

**SURVEY ON MEASURES TAKEN TO COMBAT BRIBERY  
IN OFFICIALLY SUPPORTED EXPORT CREDITS  
– SLOVAK REPUBLIC (EXIM-SR) RESPONSES**

**SECTION I – GENERAL MEASURES TO DETER BRIBERY**

**Question 1**

Do you inform exporters and, where appropriate, applicants, requesting official export credit support about the legal consequences of the bribery in international business transactions under your national legal system including your national laws prohibiting such bribery?

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

*If yes:*

a) Please indicate the method(s) by which this is accomplished:

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

An enclosure to the application form submitted by the exporters, where appropriate by the applicants.

EXIMBANKA SR has on its internet site information on combating bribery.

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

Text in the enclosure to the application form submitted by the exporter, where appropriate by the applicant:

- We declare that we are fully informed about the legal consequences of bribery in international business transactions under its national legal system including its national laws. We are aware, that the financing or the insurance with official export credit support cannot be provided in relation to the export contract, preparation or realisation of which was connected with bribery directly or by means of the third person according to the special provisions of § 328 and foll. of the Law No.300/2005 Coll. – Criminal Law and § 49 of the Law No. 513/1991 Coll., Commercial Code.
- We declare that during the preparation of the export contract we did not breach directly or by means of the third person Anti-Bribery provisions\* and we will not breach them during the realisation of the export contract. (\*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)
- We declare, that our company is not listed on the publicly available debarment lists of the following international financial institutions: World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank.
- We declare that our company or anyone acting on our behalf in connection with the transaction: is not currently under charge; within a five-year period preceding the application have not been convicted in a national court; have not been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country.
- '- We declare that our company disclose, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons.

Text in the general conditions of cover:

- In case EXIMBANKA SR has a reason to believe that in relation to an export contract, the exporter or a person acting on his behalf violated the provisions of the special law\*\*, EXIMBANKA SR is authorised to refuse the insurance. (\*\* §160 and foll. of the Law No. 140/1961 Coll. – Criminal Law and § 49 of the Law No.513/1991 Coll., Commercial Code)
- One of the exclusions from Insurance: No title for indemnification shall arise on the basis of insurance concluded in accordance with the Insurance Conditions when a loss occurred as a consequence of the following event: in case the insured or a person acting for him or on his behalf violates the standards and practices of the international law which are binding for the Slovak Republic\*. (\* e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)

Text in the general conditions of cover:

Recourse against Exporter: The recourse shall be applied in cases of violation of norms and practices of the public or private law binding for the Slovak Republic.

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

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

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**Question 2**

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

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

*If yes:*

a) Please indicate how this is accomplished:

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

The text in the credit terms and conditions, which constituting an integral part of the credit agreement.
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b) Please provide the text used to encourage exporters and, where appropriate, applicants, requesting official export credit support to develop, apply and document appropriate management control systems that combat bribery:

Text in the enclosure to the application form submitted by the exporter, where appropriate by the applicant:

- We declare that we are fully informed about the legal consequences of bribery in international business transactions under its national legal system including its national laws. We are aware, that the financing or the insurance with official export credit support cannot be provided in relation to the export contract, preparation or realization of which was connected with bribery directly or by means of the third person according to the special provisions of § 328 and foll. of the Law No.300/2005 Coll. – Criminal Law and § 49 of the Law No. 513/1991 Coll., Commercial Code.
- We declare that during the preparation of the export contract we did not breach directly or by means of the third person Anti-Bribery provisions\* and we will not breach them during the realization of the export contract. (\*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions).
- We declare, that our company is not listed on the publicly available debarment lists of the following international financial institutions: World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank.
- We declare that our company or anyone acting on our behalf in connection with the transaction: is not currently under charge; within a five-year period preceding the application have not been convicted in a national court; have not been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country.
- We declare that our company discloses, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons.

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

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

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**Question 3**

Do you require exporters and, where appropriate, applicants, requesting official export credit support to provide an undertaking/declaration that neither they, nor anyone acting on their behalf, such as agents, have been engaged or will engage in bribery in the transaction?

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

*If Yes:*

a) The requirement is communicated to exporters/applicants via:

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

Such declaration is stated in the enclosure to the application form submitted by the exporter/where appropriate by the applicant.

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

- the application form
- a stand-alone document submitted by the exporter/applicant       *at the time of application*       *before support is provided*
- other (please elaborate):       *at the time of application*       *before support is provided*

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

Text in the enclosure to the application form submitted by the exporter, where appropriate by the applicant:

- We declare that we are fully informed about the legal consequences of bribery in international business transactions under its national legal system including its national laws. We are aware, that the financing or the insurance with official export credit support cannot be provided in relation to the export contract, preparation or realisation of which was connected with bribery directly or by means of the third person according to the special provisions of § 328 and foll. of the Law No.300/2005 Coll. – Criminal Law and § 49 of the Law No. 513/1991 Coll., Commercial Code.

- We declare that during the preparation of the export contract we did not breach directly or by means of the third person Anti-Bribery provisions\* and we will not breach them during the realisation of the export contract. (\*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)

Text in the general conditions of cover:

No title for indemnification shall arise on the basis of insurance concluded in accordance with the Insurance Conditions when loss occurred as a consequence of the following event: in case the insured or a person acting for him or on his behalf violates the standards and practices of the international law which are binding for the Slovak Republic\*. (\*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)

Text in the general conditions of cover:

Recourse against Exporter: The recourse shall be applied in cases of violation of norms and practices of the public or private law binding for the Slovak Republic.

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

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Please describe any additional measures taken in relation to exporter/applicant declarations/undertakings:

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**Question 4**

Do you verify and note<sup>1</sup> whether exporters, and where appropriate, applicants, are listed on the publicly available debarment lists of the following international financial institutions (IFIs): World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development and the Inter-American Development Bank?

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

*If Yes:*

a) Which actors associated with the transaction are subject to verification?

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

Subject to verification is an exporter, where appropriate an applicant.

b) Please indicate how the verification is achieved:

staff check the lists                       *at the time of application*     *before support is provided*  
 exporter/applicant self-declaration     *at the time of application*     *before support is provided*  
 other (please elaborate):                       *at the time of application*     *before support is provided*

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

Please describe any additional measures taken in relation to current or past debarment of exporters/applicants by other institutions:

<sup>1</sup> Such verification may take the form of a self-declaration from exporters and, where appropriate, applicants, as to whether they are listed on the publicly available IFI debarment lists.

**Question 5**

Do you require exporters and, where appropriate, applicants, to disclose whether they or anyone acting on their behalf in connection with the transaction are currently under charge in a national court or, within a five-year period preceding the application, have been convicted in a national court or been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country?

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

*If Yes:*

a) Please indicate how requirement is met:

- the application form provides for such disclosures to be made
- a stand-alone document requiring such disclosures must be provided by the exporter/applicant
- at the time of application*                       *before support is provided*
- other (please elaborate):                       *at the time of application*                       *before support is provided*

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

An enclosure to the application form submitted by the exporters, where appropriate by the applicants. Reference is also made in general condition of cover/financing, which constituting an integral part of the insurance/credit agreement.

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



**Question 6**

Are agents' commissions (included in the export contract) eligible for official support?

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

*If Yes:*

a) Do you apply a ceiling to agents' commissions for which official support is provided?

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

*If Yes:*

b) Please provide details on the ceiling(s) applied:

The level of payment of the commissions in relation to the export contract should not be higher than the standard practice for relevant goods and country.

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

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

Please describe any additional measures taken in relation to the eligibility for official support of agents' commissions:

**Question 7**

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

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

*If yes:*

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

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

*If yes, the amounts of commissions must be disclosed:*

- at the time of application  
 before the final decision to provide support is made  
 before a claim will be indemnified  
 other (please elaborate):

Details would be required on a case by case basis if there is a suspicion of bribery. Exporter in written declares that he is prepared to disclose, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons.

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

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

*If yes, the assessment is made:*

- at the time of application  
 before the final decision to provide support is made  
 before a claim will be indemnified  
 other (please elaborate):

Assessment would be provided on a case by case basis.

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

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

*If yes, the purpose is identified:*

- at the time of application  
 before the final decision to provide support is made  
 before a claim will be indemnified  
 other (please elaborate):

On case by case basis if there is a suspicion of bribery. Exporter in written declares that he is prepared to disclose, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons.

d) Do you require that details (e.g. name, company, address) be provided in respect of the **agent(s)** to whom commissions are paid?

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

*If yes, the details must be provided:*

- at the time of application
- before the final decision to provide support is made
- before a claim will be indemnified
- other (please elaborate):

Details would be required on a case by case basis. Exporter in written declares that he is prepared to disclose, upon demand of EXIMBANKA SR the identity of persons acting on our behalf in connection with the transaction, which is subject to state support, as well as the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons.

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

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

**Question 8**

Have you developed and implemented procedures to disclose to your law enforcement authorities instances of credible evidence<sup>2</sup> of bribery?

Yes     No

*If Yes:*

Please provide a short description of your policies and procedures:

There are some special statements in our internal rules concerning internal and external reporting duty of credible evidence of bribery.

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

Please describe any additional measures taken in relation to the disclosure of information on possible instances of bribery to law enforcement authorities:

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<sup>2</sup> As defined in the OECD Council Recommendation on Bribery and Officially Supported Export Credits.

**SECTION II – ACTIONS TAKEN IN RELATION TO A SPECIFIC APPLICATION BEFORE CREDIT, COVER OR OTHER SUPPORT HAS BEEN APPROVED**

**Question 9**

If, **before** credit, cover or other support has been approved, you become aware that an exporter and, where appropriate, applicant (or anyone acting on their behalf in connection with the transaction) **are listed on any of debarment lists that you verify**, what action(s) are taken?

Enhanced due diligence is undertaken.       *always*       *sometimes (please provide details below)*

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

No experience. In case that such situation occurs, enhanced due diligence will be undertaken.

*If enhanced due diligence is undertaken:*

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

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

b) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has taken appropriate internal corrective and preventative measures after having been debarred?

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

c) How is the application treated?

The approval of the application is suspended pending the outcome of the enhanced due diligence process.       *always*       *sometimes (please provide details below)*

No fixed policy.

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

Until now no experience. In case that such situation occurs, enhanced due diligence by the form of exporter's/applicant's declaration will be undertaken.

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

**Question 10**

If, **before** credit, cover or other support has been approved, you become aware that an exporter and, where appropriate, applicant (or anyone acting on their behalf in connection with the transaction) **is currently under charge in a national court for violation of laws against bribery of foreign public officials of any country**, what action(s) are taken?

Enhanced due diligence is undertaken.  always  sometimes (please provide details below)

Other (please elaborate):  always  sometimes (please provide details below)

No experience.

*If enhanced due diligence is undertaken:*

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

Yes, always  Yes, sometimes (please provide details below)  No

b) How is the application treated?

The approval of the application is suspended pending the outcome of the enhanced due diligence process.  always  sometimes (please provide details below)

No fixed policy.

Other (please elaborate):  always  sometimes (please provide details below)

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

No experience until now. In case that an exporter and, where appropriate, applicant (or anyone acting on their behalf in connection with the transaction) will be under charge in a national court for violation of laws against bribery of foreign public officials of any country due diligence process will include verification that the exporter/ applicant has in place appropriate management control systems that combat bribery.

**Question 11**

If, **before** credit, cover or other support has been approved, you become aware that an exporter/applicant (or anyone acting on their behalf in connection with the transaction) **has been convicted in a national court or has been subject to equivalent national administrative measures for violation of laws against bribery of foreign public officials of any country within a five-year period**, what actions are taken?

- Enhanced due diligence is undertaken.  *always*  *sometimes (please provide details below)*
- Other (please elaborate):  *always*  *sometimes (please provide details below)*

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*If enhanced due diligence is undertaken:*

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

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

b) Does the enhanced due diligence process include, *inter alia*, verification that the exporter/applicant has taken appropriate internal corrective and preventative measures after having been convicted?

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

c) How is the application treated?

- The approval of the application is suspended pending the outcome of the enhanced due diligence process.  *always*  *sometimes (please provide details below)*

No fixed policy.

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

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

No experience. In case that such situation occurs, enhanced due diligence by the form of exporter's / applicant's declaration will be undertaken.
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**Question 12**

If, **before** credit, cover or other support has been approved, you have reason to believe that **bribery may be involved in the transaction** (e.g. press reports from a reputable source, information provided by participants in the transaction) related to the award of the export contract, what action(s) are taken?

Enhanced due diligence is undertaken.  always  sometimes (please provide details below)

Other (please elaborate):  always  sometimes (please provide details below)

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*If enhanced due diligence is undertaken:*

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

Yes, always  Yes, sometimes (please provide details below)  No

b) How is the application treated?

The approval of the application is suspended pending the outcome of the enhanced due diligence process.  always  sometimes (please provide details below)

No fixed policy.

Other (please elaborate):  always  sometimes (please provide details below)

No experience. In case that such situation occurs, enhanced due diligence by the form of exporter's / applicant's declaration will be undertaken.
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Comments/clarifications/additional information related to the answers provided above:

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**Question 13**

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

- Law enforcement authorities are informed.  *always*  *sometimes (please provide details below)*
- Enhanced due diligence is undertaken.  *always*  *sometimes (please provide details below)*
- Support is not provided for the transaction.  *always*  *sometimes (please provide details below)*
- Other (please elaborate):  *always*  *sometimes (please provide details below)*

If before support EXIMBANKA SR becomes aware of credible evidence that bribery was involved in the award of the export contract for the transaction, approval of the application is suspended during the enhanced due diligence process. If the enhanced due diligence concluded that bribery was involved in the transaction, EXIMBANKA SR refuses to approve credit, cover or other support.

*If enhanced due diligence is undertaken:*

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

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

b) How is the application treated?

- The approval of the application is suspended pending the outcome of the enhanced due diligence process.  *always*  *sometimes (please provide details below)*

No fixed policy.

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

*If investigative authorities are informed:*

c) How is the application treated?

- The approval of the application is suspended pending the outcome of the review by law enforcement authorities.  *always*  *sometimes (please provide details below)*

No fixed policy.

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

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

**SECTION III – ACTIONS TAKEN IN RELATION TO A SPECIFIC TRANSACTION AFTER CREDIT, COVER OR OTHER SUPPORT HAS BEEN APPROVED**

**Question 14**

If, **after** credit, cover or other support has been approved, you have reason to believe that **bribery may be involved in the transaction** (e.g. press reports from a reputable source, information provided by participants in the transaction) related to the award of the export contract, what action(s) are taken?

- Law enforcement authorities are informed.  *always*  *sometimes (please provide details below)*
- Enhanced due diligence is undertaken.  *always*  *sometimes (please provide details below)*
- Other (please elaborate):  *always*  *sometimes (please provide details below)*

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

**Question 15**

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

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

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

No title for indemnification shall arise on the basis of insurance concluded in accordance with the Insurance Conditions in case the insured or a person acting for him or on his behalf violates the standards and practices of the international law which are binding for the Slovak Republic\*. (\*e.g. the Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.318/1999 Coll. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)

**Question 16**

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

Law enforcement authorities are informed.  always  sometimes (please provide details below)  
(only in relation to a conviction outside the Member's country)

Loan disbursements are interrupted.  always  sometimes (please provide details below)

Cover is invalidated (for export credit insurance and guarantees).  always  sometimes (please provide details below)

Claims are not indemnified (for export credit insurance and guarantees).  always  sometimes (please provide details below)

Recourse is sought for amounts disbursed.  always  sometimes

Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).  always  sometimes (please provide details below)

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

Other (please elaborate):  always  sometimes (please provide details below)

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

## SECTION IV – PAST EXPERIENCE

**Question 17**

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

	<i>You became aware that an exporter/ applicant was on one of the debarment lists that you verify, and...</i>	<i>You became aware that an exporter/ applicant was under charge in a national court for bribery, and...</i>	<i>You became aware that an exporter/ applicant had been convicted in a national court or had been subject to equivalent national administrative measures for bribery, and...</i>	<i>You have reason to believe that bribery may be involved in the transaction (e.g. press reports from a reputable source, information provided by participants in the transaction), and...</i>	<i>You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and...</i>
... you notified law enforcement authorities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you undertook enhanced due diligence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you decided not to provide support for the transaction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you suspended approval of the application pending the outcome of the enhanced due diligence process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you suspended approval of the application pending the outcome of the legal process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe the circumstances of the actual incidents noted in the preceding table.<sup>3</sup> Please also provide information on any actions that were taken as a result of situations not listed in the table (e.g. Members who review the details of agents' commissions as part of the standard application process should provide information on any actions that were taken as a result of the review of commissions).

<input type="text"/>
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<sup>3</sup>

It is recognised that Members may not be able to provide certain information in respect of a given transaction, e.g. if the transaction is subject to an ongoing investigation or prosecution or if the information is commercially confidential.

**Question 18**

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

	<i>You became aware that an exporter/ applicant was under charge in a national court for bribery, and...</i>	<i>You became aware that an exporter/ applicant had been convicted in a national court or had been subject to equivalent national administrative measures for bribery, and...</i>	<i>You have reason to believe that bribery may be involved in the transaction (e.g. press reports from a reputable source, information provided by participants in the transaction), and...</i>	<i>You became aware of credible evidence that bribery was involved in the award of the export contract for a transaction, and...</i>	<i>It was proven that bribery was involved in the award of the export contract for a transaction, and...</i>
... you notified law enforcement authorities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you interrupted loan disbursements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you invalidated export credit cover.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you did not indemnify a claim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you sought recourse for disbursed loan amounts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... you sought recourse for claims that had already been paid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... denied access to official support for a specified period of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
"Other" means "... you started an enhanced due diligence"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... [other].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe the circumstances of the actual incidents noted in the preceding table.<sup>4</sup> Please also provide information on any actions that were taken as a result of situations not listed in the table.

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<sup>4</sup> See footnote 3.

## SECTION V – PRACTICAL APPLICATION OF KEY TERMS

**Question 19**

Please provide a detailed description of your **Enhanced Due Diligence Procedures**, addressing, *inter alia*:

- Whether they comprise verification that the exporter/applicant has in place appropriate management control systems that combat bribery.
- Whether the procedures seek to verify whether an exporter/applicant that has been debarred by an IFI (or any other entity checked under your procedures) or convicted of bribery has taken appropriate internal corrective and preventative measures after having been debarred or convicted.
- The treatment of agents' commissions under the procedures.

In case we will have to make Enhanced Due Diligence Procedures they will comprise, *inter alia*, following steps:

Exporters/ applicants will declare in written what kind of corrective measures in their anti-bribery management control system have been taken.

Exporters/ applicants will declare upon demand of EXIMBANKA SR the identity of persons acting on their behalf in connection with the transaction, as well as the amount and purpose of commissions and fees paid and take the required measures in case of credible evidence that bribery was involved in connection to such commissions.

In case that exporter/applicant has been debarred or convicted of bribery such measures would be asked as replacing individuals that have been involved in bribery, adopting an appropriate anti-bribery management control system and disclosing audit reports.

**Question 20**

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

The definition of Credible Evidence is interpreted according to the footnote 5 of the Action Statement. Credible evidence is evidence of a quality which, after critical analysis, a court would find to be reasonable and sufficient grounds upon which to base a decision on the issue if no contrary evidence were submitted.

**Question 21**

Please describe how the term **national court** is applied under your system (*i.e.* does it apply to any national court, or is it limited to certain national courts such as your own and/or or the national courts of the buyer/borrower country).

The term national court means any national court with a legal system generally and legally acceptable, not only our national court or the national court of the buyer/borrower country.

**SECTION VI - FURTHER MEASURES**

**Question 22**

Are you considering any further general measures to deter bribery and/or changes to your policies and practices described in the survey?

Yes     No

Comments on measures and/or actions under consideration:

EXIMBANKA SR has increased the anti-bribery measures by introducing antimoney laundering and whistleblowing practices into the internal rules and its notice is performed via the website of EXIMBANKA SR

**Question 23**

Would you be prepared to exchange information with other ECG Members about suspected and/or proven instances of bribery related to specific officially supported export credit transactions?

Yes     No

Comments:

However with respect to the following provision of the Insurance Policy “Both Parties undertake to keep the information and facts that came to their knowledge during performance of this Insurance Policy in secrecy and not to disclose them to any third parties. To foregoing will not apply in case the obligation to provide such information is stipulated by the law or by the other general valid legal rules.”

**SECTION VII – ADDITIONAL COMMENTS**

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

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Responses as at end-June 2015  
(The last update to responses: 24 April 2015)