

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

SWITZERLAND

(Information as of February 13, 2009)

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

Deposit of instrument of ratification: 31 May 2000.

Implementing legislation

Swiss Criminal Code of 1937 (*Code Pénal*, CP; Systematic Compendium of Swiss Federal Law / *Recueil Systématique* RS 311.0; http://www.admin.ch/ch/f/rs/c311_0.html):

- Amendment of 22 December 1999 (Book 2, Title 19: Corruption; Articles 322^{ter} - 322^{octies}, including art. 322^{septies}: Bribery of foreign public officials; Official Digest / *Recueil Officiel* RO 2000 1121); entered into force on 1 May 2000.
- Amendment of 21 March 2003 (Book 1, Title 6: Corporate liability; Articles 102 - 102a; RO 2003 3043); entered into force on 1 October 2003.

Other relevant legislation

Swiss Criminal Code:

- Amendment of 22 December 1999 (Book 3, Title 3: Federal jurisdiction and cantonal jurisdiction; Article 337: Federal jurisdiction regarding organised crime, financing of terrorism and economic crime; RO 2001 3071); entered into force on 1 January 2002.
- Amendment of 7 October 2005 (Book 2, Title 19: Corruption; Article 322^{septies}: Addition of passive bribery of foreign public officials; RO 2006 2371); entered into force on 1 July 2006.
- Swiss Federal Act on the prohibition of tax-deductibility of hidden commissions of 22 December 1999 (RO 2000 2147); entered into force on 1 January 2001.

Other information

Relevant authorities

State Secretariat for Economic Affairs (SECO)

International Investments and Multinational Enterprises Unit

Effingerstrasse 1/ CH-3003 Berne

Tel. + 41 (0)31 323 12 75 / Fax + 41 (0)31 325 73 76

AFIN@seco.admin.ch

<http://www.seco.admin.ch/themen/00645/00657/index.html?lang=fr>

Federal Office of Justice (OFJ)

Service for International Criminal Law
Bundesrain 20 / CH - 3003 Berne
Tel. + 41 (0)31 322 41 16 / Fax + 41 (0)31 312 14 07
info@bj.admin.ch

http://www.ejpd.admin.ch/ejpd/fr/home/themen/kriminalitaet/ref_korruption_greco.html

Federal Department of Foreign Affairs (DFA)

Coordination of Sectoral Policies
Bundesgasse 28 / CH – 3003 Berne
Tel. + 41 (0)31 324 99 84 / Fax + 41 (0)31 324 90 72

PA5-finanz-wirtschaft@eda.admin.ch
<http://www.eda.admin.ch/eda/fr/home/topics/finec/intcr/corrupt.html>

Federal Office of Police (fedpol)

Nussbaumstrasse 29 / CH-3003 Berne
Tel. +41 (0)31 323 11 23, Fax +41 (0)31 322 53 04
<http://www.fedpol.admin.ch/fedpol/fr/home.html>

Office of the Attorney General of Switzerland

Taubenstrasse 16, CH-3003 Berne
Tel. +41 (0)31 322 45 79 / fax +41 (0)31 322 45 07
info@ba.admin.ch
<http://www.ba.admin.ch/ba/fr/home.html>

Relevant Internet links to national implementing legislation

Articles 322^{ter} - 322^{octies} CP (“Provisions on corruption”):
http://www.admin.ch/ch/f/rs/311_0/index2.html

Articles 102 - 102a CP (“Provisions on corporate liability”):
http://www.admin.ch/ch/f/rs/311_0/index1.html

Article 337 CP (“Provision on federal jurisdiction regarding organised crime, the financing of terrorism and economic crime”):
http://www.admin.ch/ch/f/rs/311_0/index3.html

Brochure

In 2008, the Swiss State Secretariat for Economic Affairs (SECO), in collaboration with the Federal Office of Justice, the Federal Department of Foreign Affairs, the Swiss Business Federation (economiesuisse) and Transparency International Switzerland, published a second revised edition (first edition 2003) of a booklet aimed at Swiss businesses operating abroad - especially SMEs - and offering advice on preventing corruption, as well as information on relevant legal provisions and competent authorities.

In English:

<http://www.seco.admin.ch/dokumentation/publikation/00035/00038/01711/index.html?lang=en>

In French:

<http://www.seco.admin.ch/dokumentation/publikation/00035/00038/01711/index.html?lang=fr>

Signature/Ratification of other relevant international instruments

Switzerland has ratified the Council of Europe's Criminal Law Convention on Corruption on 31 March 2006 and has acceded to GRECO on July 1, 2006. The United Nations Convention against Corruption has been signed on 10 December 2003; the procedure towards ratification is under way.

Working Group on Bribery Monitoring Reports

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

www.oecd.org/dataoecd/16/47/2390244.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/43/16/34350161.pdf>

Phase 2: Follow-up 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/7/60/38898790.pdf>

On the occasion of the publication of the Phase 2 Monitoring Report in February 2005, a media conference was held in Berne. In addition to the Report, a press release and several explanatory documents were published on the State Secretariat for Economic Affairs' website.

In French:

<http://www.seco.admin.ch/aktuell/00277/01164/01980/index.html?lang=fr&msg-id=10409>