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The Europeanization of anti-corruption policy: the case of Spain

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Abstract

The case of the Europeanization of anti-corruption policy in Spain, especially since the COVID-19 pandemic, is studied using the process tracing method and drawing on theories of policy transfer and policy change. Two Europeanization processes are underway, one linked to the strategy of coordination and learning, characterized by its multi-level nature and incrementalism. The other is linked to crisis processes, which is indirectly coercive and state-centric. What characterizes the Spanish model is that two processes of Europeanization take place simultaneously in the same policy subsystem, with two different Images and strategies, one for national budgets and European cohesion funds and the other for Recovery and Resilience Facility funds. The implications of this duality provide interesting theoretical and practical conclusions.

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Policy transfer; Policy entrepreneur; Recovery and Resilience Facility; Principal-agent theory; Multiple Streams Framework; Punctuated equilibrium; Europeanization.

I. Introduction

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Concern about fraud and corruption in the use of public goods emerged with the birth of the first cities and civilizations (Olson, 2000). The consolidation of this concern at a global level is much more recent, beginning with the Foreign Corrupt Practices Act of 1977 and expanding internationally, especially after the fall of the Berlin Wall and the associated processes of economic globalization (Katzaroba, 2018). Gradually, various international organizations such as the World Bank, the UN or the OECD, as well as the European Union (EU), have produced a series of recommendations for good practice, to which proposals from NGOs such as Transparency International have been added, culminating in various conventions with their corresponding control, monitoring and learning mechanisms. As a result, over the years, a certain consensus has been reached on anti-corruption measures (Johnston & Fritzen, 2021), which are promoted and sometimes imposed on countries, mainly through conditional aid. Although the terminology and focus often vary, all these processes of policy transfer involve knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) being used in the development of policies, administrative arrangements, institutions and ideas in another political system (Dolowitz & Marsh, 2000: 5). The EU has been involved in this transfer of anti-corruption policies and their international dissemination, particularly since 2004 with the accession process of new members belonging to the former Soviet orbit (Szarek-Mason, 2010).

In short, we are dealing with an initial process of global governance, which is later complemented within the framework of the EU by a process of Europeanization of what we could call the anti-corruption policy. This Europeanization is understood as processes through which formal rules and informal practices are first discovered and experienced within the EU context, and subsequently institutionalized in the logic of the behavior of

domestic actors (Radaelli, 2004: 3). To understand how this process unfolds, it is essential to begin and end the analysis at the level of domestic actors (Radaelli, 2004). Although there are numerous studies on Europeanization, little research has been done on the Europeanization of the fight against corruption and its various drivers and phases. In this article, we analyze the effects that Europeanization, with its different drivers, is having on current Spanish anti-corruption policy subsystem and the outcome of this process. Furthermore, we frame an interesting example of policy change and policy transfer with the idea of "dual Europeanization": a process involving two different strategies and images operating simultaneously within the same policy subsystem.

Our research questions are: How has the Europeanization process affected Spanish anti-corruption policy? Why does this policy subsystem present a dual image? To address them, we employ a qualitative approach, using a case study, focusing primarily on the period 2020-24, coinciding with the implementation of the Next Generation EU (NGEU) funds, based on process tracing methodology, incorporating desk reviews, participant and direct observation and semi-structured, in-depth interviews.

The paper proceeds by outlining the theoretical framework and presenting the research design. It then details the case study and discusses the findings. Finally, it concludes with a summary of the most significant results.

II. Theoretical framework

II.1 Theories underlying the analysis

To address the research questions, we draw on concepts and ideas from Diffusion of Innovations theories (the spread of policy across units regardless of how the spread occurs), especially policy transfer (the spread of policy across units based upon at least some knowledge of policy elsewhere) (Wolman, 2009) and Europeanization theory (Radaelli, 2003); and policy change theories, especially Multiple Stream Framework (MSF) (Kingdon, 2002) and Punctuated Equilibrium Theory (PET) (Baumgartner & Jones, 2009). Leveraging these theoretical perspectives, we aim to elucidate the institutions, actors, and strategies governing the Europeanization process, delineate the existing anti-corruption policy subsystem, clarify its dominant ideas and images shaping policy, and explore the current learning context and extraordinary events that have influenced policy trajectories (Cairney & Heikkila, 2018, pp. 364–366). Collectively, these four theories reinforce each other to comprehensively address our research.

Focusing on policy transfer, we will try to (1) identify the object of Europeanization —be it policy objectives, policy instruments, ideas, negative lessons (Dolowitz & Marsh, 1996: 349-50) or best practices (Radaelli, 2000: 26); and (2) explain how this transfer or Europeanization has occurred, particularly examining whether coercion or conditionality played a role, or if isomorphic processes such as imitation, adaptation or lesson learning were present (Dolowitz & Marsh, 1996; Rose, 1993). However, these processes do not occur in constant equilibrium, but are affected by moments of crisis and disruption that shift emphasis and content. Using PET, we identify phases in the policy change process marked by such

disruptions. Thanks to concepts such as the policy subsystem, this theory helps to establish a boundary that clarifies the scope of analysis. A policy subsystem is a network of actors — including government agencies, interest groups, and experts— that interact to influence policy decisions within a specific domain (Sabatier & Jenkins-Smith, 1993).

To understand how and why the anti-corruption agenda changes, it is imperative to have a firm grasp on the MSF theory; it clarifies when and why perceptions of the problem to be addressed changes, what theories underlie these changes, who the policy entrepreneurs are, what instruments are integrated into the policy stream, and the existing politics stream, especially by analyzing political constraints.

II.2 The anti-corruption images

The concept of "Image" is also essential for explaining how the dual Europeanization occurs and its components. An Image is an interaction of beliefs and values (Baumgartner & Jones, 2009) or a "mixture of empirical information and emotive appeals" that explain the issue and justify the public policy response (Pal, 2014: 26).

Utilizing the theoretical framework delineated above, its concepts and instruments, we will identify the two images constructed to comprehend the issue of corruption and the strategies for addressing it. Specifically, we aim to explain the learning process through which these images have been formed, the theories on which they are based, the problem identified at each stage, the policy entrepreneurs involved, the transfer sought, and the limits to its implementation (see Figure 1).

Figure 1 here

Neo-institutionalist studies in economics and political science have shown that institutions such as the separation of powers, the rule of law or a meritocratic bureaucracy can control abuse and corruption and promote development (Acemoglou & Robinson, 2013; Evans and Rauch, 1999; Rothstein, 2011; Fukuyama, 2015). As a result, the institutionalist epistemic community has successfully framed the global problem of "low institutional quality". Based on this body of knowledge, international organizations have learned and changed their strategies, generating a new global agenda for State reform (World Bank, 1996; IMF, 1997; UN, 2004). Consequently, since the beginning of the 21st century, there has been a systematic transfer of ideas, best practices, norms and techniques on how to build good governance within national political systems. The strategies to achieve this have varied, sometimes being coercive and based on conditionality, and other times being cooperative and based on benchmarking and monitoring, e.g., through the Good Governance Indicators: Kaufmann et al., 1999; 2004), or socialization (Dolowitz & Marsh, 1996; Ladi, 2012). In any case, the success of these processes in developing countries has remained limited for several reasons, ranging from path dependency (Pierson, 2000), the lack of political will for change and its costs, or their Eurocentric vision (David-Barrett & Philp, 2022; Grindle, 2010).

The control of corruption is one of the components of good governance. Research into the consequences of corruption demonstrates its detrimental impact on the economy, social stability and the quality of governance (Mauro, 1995; Ades & Di Tella, 1996; Lambsdorff, 2006). Consolidated as a global problem, the search for solutions has been intense, especially since the end of the Cold War (Ardnt & Oman, 2008). The instruments developed within the

framework of the so-called first anti-corruption consensus (Picci, 2024) are mostly based on principal-agent theory (Image I). This implies assuming that the reduction of corruption is mainly based on reducing the incentives for corruption and increasing the principal's controls over the agent (Rose-Ackerman, 1978; Klitgaard, 2021). International organizations and international civil society organizations (CSOs) have mostly been the policy entrepreneurs of the policy transfer of these theories and instruments. As in the case of good governance policies, the transfer mode was sometimes through conditional aid, other times through monitoring of anti-corruption conventions (e.g., UN, 2004; OECD, 1997), benchmarking (Transparency International's CPI or the World Bank's Control of Corruption Index), and through learning and adaptation processes.

Despite economic and political efforts to reduce corruption, the data from the various perception indices reveal that the diffusion and transfer processes of Image I have not been successful. Various studies show that when corruption spreads, it creates a collective action problem, because when the majority of people play dirty, it becomes very difficult for the minority to play clean (Morris & Klesner, 2010); in short, it consolidates what Elinor Ostrom (1998) called a second-order collective action dilemma, an expectation that corruption, although undesirable, is inevitable in this context. The problem of corruption is redefined as the problem of the resilience of corruption, and the search for solutions becomes more complex. The new consensus emphasizes that the solution requires an integrity system, that is, preventive and repressive solutions, a comprehensive approach that includes all stakeholders, including the private sector and civil society, not only administrative but also social means of deterrence (Johnston, 2014), and a change from a particularistic culture to a more universalistic one in society (Mungiu-Pippidi, 2015) (Image II). In the context of policy

transfer, Image II employs a multifaceted approach that incorporates transnational networks (Stone et al., 2020), social participation, peer review, and the progressive exchange of ideas (Schmidt, 2008) to support lesson learning and adaptation.

Beyond the standard constraints of path dependency and lack of political will (typical of Image I), we must now consider the specific challenges tied to implementing Image II. These include difficulty in explaining the concept (Rose, 1993), identifying replicable and successful previous examples (Berry & Berry, 1999), and the need for timely responses to serious crisis situations. For a summary, see Table A.1 in the Annex.

In any case, it is difficult to overcome the social and political challenges posed by corruption in both Images. Therefore, it is crucial to explore strategies capable of catalyzing meaningful change. In such ambiguous situations, change can be triggered during brief periods of economic or political crises (so called critical junctures), when actors face a wider range of viable options than usual, and their decisions can significantly influence subsequent events (Capoccia, 2016). In this context, the utilization of combined strategies —by epistemic communities to enhance understanding of the issue (Haas, 1992), advocacy coalitions to influence policy (Sabatier & Jenkins-Smith, 1999), and policy instrument constituencies to shape anti-corruption policy (Simons & Voß, 2018; Beland & Howlett, 2016)— has the potential to shift the status quo and bring about effective change. However, as we will see, the danger is that, in times of crisis, the quick fixes offered by Image I are imposed without considering the necessary consensus and cultural changes, which leads to superficial changes that do not effectively address corruption.

II.3 Hypothesis

Preliminary analysis of empirical data in Spain (inductive moment) indicates the presence of a dual image in the EU's anti-corruption policy subsystem. The first image relies on principal-agent theory and coercive isomorphism (Image I), while the second is grounded in collective action theories with mimetic isomorphism (Image II). As we will see, these images have been employed by the EU successively in Spain, contingent on the stability (Image II) or crisis (Image I) environments, generating a duality in the anti-corruption policy subsystem depending on whether funds managed are national or Recovery and Resilience Facility (RRF) funds. Explain this duality through policy transfer theory is challenging, as Europeanization presupposes a certain coherence in the processes of diffusion, even with multiple modalities. To identify causal mechanisms, it is crucial to examine how the problem is defined at different times, discern the policy entrepreneurs promoting one image or another, assess how different solutions are adopted depending on the context and actors, and, finally, understand the political interest involved at any given time. The derived hypothesis anticipates a certain failure of the Europeanization of the anti-corruption policy in Spain. While the instruments, processes, and bodies of Image I may be formally adopted, they are unlikely to achieve effective implementation due to their incompatibility with Spain's legal and budgetary framework and the cultural environment of its public administrations. Conversely, the instruments associated with Image II will face an overlong adoption and implementation period, as they are often far removed from the political priorities of the moment.

III. Research design

III.1 Case selection

According to Yin (2002), research design can be defined as "the logical sequence that connects the empirical data to a study's initial research questions and, ultimately, to its conclusions" (p. 20). We will now outline our research design, beginning with an explanation of why we have selected a case study as our empirical analysis strategy, why Spain has been chosen as the case, and what specific characteristics this case presents. This article stems from researchers' surprise at Spain's anti-corruption policy, where the same policy subsystem simultaneously employs two different corruption prevention models: one for European funds and another for national funds. We found this case to be highly relevant and worthy of in-depth study, and we immediately asked ourselves how and why this process had developed. At the same time, despite European concern about tackling corruption and the proposals put forward, which are known to the authors of this text as observers participating in the European Network Against Corruption, and despite Spanish government announcements and regulations, the data on perceptions of corruption visible in Eurobarometers and other indices (see Table 1), such as Transparency International's CPI, continued to show fairly negative results for Spain. This reality indirectly led us to wonder whether the Europeanization of anti-corruption policy in Spain had failed, and if so, why.

Table 1 here

Yin (2002) defines case as "a contemporary phenomenon within its real-life context, especially when the boundaries between a phenomenon and context are not clear and the

researcher has little control over the phenomenon and context" (p. 13). Therefore, a case study is an empirical inquiry investigating cases fitting this definition by addressing "how" or "why" questions concerning the phenomenon of interest. Consequently, we selected a case study approach to investigate the phenomenon described above. Within case study methodology, our case goes beyond mere description of an intervention or phenomenon in its real-life context, approaching explanatory status by attempting to elucidate presumed causal links in complex real-life interventions that are too complex for survey or experimental strategies (Yin, 2014). Conversely, Stake (1995) differentiates intrinsic and instrumental case studies: an intrinsic case study prioritizes understanding the unique aspects of a specific case itself, while an instrumental case study uses a case to explore broader issues or to refine a theory, where the specific case is secondary to the larger concern (Stake, 1995, p. 16). We believe our case is mostly intrinsic, as our primary objective is a thorough understanding of the case rather than using it to generalize to other contexts. Nevertheless, our analysis offers valuable insights and open avenues for further research, potentially serving as a foundation for future instrumental cases studies.

Case study researchers employ various data collection methods. In our article, we utilized documentation analysis, conducted semi-structured interviews, carried out direct observations, and engaged in participant observation.

III.2 Process analysis

To understand theories based on causal mechanisms, we must use a method of process tracing (Checkel, 2006). This method is based on the articulation between events, variables, and

causal mechanisms —the underlying processes or pathways through which an intervention is believed to produce effects (Collier, 2011). Process tracing can be defined as: “the analysis of evidence about the processes, sequences, and junctures of events within a case for the purpose of developing or testing hypotheses about the causal mechanisms that might explain the case." (Bennet and Checkel, 2015: 7). Our analytical process began with an initial narrative that was not "causalized," although it was guided by theoretical intuitions. Subsequently, we reviewed the literature relevant to our research question and the case study, which led to the integration of several theories that appeared to explain the phenomenon effectively. We then sought to deduce, a priori, certain empirical implications of a mechanism before verifying whether these were observed in the empirical evidence. Following Yin (2002) we reviewed the relevant literature and established theoretical propositions regarding the case under study prior to conduct any data collection. The hypothesis were then refined iteratively through successive accounts, gradually converged toward a narrative deemed "plausible" and "persuasive" (Yom 2015: 626). Various diagnostic tests were applied to evaluate the strength of evidence supporting or challenging particular causal mechanisms. The researchers believe that saturation point has been reached, not only because additional data collection ceased to yield relevant information, but also because the theoretical explanations provided were judged sufficiently plausible and comprehensive (Bril-Mascarenhas et al. 2017).

As mentioned previously, in order to answer questions and test hypotheses, our research has made extensive use of in-depth semi-structured interviews using the "active interview" technique (Holstein & Gubrium, 1995). Participants were purposively sampled (Patton, 2015) from the population of high-ranking officials of national and regional governments

(Autonomous Communities), specifically selecting those with technical profiles directly responsible for coordinating, managing, and distributing NGEU funds within their respective ministries/regions. Concerning subnational governments, fourteen interviews were conducted between March and May 2022, representing a significant portion of Spain's seventeen Autonomous Communities. Concerning national government, three interviews, one with the head of the RRF Monitoring Unit of the Ministry of the Presidency and two with the undersecretaries of the ministries with the largest volume of RRF funds to manage, were conducted, between May 18th and 20th 2022. To explore participants' perceptions, a semi-structured questionnaire comprising open-ended questions was designed around three key themes: (1) capacity for effective execution and distribution of RRF funds, (2) comprehensive management capability, and (3) implemented reforms or measures ensuring efficient and ethical management. These open-ended questions facilitated active participation, allowing informants ample time for reflection and detailed responses. Interviews were conducted via videoconference and recorded with participants' informed consent, adhering strictly to ethical research guidelines (Creswell & Creswell, 2017). Interview recordings were transcribed, anonymized, and systematically coded based on thematic categories consistent with the questionnaire's structure: (C1) execution capacity; (C2) system design for fund distribution; (C3) alignment between objectives and funded projects; (C4) impact evaluation; (C5) transparency and accountability; (C6) fraud prevention; (C7) impartiality; (C8) conflict of interest; and (C9) corruption. A thematic analysis approach was subsequently applied following Glaser and Strauss's (2017) "constant comparative method," where data was continuously reviewed and compared until theoretical saturation was achieved, ensuring robust and insightful findings. In addition to all this, three

thematic Workshops have been held during the period 2022-2024 with a variety of national and EU experts and members of the Spanish Court of Audit.

III.3 The Europeanization of the anti-corruption policy

In designing our case, we deemed it imperative to elucidate the phases of the Europeanization process of anti-corruption policy, ensuring that Spain's case is contextualized within a comprehensive theoretical framework. This preliminary analysis aims to explain the development of the Europeanization of anti-corruption policy, identify the key actors involved, delineate the distinct phases, and describe the relevant strategies. Subsequently, we will apply this model along with its associated theories and hypotheses to analyze the specific case of Spain.

Generally, the process of Europeanization of anti-corruption policy can be divided into three phases, as presented on Figure 2.

Figure 2 here

First phase (mid-1990s to 2007)

The corruption is primarily viewed as a problem outside the EU, although rules to control corruption within the EU institutions were stablished very early on. In general, it was assumed that the anti-corruption acquis, although legally complex (see Table A.2 in the Annex), would be adequately implemented by the different states.

The problem of corruption was defined essentially as actions that undermine the principles of democracy and the rule of law, which are fundamental to the functioning of the EU and common to all Member States. From 2004 until 2007, policy transfer focused on transferring the entire set of ideas, instruments and bodies that constituted the international consensus on good governance and anti-corruption to the countries that wanted to join the EU. The post-communist countries had to meet stringent anti-corruption requirements and were subject to extensive evaluation mechanisms. The main policy entrepreneurs in this phase were the European Commission (EC) and the European Parliament (EP), but the collaboration of the OECD through the Sigma program is worth mentioning. This leads the EU to consider control of corruption as being achieved through conditionality for access to the Union, with the provision of legislative and institutional templates, strong monitoring and benchmarking, and assistance and technical support, notably through cooperation between public administrations of EU Member States and partner countries through peer-to-peer exchange (twinning). The problems of implementation were linked to the path dependency problem, but also to the lack of economic and human resources and the complexity of the project (Karch, 2007).

Phase 2 (2007-2025)

The need for a more sophisticated anti-corruption policy became particularly urgent with the accession of Romania and Bulgaria in 2007. Once they gained the Member State status, the anti-corruption commitment faded away (Szarek-Mason, 2010). International good governance indices show low 'net' gains from enlargement policy in the period 2005–2010. Furthermore, fraud and corruption in the use of cohesion funds reached worrying levels; between 2013 and 2017 alone, the EC and the Member States identified over 4,000 potentially fraudulent irregularities (European Court of Auditors, 2019). Additionally,

multiple corruption scandals emerged in various Member States. Corruption proved more resilient than expected, and these negative lessons prompted a shift in the approach, with the anti-corruption strategy now focusing on the Member States. However, given the legal constraints on legislation and sanctions from Brussels and the awareness of collective action problems, the way forward could no longer rely on conditionality; instead, it must align more closely to the Open Method of Coordination (OMC) established in 2000, based on the concept of Europeanization as learning (Radaelli, 2008). In any case, various regulations and resolutions have created a more demanding and comprehensive normative framework for Member States (see Table A.3 in the Annex).

The most important policy entrepreneurs are now the EC, mainly through DG-Home, with the support of the OECD, and the Council of Europe through the Group of States against Corruption (GRECO). The main content of Europeanization is linked to the idea of integrity systems (Pope, 2000; UNODC, 2015, 2021; Maesschalck & Bertok, 2009), whose main components, according to the OECD, are presented on Table A.4 in the Annex.

This process of incremental change is essentially monitored by the Rule of Law Report (RLR): a preventive tool, identifying both positive and negative trends and key developments in this area in the EU Member States. It is part of the European Rule of Law Mechanism (Closa & Kochenov, 2016) that advances an annual dialogue on the rule of law between the EU, its Member States and civil society (deSchamp & Stiegel, 2023: 345). Meanwhile, the Eurobarometer on Corruption provides benchmarking between nations, and the Anti-corruption Network is expected to generate ideas on best practices and successful strategies (Scott & Trubek, 2002). However, for now, and in this subsystem, we can agree with Radaelli (2008) that the OMC has contributed more to the redefinition of policy discourses than to

instances of real policy learning and adaptation. The constraints that could explain these results are, as usual, the lack of political will, the institutional legacies and legal cultures in different countries, and the difficulties of cognitive convergence (Radaelli, 2003).

Anyway, Europeanization brought more transparency and new patterns of inter-organizational linkages, highlighting the dynamics of mutual adjustments made by institutions due to multi-level interactions (Stephenson, 2013: 821). All this raises the question of whether there is multi-level governance (MLG) in this area of anti-corruption policy. The term "multi-level governance denotes a diverse set of arrangements, a panoply of systems of coordination and negotiation, among formally independent but functionally interdependent entities that stand in complex relations to one another and that, through coordination and negotiation, keep redefining the interrelations" (Piattoni, 2009: 172). Currently, MLG reflects three types of concurrent development: center-periphery, domestic-foreign, and state-society dynamics. Hooghe and Marks (2001) distinguish between two ideal types of SGM. Type I resembles federal systems, with a limited number of governments that have general jurisdiction within their territory or over a set of issues, and that divide competences and responsibilities; while type II, look like "an anarchical, fluctuating superimposition of single purpose jurisdictions with overlapping memberships." (Piattoni, 2009: 170). Given this, we can say that this area of anti-corruption policy does not allow us to speak of a Type I MLG, although it could be close to a pragmatic Type II (Jeffery & Peterson, 2020). Empirically, it is possible to see how the Member States are affected by international decisions, directly or through the process of Europeanization, and the weight of NGOs in advocacy coalitions and epistemic communities is also verifiable; however, it is more difficult to verify the weight of subnational governments in EU agenda-setting or

decision-making, although they have an essential role in anti-corruption policy implementation.

Phase 3 (2020-2025)

In addition to the loss of thousands of lives, the COVID-19 pandemic brought a period of confinement that hit the economies of European countries very hard. To face such crisis, the EC proposed an ambitious plan for the Multiannual Financial Framework (MFF) 2021-2027 and a new program, the NGEU, with a total of €1.85 trillion to be distributed as a performance-based facility. On December 17th, 2020, the Council adopted the MFF 2021-2027, and on December 18th, 2020, the EP and the Council reached an agreement on the RRF as a substantial part of the NGEU funds. Breaking with the normative taboo of the EMU's original construction, the Council broke new ground by adopting decisions on common debt issuance and the granting of generous grants to those states mostly affected by the pandemic (Ladi & Tsarouhas, 2020: 1052). The RRF will not only assist countries in recovering from the crisis but will also require ambitious policies to transform economies and institutions, and to build resilience to future crises to receive the funds. Each Member State had to submit a National Recovery and Resilience Plan (nRRP) to the EC with detailed targets and milestones, which, after negotiation, would become a binding contract for implementing the pre-agreed reforms and investments. Formally, the management of the RRF funding has a complex system for monitoring its effectiveness and integrity. The RRF states that the financial support for the nRRPs "should take the form of financing based on the achievement of results." Article 22 of Regulation (EU) 2021/241 of the EP and of the Council of February 12, 2021, establishing the "RRF Regulation", states that "in implementing the RRF, Member States, in their capacity as beneficiaries or borrowers of RRF funds, shall take all appropriate

measures to protect the financial interests of the EU and to ensure that the use of funds in connection with actions financed by the RRF complies with EU and national law, in particular as regards the prevention, detection and correction of fraud, corruption and conflicts of interest". For these reasons, each fund managing authority must have control of compliance with milestones and targets, identification of the final recipient of funds, and an anti-fraud plan to ensure it follows the EU's applicable rules on the prevention, detection, and correction of fraud and corruption. Such a higher-level change, the approval of the RRF, entailed a new framework which is an example of high kurtosis associated with abrupt shifts in EU policy direction (Jones & Baumgartner, 2012).

Once again, the problem is how to ensure that these funds are used efficiently and honestly. The EU has learned from cohesion policy that effectiveness largely depends on the level of local institutional and administrative capacity (Rodríguez-Pose & Ketterer 2020). Consequently, countries with rigorous systems to control corruption are expected to apply the same standards to the management of these funds. However, for those without such systems, the solution cannot be to rely on the OMC for gradual learning and transfer. Therefore, in certain countries we would expect to see a return to conditionality and examples of rapid displacement, where new rules come to replace old ones, and layering, where new institutions are added or placed alongside existing ones (Mahoney & Thelen 2010, 15-16). However, the features of this Europeanization derived from the management of RRF funds are peculiar compared to previous models of conditionality. What has been learned is that strictly coercive mechanisms do not work properly and, therefore, in this case we could be closer to a "coordinative Europeanization", where instead of strict conditionality, the RRF emphasizes consensus building and shared policy ownership, enhancing national compliance

through engagement rather than enforcement (Ladi & Wolff, 2021). The RRF norms do not specify how to fight corruption, but they indirectly point the way. In any case, we are not dealing with the OMC, but rather with a mixed model, where indirect coercive elements persist, yet consensus is also sought. New forms of learning are likely to emerge from this response to the crisis in the analysis of problems, in policies, and even in politics (Möck & Feindt, 2024). However, data collected from the implementation of these anti-corruption measures in some countries already show various problems, such as the difficulty of overcoming path dependencies essentially linked to legal traditions of control, the lack of participation of those who have to implement it, that prevents cognitive change, which in turn generates a decoupling between official rules and the day-to-day running of the organization (Meyer & Rowan, 1977), or the generation of a dual control system in organizations depending on whether the funds come from the RRF or cohesion funds or from the country's own funds (EU Commission, 2024). For a summary, see Table 2.

Table 2 here

IV. The case of Spain

We first examine whether —and if so, how— the Europeanization of anti-corruption policy has occurred in Spain.

First phase (1987-2020)

When Spain joined the EU in 1986, corruption was not an existing problem on the EU agenda and therefore, no reforms in this area were required of Spain. The construction of the first anti-corruption policy in the Spanish democracy was produced by internal learning processes,

in the face of the corruption scandals that occurred, especially at the end of the government of Felipe González. The next major advance occurred in 2013-2015. Hundreds of corruption scandals broke out between 2006 and 2014, aggravated by the economic crisis caused by the Great Recession of 2008 and the European response to it, characterized by austerity policies. Faced with this external shock, together with internal scandals, corruption became the second most important problem for Spaniards in 2014, according to surveys by the Sociological Research Center. Having identified the problem, national policy entrepreneurs (essentially political actors from government and opposition, as well as some NGOs) found a framework of ideas firmly established in international organizations and the EU on how to tackle the problem. In addition, there was monitoring and pressure from GRECO and the EU for substantial changes. In particular, the EU had initiated an evaluation of the anti-corruption system in the member states in 2012, which culminated in the EU Anti-Corruption Report of 2014, of which Annex 9 corresponds to Spain (European Commission, 2014). Furthermore, Europeanization had an indirect effect due to the conditionality attached to the 18-month financial support agreed by the Eurogroup in July 2012 to rescue Spanish banks. All this led to significant progress, including cross-party agreements on certain measures to prevent and combat corruption: the Transparency and Good Governance Act of 2013, the Statute of Senior Officials of 2015, Organic Law 3/2015 on the control of the economic and financial activities of political parties, reforms of the Penal Code in 2012 and 2015, or Law 9/2017 on Public Procurement. In summary, the first phase reveals that the anti-corruption agenda emerges when the problem becomes both evident and severe, as evidenced by national surveys and EU reports. During this phase, policy entrepreneurs have access to instruments embedded within the EU's collective learning system, and political interest align with the goal of securing European financial support. Moreover, an exceptional critical juncture

occurred: the Great Recession. At this point, Image I is assumed to be the most appropriate response, framing the solution in terms of increased transparency and stronger oversight of agents.

Second phase (2020-2025)

From 2017 onward, a certain balance was achieved, but the groundwork was laid for Image II to become relevant in the Spanish anti-corruption system after 2020. In 2020, a new policy entrepreneur, the Open Government Partnership (OGP), joined the existing ones. This consolidated a complementary strategy of policy transfer in which the EU and GRECO were joined by the OECD, the OGP, and a coalition of NGOs and actors from subnational control agencies. These entities influenced the redefinition of the problem and the promotion of changes in regulations and the system of ideas. A new strategy of change is being introduced within the framework of Spain's Fourth Open Government Plan (2020-2024). The Plan includes subnational governments into the strategy to discuss, share experiences, and exchange good practices in open government initiatives. Additionally, there is a cooperation body with civil society (the Forum) to channel and promote open government proposals, discuss the development of action plans, and exchange good practices.

According to Radaelli (2012), using counterfactual reasoning, the process of Europeanization indicates that the Fourth Plan currently incorporates most of the EU's demands made of Spain in its RLR and GRECO evaluation rounds as commitments. These include the reform of the transparency law, the whistleblower protection law (approved in 2023), the regulation of interest groups, a new law on conflicts of interest, and the development of sophisticated systems of institutional integrity in public bodies. In this second phase, the problem has been

reconfigured. It is no longer just a matter of strengthening oversight of the principal, but also of fostering collective action and driving cultural change. At this stage, an advocacy coalition, comprising civil society and subnational governments, has emerged with the capacity to influence proposals. Policy entrepreneurs have redefined the problem and introduced instruments that complement traditional control mechanisms, such as the development of comprehensive strategies and initiatives aimed at social empowerment. Europeanization now occurs within the framework of the open coordination procedure, involving mutual learning and gradual cultural change. Due to the presence of different governments and social actors, this phase presents a case of type II multilevel governance with overlapping memberships. The policy transfer observed is predominantly mimetic and normative, rather than coercive (DiMaggio & Powell, 1983).

Despite all these efforts, by the end of 2024, virtually none of the main anti-corruption goals had been achieved for a variety of reasons. First, the highly polarized political environment prevents cross-party agreements and the enactment of new laws (Legnani, 2024). Second, the actors responsible for anti-corruption policy —mainly the General Direction of Governance— lack decision-making power and did not secure support from top politicians in earlier phases. Third, the legalistic political culture paralyzes many soft law reforms with red tape. Fourth, changes in the system of ideas have not yet reached broad sectors of the political and civil service elites (Minkman et al., 2018). Ultimately, Image II shows that change takes a long time and always faces the challenge of political interests failing to prioritize anti-corruption issues. Consequently, anti-corruption measures tend to be adopted in a scattered and uncoordinated manner. Overall, this reflects the model's failure,

particularly in the face of crises that require swift and effective responses to corruption, see Table 3.

Table 3 here

Third phase (2021-2025)

The arrival of COVID-19 and the subsequent approval of the NGEU and RRF funds raised reasonable doubts about whether Spain's anti-corruption system was prepared for the rigorous control of these funds. The Spanish nRRP for 2021-2023, the so-called National Recovery, Transformation, and Resilience Plan (PRTR), was approved by the EC in June 2021 and intends to mobilize more than €70 billion in direct transfers from the RRF[2]. Moreover, the Addendum to the PRTR was approved by the EC on October 2nd, 2023, which includes a total of €93.5 billion in additional funding, comprising €10.3 billion in non-repayable grants and €83.2 billion in loans, thereby significantly increasing the original PRTR funding to a total of €163 billion.

As a result, Spain's anti-corruption policy needs to be redefined. A system that changes very slowly, based on a model of multilevel cooperation with social empowerment objectives and a holistic approach, cannot be relied upon to control these funds. The problem once again boils down to improving control over agents rather than overcoming collective action problems. The instruments to be adopted are drawn from European anti-corruption control systems, yet they are implemented without fully engaging with the underlying philosophy or cultural context from which they originate. Politically, the interest is both clear and pressing:

[2]https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility/country-pages/spains-recovery-and-resilience-plan_en

to secure the RRF funds and to provide the EU with credible assurances of anti-corruption control over them. A powerful policy entrepreneur is needed to lead this process: the Ministry of Finance through the State Comptroller's Office (IGAE). The content and strategy of anti-corruption policy have returned to principal-agent theory and a state-centric approach (Image I), through a top-down and coercive isomorphic approach to change, thanks to the administrative strength and regulatory capacity of the Ministry of Finance.

Subsequently, the Ministry of Finance, through Order HFP/1030/2021, approved the Management System of the PRTR and established the following objectives for all government units managing RRF funds: "the definition of milestones and targets, as well as the criteria for their follow-up and accreditation of the result (…), the strengthening of mechanisms to prevent fraud, corruption and conflicts of interest (…), the identification of the final recipient of the funds, either as the beneficiary of the aid or as the awardee of a contract or subcontractor." This rule entails changes in the tools for controlling, being accountable for, and preventing corruption, as well as changes in the processes and styles of decision-making (Capano & Howlett, 2009). The Ministry of Finance has developed a comprehensive platform for monitoring and managing the PRTR (called CoFFEE), specifically designed to monitor compliance with the agreed milestones and targets, and the accounting execution of the Plan. Moreover, an internal and preventive anti-fraud and corruption system is set in each of the Plan's management units. As anticipated, following Order HFP/1030/2021, all entities, whether decision-makers or executors, involved in the execution of PRTR's measures must have an "Anti-fraud Action Plan" (see Figure 3) that allows them to guarantee and declare that, in their respective areas of action, the corresponding funds have been used under the applicable regulations, particularly concerning

the prevention, detection, and correction of fraud, corruption, and conflicts of interest (art. 6.1). After that, the obligated entities must complete an institutional declaration of commitment to fight fraud and double funding; some Declaration texts incorporate the commitment of the entire organization to respect the code of ethics and the rules established for the management of the RRF. Among other mandatory actions, each organization must carry out a fraud risk assessment, where all managers must complete a Declaration of Absence of Conflict of Interest (DACI), and a procedure must be articulated to address conflicts of interest that may arise in managing the funds. In order to further guarantee the preventive control of conflicts of interest in the implementation of the PRTR, it is worth mentioning the approval of the Additional Provision 112 of Law 31/2022 of the General State Budget for 2023, which regulates the procedure for the systematic and automated analysis of the risk of conflict of interest in public procurement implementing the Plan (MINERVA system), through artificial intelligence (see Figure 3).

Figure 3 here

In any case, every management unit must also approve each of the calls for tenders and grants that are included in the PRTR, and this can only be done after a specific *ex-ante* control carried out by each internal Comptroller Office, which reports to the State Comptroller's Office and the State Attorney's Office. In short, there is an additional internal *ex-ante* control, that is, an accounting and legality control for each of the tenders and subsidies. In addition, the IGAE is the external control body responsible for carrying out three types of audits, with the help of regional and local auditors when necessary. The National Anti-Fraud Coordination Service (SNCA) is a specific body within the IGAE responsible for protecting

the EU's financial interests against fraud. Its mission is to exercise coordination and cooperation at the national level in this area, to cooperate with the European Anti-Fraud Office (OLAF), and to carry out detection actions (it has its own mailbox for complaints) and investigations. However, the complaint system for RRF funds is rarely utilized. For example, the central Infofraud channel received only 28 complaints over three years, resulting in just 14 ongoing cases, according to the IGAE upon request by the authors. At the regional level, figures are even lower, with only 66% of Autonomous Communities having implemented this channel, and even then, anonymity is not guaranteed.

SNCA is responsible for coordinating the development and implementation of national strategies, as well as promoting legislative and administrative changes to combat fraud in EU funds. All this national anti-fraud system is complemented by the controls carried out by the EC, the OLAF, and, where appropriate, the European Public Prosecutor's Office (EPPO) to protect the Union's financial interests. The EC has its audits to check the management of the PRTR in each ministry, selecting some projects at random and also carrying out control of the documentation that is managed. Per the European Regulation, Spain is subject to a six-monthly European review concerning the objectives set in the PRTR; this review is public, and the documentation is published on the website of the Plan[3]. The Spanish Court of Auditors will also carry out an *ex-post* control of the expenditure executed and, in the meantime, an audit of the measures for the prevention, detection, and correction of fraud/corruption approved by the public entities of the State in the framework of the PRTR. As for the European Court of Auditors, it carries out another control by analyzing how the

[3] https://planderecuperacion.gob.es/ejecucion

EC has ensured compliance with the T&M, and how it has audited the expenditure (for a summary see Table A.5 in the Annex).

Another change that represents Image I is the adoption of a clearly state-centric strategy, without negotiating or giving participation to sub-national governments or civil society in the definition of the anti-corruption system. Although the PRTR acknowledges that Spanish authorities consulted national and regional social partners and stakeholders before submitting the Plan proposal to the EC, the truth is that stakeholder participation in the design has been low, and when it has occurred, it tended to be testimonial, as our interviews indicate. Finally, there is virtually no participation in the control and monitoring of the management of the funds. Concerning the design and implementation of the PRTR, most of the information available relates to the participation of trade unions and business organizations (social partners). In any case, partners in many Member States (including Spain) still complain that, even where consultation takes place, it tends to be a rather formal and somewhat superficial process, with social partners unable to provide effective input and the government taking decisions unilaterally (Eurofound, 2023). In a general view of civil society participation, the main conclusion of the European Economic and Social Committee (EESC) was that "the involvement of organized civil society has been largely insufficient in most Member States. Moreover, it was noted that consultations, often initiated by the social partners and CSOs, were generally regarded as mere formalities without any real capacity to influence the content of the plans" (EESC, 2022: 2). In the same study, the Spanish participants generally criticized the lack of involvement of the Organized Civil Society (OCS) and the partners in the elaboration phase. They also expressed a general request to urge the governments to establish

a procedure for the participation of the social partners and the OCS in the monitoring and evaluation of the Plan (EESC, 2022, Annex: 31-32).

From an intergovernmental perspective, RRF funds have led to a recentralization of public policy decision-making (Scheller & Körner, 2022). The governance structure of the PRTR already defines a regime fully controlled by the central administration. Royal Decree 689/2020 established that the General Secretariat of the European Funds is the authority responsible for the RRF before the European institutions, while the IGAE is in charge of the control and supervision of the execution of the PRTR (both being bodies of the Ministry of Finance). The regional and local governments are merely the executors of sub-projects of the Plan. Regarding administrative coordination, a Central Sectoral Conference was created with the participation of the three territorial administrations. However, it only has held three meetings (all in 2021). Regarding private sector companies, the consultations were very limited, and participation focused on the open call for expressions of interest (EoI) format launched by six-line ministries.

In any case, the EC has taken advantage of this critical juncture to press for the adoption of the package of anti-corruption measures demanded by the RLRs. Therefore, the Spanish Recovery and Resilience Plan contains several milestones related to shortcomings or deficiencies identified in the Rule of Law Report. Milestones help develop the anti-corruption framework via cooperation with the Member States (deSchamp & Stiegel, 2023: 346-7). The most important anti-corruption milestones resulting from the PRTR commitments are included in Table A.6 in the Annex.

However, the speed at which internal coercion enables decisions to be made overlooks the underlying problem of achieving success with anti-corruption policies: collective action. Consequently, the outcomes of implementation tend to be poor. One reason for this is the lack of transparency. Although some progress has been made —particularly due to the ELISA data visualization tool launched in 2024, which enables monitoring of calls for tenders and grants, as well as their award, both for funds managed directly by the General State Administration, those transferred to the Autonomous Communities through the Sectoral Conferences, and those carried out by local authorities— important gaps persist. Specifically, despite requests made by the authors, it has not been possible to clearly determine how the funds are allocated by pillars, levers and components. Moreover, the electronic accounting system (CoFFEE) is controlled exclusively by the State Comptroller's Office (IGAE), and with access restricted to IGAE's managers. The electronic data contained in CoFFEE is secured and restricted to "only those users who have been appropriately designated and registered in the system by those responsible for the public administrations involved in it."[4] The National Court of Auditors stated: "The non-existence of a centralized, complete, and accessible source of information, including the totality of calls for tenders and subsidies charged to the RRF, has made it difficult to identify the universe of entities from which to select the sample on which to carry out the audit work" (2023a: 13). This lack of transparency inhibits collective action.

Second, despite the controls, numerous cases of corruption and fraud have already been uncovered. Recently, thanks to the information issued by the European Public Prosecutor

[4] https://www.fondoseuropeos.es

Office (EPPO) —not from the Spanish government— there are 75 active investigations in Spain, with an estimated total damage of almost €500 million; 8 indictments involving 26 individuals, with estimated damages nearing 14 million (EPPO, 2024). Added to this is a recently exposed scandal involving a network allegedly led by the number two of the Socialist Party (PSOE, currently in government) and the former Minister of Transport, also former number two of the same party, accused of rigging public contracts and distributed bribes.

Third, regarding anti-fraud plans, the model imported from Europe is largely divorced from the Spanish legal and cultural framework. The process of socialization and Europeanization is not simply a matter of adopting internal rules, but of changing attitudes and cognitions (Radaelli, 2003). In Spain, the instruments imposed are not properly implemented because they are not accompanied by a cultural change or a clear understanding of their meaning; this issue is further illustrated by the Report of the Spanish Court of Auditors on the implementation of anti-fraud plans at regional and local levels, which emphasizes the importance of initial self-assessments. In practice, however, only 57% of the 210 local entities evaluated had carried out such self-assessment of their procedures. Moreover, among the 119 institutions that did perform self-assessments, 39% scored less than half of the maximum achievable points. Many assessments were not conducted by a multidisciplinary team with comprehensive knowledge of the institution's systems and processes, and 28 entities outsourced their assessments. At the regional level, only 6 out of 17 Autonomous Communities had completed their initial self-assessments (Tribunal de Cuentas, 2023a 35-36; 2023b: 18-38). Furthermore, the anti-fraud committees or similar bodies responsible for drafting, implementing, and monitoring the provisions contained in Order 1030/2021 are

essential to carry out assessments, evaluate situations that may constitute fraud or corruption, and, if necessary, report them to the appropriate entities, as well as propose corrective measures. However, as of September 30, 2022, only 30% of the local entities that had approved an anti-fraud plan had formally constituted an anti-fraud committee, and in 27% of the committees (32 out of 119) the members lacked training and experience in anti-fraud matters. At the regional level, only two Autonomous Communities had bodies with sufficient expertise and competence. Although it is too early to reach conclusions, little is known about the operation and effectiveness of these committees. At the local level, 50% of the 169 units did not comply with the obligation to carry out a fraud risk assessment. For those that comply, many did so without the participation of competent personnel. None of the analyzed local entities developed their fraud, corruption, conflict of interest, and/or double funding detection tools that would allow for data storage, mass processing, and analyses of results. For a summary of Image I and Image II see table 3.

Table 3 here

IV. Findings

From our analysis of the Europeanization process of anti-corruption policies in Spain, we highlight the most important findings from both theoretical and empirical perspectives.

First, numerous studies show that political interest is essential for opening a window of opportunity for a new agenda. Our case study shows that the Europeanization of the agenda is closely tied to economic crises and the need for EU financial support. Outside of such moments, the slow pace of change is primarily due to the lack of political priority assigned to the anti-corruption agenda by national political actors. The president and the top

appointees in the administration, for instance, do come as close as anyone can to dominating the agenda-setting process (Kingdon, 2002, 44). Since policymakers face limits in time, resources, and cognitive abilities, they cannot address all policy issues simultaneously (Baumgartner & Jones, 2009). Therefore, they must prioritize, and issues with long-term benefits are often deferred.

Second, our research shows that defining the problem is essential to understanding the instruments and strategies employed to achieve change. Problem framing largely determines the Image. However, this framing is shaped by policy entrepreneurs who, in turn, have different visions and interests, so that knowledge of policy entrepreneurs is also essential to understanding the tensions between competing ideas and the instruments to be used. In the case of Spain, the contrast between how the Department of Public Administration and NGOs frame the problem, compared to the State Comptroller's Office of the Ministry of Finance, is clear —each mobilizes distinct theories and instruments. The images are linked to the actors, and the success of one or the other also to the power they hold.

Third, there is currently a dual system for the monitoring and controlling public funds. Since the arrival of the RRF, a clear distinction has emerged between national and structural EU funds —subject to ordinary Spanish controls (the traditional ex-ante legal auditing and budgetary control model) — and the RRF funds, which additionally require more robust anti-fraud procedures and oversight. This staggered system could lead to imbalances or inconsistencies in fund management decisions, particularly in detecting fraud or conflicts of interest of specific beneficiaries or actors involved in RRF funds, also affecting other already granted non-RRF funds. Moreover, a mismatch exists between the regulations governing the

RRF funds and Spain's legal framework. For instance, regarding conflicts of interest, Spanish regulations currently do not fully align with the EU framework —especially concerning public servants who are not senior officials. Current Spanish regulation lack provisions on revolving doors, insider trading, among other loopholes. It certainly does not include control of apparent or potential conflicts of interest. Consequently, non-compliance cannot be sanctioned.

Fourth, another important finding is the duplicity and extensive bureaucracy generated by the Spanish anti-corruption system, which paralyses management and generates rejection among administrative personnel. To comply with existing regulations, ministries must currently establish various control and detection instruments. For RRF funds, an anti-fraud committee with its control manager; a dedicated internal RRF complaints channel; a system for referring complaints to the external channel in the IGAE (Infofraud). For internal funds, an Integrity Commission with its own Integrity Officer; an internal whistleblowing channel that complies with the requirements of European Directive 2019/1937 and Spanish Law 2/2023; and a system for referring complaints to the external channel of the Independent Authority for the Protection of Whistleblowers.

Fifth, regarding policy transfer, this article reinforces previous findings that show how policy transfer occurs more quickly through hierarchical enforcement (application of rules and sanctions in member states) than through other means such as negotiation or facilitation (Kerber & Eckardt, 2007). It highlights the limits of coordinative Europeanization for anti-corruption policy, especially when decisions made under crisis conditions are operationalized (Polverani, 2024), and underlines the need to rethink the system.

Sixth, the theory of punctuated equilibrium (Baumgartner, & Jones, 2009) suggests that anti-corruption policies remain relatively stable over time, with only minor adjustments, until a critical juncture opens a policy window that allows for a period of intense political change —which can lead to significant shifts in policy direction. Afterward, a new equilibrium can be established. However, our case study presents a different situation, as within the same policy subsystem we observed the coexistence of an incremental process for a certain type of funds and a radical change process for another type of public funds, occurring simultaneously.

V. Conclusions

In this article, we have analyzed the ongoing Europeanization process of anti-corruption policy in Spain. The drivers of this process initially stemmed from the awareness in the EU that corruption is a problem that clearly affects many Member States and that this has a negative impact on the rule of law and the management of EU funds. Gradually, the process of Europeanization of anti-corruption policy entered a phase of cooperation and slow progress, following the theories that pointed out the limitations of principal-agent theories and the need to introduce changes that would allow collective action and the adoption of the ideas (reaching the logic of the appropriate: March & Olsen, 1989) that the anti-corruption consensus was creating. Conversely, moments of crisis generate pressures that lead to the abandonment of cooperative and incremental processes, resulting in accelerated changes. These changes also affect EU anti-corruption policy, abandoning incrementalism and slow policy transfer, indirectly pushing for rapid and effective change. This was evident during the COVID-19 crisis and the generation of the RRF. The Europeanization process is now

more coercive, leveraging the critical moment and promoting instruments and bodies typical of the principal-agent theory. Meanwhile, at the national level, the Spanish government assumes that the problem is securing RRF funds, and to do so, it must demonstrate an effective anti-corruption system is in place. This results in a change in the dominant image that has been transferred to the anti-corruption subsystem, albeit only for the RRF funds.

The overall effect of the Europeanization process of anti-corruption policy in Spain is that this multi-level process of gradual learning and coordination has not yet produced adequate results, mainly due to issues of political priority and polarization. Spain ended up with the same subsystem but operating with two models simultaneously —one for Spanish and Cohesion Funds, and another for RRF funds. The results of this dual model are regulatory mismatch and bureaucratic overload. There is also the risk that compliance with anti-corruption norms could become part of organizational routines, turning into a mere box-ticking ritual (Picci, 2024). With Image II, we mostly observed consensus and non-adoption, wherein transfers were accepted but not included on the agenda. With Image I, however, we mostly observed coercion and formal adoption, where the policy was adopted but not fully implemented (Minkman et al., 2018). These findings confirm our hypothesis. The key lesson from is the need to develop a transfer method that combines the strengths of both models while minimizing their weaknesses. For instance, merging the indirect coercive effectiveness of Model I with the more participatory elements of Model II would make the changes less immediate but more resilient.

This article is limited by the theoretical and empirical approaches of the study. Alternative approaches, such as those from political economy, might allow for more detailed analyses of

the phenomenon, though we believe they would be less comprehensive. Empirically, new research avenues emerge in the medium term to incorporate more quantitative data into the case study, enriching and expanding the analysis and potentially extending it to other member states. Furthermore, the research was conducted during the implementation of the RRF strategy, so it may be too early to assess the final impact of the new anti-fraud/corruption systems. Nevertheless, we believe this article provides an initial explanation and is the first to analyze the changes in anti-corruption policies at both the European and Spanish levels following the introduction of the RRF funds. Future research should assess the long-term effectiveness of these measures by investigating whether the new model for controlling RRF-related corruption fosters internal learning and drives convergence between the two images of the subsystem.

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List of Tables

Table 1. Perception of corruption in the Special Eurobarometer across the years

Country	2005 (very wides-pread/ fairly wides pread)	2007 (very wides-pread/ fairly wides pread)	2009 (very wides-pread/ fairly wides pread)	2011 (very wides-pread/ fairly wides pread)	2013 (very wides-pread/ fairly wides pread)	2017 (very wides-pread/ fairly wides pread)	2019 (very wides-pread/ fairly wides pread)	2022 (very wides-pread/ fairly wides pread)	2023 (very wides-pread/ fairly wides pread)	2024 (very wides-pread/ fairly wides pread)
Spain	73%	83%	88%	88%	95%	94%	94%	89%	89%	90%
EU 27	72%	75%	78%	74%	76%	68%	71%	68%	70%	68%

Source: EU, Special Eurobarometer on Corruption 245 (2005), 291 (2007), 325 (2009), 374 (2011), 397 (2013), 470 (2017), 482 (2019), 523 (2022), 534 (2023), 548 (2024).

Table 2. Framework for understanding the Europeanization of anti-corruption policy

Time and problem	Lesson learned	Theory	Policy entrepreneurs	Europeanization (what and how)	Constraints
Mid 1990's Corruption as a problem outside the EU	Corruption undermines the principles of democracy and the rule of law, which as prescribed in Article 6 EU Treaty are fundamental to the functioning of the EU and common to all Member States.	The theory and concepts of the new institutional economics and new institutionalism in Political Science. Rational choice institutionalism: Principal-agent theory (Image I)	OECD (Sigma) Commission European Parliament	Policy conditionality Benchmarking Monitoring Provision of legislative and institutional templates, Aid and technical assistance (Twinning)	Path dependency Lack of economic and human resources. Political will Complexity
2007 on Corruption as a problem inside the EU	The EU has been able to use the accession process to commit the CEE countries' national governments to anti-corruption reforms, but this ability ceased to exist on the day of accession. Democracy and the rule of law are a necessary but not sufficient condition to avoid corruption Corruption poses a danger for the regular distribution of EU funds	Collective action theory Social accountability Particularism Integrity systems (Image II)	DG Home OECD GRECO Epistemic communities Advocacy coalitions Policy Instrument constituencies	Open method of coordination Multilevel Governance (?) Complement the pressure from other international organizations Advocacy coalitions-ideas Incremental change Monitoring (Rule of Law reports) and benchmarking (Eurobarometers)	Political will Path dependency (institutional legacies-legal culture) Lack of cognitive convergence
2020 Pandemic crisis and Next Generation Funds (2012 European Stability Mechanism, as antecedent)	In the face of deep crisis: cooperative anti-corruption policy transfer is too slow and not working (in certain countries).	Rational choice institutionalism: Principal-agent theory (Image I)	EU Commission National governments Policy Instrument constituencies	Cooperative conditionality Indirect coercion State-centric Linked to milestones and objectives of the national Recovery and Resilience Plans	Path dependencies (institutional legacies) Lack of participation Lack of human resources Lack of cognitive convergence Dual models of control

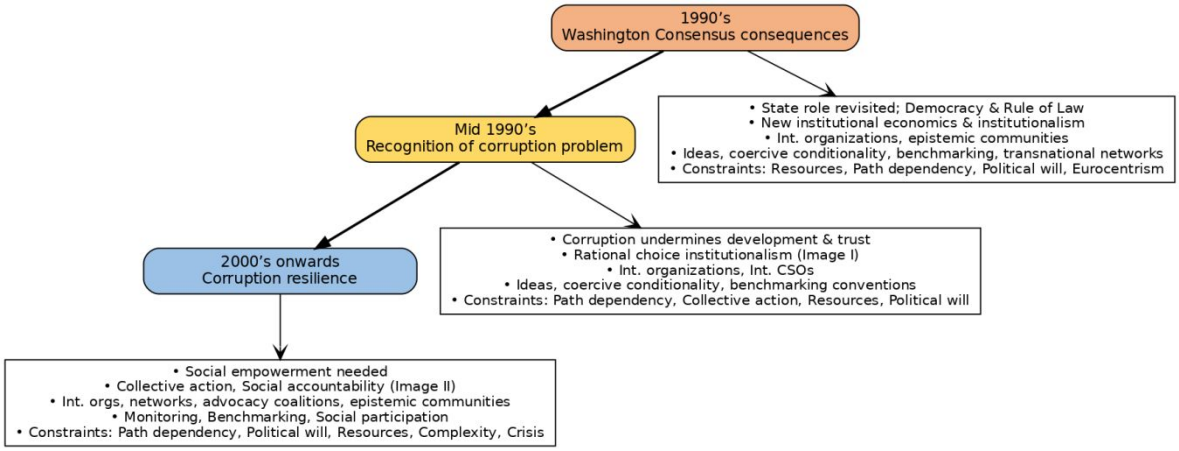
Source: own elaboration

Table 3. Anti-corruption policy subsystem in Spain: Images I and II

Dimension	Image I (PRTR-focused)	Image II (General framework)
Time and problem	2021 onwards; Urgent reception of Next Generation EU funds and anticorruption guarantees	2020 onwards; High corruption perception and low institutional trust
Lesson learned	Existing mechanisms (Image II) insufficient for fraud and corruption prevention	Necessity for political prioritization, national strategy, and collective action
Theory	Rational choice institutionalism (Principal-agent theory)	Collective action theory, social accountability, integrity systems
Policy entrepreneurs	EU Commission, ECOFIN, Spanish National Government (Ministry of Finance)	EU Commission, GRECO, OECD, UNODC, Open Government Partnership, advocacy coalitions
Europeanization (how and what)	Cooperative conditionality; indirect coercion; critical junctures linked to milestones/objectives (PRTR)	Complementary pressures; open method of coordination; incremental change; multilevel governance; Rule of Law reports; subsystem networks
Constraints	Institutional path dependencies, lack of regional government and civil society participation, human resources shortage, insufficient time for cultural change, duplication of controls	Political environment, institutional path dependencies, legal culture, lack of cognitive convergence

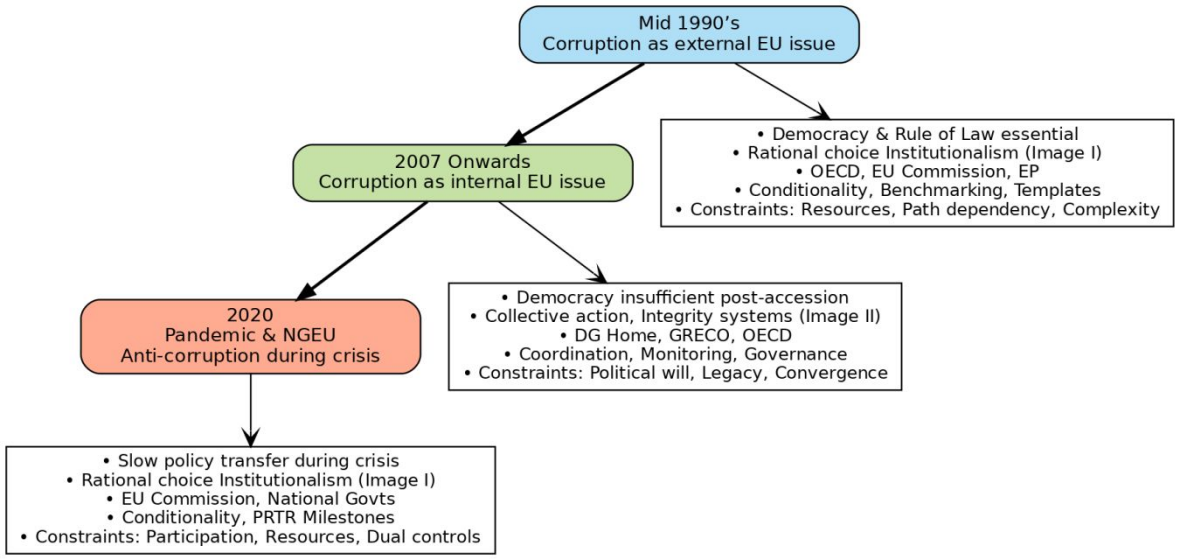
Source: Own elaboration

Figure 1. Anti-corruption policy transfer. General framework



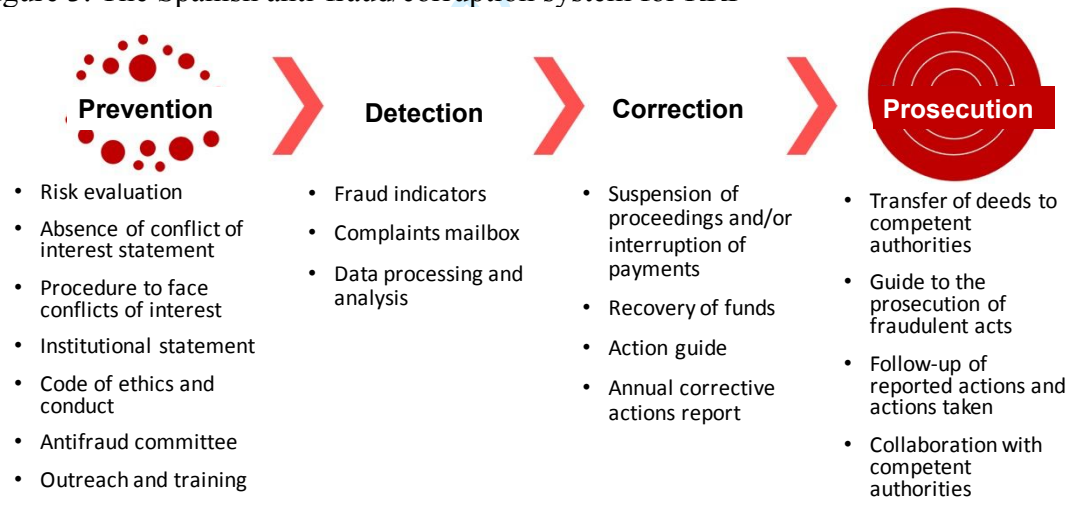
Source: Own elaboration

Figure 2. The Europeanization of anti-corruption policy



Source: Own elaboration

Figure 3. The Spanish anti-fraud/corruption system for RRF



Annex

Table A.1. General framework for understanding anti-corruption policy transfer

Time and problem	Lesson learned	Theory	Policy entrepreneurs	Policy transfer (what and how)	Constraints
1990's Unexpected consequences from the Washington Consensus, building the new Good Governance consensus.	Revisiting the role of the State. Consolidating the rule of law and democratic governance is necessary to strengthen civil society and market expansion.	The theory and concepts of the new institutional economics and new institutionalism in Political Science.	International organizations and epistemic communities.	Ideas Laws, institutions. Policy conditionality (coercion) Good Governance indicators for benchmarking and monitoring. Transnational networks.	Path dependency Lack of economic and human resources. Political will Eurocentric
Mid 1990's The problem of corruption	Corruption hinders development and undermines trust in institutions	Rational choice institutionalism. Principal-agent theory (Image I)	International organization, International CSOs	Ideas Laws, institutions Policy conditionality (coercion) Benchmarking and monitoring of conventions	Path dependency Collective action Lack of economic and human resources. Political will
2000's on Corruption resilience	Sometimes the principal does not have principles. The role of social empowerment	Collective action theory Social accountability Particularism Integrity systems (Image II)	International Organizations Transnational networks Epistemic communities Advocacy coalitions Policy Instrument constituencies	Ideas Monitoring/ Benchmarking Social participation Networks	Path dependency Political will Lack of economic and pandemic crisis Complexity Crisis

Source: own elaboration

Table A.2: EU anti-corruption norms and resolutions 1995-2007

1. Articles 310 and 325 of the Treaty on the Functioning of the European Union (TFEU) require the EU and the Member States to counter fraud and any illegal activities affecting the financial interests of the Union.
2. European Parliament (1995) Resolution on combating corruption in Europe. Document 51995IP0314. Official Journal of the European Communities. C 17 Volume 3922 January 1996
3. Regulation (EC, Euratom) No 2988/1995 of 18 December 1995 provides for the definition of irregularity and makes common provisions for the administrative measures and penalties that should apply.
4. Regulation (EC, Euratom) No 2185/1996 of 11 November 1996 relates to on-the-spot checks and inspections carried out by the Commission in Member States.
5. Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on EU on the fight against corruption involving officials of the European Communities or officials of Member States of the EU (1997). Official Journal C 195, 25/06/1997 P. 0002 – 0011
6. European Commission (1997) Communication from the Commission to the Council and the European Parliament on a Union Policy against corruption. COM/97/0192 final. Document 51997DC019
7. Protocol drawn up on the basis of Article K.3 of the Treaty on EU to the Convention on the protection of the European Communities' financial interests, of 27 September 1996 (OJ C 313 of 23.10.1996. Entry into force: 17.10.2002).
8. Action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, adopted by the Council on 3 December 1998 (OJ C 19 of 23.1.1999).
9. Commission Decision 1999/352/EC, ECSC, Euratom establishing the European Anti-Fraud Office (OLAF)
10. European Commission (2003) Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - On a comprehensive EU policy against corruption. COM/2003/0317 final. Document 52003DC0317.
11. Council Framework Decision 2003/568/JHA on combating corruption in the private sector, of 22.7.2003 (OJ L 192 of 31.7.2003).

Source: Own elaboration

Table A.3: EU anti-corruption norms and resolutions (2007-2024)

1. After the Treaty of Lisbon (2007), the legal basis to fight against corruption is found in Article 83 of the Treaty on the Functioning of the European Union (TFEU). The second paragraph of the Article expressly mentions "corruption" as one of the areas of particularly serious crime (the so-called "Euro-crimes"), therefore providing the needed legal basis for the action of the EU in this field.
2. The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens (2010-15)- mentions corruption among the offences that "continue to challenge the internal security of the Union" and invites the Commission to develop indicators to measure efforts in the fight against corruption and to develop a comprehensive anticorruption policy in close cooperation with the GRECO.
3. Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption.
4. Commission Decision Establishing an EU Anti-corruption reporting mechanism for periodic assessment ("EU Anti-corruption Report"), COM(2011) 308 final of 6.6.2011.
5. Commission Decision setting up the Group of Experts on Corruption, OJ C 284 of 30.9.2011.
6. Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of February 26, 2014 on public procurement
7. European Parliament resolution of 25 October 2016 on the fight against corruption and follow-up of the CRIM resolution (2015/2110(INI)
8. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198 of 28.7.2017);
9. Council Regulation (EU) 2017/1939 of 12 October 2017, establishing the European Public Prosecutor's Office (EPPO), by way of enhanced cooperation. EPPO (became operational in 2021).
10. Report from the Commission to the Council and the European Parliament. EU Anti-corruption Report, Brussels, 3.2.2014, COM (2014) 38 final (hereinafter, EU Anticorruption Report).
11. Rule of Law Reports. Since its first edition in 2020, it has become a major tool for safeguarding the rule of law across the EU. They look at three main areas that are crucial for a solid anti-corruption policy: the institutional and strategic framework, the prevention of corruption, and the repression of corruption.
12. EU network against corruption (2015), bringing together law enforcement, public authorities, practitioners, civil society and other stakeholders, acts as a catalyst for corruption prevention across the EU.
13. Regulation on a general regime of conditionality for the protection of the Union budget (Regulation (EU, Euratom) 2020/2092)
14. Joint Communication to the European Parliament, the Council and the European Economic and Social Committee on the fight against corruption. Brussels, 3.5.2023 Join (2023) 12 final
15. EU's Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law ('the Whistleblowing Directive')
16. Proposal for a Directive of the European Parliament and the Council on combatting corruption by criminal law, and a new EU sanction regime for corruption.

Source: Demelsa (2019) and own elaboration.

Table A.4: OECD Integrity System

• The engagement of companies, CSOs, and individuals in promoting a culture of integrity. • An evidence-based, strategic approach. • Setting high standards of conduct that prioritize the public interest and adherence to public sector values. • Procedures to prevent and manage conflict-of-interest and policy capture.	• A merit-based civil service. • Integrity standards and training. • An open organizational culture. • A risk management approach. • Independent oversight bodies (e.g., supreme audit institutions, ombudspersons, administrative courts) and regulatory enforcement agencies strengthen accountability.

Source: OECD (2020)

Table A.5: Policy subsystem in the prevention and control of corruption of Spanish RRF funds.

Component	**Instruments**	**Main venues**
Performance monitoring and evaluation	Control of legality, fiscal responsibility, double financing and control of milestones and objectives.	Management bodies, General State Comptroller's Office (IGAE) and the corresponding regional and local ones, State Attorney's Office. European Commission, European and Spanish Court of Auditors.
Prevention and detection of fraudulent or corrupt activities.	Preventive and detection controls: transparency, risk management, beneficial ownership, *whistleblowing* channels, *whistleblower* protection, integrity systems (codes, training, etc.) and conflict of interest management. Management and investment audits. Court of Auditors audits.	National Anti-Fraud Coordination Service (SNCA), European Union Anti-Fraud Office (OLAF), regional and local (anti-fraud) prevention agencies, external and internal inspectors and/or compliance officers, anti-fraud committees (with complaint boxes) and ethics committees, MINERVA system (IGAE), European and Spanish Court of Auditors.
Investigation and punishment of corrupt and fraudulent activities.	Combating corruption and fraud through regulatory frameworks, investigations and prosecutions; anti-money laundering instruments; criminal, economic and administrative sanctions.	SNCA, OLAF, Judges, prosecutors (national and European), police, Spanish Court of Auditors (scope trial) and European Court of Auditors.

Source: Own elaboration.

Table A.6: Anti-corruption milestones in the PRTR

Concerning prevention:	**Concerning repression:**
a. Modernisation of administrative processes - in particular, through the digitalisation of the Administration. An example of this could be the full digital transformation of public procurement. **b.** Ex ante evaluation of public policies. The Executing Entities will be responsible for recording in the computer system the verification that the projects that integrate the measures of the PRTR comply with the criteria established in the initial evaluation or, where appropriate, that the deficiencies detected have been corrected. **c.** Strategic planning and management by objectives: the Spanish government has indicated that an integrated system for the management and reporting of the milestones and targets is being developed to meet specific management and reporting requirements described in the PRTR. Those responsible for and managing the measures must assume the development of the tasks necessary to achieve the objectives within the framework of estimated resources and costs, the systematic analysis of management, supported by operational indicators that facilitate the identification of risks, and decision making for the adequate development of the activity. **d.** Elaboration of the National Public Procurement Strategy (the Public Sector Contracts Law envisaged its approval in August 2018). Ensure the full operationalisation of the public procurement governance structure created in 2018, in particular, the Independent Office for Regulation and Oversight of Public Procurement and the National Audit Office. The measures envisaged in the PRTR will facilitate the effective transition to mandatory e-procurement for all levels of government, as well as better data sharing between them. **e.** Strengthening of mechanisms for the prevention, detection and correction of fraud, corruption and conflicts of interest. **f.** Identification of the final recipient of funds, either as a beneficiary of aid, or as the awardee of a contract or subcontractor. There is an obligation to collect and store data, as well as to cross-reference data to know the final beneficiary of contracts and subsidies.	**a.** The steps to be taken when a possible fraud is detected are clearly regulated. Measures to be taken are suspension of the procedure, communication of the facts to the responsible authority, denunciation, confidential information, etc. The entity concerned must assess the incidence of the possible fraud and its qualification as "systemic or punctual", withdrawing the projects or part of the projects affected by the fraud. **b.** The committed reforms will seek an increase in the efficiency and digitalisation of judicial procedures, as well as a more effective organisation of the justice system. The efficiency of proceedings will be achieved by shortening them in all jurisdictions and by promoting alternative mechanisms for out-of-court resolution. The reform of the organisation intends to implement the Judicial Office throughout the justice system. **c.** A reform of the Criminal Procedure Law is also planned. This reform project aims to assign the direction of the judicial investigation to the prosecutors (in the current system, it corresponds to the investigating judges).

Source: Own elaboration