Section I: General Measures to Deter Bribery

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?		if yes: a) Please indicate how requirement is met:			Elaboration for "other" answers and/or any additional comments/clarifications:
Australia	Yes, always	the application form provides for such disclosures to be made			EFIC requires the exporter, and where appropriate applicants, to provide a Declaration. In situations where an application form has not been submitted for a particular transaction, EFIC ensures that this Declaration is obtained by requiring the exporter, and where appropriate applicants, to provide a written statement reflecting similar wordings as the Declaration, as a condition of accepting EFIC's Letter of Offer.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Austria	Yes, always	the application form provides for such disclosures to be made	X		In case of a buyer's credit the exporter has to submit a stand-alone declaration additionally.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Belgium	Yes, always	the application form provides for such disclosures to be made	X		The disclosure requirement is part of the application form. The undertaking/ declaration is to be obtained at the time of application.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
Canada	Yes, always	the application form provides for such disclosures to be made	X		Please refer to comments in Q3 – we obtain this where our program requires us to obtain such.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			
Czech Republic (EGAP)	Yes, always	the application form provides for such disclosures to be made	X		See the declaration of the exporter.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
Czech Republic (CEB)	Yes, always	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			
		other			

Section I: General Measures to Deter Bribery

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Denmark	Yes, always	the application form provides for such disclosures to be made			Self-declaration by way of checkboxes in the declaration of non-bribery. EKF is considering whether to include this in the application form.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			
Finland	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			
France	Yes, always	the application form provides for such disclosures to be made	X		Questions dans la rubrique "lutte contre la corruption" du Formulaire de demande d'assurance crédit: 2- Le demandeur ou toute personne travaillant pour son compte dans le cadre de l'opération visée à la rubrique 6 de la présente demande de garantie font-ils l'objet de poursuites devant un tribunal national pour infraction aux lois relatives à la lutte contre la corruption d'agents publics étrangers ? 3- Le demandeur ou toute personne travaillant pour son compte dans le cadre de l'opération visée à la rubrique 6 de la présente demande de garantie ont-ils au cours des 5 dernières années précédant cette demande été condamnés par un tribunal national ou fait l'objet de mesures administratives nationales équivalentes pour infraction aux lois relatives à la lutte contre la corruption d'agents publics étrangers ? Dans l'affirmative, des justificatifs des mesures préventives et correctrices prises par le demandeur devant être fournis à Coface Le demandeur s'engage à tenir Coface informée de toute modification des informations figurant dans la demande d'assurance-crédit et ses annexes et de toute modification dans la nature ou l'importance des risques dont la couverture est sollicitée.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	both at the time of application and before support is provided	
		other			

Section I: General Measures to Deter Bribery

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		if yes: a) Please indicate how requirement is met:			
Germany	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Greece	Yes, always	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			
		other			
Hungary (MEHIB)	Yes, always	the application form provides for such disclosures to be made			The disclosure requirement is part of the Declaration Form. The undertaking/ declaration is normally obtained at the time of application or at the very latest before support is provided in the practice of MEHIB.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			
Hungary (Eximbank)	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Italy	Yes, always	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			
		other			
Japan (JBIC)	Yes, always	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			
		other			

2006 Survey on Measures Taken to Combat Bribery
in Officially Supported Export Credits - Responses as of 31 December 2009

Section I: General Measures to Deter Bribery

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		if yes: a) Please indicate how requirement is met:			
Japan (NEXI)	Yes, sometimes	the application form provides for such disclosures to be made			Before requiring exporters to disclose the information, NEXI is currently conducting the initial review using our own list. If the initial review shows the necessity to require exporters to disclose the information, NEXI will do so. However, NEXI is going to review this current procedure to ensure more consistency with the requirement.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other	X	before support is provided	
Korea (Eximbank)	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Korea (KEIC)	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Luxembourg	Yes, always	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			
		other			
Mexico	No	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
Netherlands	Yes, always	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			
		other			

Section I: General Measures to Deter Bribery

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		if yes: a) Please indicate how requirement is met:			
New Zealand	Yes, always	the application form provides for such disclosures to be made			The applicant is required to provide a declaration that "neither I, nor any persons acting on my behalf, is currently under charge in a national court, or within a five year period preceding the date of this declaration has 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;"
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Norway	Yes, always	the application form provides for such disclosures to be made	X		Where the applicant is not the exporter, GIEK will require an Exporter Corruption Declaration in addition to the declaration made in the application form. Before guarantee is issued, the exporter will have to sign an exporters statement including a confirmation that the information given in the application is still valid.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
Poland	Yes, always	the application form provides for such disclosures to be made	X		Included in the declaration constituting a part of an insurance agreement. In case of Buyer Credit both – bank/financing institution and an exporter must make a declaration.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other	X	before support is provided	
Portugal	Yes, always	the application form provides for such disclosures to be made	X		See above text under question 3 c).
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
Slovak Republic	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Spain	Yes, always	the application form provides for such disclosures to be made			Declaration must be signed by the Exporter. See text provided under Question 3.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			

Section I: General Measures to Deter Bribery

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		if yes: a) Please indicate how requirement is met:			
Sweden	Yes, always	the application form provides for such disclosures to be made	X		In case of an application for an export credit guarantee in favour of lender also the exporter must make a declaration in addition to the one made by the lender. The declaration is made by the exporter in the Supplementary form.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other	X	at the time of application	
Switzerland	Yes, always	the application form provides for such disclosures to be made			See the text provided under Question 1 b). SERV requires the undertaking / declaration at the time of application. However, should the applicant have questions on the undertaking / declaration, we have processed the application while the questions were being answered. SERV would not provide any support until the undertaking / declaration is submitted.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	at the time of application	
		other			
Turkey	Yes, always	the application form provides for such disclosures to be made			
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			

Section I: General Measures to Deter Bribery

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		if yes: a) Please indicate how requirement is met:			
United Kingdom	Yes, always	the application form provides for such disclosures to be made	X		ECGD interprets "national court" to mean the national court of the relevant ECA, so for ECGD this would be a court in the United Kingdom. In all ECGD application forms the applicant is required to answer "Yes" or "No" to the following question: "Have you, or has anyone acting on your behalf in connection with the Supply Contract, within the period of five years ending on the date of this Application, been convicted in a court in the United Kingdom, or been subject to any administrative sanction or any other administrative measure in the United Kingdom, for contravening any laws against bribery of foreign public officials?" Unless and until applicants are publicly advised by ECGD to the contrary there are only three administrative sanctions or measures of which ECGD would currently expect to be advised under this heading. These are: 1. A debarment from tendering in public procurement competitions (Regulation 23 of the Public Contracts Regulation, 2006). 2. A disqualification from being a director of a company in the UK on the grounds of misconduct (sections 1 and 8 of the Directors Disqualification Act, 1986). 3. Civil forfeiture of assets obtained through unlawful conduct (Part 5 of the Proceeds of Crime Act, 2002).
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			
United States (EXIM)	Yes, always	the application form provides for such disclosures to be made	X		The declarations are included in the application and also in the Exporter's Certificate provided by the exporter prior to support.
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant	X	before support is provided	
		other			

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		if yes: a) Please indicate how requirement is met:			
United States (USDA)	No	the application form provides for such disclosures to be made	X		USDA is updating its website with language which incorporates the disclosure-on-demand of any specific charges or convictions related to laws against bribery, as well as a notice that certifications to CCC for export credit support include an affirmation that the exporter/applicant is in compliance with the FCPA and other Anti-Bribery Measures (i.e., the OECD Recommendation). Please see the text under Question 2b).
		a stand-alone document requiring such disclosures must be provided by the exporter/applicant			
		other			

Section I: Measures to Deter Bribery

Question 5 (continued):

Please describe any additional measures taken in relation to exporter/applicant disclosure of charges and/or convictions of bribery:	
Australia	
Austria	
Belgium	The Underwriters check the debarment list of the Worldbank.
Canada	
Czech Republic (EGAP)	
Czech Republic (CEB)	
Denmark	
Finland	
France	
Germany	
Greece	
Hungary (MEHIB)	In the practice of MEHIB on a case by case basis, in-house ad hoc Anti –Bribery Committee takes necessary measures.
Hungary (Eximbank)	In the practice of Eximbank, the relevant permanent Censorship Committee appointed in in-house regulation on Anti-Bribery takes necessary measures, if appropriate.
Italy	
Japan (JBIC)	
Japan (NEXI)	
Korea (Eximbank)	
Korea (KEIC)	
Luxembourg	
Mexico	
Netherlands	
New Zealand	

Section I: Measures to Deter Bribery

Question 5 (continued):

Please describe any additional measures taken in relation to exporter/applicant disclosure of charges and/or convictions of bribery:	
Norway	If exporter/applicant discloses charges and or /convictions of bribery GIEK will require documentation regarding measures, if any, implemented to prevent corruption. If they are currently under charge GIEK will undertake enhanced due diligence.
Poland	
Portugal	
Slovak Republic	
Spain	
Sweden	If during the due diligence process it turns out that the applicant or anyone acting on their behalf is under charge or has been convicted within a five year period preceding the application, the applicant must submit a written declaration explaining the reason for the charge or the verdict. The applicant must also explain what corrective measures they have carried out.
Switzerland	
Turkey	Additionally, Article 6 of Turk Eximbank's "Directives on Combating Bribery of Foreign Public Officials in International Business Transctions" , which is an internal document, reads as: Should the companies, as the exporter of goods/services benefiting from support, whether or not they are the direct applicants, declare their noncompliance against the Articles 2 or 3 of the Undertaking at the time of the application, such application may be taken into consideration if; d. The bribing employee was dismissed, e. The Company has a well established "management control system", f. The Company agrees to have an independent audit carried out and to deliver these reports as the Bank may require, d. The Company agrees to take other measures as the Bank may require
United Kingdom	In addition, we inform customers, in the section on Bribery and Corruption on our website, of the requirement on applicants to disclose whether they, or anyone acting on their behalf, is under charge in a UK court for bribery of a foreign public official.
United States (EXIM)	
United States (USDA)	In addition to the initial program application the exporter submits under 1493.30, certification under 1493.50 is required to obtain a payment guarantee. On the Qualification Application for CCC "Export Guarantee & Subsidy Programs, the exporter must certify that he meets the requirements of Regulation 1493.50 (e): The information provided pursuant to § 1493.30 has not changed, the exporter still meets all of the qualification requirements of § 1493.30, and the exporter will immediately notify CCC if there is a change of circumstances which would cause it to fail to meet such requirements. If the exporter breaches or violates these certifications with respect to a GSM-102 or GSM-103 payment guarantee, CCC will have the right, notwithstanding any other rights provided under this subpart, to annul guarantee coverage for any commodities not yet exported and/or to proceed against the exporter Our certification requirements focus on the proposed transaction and are detailed in our regulations as follows: 1493.50(b) There have not been and will not be any corrupt payments or extra sales services or other items extraneous to the transaction provided, financed, or guaranteed in connection with the transaction, and that the transaction complies with applicable United States law.