public information” of 13.01.2011 No. 2939-VI https://zakon.rada.gov.ua/laws/show/2939-17#Text	• This law focuses specifically on ensuring public access to information held by public authorities and government institutions. It ensures transparency and accountability of public bodies by mandating that information be freely available, with a few exceptions.	• Commissioner of the Verkhovna Rada of Ukraine for Human Rights (Ombudsman)	• Administrative Liability for Information Disclosure Violations (Article 212-3, Code of Ukraine on Administrative Offenses). • Public officials may be fined for failing to disclose or improperly handling information mandated by laws. • Standard violations, including unjustified restriction or delay in providing access to information, refusal to respond, incomplete or false responses, incur fines of 2450 to 2850 (25–50 tax-free minimum incomes). This applies across multiple laws, including those governing public information, archives, environmental assessments, court decisions, and citizen appeals. • More serious breaches, such as classifying information as restricted when expressly prohibited by law, are fined at 21020 to 21360 (60–80 minimums). Repeated violations within a year may result in the same elevated fine or 20–30 hours of community service. • Specific contexts such as responses to the Bar or National Rehabilitation Commission requests, or violations of transparency rules in extractive industries, also fall under this article. Fines for extractive industry-related non-disclosure range from 2340 to 21020 (20–60 minimums).

Name of legislation and year of adoption	Scope and target group/individual	Oversight and enforcement bodies charged with monitoring, verification and evaluation	Envisaged sanctions for noncompliance
Media Law of Ukraine “On state secret” of 21.01.1994 No. 3855-XII https://zakon.rada.gov.ua/laws/show/3855-12#Text	This law governs the classification and protection of information that is deemed critical to national security. It defines what constitutes a state secret and the processes for classifying, handling, and declassifying such information.	Security Service of Ukraine	Administrative and Criminal Liability for Violations Involving State Secrets in Ukraine. - According to Article 212-2 of the Code of Ukraine on Administrative Offenses, violations of legislation governing state secrets incur administrative liability. These violations include failure to follow legal procedures for transferring state secrets to foreign states or international organisations; improper classification of information that must remain public such as data on the environment, public health, emergencies, socio-demographic indicators, human rights violations, or illegal actions by public authorities – contrary to laws or international treaties ratified by the Verkhovna Rada. The article also addresses the unjustified classification or declassification of materials, mishandling of material carriers of secret information, violations in granting access to state secrets, inadequate protection or oversight of classified information, conducting activities involving state secrets without the required special permit and failures to comply with secrecy obligations during international cooperation or in the use of cryptographic and technical safeguards. - These offences are punishable by fines ranging from ten to thirty tax-free minimum incomes for citizens (₴170–₴510) and thirty to one hundred for officials (₴510–₴1700). If committed repeatedly within one year by an individual previously penalised for the same offence, the fine increases to thirty to eighty minimums for citizens (₴510–₴1360) and fifty to one hundred and fifty for officials (₴850–₴2550). - Criminal liability for offences involving state secrets is governed by Articles 328 to 330 of the Criminal Code of Ukraine. Under Article 328, disclosure of classified information by a person entrusted with it or who accessed it through official duties, in the absence of signs of treason or espionage, is punishable by imprisonment for two to five years, with or without disqualification from holding certain positions or engaging in specific activities for up to three years. If the disclosure results in grave consequences, the penalty increases to five to eight years’ imprisonment. Article 329 addresses the loss of documents or other carriers of state secrets due to violations of handling procedures. Such loss is punishable by imprisonment for up to three years, and if it causes grave consequences, by two to five years’ imprisonment. Article 330 concerns the unauthorised transmission or collection of official information gathered in the course of operational, investigative, or defence-related activity, for the purpose of passing it to foreign entities. If committed by someone who had access to the information through their official duties and in the absence of treason or espionage, this offence is punishable by restraint of liberty for up to three years or imprisonment for two to five years, with or without disqualification from certain roles. Where these acts are committed for personal gain, cause serious harm to state interests, are repeated, or carried out by a group in prior conspiracy, the penalty increases to four to eight years of imprisonment, with disqualification for up to three years.



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