

**SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY
IN OFFICIALLY SUPPORTED EXPORT CREDITS – NORWAY (GIEK) RESPONSES**

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?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes:

a) Please indicate the method(s) by which this is accomplished:

- ☒ 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 (*for export credit insurance and guarantees*)
- ☐ text in the credit agreement
- ☒ information posted on the organisation's web site
- ☐ customer publications (e.g. brochures, handbooks)
- ☒ other (please elaborate):

Where the applicant is not the exporter, GIEK will require an exporters corruption declaration which include the mentioned information.

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:

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 a 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 expenses GIEK has had in connection with the GIEK 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 had knowledge or should have had knowledge of it..

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 assignments shall be liable to a penalty for corruption.

Position, office or assignment in the first paragraph also means 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.

Comments/clarifications/additional information related to the answers provided above:

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Please describe any additional measures taken in relation to information provided to exporters/applicants:

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Question 2

Do you encourage exporters and, where appropriate, applicants, requesting official export credit support to develop, apply and document appropriate management control systems that combat bribery?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes:

a) Please indicate how this is accomplished:

- ☒ text in the application form
- ☐ a stand-alone document is provided to applicants
- ☐ text in the general conditions of cover (*for export credit insurance and guarantees*)
- ☐ text in the credit agreement
- ☒ information posted on the organisation's web site
- ☐ customer publications (e.g. brochures, handbooks)
- ☐ other (please elaborate):

b) Please provide the text used to encourage exporters and, where appropriate, applicants, requesting official export credit support to develop, apply and document appropriate management control systems that combat bribery:

The text is as follows: We understand the significance of developing, implementing and being able to document the existence of satisfactory control systems for fighting corruption.

Comments/clarifications/additional information related to the answers provided above:

Please describe any additional measures taken in relation to exporter/applicant management control systems to combat bribery:

Where the applicant is not the exporter, GIEK will require an Exporters Corruption Declaration.

Question 3

Do you require exporters and, where appropriate, applicants, requesting official export credit support to provide an undertaking/declaration that neither they, nor anyone acting on their behalf, such as agents, have been engaged or will engage in bribery in the transaction?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If Yes:

a) The requirement is communicated to exporters/applicants via:

- ☒ text in the application form
- ☐ a stand-alone document is provided to applicants
- ☐ text in the general conditions of cover (*for export credit insurance and guarantees*)
- ☐ text in the credit agreement
- ☒ information posted on the organisation's web site
- ☐ customer publications (e.g. brochures, handbooks)
- ☒ other (please elaborate):

Where the applicant is not the exporter the requirement is communicated to the exporter through the Exporters Corruption Declaration.

b) The undertaking/declaration is obtained from exporters/applicants through:

- ☒ the application form
- ☒ a stand-alone document submitted by the exporter/applicant ☒ *at the time of application* ☐ *before support is provided*
- ☒ other (please elaborate): ☐ *at the time of application* ☒ *before support is provided*

The Exporters declaration form is issued after the application but before the issue of an offer.

c) Please provide the text of the requirement and/or the undertaking/declaration provided by exporters/applicants:

The declaration is required from the applicant and additionally from the exporter if he is not the applicant. The following is the wording with respect to this undertaking

14.1 Undertaking

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.

14.3 Indictment/conviction for corruption

We declare that neither we nor anyone acting on our behalf (e.g. agents), nor others of whom we are aware who are being paid or are receiving some other benefit for performing work, services or other participation in the transaction:

- i) have been indicted for (8 or charged with) corruption, or
 - ii) in the past five years, reckoned from the date on this application, have been convicted of corruption in Norway or abroad, or
- in the past five years, reckoned from the date on this application, have been subject to administrative sanctions as a result of corruption in Norway or abroad.

Comments/clarifications/additional information related to the answers provided above:

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Please describe any additional measures taken in relation to exporter/applicant declarations/undertakings:

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Question 4

Do you verify and note¹ whether exporters, and where appropriate, applicants, are listed on the publicly available debarment lists of the following international financial institutions (IFIs): World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development and the Inter-American Development Bank?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If Yes:

a) Which actors associated with the transaction are subject to verification?

<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> <i>at the time of application</i>	<input type="checkbox"/> <i>before support is provided</i>
<input checked="" type="checkbox"/> the exporter(s)	<input checked="" type="checkbox"/> <i>at the time of application</i>	<input checked="" type="checkbox"/> <i>before support is provided</i>
<input type="checkbox"/> other (<i>e.g. agents – please elaborate</i>)	<input type="checkbox"/> <i>at the time of application</i>	<input type="checkbox"/> <i>before support is provided</i>

b) Please indicate how the verification is achieved:

<input type="checkbox"/> staff check the lists	<input type="checkbox"/> <i>at the time of application</i>	<input type="checkbox"/> <i>before support is provided</i>
<input checked="" type="checkbox"/> exporter/applicant self-declaration	<input checked="" type="checkbox"/> <i>at the time of application</i>	<input checked="" type="checkbox"/> <i>before support is provided</i>
<input type="checkbox"/> other (please elaborate):	<input type="checkbox"/> <i>at the time of application</i>	<input type="checkbox"/> <i>before support is provided</i>

Before guarantee is issued, the exporter will have to sign an exporters statement, which includes a confirmation that the information given in the application is still valid.

Comments/clarifications/additional information related to the answers provided above:

Please describe any additional measures taken in relation to current or past debarment of exporters/applicants by other institutions:

¹ Such verification may take the form of a self-declaration from exporters and, where appropriate, applicants, as to whether they are listed on the publicly available IFI debarment lists.

Question 5

Do you require exporters and, where appropriate, applicants, to disclose whether they 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?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If Yes:

a) Please indicate how requirement is met:

- ☒ the application form provides for such disclosures to be made
- ☐ a stand-alone document requiring such disclosures must be provided by the exporter/applicant ☐ *at the time of application* ☐ *before support is provided*
- ☐ other (please elaborate): ☐ *at the time of application* ☐ *before support is provided*

Comments/clarifications/additional information related to the answers provided above:

Where the applicant is not the exporter, GIEK will require an Exporter Corruption Declaration in addition to the declaration made in the application form. Before guarantee is issued, the exporter will have to sign an exporters statement which includes a confirmation that the information given in the application is still valid.

Please describe any additional measures taken in relation to exporter/applicant disclosure of charges and/or convictions of bribery:

If exporter/applicant discloses charges and or /convictions of bribery GIEK will require documentation regarding measures, if any, implemented to prevent corruption. If they are currently under charge GIEK will undertake enhanced due diligence.

Question 6

Are agents' commissions (included in the export contract) eligible for official support?

☐ Yes, always ☒ Yes, sometimes (*please provide details below*) ☐ No

If Yes:

a) Do you apply a ceiling to agents' commissions for which official support is provided?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If Yes:

b) Please provide details on the ceiling(s) applied:

If agents' commissions are to be covered would be decided on a case by case basis.

c) What is the rationale for imposing a ceiling on agents' commissions?

Comments/clarifications/additional information related to the answers provided above:

Please describe any additional measures taken in relation to the eligibility for official support of agents' commissions:

Question 7

Do you require that details be provided in respect of agents' commissions associated with the transaction?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes:

a) Do you require the **amounts** of commissions to be disclosed?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes, the amounts of commissions must be disclosed:

- ☒ at the time of application
- ☐ before the final decision to provide support is made
- ☐ before a claim will be indemnified
- ☐ other (please elaborate):

b) Do you assess whether the **level** of commissions is consistent with standard business practice?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes, the assessment is made:

- ☒ at the time of application
- ☐ before the final decision to provide support is made
- ☐ before a claim will be indemnified
- ☐ other (please elaborate):

c) Do you require the **purpose** of commissions to be clearly identified?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes, the purpose is identified:

- ☒ at the time of application
- ☐ before the final decision to provide support is made
- ☐ before a claim will be indemnified
- ☐ other (please elaborate):

d) Do you require that details (e.g. name, company, address) be provided in respect of the **agent(s)** to whom commissions are paid?

☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

If yes, the details must be provided:

- ☒ at the time of application
- ☐ before the final decision to provide support is made
- ☐ before a claim will be indemnified
- ☐ other (please elaborate):

Comments/clarifications/additional information related to the answers provided above:

In the application form/the Exporters Corruption Declaration, the applicant/exporter must give information on agents including, but not limited to: Name, nature of the assignment/service, remuneration/fees/other benefits and payment/settlement location.

Please describe any additional measures taken in relation to the collection of information on and/or review of agents' commissions:

GIEK has internal rules of procedure as to how to proceed with information which gives reason for further investigations. The officer in charge has a list of elements to consider, e.g. the relative size of an agent fee and if the place of payment differs from the place where the actual work is performed.

Question 8

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence² of bribery?

☒ Yes ☐ No

If Yes:

Please provide a short description of your policies and procedures:

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.

Comments/clarifications/additional information related to the answers provided above:

Please describe any additional measures taken in relation to the disclosure of information on possible instances of bribery to law enforcement authorities:

² As defined in the OECD Council Recommendation on Bribery and Officially Supported Export Credits.

SECTION II – ACTIONS TAKEN IN RELATION TO A SPECIFIC APPLICATION BEFORE CREDIT, COVER OR OTHER SUPPORT HAS BEEN APPROVED

Question 9

If, **before** credit, cover or other support has been approved, you become aware that an exporter and, where appropriate, applicant (or anyone acting on their behalf in connection with the transaction) **are listed on any of debarment lists that you verify**, what action(s) are taken?

☒ Enhanced due diligence is undertaken. ☒ always ☐ sometimes (please provide details below)

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

If enhanced due diligence is undertaken:

a) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has in place appropriate management control systems that combat bribery?

☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

b) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has taken appropriate internal corrective and preventative measures after having been debarred?

☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

c) How is the application treated?

☒ The approval of the application is suspended pending the outcome of the enhanced due diligence process. ☒ always ☐ sometimes (please provide details below)

☐ No fixed policy.

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

Comments/clarifications/additional information related to the answers provided above:

GIEK has no experience in respect of Question 9.

Question 10

If, **before** credit, cover or other support has been approved, you become aware that an exporter and, where appropriate, applicant (or anyone acting on their behalf in connection with the transaction) **is currently under charge in a national court for violation of laws against bribery of foreign public officials of any country**, what action(s) are taken?

- ☒ Enhanced due diligence is undertaken. ☒ *always* ☐ *sometimes (please provide details below)*
- ☐ Other (please elaborate): ☐ *always* ☐ *sometimes (please provide details below)*

If enhanced due diligence is undertaken:

a) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has in place appropriate management control systems that combat bribery?

- ☒ Yes, always ☐ Yes, sometimes (*please provide details below*) ☐ No

b) How is the application treated?

- ☒ The approval of the application is suspended pending the outcome of the enhanced due diligence process. ☒ *always* ☐ *sometimes (please provide details below)*

☐ No fixed policy.

- ☐ Other (please elaborate): ☐ *always* ☐ *sometimes (please provide details below)*

Comments/clarifications/additional information related to the answers provided above:

Question 11

If, **before** credit, cover or other support has been approved, you become aware that an exporter/applicant (or anyone acting on their behalf in connection with the transaction) **has been convicted in a national court or has been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country within a five-year period**, what actions are taken?

- ☒ Enhanced due diligence is undertaken. ☒ always ☐ sometimes (please provide details below)
- ☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

If enhanced due diligence is undertaken:

a) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has in place appropriate management control systems that combat bribery?

- ☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

b) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has taken appropriate internal corrective and preventative measures after having been convicted?

- ☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

c) How is the application treated?

- ☒ The approval of the application is suspended pending the outcome of the enhanced due diligence process. ☒ always ☐ sometimes (please provide details below)

☐ No fixed policy.

- ☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

Comments/clarifications/additional information related to the answers provided above:

Question 12

If, **before** credit, cover or other support has been approved, you have reason to believe that **bribery may be involved in the transaction** (e.g. press reports from a reputable source, information provided by participants in the transaction) related to the award of the export contract, what action(s) are taken?

☒ Enhanced due diligence is undertaken. ☒ always ☐ sometimes (please provide details below)

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

If enhanced due diligence is undertaken:

a) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has in place appropriate management control systems that combat bribery?

☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

b) How is the application treated?

☒ The approval of the application is suspended pending the outcome of the enhanced due diligence process. ☒ always ☐ sometimes (please provide details below)

☐ No fixed policy.

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

Comments/clarifications/additional information related to the answers provided above:

Question 13

If, **before** credit, cover or other support has been approved, you become aware of **credible evidence that bribery was involved in the award of the export contract for the transaction**, what action(s) are taken?

- ☒ Law enforcement authorities are informed. ☒ always ☐ sometimes (please provide details below)
- ☒ Enhanced due diligence is undertaken. ☒ always ☐ sometimes (please provide details below)
- ☒ Support is not provided for the transaction. ☒ always ☐ sometimes (please provide details below)
- ☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

Whether support is provided or not will depend on the outcome of the due diligence. The approval of the application will be suspended.

If enhanced due diligence is undertaken:

- a) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has in place appropriate management control systems that combat bribery?

☒ Yes, always ☐ Yes, sometimes (please provide details below) ☐ No

- b) How is the application treated?

☒ The approval of the application is suspended pending the outcome of the enhanced due diligence process. ☒ always ☐ sometimes (please provide details below)

☐ No fixed policy.

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

If investigative authorities are informed:

- c) How is the application treated?

☒ The approval of the application is suspended pending the outcome of the review by law enforcement authorities. ☒ always ☐ sometimes (please provide details below)

☐ No fixed policy.

☐ Other (please elaborate): ☐ always ☐ sometimes (please provide details below)

In case GIEK becomes aware of the credible evidence support would not be provided and the enhanced due diligence is launched. However, the support might be reconsidered after the verification process, if there is no proof of bribery involved.

Comments/clarifications/additional information related to the answers provided above:

SECTION III – ACTIONS TAKEN IN RELATION TO A SPECIFIC TRANSACTION AFTER CREDIT, COVER OR OTHER SUPPORT HAS BEEN APPROVED

Question 14

If, **after** credit, cover or other support has been approved, you have reason to believe that **bribery may be involved in the transaction** (e.g. press reports from a reputable source, information provided by participants in the transaction) related to the award of the export contract, what action(s) are taken?

- ☒ Law enforcement authorities are informed. ☐ *always* ☒ *sometimes (please provide details below)*
- ☒ Enhanced due diligence is undertaken. ☒ *always* ☐ *sometimes (please provide details below)*
- ☐ Other (please elaborate): ☐ *always* ☐ *sometimes (please provide details below)*

Comments/clarifications/additional information related to the answers provided above:

Whether the law enforcement authorities are informed would depend on the actual evidence received. GIEK would consider to withdraw the guarantee, alternatively reclaim compensation paid or forward a recourse claim against the exporter.

Question 15

If, **after** credit, cover or other support has been approved, you become aware of **credible evidence that bribery was involved in the award of the export contract for a transaction**, what action(s) are taken?

- ☒ Law enforcement authorities are informed. ☒ *always* ☐ *sometimes (please provide details below)*
- ☐ Other (please elaborate): ☐ *always* ☐ *sometimes (please provide details below)*

Comments/clarifications/additional information related to the answers provided above:

According to internal rules of procedure GIEK will inform Norwegian law Enforcement Authorities if considered appropriate after an evaluation of the actual situation.

Question 16

If, **after** credit, cover or other support has been approved, **it is proven that bribery was involved in the award of the export contract for a transaction**, what action(s) are taken?

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Law enforcement authorities are informed.
<i>(only in relation to a conviction outside the Member's country)</i> | <input checked="" type="checkbox"/> always | <input type="checkbox"/> sometimes (please provide details below) |
| <input type="checkbox"/> Loan disbursements are interrupted. | <input type="checkbox"/> always | <input type="checkbox"/> sometimes (please provide details below) |
| <input checked="" type="checkbox"/> Cover is invalidated <i>(for export credit insurance and guarantees)</i> . | <input type="checkbox"/> always | <input checked="" type="checkbox"/> sometimes (please provide details below) |
| <input checked="" type="checkbox"/> Claims are not indemnified <i>(for export credit insurance and guarantees)</i> . | <input type="checkbox"/> always | <input checked="" type="checkbox"/> sometimes (please provide details below) |
| <input type="checkbox"/> Recourse is sought for amounts disbursed. | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Recourse is sought for claims that have already been paid <i>(for export credit insurance and guarantees)</i> . | <input type="checkbox"/> always | <input checked="" type="checkbox"/> sometimes (please provide details below) |
| <input type="checkbox"/> Access to official support is denied for a specified period of time. | <input type="checkbox"/> always | <input type="checkbox"/> sometimes (please provide details below) |
| <input type="checkbox"/> Other (please elaborate): | <input type="checkbox"/> always | <input type="checkbox"/> sometimes (please provide details below) |

Comments/clarifications/additional information related to the answers provided above:

Payment under the guarantee may be denied or recourse may be sought according to GIEKs special conditions which reads as follows:

Coverage under the Guarantee may lapse if the Exporter, in connection with the transaction to which the Guarantee applies, has acted in violation of the prohibitions in Sections 276a to 276c of the Norwegian Criminal Code. These provisions cover corruption of parties both in the public and private sectors and undue influence in trading with parties within the public and private sectors. If payment under the Guarantee has been made or must be made to another party, a claim for reimbursement of said payment with interest and expenses may be made. The same applies should any agent of the Exporter act in violation of such prohibition, if the Guarantee Holder was aware or ought to have been aware of this.

The same applies for the lender/guarantee holder.

SECTION IV – PAST EXPERIENCE

Question 17

Please indicate by marking the appropriate boxes if you have had any experience with the following scenarios related to the time **before** credit, cover or other support has been approved:

	<i>You became aware that an exporter/ applicant was on one of the debarment lists that you verify, and...</i>	<i>You became aware that an exporter/ applicant was under charge in a national court for bribery, and...</i>	<i>You became aware that an exporter/ applicant had been convicted in a national court or had been subject to equivalent national administrative measures for bribery, and...</i>	<i>You have reason to believe that bribery may be involved in the transaction (e.g. press reports from a reputable source, information provided by participants in the transaction), and...</i>	<i>You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and...</i>
... you notified law enforcement authorities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you undertook enhanced due diligence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you decided not to provide support for the transaction.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you suspended approval of the application pending the outcome of the enhanced due diligence process.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
...you suspended approval of the application pending the outcome of the legal process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe the circumstances of the actual incidents noted in the preceding table.³ Please also provide information on any actions that were taken as a result of situations not listed in the table (e.g. Members who review the details of agents' commissions as part of the standard application process should provide information on any actions that were taken as a result of the review of commissions).

³

It is recognised that Members may not be able to provide certain information in respect of a given transaction, e.g. if the transaction is subject to an ongoing investigation or prosecution or if the information is commercially confidential.

Question 18

Please indicate by marking the appropriate boxes if you have had any experience with the following scenarios related to the time **after** credit, cover or other support has been approved:

	<i>You became aware that an exporter/ applicant was under charge in a national court for bribery, and...</i>	<i>You became aware that an exporter/ applicant had been convicted in a national court or had been subject to equivalent national administrative measures for bribery, and...</i>	<i>You have reason to believe that bribery may be involved in the transaction (e.g. press reports from a reputable source, information provided by participants in the transaction), and...</i>	<i>You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and...</i>	<i>It was proven that bribery was involved in the award of the export contract for a transaction, and...</i>
... you notified law enforcement authorities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you interrupted loan disbursements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you invalidated export credit cover.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you did not indemnify a claim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you sought recourse for disbursed loan amounts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...you sought recourse for claims that had already been paid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...denied access to official support for a specified period of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
"Other" means "... you started an enhanced due diligence"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe the circumstances of the actual incidents noted in the preceding table.⁴ Please also provide information on any actions that were taken as a result of situations not listed in the table.

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⁴

See footnote 3.

SECTION V – PRACTICAL APPLICATION OF KEY TERMS

Question 19

Please provide a detailed description of your **Enhanced Due Diligence Procedures**, addressing, *inter alia*:

- Whether they comprise verification that the exporter/applicant has in place appropriate management control systems that combat bribery.
- Whether the procedures seek to verify whether an exporter/applicant that has been debarred by an IFI (or any other entity checked under your procedures) or convicted of bribery has taken appropriate internal corrective and preventative measures after having been debarred or convicted.
- The treatment of agents' commissions under the procedures.

According to internal rules of procedure the underwriters shall investigate the applications with due care in order to decide whether there is reason for further investigation.

GIEK has an internal list of elements to be considered especially by the underwriter e.g. if the actual size of the agent provision is substantial and if the place of payment of the agent provision differs from the place where the work is performed.

If information given in the application gives reason for further investigation, the assistant manager of the underwriting department shall be informed. The assistant manager is responsible for the initiation of necessary and relevant investigation procedure.

If the applicant/exporter has been involved in bribery GIEK will require documentation showing that the applicant has implemented proper measures to deter/prevent further violation of criminal code on bribery. GIEK will require documentation showing that the applicant has implemented proper measures to deter/prevent further violation of the criminal code on bribery. This will include both verification that appropriate management control systems that combat bribery are in place and that appropriate internal corrective and preventative measures have been taken.

If information received is unsatisfactory further investigation will be initiated. External expertise may be used to assist in the investigation.

Question 20

Please describe how the term **Credible Evidence** is applied in practice under your system (*e.g.* who makes the assessment). Any Member who has adopted a definition which is broader (*i.e.* that sets a lower threshold) than the definition provided in footnote 5 of the OECD Council Recommendation on Bribery and Officially Supported export Credits should provide its definition.

According to internal rules of procedure the underwriters shall investigate the applications with due care in order to decide whether there is reason for further investigation.

GIEK has an internal list of elements to be considered especially by the underwriter e.g. if the actual size of the agent provision is substantial and if the place of payment of the agent provision differs from the place where the work is performed.

If information given in the application gives reason for further investigation, the assistant manager of the underwriting department shall be informed. The assistant manager is responsible for the initiation of necessary and relevant investigation procedure.

If the applicant/exporter has been involved in bribery GIEK will require documentation showing that the

applicant has implemented proper measures to deter/prevent further violation of criminal code on bribery. GIEK will require documentation showing that the applicant has implemented proper measures to deter/prevent further violation of the criminal code on bribery. This will include both verification that appropriate management control systems that combat bribery are in place and that appropriate internal corrective and preventative measures have been taken.

If information received is unsatisfactory further investigation will be initiated. External expertise may be used to assist in the investigation.

Question 21

Please describe how the term **national court** is applied under your system (*i.e.* does it apply to any national court, or is it limited to certain national courts such as your own and/or or the national courts of the buyer/borrower country).

Applies to Norwegian courts. Other courts than the ones we are familiar with will be decided upon on a case by case basis.

SECTION VI - FURTHER MEASURES

Question 22

Are you considering any further general measures to deter bribery and/or changes to your policies and practices described in the survey?

☒ Yes ☐ No

Comments on measures and/or actions under consideration:

The internal rules of procedure may be further developed as we gain experience.

Question 23

Would you be prepared to exchange information with other ECG Members about suspected and/or proven instances of bribery related to specific officially supported export credit transactions?

☒ Yes ☐ No

Comments:

Provided in compliance with our duty of confidentiality (by law) and subject to reciprocity.

SECTION VII – ADDITIONAL COMMENTS

Please provide any additional comments on the items covered in the survey, or in relation to any issue, policy, or practice which has not been addressed (including any additional measures you take to combat bribery).

(The latest update to responses: 2 Apr 2014)