The meeting will be held at OECD Headquarters, 2 rue André Pascal, 75116 Paris, beginning at 15.00 on 4 October.

Note: Prior to the plenary meeting of the Working Group, a series of informal meetings will be held at OECD Headquarters: the meeting of the Ad Hoc Group on the Phase 2 Questionnaire (2 October), the meeting of the Ad Hoc Group on Non-Members (3 October) and the consultation on "The Responsibility of Legal Persons" (morning of 4 October).
AGENDA

Meeting of the Working Group on Bribery in International Business Transactions

4-5 October 2000

<table>
<thead>
<tr>
<th>1.</th>
<th>Adoption of the Agenda</th>
<th>DAFFE/IME/BR/A(2000)5</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Approval of the Summary Record of the meeting Held on 6-8 June 2000</td>
<td>DAFFE/IME/BR/M(2000)4</td>
</tr>
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<td>3.</td>
<td>National actions to ratify and implement the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to implement the 1997 Revised Recommendation</td>
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<td>To up-date:</td>
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<td>4.</td>
<td>Follow up to the Ad Hoc Group meeting on the Phase 2 Questionnaire</td>
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<td>5.</td>
<td>Follow up to the Ad Hoc Group meeting on non-members</td>
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<td></td>
<td>-- Summary Record of the Informal Information meeting with non-members on “OECD efforts to Combat Corruption”</td>
<td>DAFFE/IME/BR/WD(200033</td>
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<td>For background:</td>
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<td></td>
<td>-- Note by the Secretariat, “Relevant anti-corruption information of non-member countries”</td>
<td>DAFFE/IME/BR/WD(200034</td>
</tr>
</tbody>
</table>
6. **Follow-up to the consultation on “The Responsibility of Legal Persons”**

   **For background:**
   
   -- Note by Professor Celia Wells on “Corporate Liability Rules in the Common Law Jurisdictions of Australia, Canada, England And Wales, New Zealand And The United States”
   
   -- Note by Professor Günter Heine on “Corporate Liability Rules in Civil Law Jurisdictions”

7. **Review of the five issues relating to corruption**

   **For reference:**
   
   -- Note by the Secretariat “Status report on the five issues relating to corruption”

8. **Recent developments in other International Organisations or Institutions**

9. **Report on Outreach Activities**

   Oral report on forthcoming activities

10. **Other Business**

    **For reference:**
    
    - Letter by Interpol
    - Korean presentation at the “Forum 2000”

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<tr>
<th>Dates of future plenary meetings</th>
<th>Date of the 2001 ministerial meetings (preliminary)</th>
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</thead>
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The Chairman suggests the following division of time for the Working Group meetings:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Meeting Title</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, 2 October</td>
<td>10:00 - 18:00</td>
<td>Ad Hoc Group Meeting on the Phase 2 Questionnaire</td>
<td>Manfred MÖHRENSCHLAGER</td>
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<tr>
<td>Tuesday, 3 October</td>
<td>10:00 - 18:00</td>
<td>Ad Hoc Group Meeting on non-members</td>
<td>Thomas L. DELARE</td>
</tr>
<tr>
<td>Wednesday, 4 June</td>
<td>9:30 – 12:30</td>
<td>Consultation on “The Responsibility of Legal Persons”</td>
<td>Mark PIETH</td>
</tr>
</tbody>
</table>

The purpose of the meeting is to develop a questionnaire for Phase 2 of the monitoring process, which will include a self- and mutual evaluation.

Phase 2 will study the structures put in place to enforce the laws and rules implementing the Convention and will assess their application in practice. It should also elicit information concerning implementation of the Revised Recommendation. The questionnaire will provide the framework of the self-evaluation part of the Phase 2 monitoring.

The informal meeting will develop proposals on how to pursue the dialogue with non-members having participated in the June information meeting on “OECD Efforts to Combat Corruption”. Further steps regarding individual countries will be considered on the basis of the information provided by non-members, in particular their replies to the questionnaire contained in the Information Note [DAFFE/IME/BR(99)30/REV2] as well as their comments on the proposed Anti-Corruption Declaration [DAFFE/IME/BR/WD(2000)25].

The purpose of this meeting is to give delegates a better understanding of the concept of corporate liability as applied in different legal jurisdictions, and the thresholds that must be met to invoke it.

As a result of the first part of Phase 1 examinations, the Working Group noted that the issue of the responsibility of legal persons should be reviewed on a horizontal basis. It recommended that the comparative effectiveness of non-criminal liability should be assessed, and that the different thresholds for criminal and non-criminal liability should be considered horizontally.

The notes by Professor Celia Wells [DAFFE/IME/BR(2000)22] and Professor Heine [DAFFE/IME/BR(2000)23] present the basic principles in several jurisdictions. These documents will be the basis of discussions, as well as the questions arising from Phase 1 examinations.
Wednesday, 4 June
Plenary meeting
Agenda

Item N°
1. & 2. 15:00 - 15:15
• Agenda
• Summary record

3. 15:15 - 16:00
Ratification and Implementation of the Convention and the Revised Recommendation: tour de table

4. 16:00 - 18:00
Follow up to the Ad Hoc Group meeting on the Phase 2 Questionnaire

Thursday, 5th October
Agenda

Item N°
5. 10:00 - 11:30
Follow up to the Ad Hoc Group meeting on non-members

6. 11:30 - 13:00
Follow-up to the consultation on “The Responsibility Legal Persons”

13:00 - 15:00
Lunch break

7. 15:00 - 16:30
Review of the five issues relating to corruption

8.,9.,10 16:30 - 18:00
• Recent Developments in other international organisations
• Outreach
• Other Business
Notes to the Agenda

Item 3: National actions to ratify and implement the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to implement the 1997 Revised Recommendation

Working Group delegates from those countries that have not yet ratified and/or implemented the Convention are invited to report on the progress made by their governments in that respect. They are also invited to indicate the timing of further procedures, in particular scheduled parliamentary debate to secure ratification and/or passage of proposals and to provide copies, if available, of legislative bills (preferably paper and electronic versions). Other Delegates will have the opportunity to raise questions on draft legislation or to discuss more general issues encountered by countries in their efforts to transpose the Convention (or common elements) into national legislation. The “tour de table” would permit the Secretariat to up-date the information contained in DAFFE/IME/BR(2000)5/REV3, which is currently available to the public via the OECD Internet web site.

Item 4: Follow up to the Ad Hoc Group meeting on the Phase 2 Questionnaire

Article 12 of the Convention commits parties to carry out a programme of systematic follow-up to monitor and promote its full implementation, based on Section VIII of the 1997 Recommendation which itself provides for systems of self- and mutual evaluation. The Working Group on Bribery discussed the general issues relevant to Phase 2 as well as the modalities for carrying out Phase 2 monitoring in December 1999 and in March 2000.

The Chairman of the Ad Hoc Group on the Phase 2 Questionnaire will report to the Working Group on the results of the informal meeting on 2nd October. The Working Group will be invited to comment on any proposal put forward by the Ad Hoc Group, in particular on the modalities for developing the Questionnaire.

Item 5: Follow up to the Ad Hoc Group meeting on non-members

Delegates are invited to comment on the results of the Ad Hoc Group meeting held on 3d October and in particular on how and in what timeframe to carry forward the dialogue with non-members that participated in the June information meeting. The Working Group will be invited to comment on proposals by the Ad Hoc Group concerning specific action that could be taken with respect to any non-member that submitted supplementary information in support of their request for association with the OECD instruments. The Working Group may also wish to decide whether and how to further develop the Anti-Corruption Declaration.

Item 6: Follow-up to the consultation on “The Responsibility of Legal Persons”

Delegates are invited to comment on the consultation held on the 4th of October and offer ideas on whether and how to conduct analytic work on the issue. The Chairman would hope to obtain agreement on how to approach the issue so that the Secretariat can develop a note for consideration at a future meeting.

Item 7: Review of the five issues relating to corruption

The Council Decision on Further Work on Combating Bribery in International Business Transactions, C(97)240/FINAL, requested the Working Group to examine on a priority basis, five issues concerning corruption. In conclusion of the November 1998 discussions of the Secretariat note, “Five Issues Relating
to Corruption” [DAFFE/IME/BR(98)13], summarising the outcome of the informal experts meeting held in October 1998, it was agreed to proceed with the study of the role of off-shore financial centres by organising a special meeting in 1999 and subsequently in 2000. Further, it was agreed that the Working Group would re-examine the Secretariat note at a later meeting.

Taking account of the work carried out with respect to off-shore financial centres, the note by the Secretariat “Status report on the five issues relating to corruption” [DAFFE/IME/BR(2000)24] takes stock of the remaining issues based on the previous note by the Secretariat and the information provided by countries in response to the questionnaire on the four issues [DAFFE/IME/BR/WD(98)4/REV1]. Delegates are invited to provide guidance to the Secretariat on how and when to proceed with an analytical review of these issues in the context of the Group’s work priorities.

**Item 8: Recent developments in other International Organisations or Institutions**

International organisations and institutions attending the Working Group are invited to report on recent developments in their work to combat bribery and corruption. Delegates are invited to comment on these activities and those in other fora that may be of interest to the Group.

**Item 9: Report on Outreach Activities**

The Secretariat will report on the progress made in preparing for the “Seoul Conference on combating corruption in the Asia-Pacific Region”, sponsored by Korea and organised jointly with the ADB in December 2000 in Seoul (Korea). It will also provide an update of work undertaken in the context of the anti-corruption initiative for South Eastern Europe and possibly other settings.

**Item 10: Other Business**

The International Criminal Police Organisation (Interpol) has addressed a letter to the OECD Secretariat [DAFFE/IME/BR/WD(99)29] to discuss the opportunity to enter into a joint co-operation agreement. To follow up and to have all the elements on the possibilities of co-operation as well as the potential mutual benefits, the Chairman has invited Mr. El Zein, Director of Interpol’s Legal Department, to make a presentation at the meeting.

At the OECD Forum 2000, Mr Jung-Suk Yoo, Deputy Minister for Policy Analysis and Evaluation of the Korean Prime Minister’s Office, made different proposals to further expand the involvement of the OECD in the fight against corruption [DAFFE/IME/BR/WD(2000)35]. Mr. Yoo has requested that his note be made available to the Group for their comments concerning some of the proposals put forward in that paper. Provided that there is agreement on some of the proposals, these could be followed-up at the Seoul conference.