SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS – NETHERLANDS (ATRADIUS) 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes:

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

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

Further information is provided via our magazine, distributed amongst clients, and via our website.

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:

In the general Conditions as a condition for indemnification:
in connection with the conclusion or performance of the Contract, the Insured has not committed bribery within the meaning of Articles 177 and 177a in conjunction with Article 178a of the "Wetboek van Strafrecht" (Penal Code), has not incited bribery, has not been an accessory thereto and has not knowingly benefited therefrom. If this condition has not been complied with, Atradius shall also have the right to terminate the Insurance Contract without refunding the premium and the Insured shall be obliged to repay to Atradius any indemnification which has already been paid.

And in the application form:
Atradius will under no circumstances become involved in transactions in which bribery has taken place, bribery being interpreted for this purpose in the broadest terms. The question includes a list of forms of bribery that is not exhaustive. Even if the bribery concerned is a form of bribery that is not listed explicitly, or if you have reasons to suspect that there may be question of such a form of bribery, you must declare this bribery in your answer.

Please note that the question also relates to bribery (in the broadest terms) by persons other than the applicant and of persons other than the principal. In any case, you must explain an affirmative answer so that Atradius is able to consider whether to enter into an insurance contract with you.
We would draw your attention to the fact that bribery of foreign officials is also expressly prohibited by sections 177 and 177a in conjunction with 178a of the Penal Code (Wetboek van Strafrecht). In the event that Atradius suspects that bribery has nevertheless taken place, Atradius reserves the right to report this suspicion to the Dutch investigative authorities.

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

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

Further information is provided via our magazine, distributed amongst clients, and via our website.

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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes:

a) Please indicate how this is accomplished:

[X] 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

[X] information posted on the organisation's web site

[X] customer publications (e.g. brochures, handbooks)

[ ] other (please elaborate):

Atradius DSB does encourage development, application and documentation of appropriate control systems that combat bribery by way of promoting awareness on the issue by publications on the website and in the bi-monthly magazine.

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:

Please refer to the text under Question 1b). In customer publications articles about anti-bribery initiatives are published on a case-by-case basis, but no specific standard text.

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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If Yes:

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

- [X] 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
- [X] information posted on the organisation's web site
- [ ] customer publications (e.g. brochures, handbooks)
- [ ] other (please elaborate):

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

- [X] 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*

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

Are you aware that in connection with the contract to which this application relates

- any payment or donation has or will be given or offered;
- any pledge has or will be made;
- any service has or will be performed or offered;
- any benefit of whatever nature (including intangible benefits and benefits in kind) has or will be awarded, pledged or offered,

by you or by another person to persons who are in the public service of a foreign state or public international body, whether or not this is dependent on the fulfilment of a further condition or conditions, which payment, donation, pledge, service or benefit could be interpreted in such a way that bribery or attempted bribery has taken place or will take place, or at least that an attempt has or will be made in an improper manner to obtain a competitive advantage, a better negotiating position, more favourable contract terms, or any other benefit?

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 note[1] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If Yes:

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

[ ]	the applicant	[ ] *at the time of application*	[ ] *before support is provided*
[X]	the exporter(s)	[X] *at the time of application*	[ ] *before support is provided*
[X]	other (*e.g.* agents – please elaborate)	[X] *at the time of application*	[ ] *before support is provided*

Atradius DSB always ask exporters in the application form the amount of commission being paid, the name and address of the agent to whom commission is being paid and the work done for the commission paid. Normally 5% of the contract amount or EUR 4.500.000 (whichever is the lowest) is the limit, even if explanation is provided.

b) Please indicate how the verification is achieved:

[X]	staff check the lists	[X] *at the time of application*	[X] *before support is provided*
[X]	exporter/applicant self-declaration	[X] *at the time of application*	[X] *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 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If Yes:

a) Please indicate how requirement is met:

[X] 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 [X] Yes, sometimes (*please provide details below)* [ ] No

If Yes:

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

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If Yes:

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

Normally Atradius applies a ceiling of 5% of the contract amount or EUR 4,5 mln., whichever is the lowest. Exceptions with extensive justification possible.

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

Agent commission should be justified by the work done by the agent. If too high in percentage or amount (without reasonable justification), we consider this an indication for bribery.

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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes:

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

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes, the amounts of commissions must be disclosed:

[X] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes, the assessment is made:

[ ] at the time of application

[X] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes, the purpose is identified:

[ ] at the time of application

[X] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

If yes, the details must be provided:

[X] 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 evidence[2] of bribery?

[X] Yes [ ] No

If Yes:

Please provide a short description of your policies and procedures:

In a case of credible evidence of bribery we will inform and disclose the available information to the Dutch law enforcement authorities.

In the instance of credible bribery Atradius Dutch State Business will take appropriate action as described in the latest Recommendation on Bribery and Officially Supported Export Credits. Concretely this implies that Atradius Dutch State Business will hand over all information to the Ministry of Finance (Head of Unit) in case of credible evidence. The Ministry of Finance will then decide whether or not to hand the information over to the law enforcement authorities (public prosecutor).

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?

[X] Enhanced due diligence is undertaken. [X] *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?

[X] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

c) How is the application treated?

[X] The approval of the application is suspended pending the outcome of the enhanced due diligence process. [X] *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?

[X] Enhanced due diligence is undertaken.	[X] *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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

b) How is the application treated?

[X] The approval of the application is suspended pending the outcome of the enhanced due diligence process.	[X] *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?

[X] Enhanced due diligence is undertaken. [X] *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?

[X] 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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

c) How is the application treated?

[X] The approval of the application is suspended pending the outcome of the enhanced due diligence process. [X] *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?

[X] Enhanced due diligence is undertaken.	[X] *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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

b) How is the application treated?

[X] The approval of the application is suspended pending the outcome of the enhanced due diligence process.	[X] *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?

[X]	Law enforcement authorities are informed.	[X] *always*	[ ] *sometimes (please provide details below)*
[X]	Enhanced due diligence is undertaken.	[X] *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?

[X] Yes, always [ ] Yes, sometimes (*please provide details below)* [ ] No

b) How is the application treated?

[X]	The approval of the application is suspended pending the outcome of the enhanced due diligence process.	[X] *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?

[X]	The approval of the application is suspended pending the outcome of the review by law enforcement authorities.	[X] *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?

[X] Law enforcement authorities are informed.	[X] *always*	[ ] *sometimes (please provide details below)*
[X] Enhanced due diligence is undertaken.	[X] *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?

[X] Law enforcement authorities are informed.	[X] *always*	[ ] *sometimes (please provide details below)*
[ ] Other (please elaborate):	[ ] *always*	[ ] *sometimes (please provide details below)*

If there is credible evidence that bribery was involved in the award of the export contract Atradius will take the appropriate measures as mentioned in art. 2k of the Action Statement.

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?

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

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

Depending on the specific circumstances, official support may be denied for a specified period of time. The length of such period may be dependent on certain conditions to be fulfilled, for example appropriate risk management control systems have to be in place within the organisation of the exporter.

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:

	You became aware that an exporter/ applicant was on one of the debarment lists that you verify, and…	*You became aware that an exporter/ applicant was under charge in a national court for bribery, and…*	*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…*	*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…*	*You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and…*
... you notified law enforcement authorities.	☐	☐	☐	☐	☐
... you undertook enhanced due diligence.	X	☐	X	☐	☐
…you decided not to provide support for the transaction.	X	☐	☐	☐	☐
…you suspended approval of the application pending the outcome of the enhanced due diligence process.	X	☐	X	☐	☐
…you suspended approval of the application pending the outcome of the legal process.	☐	☐	☐	☐	☐
... [other].	☐	☐	☐	☐	☐
... [other].	☐	☐	☐	☐	☐

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).

Confidential

[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:

	You became aware that an exporter/ applicant was under charge in a national court for bribery, and…	*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…*	*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…*	*You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and…*	*It was proven that bribery was involved in the award of the export contract for a transaction, and…*
... you notified law enforcement authorities.	☐	☐	☐	☐	☐
…you interrupted loan disbursements.	☐	☐	☐	☐	☐
…you invalidated export credit cover.	☐	☐	☐	☐	☐
…you did not indemnify a claim.	☐	☐	☐	☐	☐
…you sought recourse for disbursed loan amounts.	☐	☐	☐	☐	☐
…you sought recourse for claims that had already been paid.	☐	☐	☐	☐	☐
..denied access to official support for a specified period of time.	☐	☐	☐	☐	☐
... [other]. "Other" means "... you started an enhanced due diligence"	☐	X	☐	☐	☐
... [other].	☐	☐	☐	☐	☐

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.

Please note, the instance did not relate to an export contract nor loan agreement covered by Atradius.

[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.

Content of the due diligence process is determined on a case-by-case basis. Detailed information on agent commission is always asked for in advance in the application form. Furthermore, in case the exporter (or the agent) appears on a publicly available debarment list or exporters, or anyone acting on their behalf in connection with the transaction, are currently under charge in a national court, or within a five year period preceding the application, has been convicted in a national court or been subject to equivalent national administrative measures for the violation of laws against bribery of foreign public officials of any country, or believed is that bribery may be involved in the transaction, we will in any case:
- verify that the exporter has in place appropriate management control systems that combat bribery.
- seek to verify whether the exporter has taken appropriate internal corrective and preventive measures and if they are being maintained and well documented.

Additional actions within the context of enhanced due diligence may be taken, in consultation with or at the request of the Ministry of Finance.

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.

We would apply the definition as mentioned in 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).

The term national court means any national court, in any country in the world, with a legal system that is generally and legally acceptable. It has to be a court that has jurisdiction over the whole respective country and not just a regional court that is not accepted by the government of that state.

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?

[X] Yes [ ] No

Comments on measures and/or actions under consideration:

Atradius DSB will foster the awareness of its personnel every year.
The application form is being amended by incorporating additional questions on bribery matters.
The internal underwriting process is currently being strengthened insofar it concerns the due diligence on bribery matters. In addition we will introduce mandatory signatory by exporters and applicants of a separate anti bribery statement prior to policy issue.

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?

[X] Yes [ ] No

Comments:

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).

Responses as at end-June 2017
(The last response on: 5 May 2017)