SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS – NORWAY (EXPORT CREDIT NORWAY) 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:

- [ ] text in the application form
- [ ] 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*)
- [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):

Export Credit Norway will, as early as possible in the lending process; provide information on the criminal and civil provisions and consequences of corruption, including the Norwegian Criminal Act section 387-389, cf. section 15. Export Credit Norway will ensure that exporters and applicants understand the importance of developing, documenting and implementing systems that counteract corruption.
Text is provided both in the indicative term sheet provided to applicants, further in the final term sheet and the loan agreement also includes anti-corruption provisions. In cases of enhanced due diligence, we include an extended anti-corruption clause in the loan agreement with the borrower and we inform about this requirement in the indicative term sheet and term sheet.

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 the term sheets informs about the penal responsibility for deeds stipulated in sections 387-389, cf. section 15 of the Norwegian Criminal Code. The Criminal Code covers bribery both in public and private sector.
The text in Export Credits term sheets reads:

The Lender is committed to following the *OECD Recommendation to deter bribery in officially supported export credits. According to the Norwegian Penal Code sections§§ 387-389 cf. section 15, corruption and participation in corruption may be charged with penalties of fines or imprisonment. The Penal Code criminalises corruption made by public officials as well as private parties.* The Loan Agreement will include anti-corruption provisions.

Please note that a new Norwegian penal code entered into force on 1 October 2015. No official translation of the new penal code has yet been provided. However, no changes were made to the substance of the provisions dealing with corruption. The corresponding Sections in the repealed Norwegian Penal Code read:

Section 276a Any person who
a) for himself or other persons request or receives an improper advantage or accepts an offer thereof in connection with a position, office or assignment, or
b) gives or offers any person an improper advantage in connection with a position, office or assignment shall be liable to a penalty for corruption.

Position, office or assignment in the first paragraph also mean a position office or assignment in a foreign country.

The penalty for corruption shall be fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 276 b. Gross corruption shall be punishable by imprisonment for a term not exceeding 10 years. Any person who aids and abets such an offence shall be liable to the same penalty.
In deciding whether the act has been committed by or in relation to a public official or any other person in breach of the special confidence placed in him by virtue of his position, office or assignment, whether it has resulted in a considerable economic advantage, whether there was any risk of considerable economic advantage, whether there was any risk of considerable damage of an economic or other nature, or whether false accounting information has been recorded, or false accounting documents or false annual accounts have been prepared.

Section 276 c. Any person who
a) for himself or other persons request or receives an improper advantage or accepts an offer thereof in return for influencing the conduct of any position, office or assignment, or
b) gives or offers any person an improper advantage in return for influencing the conduct of a position, office or assignment shall be liable to a penalty for trading in influence.
Position, office or assignment in the first paragraph also mean a position, office or assignment in a foreign country.
Trading in influence shall be punishable by fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

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

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

Question 2

Do you encourage exporters and, where appropriate, applicants, requesting official export credit support to develop, apply and document appropriate management control systems that combat bribery?

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

If yes:

a) Please indicate how this is accomplished:

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

The requirement is communicated to the exporter through the Exporters Anti-Corruption Declaration.

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:

In the exporters anti-corruption declarations, it is required that exporters, and if necessary applicants, declare that neither they nor anyone acting on their behalf in relation to the transaction have been or will be involved in corruption. Financing will not be disbursed until the exporter, and if needed the applicant, have provided such declarations. Text regarding appropriate management control systems included in the exporter's declaration (referred to above as stand-alone document) reads:

We are aware and understand the importance of developing, implementing and documenting satisfactory control, in order to fight corruption.

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

Please describe any additional measures taken in relation to exporter/applicant management control systems to combat bribery:

Export Credit Norway requests a declaration from exporters and applicants that neither they, nor anyone acting on their behalf in connection with the transaction, have been involved in or will engage in corruption in relation to the transaction. No loans will be disbursed if the exporter has not provided such a declaration. The exporter, and eventually also the applicant, must inform Export Credit Norway of persons or companies acting on their behalf in the transaction, what their commission is and what their benefits are. If commission or remuneration is paid in any other way than directly from the buyer to the seller, the applicant must declare that the purpose of the payment is to cover for relevant services, and that the remuneration does not include payment for services that falls within the term of corruption in the Norwegian Penal Code section 387-389, cf. section 15. Export Credit Norway asks the exporter, and eventually also the applicant, to confirm that neither one of them, or anyone acting on their behalf in the transaction, is on the World Bank, or any regional development bank's, debarment list of companies due to corruption.

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
- [ ] 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):

The requirement is communicated to the exporter through the Exporters Anti-Corruption Declaration, please refer also to question 2.

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*

The Exporters declaration form is issued after the application but before the final commitment/signing of the loan agreement. No loans will be disbursed if the exporter has not provided the declaration.

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

Below is a summary of the main items covered in the exporters anti-corruption declaration:

The wording in the exporters anti-corruption declaration requests the exporter to declare that they will not act in violation of the prohibitions in Sections 387-389, cf. section 15 of the Norwegian Penal Code. These provisions cover corruption of parties in both the public and private sector. The same will apply if any agent acting on behalf of the exporter acts in violation of these prohibitions.

The exporter further declares that neither they nor anyone acting on their behalf (e.g. agents), nor other parties of whom they are aware are being paid or are receiving some other benefit for performing work, services or other participation in the transaction, have been:

i) Indicted for (or charged with) corruption
ii) in the past five years has been convicted of corruption in Norway or abroad,
iii) or in the past five years have been subject to administrative sanctions as a result of corruption in Norway or abroad.

Furthermore, the exporter declares that:

- they understand the importance of developing, implementing and documenting satisfactory control/management systems to fight corruption.
- They are not aware of corruption performed by the buyer, the buyer's sub-suppliers, any agents or other parties involved in the buyer's project of which the contract is a part.
- They are not on listed on the debarment lists of the World Bank Group or any other regional development bank list. The same applies for any other party acting on the exporter's behalf or any party receiving any benefit for work/services performed in connection with the contract.

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	[ ]	*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*

When agents are involved in the export transaction, they will be subject to verification.

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

"Other" verification refers to verification achieved through the use of electronic screening tools.

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:

[ ] 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*

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

Export Credit Norway requires this information in an exporter anti-corruption declaration.

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

If exporter/applicant discloses charges and or /convictions of bribery Export Credit Norway will require documentation regarding measures, if any, implemented to prevent corruption. If they are currently under charge Export Credit Norway will undertake enhanced due diligence. Export Credit Norway will conduct compliance database searches on the Borrower, exporter and certain other persons as applicable in order to identify and manage risk.

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:

We have seen a very limited number of applications for such financing. We would consider any application for inclusion of this in the basis for financing on a case by case basis. The applicant or exporter must inform us if agents are involved in the transaction, the nature of their engagement and the commission paid. A separate confirmation confirming that payment of commission is not in violation of the Norwegian Penal Code 387-389, cf. section 15 is required.

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

Please see above.

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:

[ ] 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:

[ ] 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:

[ ] at the time of application

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

[ ] before a claim will be indemnified

[X] other (please elaborate):

At the latest prior to first disbursement

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

In the Exporters anti-corruption declaration, the exporter must give information on agents including; name, nature of the assignment/service, remuneration/fees/other benefits and payment/settlement location.

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

Please refer to question 6 – a separate confirmation regarding no violation of the Norwegian Penal Code 387-389, cf. section 15 is required.

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:

According to external and internal regulations employees need to follow step-by-step procedure in case of any trace of the fact that bribery has occurred in connection with an export contract. In instances of credible evidence of bribery, Export Credit Norway shall consider certain steps for disclosing information to The National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (No.: "Økokrim") and the Norwegian Ministry of Trade, Industry and Fisheries and for reporting a crime. Further the exporter declares that he is aware of Export Credit Norway's duty under the Norwegian law to inform the relevant authorities if there are grounds for suspecting a violation of sections 387-389, cf. section 15 of the Norwegian Penal Code.(in the exporter anti-corruption declaration).

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)*

Export Credit Norway does not limit the scope to the last five years if earlier conviction may be of relevance.

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

Whether support is provided or not will depend on the outcome of the potential due diligence. The approval of the application will be suspended in such circumstances.

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

If credible evidence that bribery has been involved, Export Credit Norway will refrain from financing the transaction unless investigation by authorities or others conclude differently.

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)*

In case Export Credit Norway becomes aware of the credible evidence support would not be provided and the enhanced due diligence may be launched. However, the support might be reconsidered after the verification process, if there is no proof of bribery involved.

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

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

Export Credit Norway would in addition consider exercising its rights pursuant to the default/mandatory prepayment clauses of the loan agreement based on the outcome of the enhanced due diligence.

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)*

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

According to internal rules of procedure Export Credit Norway will inform Norwegian law Enforcement Authorities if considered appropriate after an evaluation of the actual situation.

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

Export Credit Norway may consider this as a default situation under the loan agreement with possible acceleration of the loan.

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

SECTION IV – PAST EXPERIENCE

Question 17

Please indicate by marking the appropriate boxes if you have had any experience with the following scenarios related to the time **before** credit, cover or other support has been approved:

	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.	☐	☐	☐	X	☐
…you suspended approval of the application pending the outcome of the enhanced due diligence process.	☐	☐	☐	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).

Procedures for enhanced due diligence as described in previous questions were implemented, including additional database screening tool searches and dialogue with the borrower and other finance parties in the contemplated financing. Based on corruption allegations and consequent investigations, further approval of the credit and possible disbursements were suspended.

[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"	☐	☐	☐	☐	☐
... [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.

Export Credit Norway's guidelines on anti-corruption are always managed within the scope of Norwegian legislation on corruption, and in accordance with the OECD Council Recommendation on Bribery and Officially Supported Export Credits.

Export Credit Norway is imposing enhanced due diligence on engagements that might have a high risk of corruption, as follows:

- Export Credit Norway will extend the scope of its due diligence screening process to include a broader range of stakeholders.
- Export Credit Norway's enhanced due diligence process will also extend to further assessments of agents, contracts (in particular with governments or officials generally), authorisations relating to the project, etc.
- Verification of appropriate management control systems and agents' guarantee commission are customary elements in Export Credit Norway's enhanced due diligence process.

- Export Credit Norway will initiate appropriate actions if there is reasonable suspicion of corruption before the application is granted, e.g. to suspend the application process while an extended inquiry is conducted. The application will be rejected if the extended inquiry leads to the conclusion that there is reasonable suspicion of corruption.

- Export Credit Norway will initiate appropriate actions if there is reasonable suspicion of corruption after the loan application has been granted, e.g. to conduct an extended inquiry of the case. The guarantors and the agent bank shall if possible be informed and appropriate measures must be considered. Such measures may include suspension of loan disbursement and/or requirement of loan repayment.

** Such actions may include redeployment of staff involved in corruption, implementation of internal controls, or conducting and making public the results of audits aimed at preventing corruption.*

Question 20

Please describe how the term **Credible Evidence** is applied in practice under your system (*e.g.* who makes the assessment). Any Member who has adopted a definition which is broader (*i.e.* that sets a lower threshold) than the definition provided in footnote 5 of the OECD Council Recommendation on Bribery and Officially Supported export Credits should provide its definition.

"Credible evidence" is interpreted on the basis of Norwegian penal law and OECD guidelines. Initial assessments will be made by the relevant transaction team, further assessments by Export Credit Norway's head of legal. External expertise may be engaged to assist in the assessment and further investigation, if required.

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).

Applies to any national court. If the status of a court is unclear, the status of any such court will be evaluated on a case by case basis.

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:

Our policies and routines are subject to continuing development and revision We are currently considering procedures for monitoring via our database tools and implementation of audit rights in the documentation.

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:

Provided in compliance with our duty of confidentiality (by law) and subject to reciprocity.

SECTION VII – ADDITIONAL COMMENTS

Please provide any additional comments on the items covered in the survey, or in relation to any issue, policy, or practice which has not been addressed (including any additional measures you take to combat bribery).

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