

OECD Working Group on Bribery

Public Summary Record

Plenary Meeting
6-10 December 2021



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

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

The Working Group on Bribery (WGB):

- Adopted the [Phase 4 report of France](#), which was published on the website on 16 December 2021. The report congratulates France on the major legislative and institutional reforms it has made since Phase 3 in 2012 and the significant progress in enforcing the foreign bribery offence. However, these recent advances are being jeopardised by structural resource issues affecting the entire criminal justice system and two recent bills raise concerns about France's ability to make further progress. The WGB invited France to submit, within one year (December 2022), an oral report on the measures taken to implement recommendations 7.a(i); b(i); and c(i) (on increasing the means and resources available to investigators, prosecutors and trial judges), 10.a (on preserving the role of the PNF in resolving foreign bribery cases); and 18.a (on preserving the role of the AFA in developing and monitoring compliance measures by companies). Also invited France to submit, within two years (December 2023), a written report on the implementation of all recommendations and on its efforts to implement the Convention.
- Considered [Colombia's Phase 3 two-year written follow-up report](#). Concluded that Recommendations 3(a)-(d), 5(b), 6(c), 7(b), 8(b), 11(a), (c), (d) and (e) had been fully implemented, with Recommendations 3(b) and (c) converted to follow up; Recommendations 4(a)-(e), 5(a), 7(c) and (d), 8(a), (c) and (d), 10(b), and 11(b) had been partially implemented; and Recommendations 1, 2(a) and (b), 3(e), 6(a) and (b), 7(a), 9, and 10(a) had not been implemented. Invited Colombia to report back in writing within two years (December 2023) on outstanding Recommendations 1, 2(a) and (b), 3(e), 6(a) and (b), and 9, as well as on the status of foreign bribery enforcement and on any other relevant issues arising, in particular from the passing into law of Bill 341/2020, noting that Colombia may ask for additional recommendations to be reassessed at that time. Invited Colombia to inform the Working Group of the enactment of Bill 341/2020 into law, in the context of the Tour de Table in March 2022.
- Heard a report from Australia on measures undertaken to implement seven Phase 4 recommendations, the status of foreign bribery enforcement and an update on the draft bill on the Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 (CLACCC). Decided that Recommendation 2(b) should now be considered fully implemented and converted into a follow-up issue and Recommendation 5(a) should now be considered partially implemented; the status of all other recommendations remains unchanged. Invited Australia to report back in one year (December 2022) on recommendations 5(a) and 6(b), and on the legislative status of the adoption of the CLACCC bill.
- Considered Argentina's written report on pending legislation should new developments take place; agreed to ask Argentina to report at the Tour de Table in March 2022 on any future developments on: the Bill on the Organisation and Jurisdiction of Federal Courts Based in the City of Buenos Aires and in the Provinces; and the Bill to reform the Attorney General and Public Prosecutor's Office.
- Considered the Follow-Up Report from the High-Level Mission to Poland, which includes an assessment of Poland's Revised Action Plan and a report on the progress made by law

enforcement authorities on the basis of Revised Action Plan. Members of the High-Level Mission agreed with the assessment. Agreed to follow up on the implementation of the Revised Action Plan, as well as other pending legislative reforms reviewed by the High-Level Mission, in the context of Poland's Phase 4 Evaluation scheduled for December 2022.

- Heard the Russian Federation delegation report on the content and procedural status of two draft laws submitted to the government in order to implement the three long-outstanding Phase 2 high-priority recommendations 10(a)(i), (iii) & (iv). Decided to invite the Russian Federation's Ambassador to France to participate in the March 2022 plenary discussion and send a letter summarising the Working Group's decisions, as requested by the Russian Federation delegation. Maintained its decisions from the October 2021 plenary to suspend the commencement of the Phase 3 evaluation and to invite the Russian Federation to provide a written report at the March 2022 plenary on all of the outstanding Phase 2 recommendations.

Ongoing and future WGB projects and events

The WGB:

- Heard the OECD Secretary-General deliver opening remarks to launch the 2021 Anti-Bribery Recommendation. Heard the Chair of the Working Group on Bribery, Drago Kos, present key features of the 2021 Recommendation and two other high-level experts from the private sector and civil society share their views on the Recommendation and its impact: Nicola Allocca, Chair of the BIAC Anti-Corruption Committee, and Gillian Dell, Head of the Conventions Unit at Transparency International.
- Continued discussions on the impact of data protection regulations on the WGB's work.
- Adopted the Secretariat's proposal for the publication of an annual report.
- Adopted the Secretariat's proposal for dealing with the lack of implementation of the Convention.
- Agreed to postpone Italy's Phase 4 evaluation to October 2022.
- Agreed to re-invite the Japanese Ambassador to the March 2022 meeting, as he could not come to the December meeting.

Global relations activities

The WGB:

- Heard the Vice-Chair deliver opening remarks for the Global Dialogue, a specific session for non-member engagement held on a pilot basis in the framework of the WGB Global Relations Strategy 2021-22. Heard the Vice-Chair present the main legal instruments of the Working Group, including the 2021 Recommendation, the activities of the Working Group which may be of interest for non-member countries and the benefits of acceding to the OECD Convention.
- Heard presentations from Indonesia, Mauritius and Saudi Arabia on co-operation between WGB members and non-members. Heard a joint presentation of Switzerland and Ukraine about their co-operation in the field of asset recovery. Heard presentation from Belgium, Costa Rica and Romania on the detection of foreign bribery.

Reports from other OECD bodies, invitee countries and international organisations

The WGB:

- Heard an update on the work of the World Bank Group's sanctions system between 1 July 2020 and 30 June 2021. Heard the World Bank report that most entities are sanctioned with integrity compliance conditions. The Integrity Compliance Office (ICO) engages with sanctioned entities to assist them and ultimately determines whether the conditions have been met for the entities' release from WBG sanctions. Heard the World Bank express its commitment to continue its cooperation with the Group and the Secretariat.
- Heard the Secretariat from the OECD Sherpa Office report that Indonesia's Presidency of the G20 has been officially launched. Indonesia's main priorities on anti-corruption will be: enhancing the role of audit in tackling corruption; guiding principles on corruption related to the renewable energy sector; public participation and anti-corruption education; and money laundering with focus on gatekeepers. Heard that WBG countries are encouraged to work closely with Indonesia and Australia, as co-chairs of the G20 ACWG, to continue encouraging closer engagement with the WBG and adherence to the OECD Anti-Bribery Convention. This includes leveraging Indonesia's presidency to encourage the country to seek participant status in the WGB.

Tour de table

The WGB:

- Postponed the Tour de Table to the March 2022 meeting, including the deletion requests put forward by countries.