

OECD Working Group on Bribery

Public Summary Record

Plenary Meeting
11–15 October 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 Bulgaria](#), which was published on its website on 22 October 2021. The report welcomes Bulgaria's recent efforts towards the implementation of the Convention, but notes serious concerns about the continued lack of detection, investigation and prosecution of foreign bribery cases and the deficiencies in Bulgaria's legislation on foreign bribery. Invited Bulgaria to provide an oral follow-up report in one year (i.e. October 2022) on issues concerning the liability of legal persons and whistleblower protection.
- Considered [Japan's two-year written follow-up report](#) on the implementation of Phase 4 recommendations. Concluded that recommendations 2(b), 3(a), 4, 14(e), 16(a), 16(b) and 17(a) have been fully implemented; recommendations 1(a), 1(c), 1(d), 1(f), 2(c), 6(a), 6(b), 6(d), 6(e), 6(f), 8, 9(b), 11(a), 11(c), 12(b), 12(c), 13, 14(a), 14(c), 14(d), 15(b), 15(c) and 17(b) have been partially implemented; and recommendations 1(b), 1(e), 1(g), 2(a), 3(b), 5, 6(c), 7(a), 7(b), 7(c), 9(a), 10(a), 10(b), 10(c), 11(b), 11(d), 12(a), 14(b), 15(a), 15(d) and 16(c) have not been implemented. Decided to organise a technical mission as soon as one can be conducted in person, in light of the current COVID-19 situation, and issue a public statement to explain the reasons for the mission. Decided to invite Japan's Ambassador to the OECD to attend a Working Group plenary as soon as possible to discuss the WGB's concerns and invited Japan to report back in March 2022 on four priority recommendations on reforms to the statute of limitations for foreign bribery, the statutory maximum fines for natural and legal persons convicted of foreign bribery, and jurisdiction over Japanese companies for foreign bribery. Noted that it would reserve the possibility of taking additional measures if Japan has not made sufficient progress by the time of its next report.
- Considered [Latvia's two-year written follow-up report](#) on the implementation of Phase 3 recommendations. Concluded that recommendations 4(a), 5(a), 5(b), 5(c), 6(d), 9, 10(b), 10(c), 10(e), 10(f), 10(g), 11(c), 12(a), 12(e), 13 and 14(b) have been fully implemented; recommendations 2(a), 3(a), 3(b), 4(b), 5 (d), 6(a), 6(b), 6(c), 6(e), 7(a), 7(b), 10 (a), 10(d), 11(b), 12(b), 12(c), 14(a), 15(b) and 15(c) have been partially implemented; and recommendations 1(a), 1(b), 2(b), 6(f), 8(a), 8(b), 11(a), 12(d) and 15(a) have not been implemented. Invited Latvia to report back in writing within two years (i.e. October 2023) on outstanding recommendations 1(a), 1(b), 2(a), 2(b), 6(a), 6(b), 6(c), 10(a) and 11(a), as well as on the status of foreign bribery enforcement.
- Considered the Phase 2 additional written report by the Russian Federation on high-priority recommendations 10(a)(i), (iii) and (iv). Decided to: 1) suspend the Russian Federation's Phase 3 evaluation until the three high-priority recommendations are fully implemented; 2) invite the Russian Federation to provide a written report at the December 2021 plenary on its efforts to implement the high-priority recommendations; 3) invite the Russian Federation's Ambassador to France to participate in the December 2021 plenary discussion to explain the government's position on the draft law and to hear the WGB's serious concerns about the Russian Federation's lack of implementation; and 4) invite the Russian Federation to provide a written report at the March 2022 plenary on all of the outstanding Phase 2 recommendations.

- Heard a report on the High-Level Mission to Turkey, including the agenda and key issues discussed during the mission: liability of legal persons for foreign bribery, whistleblower protection and enforcement, including independence of investigations and prosecutions as per Article 5 of the Anti-Bribery Convention. Heard Turkey provide an update on steps underway to address the WGB's concerns and invited Turkey to report back in March 2022 on developments to establish legal persons' liability for state-owned enterprises, Turkey's plan to introduce whistleblower protection and progress regarding enforcement.
- Considered the follow-up report from the High-Level Mission to Poland, which includes an assessment of Poland's updated Action Plan regarding detection, investigation and prosecution of foreign bribery by Polish individuals and companies. Heard members of the High-Level Mission agree with the assessment and encourage Poland to provide an updated Action Plan with more details and structure that would address the deficiencies identified in the assessment. Invited Poland to provide a written report in December 2021 that includes: 1) a Revised Action Plan with the measures taken to address the concerns identified in the High-Level Mission's follow-up report; and 2) a report on the progress made by law enforcement authorities on the basis of the Revised Action Plan.
- Considered the [Netherlands' Phase 4 one-year written report](#) on progress in the implementation of five recommendations relating to whistleblower protection and the new framework for non-trial resolutions.
- Considered Norway's Phase 4 additional oral report on steps taken to implement Phase 4 recommendation 2(b) to modify its Penal Code limiting sanctions for foreign bribery offences committed abroad to those that would be available in the jurisdiction where the crime occurred. Invited Norway to report back in writing in one year (i.e. October 2022) on recommendation 2(b) as well as on all outstanding Phase 4 recommendations and the status of foreign bribery enforcement since the two-year written report.
- Considered Argentina's written report on pending legislation and agreed to ask Argentina to provide a further report in December 2021.

Ongoing and future WGB projects and events

The WGB:

- Approved the draft revised Anti-Bribery Recommendation and its transmission to the OECD Council for adoption.
- Heard the Secretariat provide an overview on the implementation of the WGB's Global Relations Strategy 2021-2022.
- Completed a review of the designation and functioning of the Management Group.
- Continued discussions on the impact of data protection regulations on the WGB's work.
- Initiated discussions for the potential publication of an annual report by the WGB.

Reports from other OECD bodies, invitee countries and international organisations

The WGB:

- Heard the Secretariat from the OECD Sherpa Office report on the latest developments concerning the G20 Anti-Corruption Working Group (ACWG), in particular Italy's efforts and leadership in the finalisation and adoption of the 2022-2024 Anti-Corruption Action Plan. The Action Plan consolidates the commitments of G20 countries on foreign bribery and accession to the Anti-Bribery Convention, and makes mention of the WGB Law Enforcement Officials meeting and Global Law Enforcement Network (GLEN), as well of the importance of continuing cooperation between the ACWG and the WGB. The inclusion of these points was strongly supported by WGB member countries.
- Heard a presentation from Saudi Arabia on its progress towards reforms in its legal framework.
- Heard a report by the European Public Prosecutor's Office, who expressed its interest in joining the WGB as an observer and participating in the Law Enforcement Officials meetings.
- Heard a representative of the Council of Europe provide a report on the work of GRECO in 2021.

Tour de table

The WGB:

- Heard the Czech Republic, Luxembourg, the Netherlands, New Zealand, Peru, Poland, Portugal, the Slovak Republic, Slovenia, Sweden, Turkey and the United Kingdom report 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 an additional update from Austria.