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EU-UN Multilateralism in Global Anti-Corruption and Crime Governance Framework. A Comparative Analysis of the EU's Normative Frameworks and UNCAC/UNTOC, with a Focus on Italy and France

Supervised by Uglješa Zvekić

Laura Linares

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Statutory Declaration

I hereby declare that I have composed the present thesis autonomously and without use of any other than the cited sources or means. I have indicated parts that were taken out of published or unpublished work correctly and in a verifiable manner through a quotation. I further assure that I have not presented this thesis to any other institute or university for evaluation and that it has not been published before.

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Linares Laura

Abstract

This thesis examines the alignment, misalignment, and progress of United Nations anti-corruption frameworks in relation to those of the European Union, situating both within the broader project of effective multilateralism. It asks whether the EU's anti-corruption architecture, culminating in the 2026 Directive on combating corruption, reinforces, diverges from, or exceeds the international normative baseline established by the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC), and whether the two layers together produce coherent multilateral governance or a fragmented order of overlapping obligations. The analysis combines doctrinal legal comparison with an empirical assessment grounded in the OECD Anti-Corruption and Integrity Outlook 2026 and the Transparency International Corruption Perception Index; and tests the resulting propositions against two national case studies: Italy and France.

The central finding is that alignment is strongest where a binding EU or OECD instrument hardens a discretionary UNCAC provision into enforceable law, and weakest where obligation rests on UNCAC's permissive language alone. At the national level, formal normative convergence does not produce operational convergence: France and Italy, subject to identical international and regional obligations, diverge sharply in implementation, a divergence that the empirical data trace to the presence or absence of an integrated enforcement architecture connecting prevention to prosecution. The thesis concludes with targeted recommendations for the EU institutions, UNODC, and the national authorities of Italy and France.

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List of Abbreviations

AFA — Agence Française Anticorruption (French Anti-Corruption Agency)

AGCM — Autorità Garante della Concorrenza e del Mercato (Italian Competition Authority)

AMLA — Authority for Anti-Money Laundering and Countering the Financing of Terrorism

ANAC — Autorità Nazionale Anticorruzione (Italian National Anti-Corruption Authority)

CFSP — Common Foreign and Security Policy (European Union)

CIVIT — Commissione indipendente per la Valutazione, la Trasparenza e l'Integrità delle amministrazioni pubbliche (former Italian authority, predecessor to ANAC)

CJIP — Convention judiciaire d'intérêt public (French deferred-prosecution agreement)

COSP — Conference of the States Parties to UNCAC

CPI — Corruption Perceptions Index (Transparency International)

EPPO — European Public Prosecutor's Office

FATF — Financial Action Task Force

FIU — Financial Intelligence Unit

GRECO — Group of States against Corruption (Council of Europe)

HATVP — Haute Autorité pour la transparence de la vie publique (France)

IRM — Implementation Review Mechanism (UNCAC)

OECD — Organisation for Economic Co-operation and Development

OLAF — European Anti-Fraud Office (Office Européen de Lutte Antifraude)

PIF — Protection des intérêts financiers (Protection of the European Union's Financial Interests)

PNA — Piano Nazionale Anticorruzione (Italian National Anti-Corruption Plan)

PNF — Parquet National Financier (French National Financial Prosecutor)

PNRR — Piano Nazionale di Ripresa e Resilienza (Italian National Recovery and Resilience Plan)

SOCTA — Serious and Organised Crime Threat Assessment (Europol)

UNCAC — United Nations Convention Against Corruption

UNODC — United Nations Office on Drugs and Crime

UNTOC — United Nations Convention against Transnational Organized Crime

Introduction

Corruption is no longer treated as a discrete domestic pathology but as a transnational governance problem that erodes the rule of law, distorts markets, and corrodes public trust across borders. Over the past quarter-century, the international community has responded by constructing an increasingly dense architecture of multilateral instruments, foremost the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC), intended to harmonize national responses and enable cross-border cooperation. The European Union, for most of that period a hesitant actor in the criminal-law dimension of anti-corruption policy, has lately become one of its most ambitious, culminating in the Directive on combating corruption formally adopted by the Council on 21 April 2026 and published in the Official Journal on 11 May 2026. The coincidence of these developments, the EU's first harmonised anti-corruption criminal-law instrument arriving in the same window as the eleventh session of the UNCAC Conference of the States Parties and its Doha Declaration, makes the present moment an unusually informative vantage point from which to assess the relationship between the UN and EU layers of anti-corruption governance.[1]

This thesis situates that relationship within the conceptual frame of multilateralism, and specifically within the literature on 'effective multilateralism' that has shaped the EU's self-understanding as an international actor since the 2003 European Security Strategy. On this account, the EU's external effectiveness is contingent on the fit between its internal institutional reforms and the external reform of the multilateral order in which it operates. Applied to anti-corruption governance, the question becomes whether the EU's internal instruments, the Directive, the European Public Prosecutor's Office, the renewed anti-money-laundering framework, advance, merely duplicate, or diverge from the cooperation obligations codified by UNCAC and UNTOC, and whether the resulting order is one of mutual reinforcement or of institutional density without commensurate effectiveness.

Research Question and Sub-Questions

The central research question is: to what extent are the United Nations and European Union anti-corruption frameworks aligned, where do they diverge, and what does their interaction reveal about the progress of effective multilateralism in this field? Three sub-questions structure the inquiry. First, at the normative level, where do EU and national obligations meet, exceed, or fall short of the UNCAC and UNTOC baselines, and how is that relationship affected by UNCAC's distinction between mandatory and discretionary provisions? Second, at the empirical level, does formal normative alignment translate into convergent implementation, and if not, what institutional variables explain the gap? Third, at the comparative level, how do the national systems of Italy and France, subject to

[1]Directive (EU **Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combating corruption** [2026] OJ L 2026/1021, replacing Council Framework Decision 2003/568/JHA and the 1997 Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, and amending Directive (EU) 2017/1371; Council of the EU, 'Council adopts new EU-wide law to combat corruption' (press release, 21 April 2026). Note: this draft cites the Directive by its descriptive title; the definitive CELEX/OJ number should be confirmed against EUR-Lex (OJ, 11 May 2026) before submission.

identical international and regional obligations, translate prevention and enforcement commitments into practice, and what does their divergence imply for the transposition of the 2026 Directive?

Hypotheses

H1 (selective alignment). The EU framework aligns with and exceeds the UNCAC baseline precisely where a binding EU or OECD instrument intervenes to harden a discretionary UNCAC provision, and remains variable where obligation rests on UNCAC's permissive 'shall consider' language alone.

H2 (implementation deficit). Formal normative convergence does not produce operational convergence; the principal explanatory variable for divergent national outcomes is not the content of the law but the institutional architecture connecting prevention to enforcement.

H3 (bounded multilateral gain). EU supranational enforcement instruments raise effectiveness above the horizontal, request-based baseline of the UN conventions, but only within the Union's jurisdictional perimeter; beyond it, the EU remains dependent on the very UN mechanisms it transcends internally.

Scope, Significance, and Structure

The thesis confines its national analysis to Italy and France: two founding EU members and OECD parties subject to the full layered architecture of UNCAC, UNTOC, the OECD Anti-Bribery Convention, the Council of Europe conventions with GRECO monitoring, and the EU acquis, yet exhibiting markedly different institutional configurations and enforcement trajectories. This pairing maximizes analytical leverage: holding the normative framework constant, it isolates institutional design as the variable of interest. The choice is also timely, since both countries adopted new national anti-corruption strategies in November 2025, and both face the 2026–2028 transposition window under conditions that will test the central hypotheses directly.

The significance of the study is threefold. Analytically, it brings together three bodies of evidence, doctrinal legal comparison, the OECD's most recent cross-national integrity dataset, and Transparency International's perception data, that are rarely integrated in a single comparative frame. Temporally, it captures a genuine inflection point in EU anti-corruption law. And practically, it generates recommendations addressed to the institutions that will shape the next phase of EU–UN anti-corruption multilateralism.

The remainder of the thesis is organized as follows. The Methodology sets out the comparative legal and empirical design. Chapter 1 establishes the international normative baseline through doctrinal analysis of UNCAC, UNTOC, the OECD Convention, and the Council of Europe instruments, incorporating the COSP 11 resolutions. Chapter 2 constructs the empirical baseline from the OECD Outlook 2026 and the Transparency International's CPI, with detailed country profiles for France and Italy. Chapter 3 traces the evolution of the EU framework to the 2026 Directive and assesses its UNCAC/UNTOC alignment. Chapter 4 compares Italian and French prevention systems, national strategies, and the underlying legal architecture. Chapter 5 examines the EU's cross-border enforcement instruments against the UN cooperation standards. Chapter 6 compares national enforcement mechanisms. The Findings chapter synthesises the evidence against the three hypotheses, and the Conclusion presents policy recommendations and identifies the study's limitations.

Methodology

This thesis adopts a mixed-method comparative design that combines doctrinal legal analysis with structured empirical assessment. The design responds directly to the research question, which has both a normative dimension (how do the legal frameworks relate?) and an empirical dimension (does that relationship hold in practice?). Neither method alone is sufficient: doctrinal comparison can establish formal alignment but not whether it is operationally meaningful, while empirical data on outcomes cannot be interpreted without the normative framework against which those outcomes are measured.

Comparative Legal Method

The doctrinal component proceeds by functional comparison. Rather than comparing instruments clause by clause in the abstract, it identifies the governance functions that anti-corruption regimes must perform, prevention, criminalization, international cooperation, and asset recovery, and asks how each instrument discharges them. The analysis treats UNCAC as the international legal baseline because of its near-universal ratification and comprehensive scope, and assesses UNTOC, the OECD Anti-Bribery Convention, the Council of Europe conventions, and the EU acquis as layers that add either breadth of subject matter or depth of obligation. The central analytical device is the distinction, internal to UNCAC, between mandatory obligations ('each State Party shall') and discretionary ones ('each State Party shall consider' or 'may'); the thesis uses this distinction to classify each EU and national provision as meeting, exceeding, or falling short of the UNCAC standard.

Empirical Method and Data Sources

The empirical component draws on two principal sources, selected for their methodological rigour and their direct mapping onto the normative categories above. The first is the OECD Anti-Corruption and Integrity Outlook 2026, which assesses integrity systems across 62 countries and seven thematic dimensions, and which is unique in distinguishing systematically between the regulatory strength of a framework and the quality of its implementation. This distinction operationalises, at the level of measurable indicators, the gap between formal commitment and operational reality that the thesis argues characterises contemporary anti-corruption governance. The second source is the Transparency International Corruption Perceptions Index (CPI), a perception-based composite measure used here longitudinally to track the reputational trajectories of Italy and France and to triangulate the OECD's institutional findings against an independent indicator.

These sources are supplemented by primary legal materials (the conventions, the EU directives and regulations, and national legislation), institutional reports (the EPPO annual reports, GRECO evaluations, the UNCAC IRM outputs, and the national anti-corruption strategies of Italy and France adopted in November 2025), and a focused secondary literature on treaty effectiveness and the political economy of anti-corruption reform.

Case Selection and Analytical Logic

Italy and France were selected through a most-similar-systems logic. Both are founding members of the European Union and long-standing OECD members; both have ratified UNCAC and UNTOC; both are subject to GRECO monitoring; and from 2028 both will be bound by the same transposition obligations under the 2026 Directive. Because the normative framework is held constant across the two cases, observed divergence in implementation and enforcement outcomes can be attributed with greater confidence to differences in institutional design rather than to differences in formal obligation. This is precisely the analytical leverage required to test the implementation-deficit hypothesis (H2).

Limitations of the Method

Three methodological limitations are acknowledged at the outset and revisited in the Conclusion. First, the OECD Outlook assesses institutional and procedural indicators rather than corruption outcomes; the existence of an ethics body is scored positively whether or not it demonstrably reduces corruption. The thesis mitigates this by triangulating institutional data with enforcement-output data and CPI trajectories. Second, the CPI is perception-based, lags real change, and is sensitive to statistical noise in small annual movements; it is therefore used for direction and magnitude over time rather than for precise point comparisons. Third, several of the instruments analysed, the 2026 Directive, the AMLA, the November 2025 national strategies, are too recent for their implementation to be assessed empirically; in those areas the analysis is necessarily prospective and is framed as such.

Literature Review

This thesis sits at the intersection of three bodies of scholarship that have rarely been brought into sustained dialogue: the international-relations literature on multilateralism and norm governance, the legal-doctrinal literature on the international anti-corruption architecture, and the comparative-institutional study of national enforcement. Reviewing each in turn clarifies both the foundations on which the analysis builds and the gap it seeks to fill.

The first strand concerns multilateralism and the diffusion of international norms. Constructivist scholarship has long treated the emergence of cross-border prohibitions as a process of norm construction and contestation rather than the simple codification of shared interests.[2] Within this tradition, the anti-corruption norm is now widely characterised as robust by the measure of near-universal ratification yet contested in application, a tension that bears directly on the gap between formal commitment and operational practice that this thesis examines.[3] The EU's self-understanding as a promoter of 'effective multilateralism' has generated its own literature, which links the Union's external effectiveness to the fit between its internal institutional reforms and the reform of the

[2] On the construction and diffusion of cross-border prohibition norms, see Ethan A Nadelmann, 'Global Prohibition Regimes: The Evolution of Norms in International Society' (1990) 44 International Organization 479; and, on the dynamics of norm robustness and contestation, Nicole Deitelhoff and Lisbeth Zimmermann, 'Things We Lost in the Fire: How Different Types of Contestation Affect the Robustness of International Norms' (2020) 22 International Studies Review 51.

[3] Ellen Gutterman and Mathis Lohaus, 'What is the "Anti-Corruption" Norm in Global Politics? Norm Robustness and Contestation in the Transnational Governance of Corruption' in Ina Kubbe and Annika Engelbert (eds), Corruption and Norms: Why Informal Rules Matter (Palgrave Macmillan 2018) 241.

multilateral order in which it acts.[4] That framework supplies the conceptual lens of this thesis, but it has seldom been applied to the criminal-law dimension of anti-corruption governance, where the EU was for most of the period a hesitant actor.

The second strand is the legal-doctrinal analysis of the international anti-corruption and transnational-crime conventions. A substantial body of work examines UNCAC and UNTOC as instruments of transnational criminal law, their reliance on indirect enforcement through domestic systems, and the well-documented weakness of their implementation and asset-recovery mechanisms.[5] Scholars have drawn particular attention to UNCAC's deliberate non-definition of corruption and to the consequences of its distinction between mandatory and discretionary provisions, themes this thesis takes up directly in classifying EU and national obligations against the UNCAC baseline. This literature establishes the normative architecture with precision but tends to stop at the threshold of doctrine, rarely testing whether formal alignment is matched by measurable implementation.

The third strand is the comparative study of national anti-corruption and asset-recovery systems, including work focused on the European Union and its member states.[6] This scholarship demonstrates that comparable legal commitments frequently yield divergent enforcement outcomes, and it points to institutional design as a central explanatory variable, but comparisons that hold the international and regional framework constant in order to isolate that variable remain relatively scarce, and rarely integrate doctrinal comparison with cross-national implementation data.

Taken together, these literatures leave an identifiable gap. The normative relationship between the UN and EU anti-corruption layers has not been systematically assessed against empirical evidence of implementation, and the 'effective multilateralism' framework has not been brought to bear on this field at the precise moment when the EU's first harmonised anti-corruption criminal-law instrument coincides with a new phase of UN standard-setting. By combining functional legal comparison with the OECD's framework-versus-implementation data and a most-similar-systems comparison of Italy and France, this thesis aims to address that gap.

[4]Edith Drieskens and Louise G van Schaik (eds), The EU and Effective Multilateralism: Internal and External Reform Practices (Routledge 2014).

[5]See generally Neil Boister, An Introduction to Transnational Criminal Law (2nd edn, Oxford University Press 2018); Cecily Rose, International Anti-Corruption Norms: Their Creation and Influence on Domestic Legal Systems (Oxford University Press 2015); and, on the asset-recovery deficit, Helfer, Rose and Brewster (n 53).

[6]See, for example, Katalin Ligeti and Michele Simonato (eds), Chasing Criminal Money: Challenges and Perspectives on Asset Recovery in the EU (Hart 2017); and, on the causes and reform of corruption more broadly, Susan Rose-Ackerman and Bonnie J Palifka, Corruption and Government: Causes, Consequences, and Reform (2nd edn, Cambridge University Press 2016).

Chapter 1, The International Anti-Corruption Architecture: UNCAC, UNTOC, and the Regional Conventions

This chapter establishes the international normative baseline against which the European Union's framework and the national systems of Italy and France are assessed. It provides a doctrinal analysis of the United Nations Convention against Corruption (UNCAC), the United Nations Convention against Transnational Organized Crime (UNTOC), the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), and the Council of Europe conventions to which all EU Member States are parties. It then situates these instruments within three cross-cutting debates: monitoring architecture and implementation; normative fragmentation; and the absence of a shared definition of corruption, before examining how the eleventh Conference of the States Parties (COSP 11, 2025) has begun to address, and in important respects left unresolved, these structural tensions.

1.1 UNCAC: Structure, Scope, and Monitoring

1.1.1 The Four-Pillar Framework

UNCAC, adopted by the General Assembly on 31 October 2003 and in force since 14 December 2005, is the most comprehensive multilateral anti-corruption instrument to date. With near-universal ratification, some 190 States Parties, it provides the foundational framework within which regional, bilateral, and domestic regimes must be understood. The Convention rests on four substantive pillars: prevention (Chapter II), criminalisation and law enforcement (Chapter III), international cooperation (Chapter IV), and asset recovery (Chapter V), each reflecting a distinct regulatory logic and imposing differentiated obligations.[7]

Chapter II establishes a wide-ranging preventive architecture spanning the public and private sectors: anti-corruption policies, an independent preventive body (Article 6), codes of conduct for public officials, rules on public procurement and financial management, and measures engaging the private sector, civil society, and the financial system (Articles 12–14). Its distinctive emphasis is on systemic, upstream reform rather than punitive response. Chapter III forms the coercive core, mandating criminalisation of bribery of national public officials (Article 15), embezzlement by public officials (Article 17), money laundering of corruption proceeds (Article 23), and obstruction of justice (Article 25), while leaving a second tier to State discretion. Chapter IV operationalises cross-border response through extradition (Article 44), mutual legal assistance (Article 46, the most elaborated provision), and joint investigations (Article 49). Chapter V, the Convention's most innovative contribution, designates the return of assets a 'fundamental principle' (Article 51) and builds a regime for tracing, freezing, confiscating, and repatriating proceeds, including the recognition of foreign confiscation orders (Article 54) and the return of assets to the requesting State (Article 57).

[7] United Nations Convention against Corruption (adopted 31 October 2003, entered into force 14 December 2005) 2349 UNTS 41.

1.1.2 Mandatory and Discretionary Obligations

The most consequential structural feature of UNCAC, and the primary source of its interpretive complexity, is the systematic distinction it draws between mandatory and discretionary obligations through its choice of modal language. Provisions framed as 'each State Party shall' bind; those framed as 'shall consider' or 'may' are permissive. In Chapter III, the mandatory offences include bribery of national public officials (Article 15), bribery of foreign officials in international business (Article 16(1)), embezzlement by public officials (Article 17), laundering of proceeds (Article 23), and obstruction of justice (Article 25). A discretionary tier: trading in influence (Article 18), abuse of functions (Article 19), illicit enrichment (Article 20), private-sector bribery and embezzlement (Articles 21–22), and concealment (Article 24), requires States only to 'consider' criminalisation.[8]

This division reflects hard-fought compromises: the discretionary status of illicit enrichment accommodated common-law States whose constitutional traditions place the burden of proof on the prosecution and who objected to an offence effectively requiring the accused to explain disproportionate wealth; the permissive treatment of trading in influence reflected disagreement over whether influence-peddling without a concrete corrupt outcome warrants mandatory criminalisation. The consequences are threefold. The Convention's coverage is formally incomplete: a State that criminalises only the mandatory offences complies while leaving substantial gaps impeding cooperation and asset recovery, since conduct not criminalised in the requested State may ground refusal of mutual legal assistance. The review process is complicated, since mechanisms calibrated to binding obligations understate divergence on discretionary ones. The permissive framing raises the unresolved question whether subsequent State practice could crystallise into custom or whether the deliberate choice of soft language forecloses that inference. The same dynamic pervades Chapter II, where asset declarations (Article 8(5)), civil-society participation (Article 13), and private-sector measures (Article 12) are framed permissively, rendering the preventive architecture normatively ambitious but legally lean.

1.1.3 The Absence of a Definition of Corruption

UNCAC nowhere defines 'corruption'. This was no oversight but a conscious product of negotiation: delegations could not agree on a term understood differently across legal traditions, and an instrument of broad scope was strategically preferred. The omission means UNCAC does not operate around a central concept whose scope can be systematically elaborated; it enumerates prohibited acts without articulating the principle uniting them. The result is interpretive latitude that States have exercised variably, and a normative domain bounded only by the listed offences. This leaves unaddressed forms of political and institutional corruption operating through formally legal mechanisms.[9]

The deficit is most consequential for asset recovery. Article 54 and related provisions condition recognition of foreign confiscation orders on the dual-criminality requirement; where a requesting

[8] On the mandatory/discretionary architecture see UNCAC arts. 15–25; and the analysis in Cecily Rose, International Anti-Corruption Norms: Their Creation and Influence on Domestic Legal Systems (Oxford University Press, 2015).

[9] On the deliberate non-definition and its consequences, see Hannes Hechler et al., Can UNCAC Address Grand Corruption? (U4 / Chr. Michelsen Institute, 2011).

State's claim rests on a broad domestic concept of corruption. The absence of a shared definitional baseline can operate as a significant barrier to cooperation.[10]

Some scholars, by contrast, read the indeterminacy constructively, as interpretive flexibility allowing the Convention to evolve toward emerging forms of grand corruption, the misuse of corporate vehicles, and state capture. The constructivist literature reframes the same openness as norm contestation rather than mere drafting deficiency: the anti-corruption norm is robust by the measure of near-universal ratification yet contested in application, clashing with sovereignty claims and prompting some developing States to challenge prevailing corruption measurements, which helps explain why a binding common definition has remained politically unattainable.[11]

1.1.4 The Implementation Review Mechanism

UNCAC was notable among major conventions for the weakness of its monitoring architecture at adoption. Unlike UNTOC, it established no dedicated expert body with independent assessment powers: a gap reflecting the resistance of a bloc of States Parties, several large developing countries among them, to any mechanism perceived as infringing sovereignty. The Conference of the States Parties established the Implementation Review Mechanism (IRM) through Resolution 3/1 in 2009, operationalised from 2010. The IRM proceeds by peer review every two years: self-assessment by the reviewed State, desktop review by two peer reviewers, a country visit subject to consent, and a country review report whose publication is also subject to consent.[12]

The design embeds compromises widely criticised for limiting its effectiveness. It relies on self-reporting and restricted disclosure rather than compulsory, transparent peer review, a structural weakness directly implicated in the persistent implementation deficit. The peer methodology is susceptible to diplomatic accommodation; the consent requirement for visits and publication constrains transparency, since a State may consent to review without consenting to publication, neutralising the reputational pressure that is often the primary enforcement mechanism of international monitoring. The first cycle, moreover, covered only Chapters III and IV, deferring systematic review of the preventive and asset-recovery pillars to the second. The IRM has nonetheless generated a substantial body of comparative implementation data, but it makes no binding determinations and imposes no remedies; its relationship to UNCAC's normative development is one of political influence rather than legal authority.

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[10]On the limited technical and institutional support UNCAC provides for asset recovery, and proposals to remedy it, see Laurence R Helfer, Cecily Rose and Rachel Brewster, 'Flexible Institution Building in the International Anti-Corruption Regime: Proposing a Transnational Asset Recovery Mechanism' (2023) 117 American Journal of International Law 559.

[11]For the constructive reading of UNCAC's open texture as interpretive flexibility, see Cecily Rose, International Anti-Corruption Norms: Their Creation and Influence on Domestic Legal Systems (Oxford University Press 2015). On the anti-corruption norm as robust by the measure of ratification yet contested in application, including the clash with sovereignty and developing States' critique of corruption measurements, see Ellen Gutterman and Mathis Lohaus, 'What is the "Anti-Corruption" Norm in Global Politics? Norm Robustness and Contestation in the Transnational Governance of Corruption' in Ina Kubbe and Annika Engelbert (eds), Corruption and Norms: Why Informal Rules Matter (Palgrave Macmillan 2018) 241. The underlying distinction between validity and applicatory contestation draws on Nicole Deitelhoff and Lisbeth Zimmermann, 'Things We Lost in the Fire: How Different Types of Contestation Affect the Robustness of International Norms' (2020) 22 International Studies Review 51.

[12]Conference of the States Parties to UNCAC, Resolution 3/1 (2009) establishing the Implementation Review Mechanism; UNODC, Implementation Review Mechanism.

1.2 UNTOC and the Organised Crime–Corruption Interface

UNTOC, adopted in November 2000 and in force from September 2003, reflects a distinct but intersecting logic: where UNCAC's concern is the corrupt act, UNTOC's is the organised criminal group that may use corruption as an enabling instrument. It establishes mandatory obligations on participation in an organised criminal group (Article 5), money laundering (Article 6), corruption (Article 8), and obstruction of justice (Article 23), with three protocols on trafficking in persons, smuggling of migrants, and firearms. Its corruption provisions are less elaborated than UNCAC's and explicitly subsidiary: Article 8(3) treats UNCAC-compliant criminalisation as satisfying UNTOC's requirements. UNTOC's primary contribution to anti-corruption governance therefore lies not in its criminalisation provisions but in the investigative tools it supplies where corruption is a modality of organised crime.[13]

The tendency of international frameworks to develop in sectoral silos is a recognised structural weakness: anti-corruption and organised-crime suppression have proceeded on parallel tracks (i.e., separate conventions, separate monitoring, separate national authorities) producing operational gaps precisely in cases of systemic, state-embedded corruption by actors with the organisational capacity of criminal enterprises. The empirical convergence is now well documented: the OECD Outlook 2026 reports that 71% of organised-crime groups reported to Europol in 2024 engaged in corruption, up from 60% in 2021, and Europol's SOCTA identifies corruption as a core enabler embedded in procurement, judicial, and law-enforcement systems14. COSP Resolution 10/5 (2023) held in Atlanta, USA, is the first formal institutional response, calling on States Parties to integrate anti-corruption and anti-organised-crime strategies, enhance information-sharing, and consider the organised-crime dimension in IRM reviews. The Resolution creates no binding obligation and does not resolve the underlying jurisdictional fragmentation, but it signals an emerging consensus that the two instruments must be read and implemented in an integrated manner. This convergence will be further explored in Chapter 5.[15]

1.3 The OECD Anti-Bribery Convention and the Council of Europe Conventions

The OECD Convention on Combating Bribery of Foreign Public Officials (1997), which entered into force in 1999, is the principal instrument targeting the supply side of foreign bribery by multinational enterprises. Its parties include all OECD members and several major non-member economies, encompassing the States responsible for the largest share of global exports and outward investment. It requires each party to criminalise the bribery of a foreign public official to obtain or retain business (Article 1), to hold legal persons liable (Article 2), and to impose effective, proportionate, and dissuasive sanctions (Article 3). Unlike UNCAC, it is narrowly calibrated to international commerce. Its decisive feature for the present analysis is its monitoring mechanism: the Working Group on Bribery's

[13]United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 29 September 2003) 2225 UNTS 209, arts. 5, 6, 8, 18, 23.

14OECD, Anti-Corruption and Integrity Outlook 2026: Harnessing the Integrity Advantage (OECD Publishing, 2026), ch. 11; Europol, Serious and Organised Crime Threat Assessment (SOCTA) 2025; Conference of the States Parties, Resolution 10/5 (2023).

15https://legalinstruments.oecd.org/public/doc/205/205.en.pdf

Phase 1–Phase 4 reviews publish reports as a matter of course, accompanied by specific recommendations subject to follow-up. The Group has shown willingness to identify non-compliance candidly and impose reputational costs. This rigour has made the Convention the primary driver of foreign-bribery enforcement among major trading nations, such as France's enforcement model, including the Parquet National Financier and the CJIP, developed substantially in response to Working Group pressure following its Phase 3 review. In fact, Transparency International identified this mechanism as the "gold standard" of monitoring. [16]

The Council of Europe's Criminal Law Convention on Corruption (ETS No. 173, 1999) and Civil Law Convention on Corruption (ETS No. 174, 1999) supply the regional standard applicable to all EU Member States. The Criminal Law Convention requires criminalisation of active and passive bribery of domestic and foreign officials, members of public assemblies, and private-sector actors, plus trading in influence and account offences. The Civil Law Convention obliges States to provide effective remedies for those harmed by corruption. The Group of States against Corruption (GRECO), established in 1999, operates a rolling evaluation system, currently on its Fifth Round, publishing reports with specific recommendations and formal follow-up. This process is also among the more effective monitoring mechanisms in the field. GRECO's Fourth Round, focused on corruption prevention in respect of parliamentarians, judges, and prosecutors, is directly relevant to the judicial-integrity findings examined in Chapter 2.[17]

The layered order constituted by UNCAC, UNTOC, the OECD Convention, and the Council of Europe instruments creates a dense environment of overlapping obligations and monitoring for EU Member States. Italy and France are simultaneously subject to UNCAC IRM reviews, OECD Working Group reviews, GRECO evaluations, and EU compliance monitoring. This conveys a multiplicity of processes that, as Chapter 2 documents.

1.4 Analytical Framework: Monitoring, Fragmentation, and Definitional Baselines

Three cross-cutting themes inform the thesis's comparative method. On monitoring architecture, comparison of the IRM, the OECD Working Group, and GRECO reveals a consistent pattern: mechanisms with binding publication, specific recommendations, and formal follow-up generate stronger compliance incentives than those dependent on State consent for disclosure. In the absence of external enforcement, implementation depends on domestic political will, and monitoring that reduces the reputational cost of non-compliance creates conditions for strategic under-implementation. The 19-percentage-point gap between regulatory strength and implementation documented by the OECD Outlook 2026 is, on this analysis, at least partly attributable to the structural weakness of international monitoring.

On normative fragmentation, the parallel development of UNCAC and UNTOC as separate instruments with separate processes reflects a broader pathology of regulatory proliferation that produces

[16]OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), arts. 1–3; OECD Working Group on Bribery, country monitoring reports (Phases 1–4).

[17]Council of Europe Criminal Law Convention on Corruption (ETS No. 173, 1999) and Civil Law Convention on Corruption (ETS No. 174, 1999); GRECO evaluation reports (Fourth and Fifth Rounds).

enforcement arbitrage: actors who use corruption instrumentally within organised structures may fall between institutions mandated to address only one dimension. On definitional baselines, the absence of a shared definition, UNCAC proceeds by enumeration, UNTOC treats corruption as ancillary, the OECD Convention is limited to foreign bribery, the Council of Europe conventions cover a broader but delimited range, means the 'same' conduct may fall within some instruments and outside others, operationalising definitional divergence as a barrier to cooperation through the dual-criminality requirement. The EU's harmonisation project, examined from Chapter 3, is the most legally ambitious attempt to resolve this fragmentation within a defined regional order.

1.5 COSP 11 (2025): The Doha Declaration and the Trajectory of UNCAC

The eleventh session of the Conference of the States Parties, which adopted the Doha Declaration alongside eleven substantive resolutions in December 2025, provides the most recent institutional evidence of how these tensions are being addressed, and, in several respects, left unresolved. Because the resolutions were adopted in the same window as the EU's Directive, they constitute a contemporaneous benchmark for the chapters that follow.[18]

Resolution 11/2 launches the second phase of the IRM, with reviews to begin after the drawing of lots at the eighteenth session of the Implementation Review Group in 2027, confirming a two-cycle, five-year structure that reviews Chapters III and IV first and Chapters II and V second, perpetuating the sequencing that delayed systematic review of prevention and asset recovery. Two reforms partially address the transparency deficit: a request to the secretariat to maintain an online dashboard of good practices and technical-assistance needs, and an urging that States raise awareness of review outcomes through standardised press releases. Crucially, however, publication of country reports remains a 'sovereign right' rather than a requirement, and the Resolution reaffirms their confidential nature, confirming that the IRM's reform trajectory is incremental and consent based.

Resolution 11/7, on transparency in political-party and campaign funding, illustrates the consequences of the mandatory/discretionary distinction: it is built on Article 7(3), framed in the permissive register, and candidly records that 'considerable challenges' in implementing that paragraph were identified through the second review cycle. That a discretionary preventive provision required a dedicated resolution two decades after adoption demonstrates the central claim of section 1.1.2; its detailed operative paragraphs supply the elaboration the binding text withholds, but only through hortatory language creating no new obligation. Resolutions 11/8 (inter-agency cooperation between anti-corruption bodies and financial-intelligence units), 11/9 (corruption affecting the environment), and 11/11 (corruption facilitating the smuggling of migrants) extend the integrative trajectory begun by Resolution 10/5, applying UNCAC's tools to conduct squarely within UNTOC's jurisdiction. This confirms that integration is hardening into a sustained programme, while equally confirming that it proceeds through soft-law encouragement rather than binding jurisdictional reform. Resolution 11/5, on enhancing data collection, corroborates the measurement deficit and connects to the definitional problem, acknowledging that the covert nature of corruption and a lack of data

[18]Conference of the States Parties to UNCAC, eleventh session, Doha Declaration and Resolutions 11/1–11/11 (December 2025); UNODC, COSP 11 outcomes.

interoperability continue to obstruct measurement, the empirical counterpart of the OECD's implementation gap.

This chapter has established that the foundational international instruments are characterised by normative ambition, structural differentiation, and persistent implementation deficits. This is an issue that the EU's 2026 Directive, and the transposition period it initiates, will directly test.

Chapter 2, The Empirical Baseline: The OECD Outlook 2026 and the Corruption Perceptions Index

This chapter constructs the empirical baseline for the comparative analysis. It draws principally on the OECD Anti-Corruption and Integrity Outlook 2026, the most systematic cross-national dataset currently available, and triangulates its institutional findings against the Transparency International Corruption Perceptions Index (CPI). It introduces the Outlook's methodology and its central finding: a persistent gap between regulatory strength and implementation. The Outlook presents the global findings across seven thematic dimensions and develops detailed country profiles for France and Italy that ground the legislative and enforcement analysis in Chapters 3 to 6.

2.1 The OECD Outlook 2026: Scope, Method, and the Implementation Deficit

The Outlook, subtitled *Harnessing the Integrity Advantage*, assesses integrity systems across 62 countries (37 OECD members and 25 partners) and seven thematic areas: anti-corruption strategies; lobbying; conflict-of-interest governance; political finance; transparency of public information; integrity of the disciplinary system; and integrity of the justice system. The depth of this analysis maps directly onto UNCAC Chapter II's preventive obligations and the EU's requirements, making the Outlook uniquely suited as the empirical anchor for this thesis. Its decisive methodological move is to distinguish, in each area, between regulatory strength (i.e., the formal adequacy of laws on paper, and implementation quality, namely whether frameworks operate effectively, whether authorities are resourced and independent, and whether outcomes are measured).[19]

The headline finding is a persistent 19-percentage-point gap between average regulatory strength and average implementation quality across OECD members, with the largest gaps in disciplinary systems and conflict-of-interest management, and only one in four members tracking the implementation of its own anti-corruption strategy. The OECD does not attribute the implementation gap to a single cause. Rather, it identifies a range of institutional explanations, including resource constraints, weak oversight, insufficient monitoring, political incentives, and implementation-capacity deficits.[20]

The Outlook's data give this purchase but also qualify it: Italy has, for the first time, adopted a national plan with measurable output-level indicators and a planned evaluation, even as outcome-level indicators remain absent. The Italian CPI recovery between 2012 and 2020, examined below, demonstrates that complexity without implementation is not immutable where targeted reform with dedicated enforcement capacity is sustained.[21]

[19]OECD, Anti-Corruption and Integrity Outlook 2026: Harnessing the Integrity Advantage (OECD Publishing, 2026), https://doi.org/10.1787/16708b78-en, p. 24.

[20]OECD, Outlook 2026, pp. 9, 16–17. The political-economy account draws on Susan Rose-Ackerman and Bonnie J. Palifka, Corruption and Government: Causes, Consequences, and Reform (2nd edn, Cambridge University Press, 2016).

[21]OECD, Outlook 2026, p. 37, Table 2.1. On the public-choice framing see Fabio Padovano's work on the law–corruption nexus, discussed in section 4.3.

2.2 Global Findings Across Seven Dimensions

Anti-corruption strategies, mandated by UNCAC's Article 5 and required by the 2026 EU Directive, reveal a quality deficit: among members with relevant objectives, only a third include outcome-level indicators and a quarter set target values. The organised-crime interface is under-addressed: of 24 members with a strategy, only eight contain objectives on organised crime. Lobbying regulation shows developed frameworks but weak implementation, especially on the revolving door, as most countries including France and Italy maintain cooling-off rules without tracking whether officials move into sectors they formerly regulated. Conflict-of-interest governance, mapping onto UNCAC Articles 7 and 8, shows the largest implementation gap of all areas, driven by failures to verify declarations and to issue conflict-resolving recommendations.[22]

Political finance, assessed against UNCAC Article 7(3) and GRECO standards, shows that only around half of members ban anonymous donations. Transparency of public information shows high regulatory strength but weaker supervisory implementation, and both France and Italy fail to make beneficial-ownership information fully accessible via a central public register, a gap directly relevant to tracing proceeds under UNCAC Chapter V and the EU's AML framework. The disciplinary dimension shows clear regulations undermined by inadequate training and near-universal failure to publish outcomes. Finally, the integrity of the justice system, which was assessed for the first time in 2026 across four criteria covering published conduct standards and operational ethics advisory bodies for judges and prosecutors, is analytically central, because the justice sector is both a corruption-risk site and the actor responsible for prosecuting corruption elsewhere; weaknesses there produce a compound enforcement bottleneck.[23]

2.3 The Corruption Perceptions Index: Italy and France

The CPI scores 180 countries from 0 (highly corrupt) to 100 (very clean), drawing on up to thirteen expert and business sources, and provides an independent reputational measure against which to triangulate the OECD's institutional findings. The two national trajectories diverge instructively. France's 2024 score was 67, with Transparency International recording a declining trend across Western Europe; in 2025, France scored 66 and ranked 27th, its lowest level in over a decade. Italy's 2024 score was 54, ranked 52nd; in 2025, it scored 53 and held rank 52.[24]

Italy's longer arc is the more significant. From a 2012 score of 42 and a rank near 72nd, Italy improved markedly over the decade, reaching the mid-50s and a rank in the low-50s by around 2020, roughly twenty rank positions gained over the period in which the ANAC-led prevention model was consolidated. That gain has since proved fragile. Having peaked, Italy's score reversed for the first time in over a decade and then slipped further to 53 out of 100, leaving it nineteenth among European Union member states against an EU average of 62, and thirty-first of thirty-eight OECD countries. Transparency International expressly attributed this deterioration to specific legislative retreats: the

[22] OECD, Outlook 2026, pp. 37, 58, 64 (Tables 2.1, 4.1), and p. 141 (Table 11.1).

[23] OECD, Outlook 2026, pp. 47, 72, 82, 85, 93, 101–103 (Figures 3.3, 8.4; Tables 5.1, 6.1, 8.2).

[24] Transparency International, Corruption Perceptions Index 2024 (Berlin, 11 February 2025), results for France (67) and Italy (54); CPI 2025 (February 2026), France 66 (rank 27) and Italy 53 (rank 52).

narrowing of the definition of trading in influence and the 2024 decriminalisation of abuse of office (*abuso d'ufficio*), which it warned weaken checks on the ties between the public sector and organised crime, compounded by persistent gaps in lobbying regulation, conflict-of-interest management, and transparency in the monitoring of National Recovery and Resilience Plan (PNRR) funds.

This downturn is significant precisely because the CPI measures *perceived* public-sector corruption, as assessed by experts and business executives, rather than prosecution or conviction rates. The repeal of Article 323 of the Criminal Code therefore registered not as a change in the underlying incidence of misconduct but as a signal about the integrity of Italy's institutional safeguards. In this sense, Italy's trajectory illustrates a broader regional pattern that Transparency International identified across Western Europe, where the erosion of legal frameworks and the politicisation of anti-corruption architecture drove a second consecutive annual decline in the regional average. This underscores the tension between national reform agendas and the EU's emerging push toward harmonised anti-corruption standards. The CPI must be read with its standard caveats; it is perception-based and registers noise in small annual movements, but its convergence with the OECD's findings on Italy's judicial-integrity deficit strengthens both.

2.4 Country Profiles

2.4.1 France: Conduct Standards, Connectivity, and Implementation Gaps

France’s profile is that of a country with strong conduct standards in its justice system and relatively robust conflict-of-interest and political-finance frameworks, but with implementation weaknesses on supervisory inspection, post-employment tracking, and strategic measurement. Its most significant confirmed strength is its performance on the justice-integrity criteria: France fulfils all four: published conduct standards for judges, an operational ethics advisory body offering confidential counselling, published standards for prosecutors, and an operational advisory body within the prosecution service, placing it among a minority of OECD members to do so. The analytical significance lies in the institutional infrastructure this represents: French judicial officers have access to confidential ethical guidance, a mechanism whose absence in Italy contributes directly to the enforcement bottleneck.[25]

On political finance, France fulfils three of four criteria; on strategy design, it has output-level indicators but lacks outcome-level indicators, target values, and a dedicated evaluation activity, so it can show that activities occur but not whether they change corruption levels; and on transparency supervision its body lacks inspection authority. The overall implication is one of connectivity: the HATVP, the AFA, the PNF, and the CJIP form a system in which prevention and enforcement are institutionally linked, with the justice-integrity conduct standards providing the ethical foundation within which that system operates. France’s weaknesses at the outcome-level measurement, post-employment tracking, and supervisory inspection are real but do not disrupt this systemic coherence in the way Italy’s judicial-integrity gap does.[26]

[25]OECD, Outlook 2026, p. 101, Table 8.2 (France fulfils all four justice-integrity criteria).
[26]OECD, Outlook 2026, pp. 37, 64, 72, 85 (Tables 2.1, 4.1, 5.1, 6.1) and p. 47 (Figure 3.3).

Table 2.1 , France: OECD Outlook 2026 Performance Summary

Thematic dimension	Source	Assessment
Anti-corruption strategy	p. 37, Table 2.1	Partial: output indicators met; outcome indicators unmet
Lobbying / post-employment	p. 64, Table 4.1	Gap: cooling-off met; movement not tracked unmet
Political finance	p. 72, Table 5.1	Partial: 3 of 4 criteria met
Transparency supervision	p. 85, Table 6.1	Gap: data published met; inspections/sanctions unmet
Beneficial ownership	p. 47, Figure 3.3	Gap: public register not fully accessible
Justice-system integrity	p. 101, Table 8.2	Strong: all 4 criteria met

Source: OECD Anti-Corruption and Integrity Outlook 2026; author's synthesis.

2.4.2 Italy: Institutional Innovation and the Enforcement Bottleneck

Italy's profile combines internationally recognised best practice in procurement-risk analytics with the most comprehensive failure on judicial conduct standards documented among assessed members. Its strongest contribution is ANAC's procurement-risk methodology, cited by the Outlook as an example of how digital technologies manage integrity risks in public procurement, integrating multiple data sources with an open approach to data, software, and knowledge. This validates Italy's position as a genuine innovator in administrative prevention, which makes the judicial-integrity gap all the more significant.[27]

On strategy design, Italy has output-level indicators and a planned evaluation but lacks outcome-level indicators; its strategy includes a cross-reference to organised crime where, at the time of data collection, France's prior plan did not an asymmetry revisited below. On transparency supervision, Italy fails all three criteria. The most significant finding for the thesis's central argument is Italy's performance on justice integrity.

The enforcement implication is the bottleneck the thesis identifies. ANAC's prevention intelligence, generated through procurement-risk analytics, transparency obligations, and whistleblowing channels, must pass through ordinary prosecutors operating in a judicial system without published ethical standards, institutional advisory bodies, or verified declaration compliance. The referral pathway from ANAC-identified risk to criminal prosecution therefore runs through actors who lack the structural integrity safeguards their French counterparts possess. Italy's 2024 abolition of the abuse-of-office offence and simultaneous narrowing of trading in influence, occurring as the EU finalised the Directive, widened this gap, a retreat that the 2024 CPI, in which Italy slipped, contextualises as carrying measurable reputational consequences.

[27] OECD, Outlook 2026, p. 133, Box 10.2 (ANAC procurement-risk methodology cited as an OECD best-practice example).

Table 2.2 , Italy: OECD Outlook 2026 Performance Summary

Thematic dimension	Source	Assessment
Anti-corruption strategy	p. 37, Table 2.1	Partial: output met; evaluation planned met; outcome unmet
Lobbying / post-employment	p. 64, Table 4.1	Gap: cooling-off met; movement not tracked unmet
Political finance	p. 72, Table 5.1	Mixed: 2 of 4 criteria met
Transparency supervision	p. 85, Table 6.1	Weak: all 3 criteria unmet
Procurement risk analytics	p. 133, Box 10.2	Strong: ANAC cited as OECD best practice
Justice-system integrity	p. 101, Table 8.2	Critical gap: 0 of 4 criteria met

Source: OECD Anti-Corruption and Integrity Outlook 2026; author's synthesis.

2.4.3 Comparative Synthesis: Divergence Within a Common Framework

The most analytically significant feature of the comparison is not that the two countries perform differently across dimensions, as such variation is expected, but that they diverge so sharply despite operating within identical normative frameworks. Both are OECD members subject to Working Group review; both have ratified UNCAC and GRECO members; both are EU Member States; and from 2028 both face the same transposition obligations. The data demonstrate that formal normative alignment does not produce operational convergence: the empirical core of hypothesis H2.

Table 2.3 , France and Italy: Comparative Outlook 2026 Summary

Dimension (source)	France	Italy
Judicial conduct standards (p. 101)	All 4 met	0 of 4 met
Ethics advisory body, judges (p. 101)	Operational	Absent
Transparency supervision (p. 85)	Data met; inspections/sanctions unmet	All 3 unmet
Anti-corruption strategy (p. 37)	Output met; outcome unmet	Output met; evaluation met; outcome unmet
Organised crime in strategy (p. 141)	No cross-reference (prior plan)	Cross-reference included
Political finance (p. 72)	3 of 4 met	2 of 4 met
Procurement analytics (p. 133)	Not cited	ANAC cited as best practice
Post-employment tracking (p. 64)	Regulation met; not tracked unmet	Regulation met; not tracked unmet

Source: OECD Outlook 2026, pages as indicated; author's synthesis.

Table 2.3 reveals features obscured in aggregate assessments. On organised-crime integration, the two diverged at the time of the Outlook: Italy's strategy cross-referenced organised crime where France's prior plan did not, though, as Chapter 5 notes, France's November 2025 second plan reverses this by making the corruption–organised-crime nexus a central axis, while Italy's formal acknowledgement is not matched by the enforcement infrastructure needed to act on it. The divergence is sharpest on judicial integrity and transparency supervision, the two areas most consequential for the enforcement pathway from prevention to prosecution, the thesis's primary comparative variable. The diagnostic proposition the data support is that Italy's prevention intelligence cannot reliably reach enforcement actors through credible institutional channels, because those actors operate in a judicial system without the conduct standards, advisory bodies, or verified declarations that France possesses. France's comparative advantage is therefore not primarily stronger prevention. It is measurement and post-employment gaps are real, but enforcement infrastructure.

2.5 Limitations and Analytical Implications

Three limitations qualify the Outlook's use. It assesses formal and institutional indicators rather than outcomes, so the thesis supplements it with enforcement-output data and CPI trajectories; it is a point-in-time assessment, so Italy's 2024 abolition of abuse of office and both countries' November 2025 strategies are addressed through primary national documents; and its peer-comparison method means a country strong relative to OECD peers may still fall below what effective governance requires in absolute terms. Notwithstanding these limitations, the Outlook provides the most methodologically rigorous cross-national dataset available, and its structure maps directly onto UNCAC and EU requirements making it, with the CPI, the appropriate empirical anchor for the chapters that follow.

Chapter 3, The Evolution of the EU's Anti-Corruption Normative Framework

The European Union's engagement with corruption as a matter of supranational governance has followed a fluctuating path: long periods of institutional hesitation punctuated by legislative acceleration driven by external crises, treaty developments, and sustained pressure from the European Parliament and civil society. From its origins as a narrow instrument addressing corruption involving EU officials, the framework has developed over three decades into a scheme that now directly harmonises substantive criminal law across Member States. The 2026 Directive on combating corruption represents the culmination of this trajectory: the first EU instrument to mandate criminalisation of a defined catalogue of corruption offences and to impose binding standards on the prevention architecture. This chapter traces that evolution, analyses the political dynamics that shaped it, and assesses the extent to which the resulting framework aligns with, diverges from, or exceeds the UNCAC and UNTOC baselines established in Chapter 1.

3.1 Pre-Lisbon Foundations and Institutional Constraints

The EU's first anti-corruption law was conditioned by the constitutional architecture of the Treaty of Maastricht, which assigned criminal matters to the Third Pillar: the domain of intergovernmental cooperation governed by unanimity and falling outside the jurisdiction of the Court of Justice. Legislative instruments took the form of Conventions requiring ratification, a form that proved chronically slow. The 1997 Convention on the Fight against Corruption Involving Officials of the European Communities or Officials of Member States, adopted under Article K.3 TEU, required Member States to criminalise active and passive bribery of EU and national officials, marking a step beyond the purely internal-market concerns of the 1995 PIF Convention toward a governance-oriented conception of corruption as a threat to the rule of law. Its impact was severely limited by ratification delay: it did not enter into force until 2005, eight years after adoption. The absence of supranational monitoring, in contrast to the OECD Working Group operating in the same period, meant compliance could not be systematically assessed.[28]

The Third Pillar also produced the 1998 Joint Action and the 2003 Framework Decision on Combating Corruption in the Private Sector, requiring criminalisation of active and passive bribery in commercial activity and reflecting the emerging consensus, embodied in UNCAC, that private-sector corruption merited mandatory criminalisation. But Framework Decisions, while binding as to result, lacked direct effect and could not be enforced through infringement proceedings. The result was a patchwork formally harmonised on paper without functional convergence. These structural constraints were compounded by political ambivalence: some Member States resisted the Europeanisation of criminal law as an encroachment on sovereignty; others, facing domestic sensitivities, preferred the opacity of

[28]Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the EU (adopted 26 May 1997, in force 28 September 2005); Convention on the Protection of the European Communities' Financial Interests (PIF Convention, 1995).

intergovernmental processes. The result was a pronounced gap between the EU's rhetorical commitment and its narrow, slow, weakly monitored output.[29]

3.2 Post-Lisbon Transformation: The Article 83 Architecture

The Maastricht Treaty (1993) organised the European Union into three "pillars," each governed by a distinct decision-making logic. Whereas the First Pillar housed the supranational European Community, where acts could enjoy direct effect and supremacy over national law and the Court of Justice exercised full jurisdiction, the Third Pillar, covering Police and Judicial Cooperation in Criminal Matters within the Area of Freedom, Security and Justice, operated on an intergovernmental basis that reserved criminal law to the Member States.

The Treaty of Lisbon (effective on December 1, 2009) fundamentally altered the basis for EU criminal law. It abolished the Third Pillar, bringing the area of freedom, security and justice within the ordinary legislative procedure and the jurisdiction of the Court of Justice. Critically, Article 83(1) TFEU established explicit competence to adopt directives setting minimum rules on the definition of offences and sanctions in areas of serious cross-border crime and named corruption among them. Article 83(2) provided for ancillary harmonisation where essential to a harmonised EU policy. This replaced the consensual, non-enforceable character of Third Pillar instruments with qualified-majority voting, co-decision with the Parliament, and enforceability through infringement proceedings, aligning EU compliance architecture more closely with the rigorous OECD model.[30]

The immediate post-Lisbon period nonetheless produced less than the new architecture suggested. The Commission's 2011 Communication signalled an intention to develop a comprehensive strategy,[31] but the most significant output of the early years was the 2017 PIF Directive, confined to offences affecting the EU budget[32]. The PIF Directive is Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law. Adopted on 5 July 2017, it harmonises the definitions of criminal offences and sanctions affecting the EU budget across member states. It covers fraud (both on the expenditure and revenue side), and related offences like money laundering, corruption, and misappropriation by public officials where they damage the Union's financial interests. Notably, it brings serious cases of cross-border VAT fraud within its scope where the total damage reaches at least €10 million, which was a contested point during negotiations.

The PIF Directive was complemented by the European Public Prosecutor's Office (EPPO), which became operational in 2021. EPPO's competence was extended only to budget fraud, not domestic

[29] Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector.

[30] Treaty on the Functioning of the European Union, Article 83(1)–(2).

[31] European Commission, Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, Fighting Corruption in the EU, COM (2011) 308 final, 6 June 2011.

[32] Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (the 'PIF Directive'), OJ L 198, 28.7.2017, pp. 29–41. The Directive harmonises definitions, sanctions and limitation periods for offences affecting the EU's financial interests, encompassing both expenditure-side fraud and revenue-side offences such as serious cross-border VAT fraud.

corruption.[33] The 2014 EU Anti-Corruption Report was an important monitoring innovation, yet it was discontinued after a single edition, reflecting both the methodological difficulty of comparative assessment and the political sensitivity of subjecting Member States to public evaluation.[34] What sustained pressure in the absence of comprehensive legislation was instead external: civil-society advocacy, successive Parliament resolutions, and a series of high-profile scandals.

The most prominent of these scandals, commonly termed "Qatargate," erupted in December 2022 and constituted the most serious corruption crisis in the European Parliament's history. It centred on an alleged cash-for-influence scheme in which several sitting and former Members of the European Parliament, together with associates operating partly through non-governmental organisations, were accused of accepting payments from Qatar and Morocco in exchange for advancing those states' interests within the Union. On December 9, 2022, Belgian police executed a series of raids across Brussels, seized more than €1.5 million in cash, and arrested several suspects, among them a Vice-President of the Parliament. The institutional response was swift: the Parliament suspended all legislative work relating to Qatar and adopted, by 541 votes to 2, a resolution demanding transparency and accountability reforms across the EU institutions.[35] The episode crystallised long-standing concerns about the strength of the Parliament's ethics framework to external influence. Yet, while it sustained political momentum and reputational pressure, it did not of itself generate a comprehensive legislative response. Qatargate illustrates the recurring pattern of the period, in which high-profile scandal kept anti-corruption salient without translating directly into harmonised legal output. The substantive reform impetus came instead from elsewhere: the gap between this limited institutional capacity and the scale of the problem documented by the OECD, GRECO, and Transparency International ultimately provided the context for the May 2023 anti-corruption package.

3.3 The May 2023 Package: Genesis and Compromises

The Commission's presentation of the anti-corruption package on May 3, 2023, cannot be understood apart from Qatargate. Although the initiative had been announced by President von der Leyen in her 2022 State of the Union address, the scandal that broke that December lent it acute political urgency: it exposed weaknesses in the Parliament's own integrity architecture, such as its transparency register, declaration systems, and internal compliance functions. The situation generated sustained pressure for reform that the Commission, already the subject of GRECO's criticism of EU-level integrity gaps,

[33]Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, pp. 1–71. The EPPO's material competence under Article 22 is tied to the PIF Directive, confining it to offences affecting the EU budget; it became operationally active on 1 June 2021. On the enhanced-cooperation basis, see Articles 86 and 326–334 TFEU.

[34]European Commission, Report from the Commission to the Council and the European Parliament, EU Anti-Corruption Report, COM(2014) 38 final, 3 February 2014. The Report announced biennial publication but no further edition followed; the mechanism was discontinued in 2017. See European Commission, Letter from Vice-President Frans Timmermans to Claude Moraes MEP, Chair of the Committee on Civil Liberties, Justice and Home Affairs, Ares (2017) 455202, 25 January 2017.

[35]The Belgian federal prosecutor's investigation remains ongoing; following the Court of Appeal ruling of February 2026 that the proceedings could continue, no trial date had been set as of April 2026. The matter is therefore referenced here as a set of allegations under investigation rather than as adjudicated findings. See European Parliament, Resolution of 15 December 2022 on the suspicions of corruption from Qatar and the broader need for transparency and accountability in the European institutions, P9_TA(2022)0448, 2022/3012(RSP).

could not deflect. The package comprised three elements: a proposed Directive on combating corruption by criminal law, a Communication setting out the EU anti-corruption framework, and a proposal from the High Representative to establish a dedicated CFSP sanctions regime targeting serious acts of corruption committed outside the EU. The Directive was ambitious: it extended the criminal-law acquis beyond the classic bribery offences to a broad catalogue including misappropriation, trading in influence, abuse of functions, obstruction of justice, and enrichment from corruption offences, and it required Member States to establish independent specialised anti-corruption bodies protected from political interference.

Negotiations extended over two years, reflecting divergent legal traditions and domestic sensitivities. The Council's June 2024 general approach modified the proposal in two respects that attracted the most commentary. First, it removed the standalone criminalisation of abuse of functions, retaining it only as an element of other offences, directly responsive to States, including Italy, which had abolished the domestic equivalent (abuso d'ufficio) in 2024 and feared a broad offence would chill legitimate administrative action and generate strategic prosecutions. Proponents, including the Parliament, argued the removal created a gap relative to UNCAC Article 19 and reduced the Directive's capacity to address systemic political corruption. Second, the Council relaxed the independence requirements for national bodies, replacing prescriptive provisions on autonomy and resourcing with broader principles. The trilogue produced a final text preserving the abuse-of-functions conduct in a narrower form, limited to intentional conduct to obtain a benefit and excluding mere maladministration, and retaining strengthened but not fully prescriptive independence requirements: a characteristic EU compromise, normatively significant in establishing mandatory minimum standards but qualified by the politics of Member State negotiation.

3.4 The 2026 Directive: Content and UNCAC/UNTOC Alignment

The EU Anti-Corruption Directive 2026/1021 is the first EU instrument to harmonise corruption offences as a matter of criminal law across the EU, and its legal foundation lies in Article 83(1) TFEU, which designates corruption a "euro-crime", one of the serious cross-border offences for which the EU may adopt minimum rules. The Directive's origins trace to Commission President von der Leyen's 2022 State of the Union announcement of an updated anti-corruption framework, followed by the Commission's proposal of May 3, 2023, which sought to consolidate the pre-Lisbon legal architecture. After provisional agreement was reached on December 2, 2025, the Parliament endorsed the text on March 26, 2026, and the Council formally adopted it on April 21, 2026. It was published in the Official Journal on May 11, 2026 (Directive (EU) 2026/1021, OJ L, 2026/1021, 11.5.2026) and entered into force on May 31, 2026. Member States have twenty-four months from adoption to transpose most provisions, with a thirty-six-month deadline for the obligations on corruption risk assessments and national strategies.

Substantively, the Directive establishes a single set of criminal offences: bribery in the public and private sectors, misappropriation, trading in influence, obstruction of justice, enrichment connected to corruption offences, concealment, and the unlawful exercise of public function, with harmonised minimum penalties for both individuals and legal persons, and minimum rules on limitation periods designed to leave sufficient time to bring corruption cases to justice. Beyond criminalisation, it obliges Member States to equip law enforcement and prosecutors with adequate investigative tools and to adopt preventive and integrity measures, most notably national anti-corruption strategies. It replaces, for all Member States except Denmark, the 1997 Convention on the fight against corruption involving EU officials and Council Framework Decision 2003/568/JHA on corruption in the private sector; Denmark, by virtue of its opt-out in Justice and Home Affairs matters, remains bound by the two earlier instruments. The Directive also amends the PIF Directive (Directive (EU) 2017/1371) and sits alongside the wider anti-corruption architecture of the European Public Prosecutor's Office, OLAF, and the asset-recovery, anti-money-laundering, and whistleblower-protection regimes.

Assessed against the UNCAC baseline, the Directive both exceeds and falls short. It exceeds the UNCAC mandatory floor by requiring criminalisation of conduct UNCAC leaves discretionary, notably trading in influence (UNCAC Article 18) and, through Article 7, a form of abuse of functions (UNCAC Article 19). It does so by imposing binding institutional requirements, specialised bodies, national strategies, periodic risk assessment, that operationalise UNCAC Chapter II provisions framed only permissively. It thereby functions as the principal mechanism by which UNCAC's non-mandatory aspirations are converted into enforceable regional obligation. At the same time, the absence of a standalone independent illicit-enrichment offence and the narrowing of the abuse-of-functions provision leave the EU framework short of the full UNCAC criminalisation architecture as proponents conceived it. The Directive's institutional dimension is its most constitutionally novel contribution: by conditioning anti-corruption governance on institutional design rather than merely on the content of criminal law, it reflects the accumulated evidence (from the OECD Outlook, GRECO, and the IRM) that formal legislative compliance is necessary but not sufficient.

3.5 Transposition 2026–2028: Italy and France

The transposition period tests the Directive's ambition where the gap between legal architecture and implementation reality is most consequential. For France, transposition is largely a matter of confirming and fine-tuning a framework that already substantially aligns: French law already criminalises active and passive bribery of domestic, foreign, and international officials and private-sector actors, trading in influence, obstruction, misappropriation, concealment, and money laundering. For Italy, the Directive's Article 7 requirement to criminalise the unlawful exercise of public function cuts directly against the 2024 repeal of abuse of office, obliging Parliament to legislate back into the Criminal Code a category of conduct it had only recently removed, a tension that became a matter of open political controversy when the Directive was adopted. More fundamentally, the Directive's emphasis on effective investigation, adequate prosecutorial tools, and the integration of prevention with enforcement presses against the structural divide on which the Italian system is built.[36]

Understood through the lens of effective multilateralism, the EU acts here as a normative mediator between the international standards of UNCAC and UNTOC and the domestic orders of Member States: it does not simply implement international obligations but selects from, reinterprets, and in places exceeds them, creating a regional standard shaped by its constitutional architecture and the balance of political forces. Whether this mediation produces coherent EU–UN multilateralism, mutual reinforcement and convergent implementation, or a regional standard that complicates UNCAC IRM review is a question the comparative national analysis in the following chapters begins to answer.

Chapter 4, Italy and France: Prevention, National Strategies, and Legislative Analysis

This chapter consolidates the comparative prevention analysis. It proceeds in four parts. The first applies a common evaluative framework, drawn from UNCAC's preventive provisions, the relevant EU measures, and the criteria used by UNODC, the OECD, and the European Commission, to compare Italy and France across whistleblowing protection, asset and interest declarations, and the institutional mandates of the principal national authorities. The second examines the two national anti-corruption strategies adopted in November 2025, which represent each country's response to the Directive's strategy requirement. The third undertakes a structured legal analysis of the layered normative order, identifying where national obligations exceed, meet, or fall short of UNCAC.

4.1 Prevention in Practice: A Common Framework

UNCAC's preventive chapter frames corruption prevention as an interlocking system of institutional, transparency, and integrity measures. Three provisions are especially salient for a paired comparison: Article 6 (an independent preventive body with adequate resources), Article 8 (codes of conduct and asset declarations), and Article 33 (protection of good-faith reporters). The EU has layered binding minimum standards on this baseline, principally Directive (EU) 2019/1937 on the protection of persons who report breaches of EU law, which required transposition by December 2021. The framework applied here asks three questions of each instrument in each country: who and what is covered (scope); whether an independent body with adequate powers oversees the regime (institutional design); and whether non-compliance and retaliation carry credible consequences (enforcement).[37]

4.1.1 Whistleblowing Protection

Italy transposed the Whistleblowing Directive through Legislative Decree No. 24 of 10 March 2023, consolidating a regime previously anchored, for the public sector, in Law No. 179/2017 and, for private entities, in the organisational models of Legislative Decree No. 231/2001. The Italian transposition

[36] On Italy's position, see CMS, 'EU Anti-Corruption Directive: new challenges for corporate compliance' (April 2026), noting the overlap between Article 7 and the repealed abuse-of-functions offence; and the controversy reported around the Directive's adoption (March–April 2026).

[37] UNCAC arts. 6, 8, 33 (Article 33 framed non-mandatorily); Directive (EU) 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305/17, art. 26.

extends protection beyond breaches of Union law to violations of national law harming the public interest, exceeding the Directive's minimum material scope. ANAC operates the confidential external channel, acknowledging receipt within seven days and providing feedback within three months, backed by administrative sanctions of EUR 10,000 to 50,000 for retaliation, obstruction of reporting, breaches of confidentiality, or failure to establish compliant channels (Article 21).

France's framework predates the Directive: the Sapin II Law of 9 December 2016 created a general whistleblower status, substantially strengthened by the loi Waserman (Law No. 2022-401 of 21 March 2022) and its companion Organic Law No. 2022-400, which reinforced the role of the Défenseur des droits. The French transposition is widely regarded as gold-plating: it broadened the definition of whistleblower, removed the requirement to exhaust internal channels before reporting externally, and reinforced anti-retaliation protections, with the Défenseur des droits acting as the central orientation body and sectoral external authorities, including the HATVP and the AFA,designated by Decree No. 2022-1284 of 3 October 2022. The two regimes converge on a high level of formal protection but diverge in sequencing and institutional centralisation: Italy concentrates external reception in a single anti-corruption authority, while France distributes it across a decentralised network coordinated through the Défenseur des droits.

Table 4.1 , Whistleblowing Frameworks Compared

Criterion	Italy	France
Principal instrument	D.Lgs. 24/2023 (on Law 179/2017, D.Lgs. 231/2001)	Sapin II (2016), reinforced by loi Waserman
Material scope	EU-law breaches + national-law violations (exceeds minimum)	Broad whistleblower definition (exceeds minimum)
Reporting sequence	Internal, external (ANAC), public channels	No obligation to exhaust internal channels first
Oversight	ANAC operates external channel, monitors compliance	HATVP advisory; Défenseur des droits; sectoral
Enforcement	Administrative sanctions EUR 10,000–50,000 (Art 21)	Civil/criminal protection; agency warnings/fines

4.1.2 Asset and Interest Declarations

Asset declaration operationalises UNCAC Article 8(5). In France, the HATVP was created in 2013 in the aftermath of the Cahuzac affair. Budget Minister Jérôme Cahuzac was leading the government's fight against tax fraud and resigned in 2013 after admitting to holding an undeclared Swiss bank account he had publicly denied before the National Assembly. This case exposed the verification weaknesses of the existing declaration regime in France and prompted the creation of the institution. The HATVP receives, scrutinises, and in defined cases publishes the asset and interest declarations of senior officials, ministers, and parliamentarians, and supervises lobbying through a public register.

Italy lacks a single equivalent authority; the function is dispersed across the broader transparency framework (notably Legislative Decree No. 33/2013 on transparency obligations and No. 39/2013 on incompatibility), with ANAC exercising supervisory and guidance functions over public administrations rather than operating a centralised declaration-scrutiny body, while conflict-of-interest declarations of government members fall to the competition authority (AGCM) under Law No. 215/2004, and parliamentarians' declarations are administered by the chambers themselves under Law No. 441/1982.

The contrast is characterized by institutional concentration: France channels verification and publication through one dedicated independent authority, whereas Italy fragments it across multiple bodies and statutory regimes.[38]

4.1.3 Institutional Mandates: ANAC, AFA, and HATVP

The clearest structural divergence lies in how each State allocates the prevention mandate. Italy concentrates prevention in a single authority, ANAC, which combines anti-corruption prevention, public-contracts oversight, and, since 2023, whistleblowing supervision. France deliberately separates functions between two bodies: the AFA, focused on prevention and detection in the public and private sectors, and the HATVP, focused on the transparency of public life. The AFA, created by Sapin II under the joint authority of the Ministries of Justice and Budget with a director appointed for a non-renewable six-year term, is preventive and supervisory rather than prosecutorial: it issues recommendations, audits the compliance programmes Sapin II mandates for companies exceeding 500 employees and EUR 100 million in turnover, and refers matters to its sanctions committee, but does not investigate or prosecute. ANAC descends from Law No. 190/2012 (the Severino Law) and the consolidation of the former CIVIT and the public-contracts authority, giving it an unusually broad remit, advantageous for coherence but exposing a single institution to capacity and politicisation risks.[39]

Table 4.2 , Institutional Models Compared

Feature	ANAC (Italy)	AFA / HATVP (France)
Model	Single concentrated authority	Functional separation (two bodies)
Statutory basis	Law 190/2012 + consolidation	Sapin II (AFA); 2013/2016 framework (HATVP)
Core function	Prevention, transparency, procurement, whistleblowing	AFA: prevention/audit; HATVP: declarations/lobbying
Enforcement posture	Supervisory + public administration; no jurisdiction over Parliament, Government, judiciary	AFA: audit, with pecuniary sanctions via its Commission des sanctions (no prosecution); HATVP: injunctions, publication, and referral to prosecutors (no direct sanctioning power)

4.2 National Anti-Corruption Strategies (November 2025)

Both countries adopted new national strategies in November 2025, each complying with the Directive's strategy requirement and each postdating the Outlook's primary data collection. The comparison is instructive because it shows the two systems responding to the same supranational stimulus from their divergent institutional starting points.

[38] On the HATVP's origins and mandate, Centre for the Study of Corruption (University of Sussex), 'AFA, the French Anti-Corruption Agency' (2021); Decreto legislativo 14 marzo 2013, n. 33 and Decreto legislativo 8 aprile 2013, n. 39.

[39] Loi n° 2016-1691, arts. 1–17 (AFA mandate; Article 17 compliance thresholds); Legge 6 novembre 2012, n. 190 (Severino Law), restructuring the national anti-corruption authority consolidated as ANAC.

Italy's *National Anti-Corruption Plan (PNA 2025),* governing anti-corruption programming for the 2026–2028 triennium, was approved by ANAC's Council in November 2025, following preliminary approval in July 2025 and a public consultation from August to September 2025, and definitively adopted, after the opinions of the Conferenza Unificata and the Comitato interministeriale, by Delibera No. 19 of 28 January 2026, pursuant to Article 1(2) and (2-bis) of Law No. 190/2012, with notice published in the Gazzetta Ufficiale on 19 February 2026.

ANAC presents this as a new plan, oriented toward making prevention measurable, accessible, and verifiable. ANAC's formulation speaks of medium-term programming built on "concrete and verifiable commitments" and providing operational guidance and a uniform methodology for the three-year prevention-and-transparency plans that every public administration must adopt. The emphasis on measurable objectives and verifiable commitments addresses, at least at the level of design, the outcome-measurement weakness the Outlook documented, though whether outcome-level indicators of the kind the OECD assesses as best practice are present in operational substance, rather than methodological aspiration, remains to be evaluated as the plan is implemented.

France's second *National Multi-Year Plan to Fight Corruption 2025–2029* was published on November 14, 2025, adopted by the Government within the framework of Sapin II and coordinated by the AFA through a dedicated interministerial committee meeting regularly, with implementation monitored by the AFA. It sets out 36 measures across prevention, detection, and enforcement and is expressly transversal, engaging central government, local authorities, public establishments, and economic actors, and it incorporates a substantial international dimension. Most significantly for the present analysis, the second plan attaches particular attention to corruption in its links with organised crime, identified as a new threat especially for the administrations (ports, airports, prisons), and provides for increased resources and training for the repressive response, which it frames as essential to the credibility of prevention and detection. The plan thereby reverses the asymmetry the Outlook recorded, where France's prior plan lacked an organised-crime cross-reference, and aligns French strategy with the integrative trajectory of COSP Resolutions 10/5 and 11/8.[40]

The strategic comparison reveals a partial convergence that complicates the prevention picture. Italy's PNA addresses the outcome-measurement deficit through methodology; France's plan addresses the organised-crime integration deficit through substantive priority. Each country moves to correct the weakness the empirical baseline identified. Whether this reflects the anticipatory pull of the Directive's strategy requirement expressly invoked in the French plan, or the operation of domestic drivers and parallel multilateral pressure, the result is a convergence in strategic design that the Directive will now consolidate and render obligatory. Whether that design convergence translates into operational convergence is, on the thesis's central argument, contingent on the enforcement architecture examined in Chapter 6.

[40] Agence française anticorruption, National Multi-Year Plan to Fight Corruption 2025–2029 (published 14 November 2025); Ministère de l'Économie, 'La France se dote d'un second plan pluriannuel de lutte contre la corruption' (14 November 2025), setting out 36 measures, interministerial-committee governance, and a central focus on the corruption–organised-crime nexus.

4.3 The Layered Normative Order: Comparative Legal Analysis

Viewed together, the instruments binding Italy and France form a layered normative order rather than a single hierarchy. At the global tier sit UNCAC and UNTOC; at the transnational sectoral tier, the OECD Anti-Bribery Convention; at the regional tier, the Council of Europe conventions with GRECO monitoring; and at the supranational tier, the EU acquis. Each layer interacts through transposition, monitoring, and mutual reinforcement. Applying UNCAC's mandatory baseline to the EU and national layers yields a differentiated picture.

- UNCAC Article 6 (independent body) is met or exceeded: both countries maintain dedicated bodies with statutory independence guarantees arguably surpassing the minimum.
- UNCAC Article 33 (reporter protection), framed non-mandatorily, is substantially exceeded by both countries, a clear instance of the binding EU Directive hardening a soft UNCAC provision into enforceable domestic law.
- UNCAC Article 8(5) (asset declarations) is met unevenly: France's HATVP regime exceeds the baseline through centralised verification and selective publication, whereas Italy's dispersed model meets the formal requirement with weaker centralised verification.

The OECD layer adds depth on foreign bribery that UNCAC addresses only in part: Sapin II's compliance-programme mandate and the French CJIP operationalise OECD expectations in a way that exceeds UNCAC's enforcement floor.[41]

Table 4.3 , Where National Obligations Meet, Exceed, or Fall Short of UNCAC

UNCAC provision	EU / national position	Assessment
Art. 6 — independent body	IT: ANAC FR: HATVP + AFA	Met IT: institutional independence FR: HATVP independent authority, AFA functionally independent for control missions only
Art. 8(5) — asset declarations	IT: ANAC, AGCM, parliamentary chambers (dispersed duties) FR: HATVP centralised	IT: Met unevenly FR: Exceeded
Art. 33 — reporter protection (non-mandatory)	IT: D.Lgs. 24/2023 FR: Dir. (EU) 2019/1937, transposed by Law No. 2022-401	Soft provision hardened and exceeded
Ch. III — criminalisation / enforcement	IT: Codice penale (as am. by L. 3/2019) + D.Lgs. 231/2001 + Law 190/2012 FR: Code pénal + Sapin II/CJIP	Met as to mandatory provisions; OECD layer adds depth

[41] UNCAC (2003) arts. 6, 8(5), 33 and Ch. III; UNTOC (2000); OECD Anti-Bribery Convention (1997); Council of Europe ETS Nos. 173 and 174 (1999); Directive (EU) 2019/1937.

The analytical upshot is that the EU layer functions as the primary mechanism by which UNCAC's non-mandatory aspirations are converted into enforceable obligations within Italy and France, while the OECD and Council of Europe layers add sectoral depth and external monitoring. National obligations therefore tend to meet or exceed the UNCAC floor precisely where a binding EU or OECD instrument intervenes, and to be more variable where the obligation rests on UNCAC's discretionary language alone, the direct confirmation of hypothesis H1.

Chapter 5, Cross-Border Enforcement: EPPO, AML, and Asset Recovery

The preceding chapters established the international baseline, the empirical picture, and the EU's substantive commitments. This chapter turns from norm-setting to enforcement, and specifically to the cross-border dimension that distinguishes corruption and economic crime within an integrated market from their purely domestic analogues. It examines three components of the EU's enforcement architecture: the European Public Prosecutor's Office (EPPO), the renewed Anti-Money-Laundering (AML) framework, and the instruments governing the freezing, confiscation, and recovery of criminal assets, and maps each against the UNCAC and UNTOC cooperation standards. The analysis is organised by the effective-multilateralism framework: the EU's external effectiveness is contingent on the fit between its internal institutional reform and the external order in which it acts, and cross-border enforcement is precisely where that fit is tested.

5.1 The EPPO and the UNCAC–UNTOC Cooperation Baseline

The EPPO, operational since 1 June 2021 and established by Council Regulation (EU) 2017/1939 under enhanced cooperation, is the EU's first supranational prosecuting body. Its material competence is defined by the PIF Directive: offences against the EU's financial interests (including fraud, where damage exceeds EUR 10,000, and cross-border VAT fraud connected with the territory of two or more Member States and involving total damage of at least EUR 10 million), with associated corruption and money laundering linked to the EU budget. Its defining feature is the power of its European Delegated Prosecutors to investigate and prosecute directly before national courts, without routing requests through inter-state mutual legal assistance.

This is where the EPPO speaks most directly to the UN cooperation baseline. UNCAC Chapter IV (Articles 43–50) and UNTOC Article 18 build international cooperation on a model of horizontal, request-based assistance between sovereign States (i.e., extradition, mutual legal assistance, joint investigations) each mediated by central authorities and subject to grounds for refusal. The EPPO within its jurisdiction internalises cross-border investigations inside a single office operating across the participating Member States. As such, it removes the transaction costs (delay, translation, divergent evidentiary standards, refusal on dual-criminality grounds) that the UN frameworks seek to manage but cannot eliminate, and that the EU's own mutual-recognition instruments had only partially addressed. It is an internal reform that raises the ceiling above the external standard rather than merely implementing it.

However, EPPO's jurisdiction faces two issues. First, its reach is bounded by participation: although the office has expanded to twenty-four Member States with the accession of Poland and Sweden in 2024, three (Hungary, Denmark, and Ireland) remain outside it, so the supranational model coexists with the older request-based architecture for cases touching non-participating States. Hungary's continued absence is the politically salient case, given the rule-of-law concerns attending it. Second, vis-à-vis third States the EPPO remains dependent on precisely the UNCAC and UNTOC instruments it transcends internally, since it has no autonomous treaty-making capacity and must rely on EU agreements, on multilateral conventions to which Member States are parties, or on national channels. The effectiveness gain is real but jurisdictionally limited, a point that bears directly on asset recovery, where proceeds are frequently routed through non-participating or third-country financial centres. This is the empirical core of hypothesis H3

5.2 The 2024 AML Framework and AMLA

If the EPPO addresses the prosecution of EU-budget fraud, the AML framework addresses the laundering of its proceeds. The 2024 package marks the most significant recalibration of that framework since the money-laundering directives of the 1990s.

The reform's background lies in the accumulated deficiencies of the directive-based model. From the first directive of 1991 through five successive iterations, EU anti-money-laundering law required transposition into twenty-seven national legal orders, producing divergent rules, uneven supervision, and seams between jurisdictions that illicit flows exploited. A series of supervisory failures in the late 2010s (most prominently the Danske Bank affair, in which some EUR 200 billion in suspicious non-resident flows passed through the bank's Estonian branch without effective intervention by any national supervisor) demonstrated that the weakness was structural: no national authority could see a cross-border laundering scheme whole.[42] The Commission's response, proposed in July 2021 and adopted in May 2024, abandoned incremental directive revision in favour of a package of three instruments: a directly applicable single rulebook in the AML Regulation, fixing uniform obligations for obliged entities across all Member States; a Sixth AML Directive harmonising the national machinery (supervisory authorities, Financial Intelligence Unit (FIU) arrangements, and beneficial-ownership registers that remains in Member State hands; and a regulation establishing a new supervisory authority.[43]

The Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA), operational since July 2025 and seated in Frankfurt, coordinates national supervisors and FIUs and will, from 2028, exercise direct supervision over a first cohort of up to forty selected high-risk cross-border financial-sector obliged entities: credit and financial institutions active in at least six Member

[42] On the Danske Bank Estonian branch case and its role in catalysing the reform, see the bank's own commissioned investigation (Bruun & Hjejle, *Report on the Non-Resident Portfolio at Danske Bank's Estonian Branch*, September 2018) and the Commission's post-mortem of the supervisory framework (European Commission, *Report on the assessment of recent alleged money laundering cases involving EU credit institutions*, COM(2019) 373 final).

[43] Regulation (EU) 2024/1624 of 31 May 2024 (Anti-Money Laundering Regulation, applying in most respects from 10 July 2027); Directive (EU) 2024/1640 of 31 May 2024 (Sixth Anti-Money Laundering Directive); Regulation (EU) 2024/1620 of 31 May 2024 (AMLA Regulation), all published OJ L, 19 June 2024, on the basis of the Commission's legislative package of 20 July 2021 (COM(2021) 420–423 final).

States and qualified as high-risk under a harmonised methodology, with the first selection to be conducted in 2027[44]. The centralisation is already materialising on schedule: in January 2026, all AML/CFT mandates and functions were transferred from the European Banking Authority to AMLA.[45]

AMLA is the supervisory analogue of the EPPO, an internal reform substituting a supranational actor for a network of horizontally cooperating national bodies, responding to the structural weakness the scandals exposed: a framework harmonised on paper but fragmented in supervision.

Measured against the external baseline, the package moves the EU well beyond what the UN frameworks ask of their parties. UNCAC Article 14 and UNTOC Article 7 do not impose the Financial Action Task Force (FATF) Recommendations as binding obligations; they direct States only to use such standards "as a guideline". The 2024 package converts that guidance into binding form: a directly applicable regulation, uniform across Member States, with a dedicated supervisory authority to enforce it.

The EU has thus not merely implemented the international standard but hardened it. This highlights a further instance of the pattern observed with the EPPO, in which internal reform raises the ceiling above what the external baseline requires. Whether this institutional ambition translates into better outcomes is another matter. Centralised supervision may or may not detect more laundering than the previous model of nationally supervised, horizontally cooperating authorities. This question cannot yet be answered empirically, because AMLA's defining mechanism, direct supervision, does not activate until 2028.

5.3 Asset Recovery: The Widest Gap

Asset recovery is the domain in which UNCAC is most distinctive and the EU's performance most exposed. UNCAC Chapter V (Articles 51–59) declares the return of assets a fundamental principle and constructs an unprecedented regime for tracing, freezing, confiscating, and repatriating proceeds, complemented by UNTOC Articles 12–14. On the EU side, Directive (EU) 2024/1260 on asset recovery and confiscation consolidates and extends the prior regime, requiring Member States to establish asset-recovery offices and, for the first time, dedicated asset-management offices to preserve the value of frozen property pending final confiscation. The persistent difficulty is the distance between freezing and final recovery. The EPPO's own figures illustrate the pattern: in 2024 courts granted freezing orders worth EUR 2.42 billion in EPPO investigations, while the value of assets actually frozen reached EUR 849 million. Those are figures for freezing, not for confiscation and definitive return, and the attrition between the two is precisely where the UNCAC Chapter V regime and its EU implementation are most often found wanting. Where proceeds have been layered through non-participating Member States or third-country centres, recovery falls back on the slower request-based

[44] AMLA Regulation, Arts. 12–13 (selection criteria and methodology).

[45] AMLA/EBA, completion of the transfer of AML/CFT mandates and functions, 1 January 2026.

mechanisms of UNCAC and UNTOC, reintroducing the very transaction costs the EPPO eliminates internally.[46]

5.4 The Fraud Trajectory as a Diagnostic

The headline figure of the EPPO's 2024 reporting cycle is the scale and growth of the fraud it uncovers. At end-2024 the Office held 2,666 active investigations, a 38% year-on-year increase, representing an estimated EUR 24.8 billion in damage to the EU budget, 22.5% more than in 2023; more than half (around EUR 13.15 billion) was linked to cross-border VAT fraud with organised-crime involvement, the paradigm case the EU's supranational instruments were built to address. The OECD Outlook 2026 relays this trajectory within its broader finding that most governments maintain basic anti-fraud safeguards but lack a strategic framework, with implementation lagging regulation. On one hand, the rising figures reflect improved detection: a maturing EPPO, better cooperation, and new offices are surfacing fraud that previously went unrecorded. On the other, they track a genuine and accelerating escalation in organised cross-border fraud, including abuse of the NextGeneration EU recovery instruments, against which even a strengthened architecture struggles to keep pace.[47][48]

The 2025 reporting cycle the EPPO reported overall estimated damage of EUR 67.27 billion to EU and national budgets at end-2025, nearly tripling the 2024 figure, with the bulk attributed to VAT and customs fraud. The implication for the adequacy of the EU's architecture against the UNCAC and UNTOC standards is the same. The supranational instruments represent the kind of internal reform that can raise effectiveness above the horizontal request-based baseline of the UN conventions. But their reach stops at the boundary of participation and at the frontier of the EU. Beyond those limits, in non-participating Member States, in third-country financial centres, in the gap between freezing and final return, enforcement falls back onto the slower UN mechanisms, and the effectiveness gain is lost precisely where transnational fraud is most mobile. The framework is not inadequate against the UNCAC and UNTOC standards, within its jurisdiction it exceeds them, but its adequacy is contingent, and the fraud trajectory is the clearest available measure of how much still escapes it.[49]

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[46]UNCAC arts. 51–59 (Chapter V); UNTOC arts. 12–14; Directive (EU) 2024/1260 of 24 April 2024 on asset recovery and confiscation, repealing Directive 2014/42/EU; EPPO, Annual Report 2024 (Luxembourg, 3 March 2025), freezing-order figures.

[47]EPPO, Annual Report 2024 (3 March 2025), reporting 2,666 active investigations, EUR 24.8 billion estimated damage (22.5% increase), and c. EUR 13.15 billion linked to cross-border VAT fraud; OECD, Outlook 2026, ch. 10 (fraud prevention), relaying the EPPO figures.

[48]The intensifying international response to this trajectory was underscored by the first Global Fraud Summit, jointly organised by UNODC and INTERPOL and held at the United Nations Office at Vienna on 16–17 March 2026, which brought together States and international organisations to strengthen coordinated action against transnational fraud.

[49]EPPO, Annual Report 2025 (Luxembourg, 2 March 2026), reporting overall estimated damage of EUR 67.27 billion at end-2025.

Chapter 6, Italy and France: National Enforcement in Comparative Perspective

This chapter turns from norms to their operation. It asks a question the comparative literature too often brackets: once a State has built a prevention architecture and accepted supranational obligations, what determines whether those commitments translate into active enforcement? France and Italy are an instructive pairing precisely because they begin from comparable formal commitments, both parties to UNCAC and the OECD Convention, both subject to GRECO, both now within the scope of the EU Directive, yet have constructed enforcement systems resting on fundamentally divergent institutional philosophies. The argument advanced here is that the contrast is not reducible to resourcing or political will, though each plays a role; it reflects a deeper disagreement about what anti-corruption enforcement is for.

6.1 France: The PNF–AFA Integrated Continuum

The French model rests on two institutions built in successive scandal-driven reform waves: the Parquet National Financier (PNF), the specialised national financial prosecutor created by the law of December 2013 in the aftermath of the Cahuzac affair and operational since February 2014[50], and the Agence Française Anticorruption (AFA), the dedicated prevention and compliance-supervision agency created by the Sapin II law of 9 December 2016[51]. The significance of the design lies less in the existence of two bodies than in the deliberate connection between them. The AFA audits public entities and private companies subject to Sapin II's compliance obligations; the PNF prosecutes; and the two are bridged operationally through the convention judiciaire d'intérêt public (CJIP), the French deferred-prosecution agreement introduced by Sapin II. The CJIP allows the PNF to resolve corporate corruption without trial, through a negotiated agreement combining a public-interest fine, victim compensation where applicable, and a forward-looking compliance programme supervised by the AFA. It thereby closes the loop between prevention and prosecution: a prevention failure detected and pursued by the PNF is remedied by an AFA-monitored compliance undertaking, returning the company to the preventive system from which it had departed. The PNF and AFA jointly issued guidelines on the implementation of the CJIP in June 2019, replaced by the PNF's revised lignes directrices of January 2023.[52]

The output of this model is substantial. Marking its tenth anniversary, the PNF reported that between 2014 and end-2023 it had initiated 3,234 proceedings and secured 532 first-instance convictions, 129 of them for integrity offences (atteintes à la probité), and that over EUR 12.2 billion in fines, confiscations, damages, and connected tax recoveries had been pronounced in favour of the Treasury

[50] Loi n° 2013-1117 du 6 décembre 2013 relative à la lutte contre la fraude fiscale et la grande délinquance économique et financière; Loi organique n° 2013-1115 du 6 décembre 2013 relative au procureur de la République financier. The PNF thus belongs to the same post-Cahuzac reform wave as the HATVP (see section [X.X]), preceding Sapin II by three years.

[51] 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, Arts. 1–5 (AFA) and Art. 22 (CJIP, codified at Art. 41-1-2 of the Code de procédure pénale).

[52] AFA/PNF, Lignes directrices sur la mise en œuvre de la convention judiciaire d'intérêt public, 26 June 2019; PNF, Lignes directrices sur la mise en œuvre de la convention judiciaire d'intérêt public, 16 January 2023.

over the decade.[53] The CJIP accounts for a substantial share of that financial output through a strikingly small number of instruments: by December 2024, eight years after the mechanism's introduction, the PNF had concluded twenty-two CJIPs, fourteen for integrity offences and eight for tax fraud and associated money laundering — with public-interest fines totalling close to EUR 4 billion, an average of roughly three conventions per year.[54]

These figures should not be read uncritically. Transparency International France, while acknowledging the financial effectiveness of the mechanism, has emphasised the CJIP's derogatory character and questioned the terms on which some companies are admitted to non-trial resolution.[55] And the PNF's own 2024 reporting reveals a deliberately selective practice, what the Office terms its "recours raisonné" to the CJIP: only two conventions were concluded in 2024, down from six in 2023, alongside 97 convictions for the year, with the PNF itself flagging an increasing acquittal rate as a matter under analysis.[56]

The relevant point for the comparison is structural rather than quantitative: the French model is designed so that prevention, prosecution, and post-resolution compliance form a single continuum and the CJIP is the hinge on which that continuum turns, concentrating very large financial outcomes in very few negotiated instruments.

6.2 Italy: The Structural Divide

Italy's architecture is organised on a different principle. Its central anti-corruption body, ANAC, holds an essentially administrative mandate, transparency obligations, public-procurement integrity, conflict-of-interest rules, and the prevention plans public administrations must adopt, but possesses no prosecutorial power. Criminal enforcement rests entirely with the ordinary public prosecutors attached to the criminal courts, operating under the general framework of the Criminal Code and the Code of Criminal Procedure. There is no Italian equivalent of the PNF, no specialised national financial-crimes prosecutor with consolidated competence over corruption and related economic offences, and no instrument analogous to the CJIP linking administrative prevention to criminal resolution. The result is a structural divide: prevention sits in one institution, enforcement in another, with no connective mechanism of the kind the French AFA–PNF–CJIP triangle institutionalises. This is the institutional translation of the judicial-integrity bottleneck documented in Chapter 2.

That divide was widened in 2024 by a reform that moved against the European current. On 10 July 2024 the Italian Parliament gave definitive approval to the so-called Nordio law (Law No. 114 of 2024), which repealed Article 323 of the Criminal Code, the offence of abuse of office (abuso d'ufficio),which had punished a public official who, in the exercise of public functions, knowingly violated rules of law or a duty of abstention so as to procure an unjust advantage or cause unjust harm. The Justice Minister defended the repeal on the ground that the provision was vague, generated a 'fear of the signature'

53 PNF, Synthèse 2023 — 10 ans du parquet national financier (2024); Ministère de la Justice, "Dix ans d'action du parquet national financier" (2024) (EUR 12.217 billion).

54 PNF figures as at 9 December 2024; total public-interest fines of EUR 3.98 billion across the twenty CJIPs validated in the first decade, with an average fine of EUR 53 million excluding the three conventions above EUR 500 million.

55 Transparency International France

56 PNF, Synthèse 2024 (January 2025) ("politique de recours raisonné à la convention judiciaire d'intérêt public"; two CJIPs in 2024 — Danske Bank, EUR 6 million; Areva/Orano, EUR 4.8 million — against six in 2023; 97 convictions; "l'augmentation du taux de relaxe inquiète cependant").

that paralysed administrative decision-making, and produced prosecutions statistically destined for acquittal, arguing that Italy retained an ample arsenal of corruption-related offences without it. Critics responded that the repeal removed a safeguard against the unlawful exercise of public power at precisely the moment the EU was moving to harmonise and strengthen the field. The tension became acute when the Directive’s final text required Member States to criminalise the unlawful exercise of public function, in substance, a serious form of abuse of office, obliging Italy to legislate back into its Criminal Code a category it had only recently decriminalised. The episode illustrates the philosophy underlying the Italian system: where the French model treats criminalisation as the enforcement backstop to prevention, the 2024 reform proceeded from the opposite premise, that an over-broad criminal provision was itself an obstacle to effective administration. Transparency International expressly linked this retreat to Italy’s deteriorating CPI position.[57]

6.3 The EPPO and the Filling of the Gap

Into the space left by Italy’s domestic architecture has stepped a supranational actor. The EPPO, holds competence over offences affecting the Union’s financial interests, fraud, money laundering, and corruption involving EU funds, exercised directly through European Delegated Prosecutors. Italy occupies a prominent position in the EPPO’s caseload, a prominence the Office attributes partly to the activity of Italy’s financial police, and one closely tied to the implementation of NextGenerationEU: by end-2024 the EPPO was handling 311 active cases related to NextGenerationEU funding across participating States, of which 307 stemmed from the Recovery and Resilience Facility, with much of the suspected fraud concentrated in Italy. The analytical significance is that a portion of the corruption-related enforcement Italy’s fragmented domestic system might otherwise struggle to deliver is being supplied by a supranational prosecutor whose jurisdiction is triggered by the involvement of EU funds. The EPPO does not fill the gap completely, its competence does not extend to purely domestic corruption, but it functions as a partial substitute for the specialist national prosecutor Italy lacks. This is a striking inversion of the French position, where the integrated domestic model means the EPPO supplements rather than compensates for national capacity.[58]

6.4 Two Types of Enforcement

The comparison yields a conclusion that goes beyond an audit of institutions. France and Italy diverge because they answer differently the question of what enforcement is meant to achieve. The French model conceives enforcement exists to return wrongdoers to a state of compliance, and its instruments, the CJIP above all, are calibrated to that end, blending punishment with forward-looking monitoring and treating prevention and prosecution as phases of one process. The Italian model, at least as reshaped by the 2024 reform, treats criminal enforcement and administrative prevention as categorically separate functions, the former reserved to the ordinary courts, the latter to ANAC, with the criminal law conceived narrowly enough that an entire offence could be repealed in the name of

[57]Legge 9 agosto 2024, n. 114 (Nordio law), repealing Article 323 of the Criminal Code (abuso d’ufficio); definitive parliamentary approval 10 July 2024; on the controversy and the Directive’s contrary requirement, EUnews (26 March 2026) and Il Sole 24 Ore (12 July 2024).

[58]EPPO, Annual Report 2024 (3 March 2025); on the concentration of Recovery and Resilience Facility cases in Italy, Follow the Money, ‘Five-billion-euro fraud, pandemic recovery fund, EU prosecutors suspect’ (2 March 2026).

administrative efficiency. These are not merely different organisational charts; they are different theories of the relationship between the State, its officials, and the public interest.

The EU’s first harmonised 2026 Directive will test both theories, but it will test Italy’s more severely. For France, transposition is largely a matter of confirming a framework that already substantially aligns with the Directive’s logic. For Italy, the requirement to criminalise the unlawful exercise of public function cuts directly against the 2024 repeal, obliging Parliament to reinstate the very category of conduct it removed; more fundamentally, the Directive’s emphasis on effective investigation, adequate prosecutorial tools, and the integration of prevention with enforcement presses against the structural divide on which the Italian system is built.

The 2026–2028 transposition window will therefore reveal whether Italy can bridge that divide, not merely by reinstating a single offence, but by moving its enforcement philosophy closer to the integrated model France exemplifies and that the Directive, in its underlying design, now encourages across the Union. The answer remains open, and it is one of the more consequential questions for the trajectory of anti-corruption enforcement in Europe over the remainder of the decade.

Chapter 7, Analysis of Results: Alignment, Misalignment, and Progress

This chapter synthesises the evidence assembled across the preceding six chapters and tests it directly against the three hypotheses, organising the analysis around the thesis's central question: the alignment, misalignment, and progress of UN anti-corruption frameworks in relation to those of the EU, and of both within effective multilateralism. Each preceding chapter contributes a distinct piece of evidence to that question, and the purpose here is to read them together rather than in sequence.

7.1 Alignment: Where the Layers Reinforce One Another

The evidence supports a clear finding of selective but substantial alignment, confirming hypothesis H1. At the normative level (Chapters 1, 3, and 4), the EU framework aligns with and exceeds the UNCAC baseline precisely where a binding EU or OECD instrument intervenes. The 2026 Directive converts into mandatory regional obligation conduct that UNCAC leaves to State discretion, trading in influence (UNCAC Article 18) and, through Article 7, a form of abuse of functions (UNCAC Article 19), and the Whistleblowing Directive hardens the hortatory language of UNCAC Article 33 into enforceable, sanction-backed protection in both Italy and France. The layered legal analysis in Chapter 4 demonstrated the mechanism: national obligations meet or exceed the UNCAC floor wherever a binding EU or OECD instrument operates, and the EU layer functions as the principal channel through which UNCAC's non-mandatory aspirations become enforceable law. At the institutional level, the Directive's requirements for specialised bodies, periodic risk assessment, and national strategies operationalise the preventive provisions of UNCAC Chapter II that the Convention itself frames only permissively. Alignment, in short, is real and is strongest exactly where the international instrument is weakest in binding force, the EU supplying the obligation UNCAC withholds.

At the enforcement level (Chapter 5), alignment takes a different form. The EPPO, AMLA, and the consolidated asset-recovery regime do not merely implement the UNCAC and UNTOC cooperation standards; within the EU's jurisdiction they exceed them, replacing the horizontal, request-based model of UNCAC Chapter IV and UNTOC Article 18 with direct supranational action that eliminates the transaction costs the UN frameworks can only manage. This is the strongest available evidence of progressive EU–UN multilateralism: the EU as a regional actor raising the effectiveness ceiling above the global baseline.

7.2 Misalignment: Where the Layers Diverge or Fall Short

Misalignment appears at three points. First, at the level of formal obligation, the EU framework falls short of the full UNCAC criminalisation architecture as its proponents conceived it: the removal of a standalone independent illicit-enrichment offence and the narrowing of the abuse-of-functions provision (Chapter 3) leave gaps relative to UNCAC Articles 19 and 20,gaps that are themselves the product of Member State resistance, with Italy's 2024 abolition of abuse of office directly shaping the Council's position. The misalignment is therefore bidirectional: a Member State's domestic retreat narrowed the regional standard, which in turn now obliges that Member State to reverse its retreat.

Second, and most significantly, the empirical evidence (Chapter 2) demonstrates that formal normative alignment does not produce operational convergence, confirming hypothesis H2. France and Italy, subject to identical international and regional obligations, diverge sharply in implementation. The OECD Outlook 2026 locates the divergence with precision: France meets all four justice-integrity criteria while Italy meets none, and this gap is not incidental but causal, because the enforcement pathway from prevention to prosecution runs through the judicial actors whose integrity infrastructure Italy lacks. The CPI triangulates this finding: Italy's roughly twenty-position recovery between 2012 and 2020 coincided with the consolidation of ANAC, and its post-2024 decline coincided with, and was expressly attributed by Transparency International to, the legislative retreats that widened the enforcement gap. The principal explanatory variable for divergent outcomes is thus not the content of the law, which is largely common, but the institutional architecture connecting prevention to enforcement (Chapter 6): France's integrated AFA–PNF–CJIP continuum versus Italy's structural divide between administrative prevention and criminal enforcement.

Third, at the multilateral level (Chapter 5), the EU's enforcement gain is bounded, confirming hypothesis H3. The effectiveness advantage of the EPPO and AMLA stops at the boundary of participation and at the EU's external frontier; for cases touching non-participating Member States or third-country financial centres, and for the attrition between asset freezing and final return, the EU falls back onto the slower UNCAC and UNTOC mechanisms. The fit between internal EU reform and the external multilateral order is therefore partial: the EU transcends the UN baseline internally while remaining dependent on it externally.

7.3 Progress: The Direction of Travel

Notwithstanding the misalignments, the evidence supports a finding of genuine, if uneven and reversible, progress. The clearest indicator is convergent institutional development under common stimulus. The November 2025 national strategies (Chapter 4) show both countries moving to correct precisely the weaknesses the empirical baseline identified: Italy's PNA 2025–2027 addresses the outcome-measurement deficit through a new methodological framework with measurable, verifiable commitments, while France's second Multi-Year Plan 2025–2029 addresses the organised-crime integration deficit by making the corruption–organised-crime nexus a central priority, thereby aligning French strategy with the integrative trajectory of COSP Resolutions 10/5 and 11/8. The Directive's strategy requirement is, in other words, already exerting a convergent pull before its transposition deadline.

At the multilateral level, COSP 11 (Chapter 1) provides parallel evidence of progress in normative ambition: the second IRM phase, the dashboard of good practices, and the cluster of resolutions integrating anti-corruption and organised-crime frameworks all extend the reach of the regime. The progress is, however, qualified in a consistent and analytically important way: it advances through ambition while withholding binding obligation. The IRM's reform remains consent-based; the integrative resolutions proceed through soft-law encouragement; the Doha Declaration expressly avoids creating new obligations for States. The pattern that emerges across both the UN and EU layers is therefore the same one the OECD Outlook documents empirically, regulatory strength advancing faster than implementation, and the central challenge for EU–UN multilateralism is the closing of that gap, not the further elaboration of norms.

Table 7.1 , Summary of Findings Against the Three Hypotheses

Hypothesis	Principal evidence	Verdict
H1, selective alignment	EU/OECD instruments harden discretionary UNCAC provisions (Ch. 3–4)	Supported
H2, implementation deficit	Identical obligations, divergent FR/IT outcomes; institutional architecture decisive (Ch. 2, 6)	Supported
H3, bounded multilateral gain	EPPO/AMLA exceed UN baseline internally, depend on it externally (Ch. 5)	Supported

7.4 Synthesis: An Order of Convergent Ambition and Divergent Delivery

Read together, the chapters describe an EU–UN anti-corruption order characterised by convergent ambition and divergent delivery. The two layers are aligned in design and increasingly mutually reinforcing: the EU supplies binding obligation where UNCAC supplies a robust regime that needs to be supported by more robust and enforceable measures, and the EU's supranational enforcement instruments raise effectiveness above the UN baseline within their jurisdiction. But alignment in design does not guarantee convergence in outcome, and the decisive variable, demonstrated by the France–Italy comparison holding the normative framework constant, is national institutional architecture. The progress of effective multilateralism in this field therefore depends less on the further harmonisation of norms, which is already substantial and advancing, than on the construction, at the national level, of the institutional connectivity that allows prevention intelligence to reach effective enforcement, and, at the multilateral level, on closing the persistent gap between the regime's growing ambition and its lagging implementation.

Conclusion and Policy Recommendations

This thesis set out to assess the alignment, misalignment, and progress of UN anti-corruption frameworks in relation to those of the EU, and to situate that relationship within the project of effective multilateralism. Three findings emerge. The EU and UN frameworks are selectively but substantially aligned, with the EU functioning as a normative mediator that converts UNCAC's discretionary provisions into enforceable regional obligation and, in its enforcement instruments, raises effectiveness above the UN baseline within the EU's jurisdiction. Formal alignment does not, however, produce operational convergence: the France–Italy comparison, holding the normative framework constant, demonstrates that national institutional architecture, specifically, the presence or absence of an integrated continuum connecting prevention to enforcement, is the decisive variable. And the multilateral gain is bounded, both jurisdictionally (the EU depends externally on the UN mechanisms it transcends internally) and substantively (progress across both layers advances ambition faster than implementation). Three limitations qualify these findings. The empirical baseline relies on institutional and procedural indicators rather than corruption outcomes; although triangulated with enforcement-output data and CPI trajectories, the analysis cannot establish that the institutional features it identifies as decisive produce measurable reductions in corruption, only that they structure the enforcement pathway. The CPI, used longitudinally, is perception-based and lags real change. Several of the instruments central to the argument, the 2026 Directive, AMLA, and the November 2025 national strategies, are too recent for empirical assessment, so the analysis of their effect is necessarily prospective. The recommendations that follow are addressed to the institutions positioned to close that implementation gap.

Recommendations for the EU Institutions

1. Make Directive transposition monitoring outcome-oriented. The Commission should use the 2026–2028 transposition period to monitor not only the formal enactment of the Directive's offences but the institutional connectivity between prevention and enforcement, drawing on the OECD Outlook's regulatory-strength/implementation distinction. Transposition reports should assess whether Member States have established credible referral pathways from preventive bodies to prosecutors, not merely whether the catalogue of offences has been enacted.

2. Prioritise the justice-integrity dimension. Because the empirical evidence identifies judicial-integrity infrastructure, published conduct standards, ethics advisory bodies, verified declarations, as the binding constraint on the enforcement chain, the forthcoming EU Anti-Corruption Strategy should treat it as a priority indicator, coordinating with GRECO's Fourth and Fifth Round work to avoid duplication and to concentrate pressure where the data show it is most needed.

3. Address the jurisdictional boundary of supranational enforcement. The EU should pursue EPPO participation by the remaining Member States and strengthen EPPO–OLAF–Eurojust cooperation, while developing model cooperation arrangements with third-country financial centres to reduce the attrition between asset freezing and final recovery that Chapter 5 identified as the widest gap in the architecture.

Recommendations for UNODC

4. Strengthen UNCAC–EU coherence in the second IRM cycle. As the second review phase commences from 2027, UNODC should develop guidance enabling the IRM to take account of regional instruments, so that a Member State's compliance with the EU Directive is read as evidence of, rather than separate from, its UNCAC implementation, reducing the reporting burden of overlapping monitoring and improving coherence across the layered order.

5. Operationalise the integrative resolutions. The convergence signalled by COSP Resolutions 10/5, 11/8, 11/9, and 11/11 should be moved from discretional encouragement toward operational tools: model case-referral protocols and shared typologies between anti-corruption bodies and financial-intelligence units, building on the data-collection framework endorsed by Resolution 11/5 to give the integration empirical substance.

Recommendations for Italy

6. Use Directive transposition to bridge the structural divide. Italy's reinstatement of an offence corresponding to the unlawful exercise of public function (Directive Article 7) should be accompanied by institutional reform connecting ANAC's prevention intelligence to criminal enforcement, whether through a specialised financial-crimes prosecutorial capacity or a structured referral mechanism, rather than treated as a discrete legislative correction.

7. Close the judicial-integrity gap directly. Italy should adopt published conduct standards for judges and prosecutors and establish operational ethics advisory bodies offering confidential individual counselling, addressing the four criteria on which the OECD Outlook found it comprehensively deficient and which the analysis identifies as the binding constraint on enforcement effectiveness.

8. Equip the PNA 2025–2027 with outcome-level indicators. Building on the plan's new methodological framework, ANAC should add outcome-level indicators with target values and a published evaluation activity, converting the plan's measurement ambition into the form the OECD assesses as best practice and enabling Italy to demonstrate whether its prevention architecture changes corruption levels rather than merely multiplies norms.

Recommendations for France

9. Implement the second plan's organised-crime axis with measurable targets. France should ensure that the corruption–organised-crime priority of the 2025–2029 plan is matched by outcome-level indicators and by the inter-agency cooperation Resolution 11/8 envisages, consolidating its strategic advance into measurable delivery.

10. Close the supervisory and post-employment gaps. France should equip its transparency supervisory body with inspection and sanction authority and develop systematic tracking of post-employment movement of ministers and senior officials, addressing the implementation gaps the Outlook documented and bringing practice into line with France's strong regulatory framework.

11. Preserve the integrity of the CJIP. In response to civil-society concerns, the PNF and AFA should publish clearer criteria governing admission to non-trial resolution, safeguarding the legitimacy of the instrument that is the hinge of the French integrated model.

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