

- Belarus. LLC "YurSpektr", National Center for Legal Information of the Republic of Belarus. – Minsk, 2019.
7. Health Insurance Portability and Accountability Act of 1996 [Electronic resource] – Access mode: <https://uslaw.link/citation/us-law/public/104/191> – Access date: 02.11.2019.
  8. HIPAA Privacy Rule Violation Penalties Waived in Wake of Hurricane Harvey [Electronic resource] – Access mode: <https://www.netsec.news/hipaa-privacy-rule-violation-penalties-waived-wake-hurricane-harvey/> – Access date: 11.03.2019.
  9. What You Need to Know About HIPAA and Canada Health Information Privacy [Electronic Resource] – Access Mode: <https://vsee.com/blog/hipaa-canada-health-information-privacy/> – Access Date: 11.03.2019.

## FIGHT AGAINST CORRUPTION IN THE EU

**Nikita Makarenko**

VSU named after P.M. Masherov, Vitebsk, Belarus

Corruption is an urgent problem for many countries, but it is often hidden, which makes it difficult to identify the affected areas and consequences. Corruption is a constant phenomenon in society and it takes place in all countries and periods of development of civilization, but only in the last 20 years this phenomenon began to be seriously studied.

The relevance of the topic is that corruption has many different forms, as well as many different effects that affect both the economy and society as a whole.

The purpose of this article is to consider and identify the features of the fight against corruption in the European Union.

**Material and methods.** The scientific and theoretical basis is the statistics published by the international organization against corruption - Transparency International. Also, EU anti-corruption reports and anti-corruption normative legal acts. When writing the article, the method of analysis of theoretical and legal views was used. The analysis method is used in conjunction with the synthesis method, which allowed us to examine in more detail the EU legal framework in this area.

**Findings and their discussion.** The fight against corruption is carried out not only in individual EU countries, but throughout Europe as a whole, with each year the EU government is increasingly improving the legal framework in this area.

First of all, we will define what corruption is. Transparency International, a non-governmental international organization for the fight against corruption and the study of corruption levels worldwide, gives the following definition: corruption is the abuse of trusted power for personal gain, which can be classified as large, small, and political, depending on the amount lost and the sector in which it occurs [1].

The EU Treaty recognizes corruption as a “crime against the euro,” and ranked it as a particularly serious crime, having a Euroregional space. With the adoption of the Stockholm program, the European Commission received a

political mandate to measure anti-corruption efforts and develop an integrated EU anti-corruption policy, in close cooperation with the Council of Europe Group of States against corruption.

It is in the general interest to ensure all Member States have effective anti-corruption policies, and the EU supports Member States in continuing this work. The EU anti-corruption report published in 2014 showed that the nature and extent of corruption varies from one EU country to another, and that the effectiveness of anti-corruption policies in each individual country is completely different. The report also showed that corruption deserves more attention in all EU countries [2].

Since then, the EU Anti-Corruption Report has served as the basis for dialogue with national authorities and has also become the basis for wider discussions throughout Europe. All EU countries have designated a national point of contact to facilitate the exchange of information on anti-corruption policies. Together with the anti-corruption experience exchange program, initiated by the Commission in 2015, these efforts have prompted national authorities to better implement anti-corruption laws and policies.

The efforts of the Anti-Corruption Commission are centered around the following bases:

1. The inclusion of anti-corruption provisions in horizontal and sectoral legislation and EU policies;
2. Monitoring action against corruption by member states;
3. Support for the implementation of anti-corruption measures at the national level through funding, technical assistance and the exchange of experience;
4. Improving the quantitative database of anti-corruption policies [2].

*The fight against corruption in EU legislation.* One of the tools that help efforts to combat corruption is to ensure a generally high level of legislation, in particular with regard to corruption, or to incorporate elements of the fight against corruption in other sectoral legislation. The Union has a common right to act in the field of anti-corruption policy to the extent established by the Treaty on the Functioning of the European Union. In particular, the EU must ensure a high level of security, including by preventing and combating crime and approximating criminal laws. In article 83, the Treaty recognizes corruption as a “crime against the euro,” therefore the EU has legislative powers to regulate this area.

The main anti-corruption law includes the 1997 Convention Against Corruption involving EU officials or officials from member states and the 2003 Framework Decision to Combat Corruption in the Private Sector, aimed at criminalizing both active and passive bribery.

European law in other areas, such as the fight against money laundering and public procurement, contains important anti-corruption provisions. Further measures have been taken or are being discussed to increase transparency, for example with regard to beneficial ownership and transparency of corporate tax

or contacts between decision makers in the EU and representatives of interest. Work to combat the risks of fraud and corruption in the use of EU funds is also a cornerstone of anti-corruption policies, as the legislative work to create a European prosecutor's office and the EU financial interests directive indicate that the commission, together with parliament, has worked on a number of legislative initiatives related to combating with corruption.

In the area of asset recovery, in December 2016, the Commission adopted a proposal to regulate the mutual recognition of freezing orders and will further study the possibility of imposing confiscation without conviction [2].

*Technical support.* The Commission's Structural Reforms Support Service provides assistance to Member States authorities in order to improve the prevention and fight against corruption. The work includes assisting EU countries in the development and effective implementation of structural reforms, the timely application of EU legislation, and the efficient use of EU funds. Support is available for all EU countries, upon request to the Commission.

*Supporting anti-corruption measures at the national level.* The Commission regularly organizes seminars on the exchange of experience on combating corruption in the EU. This program supports stakeholders from Member States in discussing and sharing solutions to integrity policy issues. In addition, the Commission provides funding on a regular and ongoing basis to support a wide range of projects through ISF or ESIF funds aimed at enhancing honesty and improving the conditions for combating corruption in EU Member States. The Seventh Research and Innovation Framework funded the ANTICORRP research project to examine factors that contribute or hinder the development of effective anti-corruption policies. This multidisciplinary project consisted of twenty research groups in fifteen EU countries.

Horizon 2020's R&D program funded a project called DIGIWHIST - Digital Whistleblower: Crystal Transparency, Risk Assessment, and Impact Assessment of Good Governance Policies. It brings together six European research institutes with the goal of empowering society to combat corruption in the public sector through the systematic collection, structuring, analysis and dissemination of information on public procurement and accountability mechanisms [2].

**Conclusion.** In recent years, the Commission has emphasized that the fight against corruption is a key element in helping to achieve the priorities of growth, employment and investment. The prevention and fight against corruption are key elements of the economic management cycle in the European semester, which is the main dialogue on economic policy between the EU and national authorities. The annual country reports of the European half-year include a detailed analysis of corruption risks and related problems. The annual country reports of the European half-year include a detailed analysis of corruption risks and related problems. Where appropriate, these issues are also reflected in Country-specific Recommendations, which are approved annually by national

leaders in the European Council. Examples include recommendations to combat ineffective public procurement practices, strengthen rules to prevent conflicts of interest, review statutes of limitations for corruption offenses, or resort to informal payments in the healthcare sector.

1. The official website of Transparency International [Electronic Resource]. - Access mode: <https://www.transparency.org/>. - Date of acces: 08/04/2019.
2. Official website of the European Commission against Corruption [Electronic resource]. - Access mode: [https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption_en). - Date of access: 08/04/2019.

## UN LEGAL SOURCES IN THE FIELD OF REGULATION OF ONLINE SPACE AT THE PRESENT STAGE

**Darya Mazurtsova**

VSU named after P.M. Masherov, Vitebsk, Belarus

Providing a stable and secure online environment is no longer an exclusive problem of the technology and software sector. Recently, more and more attention has been paid to the regulation of the Internet sphere, which is directly related to the rapid globalization, the widespread integration of states, the projection of the main spheres of society onto the online space, the emergence of legal gaps in the field of ensuring human rights, new threats to state security, expanding the scope of attackers, the difficulty of accurately identifying the location of hackers, and, as a consequence of this, the need for criminal law cooperation of present states.

The purpose of this study is to analyze the legal activities of UN bodies in the field of cyberspace regulation in connection with the rapidly arising legal conflicts in this area.

**Material and methods.** The main materials of the study are the Resolution “Creation of a global culture of cybersecurity” dated 01.01.2003 No. 57/239, Draft Convention on International Information Security, etc. The formal legal method as well as analysis and generalization were used in the study.

**Findings and their discussion.** The obvious insufficiency and inefficiency of unilateral actions of states in ensuring stable cybersecurity places a serious responsibility on the international community for the formation of unified integrated systems countering online threats. The leading organization in the field of facilitating the creation of a uniform approach to the pressing problems of our time is the UN, which has repeatedly recognized the urgent need for a solution to the key problems of insufficient Internet regulation.

Already in 2003, the UN General Assembly adopted the Resolution “Creation of a global culture of cybersecurity”, which was one of the first to draw attention to the very concept of “cyber security” and developed a number