



Anti-Corruption Network for Eastern Europe and Central Asia (ACN)

THEMATIC STUDY ON CRIMINALISATION OF CORRUPTION

5TH REGIONAL EXPERT SEMINAR

INVESTIGATION AND PROSECUTION OF CORRUPTION:
FOREIGN BRIBERY, LIABILITY OF LEGAL PERSONS

10-11 December 2014

OECD Conference Centre
Rue André Pascal 2, 75016, Paris
Meeting room: CC 15

AGENDA



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Economic Affairs FDEA
State Secretariat for Economic Affairs SECO



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Background

The **Anti-Corruption Network for Eastern Europe and Central Asia (ACN)** is one of the global relations programmes of the Working Group on Bribery of the Organisation for Economic Co-operation and Development (OECD). ACN supports anti-corruption reforms and promotes the exchange of experience and good practice among the ACN countries, in co-operation with OECD countries and other regions and organisations. More information about the ACN is available at its website www.oecd.org/corruption/acn.

The **ACN Work Programme for 2013-2015**¹ includes a **thematic cross-country study on criminalisation of corruption and law enforcement**. The topics covered by this thematic study are: - liability of legal persons; - foreign bribery; and - international co-operation. Outputs of this thematic study are three regional studies and a series of training seminars. The draft study on Liability of Legal Persons for Corruption Offences will be presented at this seminar; the questionnaire on Foreign Bribery will be discussed and this study will be launched at this seminar.

Moreover, this seminar builds on previous ACN meetings on investigation and prosecution of corruption (in Bucharest in 2010, in Kyiv in 2011, Batumi in 2012 and at OECD in Paris in April 2014).

The seminar takes place back-to-back with the informal meeting of the OECD Working Group on Bribery Law Enforcement Officials on 8 December.

Objectives

The seminar aims to provide a forum for sharing knowledge and building up skills of law enforcement officials involved in investigating and prosecuting corruption offences, as well as to encourage law enforcement officials' networking.

The seminar will focus on the following topics:

- establishing criminal liability of legal persons for corruption and its enforcement; and
- investigation and prosecution of foreign bribery.

Participants

The seminar is **for investigators and prosecutors** from Eastern Europe and Central Asia countries representing national authorities in charge of investigating and prosecuting corruption-related crimes. Other authorities are also invited, when appropriate.

The Secretariat, in cooperation with ACN national coordinators, selected 1 – 2 participants from each ACN country who would most benefit from the seminar.

Participants of the OECD informal Working Group on Bribery Law Enforcement Officials meeting taking place this week are invited to join this event too.

¹ Available at: http://www.oecd.org/corruption/acn/ACNWorkProgramme2013-2015_EN.pdf

AGENDA

CO-CHAIRS: Mrs. Olga Savran, ACN Manager, Anti-Corruption Division, OECD; co-chair -name *tbc*

WEDNESDAY, 10 DECEMBER 2014

9.30–10:00 Welcoming remarks

10:00 – 12:30 **Session 1: Investigating and prosecuting foreign bribery**

- Presentation by **Dr. Claire A. Daams**, Federal Attorney, Office of the Attorney General of Switzerland, Chair of the OECD Working Group on Bribery Informal Meeting of Law Enforcement Officials
- Launch of the ACN study on Foreign Bribery, **Mr Dmytro Kotliar**, OECD ACN Secretariat
- Presentation by **Ms. Margareta Bulog Grozdanić**, Deputy Head, and **Ms. Ksenija Krizman**, Deputy Head, the Office for the Suppression of Corruption and Organised Crime – USKOK, Croatia

Opportunity for Q&A

Discussion

11:30– 11:45 Coffee break

12:30– 14:00 Lunch break

14:00– 18:00 **Session 2: Case studies on detecting, investigating and prosecuting corruption involving foreign bribery and legal persons**

- Presentation by **Mr. Patrick Stokes**, Head of Foreign Corrupt Practices Act Unit, the U.S. Department of Justice
- Presentation by **Mr. Richard Findl**, Public Prosecutor, Public Prosecutors Office in Munich, Germany
- Presentation of the OECD Foreign Bribery Report, **Ms Leah Ambler**, Anti-Corruption Division, OECD

Opportunity for Q&A

16:00– 16:30 Coffee break

- Presentation by **Mr. Alar Lehesmets**, Assistant prosecutor, the Office of the Prosecutor General, Estonia
- Presentation by **Mr. Jānis Baumanis**, Investigator, Corruption Prevention and Combating Bureau – KNAB, Latvia

Opportunity for Q&A

Discussion

18:00 – 20:00 **Networking cocktail reception for ACN and OECD Working Group on Bribery law enforcement officials** opened by **Mr. Drago Kos**, Chairman of the OECD Working Group on Bribery (Expresso area, OECD Conference Centre)

THURSDAY, 11 DECEMBER 2014

9.30–12.30 **Session 3: Liability of legal persons for corruption and its enforcement**

- Presentation of the ACN draft study “Criminalisation of Corruption: Liability of Legal Persons for Corruption” by **Mr. Margus Kurm**, Deputy Permanent Representative of Estonia to the OECD, Internal Affairs Councillor

Comments to the study

- Presentation of the draft recommendations of the ACN draft study “Criminalisation of Corruption: Liability of Legal Persons for Corruption” by **Mr. Dmytro Kotliar**, OECD ACN Secretariat

Comments to the recommendations

“Tour de table” on liability of legal persons in participating ACN and OECD countries

Questions for the discussion:

- What are the legal challenges to introduce liability of legal persons for corruption offences in your country?
- What are the problems in practical enforcement of the liability of legal persons for corruption offences in your country?
- Is autonomous nature of the corporate liability ensured in your country and, if yes, how?

11:30– 12:00 **Coffee break**

12:30– 14:00 **Lunch break**

14:00– 17:30 **Working in groups: simulation of corruption investigation involving legal persons**

Participants will be split into **four groups** and work on a hypothetical corruption investigation **case study** involving legal persons, foreign bribery, international co-operation and financial investigation. This session will allow sharing, in an interactive manner, experiences from different countries with tools and skills necessary to effectively investigate and prosecute corruption with a focus on corruption committed by legal persons.

In each working group will also participate invited Working Group on Bribery prosecutors and investigators.

16:00– 16:15 **Coffee break**

17:30 – 18:00 **Wrap-up session for working groups**
Closing remarks by the Chair

18:00 **End of the meeting**