Section I: General Measures to Deter Bribery

Question 8:

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence of bribery?		If yes: Please provide a short description of your policies and procedures:
Australia	**Yes**	The main enhancement EFIC undertook in its revised framework of anti-bribery measures was to amend its Fraud Control Policy (FCP) to explicitly subject to measures under this Policy an Australian resident's, citizen's or corporation's involvement in bribery in relation to an export contract in respect of which EFIC has provided or is considering providing a facility. One of the measures now reflected in EFIC's FCP states that "All cases or suspected cases of fraud in which there is credible evidence against a third party, are to be reported to the Australian Federal Police." The cases to be reported include an Australian resident's, citizen's and corporation's involvement in bribery. The FCP is reviewed annually by the EFIC Audit Committee and whenever there are material changes. Any changes to anti-bribery measures would be subsequently reflected in the Policy. EFIC staff receive training on the FCP.
Austria	**Yes**	We apply our standard and enhanced due diligence procedures. The respective cases would be evaluated very thouroughly and if after the evaluation suspicious facts would still be at hand the Ministry of Finance would disclose the information to the law enforcement authorities.
Belgium	**Yes**	PHILOSOPHIE GÉNÉRALE L'instructeur a le devoir d'examiner de plus près les demandes d'assurance impliquant des exportateurs/demandeurs qui ont été exclus pour faits de corruption par une institution financière internationale (1) , qui font l'objet de poursuites ou qui ont été condamnés pour corruption dans le passé (2). L'ampleur et la portée de l'examen seront fixées dans les procédures de compliance. Si lors de l'instruction de son dossier l'instructeur se trouve face à des preuves crédibles de corruption dans l'attribution du contrat, l'instructeur doit rapporter ces preuves crédibles (3) . Dans le cas où un exportateur/demandeur a été reconnu coupable de corruption au cours des cinq années précédant la demande, l'instructeur doit vérifier que des mesures correctrices et préventives internes ont été prises avant qu'un nouveau soutien puisse être accordé pour un crédit à l'exportation. L'instructeur examine tous les dossiers avec la même prudence, en ce compris les dossiers pour compte d'un autre assureur, quel qu'il soit. PROCÉDURE Pour rappel, la loi du 9/6/99 visant la lutte contre la corruption établit déjà une responsabilité des instructeurs en la matière. La procédure décrite ci-dessous vise à organiser la divulgation de faits de corruption. L'instructeur vérifiera si l'exportateur/demandeur ne figure pas sur la liste d'éviction pour faits de corruption de la Banque Mondiale. La liste peut être trouvée à l'adresse suivante : http://web.worldbank.org/external/default/main?theSitePK=84266&contentMDK=64069844&menuPK=116730&pagePK=64148989&piPK=64148984 Le résultat de cette recherche sur la liste de la Banque Mondiale ainsi que toute mention de faits de corruption dans le rapport de source seront également rapportés dans la procédure de décision. En présence d'une mention sur la liste de la Banque Mondiale ou dans le rapport de source, l'instructeur interpellera le chef de service en vue de décider de commun accord des mesures de vérification à effectuer dans le cadre de la due diligence. Le Compliance Officer sera associé à ces démarches. Il conviendra notamment d'établir quand les faits de corruption ont eu lieu et quelles mesures correctrices ont été prises depuis lors. L'instructeur interpellera également le chef de service s'il a des soupçons de faits de corruption dans un dossier. Le Compliance Officer pourra également être contacté. Si les soupçons persistent, des mesures de vérification seront décidées de commun accord entre le chef de service, l'instructeur et éventuellement le Compliance Officer.

Section I: General Measures to Deter Bribery

Question 8:

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence of bribery?		If yes: Please provide a short description of your policies and procedures:
Belgium (Contn'd)	**Yes**	L'instructeur informera ses supérieurs et le Compliance Officer de toute vérification effectuée, et ce par le biais de la procédure de décision. L'instructeur transmettra une copie de toute procédure de décision rapportant un soupçon persistant ou une preuve crédible de corruption au Compliance Officer, et ce au plus tard au même moment que la transmission de la procédure de décision à ses supérieurs. Toute preuve de corruption sera rapportée tant au Compliance Officer qu'au Comité de Direction, qui statuera (4). Si le Comité de Direction ou le Compliance Officer l'estime nécessaire, l'affaire sera portée devant le Conseil d'Administration qui prendra une décision. Le service juridique sera impliqué pour déterminer si la preuve obtenue par l'ONDD est crédible. Le service juridique pourra recourir à des experts externes spécialisés dans les questions de corruption. En matière de corruption, toute conclusion prise par le service juridique ainsi que tout avis reçu par celui-ci sera également communiqué au Compliance Officer. L'ONDD ne pourra octroyer de soutien pour une transaction s'il existe une preuve crédible de faits de corruption dans l'attribution du contrat d'exportation. Le Comité de direction et/ou le Conseil d'administration doivent rapporter les éléments ayant conduit à refuser une affaire pour preuves crédibles de faits de corruption aux autorités judiciaires (5). En cas de soupçon ou de preuve dans les dossiers pour compte de tout autre assureur, il en sera fait rapport à l'assureur en question qui statuera sur le dossier. [Please refer to Attachment A]
Canada	**Yes**	EDC will, in accordance with its Anti-Corruption Disclosure Procedures, notify Canadian law enforcement authorities if in the context of transacting business with a company or individual EDC receives credible evidence (whether during its due diligence process or after support has been provided) that there has been a violation of the CFPOA.
Czech Republic (EGAP)	**Yes**	If an underwriter discovers there is suspicion of a criminal offence related to the bribery in international transactions, he/she immediately informs the respective director of the department who orders the enhanced due diligence. Negotiations regarding the transaction may proceed but no insurance promise contract or insurance contract can be concluded before it is clear that no criminal offence had been committed. If the enhanced due diligence collects information and evidence that point to a credible evidence, the employee responsible for the enhanced due diligence submits this through the director of the department to the Board of Directors of the Company. The Board decides whether the complaint should be lodged with law enforcement authorities. Internal procedures (Directive of the Managing Director) give the underwriter general instruction how to proceed when the entry control of data of application for insurance and of other sources of data indicates possibility of bribery: He/she has to inform the director of department and request the enhanced due diligence.
Czech Republic (CEB)	**Yes**	If a credit officer discovers there is a suspicion of a crime of bribery in the transaction to be financed, he/she is obliged to inform immediately the department director who has to order an enhanced due diligence. Negotiations of the credit agreement may continue but no commitment may be issued until it is clear from the results of the enhanced due diligence that no criminal offence occurred. If however information and evidence is collected pointing to a credible evidence of a bribery in the award of execution of the export contract, Board of Directors is to be informed to decide whether law enforcement authorities will be involved.
Denmark	**Yes**	Any suspicion must be reported by the relevant EKF employee to his/her superior who, in turn, must report to management. Management decides to report to law enforcement authorities if there is credible evidence.

Section I: General Measures to Deter Bribery

Question 8:

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence of bribery?		If yes: Please provide a short description of your policies and procedures:
Finland	**Yes**	Underwriter/person in charge of the case informs the respective supervisor and the supervisor initiates the investigation with the legal team. The decision on the disclosure to the law enforcement authorities is made by the management of Finnvera/FEC.
France	**Yes**	Charte éthique Coface applicable aux procédures publiques : dispositions relatives à la lutte contre la corruption Si, après vérifications, il apparaît que la transaction pourrait être entachée de corruption d'agents publics étrangers, le Directeur des Garanties Publiques de Coface, pourra décider de saisir le comité anti-corruption. Le comité anti-corruption décidera, en cas d'indices sérieux de corruption, s'il convient de transmettre un dossier aux Autorités de tutelle. Art. 40 du Code de procédure pénale Toute autorité constituée, tout officier public ou fonctionnaire qui, dans l'exercice de ses fonctions, acquiert la connaissance d'un crime ou d'un délit est tenu d'en donner avis sans délai au procureur de la République et de transmettre à ce magistrat tous les renseignements, procès-verbaux et actes qui y sont relatifs.
Germany	**Yes**	If there is a credible evidence of bribery, the sustainability department (which is in general in charge of combating bribery) will involve the legal department of Euler Hermes. Euler Hermes will inform the law enforcement authorities in coordination with the German Guardian Authorities.
Greece	**Yes**	ECIO is in constant contact and cooperation with the Ministry of Justice in order for the appropriate measures to be applied.
Hungary (MEHIB)	**Yes**	MEHIB is obliged to disclose to its law enforcement authority if applicants/exporters or anyone acting on their behalf in connection with the transaction are currently under charge in a national court or, within a five-year period preceding the application, have been convicted in a national court or been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country. MEHIB is obliged to disclose to its law enforcement authority if there is credible evidence at any time that bribery was involved in the award execution of the export contract informing their law enforcement authorities promptly.
Hungary (Eximbank)	**Yes**	Eximbank is obliged to disclose to its law enforcement authority if applicants/exporters or anyone acting on their behalf in connection with the transaction are currently under charge in a national court or, within a five-year period preceding the application, have been convicted in a national court or been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country. Eximbank is obliged to disclose to its law enforcement authority if there is credible evidence at any time that bribery was involved in the award execution of the export contract informing their law enforcement authorities promptly.
Italy	**Yes**	In case of instances of credible evidence, underwriting staff has to inform SACE's Top Management and Legal Department, that is in charge to examine the evidence and eventually apply to law enforcement authorities in order to open a public procedure. For further details about our procedures, please see the following answers.
Japan (JBIC)	**Yes**	The internal reporting system (through either ordinary chain of reporting or individual reporting) to the JBIC Compliance Committee is established by JBIC's internal rules. In case an oblique dealing such as bribery is identified through such reporting, JBIC Compliance Committee will take appropriate actions such as reporting to law enforcement authorities.

Section I: General Measures to Deter Bribery

Question 8:

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence of bribery?		If yes: Please provide a short description of your policies and procedures:
Japan (NEXI)	**Yes**	We immediately notify Ministry of Economy, Trade and Industry ('METI'), which is our guardian authority. METI is the supervisory authority of Unfair Competition Prevention Act and will share the information with law enforcement authority in an appropriate manner.
Korea (Eximbank)	**Yes**	If there is any evidence of bribery, enhanced due diligence is taken in cooperations with the internal legal team and the result of due diligence is brought to the Management. If the Management decides that the evidence should be considered credible, it shall inform the credible evidence of bribery to Korean law enforcement authority promptly.
Korea (KEIC)	**Yes**	KEIC informs the relevant justice authorities (Korean law enforcement authority) of the information (all 'credible evidences').
Luxembourg	**Yes**	In the event of credible evidence of bribery during the instruction, the Secretariat of the Office du Ducroire is compelled to inform the members of its Board. If the suspicions are founded, the Board, chaired by a representative of the Ministry of Finance, will seize the Luxembourg Court, which will then analyze the transmitted information. Within the framework of the collaboration agreement ("Convention de cooperation") and administration or management convention ("Convention de gestion"), concluded on 1 July 1963 and revised on 1 January 2006 between the Office National du Ducroire belge (ONDD) and the Office du Ducroire, the underwriting of Luxembourg files is executed by ONDD which provides a technical assistance to ODL. Article 2 of the collaboration agreement ("Egalité de traitement") stipulates that the contracting parts cooperate closely and will mutually assist each other on a technical basis as to guarantee the equal treatment to the companies and the credit institutions located in their respective countries. More precisely as regards the ambition to combat bribery, ONDD engaged itself on 16 March 2007 to apply the same divulgation procedures and to treat the Luxembourg files with the same due care and vigilance as if it where Belgian files.
Mexico	**No**	
Netherlands	**Yes**	In a case of credible evidence of bribery we will inform and disclose the available information to the Dutch law enforcement authorities. In the instance of credible bribery Atradius Dutch State Business will take appropriate action as described in art. 2 k of the 2006 Recommendation on Bribery and Officially Supported Export Credits. Concretely this implies that Atradius Dutch State Business will hand over all information to the Ministry of Finance (Head of Unit) in case of credible evidence. The Ministry of Finance will then decide whether or not to hand the information over to the law inforcement authorities (public prosecutor).
New Zealand	**Yes**	The NZECO has implemented policies whereby if credible evidence is apparent that bribery was involved in an export transaction or a potential export transaction, the NZECO, under direction from its Advisory Board, will inform New Zealand law enforcement authorities promptly.
Norway	**Yes**	According to external and internal regulations employees need to follow step-by-step procedure in case of any trace of the fact that bribery has occurred in connection with an export contract. Further the applicant /exporter declare that he is aware of GIEKs duty under the Norwegian law to inform the relevant authorities if there are grounds for suspecting a violation of §§ 276 a to c of the Norwegian Criminal Code.

Section I: General Measures to Deter Bribery

Question 8:

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence of bribery?		If yes: Please provide a short description of your policies and procedures:
Poland	Yes	According to external and internal regulations employees need to follow step-by-step procedure in case of any trace of the fact that bribery of foreign public official has been involved in connection with an export contract or a credit agreement. As a consequence prosecutor or the police is to be informed immediately. At the same time KUKE S.A. is also obliged to undertake the necessary measures in order to secure evidences of the bribery until arrival/impose of respective guidelines by the law enforcement authorities.
Portugal	**Yes**	The underwriter in charge of the case, informs the manager and the legal team evaluates the case. The decision on the disclosure to the law enforcement authorities is made by the Board of COSEC in coordination with the Council of Financial Guarantees, Exports and Investment.
Slovak Republic	**Yes**	There are some special statements in our internal rules concerning internal and external reporting duty of credible evidence of bribery.
Spain	**Yes**	If there is any evidence that has the potential to constitute credible evidence that bribery was involved at any time in the award or execution of the export transactions, the issue shall be brought to the agenda of the Board of Directors of CESCE by the related department. The Board of Directors shall discuss the issue promptly and –if so required- shall inform the public prosecution office and take the necessary measures.
Sweden	**Yes**	If there is credible evidence at any time that bribery was involved in the export transaction, EKN/SEK will inform Swedish law enforcement authority promptly. It is a question for EKN's Board of Directors to decide whether credible evidence is at hand. EKN have also appointed an anti-corruption officer to act in relation to the enforcement authority. At SEK the procedure is the same with the exception that the decision is taken by the Executive Management.
Switzerland	**Yes**	Should the results of SERV's enhanced due diligence process show that credible evidence of bribery exist, the board of directors are asked to confirm the findings. Should it confirm the findings, SERV's legal department informs the appropriate law enforcement authorities. This is concluded with a simple letter explaining the credible evidence SERV's enhanced due diligence process brought to light. With attachment B, we have included a schematic description of our anti-corruption process.
Turkey	**Yes**	Articles 8 and 9 of the Turk Eximbank Directives on Combating Bribery of Foreign Public Officials in International Business Transactions read: 8- The Bank (reference is made to Turk Eximbank) shall provide information about the Recommendation and the Bank's practices to the Diplomatic Counselors of Trade and Economy through the Ministry of Foreign Affairs, the Undersecretariats of Foreign Trade and the Treasury, ask for information available concerning the "credible evidence" (definition of "the credible evidence" given in the Recommendation: evidence of a quality which, after critical analysis, a court would find to be reasonable and sufficient grounds upon which to base a decision on the issue if no contrary evidence were submitted), and shall share the information acquired throughout the Bank. 9- If there is any evidence that has the potential to constitute credible evidence that bribery was involved at any time in the award or execution of the export transactions, the issue shall be brought to the agenda of the Executive Committee of the Bank by the related department. The Executive Committee shall discuss the issue promptly and –if so required- shall inform the public prosecution office and take the necessary measures.
United Kingdom	**Yes**	ECGD informs the appropriate authorities of all allegations of corruption that it becomes aware of.
United States (EXIM)	**Yes**	Ex-Im Bank employees are trained to promptly inform their supervisors and the Office of General Counsel if they become aware of, or obtain evidence of, bribery of a foreign public official. The Office of General Counsel, with the assistance of staff, will conduct appropriate inquiries. If the Office of General Counsel determines that the evidence of bribery is credible, it will refer the matter to law enforcement authorities. The Office of General Counsel has well-established working relationships with the U.S. Department of Justice and other relevant law enforcement agencies.

Section I: General Measures to Deter Bribery

Question 8:

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United States (USDA)	**Yes**	It is USDA policy that the Office of the Inspector General ultimately refer the matter to the appropriate law enforcement authority, if necessary.

Notes for Belgium's answer

(1) Groupe Banque mondiale, Banque africaine de développement, Banque asiatique de développement, Banque européenne pour la reconstruction et le développement et Banque inter-américaine de développement.

(2) L'exportateur / le demandeur informera l'ONDD par le biais du formulaire de demande de couverture au moyen d'une déclaration.

(3) preuves qu'après analyse critique, un tribunal jugerait raisonnables et suffisantes de retenir pour fonder sa décision en l'espèce. Il s'agit dès lors de rapporter les éléments qui selon l'instructeur forment une preuve crédible. Si l'instructeur est d'avis que compte tenu des éléments du dossier, il y a corruption, nous sommes devant une preuve crédible. Il n'est pas demandé à l'instructeur de se comporter en juge d'instruction, mais de relever les faits qui pourraient constituer une preuve de corruption.

(4) Dès lors, dans ces cas, le Comité de Direction statuera, et non le Comité de Crédit.

(5) Á savoir à la Cellule de Traitement des Informations Financières (http://www.ctif-cfi.be/menu.php?lang=fr) qui se chargera de la dénionication auprès du Parquet, si elle l'estime nécessaire.

Section I: Measures to Deter Bribery

Question 8 (continued):

Please describe any additional measures taken in relation to the disclosure of information on possible instances of bribery to law enforcement authorities:	
Australia	
Austria	
Belgium	
Canada	
Czech Republic (EGAP)	
Czech Republic (CEB)	
Denmark	
Finland	
France	
Germany	
Greece	
Hungary (MEHIB)	In the practice of MEHIB the relevant ad hoc Anti –Bribery Committee takes necessary measures, if appropriate.
Hungary (Eximbank)	In the practice of Eximbank, the relevant permanent Censorship Committee appointed in in-house regulation on Anti-Bribery takes necessary measures, if appropriate.
Italy	
Japan (JBIC)	
Japan (NEXI)	
Korea (Eximbank)	
Korea (KEIC)	
Luxembourg	
Mexico	
Netherlands	
New Zealand	

2006 Survey on Measures Taken to Combat Bribery
in Officially Supported Export Credits - Responses as of 31 December 2009

Section I: Measures to Deter Bribery

Question 8 (continued):

Please describe any additional measures taken in relation to the disclosure of information on possible instances of bribery to law enforcement authorities:	
Norway	
Poland	
Portugal	
Slovak Republic	
Spain	
Sweden	
Switzerland	
Turkey	
United Kingdom	
United States (EXIM)	
United States (USDA)	