

OECD Working Group on Bribery

Public Summary Record

Plenary Meeting
12-16 October 2020



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 Anti-Bribery Recommendation

The WGB:

- Adopted the Phase 4 report of the Netherlands, which was published on the OECD website on 5th November. The report welcomes the increased foreign bribery enforcement but notes that the number of cases concluded with sanctions remains low given the size and risk profile of the Dutch economy. Within one year (October 2021), the Netherlands will submit a written follow-up report to the Working Group on progress with legislative reforms to its non-trial resolution framework and the amendment of the Whistleblowers Authority Act. Within two years (October 2022), the Netherlands will submit the standard written report to the Working Group on the implementation of all recommendations and its enforcement efforts.
- Adopted the Phase 4 report of the United States, which was published on the OECD website on 17th November. The report praises the United States for its sustained commitment to enforcing its foreign bribery law as well as its key role in promoting the implementation of the Convention. In accordance with the standard procedure, the United States will submit a written report to the Working Group within two years (October 2022) on its implementation of all recommendations and its enforcement efforts.
- Considered Norway's Phase 4 two-year written follow-up report on the implementation of all Phase 4 recommendations. Concluded that recommendations 2(a), 3(a) and 5 have been fully implemented; recommendations 1(c) and 1(d) have been partially implemented; and recommendations 1(a), 1(b), 2(b), 3(b), 3(c), 3(d), 4(a), and 4(b) have not been implemented. Agreed that Norway would provide an oral report on outstanding recommendation 2(b) in one year (October 2021). Also invited Norway to report back in writing within two years (October 2022) on outstanding recommendations 1(c), 2(b), 3(b), 3(c), 3(d) and 4(a), as well as on the status of foreign bribery enforcement.
- Considered Switzerland's Phase 4 two-year written follow-up report on the implementation of all Phase 4 recommendations. Concluded that recommendations 2(b), 2(c), 5(a), 7(c), 7(e), 7(f), 9(d), 9(e), 9(f), 17(a) and 17(b) have been fully implemented; recommendations 1(b), 2(a), 4, 6, 7(a), 7(b), 7(d), 7(g), 8(a), 8(c), 8(d), 9(b), 9(c), 10(a), 11(a), 12(a), 13 and 14 have been partially implemented; and recommendations 1(a), 3, 5(b), 5(c), 8(b), 9(a), 9(g), 10(b), 11(b), 12(b), 12(c), 15(a), 15(b), 15(c), 16(a), 16(b) and 16(c) have not been implemented. Agreed that Switzerland would provide a written report in one year (October 2021), which will focus on recommendations 1(a), 1(b), 2(a), 9(a), 9(b) and 12(a), as well as on the efforts to enforce the foreign bribery offence. Switzerland will also report on the management of investigations within the OAG as well as on its internal organisation and structural operation.
- Considered Finland's Phase 4 additional written follow-up report on the implementation of all Phase 4 recommendations. Concluded that recommendations 2(b) and 7 can now be considered fully implemented. Concluded that progress remains insufficient in relation to a number of recommendations, and decided to issue a public statement on lack of enforcement and the need to implement recommendations 3(a) and 3(b). Agreed that Finland would provide a further

additional written report in one year (October 2021) on its enforcement efforts, as well as recommendations 1(b), 3(a) and 3(b).

- Considered Hungary's Phase 4 one-year written follow-up report on recommendations 4(a), 4(b), 4(c), 9(a) and 9(b). Concluded that information is missing to determine whether recommendations 4(a), 4(b) and 4(c) have been implemented. Concluded that recommendation 9(a) can be considered as fully implemented and recommendation 9(b) partially implemented. Noted that progress made in implementing these recommendations will be assessed further in the context of Hungary's two-year written follow-up report, to be discussed in June 2021.
- Heard Brazil report on the issues raised in the High-Level Mission report, approved by the WGB in November 2019. Invited Brazil to report back to the WGB in December 2020 on the issues raised in the High-Level Mission report, on the three other issues raised after the HLM (in June and October 2020), and on positive achievements.
- Agreed to a virtual High-Level Mission to Poland on 9-10 November, with heads of delegation from the Czech Republic, Germany, Russia, the Slovak Republic, the United States and the Secretariat. The WGB scheduled the discussion of the report from the High-Level Mission at its December 2020 plenary meeting.

Future and ongoing WGB projects and events

The WGB:

- Discussed future steps for the ongoing [review of the 2009 OECD Anti-Bribery Recommendation](#).
- Discussed the impact of data protection regulations on its work.

Reports from other OECD Bodies, Invitee Countries, and International Organisations

The WGB heard a presentation from the UNODC on the Riyadh Initiative for a Global Operation Network of Anti-Corruption Law Enforcement Authorities. Agreed that overlap with existing law enforcement authorities should be avoided and noted the OECD already provided concrete proposals for ensuring complementarity.

Tour de Table

The WGB:

- Heard that the Secretariat continued to monitor cases including for covid-19 related developments and that due to the virtual nature of the meeting countries did not report orally on cases under investigation or seek deletion requests.
- Heard that the UK had provided a letter to the Heads of Delegations concerning recent developments in a case in the enforcement of the foreign bribery offence.