

OECD Working Group on Bribery

# Public Summary Record

Plenary Meeting  
5-7 March 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.

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

The Working Group on Bribery (WGB):

- Considered Lithuania's one-year oral follow-up report on the implementation of Phase 2 recommendations 3(a) (official development assistance), 5(a) (money laundering), 6(b) (capacity and independence of law enforcement authorities), 10 (foreign bribery offence), 11 (liability of legal persons) and 12(a) (sanctions and confiscation). Commended Lithuania for making substantial progress in implementing the recommendations and noted that Lithuania will submit a two-year written follow-up report to the Working Group on the implementation of all recommendations from the Phase 2 evaluation in December 2019.
- Adopted the Phase 1 report of Peru and agreed that the Phase 2 evaluation of Peru be scheduled to take place in 2021.
- Considered Poland's Phase 3 additional follow-up report on implementation of Phase 3 recommendations 1, 2(a), 3(c) and 8(b). Asked Poland to report back in writing in three months (in June 2019) on the implementation of recommendations: 1 ("impunity" provision), 2a (liability of legal persons), 3c (sanctions) and 8b (whistleblower protection), in line with its decision in December 2018. In the absence of significant progress to adopt new legislation to implement the aforementioned recommendations, the WGB will then decide on future action.
- Considered Finland's Phase 4 two-year written follow-up report and invited Finland to report orally on enforcement in March 2020 and in writing on outstanding recommendations in October 2020.
- Considered United Kingdom's Phase 4 two-year follow-up report and invited the UK to report back in writing on outstanding recommendations in March 2021 and on its foreign bribery enforcement actions in the context of its annual update.
- Considered Switzerland's one-year oral report on the adoption of appropriate legislation to protect private-sector employees from any discriminatory or disciplinary action who report suspicions of bribery of foreign public officials. Called on Switzerland to promptly adopt legislation in this area that complies with its obligations under the 2009 OECD Anti-Bribery Recommendation and meets the Working Group's expectations and to report back on this matter in March 2020, when Switzerland will submit a written report to the Working Group on the implementation of all recommendations from the Phase 4 evaluation.
- Regarding Turkey's Phase 3 written follow-up report, heard the lead examiners, Russia and Sweden, explain that Turkey had failed to submit a written follow-up report on key recommendations, as it was invited to do in June 2018. As a result, the Working Group agreed to publish a press release, and to send a high-level mission to Turkey in 2020, should Turkey fail to report significant progress in October 2019.
- Considered an update report on a high-level mission (HLM) to Russia scheduled on 17-19 April 2019. Heard that the HLM will be composed of the Chair of the Working Group and representatives from Austria, Denmark, Italy, Poland, Slovenia, Sweden and the United States, as well as members of the OECD Secretariat.
- Considered an update report on a high-level mission to Sweden scheduled on 11-12 June 2019. Heard Sweden state that its senior government officials are expected to take part in the mission. The Phase 4 evaluation of Sweden, which the Working Group had decided to postpone, will be rescheduled after a new corporate liability law enters into force in Sweden.

- Heard the Secretariat report on the development of the database of foreign bribery cases. Heard that the next steps are the forming of the team of experts who will take part in the project team and the development of short surveys to collect information from all WGB countries on end users input on the functionalities of the database and legal aspects, including national data protection laws.

## Future and ongoing WGB projects and events

The WGB:

- Heard the OECD Secretariat provide information about the [OECD Global Anti-Corruption and Integrity Forum](#), scheduled on 20 - 21 March 2019. The Secretariat described some of the sessions and events organised during the Global Forum and Integrity Week, including the launch of the horizontal Study on Non-Trial Resolutions, the panel and three thematic roundtables organised in the context of the public consultation for the review of the 2009 Recommendation, the Anti-Corruption and Business Integrity Roundtable, and the Plenary Meeting of the Anti-Corruption Network for Eastern Europe and Central Asia.
- Discussed the ongoing process to review the 2009 OECD Anti-Bribery Recommendation.
- Heard the Legal Director, also the OECD Representative to the G20 Anti-Corruption Working Group (ACWG), report on developments under Japan's Presidency, notably the elaboration of two main deliverables: a Draft Good Practices Guide on Promoting Integrity and Transparency in Infrastructure Development, and High-Level Principles on Whistleblower Protection.
- Heard the Secretariat to the Working Party on State Ownership and Privatisation Practices (WPSOPP) update the Working Group on the development of Anticorruption and Integrity Guidelines for State Owned Enterprises (SOEs) by the WPSOPP. In particular, a joint-Bureau meeting between the Bureau members from the WPSOPP, the Working Party of Senior Public Integrity Officials and the WGB took place on 8 February 2019, to review comments received and develop a final revised version for final adoption at the 12-13 March meeting of the WPSOPP.

## Global relations activities

The WGB:

*Heard an update about the Anti-Corruption Initiative for Latin America*

- Heard the Secretariat report on the activities of the Latin America & Caribbean Anti-Corruption Law Enforcement Officials' Network ("LAC LEN"). Heard the Secretariat report on the session on "Promoting Integrity and Strengthening Anti-Corruption Efforts in Latin America and the Caribbean", that took place on 21 March 2019 in the context of the 2019 OECD Global Anti-Corruption and Integrity Forum.

*Heard an update about the Anti-Corruption Initiative for Asia Pacific*

- Heard the Secretariat report on the 3-year Southeast Asia Business Integrity Project that is funded by the U.K. and conducted in co-operation with the OECD Global Relations Secretariat. The project includes three components: regional awareness-raising events, in-country events in Indonesia, Malaysia and Vietnam, and written deliverables to enhance the knowledge base. The project is in its initial phase.

*Heard an update about the Anti-Corruption Initiative for Middle East and North Africa (MENA)*

- Heard the Head of the OECD MENA Global Relations Secretariat report on OECD activities in the MENA region, including in Morocco and Lebanon.

## Reports from other OECD Bodies and International Organisations

The WGB:

- Heard the Executive Secretary of the FATF provide an update of the work of the FATF in areas of relevance to the fight against corruption and bribery, including the publication in July 2018 of a report on "[Concealment of Beneficial Ownership](#)". This joint FATF Egmont Group report takes a global view assessing how legal persons, legal arrangements and professional intermediaries can help criminals conceal wealth and illicit assets. Also heard an update on FATF's work programme on countries' assessments against the 40 Recommendations with a focus on effectiveness of Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regimes and risks, including bribery risks. Heard about the FATF's global outreach activities in the FATF-Style-Regional-Bodies (FSRBs) including in supporting the fight against corruption and the importance of collaboration and sharing of information between Financial Intelligence Units (FIUs) and anti-corruption bodies where such bodies are in place. Heard the Chair emphasise the complementarity between the Working Group and the FATF.
- Heard the Council of Europe's Group of States Against Corruption (GRECO) Secretariat provide an update regarding latest developments relating to its peer review mechanism, as well as the ongoing evaluation of the GRECO Secretariat. Heard an update with regard to synergies between the different anti-corruption peer review mechanisms, and that a joint event is planned at the 2019 UNCAC Conference of State parties between the relevant Secretariats.
- Heard the UNODC Secretariat provide an update regarding the Implementation Review Mechanism under the United Nations Convention Against Corruption (UNCAC). Also heard the UNCAC Secretariat report on the development of a Legal Library to store information on anti-corruption authorities and relevant domestic laws of the State Parties to the UNCAC.

## Tour de Table

The WGB:

- Heard Germany, Korea, Denmark, Spain, the United States, the Russian Federation and Finland 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.
- Heard requests for, and approved the deletion of registered cases from various countries.
- Heard Canada report on recent allegations of interference in the prosecution of SNC-Lavalin for alleged bribery in Libya, that are subject to proceedings in the House of Commons Standing Committee on Justice and Human Rights and to an inquiry by the Parliamentary Conflict of Interest and Ethics Commissioner. Also heard Canada report that the prosecution is proceeding, that no remediation agreement has been offered to SNC-Lavalin, and that the company is challenging in the Federal Court of Canada the decision of the Director of Public Prosecutions not to pursue a remediation agreement. Agreed to send a letter to the Canadian authorities on behalf of the Chair and to issue a public statement to express its concerns over the alleged interference. Further invited Canada to report on developments in the proceedings, including at its next meeting in June 2019.