

# Corruption and Bribes in the German Public Sector. A long lasting Challenge and the Efforts to win it

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**Abstract: Corruption and Bribes in the German Public Sector. A long lasting Challenge and the Efforts to win it** – The contributions aims at describing the current German provisions against corruption in the public sector. Besides, it summarizes recent relevant cases of bribery involving public economic companies, as well as holders of representative mandates in German parliamentary assemblies. In its last part, the article describes current actions and initiatives enacted by German institutions in order to implement a more effective opposition to corruption phenomena, and recalls suggestions from non governmental organizations aimed at underlining the weak points of the current regulation and to overcome them in the next future.

**Keywords:** Germany; Political corruption; Bribery; Legislation; Transparency international.

## 1. Introduction

Within the European Union, the Federal Republic of Germany belongs to the nations with the most successful institutional arrangements against Corruption<sup>1</sup>. Transparency International also describes the capabilities of the German integrity systems as “good to very good” as a whole<sup>2</sup>. Nonetheless, in the annual “Transparency International Corruption Perception Index” Germany usually gains only a place in the upper midfield of the EU Member States. Other studies also confirm that there is still room for improvement in this field<sup>3</sup>. If the Federal Republic of Germany does not want to put at risk its social and democratic achievements, it should not reduce its efforts to combat corruption. Moreover, in recent years it has become clear that corruption is an essential cause of the economic-institutional crisis in many Member States<sup>4</sup>. The consequences of this crisis are the Federal Republic of Germany feels and she will continue to feel it. Should corruption within the politically, economically and socially integrated EU, is coherent action in all Member States<sup>5</sup>.

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<sup>1</sup> Annex Germany to the Report from the Commission to the Council and the European Parliament – EU Anti-Corruption Report, Bruxelles, 3.2.2014, COM (2014) 38final, Annex 9.

<sup>2</sup> Transparency International Deutschland, *Nationaler Integritätsbericht Deutschland*, 5.

<sup>3</sup> Bundeskriminalamt, Polizeiliche Kriminalstatistik, Bundesrepublik Deutschland, Jahrbuch 2013, 301; Ernst/Young, Fraud Survey 2014 – Ergebnisse für Deutschland. S. also B. Bannenberg, in: Wabnitz/Janovsky (Hrsg.), *Handbuch des Wirtschafts- und Steuerstrafrechts*, 4. Ed. 2014, 708 f.

<sup>4</sup> European Commission, Com (2014) 38 final, 8. S. also G. Kaiser, *Brennpunkte der Wirtschaftskriminologie*, in: Festschrift Klaus Tiedemann, Carl Heymanns Verlag 2008, 1583-1598 (1583, 1587).

<sup>5</sup> M. Kubiciel (Hrsg.), *Kölner Papiere Zur Kriminalpolitik* (KPKp) 4/2014, 3.

Corruption occurs to a not inconsiderable extent in the German administration<sup>6</sup>. According to the Federal Bureau of Corruption of the Federal Criminal Police Office, corruption in recent years has mostly focused on general public administration, although it should not be forgotten that the willingness to advertise in public administration is greater than in the economy.

In the German legal system, the fight against corruption and bribery is essentially conducted through provisions of criminal law. The German Criminal Code (*Strafgesetzbuch* – StGB) contains several specific norms, ruling corruption crimes in four different segments: public sector, commercial practice, healthcare sector and political field. In all these spheres of intervention, the regulation forbids practices of active and passive bribery<sup>7</sup>.

Since Germany did not establish specific offices against corruption<sup>8</sup>, general legal authorities like the public prosecutor and the net of police departments are in charge for the execution of regulation of corruption and bribery crimes. In most of the *Länder* (federal member States) created a central prosecutor office especially focused on investigations against corruption<sup>9</sup>. Besides, some States established additional special offices committed to this field in the regional security forces<sup>10</sup>.

On November 26<sup>th</sup>, 2015, the German Bundestag passed the Act on Combatting Corruption (*Gesetz zur Bekämpfung der Korruption*<sup>11</sup>), which introduced a deep reform of the anti-corruption regulation. The reform expanded the Criminal Code legislation against corruption including the crime of bribes in commercial activities (§ 299 Strafgesetzbuch – StGB<sup>12</sup>), and extending the crime of bribing public officials (§ 331 ff. StGB) as well as the possibility of enacting such provisions also on extraterritorial basis. Besides, on June 4<sup>th</sup>, 2016 a specific “Act Combatting Bribery in the Healthcare Sector” (*Gesetz zur Bekämpfung der Korruption im Gesundheitswesen*<sup>13</sup>) introduced detailed provisions about active and passive bribery of academic healthcare experts (like dentists, pharmacists, physicians, veterinarians and therapists). The present contribution aims at summarizing the most recent provisions adopted in the German legal system in the field of fight against corruption, with specific attention for bribes and crimes affecting the public sector. The second part illustrates relevant cases of corruption involving public companies or representatives of public political assemblies. The third part describes which problems still exist in the field of political corruption and which improvements are to be taken by the German institutions in

<sup>6</sup> H. Leyendecker, *Korruption: Spiegel der politischen Kultur*, in: *Aus Politik und Zeitgeschichte* (ApuZ) 3-4/2009, 3-6.

<sup>7</sup> P. Graeff/J. Grieger (Hrsg.), *Was ist Korruption? Begriffe, Grundlagen und Perspektiven gesellschaftswissenschaftlicher Korruptionsforschung*, Nomos, Baden-Baden 2012.

<sup>8</sup> A typical example for such a body is the Serious Fraud Office (SFO), created in the United Kingdom, which is a non-ministerial government department of the Government of the United Kingdom department, entitled for investigations and prosecutions of serious or complex fraud and corruption in England, Wales and Northern Ireland.

<sup>9</sup> I. Sorgatz, *Korruptionsprävention in öffentlichen Institutionen: Vorbeugemaßnahmen und “Erste Hilfe” für Personalverantwortliche*, Rehm, Hamburg 2012.

<sup>10</sup> S. Wolf, *Korruption, Antikorruptionspolitik und öffentliche Verwaltung. Einführung und europapolitische Bezüge*, VS Verlag für Sozialwissenschaften, Wiesbaden 2013, 99 ff.

<sup>11</sup> BGBl. I 2025, 20.11.2015.

<sup>12</sup> “Corruptibility and bribery in business dealings”.

<sup>13</sup> BGBl. I 1254, 30 May 2016.

order to make the commitment more effective and successful in the next future, with a special attention to the suggestion made by the independent organisation Transparency International to the German public authorities in the same branch.

## **2. The new legislation provides new regulation in different sectors of the bribery crimes**

### **2.1. Bribery in the public sector**

The German criminal code rules the bribery of public officials in paragraphs 331 to 334 StGB. Before examining these provisions in details, it is necessary to describe how the German legislation defines the category of public officials. According to § 11 II StGB, this category includes a) civil servants, b) judges, c) any other subject who exercises any kind of public official functions, d) persons been selected to operate together with a public authority or office, or e) who have been appointed to operate public administrative services. It does not play any role which kind of selection procedure has been adopted in order to assign the public service function. According to this wide definition, personnel of companies owned or controlled by public authorities can be considered as public official, as long as these companies work as an annex of the state. In other words, the offense of acceptance of benefits (*Vorteilsannahme*) in accordance with § 331 of the German Criminal Code presupposes a lawful service by a public official. The term “public official” defined in § 11 Abs. 1 Nr. 2 StGB includes in particular public officials belonging to the high levels of public administration (*Beamte*). In addition, persons who have been appointed to perform duties of public administration at an authority or elsewhere, or on their behalf, irrespective of the form of organization chosen to perform the task. Other bodies are authority-like institutions. Private companies are required to have the same status as a public authority. The order which assigns the task can be redacted freely, without a specific official form. The tasks of the public administration include not only the intervention or fiscal administration, but also services of general interest.

Due to this enlargement of the pursued purposes, the new German law aimed at fighting bribery in the public sector finds a wider environment of application. In fact, the new regulation does not regard only domestic public official, but – according to § 335a StGB – it includes also officials operating for the European institutions as well as subjects appointed by foreign and international public offices. The definition of “European public official” as been consequently broadened, since it now regards not only members of the European institutions (like the European Parliament, the European Commission or the European Central Bank), as well as every public officer employed in these bodies, but also all single persons operating as holder of a task or a job assigned by offices of the European Union<sup>14</sup>.

A further enlargement for the enacting area of the new regulation comes from the new version of § 335a StGB, which contains a new section ruling the cases of criminal accountability for domestic public officials operating abroad, including EU

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<sup>14</sup> K. Völkel/C. Stark/R. Chwoyka, *Korruption im öffentlichen Dienst: Delikte - Prävention - Strafverfolgung*, Books on Demands, 2. Ed. 2011, 30 ff.

and non-EU countries. This provision receives not only a very wide interpretation and implementation, but also provided German public officials a sort of universal jurisdiction against bribery, since §§ 331 to 337 StGB find now application a.o. if the offender responsible for bribery is a German citizen at the time when the crime was committed.

According to the new version of § 331 StGB, if a public office or a holder of a public function claims, consents to be guaranteed, or accepts a benefit for himself or for other persons for enacting a task which is part of his official duty without being authorised by his direct superior, receives a punishment of up to five years detention or a fine for bribery crimes in the public sector. The same treatment is foreseen for the person who offers, promises or grants the advantage (§ 333 StGB).

§§ 334 and 332 StGB rule the more specific crime of granting and accepting bribes, and involve an expressed or implied form of illegal deal (*Unrechtsvereinbarung*). An exercise of service generally takes place when the exercise is part of the official duties of the public official and is carried out by him only on the basis of his official powers. The offences ruled in §§ 334 and 332 StGB occur when the benefit provided or taken is considered as an advantage for acts performed by a public official in violation of his own public duties. In these cases, the new legislation foresees a punishment of detention for three months to five years for both the holder of the public function and the “giver” involved in the bribe. § 335 rules very hard cases of bribes, providing imprisonment from 1 year to 10 years, when the level of corruption and the violation of legality are particularly serious. Besides, offences ruled in §§ 332 and 334 StGB aggregated to § 335a StGB can be considered as indicator for the crime of money laundering<sup>15</sup>.

## 1.2. Bribery in the commercial sector

Differently from the regulation of bribery in the public sector, the legislation against bribery in the commercial field rules only the case of benefits received for performances to be enacted in the future. Therefore, the German legislation usually admits the acknowledgment of benefits for services or accomplishments already provided in the past. On the other hand, the same benefits are not allowed if they are considered as a motivation for advantages to be provided in the future. In the same way, the legislation forbids retroactive benefits decided in advance to the realisation of the effective performance, since in this case there is a direct connection between the action enacted and the benefit meant to remunerate it.

§ 229 StGB regulates the case of employees who request, consent to be promised to them or receive advantages for themselves or for third persons in commercial relations at national or international level, conceding unfair or unjustified preference to a commercial partner purchasing goods or commercial services, with consequent economic or strategic damage for other competitors. The unfairness of the

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<sup>15</sup> § 261 StGB sanctions, as a penal provision, the following acts concerning money or other items arising from a listed offence as a predicate offence: concealing; disguising the origin; procurement for oneself or third parties; keeping or using for oneself or others; thwarting or endangering the determination of the origin, the finding, forfeiture, collection, seizure of money or items from a predicate offence.

acknowledged preference is proved if it due to the accordance of the provided or granted benefit, instead of a rational and understandable choice made by the subject who decide to prefer a specific commercial actor instead of others<sup>16</sup>. Such illegal behaviours are sanctioned with imprisonment up to three years or a payment. According to § 229 II 1, the same punishment is provided for those who offer, grant or assure the same kind of advantages to employees or commercial agents in the business sector. In very harsh cases § 300 StGB allows imprisonment from three months to up to five years, when a) the act refers to a big advantage or b) the perpetrator acts commercially or as a member of a gang that has committed to the continued commission of such acts<sup>17</sup>.

§ 299 StGB has been recently amended with the addition of two further clauses, which punish who works for a company and, without the consent of the company, claims or promises to receive benefits for himself or a third party, assuming or neglecting to take action in the purchase of goods or services, thereby violating its obligations to the company (§ 299 I 2 StGB) or without the consent of the company, provides, promises or grants, an advantage to the company itself or to any third party in return for making or disallowing an act in the purchase of goods or services, thereby violating his obligations to the company (§ 299 II 2 StGB). The aim of the new regulation is to protect companies when employees get involved in bribery crimes without the consent of the employer they are working for, violating their duties with regard to their employer, the commercial activities they lead, or the interests of the employer in the business field. According to the new legislation, it is not required that an effective alteration of the competitive commercial activities takes place. The amended version of § 299 StGB aims at avoiding the case of the employees who accepts advantages from a dealer for ignoring offers from other competitors in the business field, instead of collecting and comparing different offers for the same performance, even if it is finally proved that the offer accepted without comparison was the best available in the considered market sector. § 261 StGB has also enlarged the application field for provisions against money laundering<sup>18</sup>. Therefore, active or passive bribery in the commercial sector can also be considered an act hiding initiatives of money laundering, when it is enacted by members of criminal organizations.

### 1.3. Bribery in the health care sector

In 2012 the German Federal Court (*Bundesgerichtshof*) stated in a main decision<sup>19</sup> that physicians working in private healthcare structures cannot be considered public

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<sup>16</sup> C. Wirtz, *Aktuelle Aspekte der Korruptionsbekämpfung*, in: Strafverfolgung der Korruption 2016. Vermögensabschöpfung. Unternehmensstrafrecht, Dokumentation einer Tagung von Transparency International Deutschland e.V. und der Friedrich-Ebert-Stiftung am 8. November 2016 in Berlin. Transparency International Deutschland e.V., Berlin 2017, 13-19.

<sup>17</sup> C. Heuking/S. von Coelln, *Die Neuregelung des § 299 StGB - Das Geschäftsherrenmodell als Mittel zur Bekämpfung der Korruption?*, in: Betriebs-Berater, 6/2016, 8.2.2016, 323-332.

<sup>18</sup> The new version of the § 261 StGB is based on the Second Act amending financial market regulations based on European legal acts (Second Financial Market Amendment Act) of June 23rd, 2017 (BGBl. I S. 1693), which came into force on January 3rd, 2018.

<sup>19</sup> BGH GSSt 2/11 of March 29th, 2012.

officials or agents operating for the public health insurance system<sup>20</sup>. According to the decision, Doctors who accept benefits from a pharmaceutical company in exchange for the prescription of medicinal products of this company, are not liable to punishment for corruption according to § 332 StGB. Criminal liability for business conduct in accordance with § 299 Abs. 1 StGB is also excluded. Correspondingly, employees of pharmaceutical companies who offer such benefits to doctors are not liable to prosecution for bribery (§ 334 StGB) or bribery in commercial transactions (§ 299 (2) StGB). The resident, licensed for the medical care contractor is namely in the exercise of the tasks assigned to him under § 73 para 2 SGB V, especially in the regulation of medicines, neither as an official within the meaning of § 11 para. 1 no. 2 StGB yet as a representative of the statutory health insurance in the sense of § 299 StGB. The decision, stated by the Grand Senate for Criminal Matters of the Federal Court of Justice, was based on a main proceeding regarding a pharmaceutical sales representative who handed over checks for a total amount of approximately € 18,000 to doctors had been fined for commercial smuggling. The handing over of the check was based on a premium system of the pharmaceutical company called “Prescription Management”. This provided that physicians should receive 5% of the manufacturer's purchase price as a premium for the prescription of medicinal products of the company concerned.

The prohibition to apply the usual provisions in case of bribery for doctors and physicians led the Bundestag to approve a specific regulation of the matter in 2016. The new Law for Fighting Corruption in the Healthcare Sector (*Gesetz zur Bekämpfung von Korruption im Gesundheitswesen*)<sup>21</sup> introduced several relevant innovations in the general previous regulation. Article 1 of the Act added sections 299a and 299b to the Criminal Code and amended sections 300 and 302 of the Criminal Code<sup>22</sup>.

The new § 299a StGB punishes corruption in the health service. This is to ensure that health professional prescription, dispensing and supply decisions are made free of undue influence. The provision foresees a punishment imprisonment of up to three years or fine. § 299a StGB rules a so-called special offense: perpetrator can only be a person who exercises a medical profession that requires “state-regulated training for the professional practice or the holding of the professional title”. This includes both members of the academic health professions, in particular doctors and pharmacists, as well as persons who exercise so-called health technical professions, such as nurses, ergotherapists, speech therapists and physiotherapists<sup>23</sup>. After the enforcement of the new law, the National Regulatory Control Council assumed that in the future about 300 suspects would be determined annually on suspicion of corruption in health care<sup>24</sup>.

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<sup>20</sup> For comments on the BGH decision s. S. R. Ihwas/M. Lorenz, *Zeitschrift für das Juristische Studium (ZJS)*, 5/2012, 712-719.

<sup>21</sup> BGBl. I p. 1254 of May 30th, 2016.

<sup>22</sup> G. Dannecker/T. Schröder, *Zu den neuen §§ 299a, 299b StGB – auch zu ihren Risiken und Nebenwirkungen*, in: Michael Kubiciel/Elisa Hoven (Hrsg.) *Korruption im Gesundheitswesen*, Nomos, Baden-Baden 2016, 43-68.

<sup>23</sup> M. Kubiciel, *Legitimation und Interpretation der §§ 299a, 299b StGB*, in: Michael Kubiciel/Elisa Hoven (Hrsg.) *Korruption im Gesundheitswesen*, cit., 69-88.

<sup>24</sup> Deutscher Bundestag: Entwurf eines Gesetzes zur Bekämpfung von Korruption im Gesundheitswesen. In: Bundestag-Drucksache 18/6446, October 21.st, 2015, 26-30.



Just like § 299a StGB, the new § 299b StGB states that bribery in the health service - meaning the bribery of a subject holding a health care profession -, can be punished with imprisonment of up to three years or a fine. Also § 300 StGB was changed by the new law. According to this provision, particularly serious cases of bribery and bribery in the healthcare sector can be punished with imprisonment of three months to five years. Previously, the provision only applied to serious cases of bribery in business dealings. According to the also amended § 302 StGB, the State can have extended access on objects that a perpetrator has obtained by a particularly serious corruption offenses, in particular on bribes<sup>25</sup>.

#### 1.4. Bribery in the political sector

Germany paid special attention to the crimes of bribery involving politicians or subjects active in the political sphere. The Bundestag renovated § 108e StGB in 2014 (*Mandatsträgerbestechung*), in order to give a proper implementation to the Criminal Law Convention on Corruption, adopted by the Council of Europe<sup>26</sup>, and the United Nations Convention against Corruption<sup>27</sup>.

According to the current legislation, members of national, European or international representative assemblies who request, consent to be promised or accept to receive a benefit for themselves or third persons as a reward for the implementation of an act or for omissions in the exercise of their mandate (§ 108e I StGB), as well as the giver of the illegal advantage (§ 108e II StGB), can be punished with imprisonment of up to five years or a financial sanction.

The most innovative part of the new provisions regards the fact that now the cases of corruption include not only the act of buying and/or selling votes, but also the effective or attempted influence of positive or negative actions by holders of political representative mandates, including possible illicit influences of lobbies and interest groups on members of Parliaments<sup>28</sup>.

### 3. Recent cases of corruption and bribery

#### 3.1. Cases involving big public companies

Germany registered severe cases of corruption involving big economic concerns like Siemens, Ferrostaal and MAN in the previous years. The steady application of the provisions on corruption led to several important prosecutions on of bribery and

<sup>25</sup> For comments of the new legal provision s. H. Brettel/E. Mand, *Die neuen Straftatbestände gegen Korruption im Gesundheitswesen*, in: *Arzneimittel und Recht*, 3/2016, 99 ff.; M. Kubiciel, *Die Straftatbestände gegen die Korruption im Gesundheitswesen: verfassungskonform, kriminalpolitisch angemessen und effektiv?*, in: *Journal der Wirtschaftsstrafrechtlichen Vereinigung*, 1/2016, 1–11; R. Frank/S. T. Vogel, *Korruptionsbekämpfung im Gesundheitswesen – symbolisch und (un)gut*, in: *Anwaltsblatt*, 2/2016, 94–100.

<sup>26</sup> ETS No.173 of January 27th, 1999.

<sup>27</sup> Adopted by General Assembly Resolution 58/4 of October 31st, 2003.

<sup>28</sup> For an analysis and a comment on the new version of § 108e StGB s. E. Hoven, *Die Strafbarkeit der Abgeordnetenbestechung. Wege und Ziele einer Reform des § 108e StGB*, in: *Zeitschrift für Internationale Strafrechtsdogmatik (ZIS)*, 1/2013, 33–44.

corruption actions on both national and international level, as German justice seems to pay a much wider attention to suspect acts of corruption and bribery involving members of the public sector or holders of public representative functions. The details of some relevant cases registered in recent years seem to confirm this different attitude.

### 3.1.1. MTU

The engine manufacturer *Motoren Turbinen Union* (MTU) Friedrichshafen has been condemned to pay a fine of twelve million euros for bribery. In connection with arms deals in South Korea, the subsidiary company of Rolls-Royce Power Systems (RRPS) has used unclean methods, according to a spokesman for the prosecutor. According to the investigation, in 2008 and 2009, travels for South Korean military officials had been declared as training. Instead, they were pleasure tours including perks and brothel visits aimed at corrupting the military officials. Company's report declares that the company itself had become aware of possible corruption at its subsidiary MTU Asia due to external information and had informed the public prosecutor's office in mid-October 2011. At the end of 2011, the authorities had started the investigation. A former board member of the company was also reached by a penalty order. According to the prosecutor, the manager responsible for the Asia business was sentenced to ten months probation and a fine of 30,000 euros, while investigations involved other MTU former employees<sup>29</sup>.

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### 3.1.2. Schenker

They called it “administration fees”, but in the case of DB Schenker, the transport subsidiary of the Deutsche Bahn (DB), this apparently innocent title hid a case of corruption. Schenker bribed Russian customs officers in the port of Saint Petersburg and had therefore to pay two million euros fine. According to the decision issued by the Cologne Court in 2016, Schenker had bought with the bribe the “accommodating” of the customs officers, which accelerated the handling of transports. For years, Schenker had been transporting vehicle parts to a plant of the car company near St. Petersburg for Ford. The auto company could also be implicated in the corruption case and must therefore expect a fine. The contract between DB Schenker and Ford has meanwhile expired. The Cologne prosecutors have been investigating for years. The procedure was directed first against managers and employees of Schenker and then also against employees of Ford. The bosses of Schenker international and Schenker Germany had to leave the railway company in the course of the procedure. Ford had commissioned Schenker with the delivery of the work in Saint Petersburg. Schenker, in turn, switched to a Russian company for a million dollars a year, which was intended to facilitate rapid handling of shipments in the port. The money, which was declared an “administrative fee”, was transferred by Schenker to accounts in Switzerland and Cyprus belonging to a financial holding company of the Russian company based in the Caribbean, establishing a classic bribe case. According to information from SZ and

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<sup>29</sup> D. Hawranek/J. Schmitt, *Null Toleranz*, in: Der Spiegel, 44/2011.



WDR, from 2010 to mid-2012, Schenker paid a total amount of 2.25 million dollars. The German Railway Company (*Deutsche Bahn-DB*) had reported the case itself, issued eleven million euros for their own investigations and cooperated fully with the prosecutor. This is the reason why DB Schenker suffered a mild sanction in the end. Without the commitment of the Bahn in discovering the bribes, the fine would have been much higher. According to findings of the investigators, DB Schenker has taken precautions so that bribes will not occur again. According to the Cologne prosecutor, these measures should reduce the guilty for the companies involved. For most of the former five managers of DB Schenker, the proceedings are legally quite lenient. All they had to do is to pay a little more than 100,000 euros, as a cash, not as a punishment. In order to be able to proceed harder against the accused, the Cologne prosecutor's office would have to prove their involvement in individual bribes in Saint Petersburg, with a request for mutual legal assistance in Russia. However, experience has shown that the local authorities are very cautious in such cases, since Bribery appears to be quite widespread in Russia. During the investigation, a logistics engineer from Ford had witnessed the prosecutor's office that in Russia things would be regulated differently than in other countries, through a frequent use of bribery in order to obtain permissions and authorisations<sup>30</sup>.

### 3.1.3. Atlas Elektronik

In connection with corruption and bribery in weapons trades, the Bremen-based defence company Atlas Elektronik (a joint venture of ThyssenKrupp and Airbus) was convicted to pay around 48 million euros to the state budget of the Hanseatic city. According to the agency, the amount of the payment decided by the Public Prosecutor's Office siphoned off the profits made by the company as a beneficiary of specific projects. In return, the investigation against the company on suspicion of bribery and corruption have been set, and no fine was imposed to the company in the end. The State Prosecutor investigated since 2013 against Atlas Elektronik for suspicion of commission payments to foreign officials for weapons deals. For example, sales of sonar systems for submarines were suspected to have brought unlawful benefits to Greek authorities. According to the Prosecutor, also in connection with the sale of torpedoes to the Peruvian Navy, there have been illegal donations from an intermediary of Atlas Electronics<sup>31</sup>.

### 3.1.4. Berlin-Brandenburg Airport

In the corruption process about the construction of the German capital city airport Berlin-Brandenburg (BER) the Cottbus district court imposed a prison sentence against a former divisional director of the airport company, condemning him to three and a half years imprisonment for corruption. The prosecutors had accused the man to have accepted end of 2012 bribes in the amount of 150,000 euros from a contractor. In return, he made possible that within the airport company supplementary claims of

<sup>30</sup> K. Ott, *Sie nannten es "Gebühr"*, in: Sueddeutsche.de, 7.10.2016.

<sup>31</sup> *Atlas Elektronik muss Millionenstrafe zahlen*, in: Handelsblatt.de, 1.6.2017.

the construction equipment company in millions were transferred unchecked. The prosecution had demanded for the accused ex-authorized officer a prison sentence of three years and eight months for bribery in a particularly severe case, and an additional fine of 150,000 euros. The prosecutors assumed that the airport employee actively demanded the bribe, so he should have been the driver of the deal. In addition to the ex-divisional head, two other men were involved in the prosecution: The ex-chairman of the management of Imtech Germany received a suspended sentence of one year and eleven months for bribery. Another ex-employee, who should have handed over the bribe, was sentenced to one year and three months, suspended for aiding and abetting<sup>32</sup>.

One of the problems related to the fight against corruption in the German legal system regards the fact that there are no specific provisions about presents or offers of hospitality, which are able to distinguish when friendly accommodation ends into particular forms of bribe. Generally speaking, the German legal system considers bribery and corruption any form of advantage conceded to a beneficiary not entitled to receive it. Besides, it is difficult to define which kind of benefit can be considered an illegal donation, which results to assume the form of an undue performance in exchange for unjustified advantages, enhancing the personal, financial or legal conditions of the recipient. Because of the vagueness of the term, a benefit can therefore regard presents, meals or covering of travel expenses and be considered forms of bribes, depending of the specific situation of the subjects involved in the single case. In order to achieve an adequate knowledge of the acts subjects to prosecutions, rather than determining in advance fixed financial amounts for donations or other gifts, German authorities decide to evaluate every single suspect form of corruption examining its specific context. According to this legal approach, in fact, a large series of factors plays a role in determining if a performance is aimed at altering the decision of a single person: the nature of the benefit, its material or immaterial value, the conditions of the beneficiary, the link between the donor and the recipient, the way the performance was handled between them, are all features which can deeply condition the single case, determining if and in which amount we are in presence of bribery.

The most important issue related to corruption and bribes in the German Code of Criminal Procedure (*Strafprozessordnung* – StPO) is related to the “principle of legality”, as ruled in § 152 II StPO. It affirms that the public prosecutor's office is called to bring the public suit and, unless otherwise provided by law, it shall be obliged to intervene in respect of all perceptible offenses, provided that sufficient factual indications exist. According to this provision, therefore, German prosecutor are bound to start investigations when the mentioned conditions occur.

### 1.5. Bribes involving German MPs

Section 108e is so narrowly construed against bribery that since its adoption in 1994 only four Members have actually been convicted. Due to the narrow limitation of the law to special cases, in many potentially problematic cases it is not possible to run investigations, or the investigations are quickly set back. Therefore, reliable

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<sup>32</sup> *Ehemaliger BER-Manager muss ins Gefängnis*, in: Sueddeutsche.de, 12.10.2016.

statements about how many cases there would be with a better anti-corruption law cannot be made.

### 1.5.1. Reinhard Sommerfeld

Reinhard Sommerfeld, chairman of the CDU parliamentary group in the city council of Neuruppin (Brandenburg) was offered a personal loan of 100,000 euros by an investment company. The city should in return agree to a bond of several millions Euro. Sommerfeld went into the deal and voted in the city council in favor of the proposal. The court considered the vote to be purchased. Sommerfeld was sentenced in spring 2007 to a suspended sentence<sup>33</sup>.

### 1.5.2. Jürgen Specht and Uwe Clees

In the so-called Wuppertal corruption scandal, the city councilor Specht (SPD) and the contractor Clees were sentenced after a long series of court cases in 2009 to probation and fines of € 20,000 and € 200,000, respectively. Clees had granted Specht, among other things, free construction services. Specht campaigned in return for building permits<sup>34</sup>. In a first ruling on the case in 2006, the Federal Court of Justice made clear its criticism of the existing bill on bribery: “In all other areas of public and private life, the changed public understanding of a particular social injustice of corruption has significantly increased the criminal liability of this development has gone beyond the bribery of parliamentarians so far [...] However, particular cases such as the present show that the definition of facts is not sufficient to cover all punishable corrupt practices, especially at the local level.”<sup>35</sup>

### 1.5.3. Klaus Heugel and Norbert Rüter

The two Cologne SPD local politicians were sentenced in 2008 by the Cologne district court to one year and nine months and one year and six months on probation. The case was connected with the procedure for the Cologne donation of the so-called *Müllaffäre*, which had more politicians and entrepreneurs involved and regarded the construction of a waste incineration plant in Cologne-Niehl. The case was based on a donation of DM 150,000 from 1999, which the waste management contractor Trienekens - in retrospect, sentenced several times himself - sent to the then *Oberstadtdirektor* and candidate for the office of Mayor Klaus Heugel. The court considered it proven that the donation should secure the support of a partial privatization of the Cologne waste management companies. It was further assumed that Norbert Rüter was commissioned as former chairman of the SPD Council Group Heugel to raise funds specifically<sup>36</sup>.

<sup>33</sup> P. Bornhöft/W. Reuter, *Beeinflusst, nicht bestochen*, in: Spiegel.de, 21.5.2007.

<sup>34</sup> A. Spiegelhauer, *Abgeordneten-Bestechung: Urteile bestätigt*, in: Westdeutscherzeitung.de, 11.8.2010.

<sup>35</sup> BGH, 5 StR 453/05 of 9. May 2006, Sec. 52.

<sup>36</sup> *Kommunalpolitiker erhalten Bewährungsstrafe*, in: Rheinische Post online, 7.8. 2008.

#### 1.5.4. Christian Köckert

The former Minister of the Interior of the Free State of Thuringia was sentenced to one year and three months probation for abusive bribery in January 2014. The district court Meiningen took the opinion that Köckert as an honorary alderman and city council of the city Eisenach received money from investors, in order to influence other delegates in the interests of the investors. Specifically, it is 80,000 euros, which he has received in the context of consultancy contracts. The real achievement, however, was the exploitation of his offices and his general influence to facilitate the construction of wind turbines and an electric market<sup>37</sup>.

#### 4. Measures of prevention against corruption: examples from regional authorities

According to recent data, in the German public administration corruptions case seemed to increase, probably because the persecution pressure is increasing. The State Criminal Police Office (*Landeskriminalamt – LKA*) of the Land Nordrhein-Westfalen (NRW) recorded 402 corruption cases in the past year (they were 440 in 2014). Although the number of total procedures has declined further compared to the previous year, at the same time the proportion of public administration procedures has risen. With 256 cases (2014: 232), this area is affected much more frequently than the "private economy" area with 106 (2014: 187) procedures. In previous years, the proportion had risen steadily in relation to cases in the private sector, according to the LKA in its management report. This is probably due to compliance programs in public administration. These included anti-corruption and ombudsman offices or hotlines. Law enforcement agencies also worked harder, increasing the likelihood of being discovered.

The perpetrators are differentiated between donors (eg directors or owners, officers, owners of craft enterprises) and takers. The so-called takers in the public administration belonged to different functional areas. These included, for example:

- Members of regulatory and building authorities;
- district governments;
- procurement offices;
- building yards;
- construction supervision;
- building management;
- depots;
- Administrations of retirement homes and hospitals
- Federal German Army
- Correctional facilities
- ARGEn (Jobcenter)
- German Railways.

In many cases, the bribes served either to win public contracts or to obtain permits, authorisations and administrative acts such as concessions, business

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<sup>37</sup> *Ex-Innenminister Köckert erhält Bewährungsstrafe*, in: Thüringer Allgemeine online, 8.1.2014.

registrations and wish license plates. Even non-competitive agreements were concerned.

Among other benefits, in addition to cash or a money transfer the takers received:

- craftsman and construction services;
- construction materials;
- renovations;
- garden Design;
- pavement and tar work;
- gift certificates;
- consumer electronics;
- computer equipment;
- invitations to travel and sporting events;
- Theater or restaurant visits.

The LKA NRW estimates the total value of the financial benefits achieved in 2015 at around 60 million euros. In 341 proceedings, donors and takers found an agreement. Takers, who according to LKA NRW were all public officials, rejected the advantages offered and reimbursed them 60 times. In one case, the potential donor also filed a complaint after being asked by a taker to pay bribes for a particular benefit. Overall, the number of so-called accompanying crimes increased by 111 percent to 1,769 (2014: 839)<sup>38</sup>.

In Berlin the number of corruption cases is increasing: in 2016 the Berlin Public Prosecutor's Office received a total of 110 corruption cases, involving 185 defendants. The year before, there were 100 cases involving 170 defendants. In many cases the public service is affected. However, only a small portion of the evidence and ads leads to charges and convictions. In 17 cases suspects have been prosecuted, 80 cases were closed due to lack of sufficient evidence in many allegations. This is the data emerged from the activity report of the Berlin office for corruption fight with the public prosecutor's office for 2016.

## **5. Planned measures for further actions against corruption in the political branch**

The Federal Ministry of Interiors publishes every year a specific report, which collects all specific measures enacted in order to prevent corruption in the Federal administration. According to the most recent available report, issued in 2017 and related to the situation in 2016, the state of implementation of the EU Anti-corruption Directive in the highest federal authorities and their business units, in the departments and elsewhere is very high. The surveys for the BMI report regularly ask which situations in the respective departments can have a potential development for corruption prevention and which concrete measures have been implemented in the

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<sup>38</sup> J. Gesemann, *Landeskriminalamt NRW: Korruption in öffentlicher Verwaltung nimmt zu*, in: Neue Westfälische.de, 19.12.2016.

previous years. The most common measures are new implementation guidelines, organizational as well as work and job related measures<sup>39</sup>.

A number of examples from individual authorities explain which specific measures were implemented or are to be introduced during the year under review:

Federal Foreign Office (*Auswärtiges Amt*): The Federal Foreign Office has intensified the awareness-raising measures towards executives and local employees of German Foreign agencies extended in some particularly corruption-prone countries. On the occasion of the World Anti-Corruption Day, a round note was given to all foreign representations circulated in Germany in which German Officers were asked to refuse benefits and gifts.

The Federal Government Commissioner for Culture and the Media (*Beauftragte der Bundesregierung für Kultur und Medien - BKM*): A position in the BKM division sensitizes all employees in the pre-Christmas period through circular mails and provides information on corruption prevention and the acceptance of rewards and gifts. Another BKM division department, which regularly trains its employees in particularly vulnerable areas of work, has expanded its business Training on corruption prevention for all employees. Besides, every year employees discuss different topics related to corruption prevention.

Federal Ministry of Labor and Social Affairs (*Bundesministerium für Arbeit und Soziales - BMAS*): by resolution of the Executive Board, the German pension insurance miners' association Knappschaft-Bahn-See in the business area of the Federal Ministry of Labor and Social Affairs has put compliance guidelines into force and appointed a Compliance Officer. Another divisional authority completed a home-based survey in the year under review to record the areas of risk of corruption.

Federal Ministry of Finance (*Bundesministerium der Finanzen - BMF*): The BMF has specified the in-house regulations and the licensing practice for subordinate activities. The aim of this provision is to prove to the public confidence the independence of the administration. A business area authority will organize their structures differently in the next future. This should create an "open space" office architecture, which should provide more communication between the employees on the one hand, and allow mutual control on the other hand.

Federal Ministry of Finance (*Bundesministerium der Finanzen - Customs*): The General Customs Directorate is planning a compulsory e-learning module on corruption prevention in the context of executive training of the customs administration.

Federal Ministry of Health (*Bundesministerium für Gesundheit - BMG*): A division authority of the BMG announced that it always provides information on the prevention of corruption at its three-months introductory events for new employees and sensitizes new employees.

Federal Ministry of the Interior (*Bundesministerium des Innern - BMI*): The BMI has taken various measures to further develop the prevention of corruption. It has for example charged a law firm in Berlin with branches in Cologne and Frankfurt a.M. with the function of an ombudsperson for corruption suspected cases. In addition, the

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<sup>39</sup> Bundesministerium des Innern, Korruptionsprävention in der Bundesverwaltung, Jahresbericht 2016, published on 22.6.2017, 52-55.



e-learning program used to train all employees to prevent corruption will be technically updated. In 2016 the BMI has issued several advices to beneficiaries on the topic of corruption prevention. In 2016 the procurement office of the Federal Ministry of the Interior has organized one Lecture by the Compliance Officer of a major international corporation for its executives. The expert spoke about the handling and the processing of Corruption cases within their group. Through the vivid representation and many questions in the subsequent conversation, the participants could gain new knowledges about the mentioned topics. Due to the positive response, a series of events will be organized also in the future. Besides, a large number of BMI employees were trained on measures for prevention of corruption.

Federal Agency for Technical Relief (*Bundesanstalt Technisches Hilfswerk* - THW) has included a so-called anti-corruption clause in the sample service description for the award of workshop framework contracts for the local THW associations. Signing such a contract, each contractor declares that 1) it, its staff and possible subcontractors to the relatives of Principal did not offer, grant or tried to gain directly nor indirectly advantages in the sense of § 331 ff. StGB and 2) it was not involved in any restrictive agreements with the THW within the meaning of § 298 StGB. If the contractor violates this obligation, he is obliged to inform the client. The client has the right to order the termination of all existing contracts between him and the contractor. Besides, the THW holds the right to exclude the contractor from future contracts or assignments for a certain time.

Federal Ministry of Justice and Consumer Protection (*Bundesministerium der Justiz und für Verbraucherschutz* - BMJV): In 2016 the Federal Finance Court has realised a complete investigation regarding the particular areas at risk of corruption, including the management and judiciary area. It also organized a major awareness event, mandatory for all employees active in working areas particularly vulnerable to corruption.

Federal Ministry for Economic Affairs and Energy (*Bundesministerium für Wirtschaft und Energie* - BMWi): A division authority of the BMWi gave a lecture on “Corruption prevention” in 2016 in front of 25 employees (including a manager) of the procurement office.

Another measure aimed at enforcing corruption prevention is the introduction of a nationwide competition register. In 2016, the Federal Ministry for Economic Affairs and Energy prepared a bill in order to introduce a competition register. The current public procurement law allows companies to be excluded from the awarding of public contracts and concessions if they have been involved in economic crimes or other serious crimes, in particular corruption offenses. The register will enable clients to check nationwide, through a single electronic query, whether a company has committed relevant infringements and must be eliminated from the award procedure<sup>40</sup>. The register is to be established at the Federal Cartel Office (*Bundeskartellamt*).

The expansion of the bundling of procurement by strengthening the central procurement offices of the federal government is also supposed to be used as a tool for

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<sup>40</sup> S. Bundesministerium für Wirtschaft und Energie, Themenseite: Öffentliche Aufträge und Vergabe, „Wettbewerbsregister“, available at: <https://www.bmw.de/Redaktion/DE/Artikel/Wirtschaft/wettbewerbsregister.html> (25.4.2018)

preventing corruption. It has a positive effect on the observance of the separation requirement in procurement, foreseen in § 10 of the Corruption Prevention Directive. This also applies, for example, to the procurement of IT infrastructure. The Federal Ministry of the Interior Procurement Office is currently setting up a new department that will procure the IT infrastructure for the entire federal administration. In a first step, it takes over the tendering of the framework agreements for the direct federal administration. In a second step, it will also take over individual purchases above department-specific value limits.

Another step in the direction of transparent government action taken in 2016 was the start of the participation of the German Federal Government in the international initiative Open Government Partnership (OGP). Under the auspices of the Federal Ministry of the Interior, a first national action plan will include measures from various policy areas on topics of the future such as open data. In a dialogue with civil society, these action plans are developed and monitored every two years in order to trigger learning processes, build trust and make reform projects visible<sup>41</sup>.

Germany is working also at international level in order to ensure that prevention is and remains an essential tool in the fight against corruption. The Federal Government has made the issue of “anti-corruption” one of the priorities of its G20 presidency, and the G20 working group on anti-corruption has brought “High Level Principles” in the internal measures against corruption (“Organizing against Corruption”). They show how organizational structures and processes can be organized in order to make public administration more resistant to corruption. They are also designed to help minimize corruption risks in public administration and help detect corruption incidents.

## 6. Cooperation with other authorities

Since corruption phenomenon puts the investigating authorities in front of special challenges related to the disclosure and identification of facts, and because of the absence of the typical perpetrator-victim constellation, all parties involved usually try to cover up the deeds and thus prevent announcements of the cases<sup>42</sup>. Here, together with the actual corruption acts, so-called accompanying crimes or others offenses often also occur.

In many cases, the facts in addition to the criminal law also have a tax or criminal tax relevance. This is especially the case if the attempt is made to cover up bribes by missing or incorrect information in the tax return. That is the reason why a close cooperation between police and the tax authorities is considered to have great importance in this field. However, this is legally not completely unproblematic, as data are protected by the tax secret and the *Nemo Tenetur* principle. Beside the notification

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<sup>41</sup> Bundesministerium des Innern, Pressemitteilung vom 7.12.2016, "Demokratie heißt Zuhören und die Hand reichen, available at:

<http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/12/bekanntgabe-der-teilnahmean-open-government-partnership.html>. (25.4.2018)

<sup>42</sup> C. Stark/C. Lahusen (Hrsg.), *Korruption und neue Staatlichkeit: Perspektiven sozialwissenschaftlicher Korruptionsforschung*, Books on demand, Nordstedt 2010, 7-22.

obligations, the regulations allow different occasions for the disclosure of tax secrecy. This creates a space for joint action, investigation teams or other types of cooperation.

Despite the positive experiences occurred so far, the current level of cooperation in practice is still in a development stage. An improved network of supervisory authorities could positively influence procedural economics and law enforcement practice. A step in this direction was the establishment of a liaison officer of the Stuttgart tax investigation in the LKA at the inspection 740. Here, questions or first measures can be clarified directly. In addition, the close contact of the relevant clerk of meaning, as inquiries are often made through personal contact. In addition to the tax office, which cooperates in all cases of corruption, there are also other cooperations, depending on the case scenario, for example in the financial investigations with the Federal Financial Supervisory Authority (*Bundesanstalt für Finanzdienstleistungsaufsicht*) (BAFIN) or in the case of illegal employment with the financial control undeclared work of the customs. However, due to the diversity of issues, cooperation should not be limited to this. Rather, cooperation opportunities should be with created and used by all authorities to optimize police anti-corruption measures<sup>43</sup>.

## 7. Corruption Perception index and proposals of improvement

If the German Federal Ministries and Agencies prepared several actions aimed at improving the fight against corruption in the country on the one hand<sup>44</sup>, it is also a matter of fact that Germany has been stagnating in the Corruption Perceptions Index for some years now, and in 2017 is even down two places by international standards on the other hand<sup>45</sup>.

In 2017 Transparency Germany presented a report with several measures intended to improve the perception of corruption in the country<sup>46</sup>.

Firstly, it has been suggested to create a mandatory lobby register and to expanded disclosure requirements for conflicts of interest<sup>47</sup>. The register is supposed to apply equally to the Bundestag and the Federal Government and be publicly available. It will cover all lobbyists, associations, corporate lobby offices, public affairs agencies and law firms responsible for advocacy, as well as non-governmental organizations, trade unions and churches. In addition to the address and the management, information should be provided in particular about the client, project and objective of the influence as well as the financial expenses. Rights such as the

<sup>43</sup> Landeskriminalamt Baden-Württemberg, *KorruptionsKriminalität, Jahresbericht 2016*, 25, available at: <https://lka.polizei-bw.de/wp-content/uploads/sites/14/2017/06/Korruptionskriminalitaet.pdf> (25.4.2018)

<sup>44</sup> A. Giannakopoulos/D. Tänzler, *Deutsche Ansichten zur Korruption*, in: APuZ 3-4/2009, 13-19.

<sup>45</sup> *Korruptionswahrnehmungsindex 2017: Deutschland rutscht durch Nichtstun auf Platz 12*, in: transparency.de, 21.2.2018, available at: <https://www.transparency.de/aktuelles/detail/article/korruptionswahrnehmungsindex-2017-deutschland-rutscht-durch-nichtstun-auf-platz-12/> (25.4.2018)

<sup>46</sup> Transparency International Deutschland e.V., *18 Forderungen an die deutsche Politik*, July 2017, 3-4, available at: [https://www.transparency.de/fileadmin/Redaktion/Publikationen/2017/18\\_Forderungen\\_an\\_die\\_deutsche\\_Politik\\_17-07-24.pdf](https://www.transparency.de/fileadmin/Redaktion/Publikationen/2017/18_Forderungen_an_die_deutsche_Politik_17-07-24.pdf) (25.4.2018)

<sup>47</sup> S. also K. Maras, *Lobbyismus in Deutschland*, in: APuZ 3-4/2009, 33-38.

submission of statements on bills, the invitation to hearings and the receipt of a Bundestag house card should be linked to the entry in the lobby register. With the entry a code of conduct is to be kept.

A second suggestion regards the introduction of a “Legislative Footprint”, aimed at granting wider transparency in the influence played by lobbies and interest groups on the drafting procedure. The contributions of external consultants and stakeholders in drafting bills should be documented in the bills themselves. This should concern both draft laws on the part of the ministries and as well as from the middle of the Bundestag. Important in this matter is not only the mention of the stakeholders, but also the content of their contributions. The first reading should also debate whether different interests have been taken into account in a balanced way.

A third proposal concerns the disclosure of existing or possible conflicts of interests in the executive and legislative branch. Members of Bundestag should communicate conflicts of interest in concrete cases before committee meetings and, if necessary, be excluded from the deliberations and the vote on the specific facts. In lawyer and consultant activities, at least the branches of clients or clients should be disclosed. Income from secondary activities of deputies must be disclosed in absolute terms. The establishment of advisory bodies should establish a commitment to publish staffing levels and to introduce compulsory declarations of interest from their members.

A fourth recommendation affects the attempt to restrict the relevance of party financing. Transparency Germany calls for lowering the publication threshold for party donations to 2,000 euros. Sponsorships must be made transparent following the same rules as donations. Grants to parties should be limited at a maximum of 50,000 euros for each donor or sponsor, year and party. State and municipal companies should be fully exempted from sponsorship to the parties.

Finally, Transparency Germany suggests to nominate an independent subject representative of interest chosen by the Bundestag. This person should be entitled to supervise the compliance with the requirements from the aforementioned points, similar to the data protection officer. He should check the correctness of the information in the lobby register and be able to impose effective penalties if he fails to comply with the legal requirements. He should also regularly report to the Bundestag and the public on the lobbying activities and inform the Bundestag in case of violations of the rules of the lobby register, the “Legislative Footprint”, the disclosure of interests and the financing of political parties. He should also assume the duties of the President of the Bundestag to record and punish violations of the rules of conduct and in the context of party financing. In order to fulfil these tasks, the commissioner should receive his own investigative powers.

Further suggestions came from Council of Europe’s organisation GRECO (Groupe d’États Contre la Corruption) with regard to the corruption of MPs of Bundestag, with the intent to increase moreover independent controls within the German Federal Lower House<sup>48</sup>.

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<sup>48</sup> GRECO, Evaluation Report Germany. Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors, 10.10.2014, available at: [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c639b\(25.42018\)](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c639b(25.42018))

## 8. A brief remark to conclude

The fight against corruption in the public sector, as well as in other areas of the German socio-economic reality, shows complexities very difficult to overcome. Moreover, the articulation of the political-administrative structure on a regional basis makes it harder to identify suitable measures for an effective fight against corruption.

The federal legislator has recently amended the current legislation, in an attempt to adapt it to structural changes in the sector and to provide judicial authorities with the tools to fight and possibly win such a delicate challenge. The analysis of the legal measures and the consequent implemented policies give the impression that the political and institutional sphere have reached an adequate awareness of the problem, but that the regulatory measures put in place must still prove their effectiveness.

The composition of a new Federal Government in early 2018 could allow the federal institutions to devote adequate attention to the problem of corruption in politics and public administration, thanks to the large number of votes that the new government majority enjoys in the Bundestag. For this reason, it is reasonable to expect that in the coming years the Legislator will intervene again with new laws aimed at making the action to combat corruption even more effective and focused than it did so far.

