



7.1.2025

NOTICE TO MEMBERS

Subject: Petition No 0739/2024 by Jean-Philippe Tytgadt (Belgian) on supporting an International Anti-Corruption Court

1. Summary of petition

The petitioner calls on the European Parliament and the European Commission to endorse and actively engage in the creation of an International Anti-Corruption Court (IACC). The petitioner urges these bodies to draft instruments encouraging or compelling EU Member States to support the IACC. This court would have the authority to prosecute state authorities who fail to combat corruption and hold 'kleptocrats' personally accountable. The petition highlights the shortcomings of existing international instruments, such as the United Nations Convention Against Corruption (UNCAC) and the OECD Anti-Bribery Convention, which he believes are often violated by states. The petitioner criticizes the EU's Whistleblower Directive, which in his view only sets minimum standards and has been used by some Member States to justify violation of their international obligations. He also alleges that the EU's Anti-SLAPP Directive, intended to protect public participation from abusive lawsuits, was influenced by non-EU entities like Switzerland, further complicating the fight against corruption. The petitioner argues that existing measures are inadequate, and an IACC is necessary to enforce anti-corruption standards globally. He emphasizes that corruption undermines democracy, human rights, and international peace, and calls on all EU officials to support the creation of the IACC. The petitioner also underlines that he has no ties with Integrity Initiatives International, an organization advocating for the IACC.

2. Admissibility

Declared admissible on 18 October 2024. Information requested from Commission under Rule 233(5).

3. Commission reply, received on 7 January 2025

The petition

The petitioner calls on the European Parliament and the European Commission to endorse and actively engage in the creation of an International Anti-Corruption Court (IACC). The petitioner urges these bodies to draft instruments encouraging or compelling EU Member States to support the IACC. This court would have the authority to prosecute state authorities who fail to combat corruption and hold ‘kleptocrats’ personally accountable. The petition highlights the shortcomings of existing international instruments, such as the United Nations Convention Against Corruption (UNCAC) and the OECD Anti-Bribery Convention, which he believes are often violated by states. The petitioner criticizes the EU’s Whistleblower Directive, which in his view only sets minimum standards and has been used by some Member States to justify violation of their international obligations. He also alleges that the EU’s Anti-SLAPP Directive, intended to protect public participation from abusive lawsuits, was influenced by non-EU entities like Switzerland, further complicating the fight against corruption.

The Commission’s observations

The European Commission is aware of the proposal for the creation of an International Anti-Corruption Court.

The fight against corruption is a key priority for the European Commission as announced by President von der Leyen in the State of the Union Address¹ on 14 September 2022. To this end, on 3 May 2023, the Commission presented a package of measures to strengthen the EU legislative framework for fighting corruption.² This includes a proposal to provide law enforcement and prosecutors with the tools to fight corruption in all EU countries. Furthermore, the European Commission monitors and reports on developments, both positive and negative, regarding the fight against corruption in all EU Member States. The fifth EU Rule of Law report, published on 24 July 2024, includes a specific chapter for all Member States and provides concrete recommendations to tackle systemic weaknesses³. The political guidelines of the upcoming von der Leyen Commission⁴ are clear that fighting corruption will be a priority for the European Commission, and the Commission is preparing the ground for the first ever EU-wide anti-corruption strategy.

Prevention and repression of corruption are at the heart of EU’s external policies. The EU as a supranational organisation has signed and ratified⁵ the **United Nations Convention Against Corruption (UNCAC)** in 2008. UNCAC is the main international legally binding anti-corruption instrument, whose signatory parties include the EU and its Member States. Moreover, since July 2019, the EU has been an observer in the Council of Europe’s Group of States against Corruption (GRECO). The EU also participates fully in the Organisation for Economic Cooperation and Development (OECD)’s work on anti-corruption and integrity, which includes the Anti-Bribery Convention.

1 [State of the Union \(europa.eu\)](#)

2 [Anti-corruption: Stronger rules to fight corruption \(europa.eu\)](#)

3 https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en

4 https://commission.europa.eu/about-european-commission/towards-new-commission-2024-2029/president-elect-ursula-von-der-leyen_en

5 <https://eur-lex.europa.eu/eli/dec/2008/801/oj>

As regards Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (the ‘Whistleblower Protection Directive’)⁶, the Commission recalls that, as recognised by the Court of Justice of the European Union (CJEU) this Directive is a crucial instrument of Union law. It sets minimum standards at EU level, aiming to guarantee a high level of balanced and effective protection for persons who report information on breaches of EU law in key policy areas where such breaches may cause harm to the public interest⁷. This Directive draws upon the case law of the European Court of Human Rights (ECHR) on the right to freedom of expression, and the principles developed on this basis by the Council of Europe in its Recommendation on the Protection of Whistleblowers adopted by its Committee of Ministers on 30 April 2014.

The Directive requires EU Member States to ensure that: (i) whistleblowers have at their disposal effective channels to report breaches of EU rules confidentially, both internally (within an organisation) and externally (to a competent authority), (ii) whistleblowers’ reports are properly investigated and acted upon by the organisations and competent authorities; and that (iii) whistleblowers are protected from retaliation. It has a wide personal scope, granting protection “to the broadest possible range of categories of persons, who [...] by virtue of their work-related activities, irrespective of the nature of those activities and of whether they are paid or not, have privileged access to information on breaches that it would be in the public interest to report and who may suffer retaliation if they report them” (recital 37). It should also be noted that the Directive contains a non-regression clause, providing its implementation “shall under no circumstances constitute grounds for a reduction in the level of protection already afforded by Member States in the areas covered by this Directive” (Article 25(2)).

This robust legislative framework contributes to the fight against corruption in many important EU policy areas, such as public procurement, financial services and the protection of the Union’s financial interests. The Directive is at present transposed in all EU Member States. The European Commission will continue to assess Member States’ compliance with the Directive and will take appropriate measures to ensure its full and correct transposition throughout the EU, including by launching infringement proceedings where necessary.

The Anti-SLAPP Directive⁸ is an initiative of the 2020 European Democracy Action Plan⁹ and aimed to protect democracy and freedom of speech in the EU from abusive lawsuits used to silence those who speak out in matters of public interest. The initial trigger to EU’s Anti-SLAPP initiative was the murder of investigative journalist Daphne Caruana Galizia in Malta in 2017 who at the time of her death faced over 40 SLAPP-lawsuits due to her investigative work in public interest. In its resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the Union¹⁰, the European Parliament urged on the EU to take action to address the increasing number of SLAPPs concerning journalists, non-governmental organisations (NGOs), academics and civil society in the EU.

6 OJ L 305, 26.11.2019,

7 See judgment of 25 April 2024, in case C-147/23, Commission v Poland, ECLI:EU:C:2024:346, paragraph 73.

8 Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’).

9 COM(2020) 790 final.

10 P9_TA(2021)0451.

Conclusion

It is recommended to point out to the petitioner that the European Commission is aware of the proposal for the creation of an International Anti-Corruption Court. Beyond this, the petitioner should be reminded that the fight against corruption is a clear priority in the work of the European Commission, including as regards the proposal for a Directive on combating corruption, the annual Rule of Law report and a possible future EU anti-corruption strategy. With the adoption of the Whistleblower Protection Directive and the Anti-SLAPP Directive, the EU aims at protecting the actors who play a key role in uncovering and combating corruption, such as investigative journalists, media organisations, civil society, as well as all persons who become aware of corruption in the context of their work. The EU remains actively engaged in many different international contexts to promote the fight against corruption.