Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Australia	Yes, always	text in the application form	X	Please refer to comment in 1 b)
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other	X	
Austria	Yes, always	text in the application form	X	In case of a buyer's credit the exporter has to submit a stand-alone declaration additionally.
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Belgium	Yes, always	text in the application form	X	The declaration is annexed to the application form as a separate document.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Canada	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		
Czech Republic (EGAP)	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Czech Republic (CEB)	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Denmark	Yes, always	text in the application form		Text included in declarations of non-bribery to be submitted by applicants/exporters. (In case of LC's with credit periods up to 12 months we only require declarations from the guarantee holder, not from the exporter.)
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		
Finland	Yes, always	text in the application form		Text is also included in General Terms and Conditions of FEC and the agreement for interest equalisation. FEC's internet site contains a direct link to Finnvera's bribery information.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
France	Yes, always	text in the application form	X	Lettre d'engagement souscrite par l'assuré (banque et exportateur si la garantie du risque de fabrication est couvert) relative à la lutte contre la corruption.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
Germany	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Greece	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Hungary (MEHIB)	Yes, always	text in the application form		
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		
Hungary (Eximbank)	Yes, always	text in the application form		
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		
Israel	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		
Italy	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Japan (JBIC)	Yes, always	text in the application form	X	Oral communication.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other	X	
Japan (NEXI)	Yes, always	text in the application form	X	At the meeting with the exporters, we call for attention of it
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
Korea (Eximbank)	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		
Korea (K-sure)	Yes, always	text in the application form		
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		
Luxembourg	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Mexico	Yes, always	text in the application form		
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Netherlands	Yes, always	text in the application form	X	Further information is provided via our magazine, distributed amongst clients, and via our website.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		
New Zealand	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		
Norway	Yes, always	text in the application form	X	Where the applicant is not the exporter, GIEK will require an exporters corruption declaration which include the mentioned information.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
Poland	Yes, always	text in the application form	X	Text included in the declaration constituting a part of an insurance agreement.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
Portugal	Yes, always	text in the application form	X	In case of buyer's credit, the exporter has to submit an additional application form where , among other details of the export contract, information on bribery issues is requested and an anti-bribery statement must be signed.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
Slovak Republic	Yes, always	text in the application form	X	An enclosure to the application form submitted by the exporters, where appropriate by the applicants. EXIMBANKA SR has on its internet site information on combating bribery.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Spain	Yes, always	text in the application form		
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover	X	
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Sweden	Yes, always	text in the application form	X	Supplementary form for application for export credit guarantee in favour of lender (to be filled in by the exporter)
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
Switzerland	Yes, always	text in the application form		
		a stand-alone document is provided to applicants	X	
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other		
Turkey	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants	X	
		text in the general conditions of cover		
		text in the credit agreement	X	
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other		

Section I: General Measures to Deter Bribery

Question 1:

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?		If yes: a) Please indicate the method(s) by which this is accomplished:		Elaboration for "other" answers and/or any additional comments/clarifications:
United Kingdom	Yes, always	text in the application form	X	
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site		
		customer publications (e.g. brochures, handbooks)		
		other		
United States (EXIM)	Yes, always	text in the application form		Indicated on the short, medium and long-term Exporter's Certificate which is a legally enforceable certification that can and has been used to prosecute parties making false claims to the USG.
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)		
		other	X	
United States (USDA)	Yes, always	text in the application form	X	The following language is included in the GSM program's regulations: The exporter(who is the applicant) is required to make this certification. GSM Regulations 1493.50 Certification requirements for obtaining payment guarantee. (b) There have not been and will not be any corrupt payments or extra sales services or other items extraneous to the transaction provided, financed, or guaranteed in connection with the transaction, and that the transaction complies with applicable United States law;
		a stand-alone document is provided to applicants		
		text included in a stand-alone document submitted by applicants		
		text in the general conditions of cover		
		text in the credit agreement		
		information posted on the organisation's web site	X	
		customer publications (e.g. brochures, handbooks)	X	
		other	X	

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Australia	EFIC's no engagement in bribery Declaration is required to be completed by the exporter as part of the application process for credit. The Declaration refers to EFIC's anti-corruption initiatives published on its website at http://www.efic.gov.au/corp-responsibility/Pages/anticorruptioninitiatives.aspx. This site contains a link to the Foreign Bribery Information and Awareness Pack on the Attorney-General Department's Crime Prevention (Australian Government) website. This pack contains a Fact Sheet entitled "The Offence" which contains information on the legal consequences of a conviction of the offence of bribing a foreign public official.
Austria	See under 3c)
Belgium	The undersigned certifies/certify: – that both the exporter and the intervening bank have knowledge of the act of 9th June 1999 pertaining to the approval of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, concluded on 17th December 1997 in Paris, as well as of the act of 9th February 1999 on combating corruption as modified by the act of 1st September 2006, Belgian Gazette of 4th May 2007, – that he/they observe the standards laid down by international criminal law (as described in the explanatory note) and by Belgian criminal law, in the knowledge that any infringement of international or Belgian criminal law means the exclusion of the right to indemnity under the insurance contract (taken from the following link - http://www.ondd.be/webondd/Website.nsf/AllWeb/DocumentsForms/$File/FormFinexpoUK.doc)
Canada	Corruption and bribery are crimes. Effective since 1999, the Corruption of Foreign Public Officials Act makes it a criminal offence under Canadian law to bribe a foreign public official in the course of business. Businesses convicted under the Act face heavy fines, and individuals can be sentenced to a maximum of five years in jail.
Czech Republic (EGAP)	In The GIC, Article I. Basic Conditions: Shall an Exporter or a person acting for the Exporter or on behalf of the Exporter violate provisions of the special law* when negotiating the Export Contract the Insurer is entitled to refuse the insurance of the risk of the non-payment of the credit in accordance with these Insurance Conditions. In the GIC Article XII. Recourse against the Exporter: The recourse shall be applied, particularly in cases of violation of norms and practices of the international law binding for the Czech Republic** against the Exporter. A part of the application form for buyer credits contains "Declaration of the Exporter on compliance with legal regulations against bribery in international trade". The application for supplier credit contains practically the same contents in the general declaration of the applicant for insurance. * § 160 and subsequent of the Act No. 1401/1961 Coll., the Criminal Code. ** For example the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Communication of the Ministry of Foreign Affairs No. 25/2000 Collection of International Agreements) Application form: A part of the application form for buyer credits contains "Declaration of the Exporter on compliance with legal regulations against bribery in international trade". The application for supplier credit contains practically the same contents in the general declaration of the applicant for insurance.
Czech Republic (EGAP) (contn'd)	On the Website On the basis of the Recommendation of the OECD on combating bribery in international business transactions, the international Convention on Combating Bribery of Foreign Officials in International Business Transactions was adopted in 1997. It came into force for the Czech Republic in March 2000. The purpose of this Convention is to create legal prerequisites for enforcing legal recourse against persons who, in specified cases influence the foreign public official to act or refrain from acting with regard to public duties with the aim of acquiring or preservation of a business activity or other advantage in enterprise abroad. The purpose of application of the Convention in the state support of the export is to prevent the state support from being given to those exports which were obtained or realized with help of crime of bribery of a foreign public official. This procedure shall be applied to all types of the insurance with state support, i.e. for the insurance of types B, Bf, C, Cf, D, and Z. In case of proven breach of the §160 and following of the Penal Code, or in case of criminal proceedings against the exporters or persons acting on their behalf, EGAP reserves the right to refuse the insurance of the credit connected with such contract or not to pay indemnification, or apply recourse against the exporter.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Czech Republic (CEB)	Exporter's declaration in the Application for Supported Export Financing includes i.a. the following text: "I acknowledge that if violation of regulations and practice of international law which obligate the Czech Republic, e.g. Convention on Combating Bribery of Foreign Public Officials in International Trade (Communication of the Ministry of Foreign Affaires No. 25/2000) is proven and in particular if activity fulfilling features of the crime of bribery according to § 160 of the Criminal Code (Act No. 1401/1961) occurs on the part of our company or any person acting on its behalf Czech Export Bank is entitled to deny and/or suspend providing supported export financing and to apply sanctions stipulated in the respective credit agreement and/or the respective agreement on issuing a bank guarantee." Further our web-site and General Business Conditions (Regulation of combating bribery in international trade: Requirements relating to clients and CEB obligations) include i.a.: "The OECD documents oblige CEB » to inform the law enforcement authorities promptly if there is credible evidence of bribery at any time in connection with the award or execution of the export contract; » to suspend approval procedure of the application if, before credit or other support has been approved, there is credible evidence that bribery was involved in the award or execution of the export contract, and to refuse to approve credit or other support if the enhanced due diligence concludes that bribery was involved in the transaction; » to take appropriate action as denial of payment or refund of sums provided in the event bribery has been proven after credit or other."
Denmark	Denmark has ratified the OECD Convention to combat bribery of foreign public officials in international business transactions (the OECD Convention on Combating Bribery). § 122 of the Danish Criminal Code states that: "It is an offence for a person to unlawfully provide, promise or offer gifts or other benefits to anyone serving the Danish, foreign or international public or business sector, in order to influence the person concerned in the exercise of their duties, whether it be a question of addition to or omission from these duties. The penalty for this offence is either a fine or imprisonment for up to 3 years."
Finland	Text in the stand-alone document: We have been informed and understand that promising, offering or giving a bribe to a domestic or foreign public official constitutes an offence under Chapter 16, Sections 13-14 and 20 of the Finnish Penal Code. Text on Finnvera's website: - The Official ECA shall inform the exporter and the lender about the legal consequences of bribery in international business transactions under its national legal system (Chapter 16, sections 13, 14 and 20 of the Finnish Penal Code). - If there is credible evidence that bribery was involved in the award of the export contract, the ECA shall refuse credit, cover and other support. - If there is credible evidence that bribery was involved, the ECA shall inform the relevant national authorities promptly. - If bribery has been proven after credit, cover or other support has been approved, the ECA shall take appropriate actions, such as denial of indemnification, or refund of sums provided.
France	Notice explicative du formulaire de Demande: Il est rappelé que la loi modifiant le code pénal et le code de procédure pénale pour l'application des dispositions de la Convention OCDE relative à la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales a été votée par le parlement français le 30 juin 2000. Formulaire de la demande d'assurance-crédit: Nous déclarons avoir pris connaissance des principes directeurs de l'OCDE à l'intention des entreprises multinationales opérant dans les pays ou originaires des pays qui ont adhéré à ces principes directeurs leur recommandant le respect de règles de bonne conduite dans le cadre de leurs activités commerciales internationales. Nous déclarons également avoir pris connaissance de la convention OCDE sur la lutte contre la corruption d'agents publics étrangers, de la Recommandation du 14 décembre 2006 sur la corruption et les crédits à l'exportation bénéficiant d'un soutien public ainsi que des articles 435-2 et suivants du code pénal relatifs à la lutte contre la corruption.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Germany	**Explanations and notes** All references to specific legal provisions contained in this text relate to the German legal system. The duty of disclosure of companies domiciled abroad is governed by the pertinent provisions in the applicable law. **1. Compliance with legal regulations** The Federal Government will not grant any export credit cover for export transactions or loan agreements the conclusion of which involved criminal acts. Therefore the applicant is under the obligation to confirm in the course of the application proceedings that in entering into the transaction in respect of which cover is applied for no activity that constitutes a criminal offence, in particular bribery, has been performed. Should this statement later prove to be untrue, the Federal Government can plead non-liability pursuant to the General Conditions. The general rule is that untrue or incomplete information submitted together with the application for cover - including the answers to the questions in this annex to the application - can result in the Federal Government's release from liability pursuant to the General Conditions. As regards revolving export credit guarantees, the Federal Government will, on the basis of the relevant provisions in the guarantee, be released from its liability even after granting an export credit guarantee if the conclusion of an export contract involved a criminal act. **2. Criminal liability for bribery of foreign public officials or company employees** Under German law it is an offence too, to bribe foreign public officials or employees of a company: Any acts of bribery committed for the purpose of gaining or securing an order or inequitable advantage in international business for the offender or a third person are deemed to be a criminal offence if the person bribed is an public official of a foreign state or a person who is, on behalf of a foreign state's authority, a public company domiciled abroad or in any other way, in charge of public functions on behalf of a foreign state (Section 334 of the German Criminal Code in conjunction with Article 2 IntBestG (Law against International Bribery)). Any person who offers, promises or grants an advantage to an employee or agent of a company as consideration for unfair preferential treatment of himself or any other person when procuring goods or services is also committing a criminal offence. That also applies to bribery in connection with foreign competition (Section 299, paragraphs 2 and 3, of the German Criminal Code).

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Germany (Contn'd)	**3. Information on criminal proceedings and non-criminal sanctions** On the basis of the guidelines applicable within the OECD (OECD Council Recommendation on Bribery and Officially Supported Export Credits; 2006) certain information on criminal proceedings for bribery, which could point to misconduct in the past, has to be provided during the application procedure. Should there be any indication of corruption or bribery, the export credit insurers are obliged to check applications for cover and indemnification in detail (enhanced due diligence). In the course of the application procedure information on whether the company itself was sentenced or prosecuted for bribery or any other (non-criminal) sanctions were imposed on it, any of its employees or agents acting on its behalf has to be provided. Under German Law there exist the following non-criminal sanctions: **a) Fixing of a fine under the Regulatory Offences Act** Pursuant to Section 30 of OWiG (German Regulatory Offences Act) a company can be held responsible for a criminal offence committed by one of its managers if any obligations of the company were thereby violated or the company gained an inequitable advantage or obtaining such an advantage for the company was intended. In this context fines of up to EUR 1 million can be fixed. In order to absorb any economic benefits gained as result of the offence, this amount may be exceeded (Section 30 paragraph 2 in conjunction with Section 17 paragraphs 1 and 4 of OWiG). Besides, companies can be held responsible for their managements' failure to take the required and reasonable control measures to prevent breaches of obligations by staff members (Section 130 in conjunction with Section 30 of OWiG). **b) Withdrawal of prosecution subject to conditions or directions** Pending criminal proceedings can be suspended pursuant to Section 153a of the Code of Criminal Procedure and/or the charge can be dropped if the public interest in the prosecution can be satisfied by imposing suitable conditions or directions (e.g. payment of money to the treasury). Full wording of the declaration is posted at http://www.agaportal.de/pdf/formulare/e_korruptionspraev_anlage.pdf (English version) and http://www.agaportal.de/pdf/formulare/korruptionspraev_anlage.pdf (German version). The German Government does not provide Export Credit Insurance for export transactions brought about by criminal acts. For this reason, the applicant is obliged to declare in an annex to the application form that the transaction for which cover is being applied has not been brought about by criminal acts. If this statement should prove to be untrue at a later stage, the Federal Government can invoke relief from liability. As a general rule, false or incomplete statements at the time of application – including the declaration to be made in the annex "prevention of bribery within the Federal Export Credit Guarantees" – can lead to relief from liability according to the General Terms and Conditions. According to § 334 StGB (German Penal Code) in connection with Art. 2 § 1 No. 2 IntBestG (German Law on Combating Bribery of Foreign Officials in International Business Transactions) acts of bribery aiming at providing or securing to the delinquent or a third person an order or unfair advantage in the context of international business transactions are punishable if this act of bribery is directed at a foreign official or at any person exercising a public function for a foreign country, including for a public agency or a public enterprise resident in a foreign country. In addition to the requirements of the OECD-convention, according to § 299 of the German Penal Code even acts of bribery directed to employees of an enterprise are punishable.
Greece	In the application, we include the following text: "I hereby state that: Neither the applicant (company) nor I, signing on account of the company or any other party having acted/or acting/or to act under any capacity in the name, on account or in relation to the applicant company has ever proceeded or will proceed to any action or omission relating to the commercial or financial activities set out in this application, which would constitute a crime subject to the OECD Agreement against Bribery of Foreign State Officials in International Business Transactions, ratified by Greece with Law 2656/01.12.1998. Moreover, the above persons are aware that in case where they have been engaged or will engage in bribery in the export transaction set out in this application, ECIO's cover is invalidated, the claims are not indemnified and if an indemnification has already been paid this sum must be paid back to ECIO. Furthermore, in such a case the applicant company shall be denied of any access to official support."

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Greece (Contn'd)	In the General Conditions of Cover we include the following text: "Article 14: The Insured or his legal representatives or any other party acting under any capacity in the name or on account or in relation to the insured is bound to abstain from the use of any Public Officials Corruption Practices in commercial and financial activities relating to the credits insured under this policy, according to the International OECD Agreement against Bribery of Public Officials and according to the ratifying Law 2656/1998 as well as to the local domestic legislation ratifying the above OECD Agreement. The use of corruption practices of the public officials shall be proven by unappealable ruling of any domestic or foreign or international Court. This insurance policy shall be automatically suspended upon initiation of the preliminary proceedings relating to the use of corruption practices, such suspension ending either upon issuance of the final and unappealable ruling exonerating the defendants, in the framework of the preliminary inquiry proceedings or upon issuance of a non-indictment writ or upon the issue of an unappealable verdict of guilt, in which latter case the following paragraph applies. If the above parties apply corruption practices of the public officials, as set out above, then the Insured shall forfeit his right to insurance compensation as well as all other rights under this policy. The same shall apply in case the already compensation has already been paid in which case the Insured and/or any other compensation assignees shall be liable to immediately reimburse ECIO on any such amount of compensation provided. In case of Application of Article 21 –Assignment, Impawn of right – or Article 23 par. 1,2 and 3-Subrogation- the above liabilities of the insured shall explicitly bind the third party- assignee or the insurance compensation or the Bank-assignee of the covered export agreement, respectively, so that any breach of paragraph 1 of this article of the assignee or the Bank or the legal representatives thereof or by any other party acting under any capacity in the name, on account or in relation to the assignee or the Bank shall lead to application of para. 2 and 3 of this article both against the Insured and against the assignee or the Bank."
Hungary (MEHIB)	The text used by MEHIB / Eximbank comprises Sections 250-255/A, 256, 258/A, 258/B-258/F of the Act IV of 1978 on the Criminal Code of the Hungarian Republic.
Hungary (Eximbank)	The text used by MEHIB / Eximbank comprises Sections 250-255/A, 256, 258/A, 258/B-258/F of the Act IV of 1978 on the Criminal Code of the Hungarian Republic.
Israel	Israel has ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (The OECD Anti-Bribery Convention). In July 2008, an amendment to the Israeli Penal Law incorporated the offence of bribery of a foreign public official (Section 291A to the Israeli Penal Law 5737-1977). This offence prohibits offering, providing or facilitating bribery to a foreign public official, for the purpose of promoting business activities, or to obtain an advantage relating to such activities. The purpose of bribery can be the promotion of business activities or obtaining an advantage in such promotion in a direct manner, for instance, by payment of sums to an influential foreign official, or the promotion of business activities indirectly, for instance, by payment of sums to a foreign official in return for information illegally disclosed, for the purpose of providing the bribery maker or facilitator with an advantage in achieving a transaction or such activities. An individual, including but not limited to, an exporter, or an Israeli company, who directly or indirectly offer, make or facilitate, or attempt to offer, make or facilitate, bribery or corrupt payments to foreign officials, also through brokers or agents, may face criminal prosecution in an Israeli court of law. In the case of a corporation, the corporation itself, as well as the officers involved in the actual bribery may face criminal prosecution. Like other OECD export credit agencies, ASHRA is obliged to obtain a declaration that bribery or corrupt payments have not and will not be engaged in transactions in which ASHRA's support is requested.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Italy	Cover of application form for supplier / buyer credit insurance In the event SACE S.p.A. issues an insurance product, all information provided through this Application will be construed as if provided as per articles 1892 and 1893 of the Italian Civil Code. 4. (*) The Applicant / Exporter is aware that, in order for the Policy/Financial Guarantee to be valid, the supply contract and any guarantee eventually granted must comply with Italian and foreign law and, in particular, administrative and criminal acts, including Italian Legislative Decree 231/2001. To the best of his knowledge, the Exporter represents, with all legal effects: (i) the absence of proceedings and/or decisions pending against it or against any of its directors, administrators or employees, in relation to criminal or administrative offences, including offences listed under Legislative Decree 231/2001; and (ii) it has never been included in a list or registry of companies which activities with the World Bank or other International Organizations, has been considered or have resulted non compliant with international treaties, contracts, regulations, etc. 6. The Applicant represents that all information furnished through this Application, save for the information related to the Commercial Contract, Environmental Screening and Parties Information (sub-section 5), is true and that no circumstance of which the Applicant is aware has been withheld, omitted or modified. General Conditions of policy for supplier / buyer credit insurance: Art. 4 – Declarations of insured party 4.1 The Insurance is entered into on the basis of the declarations made by the Insured Party and by the Exporter in response to the questionnaire contained in the application form… 4.2 By signing the Policy, the Insured Party confirms, in accordance with Articles 1892 and 1893 of the Italian Civil Code, that all the information supplied in the application form or, in any event, in writing is true or coincides with the written declarations supplied by third parties and that nothing, which is relevant for the taking on and the assessment of the risk and of which the Insured Party was aware at the time of submitting the application form or of which such party became aware subsequently up until the time of the signing of the Insurance, has been withheld, omitted or distorted. Art. 10 (supplier credit) or 12 (buyer credit) – Payment of Indemnity Sace shall have the option to suspend payment of the indemnification where a procedure is pending to ascertain the existence of a criminal or administrative offence, in accordance with Law no. 300 of 29 September 2000 and Legislative Decree no. 231 of 8 June 2001, which may be attributed to the Insured Party or to another person acting on its behalf in relation to the Agreement and/or the Guarantee and/or the Collateral Security, if any, until the conclusion of such procedure with a final judgment ascertaining the position of the Insured Party in relation to the charges put forward against it. In such a case, any sum due will be transferred to an interest-bearing account. The indemnification shall not be payable if it is ascertained, by a final judgment, that in accordance with any law, including Law no. 300 of 29 September 2000 and Legislative Decree no. 231 of 8 June 2001, the Agreement and/or the Guarantee and/or the Collateral Security, if any, are the result of a criminal or administrative offence of which the Insured Party or another person acting on its behalf is guilty. In such a case, the premium paid by the Insured Party will not be refunded. (Civil Code articles 1892 and 1893 relate to declarations of the insured party released in insurance contracts. In case of false declarations the contract is void. Law 300 of 29 September 2000 is the ratification of OECD Convention against corruption of public officials. Legislative decree 231 of 8 June 2001 governs “the criminal liability of legal persons, companies and of unincorporated associations”, pursuant to art. 11 of law n° 300 of 29th September 2000, in order to prevent the commission of certain crimes. International corruption is mentioned among the crimes listed in the decree. The decree also states administrative and penal sanctions for directors of companies involved in the commission of listed crimes.)
Japan (JBIC)	Unfair Competition Prevention Act (Article 18.1) (Prohibition of provision of illicit profit, etc. to foreign public officials, etc.) No person shall give, or offer or promise to give, any money or other benefits to a foreign public officer for the purpose of having the foreign public officer act or refrain from acting in a particular way in relation to his/her duties, or having the foreign public officer use his/her position to influence another foreign public officer to act or refrain from acting in a particular way in relation to that officer's duties, in order to obtain illicit gains in business with regard to international commercial transactions. (Penal Provisions) Article 21. (2) Any person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or a fine of not more than five million yen, or both: (xi) a person who violates any provision of Articles 16, 17 or 18(1). Text in the application form：“If it is proven that bribery was involved, JBIC may refuse to approve credit.”

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Japan (NEXI)	Unfair Competition Prevention Act Article 18 (Prohibition of provision of illicit profit, etc. to foreign public officials, etc.) (1) No person shall give, or offer or promise to give, any money or other benefits to a foreign public officer for the purpose of having the foreign public officer act or refrain from acting in a particular way in relation to his/her duties, or having the foreign public officer use his/her position to influence another foreign public officer to act or refrain from acting in a particular way in relation to that officer's duties, in order to obtain illicit gains in business with regard to international commercial transactions. Article 21 (Penal Provisions) (2) Any person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or a fine of not more than five million yen, or both: (vi) a person who violates any provision of Articles 16, 17 or 18(1). Text on NEXI's website: - If it is proven that bribery was involved in the export contract before the insurance commitment, ECA is required to suspend the approval of application or refuse to support the export contract. - If bribery has been proven after credit, cover or other support has been approved, the ECA shall take appropriate actions, such as denial of indemnification, or refund of sums provided.
Korea (Eximbank)	Any person, promising, giving, or offering bribe to a foreign public official in relation to his/her official business in order to obtain improper advantage in the conduct of international business transactions, shall be subject to a maximum of 5 years' imprisonment or a fine up to KRW 20,000,000. In the event that the profit obtained through the offence exceeds a total of KRW 10,000,000, the person shall be subject to a maximum of 5 years' imprisonment or a fine up to twice the amount of the profit. In the event that a representative, agent, employee or other individual working for a legal person has committed the offence as set out in Article 3(1) of FBPA (The Act on Preventing Bribery of Foreign Public Officials in International Business Transactions) in relation to its business, the legal person shall also be subject to a fine up to KRW 1,000,000,000 in addition to the imposition of sanctions on the actual performer. In case that the profit obtained through the offence exceeds a total of KRW 500,000,000, it shall be subject to a fine up to twice the amount of the profit. If the legal person has paid due attention or exercised proper supervision to prevent the offence against this act, it shall not be subject to the above sanctions.
Korea (K-sure)	Foreign Bribery Prevention Act (FBPA) – Summary : Article 3.1 :The bribery of a foreign public official is punishable by a maximum of five years of imprisonment or a fine of up to 20 million won. If the profit obtained through the offence exceeds a total of 10 million won, an offender shall be subject to a fine of up to twice the amount of the profit or a maximum term of imprisonment of 5 years. Article 4 :The liability of legal persons for the bribery of foreign public officials in particular circumstances is a maximum fine of 1 billion won. If the profit obtained through the offence exceeds a total of 500 million won, the legal person shall be subject to a fine up to twice the amount of the profit. Article 5 :The bribe shall be confiscated where it is in the possession of the offender, including a legal person, or it is obtained by a person other than the offender, with knowledge. Text in a stand-alone document of application to K-sure : The applicant certifies «5. Even in the event that the policy has been issued, if the involvement with bribery is found out to be true afterwards, I will not object to any of the measures taken by K-sure including withdrawal of the insurance contract, refusal to pay proceeds and notification to the judicial authority.»

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Luxembourg	The text in the ODL application form enables sanctions that go beyond what is normally foreseen by the law as stated in our first § of the anti-corruption declaration: (French version of the text :) « Nous déclarons : - avoir connaissance de la loi du 15 janvier 2001 portant approbation à la Convention de l'OCDE du 21 novembre 1997 sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales et de nous conformer à cette législation, sachant que toute infraction expose la partie concernée à des sanctions au-delà des sanctions prévues par la loi, pouvant aller de la nullité du contrat d'assurance à l'exclusion future de toute aide concessionnelle ; » (English version of the text) "We declare that: - we have taken note of the law of 15 January 2001 on the approval of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions concluded on 21 November 1997 and that we comply with this legislation, knowing that any infringement makes the concerned parties liable to penalties ranging from the cancellation of the insurance contract to the exclusion from any further concessive aid;" The legal consequences of bribery in international business transactions under our national legal system are stated in articles 310 and 310-1 or 246 and 247 depending on the type of the bribery. As regards private corruption, articles 310 and 310-1 have been included in our penal code:
Luxembourg (Contn'd)	«Art. 310. Est puni d'un emprisonnement d'un mois à cinq ans et d'une amende de 251 euros à 30.000 euros,le fait par une personne qui a la qualité d'administrateur ou de gérant d'une personne morale, de mandataire ou de préposé d'une personne morale ou physique, de solliciter ou d'accepter, directement ou par interposition de personnes, une offre, une promesse ou un avantage de toute nature, pour elle-même ou pour un tiers, pour faire ou s'abstenir de faire un acte de sa fonction ou facilité par sa fonction, à l'insu et sans l'autorisation, selon le cas, du conseil d'administration ou de l'assemblée générale, du mandant ou de l'employeur. » «Art. 310-1. Est puni des mêmes peines le fait, par quiconque, de proposer, directement ou par interposition de personnes, à une personne qui a la qualité d'administrateur ou de gérant d'une personne morale, de mandataire ou de préposé d'une personne morale ou physique, une offre, une promesse ou un avantage de toute nature, pour elle-même ou pour un tiers, pour faire ou s'abstenir de faire un acte de sa fonction ou facilité par sa fonction, à l'insu et sans l'autorisation, selon le cas, du conseil 'administration ou de l'assemblée générale, du mandant ou de l'employeur.» As regards public corruption, reference is made to articles 246 and 247: « Art. 246. (L. 15 janvier 2001) Sera puni de la réclusion de cinq à dix ans et d'une amende de 500 euros à 187.500 euros, le fait, par une personne, dépositaire ou agent de l'autorité ou de la force publiques, ou chargée d'une mission de service public, ou investie d'un mandat électif public, de solliciter ou d'agréer, sans droit, directement ou indirectement, pour elle-même ou pour autrui, les offres, des promesses, des dons, des présents ou des avantages quelconques: • Soit pour accomplir ou s'abstenir d'accomplir un acte de sa fonction, de sa mission ou de son mandat ou facilité par sa fonction, sa mission ou son mandat; • Soit pour abuser de son influence réelle ou supposée en vue de faire obtenir d'une autorité ou d'une administration « Art. 247. (L. 15 janvier 2001) Sera puni de la réclusion de cinq à dix ans et d'une amende de 500 euros à 187.500 euros, le fait de proposer ou d'octroyer, sans droit, directement ou indirectement, à une personne, dépositaire ou agent de l'autorité ou de la force publiques, ou chargée d'une mission de service public, ou investie d'un mandat électif public, pour elle-même ou pour un tiers, des offres, des promesses, des dons, des présents ou des avantages quelconques pour obtenir d'elle: • Soit qu'elle accomplisse ou s'abstienne d'accomplir un acte de sa fonction, de sa mission ou de son mandat ou facilité par sa fonction, sa mission ou son mandat; • Soit qu'elle abuse de son influence réelle ou supposée en vue de faire obtenir d'une autorité ou d'une administration publique des distinctions, des emplois, des marchés
Mexico	Bancomext´s web site includes a summary of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in the main policies to be fulfilled by the Federal Government, local governments, companies professionals (such as accountant, lawyers and auditors) and public officers. The catalog published on the web site is at http://www.programanticorrupción.gob.mx/triptico_convencionOCDE.pdf

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Netherlands	In the general Conditions as a condition for indemnification: in connection with the conclusion or performance of the Contract, the Insured has not committed bribery within the meaning of Articles 177 and 177a in conjunction with Article 178a of the "Wetboek van Strafrecht" (Penal Code), has not incited bribery, has not been an accessory thereto and has not knowingly benefited therefrom. If this condition has not been complied with, Atradius shall also have the right to terminate the Insurance Contract without refunding the premium and the Insured shall be obliged to repay to Atradius any indemnification which has already been paid. And in the application form: Atradius will under no circumstances become involved in transactions in which bribery has taken place, bribery being interpreted for this purpose in the broadest terms. The question includes a list of forms of bribery that is not exhaustive. Even if the bribery concerned is a form of bribery that is not listed explicitly, or if you have reasons to suspect that there may be question of such a form of bribery, you must declare this bribery in your answer. Please note that the question also relates to bribery (in the broadest terms) by persons other than the applicant and of persons other than the principal. In any case, you must explain an affirmative answer so that Atradius is able to consider whether to enter into an insurance contract with you. We would draw your attention to the fact that bribery of foreign officials is also expressly prohibited by sections 177 and 177a in conjunction with 178a of the Penal Code (Wetboek van Strafrecht). In the event that Atradius suspects that bribery has nevertheless taken place, Atradius reserves the right to report this suspicion to the Dutch investigative authorities.
New Zealand	As part of the application process for a NZECO product all applicants are required to complete a Declaration of non-bribery. In the form provided to all applicants a list of all relevant 'non-bribery' laws is provided. The declaration provides a link to the New Zealand Ministry of Justices website regarding policy on Combating Bribery and Corruption and the applicants are given a list of New Zealand legislation relevant to bribery and corruption. This list includes the potential penalties for breaking the relevant laws. The relevant laws are the New Zealand Crimes Act 1961 and the New Zealand Secret Commissions Act 1910. A full list of the relevant clauses is provided – approximately 8 pages of text. For example in relation to the New Zealand Crimes Act 1961 the following note is included: Section 105C: This makes it an offence to bribe a person with intent to influence a foreign public official in order to obtain or retain business, or obtain an improper advantage. The maximum penalty is 7 years imprisonment. The declaration also includes a link to the New Zealand Ministry of Justice website: www.justice.govt.nz/bribery-corruption/index.html This website contains detailed information on the New Zealand Government's policies regarding corruption and bribery including detailing provisions of the New Zealand Protected Disclosures Act whereby employees of public and private companies are protected from dismissal and harassment for disclosing acts of a serious wrongdoing.
Norway	Text in the application form and on the web page informs about the penal responsibility for deeds stipulated in article 275 a –c of the Norwegian Criminal Code. The Criminal Code covers bribery both in public and private sector. The text on GIEKs web site reads: In 2003 The Norwegian Criminal Code was aggravated by including corruption in private sector, active and passive corruption and by undue influence in trading. Undue influence in trading occurs when a person is or claims to be in the position to influence on the conduct of any position, office or assignment ("influential agent"), and attempts to take advantage of the situation by requesting or receiving an improper advantage ("passive influence in trading"). The maximum sentence has been increased to 10 years for the most serious breaches. The text in the application reads: We are aware that one of the terms for coverage under GIEKs guarantee is that, pursuant to the OECD guidelines, we submit a written declaration stating that we have not acted and will not act in violation of the prohibitions in Sections 276 as to 276 c of the Norwegian Criminal Code. These provisions cover corruption of parties in both the public and private sector. The declaration will contain a provision stating that the guarantee coverage may laps if we act in violation of said prohibitions and that, in the event, we must reimburse GIEK for all payments GIEK may have made to the guarantee recipient and all costs and loss of interest related to the guarantee. Further, the declaration makes it clear that the same will applies if any agent of ours acts in violation of said prohibitions and we were aware or ought to have been aware of this.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Norway (Contn'd)	The Sections itself reads: Section 276a Any person who a) for himself or other persons request or receives an improper advantage or accepts an offer thereof in connection with a position, office or assignment, or b) gives or offers any person an improper advantage in connection with a position, office or assignment shall be liable to a penalty for corruption. Position, office or assignment in the first paragraph also mean a position office or assignment in a foreign country. The penalty for corruption shall be fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty. Section 276 b. Gross corruption shall be punishable by imprisonment for a term not exceeding 10 years. Any person who aids and abets such an offence shall be liable to the same penalty. In deciding whether the act has been committed by or in relation to a public official or any other person in breach of the special confidence placed in him by virtue of his position, office or assignment, whether it has resulted in a considerable economic advantage, whether there was any risk of considerable economic advantage, whether there was any risk of considerable damage of an economic or other nature, or whether false accounting information has been recorded, or false accounting documents or false annual accounts have been prepared. Section 276 c. Any person who a) for himself or other persons request or receives an improper advantage or accepts an offer thereof in return for influencing the conduct of any position, office or assignment, or b) gives or offers any person an improper advantage in return for influencing the conduct of a position, office or assignment shall be liable to a penalty for trading in influence. Position, office or assignment in the first paragraph also mean a position, office or assignment in a foreign country. Trading in influence shall be punishable by fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.
Poland	Text in the application form and insurance agreement informs about the penal responsibility for deeds stipulated in article 229 § 5 and article 230a of the Polish Penal Code, which fulfil the characteristics of the criminal offence of bribery of the person acting as a foreign public official. The Article 229 reads: § 1. Whoever gives a material or personal benefit or promises to provide it to a person performing public functions in connection with his official capacity ('in connection with performance of this function') shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years. § 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years. § 3. If the perpetrator of the act specified in § 1 strives to induce a person performing public functions to violate the law or provides such a person, or promises to provide, with a material or personal benefit for violation of the law, shall be subject to the penalty of deprivation of liberty for a term of between one year and 10 years. § 4. Whoever gives a material benefit of considerable value or promises to provide it to a person performing public functions in connection with his official capacity, shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years. § 5. Accordingly, subject to the penalties specified in § 1-4 shall be also anyone who gives a material or personal benefit or promises to provide it to a person performing public functions in another country or an international organization in connection with these functions. § 6. The perpetrator of the act specified in § 1-5 shall not be liable to punishment if the material or personal benefit or a promise thereof were accepted by the person performing public functions and the perpetrator had reported this fact to the law-enforcement agency, revealing all essential circumstances of the offence before this authority was notified of the offence.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Poland (Contn'd)	Article 230a reads: § 1. Whoever gives a material or personal benefit or promises to provide it in return for mediation in the settling of a matter in a state or local institution, national or international organization, or a foreign organizational unit governing public funds, consisting in an unlawful exertion of influence on a decision, action or abandonment of action of a person performing public functions, in connection with these functions shall be subject to the penalty of deprivation of liberty between 6 months and 8 years. § 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years. § 3. The penalty is not imposed on the perpetrator of the act specified in § 1 or § 2 if the material or personal benefit or promise thereof were received and the perpetrator had reported this fact to the law-enforcement authority, revealing all essential circumstances of the offence before this authority was notified of the offence.
Portugal	1. Text in the Application form for Banks in buyer's credits: The applicant hereby acknowledges that the present insurance cover is made on behalf of the Portuguese State and that the loan agreement to which the export contract relates, must be in conformity with the criminal law and regulations and with the international commitments entered into by the Portuguese State. The applicant hereby acknowledges the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the OECD Recommendation of 18 December 2006, which implements it in the context of the export credits, as well as the provisions under the Portuguese Penal Law applicable to the crime of bribery detrimental to the international business transactions, which punishes it with imprisonment from 1 to 8 years. The applicant hereby acknowledges and accepts that, at any time, if credible evidence of bribery is found in the award or implementation of the export contract, COSEC is allowed to suspend the approval of any application form and the drawdown of the loan agreement during the enhanced due diligence procedures. In the event that credible evidence of bribery is found, official support shall be denied. If , after the official support is given, an evidence of bribery is proven, COSEC will immediately suspend the payment of any claims, and if any claim has already been paid, COSEC will ask for the immediate refund of all the amounts unduly paid. 2. Text to be subscribed by the Exporter The Exporter hereby acknowledges that the present insurance cover is made on behalf of the Portuguese State and that export contract must be in conformity with the criminal law and regulations and with the international commitments entered into by the Portuguese State. The exporter hereby acknowledges the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the OECD Recommendation of 18 December 2006, which implements it in the context of the export credits, as well as the provisions under the Portuguese Penal Law applicable to the crime of bribery detrimental to the international business transactions, which punishes it with imprisonment from 1 to 8 years The Exporter hereby acknowledges and accepts that, at any time, if credible evidence of bribery is found in the award or implementation of the export contract, COSEC is allowed to suspend the approval of any application form and the drawdown of the loan agreement during the enhanced due diligence procedures. In the event that credible evidence of bribery is found, official support shall be denied. If , after the official support is given, an evidence of bribery is proven, COSEC will immediately suspend the payment of any claims, and if any claim has already been paid, COSEC will ask for the immediate refund of all the amounts unduly paid. The text n. 1 above is subscribed by the Bank and is included in the application forms of the buyer's credit policies being the first subscribed by the lending bank and an additional to the application form subscribed by the Exporter. The same applies to medium and long term policies of lines of credit. The text n.º 2 is subscribed by the Exporter and is included in the additional to the application form in the buyer's credit policy and the supplier's credit policy and also the Special Conditions of Whole-turnover Policies (short term)

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Slovak Republic	Text in the enclosure to the application form submitted by the exporter, where appropriate by the applicant: - We declare that we are fully informed about the legal consequences of bribery in international business transactions under its national legal system including its national laws. We are aware, that the financing or the insurance with official export credit support cannot be provided in relation to the export contract, preparation or realisation of which was connected with bribery directly or by means of the third person according to the special provisions of § 328 and foll. of the Law No.300/2005 Coll. – Criminal Law and § 49 of the Law No. 513/1991 Coll., Commercial Code. - We declare that during the preparation of the export contract we did not breach directly or by means of the third person Anti-Bribery provisions* and we will not breach them during the realisation of the export contract. (*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions) - We declare, that our company is not listed on the publicly available debarment lists of the following international financial institutions: World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank. - We declare that our company or anyone acting on our behalf in connection with the transaction: is not currently under charge; within a five-year period preceding the application have not been convicted in a national court; have not been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country. - We declare that our company disclose, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons. Text in the general conditions of cover: - In case EXIMBANKA SR has a reason to believe that in relation to an export contract, the exporter or a person acting on his behalf violated the provisions of the special law**, EXIMBANKA SR is authorised to refuse the insurance. (** §160 and foll. of the Law No. 140/1961 Coll. – Criminal Law and § 49 of the Law No.513/1991 Coll., Commercial Code) - One of the exclusions from Insurance: No title for indemnification shall arise on the basis of insurance concluded in accordance with the Insurance Conditions when a loss occured as a consequence of the following event: in case the insured or a person acting for him or on his behalf violates the standards and practices of the international law which are binding for the Slovak Republic*. (* e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions) Text in the general conditions of cover: Recourse against Exporter: The recourse shall be applied in cases of violation of norms and practices of the public or private law binding for the Slovak Republic.
Spain	A letter is sent upon every application for official support, informing about the provisions of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business, about the laws adopted in Spain in compliance thereafter and about the provisions of the Recommendation on Bribery and Officially Supported Export Credits. The letter also explains the introduction of the new (2007) requisite for all exporters that benefit directly or indirectly from of officially supported export credits, to submit a declaration. The General Conditions of our policies include two bribery related clauses: » Exclusion of cover: insurance cover expressly excludes loans related to export transactions or loan agreements which involve bribery in violation of article 445 of the Spanish Penal Code, whether this is expressly admitted by the Insured or there has been a firm court decision. Cover excludes any loan related to a contractual relation whose validity or enforceability has been considered to be against the law, null or unenforceable due to non-compliance with any legal disposition applicable to the transaction, by a competent Court both in Spain or abroad. » Suspension of cover: the Insurer can withhold support in case the transaction becomes the object of a legal procedure. Claims payments can be retained until a final judgement has been taken, and all liabilities related thereto have been cleared. All this is also published in our web site.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Sweden	The OECD has agreed to a Recommendation on combating bribery. According to the Recommendation EKN and EKN's foreign equivalents shall obtain the following declaration from the company. Therefore we hereby declare that we acknowledge the importance of our development, application and documentation of the appropriate management control systems that combat bribery, that neither we, nor anyone acting on our behalf, in connection with the export transaction that the application refers to, have been engaged or will engage in bribery or other inappropriate reward for official duties to foreign ministers, members of parliament or public employees, that we are aware of the fact that EKN's responsibility for the guarantee may lapse, and that already received amounts of compensation – including interest thereon from the date of disbursement of such compensation – shall be repaid to EKN, if we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above, also that we will indemnify EKN for all its costs and expenses which will be the consequences of the fact that we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above. Note that, according to the Swedish criminal code 17:7 and 20:2, Swedish law penalizes bribery inter alia in the cases that have been described here.
Switzerland	Undertaking of the exporter The applicant is aware that for insurance to be granted and be valid, it is a prerequisite that Swiss legal provisions are and will be complied with in connection with the export contract forming the basis of the loan agreement for which cover is sought under this application. We confirm that 1. neither we nor anyone acting on our behalf, such as employees or agents, have been engaged or will engage in acts of bribery of foreign public officials or of representatives of international organisations or have committed or will commit any other criminal offence, in order to either induce the conclusion of the export contract or an unbefitting advance in connection with the export contract forming the basis of the loan agreement for which cover is sought under this application; 2. we are not listed on the publicly available debarment lists of the following international financial institutions: World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development and the Inter-American Development Bank; 3. neither we nor anyone acting on our behalf in connection with the export contract forming the basis of the loan agreement for which cover is sought under this application, such as employees or agents, 3.1 are currently under charge in a national court or 3.2 within a five-year period preceding the application a) have been convicted in a national court or b) been subject to equivalent national administrative measures for a violation of laws against bribery of foreign public officials of any country or representatives of international organisations. Duty of disclosure We commit ourselves to, during the financing institute's application procedure and after the insurance applied for has been granted, giving full and accurate information about any circumstances of the export transaction that are materially relevant to the granting of the export credit insurance. This also includes answering SERV's questions regarding the identity of persons who are or were involved on their behalf in arranging the export contract (agents), and the reason for and amount of any payments to those persons. Information We have taken note of Art. 102, 322 ter, 322 quinquies, 322 septies and 322 octies of the Swiss Penal Code, Art. 4 let. a and 23 of the Federal Act on Unfair Competition as well as of Art. 36 of the Federal Act on the Swiss Export Risk Insurance.

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:	
Turkey	Article 252 / 1 of the Turkish Penal code reads: Any public officer who receives a bribe shall be sentenced to a penalty of imprisonment for a term of four to twelve years. The person who furnishes the bribe shall be similarly sentenced. Where the parties agree upon bribe, they shall be sentenced as if the offence were completed. Article 252/5 of the Turkish Penal Code states that the offense of bribery in international business transactions shall be treated in a similar way with the offense of domestic bribery.
United Kingdom	Please note that the OECD countries, including the United Kingdom, are committed to combating corruption and money laundering. The law in the UK has been strengthened in order to do so. Whilst you are responsible for ensuring that your activities comply with all laws that are relevant to the transaction in respect of which you are applying for our support, we draw your attention, in particular, to the applicable law on corruption contained in the Bribery Act 2010 and to the applicable law on money laundering contained in Part 7 of the Proceeds of Crime Act 2002. Certain acts committed abroad now constitute criminal offences in the UK. You should also be aware that ECGD routinely refers allegations of bribery and corruption and money laundering to the appropriate authorities.
United States (EXIM)	Foreign Corrupt Practices Act (FCPA) U.S. firms and individuals seeking to do business in foreign markets must be familiar with the Foreign Corrupt Practices Act of 1977 (FCPA), 15 U.S.C. §§ 78dd-1, et seq., which, in general, prohibits corrupt payments to foreign officials for the purpose of obtaining or keeping business. The anti-bribery provisions of the FCPA make it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to a foreign official for the purpose of obtaining or retaining business for or with, or directing business to, any person. They also apply to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. Congress enacted the FCPA to bring a halt to the bribery of foreign officials and to restore public confidence in the integrity of the American business system. Several firms that paid bribes to foreign officials have been the subject of criminal and civil enforcement actions, resulting in large fines and suspension and debarment from federal procurement contracting, and their employees and officers have gone to prison. To avoid such consequences, many firms have implemented detailed compliance programs intended to prevent and to detect any improper payments by employees and by third-party agents. Ex-Im Bank reserves the right to require that exporters, lenders and, where appropriate, other participants, disclose, upon demand: (i) the identity of persons acting on their behalf in connection with the transaction, and (ii) the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons. Ex-Im Bank also reserves the right to reject or cancel any transaction where there is a reasonable basis to believe that bribery has occurred. More information about the FCPA, is available from the U.S. Department of Justice website, including, in particular,
United States (USDA)	The GSM regulations under 1493.50 (e) includes the following portion of subsection (e) that applies to the question. The complete language under (e) then follows: If the exporter breaches or violates these certifications with respect to GSM-102 payment guarantee, CCC (Commodity Credit Corporation) has the right, notwithstanding any other rights provided under this subpart, to annul guarantee coverage for any commodities not yet exported and/or to proceed against the exporter. 1493.50 Sub. Sec. (e) (complete section on the exporter's certification requirements) e) The information provided pursuant to § 1493.30 has not changed, the exporter still meets all of the qualification requirements of § 1493.30, and the exporter will immediately notify CCC if there is a change of circumstances which would cause it to fail to meet such requirements. If the exporter breaches or violates these certifications with respect to a GSM-102 or GSM-103 payment guarantee, CCC will have the right, notwithstanding any other rights provided under this subpart, to annul guarantee coverage for any commodities not yet exported and/or to proceed against the exporter. Also refer to the text provided for Question 2 b).

Section I: Measures to Deter Bribery

Question 1 (continued):

Please describe any additional measures taken in relation to information provided to exporters/applicants:	
Australia	The Foreign Bribery Information and Awareness Pack referred under response 1 b) has a section in which companies are advised to create and maintain a corporate culture of compliance with the law. Further, companies must take reasonable steps to ensure that their employees do not commit foreign bribery offences and should also ensure they have appropriate channels for reporting suspected breaches, and that people who do report breaches are protected from persecution within the company. The Attorney-General Department's brochure on "Bribing a Foreign Public Official is a Crime" is available to clients at EFIC's reception area.
Austria	
Belgium	
Canada	EDC has communicated information regarding the consequences of bribery to its customers using various methods. We have communicated our commitment to the OECD Recommendation and our own national law via our web-page dedicated to the issue. EDC has written to all its customers informing them of CSR-related issues which include bribery. As well, we write to all new customers and provide them with a copy of our Anti-Corruption brochure. More details can be found at the following link: http://www.edc.ca/english/social_9559.htm
Czech Republic (EGAP)	
Czech Republic (CEB)	
Denmark	
Finland	
France	
Germany	
Greece	
Hungary (MEHIB)	
Hungary (Eximbank)	
Israel	
Italy	
Japan (JBIC)	We have done briefing sessions to exporters to make the legal consequences of the bribery in international business to be understood and informed.
Japan (NEXI)	

Section I: Measures to Deter Bribery

Question 1 (continued):

Please describe any additional measures taken in relation to information provided to exporters/applicants:	
Korea (Eximbank)	
Korea (K-sure)	
Luxembourg	
Mexico	
Netherlands	Further information is provided via our magazine, distributed amongst clients, and via our website.
New Zealand	
Norway	
Poland	
Portugal	A letter informing of the OECD Recommendation addressed to Banks and Exporters. In public presentations of COSEC's products, a special reference is made to the anti-bribery policies.
Slovak Republic	
Spain	
Sweden	
Switzerland	We have incorporated the measures on bribery in our many workshops and seminars.
Turkey	Apart from the brochures, letters providing all the information about the ECG Recommendation, the relevant articles of the Turkish Penal Code on the foreign bribery and adoption of Turk Eximbank's implementation procedures have been sent to associations of contractors, consulting engineers and architects and exporters in Turkey.
United Kingdom	A guidance note for applicants on "processes and factors in ECGD's consideration of applications" is available on ECGD's web site. Provisions are also included in our policy documentation to make clear that, if corruption is proven, insurance cover may be avoided and that we make seek compensation for any loss which we may incur under supported finance facilities.
United States (EXIM)	Ex-Im Bank application forms have been revised and updated. While the application forms indicate the laws that must be complied with, applications do not explicitly state the legal consequences of violating such laws. Such indications are explicitly stated in the Exporters Certificate and on Ex-Im Bank's website (http://www.exim.gov/products/policies/ForeignCorruptPracticesActFCPAandAnti-briberyMeasures.cfm)
United States (USDA)	An exporter new to the program often will receive an explanation from the program specialist regarding CCC regulations and the exporter's obligation to comply with these regulations. The program specialist will inform the exporter that it is his responsibility to ensure that he is familiar with the program's regulations.