

Statement by Dr. Maria Berger,
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Dear Ladies and Gentlemen,

Let me first tell you, that it is a pleasure for me to participate in this High Level Conference celebrating the tenth Anniversary of the finalisation of the OECD Anti-Bribery Convention. Of course one could always raise the question whether it is appropriate to celebrate a legal instrument, that has been drafted and agreed upon with a view to fight a criminal phenomenon. As a lawyer my natural answer would of course be: 'It depends'

And the answer would have three aspects:

The first question would be: Is the legal instrument itself worth being celebrated?

The answer to this question can only be a full-heartedly "Yes". This convention was in more than one aspect ground-breaking. First of all, it was the first international binding legal instrument to deal with foreign bribery at all, and by that laying the basis for a level playing field at least among the members of the Convention. Secondly, the definition of public official was at the time the broadest one compared to the EU – or Council of Europe-Standards, in particular by providing for an autonomous definition of foreign public official. A major achievement was also that not only natural persons but also legal persons should be held liable for corruption offences. Of utmost importance, however, was that the Convention itself provided for a monitoring mechanism.

And that leads me to the second aspect when it comes to the question, whether we should now celebrate or not. And again I would say, yes of course, there is ample reason to celebrate. What has been achieved by the Working Group on Bribery and its two-phased evaluation process cannot be praised highly enough. I am glad that I am in a position to refer to my home-country as a good example. Tomorrow the legal committee of the Austrian parliament will agree upon a criminal amendment act as well as to an amendment to the Act on Public Prosecution and the Criminal procedure Act, that will inter alia include changes in the substantive, procedural and organisational criminal law that can be directly linked to recommendations of the OECD Working Group on Bribery in International Business Transactions. One example for that is that the level of penalty for active bribery including active foreign bribery will be raised according to a recommendation.

Another example is that a specialised anti-corruption public prosecution-agency will be established with – hopefully – sufficient staff, that shall not only have expertise in substantive criminal and criminal procedural but also in economic and financial matters. Since I do not only represent the Ministry of Justice here, but the Austrian government as a whole, let me also briefly mention that another recent effort in the Austrian fight against corruption is the development of a Code of Conduct for public officials, a project which has recently been started and should be finalised by mid-2008. But things do not only happen in Austria. If you go through the various Compliance reports, one gets the impression, that overall the compliance rate with Working Group recommendations is satisfactorily high.

Having said that, I come to my last point. This celebration should not make us think that we have accomplished our mission and that from now on there is nothing left to do in the fight against corruption. Despite all the achievements to date and despite the efforts made in other international fora, there is still plenty of work to do. Again please allow me to refer to my own country. During this very week we are hosting a delegation from GRECO, the Council of Europe Group of states against corruption, also evaluating Austria. And to complete things, let me inform you, that Austria currently is also participating in the voluntary evaluation project concerning the United Nations anti-Corruption-Convention. This celebration should rather remind us that there are still tasks for the OECD and its Working Group to fulfill. Ongoing compliance should further be monitored, there should be a possibility to react to new phenomena and to check whether the one or the other aspect of the fight against corruption

should be given an even closer or second look. And last but not least the outreach activities currently under way need our full support. As important as it is that the current Member states to the Convention comply with their obligations and with the Recommendations from the Working Group, it is also important that new players should be taken on board, who are willing and able to meet the requirements of the Convention.

Bearing all that in mind I support today's declaration, I congratulate the OECD and its Working Group on Bribery for its achievements and last but not least would like to thank the Italian Government for organising this important event together with the OECD.