The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 5 October 2022, the European Union informed the Secretary-General of the modifications in the extent of its competences with respect to matters governed by the above Convention, in accordance with article 67 (3). *

(Original: English)

“Information on the modifications to the competences of the European Union following the Lisbon Treaty concerning matters governed by United Nations Convention against Corruption (UNCAC)

This information concerns the modifications to the competences of the European Union with regard to matters governed by the United Nations Convention against Corruption since the entry into force of the Lisbon Treaty. With the entry into force of the Treaty of Lisbon, the powers of the European Union that succeeded the Community1 have been extended. The information contained below supplements the information contained in the notification of 8 March 2010.

The EU acquired new criminal law competences under Title V of the Treaty on the Functioning of the European Union (Articles 82 and 83 TFEU). The EU has exercised its competences by legislating in various policy areas relevant to the Convention (e.g. anti-money laundering, integrity of financial markets, and fight against insider dealing, market manipulation and other forms of abusive behaviour in financial markets, freezing, management and confiscation of assets related to corruption, fight against corruption in the private sector by means of criminal law, fight against criminal offences affecting the financial interests of the Union and prevention of corruption involving officials of the European Union or officials of Member States of the European Union; the protection of reporting persons (‘whistleblowers’)).

1 Please see the notification of 8 March 2010 to the Secretary-General of the United Nations, in his capacity as depositary UN conventions (including UNCAC).

The Union notes that it has also competence to counter fraud and any other illegal activities affecting the financial interests of the Union (Article 325 of the Treaty on the Functioning of the European Union), including in questions relating to anti-corruption, and has exercised its competence in this area, notably with the establishment of the European Anti-Fraud Office, and the adoption of detailed rules on the administrative aspects of the fight against illegal activities affecting the financial interests of the Union. The Union has also acquired the competence to establish the European Public Prosecutor’s Office (EPPO) (Article 86 TFEU). Established with Regulation (EU) 2017/1939, the EPPO is competent to investigate, prosecute and bring to judgment the perpetrators of, and accomplices to, criminal offences affecting the Union’s financial interests. In accordance with that Regulation, this includes: money laundering involving property derived from such offences, corruption that damages or is likely to damage the Union’s financial interests, and misappropriation that damages such interests. In the areas mentioned above, as far as it has adopted measures, it is exclusively for the Union to enter into external undertakings with other countries or competent international organisations in so far as such undertakings may affect those measures or alter their scope.

In the sphere of development cooperation, the European Union has competence to carry out activities and conduct a common policy. This includes support to partner countries in the ratification and implementation of the United Nations Convention against Corruption and the use of provisions to combat fraud and corruption in agreements with partner countries. The exercise of this competence shall not result in Member States being prevented from exercising theirs. The Union’s development cooperation policy and that of the Member States complement and reinforce each other.”

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3 The EPPO became operational on 1 June 2021, when it assumed its investigative and prosecutorial tasks, in accordance with Article 120(2) of Regulation (EU) 2017/1939.

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13 October 2022