

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

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:

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):

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:

Bancoldex does not perform direct credit disbursements, but acts as a second-tier bank through the banks or discounter bank of guarantee documents and/or guarantees insurance companies credit, and this responsibility is delegated to them.

The following is a general text in the credit agreement, provided under the idea that bribery is considered one of the criminal sources of money laundering, topic in which an ensemble of procedures are set in order to prevent, manage and measure risks regarding it:

"The signing financial institution, by the fact of endorsing this banking bill on behalf of BANCOLODEX, accepts all the financial applicable conditions as is engaging in this second tier credit operation, according to the 1st, 2nd and 3rd clauses of the "Master credit agreement for every use of Bancoldex's credit services", and to the current legal rules concerning such operations,

CERTIFIES: (1) That it has requested and received from the beneficiary of this credit, the financial and tax informations and every other necessary or mandatory document in order to perform the evaluation to which this operation it has been subject to, with satisfactory results. (2) That the related financial intermediary has currently in place the control mechanisms established in the section 102 of the "Financial System Statutory Law" and in every concordant or complementary rule regarding particular typified criminal activities. That the equally regulated procedures and transactions control systems mentioned in the section 103 have been adopted, as well as the compliance reporting demanded by the section 104. (3) That those mechanisms, procedures and control systems have been applied to this credit's beneficiary, and that no information leading to reasons for the denial of this credit has been obtained in the process. (4) That the above mentioned mechanisms, procedures and control systems, as well as their application to the beneficiary of this credit are adequately documented. (5) That this documentation, as the one mentioned in issue number (1) certified above, remains held by the intermediary financial institution, and totally available for Banco de Comercio Exterior de Colombia S.A.BANCOLDEX."

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

Note: Financial System Statutory Law's (Estatuto Orgánico del Sistema Financiero) Sect. 102 contains the following items: 1. Control obligation towards criminal activities. 2. Control mechanisms. 3. Procedures adoption. 4. Control scope and coverage. Section 103 relates to controls regarding cash transactions. Section 104 relates to a periodically obligation to report to the financial information authority (UIAF) every cash transaction.

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):

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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*

Know your customer / Know your foreign customer form
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c) Please provide the text of the requirement and/or the undertaking/declaration provided by exporters/applicants:

<i>The following is one of the fields of the "Know your customer/ Know your foreign customer" form:</i>
7. Declaration of source and destination of funds
I, acting my own name, and/or on behalf of the company mentioned above, make the following statement of origin and destination of funds to Banco de Comercio Exterior de Colombia S. A. – BANCÓLDEX, in accordance with anti-money laundering and anti-terrorist financing program Colombian laws.
1. I declare that the goods, services or resources, that I have transferred or will transfer to BANCÓLDEX, by me or by the company that I represent, are originated from legal or legitimate sources and from the performance of the respective economic activity, business, occupation, profession or job.
In case of different sources, specify them:
2. I confirm that I know the anti-money laundering and anti-terrorism financing laws in my jurisdiction, and the company that I represent complies with them. Also, we have and apply as a good business practice due diligence of adequate knowledge of our customers and suppliers and the origin and destination of its resources, to prevent money laundering and terrorist financing program.
3. I declare that the resources and / or goods that we transfer, are not originated, nor will be used / from any illegal activity.
4. No third party will admit that deliver in my name and / or my represented, funds, goods or services from illegal activities, or for transactions conducted of such activities or to persons connected with them.
5. I declare that I exonerate BANCOLDEX from any responsibility arising from incorrect, false or inaccurate information that I have provided in this document, or the violation thereof.

The following is one of the fields of the “Know your customer/ Know your foreign customer” form:

The following is a general text in the credit agreement, provided under the idea that bribery is considered one of the criminal sources of money laundering, topic in which an ensemble of procedures are set in order to prevent, manage and measure risks regarding it:

“The signing financial institution, by the fact of endorsing this banking bill on behalf of BANCOLODEX, accepts all the financial applicable conditions as is engaging in this second tier credit operation, according to the 1st, 2nd and 3rd clauses of the “Master credit agreement for every use of Bancoldex’s credit services”, and to the current legal rules concerning such operations, CERTIFIES: (1) That it has requested and received from the beneficiary of this credit, the financial and tax informations and every other necessary or mandatory document in order to perform the evaluation to which this operation it has been subject to, with satisfactory results. (2) That the related financial intermediary has currently in place the control mechanisms established in the section 102 of the “Financial System Satutory Law” and in every concordant or complementary rule regarding particular typified criminal activities. That the equally regulated procedures and transactions control systems mentioned in the section 103 have been adopted , as well as the compliance reporting demanded by the section 104. (3) That those mechanisms, procedures and control systems have been applied to this credit’s beneficiary, and that no information leading to reasons for the denial of this credit has been obtained in the process. (4) That the above mentioned mechanisms, procedures and control systems, as well as their application to the beneficiary of this credit are adequately documented. (5) That this documentation, as the one mentioned in issue number (1) certified above, remains held by the intermediary financial institution, and totally available for Banco de Comercio Exterior de Colombia S.A.BANCOLDEX.”

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

The above statement (general text in the credit agreement) is a text whose use is generalised among Bancoldex’s clients, and included in the Documentation forms used to subscribe all credit agreements. The forms don’t specifically mention bribery issues, but a broad idea of criminal behaviours typified in the Colombian penal system, emphasizing money-laundering related conducts.

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 type="checkbox"/> the applicant	<input type="checkbox"/> <i>at the time of application</i>	<input type="checkbox"/> <i>before support is provided</i>
<input type="checkbox"/> the exporter(s)	<input type="checkbox"/> <i>at the time of application</i>	<input 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 type="checkbox"/> exporter/applicant self-declaration	<input type="checkbox"/> <i>at the time of application</i>	<input 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>

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

This mechanism is not currently in place, but could be integrated to those that are already implemented under the regulations, control systems and procedures concerning anti-money laundering and anti-terrorist financing program.

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

United Nations, Office of Foreign Assets Control (OFAC) and information from Colombian authorities.

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:

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:

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:

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:

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)*

In relation to anti- money laundering debarment lists.

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)

<i>The transaction stops and disbursement is denied</i>

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)

<i>The transaction stops and disbursement is denied</i>

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)*

The transaction stops and disbursement is denied

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)*

<i>The transaction stops and disbursement is denied</i>

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)*

When Bancóldex has knowledge about investigations the transaction stops, disbursement is denied, and the situation is included in a monitoring control procedure.

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)*

Disbursement is interrupted

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)*

Disbursement is interrupted

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)

As a discount or second-tier operation, Bancoldex S.A. has the right to claim for immediate payment from the financial intermediary.

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)

As a discount or second-tier operation, Bancoldex S.A. has the right to claim for immediate payment from the financial intermediary.

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. ☐ ☐
- ☐ 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)*

<i>As a discount or second-tier operation, Bancoldex S.A. has the right to claim for immediate payment from the financial intermediary.</i>

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
...you interrupted loan disbursements.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
...you invalidated export credit cover.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

[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.

“For the purpose of this Recommendation, credible evidence is evidence of a quality which, after critical analysis, a court would find to be reasonable and sufficient grounds upon which to base a decision on the issue if no contrary evidence were submitted.”

The Colombian law system, specifically in criminal matters, requires judicial decisions to be based on evidence. Governing the presumption of innocence, so in criminal procedures, in case of any doubt, this should be resolved in favor of the defendant. However, in the case of Bancóldex, due to their employees are considered public servants, the criminal law demands a duty to promptly report the case to the authorities.

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).

National court would be understood as justice applied by any Colombian tribunal.

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:

Control mechanisms as use of debarment lists are currently linked to anti-money laundering and other restrictive lists that do not include bribery or corruption debarment lists. Bancoldex can make some improvements regarding the implementation of such procedures, using the existing AML platform and the lists referred in this survey. However, not all the implications for our processes have been analysed.
The applications and forms texts transcribed in the answers 2 and 3 above refer mainly to money laundering - related crimes, but do not literally describe <i>bribery</i> and <i>corruption-related</i> crimes, so those existing regulations could be integrated to those formats, as well as additional information about the legal consequences of the bribery in international business transactions (question 1) under Colombian legal system including mentioning national laws prohibiting such bribery (<i>cohecho</i>). However, not all related implications for our processes have been yet analysed.

Do you inform exporters and, where appropriate, applicants, requesting official export credit support

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:

To the extent of current implemented procedures, and regarding only legally proven situations.

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]

Responses as at end-June 2015
(The last update to responses: June 2014)