

**SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY
IN OFFICIALLY SUPPORTED EXPORT CREDITS – SLOVENIA (SID) 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):

Special conditions in insurance policy and in recourse agreement (if applied)

- 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:

The insurance coverage shall not apply in the event that the present credit transaction is characterized by the presence of corruption or international corruption as identified by the Integrity and Prevention of Corruption Act, and serious forms of corruption as set out in the Enclosure No 5 hereof.

“Corruption” shall constitute any violation of due conduct of official and responsible persons in the public or private sector, as well as conduct of persons who are initiators of violations, or persons who may benefit from violations on account of directly or indirectly promised, offered or provided, and/or requested, accepted or expected benefit for oneself or for anyone else.

International corruption is defined as corruption which involves at least one private person or legal entity from abroad.

With its signature of the Insurance Policy, the Insured warrants to the SID Bank that to the best of its knowledge neither its executive staff nor any other employees or any other third parties acting on behalf and for the account of the Insured – be it in the stage of obtaining, negotiating, concluding or executing of the Loan Agreement – have performed nor will perform or participate in acts identified by the Penal Code of the Republic of Slovenia as unauthorized accepting any gifts, unauthorized giving any gifts, taking any bribes, providing any bribes, accepting any benefits for illegal intermediation or giving any gifts for illegal intermediation, as such acts are set out in Enclosure No 5 hereof.

The Insured hereby declares that to the best of its knowledge it is not aware that there should be any corruption or international corruption as identified by the Integrity and Prevention of Corruption Act, and serious forms of corruption, present with its partner/s participating in the execution of the said Loan Agreement and/or the Commercial Contract.

Enclosure No 5: Serious Forms of Corruption

Chapter Twenty-Four: CRIMINAL OFFENCES AGAINST ECONOMY

Unauthorised Acceptance of Gifts

Article 241

(1) Whoever, in the performance of an economic activity, requests or agrees to accept for himself or any third person an unauthorised award, gift or other property benefit, or a promise or offer for such benefit, in order to neglect the interests of his organisation or other natural person or to cause damage to the same when concluding or retaining a contract or other unauthorised benefit, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) The perpetrator of the offence under the preceding paragraph of this Article, who requests or agrees to accept an unauthorised award, gift or other property benefit, or a promise or offer for such benefit, for himself or any third person in exchange for acquiring or retaining a contract or other benefit, shall be sentenced to imprisonment for not less than three months and not more than five years.

(3) The perpetrator of the offence under paragraph 1 of this Article who requests or agrees to accept an unauthorised award, gift or other property benefit after the contract is concluded or service performed, or other unauthorised benefit is acquired for himself or any third person, shall be sentenced to imprisonment

for not more than two years.

(4) The accepted gift, award, or any other benefit shall be seized.

Unauthorised Giving of Gifts

Article 242

(1) Whoever promises, offers, or gives an unauthorised award, gift or any other property benefit to a person performing an economic activity, intended for such a person or any third person with a view to obtaining any unjustified benefit for himself or any third person when concluding or retaining a contract, or any other unauthorised benefit under paragraph 1 of Article 241, shall be sentenced to imprisonment for not less than six months and not more than five years.

(2) Whoever promises, offers, or gives an unauthorised award, gift or any other property benefit to a person performing an economic activity, intended for such a person or any third person in exchange for acquiring or retaining a contract or other benefit, shall be sentenced to imprisonment for not more than three years.

(3) If the perpetrator under the previous paragraphs who gave the unauthorised award, gift or any other property benefit upon request, declares the offence before it was detected or he knew it had been detected, his punishment may be remitted.

(4) The given award, gift or other property benefit shall be seized, while in the case under the preceding paragraph, the same may be returned to the person who gave it.

Chapter Twenty-Six: CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES AND PUBLIC AUTHORISATIONS

Acceptance of Bribes

Article 261

(1) An official or a public officer who requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to perform an official act within the scope of his official duties which should not be performed, or not to perform an official act which should or could be performed, or make other abuse of his position, or whoever serves as an agent for the purpose of bribing an official, shall be sentenced to imprisonment for not less than one and not more than eight years and punished by a fine.

(2) An official or a public officer who requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to perform an official act within the scope of his official duties which should or could be performed, or not to perform an official act which should not be performed, or make other use of his position, or whoever intermediates in such a bribery of the official, shall be sentenced to imprisonment for not less than one and not more than five years.

(3) An official or a public officer who requests or accepts an award, gift or other favour with respect to the performance of the official act under preceding paragraphs after the official act is actually performed or omitted, shall be punished by a fine or sentenced to imprisonment for not more than three years.

(4) The accepted award, gift and other benefit shall be seized.

Giving Bribes

Article 262

(1) Whoever promises, offers or gives an award, gift or other benefit to an official or a public officer for him or any third person in order for him either to perform an official act within the scope of his official duties which should not be performed, or not to perform an official act which should or could be performed, or makes other abuse of his position, or whoever serves as an agent for the purpose of bribing an official, shall be sentenced to imprisonment for not less than one and not more than five years and punished by a fine.

(2) Whoever promises, offers or gives an award, gift or other benefit to an official or a public officer for him or any third person in order for him either to perform an official act within the scope of his official duties which should or could be performed, or not to perform an official act which should not be performed, or makes other use of his position, shall be sentenced to imprisonment for not less than six months and not more than three years.

(3) If the perpetrator under the preceding paragraphs who gave the award, gift or other benefit on request of an official or public officer, had declared such an offence before it was detected or he knew it had been detected, his punishment may be remitted.

Accepting Benefits for Illegal Intermediation

Article 263

(1) Whoever accepts an award, gift or any other favour or promise or offer for such a favour for himself or any third person, in order to use his rank or real or presumptive influence to intervene so that a certain official act be or not be performed, shall be sentenced to imprisonment for not more than three years.

(2) Whoever uses his rank or his real or presumptive influence to intervene either for the performance of a certain official act which should not be performed or for the non-performance of an official act which should or could be performed, shall be punished to the same extent.

(3) If the perpetrator, prior to or after the intervention, accepts any award, gift or other favour for himself or any third person in exchange for his intervention referred to in the preceding paragraph, he shall be sentenced to imprisonment for not less than one and not more than five years.

(4) The accepted award, gift and other benefit shall be seized.

Giving of Gifts for Illegal Intervention

Article 264

(1) Whoever promises, offers or gives an award, gift or any other favour to another person for himself or any third person, in order to use his rank or real or presumptive influence to intervene so that a certain official act be or not be performed, shall be sentenced to imprisonment for not more than three years.

(2) Whoever promises, offers or gives an award, gift or any other favour to other person for himself or any third person, in order to use his rank or real or presumptive influence to intervene either for the performance of a certain official act which should not be performed or for the non-performance of an

official act which should or could be performed, shall be sentenced to imprisonment for not less than one and not more than five years.

(3) If the perpetrator under the preceding paragraphs who gave the award, gift or other benefit on request of the illegal intermediary, had declared such an offence before it was detected or he knew it had been detected, his punishment may be remitted.

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

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

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):

Special conditions in insurance policy and in recourse agreement (if applied)

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:

Text in the application form:
Furthermore, I (we) declare that:
I am (we are) aware of the importance of developing own supervision system with measures introduced to prevent corruption or international corruption as identified by the Integrity and Prevention of Corruption Act, and serious forms of corruption.

Text in the special condition in insurance policy:
With its signature of this Insurance Policy, the Insured furthermore declares that:
it is aware of the importance of developing own supervision system with measures introduced to prevent corruption or international corruption as identified by the Integrity and Prevention of Corruption Act, and serious forms of 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:

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):

Special conditions in insurance policy and in recourse agreement (if applied)

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*

Special conditions in insurance policy and in recourse agreement (if applied)

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

Text in the application form:

Furthermore, I (we) declare that:

neither the executive staff nor the employees of the Insured, or any other third parties acting on behalf and for the account of the Insured (e.g. intermediaries), are currently subjected to any pending court proceedings nor have been charged with violation of the legislation relating to the prevention of corruption and criminal offences over the past five years.

Text in the special condition in insurance policy:

With its signature of this Insurance Policy, the Insured furthermore declares that:

neither the executive staff nor the employees of the Insured, or any other third parties acting on behalf and for the account of the Insured (e.g. intermediaries), are currently subjected to any pending court proceedings nor have been charged with violation of the legislation relating to the prevention of corruption and criminal offences over the past five years.

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

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

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

b) Please indicate how the verification is achieved:

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

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*

Statement is part of the application form and special condition in insurance policy.

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

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

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:

SID has a ceiling of 5% of the contract amount

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

Agent commission must be justified by the work done by the agent.

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

Agents' commissions are eligible for official support only in case of ceiling at 5% of the contract amount.

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:

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

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:

In case of indicators of corruption the (internal) Compliance Department is informed which is authorised to carry on further steps including informing law enforcement agencies (in case of credible evidence).

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:

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)*

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)*

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:

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:

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?

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

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 checked="" type="checkbox"/>	<input type="checkbox"/>
...you decided not to provide support for the transaction.	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
<div></div>	<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"/>
<div></div>	<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).

[illegible]

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"/>
<div></div>	<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"/>
<div></div>	<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.

[illegible]

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.

SID Enhanced Due Diligence Procedures consist of the following: -notification to the management board of SID - verification exporter/applicant has appropriate management control systems in place - verification if the exporter/applicant have taken appropriate preventive measures - investigation on commissions (disclosure of agents commissions is a part of application process) - further investigation case by case.

[illegible]

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.

Credible Evidence is assessed by the underwriting and legal department. It is in line with footnote 5 of the Recommendation.

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).

It applies to any national court.

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:

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:

On a case by case basis 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).

[illegible]

(The latest update to responses: 27 Feb 2014)