

OECD Working Group on Bribery

Public Summary Record

Plenary Meeting
10-13 December 2019



Made up of representatives from the Parties to the Anti-Bribery Convention, the OECD Working Group on Bribery meets four times per year at the OECD headquarters in Paris, France.

OECD Working Group on Bribery (WGB) Annual Consultation with External Stakeholders

- The WGB held its annual consultation with business, trade unions and civil society. This provided an opportunity for the WGB to receive inputs from all the stakeholders that have an interest in its work programme. Participants at the consultation discussed a broad range of topics, including enhancing and incentivising compliance, beneficial ownership transparency, and victims and the assessment of harm in foreign bribery cases. The consultation also included a one hour special session, which explored ways to address the demand side of foreign bribery, following up on the WGB study, "[Foreign Bribery Enforcement: What Happens to the Public Officials on the Receiving End?](#)" The consultation also included discussion on other possible topics for the revision of the 2009 Recommendation.

Country reports on implementation of the Anti-Bribery Convention and 2009 Anti-Bribery Recommendation

The WGB:

- Adopted the [Phase 3 report of Colombia](#) and it was published on the OECD website on 19th December. The report welcomes Colombia's foreign bribery enforcement efforts, having concluded its first foreign bribery case against a corporation in 2018 and with 20 foreign bribery investigations ongoing into companies. The report urges Colombia to mobilise key government and law enforcement agencies in the fight against foreign bribery. Colombia will submit an oral report to the WGB in December 2020 on progress made to adopt whistleblower protection legislation. In accordance with the standard procedure, Colombia will submit a written report to the WGB within two years (i.e. by December 2021) on its implementation of all recommendations and its enforcement efforts, which will also be publicly available.
- Adopted a report on the high-level mission to Brazil, which took place on 12-13 November 2019. Agreed that Brazil will report at subsequent WGB meetings on progress made in addressing the issues discussed during the high-level mission. If, by June 2020, sufficient progress has not been achieved, or if new concerns have arisen in relation to Brazil's implementation of the Convention, the WGB will consider further measures.
- Adopted a report on the technical mission to Greece and heard the lead examiners, Ireland and Korea, highlight the main findings of the technical mission, which was conducted jointly with GRECO and took place in Athens on 29th October 2019. Agreed that Greece will provide an oral report in June 2020 on the measures taken to address the following areas: (i) sanctions available for natural persons; (ii) defences and exemptions from prosecution; and (iii) jurisdiction of the Public Prosecutor against Crimes of Corruption as well as any update on enforcement efforts against natural and legal persons.
- Considered [Australia's Phase 4 two-year written follow-up report](#) on the implementation of all Phase 4 recommendations. Concluded that recommendations 1(b), 1(c), 2(a), 5(b), 5(c) and 6(a) have been fully implemented; recommendations 1(a), 2(b) and 4(a) have been partially implemented; and recommendations 3, 4(b), 5(a) and 6(b) have not been implemented. Agreed that Australia will report back in writing within two years (i.e. by December 2021) on outstanding recommendations 2(b), 4(a) and 5(a), as well as on the status of foreign bribery enforcement.
- Considered [Lithuania's Phase 2 two-year written follow-up report](#) on the implementation of all Phase 2 recommendations. Concluded that recommendations 1(c), 2, 3(a), 3(b), 4(a), 4(c), 5(a), 5(d), 5(e), 6(a), 6(b), 7(a), 8(a), 10, 11 and 12(a) have been fully implemented. Recommendations 1(a), 1(b), 4(b), 5(b), 5(c), 7(b), 8(b) and 9(a) have been partially implemented. Recommendation 12(b) has not been implemented.

Recommendations 7(c) and 9(b) will be converted into follow-up issues. Lithuania has addressed follow-up items 13(a), 13(d), 13(h), by the new whistleblower protection framework, measures to institutionalise cooperation and ensure the non-deductibility of bribes and by the transposition of the Constitutional Court decision. Agreed that remaining follow-up items, as well as recommendations that are either partially or not implemented will be followed up in the Phase 3 evaluation of Lithuania, currently scheduled for October 2022.

- Agreed on the preliminary scope of the high-level mission to Poland, and noted that the high-level mission will take place around mid-2020.
- Considered Korea's one-year Phase 3 oral report on the implementation of recommendations 10(a) and 12(a) on the adoption of appropriate legislation to increase foreign bribery sanctions for natural persons and legal persons. Korea will provide its two-year written report in December 2020 on the implementation of all Phase 4 recommendations and enforcement efforts.
- Considered Belgium's additional Phase 3 written report on the implementation of recommendations 6 (statute of limitations) and 12(b) (whistleblower protection).
- Considered the Russian Federation's Phase 2 additional written report on the implementation of three key outstanding recommendations 10(a)(i), (iii) and (iv). Agreed that these three recommendations be designated as high-priority recommendations on the OECD [website](#) and agreed to issue a [press release](#) about the situation.
- Considered Slovenia's additional Phase 3 written follow-up report on the procedural initiative by the National Council to start investigating the "political responsibility of state prosecutors and judges. Agreed that Slovenia will report back to the WGB in March 2020 on any developments in relation to the parliamentary inquiry.

Future and ongoing WGB projects and events

The WGB:

- Discussed the review of the 2009 OECD Anti-Bribery Recommendation.
- Heard the Secretariat report on the [2019 Meeting of Global Network of Law Enforcement Practitioners against Corruption](#), which attracted 160 participants from 50 countries.

Global relations activities

The WGB:

Heard an update about the Anti-Corruption Network for Eastern Europe and Central Asia

- Heard the Secretariat report on ongoing and future activities, such as the development of Anti-Corruption Performance Indicators, which will be presented at the ACN High-Level and Steering Group Meeting on 26-27 March 2020 as part of OECD Integrity Week, as well as the 10th meeting of the ACN Law Enforcement Network, which was held on 16-18 October 2019 in Tashkent, Uzbekistan. Further heard the Secretariat report about the current fundraising efforts to ensure funding for the ACN's future Work Programme 2020-2024.

Heard an update about work in the Middle East and North Africa

- Heard the Secretariat report on a training session, which took place in Kuwait on 6-9 January 2020.

Reports from other OECD Bodies, Invitee Countries, and International Organisations

The WGB:

- Heard invitee countries, Ecuador, Mauritius, Romania, and Singapore, provide updates on their anti-corruption efforts.
- Heard the African Development Bank (AfDB) report on the work of the AfDB's Integrity and Anti-Corruption Department, and in particular its role in debarment.
- Heard the Secretariat to the Working Party on Export Credits and Credit Guarantees report on latest developments concerning the 2019 OECD Recommendation on Bribery and Officially Supported Export Credits. In particular, plans are underway for developing a Guide to facilitate implementation of the Recommendation.
- Heard the Secretariat to the Working Party on State Ownership and Privatisation (WPSOPP) report on latest developments related to the 2019 OECD Anti-Corruption and Integrity Guidelines for State-Owned Enterprises. In particular, heard the Secretariat highlight activities undertaken in recent months to promote the Guidelines, such as the OECD Anti-Corruption SOE Day on 16 October 2019, and plans underway to develop an Implementation Guide.

Tour de Table

The WGB:

- Heard South Africa, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, New Zealand, the Netherlands and Switzerland report on their steps taken to implement and enforce the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, namely in regards to cases under investigation, as well as exchange of information on the presented cases.