

OECD Working Group on Bribery

Public Summary Record

Plenary Meeting
9-11 October 2018



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):

- Adopted the Phase 4 report of Mexico and, in accordance with standard procedure, invited Mexico to provide a written follow-up report in two years (i.e. October 2020) on the implementation of all Phase 4 recommendations, follow-up issues and its enforcement efforts.
- Considered Belgium's Phase 3 additional oral follow-up report on implementation of Phase 3 Recommendations 2 (liability of legal persons), 6 (Statute of limitations) and 12(b) (whistleblower protection). Invited Belgium to report back in writing in one year (i.e. in October 2019) on legislative progress made to implement recommendations 6 and 12(b).
- Considered Estonia's Phase 3 additional follow-up report on implementation of Phase 3 Recommendations 3(a)-(c). Invited Estonia to provide a written report in October 2019 on the status of Estonia's draft amendment to the Code of Criminal Procedure to increase the available fine for legal persons, which may address recommendation 3(c).
- Considered Greece's Phase 3bis additional written follow-up report on progress made to implement recommendations: 2c) and 2d) (foreign bribery offence); 4a), 4c) and 4d) (investigations and prosecutions); 5a), 5b) and 5c) (sanctions); 6 (statute of limitations); 7a) (MLA); 10e) (internal controls and ethics) and 13e) (whistleblower protection), as well as on its foreign bribery enforcement efforts. Agreed that all of the issues covered in this follow-up report will be reassessed by the WGB in 2022 as part of Greece's Phase 4 evaluation.
- Considered Iceland's Phase 3 additional written follow-up report on implementation of Phase 3 Recommendations 1, 2(a), 6(a), 7, 10(ii) and 11(ii). Agreed that the issues covered in this follow-up report will be reassessed by the WGB in 2020 as part of Iceland's Phase 4 evaluation.
- Considered Latvia's Phase 2 additional written report on the implementation of Phase 2 Recommendations 3(a)-(b), 8(c)-(e), 10(a), 13(a)-(b) and on all foreign bribery enforcement actions. Heard that a new whistleblower protection law was adopted by the Saeima on 11 October 2018. Agreed that the new whistleblower protection law and remaining outstanding issues will be assessed by the WGB in 2019 as part of Latvia's Phase 3 evaluation.
- Considered Russia's special Phase 2 follow-up report on implementation of Phase 2 Recommendations 10(a), 10(b), 10(c), 10(d), 11(a) (see also Phase 1 Recommendation 4), 11(b), 12(b) and 12(c) (see also Phase 1 Recommendation 6). Agreed on the general parameters of the High-Level Mission to Russia, which is due to take place in spring 2019 if Russia fails to address critical outstanding recommendations.
- Considered Slovenia's Phase 3 additional oral follow-up report on the adoption of the Integrity and Prevention of Corruption Act (IPCA) and the institutional functioning of the Commission for the Prevention of Corruption (CPC). Agreed that Slovenia will provide an oral report to the WGB in October 2019 on the adoption of the IPCA and the institutional functioning of the CPC.
- Considered South Africa's Phase 3 additional written follow-up report on implementation of Phase 3 Recommendations [insert numbers]. Asked South Africa to report back in writing in June 2019 on measures taken to actively enforce its foreign bribery offence, including against legal persons (Phase 3, recommendation 1), and to decide on future action at this time.

- Considered an update report on a high-level mission to Sweden. The mission will take place the week of 14 January 2019, subject to confirmation by the Swedish government.

Future and ongoing WGB projects and events

The WGB:

- Held a first joint session with the G20 Anti-Corruption Working Group.
- Discussed and agreed to a proposal prepared by the Secretariat for the WGB's annual consultation on fighting foreign bribery with the private sector and civil society on 11th December 2018.
- Discussed the parameters of the face-to-face and written consultation process for the review of the 2009 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2009 Anti-Bribery Recommendation). Agreed that the WGB December 2018 consultation with external stakeholders would include an item on the review of the 2009 Anti-Bribery Recommendation, and that further face-to-face consultations would take place in the context of the OECD Global Anti-Corruption and Integrity Forum and Integrity week in March 2019.
- Discussed a first draft of the study on the use of settlements of foreign bribery cases, entitled "Resolving foreign bribery cases with non-trial agreements", which is expected to be published at the OECD Global Anti-Corruption and Integrity Forum in March 2019.

Global relations activities

The WGB:

- Heard updates from China and Saudi Arabia.
- Held a roundtable discussion with China on the Anti-Bribery Convention, its standards, and the benefits of accession to the Convention.

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

- Heard the Secretariat inform the WGB of the publication of three monitoring reports under the 4th round of the Istanbul Action Plan on: Armenia including chapter on integrity in public education; Kyrgyzstan including a chapter on integrity in the customs administration; and Ukraine with a focus on the integrity of State-Owned Enterprises (SOEs). Heard that the next ACN Plenary Meeting will take place in March 2019 in the margins of the OECD Global Forum on Anti-Corruption and Integrity and will review monitoring reports on Mongolia and Uzbekistan.
- Further heard that the ACN will organise two seminars in the second half of 2018, including a seminar on the integrity of SOEs for Central Asia in cooperation with the EBRD and UNDP on 30-31 October in Bishkek, Kyrgyzstan; and a seminar on the prevention of corruption at the local level on 5-6 November in Vienna, Austria, in cooperation with the OSCE. Further noted that the ACN Law-Enforcement Network will meet in November 2018 in Prague, Czech Republic and that the meeting will focus on the independence of prosecutors and detection of corruption cases and will be organised back-to-back with the IBA's regional conference.

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

- Heard the Secretariat note that work is underway on activities defined in 2018-2020 Work Plan agreed at November 2017 Steering Group meeting of the Initiative. Further heard that the Secretariat will provide more information to the WGB in December 2018 on proposed activities for 2019-2020, specifically in relation to the Law Enforcement and Business Integrity Networks established under the Initiative

Heard an update about the Latin America and Caribbean Anti-Corruption Initiative

- Heard the Secretariat provide an update on activities undertaken and planned for the OECD Latin America and Caribbean Anti-Corruption Initiative. In particular, contributing to the organisation of a regional Business Integrity Dialogue and High Level Meeting on Integrity and Good Governance from 17-19 October 2018 in Lima, Peru; and the inaugural meeting of the Latin America and Caribbean Anti-Corruption Law Enforcement Officials Network in Buenos Aires on 22-23 October 2018.

Reports from other OECD Bodies and International Organisations

The WGB:

- Heard the Secretariat to the OECD Working Party on State Ownership and Privatisation Practices (WPSOPP) update the WGB on the development of Anti-Corruption and Integrity Guidelines for State Owned Enterprises. Further heard how the WPSOPP's work is supporting the Argentinian Presidency of the G20 on the topic, with the development of High-Level Principles for Preventing Corruption and Ensuring Integrity in State-Owned Enterprises, which are nearing adoption by the G20 Anti-Corruption Working Group.
- Heard the OECD Secretariat note that a G20 side event on Corruption in Sport was taking place concurrently with the WGB, and provide an update on the activities of the three taskforces established as part of the International Partnership Against Corruption in Sports (IPACS).
- Discussed a proposal for preparing texts on supply-side bribery for use in IMF Article IV consultation reports.
- Heard Interpol and the World Customs Organisation provide updates on anti-corruption-related activities.

Tour de Table

The WGB:

- Heard updates by the Netherlands, Peru, Poland, Portugal, Slovak Republic, Czech Republic, the United Kingdom, Slovenia, Sweden, Switzerland, Turkey, South Africa, Greece, Iceland and Mexico 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.