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**TRADE DIRECTORATE
TRADE COMMITTEE**

**TD/ECG(2004)9
Unclassified**

Working Party on Export Credits and Credit Guarantees

RESPONSES TO THE 2002 SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS - AS OF 14 MAY 2004

This document contains the latest detailed responses (as of 14 May 2004) to the ECG's 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits.

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RESPONSES TO THE 2002 SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY IN OFFICIALLY SUPPORTED EXPORT CREDITS - AS OF 14 MAY 2004

I. Introduction

1. In recognition of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Revised Recommendation, the Working Party on Export Credits and Credit Guarantees (ECG) began, in January 1998, to exchange information on an ongoing basis through a Survey on Members' procedures and practices in relation to deterring and combating bribery in transactions that benefit from official export credit support. This exchange of information led to the ECG's adoption of the "Action Statement on Bribery"¹ in December 2000 which calls for Members to take appropriate measures to deter bribery before official export credit support is granted. In the event that bribery is uncovered after support has been provided, the Statement calls for additional measures to be taken.

2. In November 2001, the ECG agreed that the Survey should be reformulated, *inter alia*, to reflect better the ECG's Action Statement. In November 2002, the ECG further agreed that their responses (provided at Annex 1), and all subsequent updates of the Survey results, should be publicly disseminated. Accordingly, this document is unclassified and will also be made available on the OECD's website.

II. Background

3. Annex 1 comprises 31 separate responses from 28 of the 30 OECD Member countries²; this includes responses from 25 ECG Member countries in respect of their official export credit system as a whole (*i.e.* one response per country) and six responses from the three other countries that each provides officially supported export credits through two export credit agencies (ECAs).

4. With respect to the information contained in Annex 1, Turkey has advised that its responses remain subject to amendment in the near future, as it is currently in the process of implementing changes to its system to meet the obligations of the Action Statement.

5. The responses from ECG Members in Annex 1 have been reproduced in their entirety on a question-by-question basis.

- Section I (Questions 1 to 4) addresses measures to deter bribery, including the two fundamental obligations associated with the ECG's Action Statement, *i.e.* the requirement: (1) to inform all applicants requesting official export credit support about the legal consequences of the bribery in international business transactions; and (2) to invite all applicants and/or exporters requesting official export credit support to provide an undertaking/declaration that neither they, nor anyone acting on their behalf, have been engaged or will engage in bribery in the transaction.

1. The Action Statement is available on the OECD's website at: <http://www.oecd.org/EN/about/0,,EN-about-355-10-no-no-no-0,00.html>.

2. Iceland is not an ECG Member and Ireland is not expected to respond as it currently has no official export credit programme.

- Section II (Questions 5 and 6) seeks information on the specific actions which may be taken before and after official export credit support has been provided: (1) when bribery is "suspected"; (2) where "sufficient evidence" of bribery exists; as well as (3) in the case of proven bribery. Differentiation is made between actions that are: (i) available to Members; (ii) legal obligations under their systems; and (iii) their actual practice.
- Section III (Question 7) asks Members to provide details on any past experience with bribery.
- Section IV (Questions 8 to 10) addresses further steps to combat bribery which may be under consideration by Members.

6. Since the last time that the Responses were issued in a public document [*i.e.* TD/ECG(2003)2/REV3, issued on 10 October 2003], revised submissions were received from 14 Members in respect of 20 ECAs³. Whilst almost all of these submissions reflected moderate changes and/or enhancements to Members' procedures and practices, in some instances revisions were made in order to provide more accurate and/or correct answers to some of the questions asked in the survey.

III. Additional Clarification: Section II

7. With respect to Questions 5 and 6 in Section II of the Survey, attention is drawn to the use of the terms "available", "required" and "actual practice", as well as how they are inter-related⁴. "Available" actions/sanctions refer to those which, in principle, may be taken under a Member's official export credit system (*i.e.* no technical or legal impediment exists which would preclude their use); "Required" actions/sanctions refer to those which are current obligations under the official export credit system (*e.g.* required by law); "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis.

8. These distinctions have been made deliberately in order to allow for accurate and fair comparisons of Members' policies and practices. By way of example, the situation of a Member that is free to take a particular action but chooses not to do so in practice (*i.e.* having only marked the "available" box) should be differentiated from another Member that has not marked any box (*i.e.* the Member has no discretion to take the indicated action and, therefore, cannot apply it in practice).

3. Australia, Canada, Czech Republic, Denmark, Finland, France, Hungary (Eximbank), Hungary (MEHIB), Korea (Eximbank), Korea (KEIC), Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

4. By definition, any action/sanction which is "required" must be "available" as well as "actual practice". However, an action/sanction which is "available" need not be "required" or "actual practice". Finally, any action/sanction which is "actual practice" must, by definition, be "available".

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1:

Do you inform all applicants requesting official export credit support about the legal consequences of the bribery in international business transactions?		If yes:		Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Please indicate how this is accomplished:		
Australia	yes	text in the application form		
Austria	yes	text in the application form		The text provided in relation to questions 1 and 2 is in the application form which has to be signed by the applicant. In the case of a buyer's credit, the exporter has to submit an additional stand-alone declaration. This is standard wording which might be slightly modified according to the type of cover to be applied for.
Belgium	yes	text in the application form		
Canada	yes	other		EDC has various avenues in which to inform its customers about the consequence of bribery. Further, we have communicated our commitment to the OECD Action Statement and our own national laws on the Corruption of Foreign Public Officials (CFPOA) via our web-page dedicated to the issue. EDC has written to its customers informing them of CSR-related issues which includes bribery. As well, we have prepared an Anti-Corruption Brochure which will assist in continuing to inform our customers about the CFPOA.
Czech Republic	yes	text in the application form		
Denmark	yes	text in the application form		
Finland	yes	text in the application form		We have combined a cover letter explaining the anti-bribery measures to exporter's/ lender's declaration, which are both connected to application form.
France	yes	text in the application form + text in the general conditions of cover		The application for guarantees draw the attention of the exporters to the French penal law. The general conditions of the policies contain a declaration from the exporter and specific clauses.
Germany	yes	text in the application form		
Greece	yes	text in the application form + text in the general conditions of cover		
Hungary (MEHIB)	yes	stand-alone document at time of application		For MEHIB, an independent document is provided to applicants, which explains the legal consequences of bribery in international business transactions.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1:

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		a) Please indicate how this is accomplished:	
		Elaboration for "other" answers and/or any additional comments/clarifications:	
Hungary (Eximbank)	yes	stand-alone document and text in the credit agreement	Eximbank informs its clients in three different ways, which complement and do not substitute each other: 1. General information about consequences of corrupt activity is given through the General Business Statute; 2. Eximbank informs all potential clients during the negotiations; 3. The Bank also denotes the consequences of corrupt activity in the loan agreement. To confirm this, a declaration form must be signed separately by the clients at the same time.
Italy	yes	text in the application form	
Japan (JBIC)	yes	text in the application form + text in the credit agreement	For JBIC, there is text in the application form and a clause is included in the loan agreement.
Japan (NEXI)	yes	stand-alone document at time of application	For NEXI, an independent document is provided to applicants, which explains the legal consequences of bribery in international business transactions.
Korea (KEIC)	yes	stand-alone document at time of application	Applicants are required to submit a stand-alone declaration which includes text declaring that they know the existence and the contents of the Act and that they comply with the provisions of the Act.
Korea (Eximbank)	yes	stand-alone document at time of application	
Luxembourg	yes	text in the application form	
Mexico	yes	text in the credit agreement	A declaration and a clause are included in the Credit Agreement.
Netherlands	yes	text in the application form + text in the general conditions of cover	Test is also included in specific clauses in General Conditions and the recourse declaration in case of a buyers credit.
New Zealand	no	not applicable	The New Zealand ECO, as a recently formed export credit agency, is working with other New Zealand Government agencies to fully understand the legal ramifications of bribery within New Zealand.
Norway	yes	text in the application form + other	In addition, the issue has been: (1) mentioned in a publication distributed to all of GIEK's clients; (2) discussed at a public meeting with 300 participants; (3) addressed through the posting of a notice on GIEK's website; and (4) raised in a specific memo to GIEK's clients.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1:

Do you inform all applicants requesting official export credit support about the legal consequences of the bribery in international business transactions?		If yes:	
			a) Please indicate how this is accomplished:
		Elaboration for "other" answers and/or any additional comments/clarifications:	
Poland	yes	stand-alone document at time of application	The stand-alone document is an appendix which constitutes an integral part of the application for cover.
Portugal	yes	text in the application form + stand-alone document	The text in the application form is signed by the applicant. In case of a buyer's credit, the exporter has to submit a stand-alone declaration, which enables COSEC to be reimbursed of all sums paid to the bank, if bribery was proven to have occurred in connection with the export contract.
Slovak Republic	yes	text in the application form + text in the general conditions of cover	There are general statements in the General Insurance Terms and Conditions in force: No claim for indemnification shall arise on the basis of insurance in accordance with these Terms and Conditions of Credit Insurance, when pecuniary injury occurred consequently to the following events: (1) failure to observe the statutes and legal regulations in force in the Slovak Republic or in the country of the foreign buyer/debtor or in the country of transfer, (2) acceptance of export contract or export credit conditions substantially deviating from international or local standards...
Spain	yes	text in the application form + other	Written communication to all applicants of officially supported export credits and standard declaration to be signed by exporters, attached to the application form (see # 2). In addition, the issue has been discussed at a meeting with Spanish exporters, and information on it has been published on the website. Specific clauses added to: (1) the Policies' General Conditions; (2) the Underwriting of Reimbursement to be signed by the exporter in case of a Buyer's Credit Policy and (3) the loan agreement.
Sweden	yes	text in the application form + other	In addition: (1) an article was published in EKN's company journal; (2) there was an information meeting with banks and companies; (3) information has been posted on EKN's website; and (4) an information letter was sent directly to EKN's clients.
Switzerland	yes	text in the application form + stand-alone document	
Turkey	no	not applicable	The procedures are under way to inform the applicants. The law has been published in the Official Gazette and has come into force. Turkey is in the process of implementing changes to its system to meet the obligations of the Action Statement. Therefore, Turkey will provide detailed responses in the near future as soon as the changes receive final approval by related authorities.
United Kingdom	yes	text in the application form	In addition, we inform customers of the consequences of bribery in the section on Bribery and Corruption Policy on our website. Provisions are also included in our policy documentation to make clear that, if corruption is proven, insurance cover may be voided and that we may seek compensation for any loss incurred or which we may incur under supported finance facilities.
United States	yes	text in the application form	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Australia	<p>The following text describes the legal consequences of the occurrence of Corrupt Activity, including bribery, in our application forms and stand-alone documents:</p> <p><< ...the occurrence of Corrupt Activity in relation to a Relevant Matter may have serious consequences, including (without limitation):</p> <p>(a) evidence of Corrupt Activity being referred to the appropriate national authorities, such as the Australian Federal Police; or</p> <p>(b) the imposition of fines, penalties or sentences for imprisonment; or</p> <p>(c) the termination of a relevant matter, the acceleration of payments or the cancellation of insurance, as the case may be.</p> <p>Where</p> <p>Corrupt Activity' means activity which would in the ordinary course of business be understood to be corrupt (including without limitation, the offering of any payment, reward or other advantage to any public official or other person, including EFIC employees, in order to influence the person concerned in the exercise of his or her duties) and which:</p> <p>(a) is admitted by the person initiating or engaging in that activity to have taken place; or</p> <p>(b) has been found or is likely to be found by a court in a competent jurisdiction to render a Relevant Matter illegal, void, voidable or unenforceable under its governing law; or</p> <p>(c) has been found or is likely to be found by a court in any competent jurisdiction to constitute an offence under any applicable law; or</p> <p>(d) has been found or is likely to be found by a court in Australia to constitute an offence under the Criminal Code Act 1995 (Cth) in relation to the Criminal Code Amendment (Bribery of Foreign Public Officials) Act 1999 (Cth), as amended from time to time and including any successor or replacement legislation or any equivalent State based legislation.</p> <p>'Relevant Matter' means the relevant Application or a transaction, contract, arrangement, event or thing contemplated by or referred to in the relevant Application >></p>
Austria	<p><< We have taken note that there will be no guarantee cover in case of bribery of foreign public officials by us or by any of our representatives, even if it happens without our knowledge or against our strict order, and commit ourselves irrevocably for that case to repay without delay - within 30 days after your first demand at the latest - any amounts received under the guarantee plus interest - the interest rate being the variable rate of the Export Financing Scheme of OeKB plus 3 %. >></p>
Belgium	<p>The application form contains a declaration that must be signed by the exporter or the bank (see response to question 2). In addition, the following text (Anti-Corruption Clause) has been integrated into our general conditions of insurance:</p> <p><< 12.5 L'assuré est déchu de ses droits et contraint au remboursement de toute indemnité qui lui aurait été versée s'il est condamné par une décision de justice définitive, rendue sur base des dispositions pénales prises pour l'application de la convention OCDE de lutte contre la corruption d'agents publics étrangers dans les transactions internationales, signée à Paris le 17 décembre 1999.</p> <p>Les obligations du Dueroire sont suspendues de plein droit en cas de poursuites judiciaires intentées contre l'assuré sur base des dispositions précitées.</p>
Canada	<p><< Canadian law criminalizes international bribery and associated practices by creating three separate criminal offences: the bribery of foreign public officials, possession of the proceeds of such bribery and laundering of those proceeds. To constitute this crime, there must be (a) an act, and (b) the act must be intentional. If either element is missing, there is no crime, but there may still be a related offence, such as conspiracy to commit the crime, aiding and abetting in committing the crime, and counselling other to commit the crime. These offences may result in imprisonment for up to 10 years and / or unlimited fines. There are some circumstances in which the law does not apply under Saving Provisions and Facilitation Payments. >></p>
Czech Republic	<p>The following text applies to all insurance products provided. For the insurance products "C" (Insurance of the Medium and Long Term Export Supplier's Credit against the Risk of Non Payment) and and "B" (Insurance of the Short Term Export Supplier's Credit against the Risk of Non Payment), the text is provided in the application form. The insurance products "D" (Export Buyer's Credit Insurance against the Risk of Non Payment) and "Z" (Insurance of Export Contract Related Bonds) have this text in a stand-alone document on recourse against the exporter.</p> <p><< Insurance of export credit risks with State support cannot be given to exports, which were negotiated by way of bribery in international trade according to the § 160 and subsequent of the Act No. 140/1961 Coll., Criminal Code. In accordance with the Art. IX of the General Insurance Conditions "C"; the Insurer has the right to refuse indemnification payment if it has been proven that the applicant submitted in the request for insurance incomplete or untruthful data with regard to the bribery in the international trade. >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Denmark	<p><< Denmark has ratified the OECD Convention to combat bribery of foreign public officials in international business transactions (OECD Convention on Combating Bribery). As a result, § 122 of the Danish criminal code has been amended as follows. "It is an offence for a person to unlawfully provide, promise or offer gifts or other benefits to anyone serving the Danish, foreign or international public or business sector, in order to influence the person concerned in the exercise of their duties, whether it be a question of addition to or omission from these duties. The penalty for this offence is either a fine or imprisonment of up to 3 years. >></p>
Finland	<p>The following text is contained in the anti-bribery cover letter and the declarations for exporter/bank for our most common guarantee type, buyer credit guarantee. Comparable declarations accompany all our guarantee types.</p> <p><< ANTI-BRIBERY MEASURES IN EXPORT CREDIT GUARANTEES</p> <p>Appropriate business conduct has become increasingly important in recent years. Finnvera plc wants to ensure that export transactions and export projects are conducted in a responsible way. This requirement is set both by Finnish legislation and by obligations agreed in international co-operation on officially supported export credits.</p> <p>OECD has worked several years against corruption in international trade. The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was adopted in 1997, and has been adopted also in Finland. OECD Working Party on Export Credits and Credit Guarantees has adopted an Action Statement on Bribery and Officially Supported Export Credits to intensify the fight against bribery.</p> <p>Finnvera plc is bound to the statement declaring that officially supported export credits and guarantees are not granted to export transactions where bribery has been involved. Export Guarantee Agencies are also entitled to refund the paid indemnification from the exporter if he is proved guilty of bribery in connection with the export transaction.</p> <p>Referring to the above mentioned we have formulated the enclosed declarations. Please sign the declaration of the lender and take care that the exporter will sign the declaration of the exporter. Both the signed declarations should be sent to Finnvera plc together with your application.</p> <p>DECLARATION OF THE LENDER</p> <p>We have been informed of the fact that promising, offering or giving a bribe to a domestic or foreign public official constitutes an offence under the Finnish laws (Chapter 16 sections 13 and 14 under Finnish Penal Code) and that Finnvera cannot grant export credit guarantees in relation to transactions where such corrupt activity is involved. We hereby confirm that neither have we nor has anyone acting on our behalf with due authority or with our prior or subsequent consent engaged or will engage in any such corrupt activity in connection with the export transaction</p> <p>DECLARATION OF THE EXPORTER</p> <p>We declare that the information we have submitted or will submit to Finnvera plc about the export transaction and costs and expenses related thereto is true and correct. We have been informed of the fact that promising, offering or giving a bribe to a domestic or foreign public official constitutes an offence under the Finnish laws (Chapter 16 sections 13 and 14 under Finnish Penal Code) and we hereby confirm that neither have we nor has anyone acting on our behalf with due authority or with our prior or subsequent consent engaged or will engage in any such corrupt activity in connection with the export transaction concerned herein.</p> <p>We undertake to pay to Finnvera plc any amount Finnvera plc will pay to the Lender under the export credit guarantee now applied and any recovery and other costs with interest thereon in case that we are found by a court in a competent jurisdiction to be engaged in any act which constitutes any corrupt activity referred above or if this otherwise without controversy has been proved. After Finnvera plc's receivables and Finnvera"), Finnvera plc shall, at its sole discretion and to the extent of the amount covered by our payment, transfer to us either its right of recourse or the payments, if any, allocated to these receivables and received by Finnvera plc after the Full Discharge of Finnvera. Finnvera has no obligation to us to take any action for recovery. >></p>
France	<p><< Promesse de garantie - Nous attirons votre attention sur les dispositions de la loi du 30 juin 2000 relative à la lutte contre la corruption ainsi que sur les dispositions figurant aux articles 8 § 1 et 13 des conditions générales des polices.</p> <p>Article 8 § 1 – Déclaration de l'exportateur (voir question 2).</p> <p>Article 13 – Conditions d'indemnisation. Toute condamnation de l'assuré par une décision de justice définitive rendue sur la base des dispositions des articles 435.2 et suivants du code pénal pris pour l'application de la convention de lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales signée à Paris le 17 décembre 1997, entraîne la déchéance des droits que confère la police. Si des indemnités ont été versées, leur montant devra être restitué. En outre, la mise en jeu de la garantie sera suspendue en cas de condamnation en première instance de l'assuré sur la base des dispositions précitées du code pénal.</p> <p>L'assuré sera tenu, sous peine des sanctions prévues à l'article 26 § 5, d'informer la Compagnie dans les meilleurs délais de toute condamnation pénale prononcée à son encontre sur la base des dispositions précitées. >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Germany	<p><< The German Government does not provide Export Credit Insurance for export transactions brought about by criminal acts. If untrue statements have been made when applying for cover the German government is released from its obligation to indemnify. Furthermore, in the case of revolving cover the German Government is also released from its obligation to indemnify if an export contract is brought by about a criminal act after the decision for cover has been taken</p> <p>According to § 334 StGB (German Penal Code) in connection with Art. 2 § 1 No. 2 IntBestG (German Law on Combating Bribery of Foreign Officials in International Business Transactions) acts of bribery aiming at providing or securing to the delinquent or a third person an order or unfair advantage in the context of international business transactions are punishable even if this act of bribery is directed at a foreign official or at any person exercising a public function for a foreign country, including for a public agency or a public enterprise resident in a foreign country.</p> <p>>></p>
Greece	<p><< ECIO's cover is invalidated. If due to bribery the export or credit contract is void under the applicable law, and the regulations of international trade, it is legitimate to withdraw cover for this transaction. If an indemnity is already paid, this sum must be paid back to ECIO according to the civil laws about undue enrichment. Further access to any of ECIO's coverage is denied. >></p>
Hungary (MEHIB)	<p>The text of the relevant laws is provided by MEHIB to applicants. This text comprises sections 250-255/A, 256, 258/A, 258/B-258/F of the Act IV of 1978 on the Criminal Code of the Hungarian Republic, Title VII: Crimes Against the Purity of Public Life, Bribery</p> <p><< Section 250</p> <p>(1) Any public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.</p> <p>(2) The punishment shall be imprisonment between two to eight years if the crime is committed</p> <p>a) by a public official in a high office, or by one entrusted to take measures in important affairs,</p> <p>b) by another public official in an important matter of great importance.</p> <p>(3) The perpetrator shall be punished by imprisonment between two to eight years, or between five to ten years in accordance with the distinction contained in Subsections (1) and (2), if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.</p> <p>Section 251</p> <p>(1) Any employee or member of a budgetary agency, economic organization or non-governmental organization who requests an unlawful advantage in connection with his actions in an official capacity, accepts such advantage or a promise in exchange for violating his responsibilities or agrees with the party requesting or accepting the advantage is guilty of a misdemeanor punishable by up to two years' imprisonment.</p> <p>(2) Any person who breaches his official duty in exchange for unlawful advantage is guilty of felony punishable by imprisonment between one to five years, or between two to eight years if the breach involves a matter of greater importance or if committed in criminal conspiracy or in a pattern of criminal profiteering.</p> <p>Section 252</p> <p>(1) Any employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization, who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.</p> <p>(2) Any person who breaches his official duty in exchange for unlawful advantage may be punished by imprisonment between two to eight years.</p> <p>(3) The punishment shall be imprisonment between five to ten years</p> <p>a) if the breach involves a matter of greater importance,</p> <p>b) if committed in criminal conspiracy or in a pattern of criminal profiteering.</p> <p>Section 253</p> <p>(1) Any person who gives or promises unlawful advantage to a public official or to another person on account of such official's actions in an official capacity is guilty of a felony punishable by imprisonment not to exceed three years.</p> <p>(2) The person committing bribery shall be punished for a felony by imprisonment between one to five years, if he gives or promises the advantage to a public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.</p> <p>(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.</p> <p>(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment not to exceed two years, work in community service or a fine, if the criminal act defined in Subsection (3) is comm</p> <p>Section 254</p> <p>(1) Any person who gives or promises unlawful advantage to an employee or member of a budgetary agency, economic organization or non-governmental organization, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment not to exceed two years.</p> <p>(2) The punishment shall be imprisonment not to exceed three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization.</p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Hungary (MEHIB) (continued)	<p>Section 255 (1) Any person who gives unlawful advantage to another person, or to a third person on account of such person, to induce him to refrain from exercising his lawful rights in a court or other judicial proceeding, or to induce him to neglect his duties is guilty of felony and may be punished by imprisonment not to exceed three years. (2) Any person who accepts unlawful advantage so as to refrain from exercising his lawful rights in a court or other judicial proceeding, or to neglect his duties shall be punished according to Subsection (1).</p> <p>Failure to Report Bribery Section 255/B (1) Any public official who has learned from credible sources of an act of bribery (Sections 250-255 of the Criminal Code) yet undetected, and he fails to report it to the authorities at the earliest possible time is guilty of misdemeanor and may be punished by imprisonment not to exceed two years, work in community service or a fine. (2) The close relative of the perpetrator cannot be punished pursuant to Subsection (1).</p> <p><i>Interpretative Provision</i> Section 258/A For the purposes of this Title 2. violation of duty shall also be the fulfilment of a duty bound to the granting of a favour.</p> <p>Title VIII CRIMES AGAINST THE PROPRIETY OF INTERNATIONAL AFFAIRS Bribery in International Relations Section 258/B (1) Any person who gives or promises unlawful advantage to a public official of another country, or to a third person on account of such public official, in connection with his actions in an official capacity is guilty of a misdemeanor punishable by imprisonment not to exceed three years. (2) The person committing bribery shall be punished by imprisonment between one to five years, if he gives or promises the unlawful advantage to a foreign public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position. (3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations. (4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment not to exceed two years, work in community service or a fine, if the criminal act defined in Subsection (3) is committed involuntarily.</p> <p>Section 258/C (1) Any person who gives or promises unlawful advantage to an employee or member of a foreign business association, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment not to exceed two years. (2) The punishment shall be imprisonment not exceeding three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a foreign business association.</p> <p>Section 258/D (1) Any foreign public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony and shall be punished by imprisonment between one to five years. (2) The perpetrator shall be punished by imprisonment between two to eight years, if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.</p> <p><i>Profiteering with Influence in International Relations</i></p> <p>Section 258/E Any person who - purporting to influence a foreign public official - requests or accepts an unlawful advantage for himself or on behalf of another person is guilty of a felony punishable by imprisonment not to exceed five years.</p> <p>Interpretative Provisions Section 258/F For the purposes of this Title 2. foreign economic organization shall mean organizations functioning as an artificial person according to its personal law, which is entitled to perform economic activities in its prevailing organizational form.</p> <p>Section 70., Subsection (1), point 8. of the Hungarian Criminal Code stipulates the sanctions in connection with the criminal liability of legal persons as one of the possible criminal measures in accordance with the "nulla poena sine lege" legal principle.</p> <p>These sanctions are regulated in Act CIV. of 2001 on the sanctions in connection with the criminal liability of legal persons, and are as follows: a) liquidation of the legal person, b) limitation of the legal person's scope of activity, c) pecuniary penalty. >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Hungary (Eximbank)	same as Hungary (MEHIB)
Italy	<< The applicant is aware that in order for cover not to be invalidated, the trade (or loan) contract must abide by the prescriptions of the Italian and foreign law and in particular by the penal rules including the ones about bribery of foreign public officials. >>
Japan (JBIC)	See text provided in relation to question 2.
Japan (NEXI)	<< To offer, promise or give any undue pecuniary or other advantage to a foreign public official in order to obtain business is prohibited under the Unfair Competition Prevention Law (UCPL). If the insured (including exporters in case of buyers credit) is prosecuted of suspicion of bribery that violates the UCPL, NEXI will not provide cover. If the insured is proved to be guilty after commitment or provision of cover, NEXI will take appropriate actions such as cancellation of commitment, denial of claim payment, refund of sums provided or invalidation of cover. >>
Korea (KEIC)	<< We are well aware of the existence and contents of the "Act on Preventing Bribery of Foreign Public Officials in International Business Transactions" enacted on 28 December 1998, and are in full compliance with the provisions of the Act. >>
Korea (Eximbank)	<< Any person promising, giving or offering bribe to a foreign public official in relation to his/her official business, in order to obtain improper advantage in the conduct of international business transactions, shall be subject to a maximum of 5 years' imprisonment or a fine up to 20,000,000 won. In the event that the profit obtained through the offence exceeds a total of 10,000,000 won, the person shall be subject to a maximum of 5 years' imprisonment or a fine up to twice the amount of the profit. In the event that a representative, agent, employee or other individual working for legal person has committed the offence as set out in Article 3(1) in relation to its business, the legal person shall also be subject to a fine up to 1,000,000,000 won in addition to the imposition of sanctions on the actual performer. In case that the profit obtained through the offence exceeds a total of 500,000,000 won, it shall be subject to a fine up to twice the amount of the profit. If the legal person has paid due attention or exercised proper supervision to prevent the offence against this Act, it shall not be subject to the above sanctions.>>
Luxembourg	The application form contains a declaration that must be signed by the exporter or the bank (see response to question 2). In addition, the following text (Anti-Corruption Clause) has been integrated into our general conditions of insurance: << 12.5 L'assuré est déchu de ses droits et contraint au remboursement de toute indemnité qui lui aurait été versée s'il est condamné par une décision de justice définitive, rendue sur base des dispositions pénales prises pour l'application de la convention OCDE de lutte contre la corruption d'agents publics étrangers dans les transactions internationales, signée à Paris le 17 décembre 1999. Les obligations du Du croire sont suspendues de plein droit en cas de poursuites judiciaires intentées contre l'assuré sur base des dispositions précitées. L'assuré est tenu de déclarer sans délai toute poursuite intentée ou toute condamnation pénale prononcée à son encontre. >>
Mexico	See text provided in relation to question 2.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Netherlands	<p>The following text is contained in the application form:</p> <p><< 1) <i>False, incorrect or incomplete information provided in the application form can lead to invalidation of cover without refund of premium. (This is based on article 251 of the Dutch Commercial Code.) See appendix.</i></p> <p>2) <i>In the application form attention is drawn to the prohibition of bribery in the Penal Code, articles 177, 177a jo article 178a, and as a consequence thereof to the possibility that NCM will inform investigative authorities in case of suspicion that the applicant was involved in bribery.</i></p> <p>The following text also appears in the application form, and must be answered and signed:</p> <p><< <i>Question 10 f.</i></p> <p><i>Are you aware that in connection with the commission covered by this application, you or any other person</i></p> <ul style="list-style-type: none"> - <i>have/has made or offered, or will make or offer any payment or gift</i> - <i>have/has made, or will make any promise</i> - <i>have/has rendered or offered, or will render or offer any service</i> - <i>have given, promised or offered, or will give, promise or offer any advantage of any kind whatsoever (including non-pecuniary advantages and advantages in kind)</i> <p><i>to public officials of a foreign State or an international organisation, depending on the fulfilment of any further conditions or otherwise, which payment, gift, promise, service or advantage could be interpreted as meaning that bribery or attempted bribery has taken or will take place, or in any event that an attempt has been or will be made to obtain, by improper means, a competitive advantage, a better negotiating position, more favourable contractual conditions or any other advantage?</i></p> <p><i>The undersigned hereby declares:</i></p> <ul style="list-style-type: none"> - <i>that he has answered the questions put to him correctly and in full and has not concealed any facts or circumstances relevant to Atradius;</i> - <i>that the information provided on this application form constitutes a full, accurate picture of his understanding of the payment risks attached to the transaction in question when the application was submitted;</i> - <i>that he will immediately notify Atradius in writing of any facts or circumstances of which he becomes aware after submitting the application which may be relevant to Atradius's assessment of the application;</i> - <i>that, in connection with obtaining and implementing the commission covered by this application, he will at all times refrain from bribery as referred to in question 10 f. of the application form and the related notes and from inciting bribery or complicity therein;</i> - <i>that he has taken note of the OECD Guidelines for Multinational Enterprises and will make every effort to apply them in his enterprise.</i> <p><i>The provision of incorrect or incomplete information on the application form may result in unnecessary delays in the processing of the application and may lead to cancellation of an undertaking to provide cover or an insurance contract. >></i></p> <p>The following notes to question 10f accompany the application form:</p> <p><< <i>Atradius is not prepared under any circumstances to become party to any transaction involving bribery in any sense of the word. The list of types of bribery given in the question is not exhaustive. If you are aware of or have reason to suspect a type of bribery not included in the list you must mention it in your answer.</i></p> <p><i>Please note that the question also covers bribery, in the widest sense, of anyone other than the principal by anyone other than the applicant. In any event, if you answer in the affirmative you should provide sufficient information to allow Atradius to consider whether or not to enter into an insurance contract.</i></p> <p><i>We would remind you that bribing a foreign public official is expressly prohibited by article 177 and article 177a in conjunction with article 178a of the Criminal Code. Should Atradius suspect that bribery has taken place, it reserves the right to notify the Dutch investigative authorities of its suspicions. >></i></p>
New Zealand	
Norway	<p><< <i>An exporter who breaches his under taking loses his right to compensation. If compensation is paid he must reimburse the amount of compensation with interest and indemnify GIEK for any expenses.</i></p> <p><i>If a lender commits such bribery, the lender loses his right to compensation and, if already paid must reimburse the compensation with interest and cost. >></i></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Poland	<p><< Appendix to the Application for Cover Buyer Credit*</p> <p style="text-align: center;">EXPORTER'S DECLARATION CONCERNING BRIBERY IN RELATION WITH THE EXPORT CONTRACT</p> <p>We hereby declare that the export contract no. ___ dated ___ concluded with (foreign buyer) ___ for ___ for financing of which the loan agreement no. ___ has been/will be ** concluded between (bank/financial institution) ___ and ___ which is the basis for the receivables that will be/have been ** covered by the insurance agreement, has not been / will not be** concluded as a result of an illegal act, in particular bribery of a foreign public official, and, that we are aware of the penal responsibility for deeds stipulated in article 229 § 5 and article 230a of the Polish Penal Code, which fulfil the characteristics of the crime of bribery of a foreign public official.</p> <p>We further declare that we are aware of the legal consequences for the a/m loan agreement concerning the proceedings of the Export Credit Insurance Corporation Joint Stock Company (KUKI S.A.) in relation with the insurance agreement, that is:</p> <ol style="list-style-type: none"> 1. refusal of insurance if there is sufficient evidence that the export contract has been concluded as a result of bribery; 2. refusal of indemnity payment if after conclusion of insurance agreement it is evidenced that the export contract has been concluded as a result of bribery. <p>* The Appendix constitutes integral part of the Applications for Cover of Buyer Credit dated ___ ** please choose the right option Appendix to the Application for Cover Buyer Credit*</p> <p style="text-align: center;">BANK'S/FINANCIAL INSTITUTION'S DECLARATION CONCERNING BRIBERY IN RELATION WITH THE LOAN AGREEMENT</p> <p>We hereby declare that the loan agreement no. ___ dated ___ (to be) concluded with ___ for financing the export contract no. ___ dated ___ concluded between ___ and ___ has not been / will not be** concluded as a result of an illegal act, in particular bribery of a foreign public official, and, that we are aware of the penal responsibility for deeds stipulated in article 229 § 5 and article 230a of the Polish Penal Code, which fulfil the characteristics of the crime of bribery of a foreign public official.</p> <p>We further declare that we are aware of the legal consequences concerning the proceedings of the Export Credit Insurance Corporation Joint Stock Company (KUKI S.A.) in relation with the insurance agreement, that is:</p> <ol style="list-style-type: none"> 1. refusal of insurance if there is sufficient evidence that the loan agreement has been concluded as a result of bribery; 2. refusal of indemnity payment if after conclusion of insurance agreement it is evidenced that the loan agreement has been concluded as a result of bribery. <p>* The Appendix constitutes integral part of the Applications for Cover of Buyer Credit dated ___ ** please choose the right option Appendix to the Application for Cover Supplier Credit*</p> <p style="text-align: center;">EXPORTER'S DECLARATION CONCERNING BRIBERY IN RELATION WITH THE EXPORT CONTRACT</p> <p>We hereby declare that the export contract no. ___ dated ___ concluded with (foreign buyer) ___ for ___ which is the basis for the receivables that will be/have been ** covered by the insurance agreement, has not been / will not be** concluded as a result of an illegal act, in particular bribery of a foreign public official, and, that we are aware of the penal responsibility for deeds stipulated in article 229 § 5 and article 230a of the Polish Penal Code, which fulfil the characteristics of the crime of bribery of a foreign public official.</p> <p>We further declare that we are aware of the legal consequences for the a/m insurance agreement concerning the proceedings of the Export Credit Insurance Corporation Joint Stock Company (KUKI S.A.) in relation with the insurance agreement, that is:</p> <ol style="list-style-type: none"> 1. refusal of insurance if there is sufficient evidence that the export contract has been concluded as a result of bribery; 2. refusal of indemnity payment if after conclusion of insurance agreement it is evidenced that the export contract has been concluded as a result of bribery. <p>* The Appendix constitutes integral part of the Applications for Cover of Buyer Credit dated ___ ** please choose the right option >></p>
Portugal	<p>The text in the application form is: « The applicant hereby states that the export contract, which forms the object of the present application, was not obtained or maintained through illegal acts or practices, namely bribery of foreign public officials, in the field of international trade. Any omission, deceit or false declarations from the INSURED, which may induce COSEC in error, will cause respective insurance to become null and void, pursuant to article 429º of the Commercial Code. »</p> <p>The text in the stand alone statement is: «The exporter will reimburse COSEC at its first request, of all sums that have been paid to the Insured as a claim (...) if the exporter was tried and convicted, by a definite court decision, of the crime of bribery punishable by law (Article 41º-A Penal Code) where it was proven that the export contract, to which the loan agreement relates, was obtained or retained by improper advantage, either patrimonial or not, attempted or actually given to foreign public officials, in the conduct of international business. »</p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
Slovak Republic	<p><< We are aware, that the insurance of export credit risk with the state support cannot be provided for exports, preparation of which was connected from side of the applicant for insurance with bribery in international trade directly or by means of the third persons in accordance with § 160 and following §§ of the Criminal Code. At the same time we are aware, that the insurer has right to refuse an indemnification or to request to refund already paid indemnification, if it was proved, that the data concerning bribery in international trade stated by policy holder in his application were not complete or not true.>></p>
Spain	<p>A letter is attached to the application for official support, informing about the provisions of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business, about the laws adopted in Spain in compliance thereafter and about the provisions of the Action Statement on Bribery and Officially Supported Export Credits.</p> <p>The letter explains the introduction of a new requisite for all applicants of officially supported export credits to submit a declaration whereby they state that they are not involved in any of the situations foreseen with the Convention.</p> <p>The General Conditions of our policies are being modified. Two new clauses are being included:</p> <p>Exclusion of cover Insurance cover expressly excludes loans related to export transactions or loan agreements which involve bribery in violation of article 445 bis of the Spanish Penal Code, whether this is expressly admitted by the Insured or there has been a firm court decision.</p> <p>Cover excludes any loan related to a contractual relation whose validity or enforceability has been considered to be against the law, null or unenforceable due to non-compliance with any legal disposition applicable to the transaction, by a competent Court both in Spain or abroad.</p> <p>Suspension of cover The Insurer can withhold support in case the transaction becomes the object of a legal procedure. Claims payments can be retained until a final judgement has been taken, and all liabilities related thereto have been cleared.</p>
Sweden	<p>The following text is contained in the declarations for exporters/banks. Comparable declarations accompany all our guarantee types for export credit guarantees.</p> <p><< The OECD's Export Credit Group (ECG) has agreed to an Action Statement on combating bribery of foreign public officials in international business transactions. According to the agreement EKN and EKN's foreign equivalents shall obtain a declaration from the applicant company.</p> <p><i>In the declaration, the company shall state that neither the company, nor anyone acting on its behalf, has been engaged or will engage in bribery or other inappropriate reward for official duties to foreign ministers, members of parliament or public employees in connection with the export transaction that the application refers to.</i></p> <p><i>Therefore we hereby declare</i></p> <p><i>that neither we, nor anyone acting on our behalf, in connection with the export transaction that the application refers to, have been engaged or will engage in bribery or other inappropriate reward as mentioned above,</i></p> <p><i>that we are aware of the fact that EKN's responsibility for the guarantee may lapse, and that already received amounts of compensation including interest thereon from the date of disbursement of such compensation shall be repaid to EKN, if we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above, also</i></p> <p><i>that we will indemnify EKN for all its costs an expenses which will be the consequences of that we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above.</i></p> <p><i>Note that Swedish law penalize bribery inter alia in the cases that have been described here, see chapter 17 § 7 and chapter 20 § 2 in the Swedish criminal code. >></i></p>
Switzerland	<p>The text includes the information that the ERG Board can refuse cover and refuse to pay claims. It can also revoke cover in case transactions involve corruption as defined in the Swiss Criminal Code. In case of serious offence, a temporary exclusion from official support may be considered.</p>
Turkey	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 1 (continued):

b) Text used to describe the legal consequences of the bribery in international business transactions:	
United Kingdom	<p><< <i>Corruption and Money Laundering</i></p> <p><i>Please note that the OECD countries, including the United Kingdom, are committed to combating corruption and money laundering. The law in the UK has been strengthened in order to do so. Whilst you are responsible for ensuring that your activities comply with all laws that are relevant to the transaction in respect of which you are applying for our support, we draw your attention in particular to the amendments to the applicable law on corruption contained in the Anti-terrorism, Crime and Security Act 2001 and to the applicable law on money laundering contained in the Proceeds of Crime Act 2002. Certain acts committed abroad now constitute criminal offences in the UK. You should also be aware that ECGD routinely refers allegations of bribery and corruption and money laundering to the appropriate authorities. >></i></p>
United States	<p><< <i>The Applicant (it) certifies and acknowledges to the Ex-Im Bank that...it has not and will not engage in any activity in connection with this Policy that is a violation of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. Section 78dd-1, et seq) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. >></i></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2:

Do you invite all applicants and/or exporters requesting official export credit support to provide an undertaking/declaration that neither they, nor anyone acting on their behalf have been engaged or will engage in bribery in the transaction?		If yes:		Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Is the provision of an undertaking/declaration by the applicant and/or exporter a prerequisite for obtaining official support?	b) The invitation/requirement to provide an undertaking/declaration is communicated through:	
Australia	yes	yes	text in the application form	In relation to medium-long term transactions, EFIC requires exporters to declare in writing at each drawdown (for its loan and guarantee facilities) that it has not given or agreed to give (directly or indirectly) any credit, commission or other payment or incentive to any person or entity in relation to the transaction, except for regular remuneration and express contract payments. Any exceptions to this have to be advised in the same declaration.
Austria	yes	yes	text in the application form + stand-alone document	Reference is made to the respective provisions of the penal code within the declaration that all applicants have to provide. The text related to the invitation, together with the text provided in relation to question 1 is in the application form which has to be signed by the applicant. In the case of a buyer's credit, the exporter has to submit an additional stand-alone declaration. This is standard wording which might be slightly modified according to the type of cover to be applied for.
Belgium	yes	yes	text in the application form	
Canada	yes	yes	other	b) For short-term insurance customers, EDC provides its communication via provisions in the monthly declaration form required from its customers. For MLT customers, the provision is communicated through various mechanisms depending on the product.
Czech Republic	yes	yes	text in the application form + stand-alone document	The text is in the application form for Insurance products "B" – Insurance of Short Term Export Supplier's Credits against the Risk of Non Payment, and "C" – Insurance of the Medium and Long Term Export Supplier's Credits against the Risk of Non Payment. The text is provided in a stand-alone form/document for Insurance Product Conditions "D" – Export Buyer's Credit Insurance against the Risk of Non Payment, and insurance product "Z" – Insurance of Export Contract Related Bonds.
Denmark	yes	yes	stand-alone document	We use a stand alone document signed when a guarantee is issued. The requirement to sign this document is mentioned in our offers.
Finland	yes	yes	stand-alone document at the time of application	
France	yes	yes	stand-alone document	
Germany	yes	yes	text in the application form	
Greece	yes	yes	text in the application form + text in the general conditions of cover	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2:

Do you invite all applicants and/or exporter requesting official export credit support to provide an undertaking/ declaration that neither they, nor anyone acting on their behalf have been engaged or will engage in bribery in the transaction?		If yes:		Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Is the provision of an undertaking/ declaration by the applicant and/or exporter a prerequisite for obtaining official support?	b) The invitation/ requirement to provide an undertaking/ declaration is communicated through:	
Hungary (MEHIB)	yes	yes	text in the general conditions of cover	Mehib would refuse to pay indemnity, if bribery has been involved in the export transaction.
Hungary (Eximbank)	yes	yes	stand-alone document	Eximbank would refuse to pay indemnity, if bribery has been involved in the export transaction.
Italy	yes	yes	text in the application form	The applicant's declaration does not address future deeds.
Japan (JBIC)	yes	yes	text in the application form + text in the credit agreement	
Japan (NEXI)	yes	yes	stand-alone document at the time of application	
Korea (KEIC)	yes	yes	stand-alone document at the time of application	
Korea (Eximbank)	yes	yes	stand-alone document at the time of application	
Luxembourg	yes	yes	text in the application form	
Mexico	yes	yes	text in the credit agreement	
Netherlands	yes	yes	text in the application form	
New Zealand	yes	yes	stand-alone document at the time of application	We use a stand alone document signed when a guarantee is issued. This document applies to both our agent EKF and the ECO. That this document has to be signed is mentioned in our offers.
Norway	yes	yes	stand-alone document at the time of application	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2:

Do you invite all applicants and/or exporter requesting official export credit support to provide an undertaking/ declaration that neither they, nor anyone acting on their behalf have been engaged or will engage in bribery in the transaction?		If yes:		Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Is the provision of an undertaking/ declaration by the applicant and/or exporter a prerequisite for obtaining official support?	b) The invitation/ requirement to provide an undertaking/ declaration is communicated through:	
Poland	yes	yes	stand-alone document at the time of application	
Portugal	yes	yes	text in the application form + stand-alone document	Also the general conditions of the COSEC MLT policies foresee the exclusion of liability of COSEC in case the losses are due to any act or omission by the Insured or any person acting on its behalf.
Slovak Republic	yes	yes	text in the application form	This measure was implemented into the renewed credit insurance terms and conditions, which were approved on June 30, 2003 and are in force from July 23, 2003.
Spain	yes	yes	text in the application form	
Sweden	yes	yes	text in the application form	
Switzerland	yes	yes	text in the application form	
Turkey	no	not applicable	not applicable	As commented in Question 1, Turkey is in the process of implementing changes to its system to meet the obligations of the Action Statement. Therefore, relevant changes will be introduced after final approvals received.
United Kingdom	yes	yes	text in the application form	
United States	yes	yes	text in the application form + stand-alone document	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Australia	<p>Excerpt found in the application form:</p> <p><i><< The Applicant declares that to the best of his or her knowledge nobody acting on the Applicant's behalf or acting with the Applicant's consent or authority (including any of the Applicant's employees, agents or sub-contractors) has engaged or will engage in Corrupt Activity in relation to a Relevant Matter. The Applicant understands that for the purposes of this declaration: "Relevant Matter" means this Application or a transaction, contract, arrangement, event or thing contemplated by or referred to in this Application;</i></p> <p><i>"Corrupt Activity" has the meaning given to that expression on EFIC's website at www.efic.gov.au.</i></p> <p><i>By making this Application the Applicant acknowledges that it understands that the occurrence of Corrupt Activity in relation to a relevant matter may have serious consequences, including (without limitation):</i></p> <p><i>(a) evidence of Corrupt Activity being referred to the appropriate national authorities, such as the Australian Federal Police; or</i> <i>(b) the imposition of fines, penalties or sentences for imprisonment; or</i> <i>(c) the termination of a relevant matter, the acceleration of payments or the cancellation of insurance, as the case may be. >></i></p> <p>Excerpt from the Exporter's Declaration Appendix (at each Draw Down)</p> <p><i><< The Exporter declares that it has not given or agreed to give (directly or indirectly) any credit, commission, or other payment or incentive to any person or entity in relation to the Credit Agreement, the Contract or any goods or services for which payment is claimed in this declaration except:</i></p> <ul style="list-style-type: none"> <i>- as set out in the Contract</i> <i>- payments or incentives (if any) to the Buyer and not set out in the Contract as follows: [insert amounts and purposes or state "none"]</i> <p><i>[The Exporter should not declare any discount on its standard price which was negotiated with the Buyer and is incorporated in the final contract price stated in the Contract]</i></p> <ul style="list-style-type: none"> <i>- regular remuneration of the Exporter's officers, employees and full-time directors</i> <i>- regular payments (if any) made in the ordinary course of business to the Exporter's usual sales agents or representatives, suppliers or subcontractors and readily identifiable in the Exporter's accounts as to the amount, purpose and recipient</i> <i>- other payments or incentives (if any) as follows: [insert amount, purpose and recipient and attach evidence showing nature of goods/services and method of computation of the payment or incentive or state "none"] >></i>
Austria	<p><i><< We confirm that neither we nor to the best of our knowledge any of our representatives are or will be engaged in bribery of foreign public officials (§ 307 Abs 1 Z1 & 6 StGB) in connection with the transaction to be covered. >></i></p>
Belgium	<p><i><< L'exportateur ainsi que la banque intervenante ont pris connaissance de la loi du 9 juin 1999 relative à l'approbation de la Convention pour la lutte contre la corruption des fonctionnaires publics étrangers dans les opérations commerciales internationales, conclue le 17 décembre 1997 à Paris.</i></p> <p><i>L'exportateur et la banque intervenante déclarent se conformer à cette législation, sachant que chaque infraction expose les parties concernées à des sanctions allant de l'annulation du contrat d'assurance à l'exclusion de toute aide concessionnelle ultérieure. >></i></p>
Canada	<p>EDC's short-term insurance customers sign a monthly declaration form with the following language: <i><< We hereby certify that the amounts listed on the Declaration Worksheet represents the total of all transactions with buyers in accordance with the terms and conditions of our insurance policy and that with respect to the business insured under our policy we have not been and will not knowingly be party to any action which is prohibited by Canada's Corruption of Foreign Public Officials Act. >></i></p> <p>For EDC's MLT products, there are various texts which may be utilized depending on the product in question but generally includes the following: <i><< With respect to the we have not been and will not knowingly be party to any action which is prohibited by Canada's Corruption of Foreign Public Officials Act. >></i></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Czech Republic	<p><< <i>STATUTORY DECLARATION OF THE EXPORTER</i></p> <p><i>on compliance with legal provisions against bribery in the international trade</i></p> <p><i>I declare herewith that there has been no breach of regulations against bribery in the international trade(1) in negotiating the export contract. I take cognisance of the fact that the insurance of export credit risks with State support cannot be extended to exports negotiated by way of the bribery in the international trade according to the § 160 and subsequent of the Act No. 140/1961 Coll., Criminal Code.</i></p> <p><i>(1) Communication of the Ministry of Foreign Affairs No. 25/2000 on Acceptance of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions Convention (Part 13/2000 of the Collection of International Agreements) distributed on 29 March 2000). >></i></p>
Denmark	<p><< <i>The OECD has adopted a convention to combat bribery of foreign public officials in international business transactions. According to this convention, EKF and EKF's counterparts abroad are obliged to obtain a declaration stating that illegal bribery does not and will not take place.</i></p> <p><i>With reference to the section headed - special conditions - of the guarantee conditions, the undersigned guarantee holder declares below,</i></p> <p><i>that neither I, nor any persons acting on my behalf, have engaged in nor will engage in illegal bribery in connection with either the above-mentioned export business guaranteed by EKF or any associated agreements,</i></p> <p><i>that I forfeit the right to compensation in connection with the guarantee issued by EKF, and I guarantee that I will repay to EKF any compensation received, including interest from the date of payment, if I, or any persons acting on my behalf, have engaged in or engage in illegal bribery,</i></p> <p><i>that I will indemnify EKF for all losses and expenses, including legal costs, incurred should I, or anyone acting on my behalf, have engaged in or engage in illegal bribery, and</i></p> <p><i>that this declaration is subject to Danish law and to settlement in a Danish court of law. >></i></p>
Finland	See text provided for question 1.
France	<< <i>L'assuré déclare que sa société n'a pas commis ou ne commettra pas, dans le cadre du contrat garanti, des actes de corruption prohibés par les articles 435-2 et suivants du code pénal. >></i>
Germany	<< <i>We herewith declare that the conclusion of the export contract has not been resp. will not be brought about by a criminal act, particularly by bribery. >></i>
Greece	<< <i>We hereby declare that: "Neither we, nor anyone acting on our behalf, have been engaged or will engage in Bribery in the export transaction." Moreover, we are aware that in case where we, or anyone acting on our behalf, have been engaged or will engage in Bribery in the export transaction, ECIO's cover is invalidated, Claims are not indemnified and/or recourse is sought and Other (e.g. denial of access to official support). If an indemnification has been already paid this sum must be paid back to ECIO. >></i>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Hungary (MEHIB)	<p>The insured party is required to sign the following Declarations on Bribery: << <i>Declaration on Bribery</i></p> <p>1. We, the undersigned and authorized representatives of (company's name) hereby certificate, that according to our best knowledge neither our company, nor its employees, mandatory or other representatives acting on behalf of our company have been involved in any act of corruption or bribery in order to conclude any foreign trade or loan contract subject to credit insurance contract with MEHIB Ltd.; and there no legal proceedings initiated against us or them connected with the above mentioned actions.</p> <p>2. We hereby certificate, that according to our best knowledge, neither the management or authorized representatives of(company's name), nor its officers, members of the supervisory board or other authorized representatives acting on behalf of the above persons connected with objects of our company have been involved in any act of corruption or bribery for the pecuniary advantage of the legal entity in order to conclude any foreign trade or loan contract subject to credit insurance contract with MEHIB Ltd. or otherwise, the members or employees of our company connected with objects of the company have been not involved in any act of the above mentioned actions that should have been prevented by supervisory acts of the management.</p> <p>3. We accept that we are obliged to report or MEHIB Ltd. if any legal proceedings are initiated against us or the above-mentioned persons due to committal of such an act.</p> <p>We further accept that in case of the above mentioned legal procedures MEHIB Ltd.</p> <ul style="list-style-type: none"> - will refuse to issue the insurance contract, - will withdraw the offer issued, - will cancel the insurance contract, - will refuse to pay indemnity, - will reclaim the indemnity paid <p>MEHIB Ltd. will report to the investigate authorities the information obtained on the basis of which it is assumable that our company is involved in corruption or bribery even if no legal proceedings have been initiated.</p> <p>Budapest, 200.</p> <p>..... Insured >></p> <p>The following declaration in respect of corrupt activity is completed by the Exporter: << <i>Declaration on Bribery</i></p> <p>1. We, the undersigned and authorized representatives of (company's name) hereby certificate, that according to our best knowledge neither our company, nor its employees, mandatory or other representatives acting on behalf of our company have been involved in any act of corruption or bribery in order to conclude any foreign trade or loan contract subject to credit insurance contract with MEHIB Ltd.; and there no legal proceedings initiated against us or them connected with the above mentioned actions.</p> <p>2. We hereby certificate, that according to our best knowledge, neither the management or authorized representatives of(company's name), nor its officers, members of the supervisory board or other authorized representatives acting on behalf of the above persons connected with objects of our company have been involved in any act of corruption or bribery for the pecuniary advantage of the legal entity in order to conclude any foreign trade or loan contract subject to credit insurance contract with MEHIB Ltd. or otherwise, the members or employees of our company connected with objects of the company have been not involved in any act of the above mentioned actions that should have been prevented by supervisory acts of the management.</p> <p>3. We accept that we are obliged to report or MEHIB Ltd. if any legal proceedings are initiated against us or the above-mentioned persons due to committal of such an act.</p> <p>We further accept that in case of the above mentioned legal procedures MEHIB Ltd.</p> <ul style="list-style-type: none"> - will reclaim the amount of indemnity paid to the insured financial institution lending the buyer credit, - will report to the investigate authorities the information obtained on the basis of which it is assumable that our company is involved in corruption or bribery even if no legal proceedings have been initiated. <p>Budapest, 200.</p> <p>.....</p> <p>Exporter >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Hungary (Eximbank)	<p><< DECLARATION IN RESPECT OF CORRUPT ACTIVITY (to be completed by the representative of the Borrower)</p> <p>_____ (Place and Date)</p> <p>Present declaration is issued in accordance with the provisions of the OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions.</p> <p>1. In the awareness of my criminal and civil responsibility in this matter I declare that neither I nor to the best of my knowledge or belief anyone (including any of the employees of the _____ (company name of the Borrower) acting on behalf of the _____ (company name of the Borrower) with due authority or with the prior consent or subsequent acquiescence of the _____ (company name of the Borrower) has engaged or will engage in any corrupt activity* in connection with the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Borrower) or any related agreement, undertaking, consent, authorisation or arrangement of any kind.</p> <p>I agree to notify the Hungarian Export-Import Bank Ltd. if any legal proceedings are initiated against _____ (company name of the Borrower) or the above-mentioned persons.</p> <p>2. In the awareness of my criminal and civil responsibility in this matter I declare that the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Borrower) was concluded with/without an agent's contribution. The agent's commission was agreed in _____.</p> <p>3. With the execution of this Declaration I acknowledge that in case of commencement of the above mentioned legal procedures and/or the acceptance of a final judgement in the above mentioned legal procedures the Hungarian Export-Import Bank Ltd. shall be entitled to - suspend any disbursements under the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Borrower), - terminate the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Borrower) and seek recourse, or - in case the occurrence of grounded suspicion -, to initiate such legal procedures.</p> <p>_____ _____ (signature) _____ (name) _____ (title)</p> <p>* Commitment of a criminal offence or other unlawful act such as bribery (sections 250-255. of the Criminal Code of the Hungarian Republic), trafficking in influence (section 256), bribery in international relations (sections 258/B-258/D), profiteering with influence in international relations (section 258/E) or attempt of any of these.</p> <p>DECLARATION IN RESPECT OF CORRUPT ACTIVITY (to be completed by the representative of the Buyer)</p> <p>_____ (Place and Date)</p> <p>Present declaration is issued in accordance with the provisions of the OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions.</p> <p>1. In the awareness of my criminal and civil responsibility in this matter I declare that neither I nor to the best of my knowledge or belief anyone (including any of the employees of the _____ (company name of the Buyer) acting on behalf of the _____ (company name of the Buyer) with due authority or with the prior consent or subsequent acquiescence of the _____ (company name of the Buyer) has engaged or will engage in any corrupt activity* in connection with the _____ Agreement concluded on ___th of _____ 200_ between the _____ (company name of the Buyer) and the _____ (company name of the Borrower) or any related agreement, undertaking, consent, authorisation or arrangement of any kind.</p> <p>I agree to notify the Hungarian Export-Import Bank Ltd. if any legal proceedings are initiated against _____ (company name of the Buyer) or the above-mentioned persons.</p> <p>2. In the awareness of my criminal and civil responsibility in this matter I declare that the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Borrower) was concluded with/without an agent's contribution. The agent's commission was agreed in _____.</p> <p>_____ _____ (signature) _____ (name) _____ (title) >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Hungary (Eximbank) (continued)	<p>DECLARATION IN RESPECT OF CORRUPT ACTIVITY (to be completed by the representative of the person, mandating Eximbank to issue a Guarantee backed by the Central Budget)</p> <p>_____ (Place and Date)</p> <p>Present declaration is issued in accordance with the provisions of the OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions.</p> <p>1. In the awareness of my criminal and civil responsibility in this matter I declare that neither I nor to the best of my knowledge or belief anyone (including any of the employees of the _____ (company name of the Mandator) acting on behalf of the _____ (company name of the Mandator) with due authority or with the prior consent or subsequent acquiescence of the _____ (company name of the Mandator) has engaged or will engage in any corrupt activity* in connection with the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Mandator) or any related agreement, undertaking, consent, authorisation or arrangement of any kind.</p> <p>I agree to notify the Hungarian Export-Import Bank Ltd. if any legal proceedings are initiated against _____ (company name of the Mandator) or the above-mentioned persons.</p> <p>2. In the awareness of my criminal and civil responsibility in this matter I declare that the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Mandator) was concluded with/without an agent's contribution. The agent's commission was agreed in _____.</p> <p>3. With the execution of this Declaration I acknowledge that in case of commencement of the above mentioned legal procedures and/or the acceptance of a final judgement in the above mentioned legal procedures the Hungarian Export-Import Bank Ltd. shall be entitled to</p> <ul style="list-style-type: none"> - withdraw the Guarantee issued in accordance with the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Mandator), - deny the fulfilment of the payment obligation under the Guarantee issued in accordance with the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Mandator), - reclaim all amounts paid under the Guarantee issued in accordance with the _____ Agreement concluded on ___th of _____ 200_ between the Hungarian Export-Import Bank Ltd. and the _____ (company name of the Mandator),
Italy	<p><< The applicant, acting on behalf of his company, certifies not to have been involved in any undue act in order to conclude a trade (or loan) contract subject to the credit insurance application and states that no legal procedure has been initiated against him for any such act and that he is not aware of any act of the kind having being committed by others in connection with the aforesaid contracts. >></p>
Japan (JBIC)	<p>The application form includes the following clause:</p> <p><< We affirm at the time of application that none of our representatives, directors, agents, employees or other officers have been or shall be charged with an offence under the Unfair Competition Prevention Law. We have no objection that JBIC shall deny support for transaction in question if any of our representatives, directors, agents, employees or other officers are charged with an offence under the Unfair Competition Prevention Law. >></p> <p>The Loan Agreement includes the following clause:</p> <p><< The following events and circumstances shall be an Event of Acceleration:</p> <p>(a) the Borrower, the Supplier, or the Sub-Borrower, or any of the directors, officers, employees, representatives or agents thereof shall (i) commit, or attempt or conspire to commit, a Bribery, or (ii) aid, abet or authorize a Bribery by any other Person, in relation to the Approved Contract, regardless of whether such act constitutes a criminal offence, or any of them is charged with or found guilty of such criminal offence.</p> <p>(b) the Borrower, the Supplier, or the Sub-Borrower, or any of the directors, officers, employees, representatives or agents thereof shall request, receive, accept, or attempt to receive or accept any undue pecuniary or other advantage offered, given or promised by any Person as a Bribery in relation to the Approved Contract, regardless of whether such act constitutes a criminal offence, or any of them is charged with or found guilty of such criminal offence. >></p>
Japan (NEXI)	<p><< In applying for the insurance policy, we pledge that to the best of our knowledge, we, our directors, employees or agents have not and will not commit or relate in any act of bribery that violates the Unfair Competition Prevention Law. >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Korea (KEIC)	<p><< Declaration of No-Involvement in Bribery</p> <p>To : Korea Export Insurance Corporation Project Name :</p> <p>We hereby submit to KEIC the Declaration of No-Involvement in Bribery, and confirm the following with regard to the project referred to as above.</p> <ol style="list-style-type: none"> 1. We are well aware of the existence and contents of the "Act on Preventing Bribery of Foreign Public Officials in International Business Transactions" enacted on 28 December 1998, and are in full compliance with the provisions of the Act. 2. We have not been engaged in any bribery of foreign public officials in connection with the award of the above-referenced project. 3. We pledge not to make any objection to the decisions made by KEIC such as nullification of the insurance contract and referral of evidence to the concerned authorities in case that bribery as defined by the Act is proved to be involved in the related export contract. <p>Applicant's Name :</p> <p>* This Declaration is submitted in accordance with the "Action Statement on Bribery and Officially Supported Export Credits" adopted by the OECD ECG in 5 December 2000. >></p>
Korea (Eximbank)	<p><< We, the applicant (or the exporter), undertake to fully understand and remain fully responsible for the compliance with the provisions of "Act on Preventing Bribery of Foreign Public Officials in International Business Transactions." We, the applicant (or the exporter), have not been engaged or will not engage in bribery in the mentioned project. We, the applicant (or the exporter), will not raise any objection to any of the necessary measures taken by The Export-Import Bank of Korea among i) to iii) as below.</p> <ol style="list-style-type: none"> i) Withholding support for transaction ii) Recoursing the already executed support for transaction iii) Informing investigating authorities >>
Luxembourg	<p><< Le(s) soussigné(s) déclare(nt) :</p> <p>que l'exportateur ainsi que la banque intervenante ont pris connaissance de la loi du 15 janvier 2001 portant approbation de la Convention de l'Organisation de Coopération et de Développement Économiques (OECD) du 21 novembre 1997 sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales et relatif aux détournements, aux destructions d'actes et de titres, à la concussion, à la prise illégale d'intérêts, à la corruption et portant modification d'autres dispositions légales que l'exportateur et la banque intervenante se conforment à cette législation, sachant que chaque infraction expose les parties concernées outre les sanctions prévues par loi du 15 janvier 2001 à des sanctions pouvant aller de la nullité du contrat d'assurance à l'exclusion future de toute aide concessionnelle. >></p>
Mexico	<p>The Credit Agreement includes the following declaration and clause:</p> <p><< DECLARATION: "The applicant declares that he has not bribed any official from the country where the export transaction is made and that if he does, Bancomext may deny any further disbursements or call back the credit."</p> <p>CLAUSE: "If the applicant, or someone in his behalf, bribes an official from the country where the export transaction is made, Bancomext may deny any further disbursements or call back the credit. >></p>
Netherlands	<p><< With reference to the text in the application form (which is also available on the website of Atradius and provided for question 1), applicants have to declare that:</p> <ul style="list-style-type: none"> - they filled out the application form correctly (see also question one for the consequences if the correct information was not provided) - they, nor anyone acting on their behalf, have not been engaged in, will not engage in bribery, the provocation of bribery or that they were an accessory to bribery related to the acquisition and / or the execution of the transactions (see also question one for the consequences) - they are familiar with the OECD Guidelines for Multinational Enterprises and intend to implement these in their own company. >>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
New Zealand	<p><< The OECD has adopted a convention to combat bribery of foreign public officials in international business transactions. According to this convention, ECO and ECO's counterparts abroad are obliged to obtain a declaration stating that illegal bribery does not and will not take place.</p> <p>With reference to the section headed - special conditions - of the guarantee conditions, the undersigned guarantee holder declares below, that neither I, nor any persons acting on my behalf, have engaged in nor will engage in illegal bribery in connection with either the above-mentioned export business guaranteed by the ECO or any associated agreements,</p> <p>that I forfeit the right to compensation in connection with the guarantee issued by ECO, and I guarantee that I will repay to ECO any compensation received, including interest from the date of payment, if I, or any persons acting on my behalf, have engaged in or engage in illegal bribery,</p> <p>that I will indemnify ECO for all losses and expenses, including legal costs, incurred should I, or anyone acting on my behalf, have engaged in or engage in illegal bribery, and</p> <p>that this declaration is subject to New Zealand law and to settlement in a New Zealand court of law.</p> <p>As the ECO uses EKF as an Agent, a declaration must also be submitted with respect to EKF. >></p>
Norway	<p><< We undertake to respect the prohibition in Section 128 of the Norwegian Penal Code Section against bribery of Norwegian or foreign public servants or officials of intergovernmental organizations and agree that the guarantee coverage lapses if the obligation is not met. We confirm that in that case we will compensate GIEK for payments GIEK may have made to recipients of supplier credit guarantees, lender guarantees and bonds as well as associated costs and loss of interest.</p> <p>The same shall apply should our assistants act in violation of the prohibition and we knew or should have known this. >></p>
Poland	See text provided for question 1.
Portugal	See text provided for question 1.
Slovak Republic	<< If in the connection with the relevant export contract the provisions of the special Act (see notice) have been violated by the exporter or the person acting in his name the insurer is authorised to refuse insurance according to the valid credit insurance policy wording. Notice: § 160 and following §§ of the Act. No. 140/1961 Coll., Criminal Code and § 49 of the Act No. 513/1991 Coll., Commercial Code. >>
Spain	<p>Declaration from the exporter:</p> <p><< The exporter declares that his company is aware of the OECD Convention and declares that they have respected and will continue to do so in the future the provisions established by the Convention as well as by the Spanish legislation. >></p> <p>Under the Buyer's Credit Policy, the exporters sign an Underwriting of Reimbursement, which has been modified to include the following:</p> <p><< [the exporter] commits to fully comply with the obligations of which it is liable according to the covenants contained in the export transaction as well as with all the legal provisions in force in Spain, and in particular provisions regarding bribery of foreign public officials in the Borrower's or Buyer's country, or with any other law related to the completion, validity, and compliance of the said export transaction. >></p>
Sweden	<< We hereby declare that neither we, nor anyone acting on our behalf, in connection with the export transaction that the application refers to, have been engaged or will engage in bribery or other inappropriate reward as mentioned above, that we are aware of the fact that EKN's responsibility for the guarantee may lapse, and that already received amounts of compensation including interest thereon from the date of disbursement of such compensation shall be repaid to EKN, if we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above, also that we will indemnify EKN for all its costs and expenses which will be the consequences of that we, or anyone acting on our behalf, have been engaged or will engage in bribery or other inappropriate reward as mentioned above. Note that Swedish law penalize bribery inter alia in the cases that has been described here, see chapter 17 § 7 and chapter 20 § 2 in the Swedish criminal code. >>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 2 (continued):

c) Text of the invitation/requirement and/or the undertaking/declaration:	
Switzerland	<< The applicant is aware that respecting Swiss law is a condition for the issue and coming into force of the ERG guarantee arising from the underlying export contract. The applicant confirms explicitly that the export contract has not been respectively will not be obtained by committing a criminal offence as stipulated in the Swiss Criminal Code on bribery to foreign public officials. (...) >>
Turkey	
United Kingdom	<p><< We declare that neither we nor to the best of our knowledge and belief any of our Affiliates nor anyone (including any of our or their employees) acting on our or their behalf with due authority or with our or their prior consent or subsequent acquiescence has engaged or will engage in any Corrupt Activity in connection with the contract or any related agreement, undertaking, consent, authorisation or arrangement of any kind.</p> <p>For the purposes of this declaration:</p> <p>"Affiliate" means in relation to us, any company which is a member of the same group of companies or any other party to any joint venture or consortium or other similar arrangement with our company in connection with the contract</p> <p>and</p> <p>"Corrupt Activity" means any activity (including without limitation, the offering of any payment, reward or other advantage to any public official or other person and the concealment, use or facilitation of the concealment or use by another person of assets of any sort resulting from criminal conduct) which</p> <p>1 - is subsequently found by a court in a competent jurisdiction to have rendered a contract illegal, void, voidable or unenforceable under its governing law, or</p> <p>2 - we, any of our Affiliates or anyone (including any of our or any of our Affiliates' employees) acting on behalf of or with the prior consent or subsequent acquiescence of ourselves or any of our Affiliates has freely admitted engaging in, or</p> <p>3 - is subsequently found by a court in any competent jurisdiction outside the United Kingdom to constitute an offence under any applicable law, or</p> <p>4 - is subsequently found by a court in the United Kingdom to constitute an offence under the Prevention of Corruption Acts 1889 to 1916 (as from time to time amended or re-enacted) or the Proceeds of Crime Act 2002 (as from time to time amended or re-enacted)</p> <p>and which activity, in respect of paragraphs 1, 2, and 3 above corresponds to an offence under the Prevention of Corruption Acts 1889 to 1916 (as from time to time amended or re-enacted) or the Proceeds of Crime Act 2002 (as from time to time amended or re-enacted) >></p>
United States	<p>Exporter's Certificate:</p> <p><< We have not, and will not, engage in any activity in connection with this transaction that is a violation of the Foreign Corrupt Practices Act of 1977. >></p> <p>Short and medium-term insurance applications:</p> <p><< The Applicant (it) certifies and acknowledges to the Ex-Im Bank that...it has not and will not engage in any activity in connection with this Policy that is a violation of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. Section 78dd-1, et seq) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. >></p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 3:

Are agents' commissions (included in the export contract) eligible for official support?		If yes:			Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Do you apply a ceiling to agents' commissions for which official support is provided?	b) Please provide details on the ceiling(s) applied:	c) What is the rationale for imposing a ceiling on agents' commissions?	
Australia	yes	no			EFIC, however, only supports commissions at a level which is commercially reasonable. EFIC appraises the reasonableness of commissions on a case- by- case basis.
Austria	yes	no			There is no quantitative limit but we would require more information if the commission seems excessively high.
Belgium	yes	no			Pour autant qu'il s'agisse de commissions usuelles versées à un intermédiaire dénommé. Le pourcentage des commissions doit cependant rester dans des limites jugées raisonnables. A cet égard, des commissions de l'ordre de 2 à 3% ne semblent pas suspectes.
Canada	yes	no			Official support is provided for commissions because payment of reasonable commissions, not involving impropriety, is part of normal business in certain markets/instances. Please refer to our responses under Question 4.
Czech Republic	yes	no			Cover is provided for the whole contract value without looking into details of its calculation.
Denmark	yes	no			There are no specific rules in EKF, but it is part of our underwriting to understand and accept the specifics of the transaction. This includes acceptance of the agent commission, if there is one. In project finance transactions the commissions must be known and accepted. We will consider case by case if the agent commission can be accepted.
Finland	yes	no			We do not apply a straightforward ceiling but if the commission exceeds 15-20%, more information would be required.
France	yes	no			A condition d'être la rémunération d'un service dont l'objet, la matérialité et le caractère licite peuvent être vérifiés (voir question 4 et la réponse de la France au questionnaire TD/ECG(2000)1/REV). Cf. Remarques au point 3.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 3:

Are agents' commissions (included in the export contract) eligible for official support?		If yes:			Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Do you apply a ceiling to agents' commissions for which official support is provided?	b) Please provide details on the ceiling(s) applied:	c) What is the rationale for imposing a ceiling on agents' commissions?	
Germany	yes	no			
Greece	no	not applicable			Agents' commissions as such are not eligible for ECIO's cover.
Hungary (MEHIB)	yes	no		MEHIB will consider on CBC basis whether the agents' commission can be acceptable.	Under the prevailing national law agents' commissions are eligible for official support.
Hungary (Eximbank)	yes	no		The Hungarian Eximbank will consider on a case by case basis whether the agents' commission can be acceptable.	Under the prevailing national law agents' commissions are eligible for official support.
Italy	yes	yes	They are eligible for interest rate support up to 5% of the contract value.	The 5% figure has been set on the basis of statistical research.	Agents' commissions are taken into account in our Interest Make Up (IMU) schemes as services of Italian origin; they are dealt with as local costs where insurance is concerned.
Japan (JBIC)	yes	no			
Japan (NEXI)	yes	no			We do not apply a certain ceiling to agents' commissions for which official support is provided but the actual sum of commissions is confirmed.
Korea (KEIC)	yes	no			
Korea (Eximbank)	no	not applicable			Agents' commissions are not eligible for the KEXIM's official export credit.
Luxembourg	yes	no			Pour autant qu'il s'agisse de commissions usuelles versées à un intermédiaire dénommé. Le pourcentage des commissions doit cependant rester dans des limites jugées raisonnables. A cet égard, des commissions de l'ordre de 2 à 3% ne semblent pas suspectes.
Mexico	yes	no			On a case by case basis.
Netherlands	yes	no			All commissions have to be explained, but those which exceed 5% of the contract price or EUR 4.538.000 will be appraised more thoroughly. The background of this rule of thumb is in the longstanding practice of the Netherlands authorities to avoid becoming (even if indirectly) involved in practices which could be considered as bribery.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 3:

Are agents' commissions (included in the export contract) eligible for official support?		If yes:			Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Do you apply a ceiling to agents' commissions for which official support is provided?	b) Please provide details on the ceiling(s) applied:	c) What is the rationale for imposing a ceiling on agents' commissions?	
New Zealand	yes	yes	There are no specific rules in ECO, but it is part of our underwriting to understand and accept the specifics of the transaction. This includes acceptance of the agent commission, if there is one. In project finance transactions the commissions must be known and accepted.		We will consider case-by-case if the agent commission can be accepted.
Norway	yes	no			
Poland	no	not applicable			
Portugal	yes	no			We would require further information whenever the commissions exceed the average standard according to the business underwritten.
Slovak Republic	yes	yes	The payment of the commission which level in relation to the export contract is higher than it is a standard practice for relevant goods and country.	There are some cases in which a reasonable level of commission is a standard practice.	
Spain	yes	yes	The limit is always 5% of the value of total exports (goods and services).		
Sweden	yes	no			There is no standard limit on the level of Agents commission, but on a case to case basis we would investigate the matter further.
Switzerland	yes	no			
Turkey	no	not applicable			In accordance with Turk Eximbank's short term and medium/long term export credit insurance policies, agents' commissions are not subject to insurance cover. As a matter of fact, there are explicit provisions designated for the exclusion of such amounts, in each policy.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 3:

Are agents' commissions (included in the export contract) eligible for official support?		If yes:			Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Do you apply a ceiling to agents' commissions for which official support is provided?	b) Please provide details on the ceiling(s) applied:	c) What is the rationale for imposing a ceiling on agents' commissions?	
United Kingdom	yes	no			Commission payable "as and when" would be excluded from credit insurance but may be financed under a buyer credit or supplier credit. Commission payable at outset is eligible for both credit insurance and finance. There is no standard limit on the level of Agents commission. Each case is considered on its merits and cases where we have concerns about the level of commission or the method of payment are investigated. If following an investigation we are still not satisfied cover for the contract may be refused.
United States	yes	yes	Exporters must certify that they have not paid any commissions except for regular commissions or fees to regular sales agents, brokers or representatives that are readily identifiable on the exporter's books and records as to amount, purpose and recipient.	Ex-Im Bank exists to support U.S. exports – not unreasonable and irregular commission payments.	Generally, commissions are eligible for support if they are regular commissions or fees to regular sales agents, brokers or representatives and readily identifiable on the exporter's books and records as to amount, purpose and recipient.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 4:

Do you require that details be provided in respect of agents' commissions associated with the transaction?		If yes:				Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Such details must be provided:	b) Do you assess whether the level of commissions is consistent with standard business practice?	c) Do you require the purpose of commissions to be clearly identified?	d) Do you require that details be provided in respect of the agent(s) to whom commissions are paid?	
Australia	yes	at the time of application	yes	yes	yes	<p>a) At a minimum, applicant is asked to indicate amount of commissions paid to agent's outside Australia. EFIC can at its discretion require additional information as part of its due diligence process in evaluating an application. In addition, when a transaction has been underwritten, the exporter is required to provide a written declaration prior to each drawing under a facility of any other payments or incentives given to a third party (including those payments not previously declared to EFIC) detailing the amount, purpose and recipient of said payments. [See response to Q.2(b).]</p> <p>b) Refer response to Q. 3.</p> <p>c) Refer response to Q. 4 a) above.</p> <p>d) Refer response to Q. 4 a) above.</p>
Austria	yes	other	yes	yes	yes	Details would be required if the commission seems to be extremely high or if there is reason to suspect impropriety.
Belgium	yes	other	yes	yes	yes	De telles précisions sont demandées à l'occasion d'un sinistre, lors de l'examen du compte de pertes, lorsque celui-ci fait état de sommes suspectes.
Canada	no	not applicable	yes	yes	yes	<p>(a)&(b) EDC does not seek such details, but if same are provided, EDC would assess the level of commissions to be paid. Typically EDC sees agents' fees in the range of 10-15% of the contract price, but recognizes that the commission can vary based on the type and amount of the contract, the market, and the services provided by the agent.</p> <p>c) EDC would seek a clarification for the purpose of commissions paid, if EDC deems the commissions to be excessively high (beyond industry norms).</p> <p>d) Details on the agent(s) are requested when the commissions are considered to be outside industry norms.</p>
Czech Republic	yes	at the time of application	yes	yes	yes	
Denmark	yes	at the time of application	yes	yes	yes	The "yes" answers provided for this question should be considered in the context of our answer to 3 a), i.e. only for transactions where we ask for this information.
Finland	yes	other	yes	yes	yes	Details would be required on a case by case basis if there is reason to suspect misconduct.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 4:

Do you require that details be provided in respect of agents' commissions associated with the transaction?		If yes:				Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Such details must be provided:	b) Do you assess whether the level of commissions is consistent with standard business practice?	c) Do you require the purpose of commissions to be clearly identified?	d) Do you require that details be provided in respect of the agent(s) to whom commissions are paid?	
France	yes	at the time of application	no	yes	yes	(au cas par cas) a) Lors d'un sinistre, elles doivent être déclarées comme frais engagés par l'entreprise. c) En cas de doute lors de la prise en garantie, il peut être demandé à l'entreprise une description détaillée de toutes les composantes du contrat. Si nécessaire, l'expertise sectorielle de ministères compétents peut être recueillie. d) Contrat liant l'exportateur et montant de la rémunération.
Germany	no					
Greece	yes	at the time of application	yes	yes	no	c) Only when, according to the above assessment, the commission seems to be unusually high.
Hungary (MEHIB)	yes	at the time of application	yes	yes	yes	b) On a case-by-case basis MEHIB may refuse official support where agents commissions seem to be too high.
Hungary (Eximbank)	yes	at the time of application				b) On a case-by-case basis Eximbank may refuse official support where agents commissions seem to be too high.
Italy	no					
Japan (JBIC)	yes	at the time of application	yes	no	yes	b) JBIC confirms the validity of the commissions to determine if they are regarded as unusual.
Japan (NEXI)	no					
Korea (KEIC)	no		no	no	no	
Korea (Eximbank)	no					Since KEXIM does not provide export credit for agents' commission, we do not need to require details of agents' commissions.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 4:

Do you require that details be provided in respect of agents' commissions associated with the transaction?		If yes:				Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Such details must be provided:	b) Do you assess whether the level of commissions is consistent with standard business practice?	c) Do you require the purpose of commissions to be clearly identified?	d) Do you require that details be provided in respect of the agent(s) to whom commissions are paid?	
Luxembourg	yes	other	yes	yes	yes	De telles précisions sont demandées à l'occasion d'un sinistre, lors de l'examen du compte de pertes, lorsque celui-ci fait état de sommes suspectes.
Mexico	no					
Netherlands	yes	at the time of application	yes	yes	yes	a) Also before the final decision is made and before a claim is indemnified. d) Details are required in order to verify whether real and actual activities are performed and whether commissions are in line with the industry's average.
New Zealand	yes	at the time of application	yes	yes	yes	See response to question 3 a) – only for transactions where we ask for this information.
Norway	yes	other	yes	no	yes	We require details on a case by case basis depending on country, area of trade , exporters' experience etc.
Poland	no					
Portugal	yes	at the time of application	yes	yes	yes	
Slovak Republic	yes	at the time of application	yes	yes	yes	c) The purpose of the commission is to be discussed. d) The agent must be identified in the frame of discussion.
Spain	yes	other	no	no	yes	a) We would ask for more detailed information about the agents' commissions in case we observe discrepancies in the figures submitted to us, but not as a general rule in the application form. c) See question 4 above. We do not require such information systematically. We would if we detected any irregularity in the figures. d) The exporter has to disclose the amount of the commission and whether it is paid in Spain or abroad. On an exceptional basis, we may require
Sweden	no					

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section I: Measures to Deter Bribery

Question 4:

Do you require that details be provided in respect of agents' commissions associated with the transaction?		If yes:				Elaboration for "other" answers and/or any additional comments/clarifications:
		a) Such details must be provided:	b) Do you assess whether the level of commissions is consistent with standard business practice?	c) Do you require the purpose of commissions to be clearly identified?	d) Do you require that details be provided in respect of the agent(s) to whom commissions are paid?	
Switzerland	yes	before a claim will be indemnified	yes	yes	yes	
Turkey	yes	before a claim will be indemnified	no	no	no	b) Apparently, such assessment is not made as such commissions are already ineligible for cover.
United Kingdom	yes	at the time of application	yes	yes	yes	
United States	yes	Before the final decision to provide support is made; other	See comment	See comment	See comment	<p>a) Exporters are required to disclose pertinent information concerning agent's commissions that are beyond the scope of the certification that exporters must make on the Exporter's Certificate (see response to question 3).</p> <p>b) Ex-Im Bank reviews price reasonableness for all long-term transactions. Exporters are required to disclose pertinent information concerning agents' commissions that are beyond the scope of the certification that exporters must make on the Exporter's Certificate (see response to question 3).</p> <p>c d) Exporters are required to disclose pertinent information concerning agent's commissions that are beyond the scope of the certification that exporters must make on the Exporter's Certificate (see response to question 3).</p>

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

Question 5:

Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system before the decision to provide support has been made . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
Australia	inform investigative authorities	X			X	X					The question has been answered having regard only to the EFIC Act and our internal practices. Although boxes related to actual practice have been marked, we have no experience to date with the actions listed.
	withhold support for transaction in question	X			X	X	X	X	X		
	deny access to official support for all business	X			X	X	X				
	other:										
	other:										
Austria	inform investigative authorities	X			X	X					
	withhold support for transaction in question	X			X	X	X	X	X		
	deny access to official support for all business										
	other:										
	other:										
Belgium	inform investigative authorities										
	withhold support for transaction in question	X		X	X	X	X	X	X		
	deny access to official support for all business				X	X	X	X	X		
	other:										
	other:										
Canada	inform investigative authorities	X			X						EDC would not provide support to a company convicted of corruption unless it were satisfied that the company had put in place anti corruption management systems to detect and deter future acts of corruption, and that such systems are consistent with international best practices for companies engaged in similar lines of business in comparable markets. EDC is currently developing policy guidelines to ensure disclosure to law enforcement authorities of instances where there is credible evidence of bribery in a transaction.
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business	X			X	X	X	X	X	X	
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Czech Republic	inform investigative authorities	X		X	X	X	X				
	withhold support for transaction in question				X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Denmark	inform investigative authorities	X			X		X				We do not have any practical experience in dealing with suspicion of bribery.
	withhold support for transaction in question	X		X	X		X	X		X	
	deny access to official support for all business	X			X		X	X		X	
	other:										
	other:										
Finland	inform investigative authorities	X			X						Our anti-bribery policy is transaction specific and consequently we would not be in a position to deny access to official support for further transactions even if bribery would be suspected/proved in a certain case.
	withhold support for transaction in question	X		X	X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										
France	inform investigative authorities	X			X	X	X				Le Code de Procédure Pénale prescrit à toute autorité publique et à tout fonctionnaire, qui dans l'exercice de leurs fonctions acquièrent la connaissance d'un délit, d'en informer le Parquet et de lui transmettre tout renseignement qui y est relatif. Il n'existe pas de disposition juridique nous permettant de refuser systématiquement toute couverture à une entreprise donnée, mais des décisions de refus au cas par cas sont toujours possibles.
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business	X			X			X			
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Germany	inform investigative authorities	X			X						
	withhold support for transaction in question				X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Greece	inform investigative authorities				X	X	X				
	withhold support for transaction in question	X		X	X		X	X		X	
	deny access to official support for all business				X		X	X		X	
	other: Clarifications are required from the exporter.	X		X							
	other:										
Hungary (MEHIB)	inform investigative authorities	X			X	X	X				
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business	X			X	X	X	X	X	X	
	other:										
	other:										
Hungary (Eximbank)	inform investigative authorities	X			X	X	X				
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business	X			X	X	X	X	X	X	
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Italy	inform investigative authorities	X			X	X	X				
	withhold support for transaction in question	X			X			X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Japan (JBIC)	inform investigative authorities	X			X		X				
	withhold support for transaction in question	X			X			X		X	
	deny access to official support for all business	X			X			X			
	other:										
	other:										
Japan (NEXI)	inform investigative authorities	X			X		X				
	withhold support for transaction in question	X			X			X		X	
	deny access to official support for all business	X			X			X			
	other:										
	other:										
Korea (KEIC)	inform investigative authorities				X		X				
	withhold support for transaction in question	X			X		X	X		X	
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

Question 5:

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		available	required	practice	available	required	practice	available	required	practice	
Korea (Eximbank)	inform investigative authorities										
	withhold support for transaction in question				X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Luxembourg	inform investigative authorities										
	withhold support for transaction in question	X		X	X		X	X		X	
	deny access to official support for all business				X		X	X		X	
	other:										
	other:										
Mexico	inform investigative authorities	X			X	X	X				
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business	X			X			X			
	other:										
	other:										
Netherlands	inform investigative authorities	X	X	X	X	X	X				
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system before the decision to provide support has been made . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
New Zealand	inform investigative authorities	X			X	X					We do not have any practical experience in dealing with suspicion of bribery.
	withhold support for transaction in question	X		X	X	X	X		X		
	deny access to official support for all business	X			X	X	X		X		
	other:										
	other:										
Norway	inform investigative authorities	X			X	X	X				GIEK may probably deny access to official support for all business for some time in case of violent and manifest breach of our bribery rules by one exporter, but only for a limited time.
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business				X			X			
	other:										
	other:										
Poland	inform investigative authorities	X			X						Any step against bribery is to be taken only on the base of legal evidence.
	withhold support for transaction in question							X			
	deny access to official support for all business							X			
	other:										
	other:										
Portugal	inform investigative authorities	X			X	X					
	withhold support for transaction in question	X			X	X		X	X		
	deny access to official support for all business	X			X			X			
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system before the decision to provide support has been made . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
Slovak Republic	inform investigative authorities	X									
	withhold support for transaction in question							X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Spain	inform investigative authorities	X	X	X	X	X	X				
	withhold support for transaction in question	X			X	X	X	X	X	X	
	deny access to official support for all business							X			
	other:										
	other:										
Sweden	inform investigative authorities	X			X						EKN has had no experience of bribery.
	withhold support for transaction in question	X			X		X	X		X	
	deny access to official support for all business				X			X			
	other:										
	other:										
Switzerland	inform investigative authorities	X			X						An appeal procedure is in place for refusal of official support for whatever reason.
	withhold support for transaction in question	X			X			X		X	
	deny access to official support for all business	X			X			X		X	
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system before the decision to provide support has been made . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
Turkey	inform investigative authorities										The answer will be revised following the final approvals and the introduction of the relevant changes.
	withhold support for transaction in question	X			X			X			
	deny access to official support for all business							X			
	other:										
	other:										
United Kingdom	inform investigative authorities	X		X	X	X	X				With regard to denying access to official support, it is not legally possible for ECGD under its powers to blacklist companies that have engaged in corrupt practices. However, this would be taken into account when considering new applications for support.
	withhold support for transaction in question	X			X			X			
	deny access to official support for all business										
	other:										
	other:										
United States	inform investigative authorities	X			X		X				Ex-Im Bank does not necessarily learn that a bribe has been paid until after a decision to provide support has been made and financing has been provided. This information is taken into account when considering new applications.
	withhold support for transaction in question	X			X		X	X		X	
	deny access to official support for all business							X			
	other: Undertake additional due diligence with respect to possible bribery	X		X	X		X	X		X	
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

Question 6:

Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system after support has been provided . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
Australia	inform investigative authorities	X			X	X					The question above has been answered having regard only to the EFIC Act and our internal practices. Although boxes related to actual practice have been marked, we have had no experience with the actions listed.
	cover invalidated	X			X	X	X		X		
	deny claim indemnification	X			X	X	X		X		
	interrupt loan disbursement	X			X	X	X		X		
	seek recourse	X			X	X	X		X		
	deny access to official support for all business	X			X		X				
	other:										
	other:										
Austria	inform investigative authorities	X			X						
	cover invalidated	X		X	X	X	X		X		
	deny claim indemnification	X		X	X	X	X		X		
	interrupt loan disbursement				X	X	X		X		
	seek recourse	X		X	X	X	X		X		
	deny access to official support for all business						X		X		
	other:										
	other:										
Belgium	inform investigative authorities				X						En cas de suspicion, l'assureur –crédit tentera d'en savoir davantage en ce qui concerne l'opération concernée.Ce n'est qu'après concernée.Ce n'est que dans le cas où il aura acquis la conviction qu'il y a eu corruption qu'il saisira le juge compétent le juge compétent. Entretemps, le droit à indemnisation sera suspendu.
	cover invalidated							X	X		
	deny claim indemnification							X	X		
	interrupt loan disbursement										
	seek recourse										
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Canada	inform investigative authorities	X			X						EDC would not provide support to a company convicted of corruption unless it were satisfied that the company had put in place anti corruption management systems to detect and deter future acts of corruption, and that such systems are consistent with international best practices for companies engaged in similar lines of business in comparable markets. EDC is currently developing policy guidelines to ensure disclosure to law enforcement authorities of instances where there is credible evidence of bribery in a transaction.
	cover invalidated	X			X			X		X	
	deny claim indemnification	X			X			X		X	
	interrupt loan disbursement	X			X			X			
	seek recourse	X			X			X			
	deny access to official support for all business	X			X	X	X	X	X	X	
	other:										
other:											
Czech Republic	inform investigative authorities	X		X	X	X	X				
	cover invalidated							X	X	X	
	deny claim indemnification							X	X	X	
	interrupt loan disbursement				X	X	X	X	X	X	
	seek recourse										
	deny access to official support for all business										
	other:										
other:											
Denmark	inform investigative authorities	X		X	X	X	X				We have had no practical experience yet.
	cover invalidated	X			X			X		X	
	deny claim indemnification	X			X			X		X	
	interrupt loan disbursement	X			X			X		X	
	seek recourse	X			X			X		X	
	deny access to official support for all business	X			X			X		X	
	other:										
other:											

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

Question 6:

Please indicate the actions and/or sanctions which are available, required and the actual practice under your official export credit system after support has been provided . "Available" actions/sanctions refers to those which, in principle, may be taken under a Member's official export credit system (i.e. no technical or legal impediment exists which would preclude their use). "Required" actions/sanctions refer to those which are current obligations under the official export credit system. "Actual Practice" encompasses required actions/sanctions as well as any others which are applied in practice on a discretionary basis		suspicion of bribery			sufficient evidence of bribery			legal judgement of bribery			Elaboration for "other" answers and/or any additional comments/clarifications:
		available	required	practice	available	required	practice	available	required	practice	
Finland	inform investigative authorities	X			X						Our anti-bribery policy is transaction specific and consequently we would not be in a position to deny access to official support for further transactions even if bribery would be suspected/proved in a certain case.
	cover invalidated							X	X	X	
	deny claim indemnification							X	X	X	
	interrupt loan disbursement	X			X			X	X	X	
	seek recourse							X	X	X	
	deny access to official support for all business										
	other:										
	other:										
France	inform investigative authorities	X			X	X	X				(1) Il est prévu de suspendre la garantie sur la fraction non utilisée du crédit. (2) Cf. remarque (2) à la question n°5.
	cover invalidated							X	X	X	
	deny claim indemnification							X	X	X	
	interrupt loan disbursement (1)							X			
	seek recourse										
	deny access to official support for all business (2)	X			X			X			
	other: Restitution des indemnités versées							X	X	X	
	other:										
Germany	inform investigative authorities	X			X						
	cover invalidated										
	deny claim indemnification	X			X	X	X	X	X	X	
	interrupt loan disbursement										
	seek recourse				X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

Question 6:

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		available	required	practice	available	required	practice	available	required	practice	
Greece	inform investigative authorities				X	X	X				
	cover invalidated				X		X	X		X	
	deny claim indemnification				X		X	X		X	
	interrupt loan disbursement										
	seek recourse										
	deny access to official support for all business										
	other:										
	other:										
Hungary (MEHIB)	inform investigative authorities	X			X	X	X				See comment: point II. 5. " Sufficient evidence of bribery" means that the relevant authority has started proceedings against any person participating in the transaction insured.
	cover invalidated	X			X	X	X	X	X	X	
	deny claim indemnification	X			X	X	X	X	X	X	
	interrupt loan disbursement										
	seek recourse	X			X			X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Hungary (Eximbank)	inform investigative authorities	X			X	X	X				See comment: point II. 5. " Sufficient evidence of bribery" means that the relevant authority has started proceedings against any person participating in the transaction insured.
	cover invalidated	X			X	X	X	X	X	X	
	deny claim indemnification	X			X	X	X	X	X	X	
	interrupt loan disbursement	X			X	X	X	X	X	X	
	seek recourse	X			X			X	X	X	
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Italy	inform investigative authorities	X			X	X	X				
	cover invalidated	X			X			X	X	X	
	deny claim indemnification							X	X	X	
	interrupt loan disbursement							X	X	X	
	seek recourse							X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Japan (JBIC)	inform investigative authorities	X			X		X				
	cover invalidated										
	deny claim indemnification										
	interrupt loan disbursement	X			X			X		X	
	seek recourse	X			X			X		X	
	deny access to official support for all business										
	other:										
	other:										
Japan (NEXI)	inform investigative authorities	X			X		X				
	cover invalidated	X			X			X		X	
	deny claim indemnification	X			X			X		X	
	interrupt loan disbursement	X			X			X		X	
	seek recourse	X			X			X		X	
	deny access to official support for all business	X			X			X			
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section II: Appropriate Actions

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		available	required	practice	available	required	practice	available	required	practice	
Korea (KEIC)	inform investigative authorities				X	X					
	cover invalidated				X	X	X		X		
	deny claim indemnification				X	X	X		X		
	interrupt loan disbursement				X	X	X		X		
	seek recourse				X	X	X		X		
	deny access to official support for all business										
	other:										
	other:										
Korea (Eximbank)	inform investigative authorities				X	X	X				
	cover invalidated							X	X	X	
	deny claim indemnification							X	X	X	
	interrupt loan disbursement							X	X	X	
	seek recourse							X	X	X	
	deny access to official support for all business										
	other:										
	other:										
Luxembourg	inform investigative authorities				X						En cas de suspicion de corruption, l'ODL tentera d'en savoir davantage en ce qui concerne l'opération concernée. Ce n'est que s'il a conviction de corruption que le juge compétent sera saisi.
	cover invalidated							X		X	
	deny claim indemnification							X		X	
	interrupt loan disbursement										
	seek recourse										
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

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		available	required	practice	available	required	practice	available	required	practice	
Mexico	inform investigative authorities	X			X	X	X				The possibility to invalidate cover does not exist in the Mexican legal system.
	cover invalidated										
	deny claim indemnification	X			X			X	X	X	
	interrupt loan disbursement	X			X	X	X	X	X	X	
	seek recourse	X			X			X			
	deny access to official support for all business	X			X			X			
	other:										
	other:										
Netherlands	inform investigative authorities	X	X	X	X	X	X				
	cover invalidated				X	X	X	X	X	X	
	deny claim indemnification				X	X	X	X	X	X	
	interrupt loan disbursement										
	seek recourse				X	X	X	X	X	X	
	deny access to official support for all business										
	other:										
	other:										
New Zealand	inform investigative authorities	X			X	X					We have had no practical experience yet.
	cover invalidated	X			X			X		X	
	deny claim indemnification	X			X			X		X	
	interrupt loan disbursement	X			X			X		X	
	seek recourse	X			X			X		X	
	deny access to official support for all business	X			X			X		X	
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

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		available	required	practice	available	required	practice	available	required	practice	
Norway	inform investigative authorities	X			X	X	X				GIEK must impose sanctions based on sufficient evidence that can be confirmed in court. The guarantee holder may deny any wrong doings and the case will be brought to a legal decision. We also refer to question 5.
	cover invalidated				X	X	X	X	X	X	
	deny claim indemnification				X	X	X	X	X	X	
	interrupt loan disbursement				X	X	X	X	X	X	
	seek recourse				X	X	X	X	X	X	
	deny access to official support for all business				X			X			
	other:										
	other:										
Poland	inform investigative authorities	X			X						
	cover invalidated							X			
	deny claim indemnification							X			
	interrupt loan disbursement										
	seek recourse							X			
	deny access to official support for all business										
	other:										
	other:										
Portugal	inform investigative authorities	X			X						
	cover invalidated	X			X	X		X	X		
	deny claim indemnification	X			X	X		X	X		
	interrupt loan disbursement	X			X	X		X	X		
	seek recourse	X			X			X	X		
	deny access to official support for all business	X			X			X			
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

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		available	required	practice	available	required	practice	available	required	practice	
Slovak Republic	inform investigative authorities										
	cover invalidated										
	deny claim indemnification										
	interrupt loan disbursement										
	seek recourse										
	deny access to official support for all business										
	other:										
	other:										
Spain	inform investigative authorities	X	X	X	X	X	X				
	cover invalidated										
	deny claim indemnification							X	X	X	
	interrupt loan disbursement							X	X	X	
	seek recourse							X			
	deny access to official support for all business							X			
	other: withhold cover				X			X	X	X	
	other:										
Sweden	inform investigative authorities	X			X						
	cover invalidated				X			X		X	
	deny claim indemnification				X			X		X	
	interrupt loan disbursement	X			X			X		X	
	seek recourse				X			X		X	
	deny access to official support for all business										
	other:										
	other:										

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

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		available	required	practice	available	required	practice	available	required	practice	
Switzerland	inform investigative authorities	X			X						Recourse will be taken either directly to exporter or in case of assignment to exporter and/or assignee. An appeal procedure is in place for refusal of official support for whatever reason.
	cover invalidated	X			X			X			
	deny claim indemnification	X			X			X		X	
	interrupt loan disbursement										
	seek recourse	X			X			X		X	
	deny access to official support for all business	X			X			X		X	
	other:										
Turkey	inform investigative authorities										The answer will be revised following the final approvals and the introduction of the relevant changes.
	cover invalidated	X			X			X			
	deny claim indemnification	X			X			X			
	interrupt loan disbursement	X			X			X			
	seek recourse										
	deny access to official support for all business	X			X			X			
	other:										
United Kingdom	inform investigative authorities	X		X	X	X	X				With regard to denying access to official support, please see comments to 5.
	cover invalidated							X			
	deny claim indemnification							X			
	interrupt loan disbursement							X			
	seek recourse							X			
	deny access to official support for all business										
	other:										

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		available	required	practice	available	required	practice	available	required	practice	
United States	inform investigative authorities	X			X	X					The U.S. Department of Justice represents Ex-Im Bank in all such matters.
	cover invalidated										
	deny claim indemnification										
	interrupt loan disbursement										
	seek recourse				X	X	X	X	X	X	
	deny access to official support for all business							X			
	other: Undertake additional due diligence regarding possible bribery	X		X	X	X	X			X	
	other: Attempt to prevent further utilization of the credit	X		X	X	X	X			X	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Australia	... the notification of investigative authorities.				There have been instances in the past where exporters have been asked to clarify or explain the cause of the inconsistencies between declarations and payments.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:	X			
Austria	... the notification of investigative authorities.				No experience, so far.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Belgium	... the notification of investigative authorities.				En cas de soupçon, l'assureur-crédit essayera d'avoir le plus d'informations possibles sur le cas litigieux. Ce n'est que s'il a la conviction qu'il y a eu corruption qu'il saisira le juge compétent. Ce dernier cas ne s'est jamais présenté.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Canada	... the notification of investigative authorities.				EDC would not provide support to a company convicted of corruption unless it were satisfied that the company had put in place anti corruption management systems to detect and deter future acts of corruption, and that such systems are consistent with international best practices for companies engaged in similar lines of business in comparable markets.
	... support being withheld for a specific transaction.	X			
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.			X	
	other:				
other:					

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

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Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Czech Republic	... the notification of investigative authorities.				Full procedures of EGAP have been in force from 20 May 2002. Up to the end of September 2003, EGAP has had no experience with these circumstances.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Denmark	... the notification of investigative authorities.				We have had no practical experience and are therefore not able to answer these questions.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Finland	... the notification of investigative authorities.				We have no experience.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
France	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.	X			
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Germany	... the notification of investigative authorities.				In some cases we received (anonymous) informations about possible acts of bribery in connection with covered transactions. However, the following investigations on our part did not bring sufficient evidence to take any further measures against the policyholder.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Greece	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Hungary (MEHIB)	... the notification of investigative authorities.				No experience
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Hungary (Eximbank)	... the notification of investigative authorities.				No experience
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Italy	... the notification of investigative authorities.				No experience
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Japan (JBIC)	... the notification of investigative authorities.				None of above.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Japan (NEXI)	... the notification of investigative authorities.				None of above.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Korea (KEIC)	... the notification of investigative authorities.				No experience
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Korea (Eximbank)	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Luxembourg	... the notification of investigative authorities.				Le juge compétent n'est saisi que s'il a la conviction qu'il y a eu corruption En cas de soupçon, l'assureur-crédit essaiera d'avoir le plus d'informations possibles sur le cas litigieux. Ce dernier cas ne s'est jamais produit jusqu'à présent.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Mexico	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Netherlands	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
New Zealand	... the notification of investigative authorities.				We have had no practical experience and are therefore not able to answer these questions.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Norway	... the notification of investigative authorities.				No experience on bribery.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Poland	... the notification of investigative authorities.				None
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					
Portugal	... the notification of investigative authorities.				No experience, so far
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
other:					

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Slovak Republic	... the notification of investigative authorities.				No experience.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Spain	... the notification of investigative authorities.				
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Sweden	... the notification of investigative authorities.				EKN has had no experience of bribery.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
Switzerland	... the notification of investigative authorities.				No experience.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section III: Past Experience

Question 7:

Please indicate if you have had any experience with the following circumstances under your official export credit system:		The suspicion of bribery led to...	Sufficient evidence of bribery led to...	A legal judgement of bribery led to...	Elaboration for "other" answers and/or details on past experience and/or any additional comments/clarifications:
Turkey	... the notification of investigative authorities.				No experience.
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
	other:				
United Kingdom	... the notification of investigative authorities.	X			
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.				
	... the denial of access to official support.				
	other:				
	other:				
United States	... the notification of investigative authorities.		X		
	... support being withheld for a specific transaction.				
	... the invalidation of cover for a specific transaction.				
	... a claim not being indemnified.				
	... the interruption of the disbursement of a loan.				
	... recourse being sought.		X		
	... the denial of access to official support.				
	other:				
	other:				

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 8:

Are you considering any (a) further measures to deter bribery and/or (b) "appropriate actions" when bribery is uncovered in relation to officially supported export credits?		Comments on measures and/or actions under consideration:
Australia	no	
Austria	no	
Belgium	no	
Canada	yes	EDC is currently reviewing its policies following the Phase 2 Review of Canada and the recommendations made to Canada/EDC will be taken into account.
Czech Republic	yes	After gathering a sufficient body of experience – at the end of 2003.
Denmark	no	We do not consider any further measures at the moment.
Finland	no	
France	no	
Germany	no	
Greece	no	
Hungary (MEHIB)	yes	MEHIB is open to consider further actions to deter bribery in compliance with its international commitments.
Hungary (Eximbank)	yes	Eximbank is open to consider further actions to deter bribery in compliance with its international commitments.
Italy	no	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 8:

Are you considering any (a) further measures to deter bribery and/or (b) "appropriate actions" when bribery is uncovered in relation to officially supported export credits?		Comments on measures and/or actions under consideration:
Japan (JBIC)	no	
Japan (NEXI)	no	
Korea (KEIC)	no	
Korea (Eximbank)	yes	We are considering to deny access to all official supported business for one or two years after the legal judgement of bribery.
Luxembourg	no	
Mexico	no	
Netherlands	no	
New Zealand	no	
Norway	no	Not for the time being as we want to gain some experience with new reforms.
Poland	no	
Portugal	no	COSEC has just put in place the measures to deter bribery.
Slovak Republic	no	
Spain	no	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 8:

Are you considering any (a) further measures to deter bribery and/or (b) "appropriate actions" when bribery is uncovered in relation to officially supported export credits?		Comments on measures and/or actions under consideration:
Sweden	no	Not for the time being.
Switzerland	no	
Turkey	yes	We will request a form from the exporter/contractor when the application is made in order to get a commitment stating that they have not been involved in a corrupt activity for the transaction they are undertaking.
United Kingdom	no	Following a review of our procedures, we introduced new application forms with effect from 1 May 2004 incorporating enhanced provisions in respect of bribery and corruption and new provisions in respect of money laundering –the new application forms are available on our website. In addition, for cases where documentation is finalised after 1 May, we have expanded the scope of our audit provisions to give us additional rights to inspect documents and seek information relating to a company's actions to obtain the contract, any payments it makes to agents or other intermediaries, and the steps it has taken to prevent Corrupt Activity (as defined in 2 c).
United States	no	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 9:

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?		Comments:
Australia	no	EFIC is legally obliged to keep confidential third party information. In practice, EFIC would more likely have suspicions than knowledge of the existence of improper conduct. It would however be legally unwise to communicate suspicions to third parties (other than law enforcement officers).
Austria	yes	
Belgium	yes	
Canada	yes	EDC would be prepared to exchange information about processes and activities to identify bribery with other Members. With regard to disclosing information about suspected or proven instances, EDC would be prepared to disclose such information if it was publicly available and provided that doing so would not constitute a breach of its operating policy, as well as its implied duty, of confidentiality under domestic law.
Czech Republic	yes	In cases of proven bribes related to the specific officially supported export credits.
Denmark	yes	
Finland	yes	We would be prepared to exchange information taking into consideration the bank secrecy legislation binding us.
France	yes	Ce type d'activité nous semble plutôt relever des obligations d'entraide judiciaire de la Convention OCDE. Nous serions prêts à envisager, sur une base bilatérale, des échanges d'informations avec d'autres assureurs-crédit sur les acheteurs / emprunteurs faisant l'objet de soupçons de corruption.
Germany	yes	
Greece	yes	
Hungary (MEHIB)	no	MEHIB has to inform investigative authorities (denunciation) in case of sufficient evidence on bribery. Exchange of information on third party's confidential data is legally impeded.
Hungary (Eximbank)	no	The Hungarian Eximbank informs investigative authorities (denunciation) in case of sufficient evidence on bribery. Exchange of information on third party's confidential data is legally impeded.
Italy	no	We could exchange information about proven instances of bribery. For suspected cases, legal impediments could make any exchange impossible.

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 9:

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?		Comments:
Japan (JBIC)	yes	
Japan (NEXI)	yes	
Korea (KEIC)	yes	
Korea (Eximbank)	yes	We are prepared to exchange information with other ECG Members about proven instances of bribery related to specific officially-supported export credit transactions.
Luxembourg	yes	
Mexico	no	We could only provide general information about proven instances of bribery, and not any information related to a particular transaction.
Netherlands	yes	Only regarding proven bribery
New Zealand	yes	
Norway	yes	
Poland	yes	With respect to the receiving a/m information the answer is yes. As to providing information - governmental institutions or bodies can provide foreign governmental bodies, with given information on their formal request, only when they obtained it while performing their duties. Apart from the above - foreign entities can obtain information concerning the offence commitment or on ongoing proceeding relating to the offence commitment by means of mutual legal assistance.
Portugal	yes	
Slovak Republic	yes	
Spain	no	In such cases we would inform our investigative authorities. They would be the ones to decide the adequate procedures.

**Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in
Officially Supported Export Credits - As of 14 May 2004**

Section IV: Further Measures/Actions

Question 9:

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?		Comments:
Sweden	yes	On a case-by-case – and on reciprocity basis.
Switzerland	yes	Switzerland is prepared to cooperate in the framework of existing agreements on international legal assistance.
Turkey	yes	As long as such exchange does not harm the commercial confidentiality.
United Kingdom	yes	Provided we are legally able to do so and any required confidentiality undertakings are given.
United States	no	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 10:

Other Comments (e.g. in relation to an issue which is not covered elsewhere in this survey):	
Australia	
Austria	
Belgium	
Canada	While the OECD Convention on combating bribery relates to foreign public officials, it should be noted that EDC does not differentiate between public officials and private officials. Our anti-corruption policies apply to all transactions and all buyers.
Czech Republic	The answers provided for this survey apply to EGAP as well as the Czech Export Bank.
Denmark	
Finland	The above answers apply to export credit guarantees provided by Finnvera. As regards the interest rate equalisation system run by FIDE Ltd, anti-bribery provisions are included in the general terms as well as in the co-operation agreements with banks.
France	
Germany	
Greece	
Hungary (MEHIB)	
Hungary (Eximbank)	Eximbank developed its Declaration Forms specified for its services and made better understanding relating to the points of the Action Statement.
Italy	
Japan (JBIC)	
Japan (NEXI)	
Korea (KEIC)	

Annex 1 - Responses to the 2002 Survey on Measures Taken to Combat Bribery in Officially Supported Export Credits - As of 14 May 2004

Section IV: Further Measures/Actions

Question 10:

Other Comments (e.g. in relation to an issue which is not covered elsewhere in this survey):	
Korea (Eximbank)	
Luxembourg	
Mexico	
Netherlands	
New Zealand	
Norway	
Poland	
Portugal	
Slovak Republic	
Spain	
Sweden	
Switzerland	
Turkey	
United Kingdom	<p>We are of the view that company Codes of Conduct may be a useful tool in the fight against corruption. Hence in the new application forms referred to in our comments to Q8 we now ask those applicants who have a Code of Conduct to provide us with a copy of their latest Code and whether it has been and will be applied to obtaining and performing the contract. As we also recognise that not all companies will have a Code, all applicants are required to make an additional declaration in the new application forms along the following lines:</p> <p><i><< We declare that we have required and/or will require anyone (including any of our employees) acting on our behalf and directly or indirectly involved in obtaining or performing the contract not to engage in any Corrupt Activity in connection with the contract or any related agreement, undertaking, consent, authorisation or arrangement of any kind, we will monitor compliance with our requirements, and we will take appropriate action against anyone found to have engaged in any Corrupt Activity >></i></p>
United States	