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2007 was a year of recognition, celebration and expansion for the OECD Working Group on Bribery.

The Working Group and the OECD’s Anti-Corruption Division were honoured by two prestigious international bodies. Transparency International (TI), the leading international NGO in the fight against corruption, chose OECD Working Group on Bribery Chair Mark Pieth as one of two recipients of its annual Integrity Awards. TI praised Professor Pieth, who has led the OECD’s anti-corruption work since its early stages, for his “outstanding leadership in fighting corruption on an international scale”.

The Anti-Corruption Division has been “Highly Commended” by the 2007 Africa Investor Awards for its work with South Africa in the global fight against bribery. This award further recognises the OECD’s work and its value for developing economies.

I commend the Working Group on Bribery and Mark Pieth for these remarkable accomplishments. These awards demonstrate solid commitment to the international fight against corruption and cement the OECD’s leadership in this important area.

I also heartily congratulate the Working Group on Bribery on the 10th anniversary of the OECD Anti-Bribery Convention, and on a very successful event in Rome in November 2007. It was my privilege to attend the celebration, hosted by the Italian government. Prime Minister Romano Prodi welcomed delegates from State Parties to the Convention and emerging economies. The participants acknowledged the achievements of the past decade while looking towards the next phase in the fight against foreign bribery.
The high-level delegates to this gathering – including 15 Ministers – showed that the State Parties value the Convention, which has resulted in important changes in the past decade. Countries have strengthened their legislation and systems for the prevention, detection and criminalisation of the bribery of foreign public officials. Government leaders from some of the major emerging economies spoke about how the Convention could impact the fight against corruption in their countries.

The challenges of today’s global environment require that countries remain vigilant in continuing their individual and co-operative efforts to encourage a business environment that does not tolerate unfair, unethical and unlawful behaviour. State Parties must keep up vital monitoring activities, and work together across borders to enforce their anti-bribery laws. To ensure that the OECD anti-bribery instruments remain at the forefront, the Working Group launched a comprehensive review of these instruments in 2007.

I and the OECD call upon the large emerging economies to join the Convention. Its ultimate impact in creating a fair business climate, fostering economic growth, and encouraging democratic development depends on an even wider reach.

There is evidence that this vital expansion is already underway. In 2007, South Africa became the 37th State Party to the OECD Anti-Bribery Convention. I was proud to see the OECD Convention’s reach extend in this key direction, and look forward to welcoming more new signatories in the course of the process of OECD enlargement and enhanced engagement.

Corruption remains a damaging force – OECD members and developing economies alike stand to benefit from a global economy where bribery and corruption are no longer tolerated. The Working Group on Bribery is leading the charge, and we have set in motion visible and valuable progress over the last 10 years. Working together, we can level the playing field for international business, and create more accountable and transparent institutions.
Over the past 10 years, the OECD has been a global leader in the international fight against bribery. The OECD Working Group on Bribery – through its enforcement of the Anti-Bribery Convention – has spurred development of an “anti-corruption culture”, where governments show the political will to prevent corruption on all fronts.

In November, we marked the 10th anniversary of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. We were honoured that 15 Ministers and another 15 ministerial-level officials joined the celebration. It was an exciting moment, full of pride in our accomplishments and promise for what we can achieve in the future.

Our successful event in Rome raised awareness about the important progress and changes that have come about over the past decade, due to countries’ commitment to implementation and enforcement of the Convention. The conference and associated meetings fostered broader understanding of and support for the Convention after its first 10 years of implementation.

Government representatives came together with prosecutors to address the political and practical implications of the Convention, and to discuss methods, mechanisms and strategies to facilitate and enhance international co-operation. These efforts will certainly include closer collaboration with major emerging economies that are not yet parties to the Convention; officials from many of these countries attended the meeting, showing a solid foundation on which future work can be built.

In April, we welcomed South Africa as the 37th State Party to the OECD Anti-Bribery Convention and member of the Working Group. A significant economic actor in Africa and an increasingly active player
in the international marketplace, South Africa’s perspective will be valuable to the OECD’s fight against foreign bribery.

South Africa plays an important leadership role in the development of policy directions in Africa, and ranks first among African countries in FDI outflows. Its inclusion in the Working Group has already increased the momentum to combat corruption throughout Africa and beyond, bringing new energy and insights to the Working Group’s efforts worldwide.

In addition to preparing these exciting events, the Working Group continued to carry out the rigorous monitoring associated with the OECD Anti-Bribery Convention. Eight Phase 2 examinations were carried out, and more than 20 countries presented oral or written follow-up reports to the Working Group on progress in implementing the Phase 2 recommendations.

As the Phase 2 monitoring exercise comes to an end, we have also started to consider parameters for a post-Phase 2 mechanism. The State Parties have made considerable progress in enforcing and implementing the OECD Anti-Bribery Convention over the past 10 years – but the challenge is far from over. The rigorous, peer-driven monitoring mechanism prompts countries to work individually and collectively to uphold the Convention and to ensure that it remains at the forefront of the global fight against foreign bribery. It is vital that the Working Group maintain this activity, so crucial to the integrity and effectiveness of the Convention.

The Working Group is poised to play a key role in the OECD’s efforts to work more closely with emerging economies. The changing world economy has brought new countries to the forefront of exporting and international business. We urge these nations to accede to the OECD Anti-Bribery Convention. As their business dealings in foreign markets expand, they will move forward instilled with the political will and the practical tools to combat international corruption, playing a significant role in promoting fair business processes.

2007 also marked the start of a comprehensive review of the OECD anti-bribery instruments to ensure their continued effectiveness and relevance. The Working Group made significant progress on this task during 2007, with the preparation of a consultation paper analysing the main cross-cutting issues that have emerged over 10 years of monitoring implementation of the instruments. External stakeholders’ comments on the paper will form an integral part of the Working Group’s assessment of what steps it needs to take to strengthen implementation.

These actions will ensure that the OECD will keep its place as the leading international organisation in the fight against foreign bribery for the next decade and beyond.
Over the past decade the OECD has become the world’s leading source of anti-corruption tools and expertise. Fighting corruption – in business, taxation, development aid, and governance – is one of the OECD’s top priorities. The 30 OECD member countries are united in this important work.

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions has prompted the establishment of rigorous anti-bribery laws and measures in 37 countries (all OECD members, plus seven non-member economies). However, some important challenges remain, which the Working Group continues to address through its rigorous system for monitoring implementation of the Convention.

2007 marked the 10th anniversary of the OECD Anti-Bribery Convention. This important agreement has had a significant impact on the global business climate, uniting the world’s most powerful economies in the fight against bribery of foreign public officials. The Convention has become an international standard, proving both the importance of enhancing transparency in the marketplace and the value of a comprehensive peer review system.

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions is the keystone of the OECD’s efforts to fight corruption. This important international agreement – which establishes bribery of foreign public officials in relation to international business as a crime – brings together 37 countries committed to creating a fair environment for international business.

The so-called OECD Anti-Bribery Convention (along with two related OECD recommendations) requires signatories to establish and implement a comprehensive set of legal, regulatory and policy measures to prevent, detect, investigate, prosecute and punish bribery of foreign public officials. It mandates sanctions, including fines and imprisonment, for both individuals and companies who commit foreign bribery.
Focusing on the “supply side” of bribery – that is, the person or entity who offers, promises or gives a bribe – the Convention contributes to building a stronger alliance between governments, businesses and citizens working towards transparent and honest business transactions. Countries participating in the Convention must establish the liability of both companies and individuals that engage in foreign bribery acts.

All countries that have ratified the Convention, called State Parties, agree to adopt the legislation necessary to criminalise bribery of foreign public officials. Other obligations under the Convention include: providing prompt international legal assistance for investigating and prosecuting foreign bribery; insisting on corporate liability for such bribery; and imposing effective, proportionate and dissuasive sanctions upon conviction for foreign bribery, including confiscation of bribes and any proceeds obtained through foreign bribery.

All 37 Parties to the Convention have criminalised the bribery of a foreign public official; before the Convention came into force, few had offences that covered this conduct. No Party permits the tax deductibility of bribes to foreign public officials (most deny such deductibility through an express or more general provision in their tax codes).

Investigations of the foreign bribery offence in State Parties are steadily increasing; however, the number of convictions remains low. Many cases have not proceeded beyond the investigation stage. The Working Group would like to see more cases taken forward for prosecution.

Although recent Phase 2 examinations reveal a lack of public awareness of the Convention across State Parties, follow-up reports show that many countries are taking action to build knowledge. Overall awareness of foreign bribery and compliance measures for preventing and detecting it are increasing, particularly among large listed companies. Small and medium-sized companies and large unlisted companies that do business abroad, on the other hand, are lagging behind – partially because they are not subject to the same regulations as listed companies. There are also concerns about the generally low level of detection and reporting of foreign bribery among government agencies that work with companies transacting business abroad, and within the auditing profession.

The Convention’s unique strength is a rigorous peer review process, whereby each country undergoes a detailed evaluation of its implementation and enforcement of anti-bribery laws and policies.
The assessments are carried out by the OECD Working Group on Bribery, comprised of representatives of each State Party. By signing and ratifying the Convention, countries agree to participate in this monitoring mechanism – both being evaluated, and taking an active role in assessing other State Parties.

This international, mutual evaluation process motivates countries to promote integrity in the corporate sector, prevent corruption, and investigate and prosecute cases of foreign bribery.

The OECD Anti-Bribery Convention: Selected facts and figures

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions requires State Parties to establish bribery of foreign public officials in relation to international business as a criminal offence.

- 30 OECD and 7 non-member countries have ratified the Convention (Annex 3 includes a list of State Parties and dates of ratification and entry into force).

- The Convention provides a very broad definition of a “foreign public official”; its scope extends beyond persons holding a legislative, administrative or judicial office of a foreign country, and includes persons exercising a public function for a foreign country, such as a public agency or public enterprise, and any official or agent of a public international organisation.

- Parties to the Convention must establish corporate liability for the offence of bribing a foreign public official, and companies must be subject to effective, proportionate and dissuasive criminal penalties (or non-criminal penalties, where criminal responsibility does not apply to companies under a Party’s legal system).

- Over the past decade, the Convention has resulted in more than 150 investigations; over 60 individuals and companies have been sanctioned for committing foreign bribery and related offences.

- Investigations of allegations of foreign bribery are currently open in 26 State Parties to the Convention.
The Working Group on Bribery in International Business Transactions

The OECD Working Group on Bribery in International Business Transactions oversees the implementation of the Anti-Bribery Convention. Representatives of each of the 37 State Parties – generally public servants from the justice, trade, finance, economic affairs or foreign affairs sectors, as well as prosecutors – meet in Paris four to five times each year. Members also work year-round from their capital cities to ensure that their governments are honouring their commitments to fight foreign bribery.

Another important role for Working Group members is to participate in the Anti-Bribery Convention’s peer-driven monitoring process. The goal of this rigorous process is to ensure that each Party has a sound system for fighting foreign bribery which complies with the high standards under the Convention. To achieve this goal, the Working Group identifies potential obstacles to the effective implementation of the Convention in Parties’ legal and institutional frameworks, and makes constructive recommendations to rectify them. For example, the Working Group continues to follow up implementation of the foreign bribery offence in several Parties due to concerns about whether they fully meet the requirements under the Convention.

The peer setting provides a problem-solving environment, and also encourages exchange of best practices. It provides a forum for reaching agreement on tough recommendations where needed and regular follow-up to ensure that they are promptly executed. In 2007, in the course of its Phase 2 monitoring, the Working Group made several recommendations for legislative amendments and institutional improvements (Executive Summaries are presented in Annex 4). It also recommended that three Parties undergo a Phase 2 bis examination due to serious concerns about their level of compliance with the Convention.

The secretariat for the Working Group is the Anti-Corruption Division of the OECD Directorate for Financial and Enterprise Affairs. The staff of 18 includes individuals from eight countries (Canada, France, Germany, Korea, New Zealand, Ukraine, United Kingdom, United States). Team members bring backgrounds in law including criminal law, economics, public policy, and public service to the OECD’s anti-bribery work.
THE 10TH ANNIVERSARY CELEBRATION OF THE OECD ANTI-BRIBERY CONVENTION

On 21 November 2007 over 30 highest-level officials, including 15 Ministers, representing 41 countries gathered in Rome to mark the 10th anniversary of the OECD Anti-Bribery Convention. More than 350 participants from OECD member and non-member governments, business, trade unions, civil society, international organisations, and academia came together to celebrate this important agreement and support anti-bribery policies.

The celebration – organised by the OECD Working Group on Bribery and hosted by the Government of Italy – provided an opportunity for State Parties to re-affirm their commitment to the Convention and to fighting corruption. The delegates collectively agreed to a decisive statement pledging to continue and enhance their efforts to prevent foreign bribery. In addition to a High Level Conference on the impact of the Convention, the event included an Expert meeting on its future, and a Prosecutors meeting.

High Level Conference on “The 10th Anniversary of the OECD Anti-Bribery Convention – Its Impact and Its Achievements”

Prime Minister Romano Prodi and other high-level Italian officials welcomed the prestigious audience and praised the Convention as a powerful tool that has had a positive impact on the international business climate over the past decade.

Introductory remarks

OECD Secretary-General Angel Gurria opened the conference, and appealed to delegates to re-affirm their commitment to the Convention and to stopping bribery in international business transactions. “The Convention has changed the rules of the game. It has increased visibility of corruption of foreign officials; it has brought bribery to the fore. The Convention will be as effective as we want it to be and as you want it to be. It is the tool that helps countries to ensure that others do not benefit from undue advantages.”

Secretary-General Gurria said the 10th anniversary marks the beginning of a new phase in combating bribery, during which countries will face new challenges and opportunities. For example, he noted that advances in technology today make acts of corruption easier to commit and harder to detect.
Given this new reality, he called on countries to take pro-active steps to implement the Convention – both practical measures and political commitment are required. He said that unless all countries make the necessary efforts, there is a risk to return to “business as usual,” including corruption.

Secretary-General Gurría expressed hope that more countries will join the Convention, especially the large emerging economies that are changing the world economic picture. As these countries expand their international business transactions, it is important to prioritise the fight against bribery.

“The second decade of the OECD Convention ... should be one of ambition, of commitment and collaboration. ... In ten years’ time, I hope, we will need a much bigger room to accommodate all the Parties to the Convention and our list of successes will be even more impressive than it is today,” he said.

**Statement: Shared Commitment to Fight Against Foreign Bribery**

Professor Mark Pieth, Chair of the OECD Working Group on Bribery, spoke about the impact of the Convention over the past decade and countries’ commitment to continue their efforts to fight corruption in the future. He presented the *Shared Commitment to Fight Against Foreign Bribery*, adopted by the 37 Parties to the Convention as an expression of their engagement.

The statement both reflects on the past and looks towards the future. It states: “We affirm our commitment to fight bribery of foreign public officials in international business transactions. While acknowledging progress, we are also aware that combating this crime has to remain one of our most important tasks to promote sustainable development and ensure a level playing field in worldwide business.”

Original signing of the Anti-Bribery Convention in 1997. © OECD
The statement endorses the Convention and its rigorous peer review monitoring process, and praises the increase in efforts to enforce the Convention. It also supports widening the Convention’s reach, calling for “adherence ... by new Parties, the sustainable cooperation with non-member economies, the fruitful collaboration with international organisations concerned with combating bribery and the enhanced contributions of business and civil society organisations involved in promoting good governance.”

Going forward, signatories pledge to intensity efforts to fight corruption within their governments and internationally, and to raise public awareness of the Convention. Specific actions include:

- Ensuring that the Convention’s standards remain relevant and effective, and maintaining the robust monitoring mechanism.
- Facilitating international co-operation and mutual legal assistance for effective investigation and prosecution of offences.
- Encouraging and supporting initiatives to prevent foreign bribery in the business sector, international and regional organisations, and emerging economies.
- Actively encouraging all countries to ratify and implement the United Nations Convention against Corruption.

(The full text of the Statement is included in Annex 1.)

▲ Presentations

Ministers or most senior officials from 13 State Parties’ made presentations affirming the importance of the Convention to their countries’ anti-corruption efforts and pledging to strengthen these efforts. They committed to international collaboration to put the Convention into effect and overcome obstacles to implementation. They asserted the necessity of involving various stakeholders to move the fight against bribery forward. They also encouraged emerging economies that are not party to the Convention to adhere to its standards in order to create a fair international business environment.

OECD Deputy Secretary-General Thelma Askey, who is leading the Organisation’s enlargement process, chaired the second session, which addressed co-operation with major emerging economies. Representatives of four such countries – China, Indonesia, Israel and

1. Interventions were made on a voluntary basis. Speakers from Austria, Brazil, France, Germany, Greece, Japan, the Republic of Korea, Mexico, Norway, South Africa, Turkey, the United Kingdom, and the United States participated.
Russia – discussed how the principles of the Convention are relevant to their anti-corruption policies. All expressed interest in developing closer relations with State Parties to combat bribery crimes.

The final session addressed the Convention’s impact on worldwide business, and the importance of governmental and non-governmental co-operation to monitor foreign bribery risks. Juan Jose Daboub, Managing Director of the World Bank, estimated that approximately USD 1 trillion per year is paid in bribes; he said that fighting corruption is key to reducing poverty.

Transparency International (TI) Chair Huguette Labelle called the Convention the most important and groundbreaking international agreement aimed at curbing bribery of foreign public officials. She invited the business community to implement effective anti-corruption programmes. On behalf of TI, she urged governments to take strong actions to comply with the Convention, including continuing its vigorous monitoring system. Finally, she said governments should not use national security considerations to prevent prosecution of bribery cases.

Achille Serra, Italy’s High Commissioner Against Corruption, delivered the closing remarks. He said that the most significant challenges lie ahead, as countries work to effectively enforce the anti-bribery provisions adopted over the last decade. He cited sanctioning, international co-operation, prevention, and involvement of business as key emerging issues.

Calls for increased global co-operation and inclusion were a common theme throughout the conference, and issues that the Working Group on Bribery may take forward in the future. The conference presentations are available online at www.oecd.org/bribery/anniversary.

Expert meeting on “The OECD Anti-Bribery Convention: The Road Ahead”

The 10th Anniversary of the OECD Anti-Bribery Convention also brought together international experts to discuss two pressing issues for the effectiveness of the Convention: fostering international co-ordination and co-operation in the investigation and prosecution of cases of bribing foreign public officials; and enhancing the impact of the Convention on the fight against foreign bribery.

Panel I, chaired by OECD Working Group on Bribery Chair Mark Pieth, focused on improving mutual legal assistance (MLA) for the investigation
and prosecution of foreign bribery cases; two key areas emerged – speeding up the execution of requests for MLA, and improving the overall effectiveness of MLA. Experts discussed the main factors responsible for slowing MLA, such as the application of different legal systems, obtaining MLA from countries not Party to the OECD Convention, and tracing funds in offshore centres. There was wide support for the use of informal MLA, which could significantly speed up the process of obtaining evidence; however, participants urged caution due to, for example, the possible limited use of such evidence at trial. Attendees also expressed interest in potentially establishing a network of prosecutors involved in foreign bribery cases, and increasing the involvement of prosecutors in the OECD Working Group on Bribery.

Maria Gavouneli, Vice Chair of the Working Group on Bribery, led Panel II, which focused on four main issues: 1. expanding the membership of the OECD Working Group on Bribery; 2. forging closer ties with the private sector; 3. continuing the Working Group’s system for monitoring implementation of the OECD Anti-Bribery Convention; and 4. ensuring a complementary relationship between the OECD Convention and other international and regional anti-corruption instruments (in particular minimising overlap in monitoring the OECD Convention and the United Nations Convention against Corruption). Membership was the key issue for the experts, who engaged in a vital exchange with two major emerging economies on the criteria for accession to the Convention and the fundamental principle of functional equivalence under the Convention. The need to maintain the Working Group’s rigorous monitoring system was also emphasised.

Professor Giorgio Sacerdoti of Bocconi University in Italy, the former Vice Chair of the Working Group on Bribery and current Chair of the Appellate Body of the WTO, delivered the meeting’s closing remarks, stressing the importance of the Convention’s monitoring mechanism.

**Prosecutors meeting on “Detection, investigation and prosecution of foreign bribery”**

For the first time since the negotiation of the OECD Anti-Bribery Convention, prosecutors gathered to discuss detection, investigation and prosecution of foreign bribery cases. This unique meeting brought together 55 prosecutors from 25 State Parties, providing a forum for the individuals “on the ground” in the fight against bribery. They expressed a shared desire to co-operate in enforcing the OECD Convention.
The prosecutors-only, day-long session allowed frank discussion and exchange of experiences and ideas. It featured three separate discussions: detection, investigation and prosecution.

For example, speakers noted that bribery offences are difficult to detect, requiring free flow of information across national borders and improved co-operation with business, the financial sector and the media. Successful investigations require clarification of jurisdiction issues and legal changes to speed the pace of enquiries. The crucial decision to prosecute bribery offences could be facilitated by flexibility in charges and decreased time pressures. Specialised training for prosecutors will enhance their abilities to detect, investigate and prosecute bribery offences.

The meeting led to a set of conclusions and proposals, presented by prosecutors to an open session with delegates to the 10th anniversary conference. They include:

- Each Party to the Convention should create central domestic contact points (CDCP), to quickly handle information requests and route them to the appropriate enforcement officer(s).
- The OECD Working Group on Bribery should establish a network of prosecutors, to meet regularly and exchange ideas and experiences.
- State Parties should find ways to speed financial investigations, including improving mutual legal assistance and enhancing cross-border collaboration tools.
- State Parties should develop and ensure compatibility of the legal frameworks to detect business crimes, and allocate sufficient resources to the investigation and prosecution of the foreign bribery offence.
- Prosecutors should become more involved in the work of the OECD Working Group on Bribery, to include: attending and contributing to meetings, providing feedback on the future work programme, and participating in typology exercises.

The prosecutors meeting was an extremely useful exercise, and attendees benefitted greatly from the opportunity to share ideas and experiences. Prosecutors hope to meet again in 2008 to continue the work begun in Rome.
SOUTH AFRICA JOINS OECD WORKING GROUP ON BRIBERY

In 2007, South Africa became the 37th signatory to the OECD Anti-Bribery Convention; it is the first African nation to join the Working Group on Bribery.

OECD Secretary General Angel Gurría received Her Excellency Nomasanto Maria Sibanda-Thusi, Ambassador of the Republic of South Africa to France, for the official signing ceremony on 19 June 2007.

Ambassador Sibanda-Thusi said South African President Thabo Mbeki has been determined to fight corruption at all levels for many years, citing “strong emotions” upon the signature of the Convention.

She said: “We will use our seat in this esteemed body to promote and support the fight against corruption. ... The outputs of the OECD Working Group on Bribery in particular, and the work of the OECD in general, do not only directly impact how we fight corruption but also how we understand and participate in the discourse on corruption.” She added that she hopes South Africa can gain knowledge and experience from OECD members that will strengthen its national integrity system, while contributing its distinct perspective to the international dialogue on corruption issues.

Professor Mark Pieth, chair of the Working Group on Bribery, called South Africa’s accession a crucial moment for the Working Group with the potential to extend the reach of the OECD Convention. He said South Africa set an example and sent an important message to emerging markets about the importance of strong, concerted efforts to fight bribery. He welcomed South Africa's input to the OECD’s anti-corruption efforts.

South Africa will undergo its Phase 1 review – the first step in the OECD Anti-Bribery Convention monitoring process – in June 2008.
MONITORING COMPLIANCE AND IMPLEMENTATION OF THE CONVENTION

The OECD Anti-Bribery Convention’s rigorous, peer-driven review process distinguishes it as the pre-eminent instrument for fighting corruption. State Parties, as members of the Working Group on Bribery, both submit to evaluation by their peers and serve as reviewers for other countries.

This international, mutual evaluation process creates peer pressure within the Working Group, and motivates countries to ensure their compliance with the Convention and take concrete action to fight corruption.

Monitoring activities follow a two-phase process. Phase 1 essentially comprises a review of domestic legislation for implementing the Convention, while Phase 2 looks at the effectiveness in practice of Parties’ legislative and institutional anti-foreign bribery frameworks; it includes a one-week on-site visit to obtain first-hand knowledge for the Working Group’s assessment.

Phase 1

Phase 1 examinations are an initial in-depth review of each country’s national laws and other legal texts to determine whether they meet the standards set in the Convention. Countries undergoing a Phase 1 evaluation submit legislation, regulation and other detailed legal information, along with answers to an OECD questionnaire, to the Working Group. Two participating countries (“peer reviewers” or “lead examiners”) analyse this material and, with the Secretariat, prepare a draft phase Phase 1 report assessing the degree to which the country is in compliance with the Convention. They also identify outstanding areas for special attention during the second phase of the evaluation process. The draft report is tabled in a plenary session of the Working Group, where it is fully discussed, adopted and then published on the OECD website.

To date, all State Parties of the Convention have undergone Phase 1 evaluations except South Africa, which joined in April 2007. South Africa’s Phase 1 review is scheduled for June 2008.

All Phase 1 reports are available at www.oecd.org/corruption.
Phase 2

Phase 2 examinations take the review process to the next level. After examining documents (laws, regulations, etc.) related to the review country’s compliance with the Convention, the Working Group evaluates how well these anti-bribery policy elements are being applied. The Phase 2 reviews involve comprehensive written questionnaires, extensive preliminary research, and a one-week site visit to the review country by a team of examiners including peer reviewers from two Working Group member countries and representatives of the OECD Secretariat.

Phase 2 on-site visits include intensive interviews with police and prosecutors, members of the judiciary, government officials from relevant ministries (e.g. justice, foreign affairs, finance, and trade), relevant agencies (e.g. public procurement, official export credit support, official development assistance), the private sector (SMEs, MNEs, business associations, the audit and accounting professions), civil society (NGOs, academics, journalists, employee organisations), and the legal profession (criminal and corporate bars). These sessions – along with written responses to OECD questionnaires – are intended to provide the review team with a clear view of the country’s experience, knowledge and preparedness to fight corruption. The team specifically examines how prosecutors, judges, the police, tax officials, and other civil servants are contributing to the collective effort to prevent, investigate, prosecute, and sanction foreign bribery.

Following the on-site visit, the lead examiners, with the Secretariat, draft a Phase 2 report. As in Phase 1, the draft report is tabled in a plenary session of the Working Group, where it is fully discussed, adopted and then published on the OECD website. A key aspect of the discussion is the recommendations to the review country to improve its legislative and institutional framework. The review country is expected to take prompt action in response to these recommendations, and present regular progress reports to the Working Group. An oral follow-up report is required one year after adoption of the Phase 2 report, followed by a written report two years after adoption.

The Phase 2 examinations performed in 2007 reveal significant horizontal progress in key areas. Out of seven Parties, five improved their systems of mutual legal assistance for the foreign bribery offence, four made changes to enhance the detection and reporting of foreign bribery through their anti-money laundering systems, two adopted special investigative techniques for detecting foreign bribery,
and two reformed their company laws in ways that should enhance the prevention and detection of foreign bribery.

Certain cross-cutting issues also emerged among the countries reviewed in 2007 (see Box). Five of the seven Parties received mandates to correct problems regarding corporate liability for the foreign bribery offence, including three that were assessed as not in compliance with this aspect of the Convention. The foreign bribery offences of four Parties require amendments to rectify some shortcomings, and two Parties were advised to take steps to cover foreign bribery offences that take place outside their national borders. In four Parties, key stakeholders do not have adequate awareness of the foreign bribery offence, and two Parties need to clarify the non-tax deductibility of bribe payments. Most importantly, cases of foreign bribery have not been before the courts of any of these Parties.

The executive summaries of all Phase 2 reports completed in 2007 are included in Annex 3. Phase 2 reports from 2007 and previous years are available at www.oecd.org/corruption.
OECD Working Group on Bribery:
Phase 2 reviews and related follow-up reports in 2007

| Phase 2 evaluations                     | • Poland (January)   |
|                                       | • Ireland (March)    |
|                                       | • Portugal (March)   |
|                                       | • Slovenia (June)    |
|                                       | • Chile (October)    |
|                                       | • Brazil (December)  |
|                                       | • Turkey (December)  |

| Oral follow-up reports                 | • Australia (January) |
|                                       | • Slovak Republic (January) |
|                                       | • Austria (June)       |
|                                       | • Denmark (June)       |
|                                       | • Spain (June)         |
|                                       | • The Netherlands (October) |
|                                       | • Czech Republic (December) |
|                                       | • New Zealand (December) |

| Written follow-up reports              | • Italy (January)     |
|                                       | • Korea (January)     |
|                                       | • Japan (March)       |
|                                       | • Switzerland (March) |
|                                       | • United Kingdom (March) |
|                                       | • Greece (June)       |
|                                       | • Hungary (June)      |
|                                       | • Belgium (October)   |
|                                       | • Sweden (October)    |
|                                       | • Slovak Republic (December) |

| Second oral follow-up reports         | • Finland (January)   |
|                                       | • Canada (June)       |
|                                       | • France (June)       |
|                                       | • Luxembourg (June)   |
|                                       | • Mexico (October)    |
|                                       | • Iceland (December)  |
**Oral Follow-up Reports**

Eight countries presented oral follow-up reports, documenting their first year of progress in implementing the recommendations of their Phase 2 reviews, to the Working Group in 2007. These reports give countries an opportunity to share measures underway to address shortcomings identified in the Phase 2 reports and to detail future plans.

**Written Follow-up Reports**

Written follow-up reports cover the two years following a country’s Phase 2 examination. Nine countries provided written follow-up reports to the Working Group on Bribery in 2007.

All countries reported on efforts to raise awareness of the OECD convention and the foreign bribery offence. Some initiatives include: training prosecutors and magistrates, establishment of an intellectual crime unit within the police force, creation of a toolkit for business, development of a special web portal on foreign bribery, and regular meetings of government officials on foreign bribery issues.

Several countries introduced legislation expressly denying the tax deductibility of bribes. Other positive steps taken include improving false accounting laws, and strengthening transparency and independence of auditing bodies. One country is leading an initiative to establish a regional network for co-operation in criminal matters.

Projects are underway in reporting countries to develop integrity pacts on arms exports, and to better protect whistleblowers in bribery cases. Companies that have been convicted of foreign bribery are excluded from public subsidies, public procurement contracts and other advantages in one review country.

However, the Working Group on Bribery still noted a low number of cases and prosecutions throughout these State Parties. Additionally, penalties for engaging in this offence are not sufficiently effective, proportionate and dissuasive across the board.

Written follow-up reports, which include a summary and conclusions by the Working Group, are available at www.oecd.org/corruption.

**Second Oral Follow-up Reports**

Phase 2 of the Convention’s monitoring process continues with a second oral follow-up report to assess progress in implementing any recommendations that were not implemented or were only partially
implemented at the time of the written follow-up report. This report is delivered to the Working Group three years after adoption of the Phase 2 report. These reports allow countries to provide the Working Group with feedback on any remaining unresolved issues. Second oral follow-up reports are very narrowly focused.

### Phase 2 bis

When the Working Group finds serious deficiencies in a country’s implementation and enforcement of the Convention, it has the option of conducting a second Phase 2 evaluation – a Phase 2 bis review. The Phase 2 bis process normally includes another on-site visit, albeit shorter and focused on specific identified problems areas. If there is continued failure to adequately implement the Convention following a Phase 2 bis review or the follow-up to a Phase 2 review, the Working Group can take further action. For example, the Working Group may:

- require the country to make regular progress reports detailing its efforts to rectify a specific problem.
- issue a formal public statement declaring that the country is not in compliance with the OECD Convention and requesting immediate action to correct the situation.
- send a high-level mission (comprised of the chair of the Working Group, representative[s] of the OECD Secretariat, and several heads of delegations) to meet with ministers and senior officials from the review country.

The Working Group on Bribery recommended Phase 2 bis examinations for three State Parties in 2007:

- **Ireland**: Very low attendance by key government and private sector representatives at the site visit meetings prevented the OECD review team from receiving adequate information about the situation in Ireland. Additionally, the Irish government has not made sufficient efforts to raise awareness of the Convention. Another site visit has been requested within one year.

- **Turkey**: The Working Group cited the repeal of corporate liability for the foreign bribery offence under Turkish law. Additionally, it questioned Turkey’s dismissal and slow treatment of foreign bribery cases. Finally, the lack of engagement of the private sector in the fight against bribery, and low public awareness of the OECD Convention and the foreign bribery offence were issues of concern.
• United Kingdom: The Working Group was seriously concerned about the lack of progress in rectifying deficiencies in foreign bribery legislation and in the law on the liability of legal persons for foreign bribery. The Group also expressed serious concerns over possible systemic problems in bringing foreign bribery cases to prosecution and the discontinuance of a major foreign bribery investigation.

A Phase 2 bis site visit to Luxembourg took place in October 2007; the report will be presented to the Working Group on Bribery at its March 2008 plenary meeting. The examination is focusing on enforcement of the foreign bribery offence including detection, corporate liability for the offence, and co-operation and co-ordination among the various oversight bodies.

In addition, following Japan’s Phase 2 written follow-up report and presentation of its self-assessment report (recommended in Phase 2 bis), the Working Group recommended a yearly informal meeting between the lead examiners and the Japanese authorities in the margins of the Working Group meetings, to follow progress on outstanding Phase 2 recommendations and Japan’s recommendations in its self-assessment report, and to review whether Japan is proactively investigating and prosecuting foreign bribery cases.

Finally, the Working Group exceptionally decided to conduct a Phase 1 bis review for Chile, due to a lack of progress in adopting recommended legislative changes.

Other Issues Related to Monitoring Compliance and Implementation of the Convention

Monitoring implementation of the OECD Anti-Bribery Convention is an ongoing process. Although the monitoring process follows a predetermined schedule for each phase and its follow-up steps, the Working Group is prepared to react when significant concerns arise in specific countries.

For instance, during 2007, the Working Group responded to relevant developments in three countries. At its first meeting after the announcement of the United Kingdom’s discontinuance of the BAE Al Yamamah investigation, the Working Group expressed serious concerns about whether the decision was consistent with the OECD Anti-Bribery Convention. The discussion of this matter continued in March 2007 in the context of the written follow-up report to the UK’s Phase 2 examination. The Working Group also decided to discuss this issue in the context of the United Kingdom Phase 2 bis examination.
Working Group Chair Mark Pieth wrote to the Slovak Republic’s Ambassador to the OECD to express concern about remarks made by the Slovak Minister of the Economy that appeared to condone the bribery of foreign public officials.

The Working Group also issued a letter to Argentina outlining its concerns about the government’s postponement of a visit by the evaluation team for its Phase 2 examination. The Argentine government requested to postpone the on-site visit to a specific later date, and then agreed with the Working Group to reschedule the visit for 10-14 December 2007.

The Tour de Table

In addition to the formal review process, all countries report on their latest inquiries, investigations and cases at each meeting of the Working Group on Bribery. These updates – referred to as a Tour de Table – allow State Parties to share experiences, challenges, and good practices. The Tour de Table ensures that all Working Group members have current information on international anti-corruption efforts.

The Tour de Table is a unique opportunity for Working Group members to ask each other specific questions, and to speak openly about their work. The Tour de Table took place at all five meetings of the Working Group in 2007.
GLOBAL RELATIONS

As the global economy changes and new key players emerge, the OECD is increasing its collaboration with and activities towards non-member countries. The fight against corruption is a vital piece of this wider agenda. As major emerging economies move from the "demand" side to the "supply" side of international business transactions, it is more important than ever to ensure zero tolerance for bribery, and a level playing field for all companies.

The Working Group on Bribery is involved in the OECD's organisation-wide efforts to expand its membership. Additionally, the Working Group's regional initiatives support anti-corruption efforts around the world.

OECD Enlargement and Enhanced Engagement

The OECD has opened discussions with Chile, Estonia, Israel, the Russian Federation and Slovenia to begin the process of membership in the Organisation. Each candidate country will follow an “accession roadmap”, which includes the following anti-corruption principles: compliance with the OECD Anti-Bribery Convention; a legal framework for combating bribery; criminalisation of bribery of foreign officials; adequate accounting, auditing and tax systems to fight bribery; ability to co-operate with Parties to the Convention; and readiness to participate in the peer review process.

The Working Group on Bribery OECD members will play a key role in the accession process, charged with reporting to the OECD Council on each candidate country’s willingness and ability to meet the anti-bribery standards set forth for OECD membership.

Candidates for accession are expected to become Parties to the OECD Anti-Bribery Convention and undergo Phase 1 and Phase 2 reviews. Three of the five candidate countries – Chile, Estonia and Slovenia – are already Parties to the Convention and active participants in the Working Group on Bribery. Both Slovenia and Chile have completed their Phase 2 reviews (in June 2007 and October 2007, respectively). Estonia’s Phase 2 review will take place in June 2008. The Working Group should be able to present the OECD Council with a first assessment of these countries by the end of 2008.

Israel and Russia have not yet signed on. Their first step will be to formally request membership in the Working Group on Bribery and to ratify the Convention. This will trigger a pre-accession review as well
as Phase 1 and Phase 2 reviews by OECD member delegates to the Working Group on Bribery.

The OECD has also offered “enhanced engagement” – with a view to possible future membership – to Brazil, China, India, Indonesia, and South Africa. Brazil and South Africa are already State Parties to the OECD Anti-Bribery Convention. The Working Group on Bribery has initiated dialogue with China on transnational bribery. Finally, China, India and Indonesia are members of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific.

Both the Working Group’s key role in the accession process, and the candidate countries’ previous involvement in OECD anti-bribery activities, demonstrate the importance of the fight against corruption to the OECD.

Regional Activities

The OECD works extensively with non-member countries to promote the Anti-Bribery Convention and, based on the experience of the members of the Working Group, to assist these countries in their efforts to fight corruption. These regional programmes involve both State Parties and countries not party to the Convention in these important efforts.

The regional initiatives aim to enhance countries’ ability to fight bribery in international business transactions, help them strengthen their frameworks and mechanisms to curb bribery, and gain strategic knowledge on how to prevent corruption. These activities:

• promote good governance and internationally accepted anti-corruption standards.

• encourage mutual and self-evaluation of government policies.

• seek assistance from the international donor community.

The Anti-Corruption Network for Eastern Europe and Central Asia (ACN) supports anti-corruption efforts of 21 countries in Eastern and Central Europe. It provides a regional forum for the promotion of anti-corruption activities, information exchange, elaboration of best practices, and donor opportunities. (More details are provided in Annex 2.)

In 2007, the ACN adopted monitoring reports for Kazakhstan and Kyrgyzstan, and examined progress in implementing the recommendations therein. The evaluation of these two countries completed the first monitoring round under the Istanbul Anti-Corruption

The Asian Development Bank/OECD Anti-Corruption Initiative for Asia-Pacific brings together 28 Asian and Pacific economies that have committed to implement international anti-corruption standards as set out in the OECD anti-bribery instruments, the UN Convention against Corruption and the Anti-Corruption Action Plan for Asia-Pacific. The programme fosters policy dialogue and mutual learning, and provides technical seminars in which experts from the OECD Working Group on Bribery and the Initiative’s member countries share experiences and discuss collaboration on the common goal to fight corruption. Assessment of policies and frameworks support this process. (More details are provided in Annex 2.)

Efforts are underway in Latin America – both collaboration with the Organisation of American States and through Parties to the Convention Argentina, Brazil, Chile and Mexico. The Working Group on Bribery is also involved in the OECD-wide Initiative on Governance and Investment for Development in the Middle East and North Africa.

Additionally, the OECD is planning to partner with the African Development Bank for a regional programme on anti-bribery and business integrity to help improve the business environment in Africa. The programme would support African countries in strengthening their frameworks and practices to curb bribery in business transactions, referencing key international instruments – primarily the OECD Anti-Bribery Convention and the UN Convention against Corruption.

OTHER AREAS OF FOCUS

As the OECD Anti-Bribery Convention enters its second decade, the Working Group on Bribery is taking active steps to ensure that the instruments and processes that formalise the OECD’s work against corruption are as effective and up-to-date as possible.

Review of Anti-Bribery Instruments

In 2007, the Working Group on Bribery embarked on one of its most important projects since the adoption of the Anti-Bribery Convention 10 years earlier: a large-scale review of the OECD’s anti-bribery instruments.

The review was initially led by two ad hoc groups comprised of members of the Working Group on Bribery – Ad Hoc Group 1 on Criminalisation of the Bribery of Foreign Public Officials, and Ad Hoc Group 2 on Detection and Prevention of the Bribery of Foreign Public Officials. These groups were charged with providing input to the Working Group in preparing a consultation paper analysing the main cross-cutting issues that have emerged in implementing the OECD anti-bribery instruments, and providing external stakeholders with the opportunity to comment on those issues and provide input on the effectiveness of the instruments.

The Working Group on Bribery prepared its Consultation Paper, “Review of the OECD Instruments on Combating the Bribery of Foreign Public Officials in International Business Transactions Ten Years After Adoption” in 2007. The document is the basis of a three-month online consultation with external stakeholders and partners – including businesses, civil society organisations, international and regional organisations, etc. The aim of this consultation is to help the Working Group determine what steps might need to be taken to strengthen implementation of the OECD anti-bribery instruments.

This effort is scheduled for completion in early 2009.

Preparation of Post-Phase 2 Assessment Mechanism

As the Phase 2 evaluation process is due to be completed during 2008, the Working Group on Bribery is beginning to create a structure and procedures for post-Phase 2 evaluations of compliance with the Convention.
State Parties responded to an August 2007 survey to share their views on the next round of monitoring. The Working Group on Bribery has endorsed adoption of a new cycle of peer review utilising a focused assessment mechanism. Phase 3 examinations will include both country-specific content – outstanding recommendations and concerns from Phase 2, enforcement results and issues raised by changes in legislation – and horizontal issues such as enforcement. The Working Group has also agreed to conduct Phase 3 examinations at a set period after adoption of the country’s Phase 2 report.

The Working Group is currently considering structural issues for the post-Phase 2 review mechanism, including the length of the report and the site visit, the composition of peer review teams, the order in which countries will be reviewed, and follow-up actions to the monitoring reports.

The post-Phase 2 mechanism is being considered in conjunction with the review of the OECD anti-bribery instruments. The next evaluation phase is scheduled to begin in 2009.

**Typology Exercises**

**Bribery in Public Procurement**

In 2007 the Working Group published *Bribery in Public Procurement: Methods, Actors and Counter-Measures*. This report, based on broad consultation with law enforcement and procurement specialists, describes how bribery is committed at various stages in the government purchasing process. It also shows how bribery is related to other crimes, such as fraud, false accounting and money laundering – and how to prevent, detect and investigate these offences.

This report has increased understanding of bribery in public procurement – and contributed to establishing the OECD as a centre of expertise on this topic. It has also increased the reach of the Anti-Bribery Convention by referencing the agreement and associated monitoring activities. The Secretariat has been invited to speak on this topic at OECD-wide meetings, international conferences, and other events.

Some countries plan to use the typology to train procurement and development staff, and an international development bank has used the OECD typology methodology to create a system to identify bribery in procurement transactions. Sales of the report have been strong.
The Public Governance Directorate and the Development Co-operation Directorate have developed a checklist on bribery in public procurement, which takes the typology fully into account. The checklist reflects the OECD’s multi-disciplinary approach, analysing public procurement from the anti-bribery, good governance, development assistance, competition and international trade perspectives.

**Intermediaries in Foreign Bribery**

Agents, sales representatives, consultants, suppliers, sub-contractors and other business partners carry out indispensable functions in many business transactions. However, these same actors can often play a key role in the bribery of foreign public officials. In fact, the vast majority of cases detected by Parties to the OECD Anti-Bribery Convention involve at least one such intermediary.

It can be difficult for law enforcement to determine when intermediaries’ involvement in foreign business is legitimate, and when they are involved to undertake or mask a bribery-tainted transaction.

The Working Group on Bribery therefore proposed a typology to determine the Convention’s effectiveness in detecting and investigating bribery actions by intermediaries. Experts designated by Working Group delegates will consider issues such as: who qualifies as an intermediary and their roles and functions, situations in which there is a bribery risk associated with an intermediary, and adequacy of current laws to identify intermediaries and hold them liable for bribery offences.

The new typology report is expected to be discussed in the second half of 2008.

**Co-operation within the OECD**

The OECD has implemented horizontal programmes that link its work in various areas, to best address new challenges and opportunities. For example, the Working Group on Bribery launched co-operative work with the OECD Development Assistance Committee’s Network on Governance (GOVNET).

GOVNET is an international forum that brings together development practitioners from countries and international agencies to address governance issues. These include capacity development, taxation and accountability, human rights, and the fight against corruption.

The goals of collaboration with GOVNET are: to enhance understanding and enforcement of the OECD Anti-Bribery Convention by donors in
relation to bi-lateral aid-funded procurement; and to demonstrate actions OECD countries must take in their development co-operation efforts to reduce corruption in countries receiving aid.

The Working Group will work with the GOVNET Anti-Corruption Task Team (ACTT) in the framework of both the Asian Development Bank/OECD Anti-Corruption Initiative for Asia-Pacific and the African Development Bank programme on business integrity. GOVNET has also expressed interest in identifying a possible need for trainings on the OECD Anti-Bribery Convention for aid and diplomatic personnel, and organising a conference on the role of the private sector in preventing bribery.

The ACTT will provide input into the determination of the post-Phase 2 review mechanism, and has been involved in the review of the anti-bribery instruments. The Corporate Affairs and Investment divisions of the Directorate on Financial and Enterprise Affairs, and the OECD Centre for Tax Policy and Administration (CTPA) have also contributed to the review of the anti-bribery instruments. In conjunction, the CTPA’s Working Party on Tax Avoidance and Evasion is co-operating with the Working Group on Bribery to examine the 1996 Recommendation on tax deductibility of bribes.

**Co-operation with External Stakeholders**

The OECD works regularly with other organisations to exchange expertise and experience. The Working Group on Bribery collaborated with international organisations, private-sector actors, civil society, etc. in 2007.

Civil society organisations have been key partners of the Working Group on Bribery, actively participating in the implementation and enforcement of the OECD anti-bribery instruments. They also attend regular consultation sessions with the Working Group to address key anti-bribery issues. Key partners are: Business and Industry Advisory Committee to the OECD (BIAC), the Trade Union Advisory Committee to the OECD (TUAC), the International Chamber of Commerce (ICC) and Transparency International (TI).

A June 2007 Working Group consultation session with civil society was attended by BIAC, TUAC, the ICC and TI, which provided both oral and written comments. The Export Credit Agency Watch Network (ECA), the CornerHouse (CH) and the World Wildlife Fund (WWF) made oral contributions. Civil society organisations are also active in the Working Group’s regional initiatives.
Another main partner is the United Nations Office on Drugs and Crime (UNODC), which oversees the United Nations Convention against Corruption (UNCAC). A representative of this office spoke to the October 2007 Working Group meeting, to address how the OECD and the United Nations can work together in the fight against bribery.

At the Conference of State Parties (COSP) to the UNCAC in Jordan in December 2006, the Chair of the OECD Working Group on Bribery delivered a message offering to share its expertise gained through the OECD monitoring process and OECD-led regional anti-corruption initiatives. The Working Group has therefore provided input to the UNODC Legislative Guide and Technical Guide. The Working Group also provided substantial information on the implementation of the OECD Anti-Bribery Convention by the 11 Parties to the Convention that volunteered for the UNCAC Pilot Project on the Review of UNCAC Implementation².

The Working Group will continue to seek ways to share its expertise with the COSP on: 1. development of an effective mechanism for reviewing implementation of the UNCAC; 2. identification of best practices and challenges in fighting bribery of foreign public officials, including related issues such as mutual legal assistance; and 3. prevention and detection of foreign bribery through measures such as the non-tax deductibility of bribe payments.

The Working Group also collaborated on events and programmes with the Council of Europe’s Group of States Against Corruption (GRECO) and other groups.

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². As of the end of 2007, 107 countries had ratified the UNCAC, including 24 State Parties to the OECD Anti-Bribery Convention.
Preamble

On the occasion of the 10th anniversary celebration of the adoption of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Convention),

We, the Ministers and senior officials of the 37 Parties to this Convention, gathered in Rome, Italy, on 21 November 2007, reaffirm our commitment to fight bribery of foreign public officials in international business transactions. While acknowledging progress, we are also aware that combating this crime has to remain one of our most important tasks to promote sustainable development and ensure a level playing field in worldwide business.

Standards and Practices to Fight Bribery in International Business Transactions

In adopting the Convention, all Parties pledged to combat bribery of foreign public officials in international business transactions through effective criminal sanctions and related obligations. They also endorsed a unique monitoring process by peers to ensure effective implementation of the Convention’s standards;

We wish to affirm that all Parties to this Convention have established the bribery of foreign public officials in international business transactions as a criminal offence and have endeavoured to apply effective investigative and prosecutorial methods and means to prevent, detect and punish the foreign bribery offence;

We endorse the excellent work carried out by the OECD Working Group on Bribery in International Business Transactions, including through the rigorous and systematic peer review mechanism of the Convention. We look forward to the completion next year of the current round of assessments of the enforcement of anti-bribery legislation by Parties;

We are pleased to assert that efforts to enforce the Convention have increased overall in the last decade. In addition, we welcome the adherence to the Convention and its application by new Parties, the sustainable cooperation with non-member economies, the fruitful collaboration with international organisations concerned with combating bribery and the enhanced contributions of business and civil society organisations involved in promoting good governance. Nevertheless, we realise that enforcement of the Convention still requires serious efforts to overcome any obstacles faced by the Parties.
**Going Forward**

We therefore pledge to intensify our efforts to fight individually and collectively and in an effective manner bribery of foreign public officials. To that effect, and building further on the work by the OECD Working Group on Bribery in International Business Transactions, we commit to:

- Vigorously and comprehensively implement our obligations under the Convention;
- Ensure that the standards of the Convention remain at the forefront of the global fight against foreign bribery and that their enforcement continues to be monitored by a systematic, effective and adequate review mechanism;
- Ensure enforcement of the Convention’s standards throughout Parties’ governments;
- Use all means and take all necessary actions, to effectively investigate and prosecute those who bribe foreign public officials, notably by facilitating international cooperation and mutual legal assistance;
- Continue to raise public awareness of the Convention in collaboration with civil society and the private sector;
- Continue to encourage and support initiatives by the business sector to prevent and detect foreign bribery, through, for instance corporate compliance programmes;
- Encourage major emerging economic players not parties to adhere to the Convention’s standards and further develop partnerships with countries not parties to the Convention;
- Deepen collaboration with international and regional organisations combating bribery and corruption, in particular multilateral development banks.
- Actively support the ratification and implementation of the United Nations Convention Against Corruption by all countries.

The Convention constitutes the foundation of our commitment to fight bribery of foreign public officials. For this reason, we should apply it rigorously and faithfully so that the efforts we make today will be rewarded in the future.
### ANNEX 2.

#### KEY REGIONAL INITIATIVES

**Key regional activities: OECD Working Group on Bribery**

<table>
<thead>
<tr>
<th>Region</th>
<th>Initiative</th>
<th>Description</th>
<th>Key projects and events in 2007</th>
</tr>
</thead>
</table>
| Asia-Pacific            | **Asian Development Bank/OECD Anti-Corruption Initiative for Asia-Pacific** | - Brings together 28 Asian and Pacific economies that have committed to fight corruption and to implement anti-corruption standards  
- Fosters policy dialogue among countries in the region and with members of the OECD Working Group on Bribery, conducts policy analysis and capacity building to support reform efforts  
- Organises regional technical seminars addressing region-wide reform priorities, building on the experiences of the State Parties to the OECD Anti-Bribery Convention | - Report: Mutual Legal Assistance, Extradition and Recovery of Proceeds of Corruption in Asia and the Pacific  
- Regional Technical Seminar on Managing Conflict of Interest, Jakarta (August)  
- ADB/OECD Steering Group Meeting, Bali (September)  
- Regional Technical Seminar on Making International Anti-Bribery Standards Operational: Asset Recovery and Mutual Legal Assistance, Bali (September)  
- Regional Technical Seminar on Fighting Bribery in Public Procurement, Bali (November) |
| Eastern/ Central Europe | **The Anti-Corruption Network for Eastern Europe and Central Asia**          | - Supports the anti-corruption efforts of countries in Eastern/ Central Europe  
- Provides a regional forum for the promotion of anti-corruption activities, information exchange, elaboration of best practices and donor opportunities  
- The Istanbul Action Plan, a sub-regional initiative endorsed in 2004, includes reviews of legal and institutional frameworks for fighting corruption, implementation of recommendations from these reviews, monitoring implementation | - Monitoring reports: Kazakhstan and the Kyrgyz Republic  
- Specialised Anti-Corruption Institutions: Review of Models  
- Corruption: A Glossary of International Criminal Law Standards  
<table>
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<tr>
<th>Region</th>
<th>Initiative</th>
<th>Description</th>
<th>Key projects and events in 2007</th>
</tr>
</thead>
</table>
| Europe       | Istanbul Action Plan                                                       | • Istanbul Action Plan countries are: Armenia, Azerbaijan, Georgia, Kazakhstan, the Kyrgyz Republic, the Russian Federation, Tajikistan and Ukraine  
• Strengthening Capacity for Investigation and Prosecution of Corruption in Ukraine project (financed by the United States) aims to help Ukraine reform law enforcement bodies, strengthen police and prosecutor expertise in combating corruption, and provide professional training in investigation of corruption | • Site visit to Kyrgyz Republic (April) for Istanbul Action Plan country examination  
• Site visit to Kazakhstan (May) for Istanbul Action Plan country examination  
• 7th Istanbul Action Plan Monitoring Meeting (and adoption of reports on Kazakhstan and Kyrgyzstan), Paris (September) |
| Latin America| Memorandum of Understanding between OECD and Organisation of American States (OAS) to work more closely on issues of state modernisation and corruption | • Memorandum of Understanding between OECD and Organisation of American States (OAS) to work more closely on issues of state modernisation and corruption  
• State Parties to the OECD Anti-Bribery Convention Argentina, Brazil, Chile and Mexico bridge relations between OECD and OAS | • Phase 2 reports on Brazil (December) and Chile (October) in 2007                                                                                                                                       |

## Annex 3.

### Working Group Members

OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

<table>
<thead>
<tr>
<th>Country</th>
<th>Deposit of instrument of ratification/ acceptance</th>
<th>Entry into force of the Convention</th>
<th>Entry into force of implementing legislation</th>
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ANNEX 4.

PHASE 2 REPORTS: EXECUTIVE SUMMARIES

In 2007, Phase 2 reviews were completed for Brazil, Chile, Ireland, Poland, Portugal, Slovenia and Turkey.

Brazil

The Phase 2 Report on Brazil by the OECD Working Group on Bribery evaluates and makes recommendations on Brazil’s implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and related instruments. While the ongoing fight against corruption within Brazil is well publicised and reported, awareness of the foreign bribery offence is insufficient among both the public and private sector. The Report recommends that Brazil work to raise awareness of foreign bribery in both the public administration and the private sector.

Brazil has not taken the necessary measures to establish the liability of legal persons for the bribery of a foreign public official. The Working Group has determined that the current statutory regime for the liability of legal persons is inconsistent with Article 2 of the Convention. As a consequence legal persons are not punishable in Brazil for foreign bribery by effective, proportionate or dissuasive sanctions as required by Article 3 of the Convention. The Group recommends that this serious gap in the law be urgently addressed, and welcomes recent initiatives taken by Brazil in this regard.

There has been considerable focus by Brazilian law enforcement authorities on cases of domestic corruption. As to foreign bribery, authorities reported that there were two potential cases under preliminary investigation and another four investigations related to the UN Oil-For-Food Programme. To date there have been no foreign bribery cases brought before the Brazilian courts. The Working Group has concluded that law enforcement authorities need to adopt a more proactive approach in detecting, investigating and prosecuting such cases. The Report recommends that Brazil ensure that sufficient resources are dedicated to foreign bribery investigations and that appropriate training be provided to law enforcement authorities.

With respect to the non-tax deductibility of bribes, the Group recommends that Brazil clarify the prohibition on the deductibility of bribes by introducing an express denial for foreign bribe payments either in the tax legislation or through another appropriate mechanism that is binding and publicly available. The Report also recommends that Brazil increase efforts to encourage companies to implement strategies for the prevention and detection of foreign bribery, including the development of more effective internal company controls.

The Working Group further highlights positive aspects of Brazil’s work to fight foreign bribery, including the law enforcement authorities’ use of a range of specialised investigative techniques to uncover complex economic crime and corruption cases in Brazil. Another promising development is the ongoing work of the Brazilian authorities to fine tune the anti-money laundering reporting system which provides a good basis to detect foreign bribery-related money laundering. The Working Group also encouraged legislative efforts to oblige all large Brazilian companies to publish consolidated financial statements (covering foreign subsidiaries) and to conduct independent external audits of their accounts.

The report and the recommendations therein, which reflect findings of experts from Chile and Portugal, were adopted by the OECD Working Group on Bribery. Within one year of the Group’s approval of the report, Brazil will make an oral follow-up report on its implementation of the recommendations, and will submit a written report within two years. The report is based on the laws, regulations and other materials supplied by Brazil, and information obtained by the evaluation team during its five-day on-site visit to Brasilia and São Paulo in May-June 2007, during which the team met with representatives of the Brazilian public administration, the private sector, civil society and the media.
Chile

The Phase 2 Report on Chile by the Working Group on Bribery evaluates Chile’s implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Overall, while the Working Group notes that Chile has recently engaged in efforts to implement the Convention, it is seriously concerned that Chile has not responded to key recommendations in the Working Group’s 2004 Phase 1 report on Chile. These recommendations relate to the liability of legal persons, sanctions, jurisdiction, bank secrecy and the definition of the foreign bribery offence.

Considering the seriousness of the situation, the Working Group has exceptionally decided to review Chile’s legislation again one year from now (Phase 1bis review). The Group will also decide whether to conduct a supplementary on-site evaluation (Phase 2bis review) of Chile in view of the reports that will be provided by the Chilean authorities in the context of the Group’s monitoring work.

The Working Group is particularly concerned about the continuing absence of liability for legal persons (companies) that engage in bribery and recommends that the law be promptly changed to make companies accountable. In order to meet the Convention requirement of effective, proportionate and dissuasive sanctions for foreign bribery, the Working Group also recommends that Chile substantially increase sanctions applicable to natural persons and introduce sanctions for legal persons. The Working Group reaffirmed with concern its 2004 recommendation that Chile ensure that it has territorial jurisdiction over foreign bribery committed in part in Chilean territory and recommended that Chile establish nationality jurisdiction over the foreign bribery offence in order to strengthen enforcement. Additional efforts should also be made by Chile in order to raise awareness about the Convention and the foreign bribery offence in the public and private sectors. Chile does not yet have any foreign bribery cases or investigations.

The Report also highlights a number of positive aspects in Chile’s fight against foreign bribery including a significant improvement in the procedures for rendering mutual legal assistance under the new Criminal Procedure Code and the addition of foreign bribery to the list of predicate offences for money laundering. The Working Group noted Chile’s issuance of an internal instruction making explicit the prohibition on the deduction of bribes for tax purposes and welcomed its expressed intent to issue a publicly-available circular on the same issue.

The Report, which reflects findings of experts from Argentina and Mexico, was adopted by the OECD Working Group along with recommendations. In addition to the exceptional Phase 1bis review mentioned above, Chile will report to the Working Group, within one year of the adoption of the Phase 2 Report, on the steps that it will have taken or plans to take to implement the Working Group’s recommendations, with a further report in writing within two years. The Report is based on the laws, regulations and other materials supplied by Chile, and information obtained by the evaluation team during its on-site visit to Santiago. During the five-day on-site visit in March 2007, the evaluation team met with representatives of Chilean government agencies, the private sector, civil society and the media. A list of these bodies is set out in an annex to the Report.
Ireland

The Phase 2 Report on Ireland by the Working Group on Bribery, which evaluates Ireland’s implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, concludes that Ireland has not fully met its Phase 2 monitoring obligations. The Working Group notes, however, that the priority of the Convention in Ireland has increased since the Phase 2 on-site visit.

The on-site visit in October 2006 was characterised by very low attendance from key government bodies and private sector representatives, in particular the panels on the awareness, prevention and detection of the foreign bribery offence in Ireland. Adequate information regarding implementation of the foreign bribery offence could not be provided. Moreover, Ireland had not undertaken any awareness-raising on the Convention, either internally or targeted at the private sector. The Working Group therefore accepted and welcomed an invitation by Ireland to carry out another two to three day on-site visit within one year, and considered a further on-site visit necessary to effectively assess those issues that could not be dealt with adequately at the first on-site visit.

To date, no cases of foreign bribery have been brought before Irish courts. In addition, the statutory framework for implementing the Convention establishes two overlapping offences in two different statutes. The Working Group recommends that Ireland amend the statutory framework in the context of the ongoing preparation of a Prevention of Corruption (Amendment) Bill. Clarifying relevant legislation on the liability of legal persons would also contribute to more effective enforcement of foreign bribery offences.

The Working Group also recommends that Ireland promptly establish nationality jurisdiction for foreign bribery offences under the Prevention of Corruption Act 2001, as provided under the Criminal Justice (Theft and Fraud Offences) Act 2001. In addition, the Report notes that non tax deductibility of bribe payments is not explicitly addressed in Irish law, and recommends that the tax legislation be clarified in this respect.

The Working Group also highlights certain positive features of the Irish system. Ireland’s Proceeds of Crime legislation should facilitate seizure and confiscation of proceeds of bribery. Recent reforms in the area of company law strengthen accounting and auditing standards, and should allow for more effective enforcement of fraudulent accounting offences ancillary to foreign bribery. The intention of the Department of Justice to prepare a Prevention of Corruption (Amendment) Bill, as well as the Government’s intention to establish a committee of officials responsible for monitoring Ireland’s compliance with the Convention, are positive steps for addressing certain weaknesses in the foreign bribery legislation.

The Report and the Recommendations therein, which reflect findings of experts from Estonia and New Zealand, were adopted by the OECD Working Group in March 2007. The Report is based on the laws, regulations and other materials supplied by Ireland, and information obtained by the evaluation team during its five-day on-site visit to Dublin in October 2006, during which the team met with representatives of some Irish government agencies and civil society. The Phase 2 procedures provide for an oral follow-up report by Ireland within one year and a written follow-up report within two years of adoption of the Phase 2 Report by the Working Group.
Poland

The Phase 2 Report on Poland by the OECD Working Group on Bribery evaluates and makes recommendations on Poland’s implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and related instruments. While the issue of domestic corruption is at the centre of public attention in Poland, awareness of the offence of bribery of foreign public officials is generally low among both the public and private sector. Poland should work to raise awareness of foreign bribery in both the public administration and the private sector.

To date, no cases of foreign bribery have been brought before Polish courts, nor have there been any investigations. Therefore, a more proactive approach in detecting, investigating and prosecuting cases of foreign bribery is recommended by the Working Group. The Working Group finds that the Law on Collective Entities contains prerequisites for the establishment of corporate liability for foreign bribery that may be obstacles to pursuing legal persons, e.g. a requirement that an individual be convicted before proceeding against a legal person. The Working Group recommends amendment of the law to eliminate this requirement and welcomed Poland’s declaration to undertake legislative steps, to address this issue.

With respect to the non-tax deductibility of bribes, the Working Group recommends that Poland amend its legislation to clearly confirm that bribes are not tax deductible. The report also highlights concerns about an ‘impunity’ provision in the Polish Penal Code which allows a perpetrator of the foreign bribery offence, subject to certain conditions, to automatically escape punishment by notifying the authorities of the offence. It is recommended that the provision be reviewed to exclude its application to the foreign bribery offence, or significantly limit its scope by imposing further conditions for its application, or in some other appropriate way ensure that the law does not contravene the Convention. Poland should consider strengthening safeguards to ensure that prosecutorial decisions cannot be affected by those considerations set out in Article 5 of the Convention, in order to prevent potential risks of undue influence that may arise from the dual role of the Prosecutor General and Minister of Justice.

The Working Group also highlights positive aspects of Poland’s work to fight foreign bribery. In this regard, it has developed a flexible and responsive system for dealing with mutual legal assistance matters. Poland is strengthening its investigative capacities to combat foreign bribery and other major crimes by creating a new structure of organised crime units within the prosecution authority. The Working Group also found that the Polish export credit institution is actively developing and strengthening its procedures to deter and detect foreign bribery. Similarly, authorities’ ongoing efforts and close co-operation to fine tune the anti-money laundering reporting system provide a good foundation for the detection of the laundering of funds related to foreign bribery. Another promising development has been the creation of several specialised anti-corruption police units in 2004.

The report and the recommendations therein, which reflect findings of experts from Turkey and the United Kingdom, were adopted by the OECD Working Group. Within one year of the Group’s approval of the report, Poland will make an oral follow-up report on its implementation of the recommendations, and will submit a written report within two years. The report is based on the laws, regulations and other materials supplied by Poland, and information obtained by the evaluation team during its five-day on-site visit to Warsaw in May 2006, during which the team met with representatives of the Polish public administration, the private sector, civil society and the media.
Portugal

The Phase 2 Report on Portugal by the Working Group on Bribery evaluates and makes recommendations on Portugal’s implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and related instruments. Although Portugal has engaged in significant legislative efforts to implement the Convention, no investigation of foreign bribery has yet made it past the stage of preliminary investigation. The Report notes some problems and identifies areas where additional efforts are necessary. In particular, measures are urgently needed to raise awareness of foreign bribery among relevant actors in both the public and private sectors.

A more proactive and focused approach is also required in order to ensure that all credible indications of foreign bribery are detected and investigated. In this regard, Portugal should enhance reporting obligations within relevant agencies and organizations of the public service and the accounting and auditing professions so that suspicions of foreign bribery are channelled to appropriate authorities swiftly and systematically. Additional training, guidance and resources could also help. Regarding the corporate sector, Portugal needs to start reaching out to Portuguese companies exporting and investing abroad in order to encourage the development of strategies for the prevention and detection of foreign bribery.

The Report also stresses Portugal’s obligation to provide for an autonomous definition of the notion of foreign officials in order to cover the full scope of the application of the Convention. In the same vein, the Working Group recommends that Portugal take remedial action to disallow and forbid confidential, undisclosed expenditures for the purpose of effective implementation of the prohibition of foreign bribery under Portuguese law. The tolerance granted by Portuguese law towards such confidential expenditures facilitates the non-disclosure of bribes paid abroad and the concealment of the illegal nature of the services contracted.

The Report also highlights a number of positive aspects in Portugal’s fight against foreign bribery, including the existence of law enforcement units specialised in fighting corruption and other economic and financial crimes, the provision of a broad range of investigative techniques to law enforcement authorities, regular use of anonymously received information for triggering investigations into corruption offences, and a developed and responsive system to handle MLA and extradition requests. A wide variety of sanctions, including debarment from the right to bid in public tenders and confiscation, is also available for punishing natural and legal persons found guilty of foreign bribery, even though the effectiveness of these sanctions in practice remains to be tested.

The Report, which reflects findings of experts from Brazil and the Netherlands, was adopted in March 2007 by the OECD Working Group on Bribery along with recommendations, which appear in the last section of the report. The Report is based on the laws, regulations and other materials supplied by Portugal, and information obtained by the evaluation team during its on-site visit to Lisbon. During the five-day on-site visit on 2-6 October 2006, the evaluation team met with representatives of Portuguese government agencies, the private sector, civil society and the media. Within one year of the Group’s approval of the Report, Portugal will report orally to the Working Group on the steps that it will have taken (or plans to take) to implement the Working Group’s recommendations. A further report in writing to the Working Group within two years will give rise to a publicly-available evaluation by the Working Group of Portugal’s implementation of the recommendations.
Slovenia

The Phase 2 Report on Slovenia by the OECD Working Group on Bribery evaluates and makes recommendations on Slovenia’s implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and related instruments. The Report highlights concerns that bribery of foreign public officials in commercial dealings may be tolerated to some extent. The level of awareness in the public and private sectors about the fight against foreign bribery is low, which may be a signal that the priority and commitment given to fighting corruption in Slovenia is declining. In addition, the Commission for the Prevention of Corruption, Slovenia’s corruption watchdog, is facing possible abolition. Indeed, the uncertain future of the Commission raises serious questions about who will lead Slovenia’s future efforts to raise awareness and prevent foreign bribery. As stated in the Phase 1 Report, the Working Group encourages the Slovenian authorities to support the Commission in its efforts to prevent corruption, including foreign bribery. This recommendation would also apply to any other independent body charged with combating foreign bribery in the future.

Slovenia has established specialised law enforcement units to combat serious economic crimes. However, no cases of foreign bribery have been brought before courts, nor have there been any investigations. Slovenia should ensure that sufficient resources and specialist financial and accounting expertise are provided to police and prosecutors, and ensure they are used at an early stage in the pre-trial procedure in order to enable them to more effectively detect, investigate and prosecute complex economic crimes cases, including foreign bribery offences. Pre-trial procedures should be simplified, streamlined and clarified, and court delays reduced. Police investigations need to be reinforced to ensure that foreign bribery cases cannot be influenced by considerations prohibited under Article 5 of the Convention.

The Report also recommends that Slovenia bolster its efforts to encourage its companies to implement strategies for the prevention and detection of foreign bribery, including the development of more effective internal company controls, standards of conduct, and independent monitoring bodies. Additional efforts are also required to ensure that companies implicated in crimes are actively investigated and prosecuted by authorities. The Slovenian foreign bribery offence broadly meets the standards set by the Convention, but measures are still required to address concerns with regard to bribery for acts not within a public official’s authorized competence, bribery through intermediaries, and the range of foreign officials covered.

The Working Group further highlights positive aspects of Slovenia’s work to fight foreign bribery. Slovenia has also developed a flexible system for dealing with mutual legal assistance. Furthermore, the Slovenian export credit institution is making on-going efforts to comply with the most recent OECD anti-bribery standards. Similarly, the ongoing efforts to fine tune the anti-money laundering reporting system provides a good foundation for the detection of the laundering of funds related to foreign bribery.

The report and the recommendations therein, which reflect findings of experts from Greece and Luxembourg, were adopted by the OECD Working Group on Bribery. Within one year of the Group’s approval of the report, Slovenia will make an oral follow-up report on its implementation of the recommendations, and will submit a written report within two years. The report is based on the laws, regulations and other materials supplied by Slovenia, and information obtained by the evaluation team during its five-day on-site visit to Ljubljana in January-February 2007, during which the team met with representatives of the Slovenian public administration, the private sector, civil society and the media.
Turkey

The Phase 2 Report on Turkey by the Working Group on Bribery evaluates Turkey’s implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Convention). The Report concludes that there are some serious weaknesses in Turkey’s implementation of the Convention, and therefore recommends that Turkey undergo a Phase 2bis examination within one year of adoption of the Phase 2 Report.

The Report describes three main areas in which Turkey’s implementation of the Convention falls short. The first concerns the liability of legal persons for the offence of bribing a foreign public official. The Turkish government took the unexpected step of repealing the liability of legal persons in 2005, and replaced it with “special security measures”, which comprise the revocation of licenses and confiscation. They are limited in scope and do not meet the standards under the Convention.

The second area concerns the dismissal by Turkey of an investigation of a foreign bribery case allegedly involving a Turkish holding company and Turkish nationals in another country that resulted in charges in the other country against the president of the company and several other company officials. The Working Group is not satisfied with the reasons given by the Turkish authorities for the dismissal. In addition, Turkey took two years to request information collected by the Independent Inquiry Committee (IIC) into the United Nations Oil-for-Food Programme regarding allegations in its widely publicised October 2005 Final Report against 139 Turkish companies of illicit payments to the Iraqi government. The Working Group believes that the failure to act promptly in these cases might reflect the perspective of some of the participants at the on-site visit that there is a general attitude that bribery in neighbouring countries where bribe solicitation seems to be common has to be accepted.

The third main area is the inadequacy of public awareness-raising activities on the foreign bribery offence undertaken by the Turkish government, and the resulting low level of awareness and engagement by the Turkish private sector. The lack of engagement on foreign bribery by the private sector and civil society was also demonstrated by their significantly low level of representation during the on-site visit.

Nevertheless, Turkey took an important step by amending its foreign bribery offence in 2005, and through progress on certain supplementary issues. For instance, Türk Eximbank, Turkey’s official export credit support agency, MASAK, Turkey’s financial intelligence unit, and the Ministry of Finance, have made efforts to publicise the Convention, and Türk Eximbank has undertaken training and informational activities for staff and applicants for export credit support. MASAK has also prepared draft regulations to improve the anti-money laundering system for suspicious transactions reporting. Furthermore, the Working Group welcomes the submission to Parliament of a draft Witness Protection Act that covers foreign bribery, and an initiative to bring Turkish accounting standards in line with International Accounting Standards.

The Phase 2 Report and the Recommendations therein, which reflect findings of experts from Bulgaria and Germany, were adopted by the OECD Working Group in December 2007. The Report is based on responses to questionnaires, laws, regulations and other materials supplied by Turkey, as well as a five-day on-site visit to Ankara and Istanbul in May 2007 by the evaluation team, during which the team mainly met with representatives from the Turkish government. The Phase 2 procedures provide for a Phase 2bis examination in the event of inadequate implementation of the Convention.
OECD Working Group on Bribery

The OECD Working Group on Bribery is responsible for monitoring the implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The members of the Working Group on Bribery are Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States.

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