

FIGHTING CORRUPTION IN PUBLIC PROCUREMENT

**SECTION 2.2.6 OF THE COMMISSION COMMUNICATION
"PUBLIC PROCUREMENT IN THE EUROPEAN UNION"
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UNICE POSITION PAPER

UNICE considers corruption and bribery to be a burden for industry. Corrupt practices result in substantial economic and social costs for companies, contractors and for countries in which illicit payments and extortion are frequently encountered. UNICE therefore supports an effective policy in the fight against corruption.

The overall need for a substantial effort to combat corruption is now recognised internationally. Thus, a convention on Combating Bribery of Foreign Public Officials has been signed by the OECD Member States, while two conventions partly dealing with corrupt practices within the European Union have been adopted by EU Member States.

However, the OECD Convention addresses only the "supply" side of corruption, thus placing the responsibility for bribery on business. Yet the "demand" side of corruption, i.e. *extortion*, is at least as important and UNICE wishes to stress that the active role in corruption is frequently played by the bribe-taker who initiates corruption by soliciting the bribe. This paper therefore considers both active or passive, imposed or proposed corruption.

Given the efforts already under way at national, European and international level to fight corruption, UNICE is of the opinion that the development of further anti-corruption tools to be used in connection with the public procurement rules would be superfluous. In this context it must be remembered that the public procurement rules by their very nature prevent corrupt practices.

UNICE therefore rejects the proposal to explore a blacklisting system and opposes the concept of anti-corruption pledges by public procurement entities combined with a corresponding obligation on tenderers to agree that they will not use bribery to obtain contracts.

