



## **G20 Guiding Principles on Enforcement of the Foreign Bribery Offence**

The following guiding principles, which must be read in conjunction with the Guiding Principles to Combat Solicitation, are derived from the best practices of many countries in their enforcement of the foreign bribery offence and identify mechanisms that have proven useful for effective enforcement at all stages of the process, including detection, investigation, prosecution and sanctioning of the offence.

These guiding principles provide a reference to countries wishing to increase their enforcement. Taking into account the diversity of legal systems among G20 countries, they are broadly framed and offer flexibility to enable countries with a foreign bribery offence to use them within their institutional and legal constraints.

### ***A Robust Legislative Framework***

1. As already agreed upon by G20 members in international instruments such as the United Nations Convention Against Corruption and the OECD Anti-Bribery Convention, a robust legislative framework should provide, in particular, for:

i) a clear and explicit foreign bribery offence which covers the key elements of the internationally agreed definition, including offering, promising or giving of a bribe, bribery through intermediaries, and bribes paid to third party beneficiaries;

ii) where statutes of limitations exist, sufficient time to allow for investigation and prosecution of the offence;

iii) broad jurisdiction over the offence, including nationality jurisdiction in conformity with a country's legal system; and iv) effective, proportionate, and dissuasive sanctions for both natural and legal persons, including confiscation of the bribe and the proceeds of bribery.

### ***Effective Detection and Domestic Coordination***

2. Exchange of information should be encouraged and facilitated between investigative and prosecutorial authorities in charge of the foreign bribery offence and other competent authorities in charge of related economic and financial crime, in accordance with countries' legal systems. These authorities could include tax, financial intelligence, money laundering authorities and securities and other regulators.

3. Engagement with relevant agencies such as overseas missions, broader tax administrations, trade promotion, public procurement and export credit agencies, as well as with the private sector, should be ensured to raise the level of awareness, educate companies involved in international business transactions, and improve the possibilities for detection and reporting of the foreign bribery offence.

4. Appropriate channels for reporting and protection of whistle-blowers in both the private and public sectors should be provided.

### ***Effective Investigation and Prosecution***

- 5.** Investigation and prosecution of foreign bribery should not be subject to improper influence based on concerns of the national economic interest, the potential effect upon relations with another State, or the identity of the natural or legal person involved.
- 6.** Adequate investigative powers should be granted to law enforcement authorities to proactively and effectively investigate and prosecute foreign bribery, including access to information from financial institutions. Law enforcement authorities should receive specialized training on detecting, investigating, and prosecuting foreign bribery.
- 7.** Clear procedures should be in place to ensure prompt and effective handling of both outgoing and incoming mutual legal assistance requests. Informal assistance should be encouraged where possible, in conformity with a country's legal system.
- 8.** In case of multiple jurisdictions over the same alleged acts of foreign bribery, consultations should be carried out, when appropriate, between the relevant jurisdictions, during the investigation, prosecution and sanctioning phases of the case, and in conformity with the relevant countries' legal systems. Investigations should be coordinated as early in the process as is feasible.