

OECD Working Group on Bribery

Summary Record

Plenary Meeting
13-15 March 2018



Made up of representatives from the Parties to the Anti-Bribery Convention, the OECD Working Group on Bribery meets four times per year at the OECD headquarters in Paris, France.

Country reports on implementation of the Anti-Bribery Convention and 2009 Recommendation

The Working Group on Bribery (WGB):

- Adopted the Phase 4 report of Switzerland and invited Switzerland to provide an oral report in March 2019 detailing the adoption of appropriate legislation to protect private sector whistleblowers from any discriminatory or disciplinary action. In accordance with the standard procedure, Switzerland will submit a written report to the WGB within two years (March 2020) on the implementation of all Phase 4 recommendations and their enforcement efforts.
- Considered Argentina's Phase 3bis one-year written follow-up report on implementation of Phase 3bis Recommendations 1, 2, 3, 5(d), 5(e)(i), 6(a), 6(b), 6(e), and 8(e). Decided to conduct a Phase 1bis evaluation of Argentina's Corporate Liability Law at a date to be decided after consultations among Argentina, the lead examiners and the Secretariat. As per the Phase 3 Procedure, Argentina will also provide a further written follow-up report in 2019 on its foreign bribery enforcement actions, implementation of all Phase 3bis Recommendations, and developments concerning follow-up issues.
- Considered Iceland's Phase 3 additional written follow-up report on implementation of Phase 3 Recommendations 1, 2(a), 6(a), 7, 10(ii) and 11(ii). Requested that Iceland provide a written report in October 2018 on its implementation of Phase 3 Recommendations 1, 2(a), 6(a), 7, 10(ii) and 11(ii), and on any new foreign bribery enforcement actions.
- Considered Poland's Phase 3 additional written follow-up report on implementation of Phase 3 Recommendations 1, 2(a), 3(c) and 8(b). Discussed and agreed on the text of a public statement and requested that Poland report back to the WGB in writing in December 2018 on progress implementing these outstanding recommendations. Also heard Poland provide an update on legislative reforms to the judiciary.
- Considered Russia's Phase 2 additional written follow-up report on implementation of Phase 2 recommendations 10(a-d), 11(a-e), 12(a-e). Agreed to invite Russia to report on progress implementing critical recommendations 10a, 10b(i), 10c, 10d, 11a, 11b(i-ii), 12b and 12c at the October 2018 Plenary.

Future and ongoing Working Group on Bribery projects and events

The WGB:

- Discussed preliminary topics to be addressed under the review of the 2009 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions. Agreed to further consider the scope and timeline of the review in June 2018.
- Agreed that the mandate of the current Chair, Drago Kos, would be extended for three additional years from January 2020 until the end of 2022.
- Discussed the draft outline for the study on settlements of foreign bribery cases, which is being conducted in 2018, and is expected to be published early 2019.

- Agreed in principle to adopt new additional measures that it could use, when appropriate, to address an evaluated country's continued failure to implement the Anti-Bribery Convention. Agreed to discuss this further in June 2018.
- Continued discussions of its programme of work and budget and Global Relations Strategy for 2019-20.

Global relations activities

The WGB:

Heard an oral report by the Secretariat on the Anti-Corruption Network for Eastern Europe and Central Asia:

- Heard that in the framework of the Istanbul Anti-Corruption Action Plan, the ACN is continuing its 4th round of monitoring. Noted that the return missions to present the monitoring reports adopted for Kazakhstan, Tajikistan and Ukraine took place over winter. The ACN has started preparations for the monitoring of Armenia and Kyrgyzstan, and Ukraine will undergo an in-depth review of its State Owned Enterprises sector. These reports will be presented for discussion and adoption at the next ACN plenary meeting in Paris in July 2018.
- Heard that the ACN is currently working on corruption prevention at the local level, and that a business integrity seminar was being held in Tbilisi, Georgia at the same time as WGB March 2018 meeting.
- Heard that a new thematic study on the independence of prosecutors will be jointly launched by the ACN and ADB/OECD Anti-Corruption Initiative for Asia and the Pacific.
- Heard that next meeting of ACN Law Enforcement Network (LEN) will be held in November in Prague, Czech Republic back-to-back with the meeting of IBA, and that outreach initiatives are now routinely working together on law enforcement issues in Asia-Pacific, MENA and Latin American regions.
- Heard that Kyrgyzstan anti-corruption country project has been finalised and work on the Ukraine anti-corruption project continues; with possible new work in Uzbekistan and Central Asia commencing soon.

Heard an oral report by the Secretariat on the OECD-Latin America Anti-Corruption Programme:

- Heard the Secretariat report on a conference to mark 20 years of the Anti-Bribery Convention in Latin America hosted by Colombia on 13 February 2018. The conference was supported by UK, France and US, with the Chair representing the WGB, and participants from Argentina, Brazil, Colombia, Costa Rica, Mexico, Peru and Panama. The day after the conference there was a confidential meeting for law enforcement officials from Latin America and the Caribbean which saw fruitful discussions on specific challenges in the region.
- The OECD was also invited by EUROsocial to participate in an international workshop on "Strategies to strengthen international cooperation in the fight against corruption in Latin America" organised by EUROsocial, Transparency International and Carlos III University in Madrid in March 2018. A representative from the OECD Global Relations Secretariat participated in a panel on the reach and limitations of international legal instruments. Participants recognised the importance of setting up the LAC LEN as means to foster international cooperation in Latin America.

Reports from other OECD Bodies and International Organisations

The WGB:

- Heard the Chair of the OECD Working Party on Export Credit and Credit Guarantees report on latest developments concerning the review of the 2006 OECD Council Recommendation on Bribery and Officially Supported Export Credits. Invited the Chair or Secretariat of the OECD Working Party on Export Credit and Credit Guarantees to report back to the WGB in June 2018.
- Heard the Secretariat to the OECD, Working Party on State Ownership and Privatisation Practices report on ongoing work on Anti-Corruption and Integrity in State-Owned Enterprises.
- Heard the European Data Protection Supervisor make a presentation on the General Data Protection Regulation with a view to developing a more comprehensive understanding of the new data privacy regime and how it might affect anti-bribery compliance systems, multijurisdictional investigations, whistleblower protection frameworks as well as the WGB's work monitoring implementation of the Convention and specifically, enforcement.
- Heard the OECD Secretariat as well as Argentina and France, as Co-Chairs of the G20 Anti-Corruption Working Group (G20 ACWG), present on developments in the G20 ACWG, in particular the High-Level Principles on integrity and anticorruption in SOEs under development, and confirmed that a joint session between the G20 ACWG and the WGB is scheduled to take place in the margins of the October 2018.
- Heard the OECD Secretariat report on the International Partnership Against Corruption in Sports (IPACS), which was launched in February 2017, and in particular on its meeting on 14-15 December 2017 in Paris, and the establishment of the following three taskforces: (1) Taskforce 1 for reducing the risk of corruption in procurement relating to sporting events and infrastructure; (2) Taskforce 2 on ensuring integrity in the selection of major sporting events, with an initial focus on managing conflict of interest; and (3) Taskforce 3 on optimising the processes of compliance with good governance principles to mitigate the risk of corruption.
- Heard representatives from the GRECO, OECD and UNODC Secretariats report on initiatives to increase synergies between the anticorruption peer review mechanisms.
- Heard a representative from GRECO provide an update on the Fifth Evaluation Round, dedicated to the prevention of corruption amongst the top executive functionaries and law enforcement authorities and report on future events.
- Heard a representative from the World Bank's Integrity Vice Presidency report on the activities of the [Integrity Vice Presidency](#).

Tour de Table

The WGB:

- Heard updates by Bulgaria, Germany, Korea, Costa Rica, Denmark, Spain, Estonia, the United States and Finland on their steps taken to implement and enforce the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, namely in regards to cases under investigation, as well as exchange of information on the presented cases.
- Heard requests for, and approved the deletion of registered cases from various countries.