SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS – DENMARK (EKF) 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

[X] a stand-alone document is provided to applicants

[X] text included in a stand-alone document submitted by applicants

[ ] text in the general conditions of cover (*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):

Text included in declarations of non-bribery to be submitted by applicants/exporters. (In case of LC's with credit periods up to 12 months we only require declarations from the guarantee holder, not from the exporter.)

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:

~~Denmark has ratified the OECD Convention to combat bribery of foreign public officials in international business transactions (the OECD Convention on Combating Bribery). § 122 of the Danish Criminal Code states that: "It is an offence for a person to unlawfully provide, promise or offer gifts or other benefits to anyone serving the Danish, foreign or international public or business sector, in order to influence the person concerned in the exercise of their duties, whether it be a question of addition to or omission from these duties. The penalty for this offence is either a fine or imprisonment for up to 3 years."~~

Denmark has ratified the OECD convention on combating bribery of foreign public officials in international business transactions (The OECD Anti- Bribery Convention). In accordance with the OECD Anti-Bribery Convention, EKF Denmark´s Export Credit Agency ("EKF") is obliged to obtain a declaration stating that bribery has not been and will not be taking place. In addition to this, the regulations in the Danish Criminal Code section 122 regarding bribery of public officials and section 299, subsection 2 on bribery of private employees, are also applicable.

According to section 122 of the Danish Criminal Code: "Anyone who unduly grants, promises or offers someone exercising a Danish, foreign or international public office or function a gift or other privilege in order to induce the person to do or fail to do anything in relation to his official duties shall be liable to a fine or imprisonment with a term up to six years."

Section 299, subsection 2 of The Danish Criminal Code regarding bribery of private persons (kickbacks) stipulates that: "Anyone acting in the capacity of trustee of any property of another person, by neglect of duty, for the benefit of himself or of others, receives, claims or accepts the promise of a gift or other favour, as well as any person who grants, promises or offers such a gift or favour shall be liable to a fine or to imprisonment with a term up to four years."

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

We have updated the text this year to indicate more clearly that the bribery of private persons also is included.

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?

[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

[X] 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)

[X] other (please elaborate):

Text included in declarations of non-bribery to be submitted by applicants/exporters.(In case of LC's with credit periods up to 12 months we only require declarations from the guarantee holder, not from the exporter.)

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:

EKF encourages all guarantee holders and exporters to develop, apply and document control systems that combat bribery.

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:

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

Text included in declarations of non-bribery to be submitted by applicants/exporters.(In case of LC's with credit periods up to 12 months we only require declarations from the guarantee holder, not from the exporter.)

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

- [ ] the application form
- [X] a stand-alone document submitted by the exporter/applicant [ ] *at the time of application* [X] *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:

~~With reference hereto the undersigned hereby declares:~~

~~that the undersigned, nor any persons acting on behalf of the undersigned, upon the instructions of the undersigned or with the knowledge of the undersigned, have engaged in or will engage in bribery in connection with the above mentioned transaction guaranteed by EKF or any associated agreements,~~

~~that the undersigned guarantee to refund EKF for indemnification, both already paid and later owing, to the guarantee holder, including interest from the date of payment, if the undersigned, or any persons acting on behalf of the undersigned, upon the instructions of the undersigned or with the knowledge of the undersigned, have engaged in or engage in bribery in connection with the above mentioned transaction guaranteed by EKF or any associated agreements,~~

~~that the undersigned will indemnify EKF for all losses and expenses, including legal costs, incurred should the undersigned, or anyone acting on behalf of the undersigned, upon the instructions of the undersigned or with the knowledge of the undersigned have engaged in or engage in bribery in connection with the above mentioned transaction guaranteed by EKF or any associated agreements, and~~

~~that this declaration is subject to Danish law and to settlement in a Danish court of law.~~

With reference hereto the undersigned hereby declares,

- that neither the undersigned, nor any persons acting on behalf of the undersigned, upon the instructions of the undersigned or with the knowledge of the undersigned, have engaged in or will engage in bribery in connection with the above-mentioned transaction guaranteed by EKF or any associated agreements.

- that the undersigned, in case this declaration is signed as a Guarantee Holder, forfeits the right to compensation in connection with the guarantee issued by EKF, and that the Guarantee Holder will repay any compensation received, including interest, from the date of payment, if the Guarantee Holder or any persons acting on behalf of the Guarantee Holder, upon the instructions of the Guarantee Holder or with the knowledge of the Guarantee Holder, have engaged in or engage in bribery in connection with the above-mentioned transaction guaranteed by EKF or any associated agreements.

- that the undersigned, in case this declaration is signed as an Investor or Exporter, will repay EKF any compensation received or later owing to the Guarantee Holder, including interest, from the date of payment, in case the Investor or Exporter or any persons acting on behalf of the Investor or Exporter, upon their instructions or with their knowledge, have engaged in or engage in bribery in connection with the above-mentioned transaction guaranteed by EKF or any associated agreements.

- that the undersigned will indemnify EKF for all losses, including legal costs incurred, should the undersigned or any persons acting on behalf of the undersigned, upon the instructions of the undersigned or with the knowledge of the undersigned have engaged in or engage in bribery in connection with the above-mentioned transaction guaranteed by EKF or any associated agreements and

- that this declaration is subject to Danish law and to settlement in a Danish court of law.

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

The text has been slightly updated

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?

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

The bank of the exporter and the bank of the buyer are also verified

b) Please indicate how the verification is achieved:

[ ]	staff check the lists	[ ] *at the time of application*	[ ] *before support is provided*
[X]	exporter/applicant self-declaration	[X] *at the time of application*	[X] *before support is provided*
[X]	other (please elaborate):	[ ] *at the time of application*	[X] *before support is provided*

Self-declaration by way of checkboxes in the application form and in declaration of non-bribery. Besides this EKF's consults the European Union's online debarment list, which contains all persons (legal and natural) listed on the EU and UN debarment lists.

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

[X] a stand-alone document requiring such disclosures must be provided by the exporter/applicant [ ] *at the time of application* [X] *before support is provided*

[ ] other (please elaborate): [ ] *at the time of application* [ ] *before support is provided*

Self-declaration by way of checkboxes in the declaration of non-bribery.

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:

We assess on a case-by-case basis, if assessed relevant we carry out an enhanced due diligence.

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?

[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

[X] 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:

[X] 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:

[X] 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?

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

If yes, the details must be provided:

[ ] at the time of application

[X] before the final decision to provide support is made

[ ] before a claim will be indemnified

[ ] other (please elaborate):

It depends on level and/or purpose of the commission.

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:

Any suspicion must be reported by the relevant EKF employee to his/her superior who, in turn, must report to management. Management decides to report to law enforcement authorities if there is 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?

[X] Enhanced due diligence is undertaken. [X] *always* [ ] *sometimes (please provide details below)*

[ ] Other (please elaborate): [ ] *always* [ ] *sometimes (please provide details below)*

No experience to date.

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)*
[X] Support is not provided for the transaction.	[X] *always*	[ ] *sometimes (please provide details below)*
[ ] Other (please elaborate):	[ ] *always*	[ ] *sometimes (please provide details below)*

No experience to date. Reporting to law enforcement authorities will be depending on how strong the evidence is. Enhanced due diligence may be pointless if the evidence is conclusive and support is not provided.

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

Cover under the guarantee will be void in case of bribery.

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

Depending on how strong the evidence is, EKF will inform the relevant law enforcement authorities.

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)*

Depending on how strong the evidence is. We assume that credible evidence represent rather strong evidence.

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.	[ ] *always*	[X] *sometimes (please provide details below)*
[X]	Cover is invalidated (*for export credit insurance and guarantees*).	[ ] *always*	[X] *sometimes (please provide details below)*
[X]	Claims are not indemnified (*for export credit insurance and guarantees*).	[ ] *always*	[X] *sometimes (please provide details below)*
[ ]	Recourse is sought for amounts disbursed.	[ ]	[ ]
[X]	Recourse is sought for claims that have already been paid (*for export credit insurance and guarantees*).	[X] *always*	[ ] *sometimes (please provide details below)*
[X]	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:

Loan disbursements are interrupted if possible.

EKF's regulations are constructed so that EKF is under an obligation to indemnify the bank to which the guarantee has been issued unless that bank, or anyone acting on its behalf, has engaged in illegal bribery. If the exporter, or anyone acting on his/her behalf, has engaged in illegal bribery, the exporter is under an obligation to refund any indemnification with interest and reimburse EKF for any other loss.

Assessed is carried out on a case by case basis, EKF may deny access to support for the involved parties for a period of time if it is proven that one of the involved parties is/has been involved in bribery. EKF would look at the concrete bribery case at hand, and how the involved parties have responded to the situation. The primary focus will been on whether measures have been implemented in order to avoid future bribery cases.

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	☐	☐	☐
…you decided not to provide support for the transaction.	☐	☐	☐	☐	☐
…you suspended approval of the application pending the outcome of the enhanced due diligence process.	☐	☐	☐	☐	☐
…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).

A board member and shareholder of the buyer was under charge of bribery for offering a New Years present to a public official. It was a big court case including many other people. We contacted a local lawyer and obtained a legal opinion in order to ensure, inter alia, that there was no link between the transaction and the court case.

[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].	☐	☐	☐	☐	☐

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.

[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.

In addition to the Enhanced Due Diligence procedures discribed in the Question, we would contact expertise (legal, accounting, or other) for their opinion if appropriate.
In our declarations we ask about agents, i.e. whether agents are used, the size of the commission/fee, and the agent's assignment/task. If assessed relevant further investigations are to be undertaken. So far we do not have specific experience in this respect.
Furthermore, it is declared that that all payments of commission/fees to agents concerning relevant supplies or services are in reasonable proportion to the value of the supply or service.

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.

It refers to very strong evidence, not merely suspicions. In such cases management must always be informed in order to decide.

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).

A court in any country in the world with a legal system that we can accept, that has the power to judge over the whole country and not being just a regional court or a 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?

☐ 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:

We would consider this regarding proven instances of bribery.

Responses as at end-May 2017
(The last response on: 28 April 2017)

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 latest update to responses: 28 April 2017)