Russian Federation (EXIMBANK)

SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS – 2006 REVISION

FILLED IN BY EXIMBANK (RUSSIA) – RESPONSES PROVIDED as of June 2017

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

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

[ ] other (please elaborate):

For certain products, a stand-alone document with relevant anti-bribery declarations is obtained from the Exporter.
In addition, according to Internal procedure documents, EXIMBANK official website contains a link which discloses major steps relating to anti-corruption efforts before, as well as after the support is provided and includes further links to various debarment lists. Moreover, it contains information about actions that need to be undertaken if the fact of bribery was proven by the competent authorities. http://eximbank.ru/eng/about/borba_s_podkupom.php

b) Please provide the text used to describe the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery:

Text in Application form (stand-alone document with anti-bribery declarations), we request the Exporter/Applicant to acknowledge that he is aware of legal consequences of bribery in international business transactions under its national legal system including its national laws prohibiting such bribery. Particularly, for Exporters/Applicants registered in Russian Federation, the applicable provisions of Anti-bribery law of Russian Federation are listed in the Application form (stand-alone document with anti-bribery declarations): Article 19.28 of Code of Administrative Offences of the Russian Federation, articles 291 and 291.1 of Criminal Code of the Russian Federation.
Text in the credit agreement: Due to the fact that the Russian Federation is a party to the Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions (17.12.1997, Paris), the Borrower confirms that it is aware of responsibility for bribery in international transactions under the laws of the Russian Federation, including regulations on bribery, in particular, the content of clause 19.28 of the Administrative Offences Code, clause 291 of the Criminal Code and clause 291.1 of the Criminal Code.

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

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

Russian Federation (EXIMBANK)

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*)

[X] text in the credit agreement

[ ] information posted on the organisation's web site

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

[ ] other (please elaborate):

For certain products, a stand-alone document with relevant anti-bribery declarations is obtained 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:

Text in the Application form: The Exporter/Applicant will take all reasonable measures to develop, apply and document management control systems to combat bribery.
Text in the credit agreement: Due to the fact that the Russian Federation is a party to the Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions (17.12.1997, Paris), the Borrower confirms that it will take all necessary measures to combat bribery; undertakes that neither it nor any other person acting on behalf of the Borrower have been involved, are involved now and will be involved in Bribery in implementation of the Export Contract; confirms that no charge, being examined by competent authorities, is brought against the Borrower or any person acting on behalf of the Borrower in implementation of the Export Contract in relation to violation of laws on bribery of foreign officials, and it wasn't accounted guilty, within five years preceding the date of signing this Agreement by the competent authority without any sanctions against it due to administrative violation.

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
- [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)
- [ ] other (please elaborate):

For certain products, a stand-alone document with relevant anti-bribery declarations is obtained from the Exporter.

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

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

Neither the Exporter/Applicant nor anyone acting on its behalf have been engaged or will engage in bribery.

Russian Federation (EXIMBANK)

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?

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

If support is provided on a basis of a commission agreement, principal need to be checked against the debarment lists as well.

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*	[ ] *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:

In addition, EXIMBANK official website contains links to the debarment lists
http://eximbank.ru/eng/about/borba_s_podkupom.php

[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.

Russian Federation (EXIMBANK)

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	[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 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:

Russian Federation (EXIMBANK)

Question 7

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

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

If yes:

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

[ ] Yes, always [X] 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

[X] other (please elaborate):

As part of enhanced due diligence when deemed necessary
According to the text of the credit agreement Under the first request of the Lender the Borrower confirms its obligations to disclose the information about an amount of fees and remunerations paid or agreed to be paid in favor of such persons if such information is not confidential.

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

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

If yes, the assessment is made:

[X] at the time of application

[ ] before the final decision to provide support is made

[ ] before a claim will be indemnified

[X] other (please elaborate):

As part of enhanced due diligence when deemed necessary

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

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

If yes, the purpose is identified:

[X] at the time of application

[ ] before the final decision to provide support is made

[ ] before a claim will be indemnified

[X] other (please elaborate):

As part of enhanced due diligence when deemed necessary

As part of enhanced due diligence when deemed necessary According to the text of the credit agreement Under the first request of the Lender the Borrower confirms its obligations to disclose the information about the purpose of fees and remunerations paid or agreed to be paid in favor of such persons if such information is not confidential.

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):

As part of enhanced due diligence when deemed necessary
According to the text of the credit agreement Under the first request of the Lender the Borrower confirms its obligations to disclose the data on persons acting on behalf of the Borrower in connection with the Export Contract.

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:

Russian Federation (EXIMBANK)

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:

Combating bribery procedures were implemented by Bank in the 2013 and then developed in 2017 (Common REC Group (EXIAR, EXIMBANK, Russian export center) procedure document dated 28.06.2017). According to the procedures the client company should sign the Declaration form where all anti-bribery procedures and requirements are listed. Internal procedure document contains the requirement and the description of procedure of disclosing to the law enforcement authorities the instances of credible evidence of bribery. As per the internal procedure document, corresponding department informs the law enforcement authorities about the instances of credible evidence of bribery. Furthermore, if the fact of bribery was proven, EXIMBANK has a right in relevant cases to inform competent authorities of foreign bribery instances about this fact.

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)*

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

According to the Bank rules the application may be denied, other actions prescribed by law of the Russian Federation may be taken.

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:

Common REC Group internal procedure document on combating bribery contains the description of enhanced due diligence process which depends on the case and may include but be not limited to the request of the information about appropriate management control systems that combat bribery, corrective measures taken, maintained, documented, etc. However, it is worth mentioning that as of the time of filling in this questionnaire we have not encountered any cases of Exporter/Applicant being listed on the debarment lists.

Russian Federation (EXIMBANK)

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

According to the Bank rules the application may be denied, actions prescribed by law of the Russian Federation may be taken.

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:

Common REC Group internal procedure document on combating bribery contains the description of enhanced due diligence process which depending on the case may include but be not limited to the request of the information about appropriate management control systems that combat bribery, corrective measures taken, maintained, documented, etc. However, it is worth mentioning that as of the time of filling in this questionnaire we have not encountered the cases mentioned in Question 10.

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)*

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

According to the Bank rules the application may be denied, actions prescribed by law of the Russian Federation may be taken.

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:

Common REC Group internal procedure document on combating bribery contains the description of enhanced due diligence process which depends on the case and may include but be not limited to the request of the information about appropriate management control systems that combat bribery, corrective measures taken, maintained, documented, etc. However, it is worth mentioning that as of the time of filling in this questionnaire we have not encountered the cases mentioned in Question 11.

Russian Federation (EXIMBANK)

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)*

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

According to the Bank rules the application may be denied, actions prescribed by law of the Russian Federation may be taken.

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:

Common REC Group internal procedure document on combating bribery which was mentioned before contains the description of enhanced due diligence process which depending on the case may include but be not limited to the request of the information about appropriate management control systems that combat bribery, corrective measures taken, maintained, documented, etc.

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)*
[ ] Enhanced due diligence is undertaken.	[ ] *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)*

If enhanced due diligence is undertaken:

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

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

b) How is the application treated?

[ ] The approval of the application is suspended pending the outcome of the enhanced due diligence process.	[ ] *always*	[ ] *sometimes (please provide details below)*
[ ] No fixed policy.		
[ ] Other (please elaborate):	[ ] *always*	[ ] *sometimes (please provide details below)*

If investigative authorities are informed:

c) How is the application treated?

[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:

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

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)*

According to the Bank rules the Bank has a right to refuse to provide support for the transaction and/or to interrupt loan disbursements and/or bank guarantees issuance; to revoke a bank guarantee; to demand full and immediate repayment of the loan; to take action to withdraw the government guarantee (under the procedure of the Ministry of Finance); to take other actions prescribed by law of the Russian Federation.

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

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

Question 15

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

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

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

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

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*	[ ] *sometimes (please provide details below)*
[X] 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)*
[X] 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)*
[X] Access to official support is denied for a specified period of time.	[ ] *always*	[ ] *sometimes (please provide details below)*
[X] Other (please elaborate):	[ ] *always*	[ ] *sometimes (please provide details below)*

According to the Bank rules the Bank also has a right to refuse to provide support for the transaction, to interrupt bank guarantees issuance, to revoke a bank guarantee, to demand full and immediate repayment of the loan, to take action to withdraw the government guarantee (under the procedure of the Ministry of Finance), to take actions prescribed by law of the Russian Federation.

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

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

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.	☐	☐	☐	☐	☐
…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).

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

Russian Federation (EXIMBANK)

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.

The Anti-bribery procedure was introduced in the Bank in the end of 2013 and then developed in 2017. The Bank therefore has no experience with the above mentioned scenario.

[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.

Enhanced Due Diligence is provided in accordance with the Common REC Group internal procedure document. Enhanced due diligence may include but be not limited to the request of the information: -whether Exporter, Applicant has in place appropriate management control systems that combat bribery; -if corrective measures have been taken, maintained and documented; -about persons acting on behalf of Exporter, Applicant in connection with the transaction, as well as information about the amount and purpose of commission and fees paid, or agreed to be paid, to such persons.

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.

The definition in OECD Council Recommendation on Bribery and Officially Supported Export Credits applies to credible evidence.
The assessment is made first by the department which is responsible for the coordination of implementation of OECD principles, which then informs the legal department which confirms the presence of credible evidence. Legal department informs the law enforcement authorities about the incidents of credible evidence of bribery.

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).

EXIMBANK requires the Exporters/Applicants to declare at the time of application if they are currently under charge of a court or within a five-year period preceding the application have been convicted by a court no matter the nationality.

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:

In 2013 EXIMBANK has established its due diligence procedure in accordance with the OECD Convention and Recommendation of the Council for further combating bribery of foreign public officials in international business transactions.
As per Recommendation 3(c) of the Phase 2 report and recommendations on Russian Federation's implementation of the OECD Convention, both EXIAR and EXIMBANK have revised its internal procedures.
In the meantime, a common REC Group procedure was approved (as already mentioned in Q8), which includes as well further extension of its scope on non-financial support. As per common procedure, we have established several awareness raising mechanisms, whereby in personal account registration form on "Russian export center" official website, applicant (exporter) verifies that he is aware of the legal consequences of the bribery in international business transactions.

Furthermore, EXIMBANK provides trainings relating to bribery and fraud awareness and detection for client managers and other employees most likely to encounter fraud or bribery situations.

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:

Subject to legal provisions regarding confidentiality.

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).