

Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

ESTONIA

(Information as of 17 September 2008)

Date of deposit of instrument of ratification/acceptance or date of accession

Participation in the Working Group on Bribery (WGB): June 2004

The instrument of accession was deposited with the OECD Secretary General on 23 November 2004

Entry into force of the Convention: 22 January 2005

Entry into force of implementing legislation: 1 July 2004

Implementing and other relevant legislation

The laws implementing the Convention include:

- Penal Code, in particular the amendments entered into force on 15 March 2007, concerning confiscation, and amendments entered into force on 28 July 2008, concerning the definition of foreign public official, jurisdiction in foreign bribery cases, and responsibility of legal persons;
- Code of Criminal Procedure;
- Income Tax Act.

According to section 298 of the Penal Code, giving or promising a bribe is punishable by 1 to 5 years' imprisonment, or if committed by a legal person, is punishable by a pecuniary punishment. The same act, if committed at least twice, is punishable by 2 to 10 years' imprisonment, or if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

Bribe has been defined in section 294(1) of the Code. The provision states that an official who consents to a promise of property or other benefits, for the official himself/herself, or for a third person, or who accepts property or other benefits in return for an unlawful act which he or she has committed or which there is reason to believe that he or she will commit, or for an unlawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by 1 to 5 years' imprisonment.

Other relevant laws include:

- Anti-Corruption Act;
- Money Laundering and Terrorist Financing Prevention Act (as adopted in 2007);
- Accounting Act;
- Police Act;

- Security Authorities Act;
- Surveillance Act;
- Witness Protection Act;
- Authorised Public Accountants Act;
- Taxation Act;
- Prosecutor's Office Act;
- Public Procurement Act (as adopted in 2007);
- State Export Guarantees Act;
- Public Service Act.

Other information

Contact and Resources

- The Ministry of Justice – the department of Criminal Policy - is responsible for the overall co-ordination of anti-corruption policy: www.just.ee.
- The Parliamentary Select Committee on the Application of Anti-Corruption Act is the depository of economic interests' declarations: www.riigikogu.ee.
- The Police and Prosecutor's Offices are responsible for investigating and prosecuting corruption crimes. The Security Police is responsible for investigating corruption crimes of higher officials. It is also responsible for the anonymous hotline for reporting cases of corruption.
- Anti-corruption information website (includes hotline): www.korruptsioon.ee.
- Information on bribery offences may be reported also to the police (www.politsei.ee), the Security Police (www.kapo.ee), or the Public Prosecutor's Office.
- Legislative acts are published in the State Gazette (Riigi Teataja): www.riigiteataja.ee.

Unofficial translations have been made accessible by the Estonian Legal Language Centre: www.legaltext.ee.

Signature/Ratification of other relevant international instruments

- Civil Law Convention on Corruption – ratified by the Act RT II 2000, 27, 164;
- Criminal Law Convention on Corruption – ratified by the Act RT II 2001, 28, 140;
- Convention drawn up on the basis of Article K.3 (2) (C) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union – acceded by the Act RT II, 39, 145.

Working Group on Bribery Monitoring Reports

Phase 1: Review of Implementation of the Convention and 1997 Recommendation

<http://www.oecd.org/dataoecd/38/54/36211984.pdf>

Phase 2: Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions

<http://www.oecd.org/dataoecd/60/57/40953976.pdf>