

Fighting transnational bribery in Croatia

Workshops for public and private
stakeholders

PROGRAMME

18-19 May 2022

The Westin Zagreb - Kršjavgova 1, HR-10000
Zagreb, Croatia

Project: "Raising Awareness and Standards of Fighting Bribery in International Business Transactions", funded by the European Union Structural Reform Support Programme



REPUBLIC OF CROATIA
Ministry of Justice and Public Administration

Fighting bribery in international business is ever more important for ensuring good governance and sustainable economic development, as well as the integrity of international markets. This is especially relevant for countries in the European single market like Croatia. For over two decades, countries in our globalised economy have stepped up efforts to encourage companies to prevent transnational bribery, and to punish those that engage in this pernicious conduct.

The OECD [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#) (Anti-Bribery Convention) is the only international treaty dedicated to fighting transnational bribery in business. Some 44 countries – including all 38 OECD members – are now Parties to the Convention. The OECD Working Group on Bribery in International Business Transactions comprising these countries monitors the implementation of the Convention. Croatia has signalled its intention to join this collective effort.

On 18 May 2022, Croatia's Ministry of Justice and Public Administration, the European Commission, and the Organisation for Economic Co-operation and Development (OECD) will launch the publication of the OECD report "Fighting Transnational Bribery in Croatia. Assessment of Legal and Policy Frameworks". The Report assesses Croatia's framework for fighting transnational bribery based on the criteria applied to countries seeking accession to the Anti-Bribery Convention and identifies areas for improvement.

Three half-day workshops will then be held to present the findings and recommendations of the Report, discuss international best practices for implementing the Report's recommendations as well as fighting domestic and transnational bribery more generally, and mobilise support from a broad range of Croatian stakeholders to propose and implement reforms. The workshops will consist of brief presentations by international speakers, which will be followed by an open dialogue with participants on selected topics relating to fighting bribery in business.

These workshops are part of the project "*Raising Awareness and Standards of Fighting Bribery in International Business Transactions*", financed by the European Union Structural Reform Support Programme and jointly conducted by Croatia's Ministry of Justice and Public Administration, the European Commission, and the OECD.

Registration

Please email: antikorupcija@mpu.hr

Logistics

The event will be in English and Croatian, with simultaneous English-Croatian interpretation.

Refreshments and lunch will be provided during breaks.

PROGRAMME

18 MAY 2022

10:00-10:20	Opening Remarks: Launch of the Report “Fighting Transnational Bribery in Croatia. Assessment of Legal and Policy Frameworks”
	<u>Speakers</u> <ul style="list-style-type: none">• Croatia Ministry of Justice and Public Administration• European Commission• OECD
10:20-12:30	Workshop 1: Institutional and legislative reforms to tackle transnational bribery: OECD Anti-Bribery Convention standards and countries’ experiences
	The Anti-Bribery Convention and related instruments set out high standards to ensure that individuals and companies engaging in transnational bribery are punished. To assess Croatia against some of these standards, the OECD has published the report “Fighting Transnational Bribery in Croatia: Assessment of Legal and Policy Frameworks”. This workshop will address two areas covered by the report, namely establishing liability for transnational bribery, and delay in bribery proceedings.
10:20-11:00	<u>Session 1: Establishing natural and legal persons’ liability for transnational bribery</u> <u>Opening remarks</u> (5 min) <p>Sound legislation to hold natural and legal persons liable for transnational bribery is the essential first step to fighting this crime. Croatia’s legislative framework in this area largely meets international standards. Nevertheless, the OECD report has identified some areas for improvement. This session will consider how other OECD countries have addressed these issues.</p> <u>Speakers</u> <ul style="list-style-type: none">• Lucia Ondoli, Legal Analyst, OECD Anti-Corruption Division
11:00-11:20	<u>Coffee break</u>
11:20-12:30	<u>Session 2: Approaches to reducing judicial delays and resolving bribery cases</u> <u>Opening remarks</u> (5 min) <p>“Justice delayed is justice denied”. Delay in criminal investigations and proceedings harms everyone involved. Witnesses’ memories fade and the prosecution’s case weakens. The accused’s stress is prolonged and the opportunity to clear his/her name is held back. To tackle delay, the government in Italy recently enacted reforms to introduce digitisation in the justice system and measures to shorten appeal proceedings. In the United Kingdom, a structured system of “non-trial resolutions” was created partly to shorten corporate criminal cases by settling them out of court. This</p>

session will look at the features of these reforms and challenges in their implementation.

Moderator: William Loo, Deputy Head, OECD Anti-Corruption Division

Speakers

- Antonio Pastore, Magistrate attached to the Minister's Cabinet, International Affairs Unit, Ministry of Justice, Italy
- Michelle de Kluyver, Partner, Addleshaw Goddard, United Kingdom

Closing remarks (5 min)

12:30-14:30

Lunch Break

14:30-17:00

Workshop 2: International best practices in the investigation and prosecution of bribery in business

The Anti-Bribery Convention requires countries to vigorously investigate and prosecute allegations of bribery in international business transactions. The international nature of this crime can pose challenges that are not seen in domestic bribery cases. The workshop considers some particular issues associated with investigations of transnational bribery.

14:30-15:30

Session 1: Detecting and assessing allegations of transnational bribery

Bribery is a notoriously hidden crime that is difficult to detect. The transnational and corporate nature of bribery in international business adds even more complexities. In the United States, companies frequently report transnational bribery committed by its employees to the authorities. This session will consider what makes a self-reporting programme successful. It will also examine what prosecutors should do to verify allegations received from companies or the media before taking the investigation forward.

Moderator: Lucia Ondoli, Legal Analyst, OECD Anti-Corruption Division

Opening remarks (5 min)

Speakers

- Andrew Gentin, Acting Assistant Chief, Fraud Section, Criminal Division, Department of Justice, United States
- Martine Dontje, National Co-ordinating Prosecutor on Corruption, National Public Prosecutor's Office for Serious Fraud, Environmental Crime and Asset Confiscation, Amsterdam, Netherlands

15:30-15:50

Coffee break

15:50-17:00

Session 2: Challenges in financial investigations: cryptocurrencies and asset recovery

Financial investigations are a necessary component in cases of international economic crime like foreign bribery. Technologically adept criminals have begun to hold the proceeds of crime in cryptocurrencies. This session will consider challenges

in investigations of such cases. It will then look at obstacles and solutions to tracing and recovering assets from overseas jurisdictions.

Moderator: William Loo, Deputy Head, OECD Anti-Corruption Division

Opening remarks (5 min)

Speakers

- Ádám Matyi, Police Captain, Head of Department, Rapid Response and Special Police Services, Asset Recovery Office, National Bureau of Investigation, Hungary
- Valentina Lavagno, Prosecutor, Attorney General's Office, Switzerland

Closing remarks (5 min)

11:00-13:30 **Workshop 3: Strengthening business integrity and supporting reports of business crimes**

Bribery and corruption often take two to tango. Preventing and detecting the crime from the side of the bribe-payer is just as important as punishing a corrupt official. Corporate anti-corruption compliance programmes were thus created to meet this need. Fostering a culture that supports reports of crimes by companies and employees, and ensuring adequate protections for reporting persons, is also pivotal.

11:00-12:10 **Session 1: Stimulating companies to adopt anti-corruption compliance programmes**

As useful as compliance programmes may be, what motivates companies to implement them? In France, the enactment of the Sapin 2 Law offers both a carrot and a stick for companies to introduce anti-corruption compliance. Compliance professionals can also provide a private sector perspective on the incentives that governments can offer to encourage companies to adopt compliance programmes.

Moderator: Tamara Mišerda, Head of the Sector for the Prevention of Corruption, Ministry of Justice and Public Administration

Opening remarks (5 min)

Speakers

- Benjamin Clady, Anti-corruption Compliance Advisor, Economic Actors Support Department, French Anti-Corruption Agency
- Audrey Morin, Group Compliance Director, Schneider Electric, and Vice-Chair of the *Business at OECD* Anti-Corruption Committee

Closing remarks (5 min)

12:10-12:30 Coffee break

12:30-13:30 **Session 2: Detecting bribery and corruption through whistleblowers**

Whistleblowing is a key component of a successful corporate anti-corruption compliance programme. Persons who work for or are in contact with a company are often the first to know illicit activities which arise in that context. This session will consider Croatia and other countries' experience in adopting whistleblower protection rules, including the EU Whistleblowing Directive. It will look at how the US incentivises whistleblowing, such as through rewards and *qui tam* actions under the False Claims Act. The discussion will also address how civil society can support the implementation of effective protections for whistleblowers.

Moderator: Tamara Mišerda, Head of the Sector for the Prevention of Corruption, Ministry of Justice and Public Administration

Opening remarks (5 min)

Speakers

- Cree Kelly, Chief of Whistleblower Office, Securities and Exchange Commission, United States
- Ida Nowers, Law and Policy Co-ordinator, Whistleblowing International Network (WIN), UK NGO

Closing remarks (5 min)