



2006 TI Progress Report on OECD Convention Enforcement
Questionnaire for TI National Chapters in OECD Signatory States

Questionnaire for: (Transparency International Deutschland e.V.)

Date: 2.3.2006

I. Current Status of Enforcement

A. Prosecutions brought for foreign bribery

Please list all cases involving allegations of bribery of foreign public officials brought by prosecutors in your country since the OECD Convention became effective in your country. The list should cover as far as possible all cases relating to bribery of foreign public officials, whether brought under laws dealing with corruption, or under other laws, such as laws dealing with fraud, money laundering, and tax evasion or accounting violations.

Is there adequate public access to information about foreign bribery cases?

Yes No

There is information about the number of foreign bribery cases available in the Annual Report on Corruption published by Germany's Federal Criminal Police Office (BKA). This report does not provide any details about the cases, which is in some cases necessary due to ongoing investigations. However, it would be helpful to provide more specific information about closed proceedings.

It should also be noted that due to the particularities of criminal statistics in Germany, the BKA list is incomplete in the sense that it lists only cases initiated by the police authorities. Another statistic (the PKS) lists all cases handed over by the police to the prosecution authorities (and this list is different from the first, and there is a serious time lag as well), and cases initiated by the prosecutors themselves may not be centrally registered at all. This situation is confusing and should be changed.

According to Germany's Written Follow-Up in the recent Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combatting Bribery of Foreign Public Officials in International Business Transactions of the OECD Working Group (page 28), the "Federal Ministry of Justice is currently also examining ways of improving national statistics on administrative fines imposed on legal persons based on Section 30 of the Administrative Offences Act (OWiG)."

Total number of cases: 3

Case 1:

- (1) Name: No information available
- (2) Date and court where filed: May 2004, Hamburg County Court
- (3) Summary of principal charges, including name of the country whose officials were allegedly bribed: An employee of a medium-sized company from Hamburg was charged to have bribed a public official in Lithuania.
- (4) Penalties or other sanctions sought: No information available
- (5) If case concluded, please indicate disposition: conviction, settlement, dismissal or other disposition. If case pending, please indicate current status, including trial or appeal dates if known.

The defendant was charged to pay a criminal fine of 250.000 € in May 2004.

Case 2:

- (1) Name: Willi Betz GmbH & Co.KG.
- (2) Date and court where filed: Stuttgart County Court, date unknown
- (3) Summary of principal charges, including name of the country whose officials were allegedly bribed: The managing director and another executive of Willi Betz GmbH & Co.KG., an international trucking company, allegedly paid more than four million euros in bribes to senior public officials in Georgia and Azerbaijan. In return, the company allegedly received permission for transborder truck transport of cargo.
- (4) Penalties or other sanctions sought: No information available
- (5) If case concluded, please indicate disposition: conviction, settlement, dismissal or other disposition. If case pending, please indicate current status, including trial or appeal dates if known.

The court has not yet fixed a starting date for the trial.

Case 3:

- (1) Name: unknown
- (2) Date and court where filed: Saarbrücken County Court, date unknown
- (3) Summary of principal charges, including name of the country whose officials were allegedly bribed: A manager of an international trucking company, allegedly bribed public officials in eastern Europe in order to received permission for transborder truck transport of cargo.
- (4) Penalties or other sanctions sought: No information available
- (5) If case concluded, please indicate disposition: conviction, settlement, dismissal or other disposition. If case pending, please indicate current status, including trial or appeal dates if known.

The case was presented on December 29, 2004. The case is still pending.

Please list written sources:

1. OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th December 2005)
2. Germany's Federal Criminal Police Office (BKA): Annual Report on Corruption (2004)

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title)

Relevant specialized public prosecutor's departments were consulted.

B. Investigations under way

Please provide available information on government investigations of allegations of bribery of foreign public officials which were commenced since the OECD Convention became effective in your country.

If information unavailable, please indicate: _____

Total number of known investigations: 22

For each investigation, where possible, please list the following:

We only have specific information about three investigations under way:

Investigation 1:

- (1) Names of parties: This investigation concerns the export of cars to Poland. The names of the parties involved are unknown.
- (2) Date when investigation started: 2005
- (3) Name of country whose officials were allegedly bribed: Poland
- (4) Current status, including likelihood case will be brought: The status of the investigation is unknown.

Investigation 2:

- (1) Names of parties: This investigation concerns an allegation against leading personnel of the Ruhrpumpen GmbH, which was started based on information provided in the *Volcker Report on the UN Oil for Food Programme*.
- (2) Date when investigation started: 2006
- (3) Name of country whose officials received illegal payments: Iraq
- (4) Current status, including likelihood case will be brought: According to the public

prosecutors' departments in Bochum, the investigation focuses on the question whether there is probable cause of a violation of § 34 of the Foreign Trade and Payments Law (AWG). The company is fully cooperating. It is unlikely that the alleged payments of about 440000 US dollars constitute violations of the Act on Combating Bribery of Foreign Public Officials (ACIB).

Investigation 3:

- (1) Names of parties: This investigation concerns an allegation against leading personnel of a company from Lower Saxony who allegedly paid 300.000 Euros to officials from Romania from 1998 to 2002.
- (2) Date when investigation started: unknown
- (3) Name of country whose officials received illegal payments: Romania
- (4) Current status, including likelihood case will be brought: According to the public prosecutors' departments in Celle, the Romanian public prosecutors have been very helpful and investigations continue.

According to the upnoted Follow-Up Report of the OECD Working Group, at Länder level, Police and Prosecutors have been investigating a total of 21 cases involving violations of the Act on Combating Bribery of Foreign Public Officials (ACIB) until December 8th 2005. Among these, 2 investigations were based on reporting by the tax authorities. 1 investigation was based on a suspicious transaction reported by a financial institution to Lander prosecutor. Also, in 7 cases Länder prosecutors have submitted requests for MLA to foreign countries.

We have no specific information about other investigations under way.

Please list written sources:

1. OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th December 2005)
2. Germany's Federal Criminal Police Office (BKA): Annual Status Report on Corruption Offences in Germany (2004)

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title)

Relevant specialized public prosecutors' departments were consulted.

C. Serious allegations

Please provide information about serious allegations of foreign bribery or related offences by companies or individuals based in your country, that (a) have been published in reputable international or domestic publications since the OECD Convention became effective in your country, and (b) with respect to which, as far as you know, no investigation or prosecution has been undertaken. *Please take into account information provided in the Volcker Report on the UN Oil for Food Programme.*

Total number of serious allegations: ____

For each matter, where available, please list the following:

- (1) Names of companies and/or individuals involved
- (2) Date of publication:
- (3) Nature of allegations
- (4) Name of country whose officials were allegedly bribed

According to the *Volcker Report on the UN Oil for Food Programme*, 63 German companies were involved in wrongdoings. It is questionable though, whether these wrongdoings may be considered violations of the Act on Combating Bribery of Foreign Public Officials (ACIB). Also, there is some legal uncertainty regarding the question whether cases may be brought under other laws, in particular the Foreign Trade and Payments Law (AWG) or laws dealing with tax evasion.

As noted above, the public prosecutors' departments in Bochum is currently investigating whether there is probable cause of a violation of § 34 of the Foreign Trade and Payments Law (AWG) by leading personnel of a company from Witten. According to the *Volcker Report on the UN Oil for Food Programme* managers of the Ruhrpumpen GmbH made illegal payments to Iraqi officials.

Also, all of the public prosecutors in charge are currently verifying whether investigations in these cases are appropriate. There has been a meeting of all public prosecutors who would be responsible for such investigations against employees of the companies involved.

There is

Please list written sources: Relevant specialized public prosecutors' departments were consulted.

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title):

II. Actions to Promote Enforcement	
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A. Organization of Enforcement

1. Is there a centralized national office or unit for foreign bribery enforcement?

Yes___ No__x__

2. If foreign bribery enforcement is not centralized, what level of coordination and supervision is provided for foreign bribery enforcement?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY x

Explanation for choice, including any difference from last year:

The Federal Criminal Police Office (BKA) observes the foreign bribery cases in the federal states and publishes the number of cases in a yearly official report about the crime rate in Germany. The report contains no specific information about the cases, though. Also, the BKA collects information about foreign bribery cases and evaluates international media information. The BKA does not have original investigative competency. The combating of corruption, including bribery of foreign officials, under criminal law is in principle a matter for the police and the judiciary at Land level. Several Länder have established specialized corruption prosecution offices at Land, regional or municipal level. Most recently, in Brandenburg a joint investigation group on combating corruption offences was set up in March 2005. As stated in Germany's Written Follow-Up in the December 2005 Follow-Up Report of the OECD Working Group on page 15 "the group comprises the public prosecutors in the priority area on combating corruption at the Neuruppin Public Prosecution Office and investigators from the Brandenburg Land Office of Criminal Investigation. The joint investigation group also receives support from external experts. In the Free State of Saxony an Integrated Investigation Unit for Saxony was set up in March 2004 following a decision by the Saxony Land government. The Unit is responsible for combating serious corruption offences across Saxony and currently has nine public prosecutors, 32 police employees as well as economic and accounting experts, specialists in tax law, public procurement law and the building and construction industry."

Similar efforts appear to be underway in Berlin and Schleswig-Holstein.

In addition, the BKA is involved in combating corruption at the national level. As Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group points out on page 18 "the BKA may, upon the request of a particular Land, take on responsibility for individual cases. The exchange of information between various Länder is promoted within the context of annual working meetings on corruption offences. This conference is organised by the BKA in co-operation with the Länder and provides management staff in the anti-corruption offices with a tried and tested communication platform. Furthermore, the Länder report to the BKA on any corruption proceedings they are handling via the Land Office of Criminal Investigations as part of what is called the Corruption Reporting Service. These reports form the basis for the BKA's annual Status Report on Corruption Offences in Germany"

Also, several initiatives have been launched to improve co-operation and communication between the Länder and the national level.

As Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group states on page 17 "a Central Public Prosecution Proceedings Register (ZStV) has been established which gives public prosecutors access to data on suspects and proceedings in all criminal actions brought by the criminal prosecution offices. This guarantees effective co-operation and communication between the public prosecution offices in the various federal states. The technical prerequisites for accessing the Register have now been put in place across Germany"

Also, as Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group points out on page 18, the "Act on the More Effective Use of Data Files by Public

C. Complaint Procedure

How would you assess your government's efforts to provide publicly-known and accessible procedures for reporting foreign bribery allegations, such as hotlines and websites?

Please circle one of the following:

UNSATISFACTORY x SATISFACTORY

Explanation for choice, including any difference from last year:

Reflecting the federal structure, the German government has not addressed the issue of reporting violations of the German law flowing from the OECD Convention (the ACIB - Act on Combating Bribery of Foreign Public Officials). The government expects reports/accusations against violators under the ACIB to be lodged with the appropriate Länder prosecution offices (and those offices sometimes are difficult to identify) or the police, just like any other criminal violations.

At State level there are several initiatives worth mentioning: In the State of Lower Saxony, a website has been established which allows whistleblowers to provide information about criminal conduct anonymously, and allows the authorities to follow up and question the whistleblower without breaking the anonymity barrier. Information gained there is being forwarded to other federal states where appropriate. Similar efforts are under way in Hamburg, Rheinland Pfalz and Saarland.

However, there is some improvement: The German embassies have been instructed to report back reports in the local media concerning alleged bribery by German companies. Furthermore, according to Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group (page 25), "Baden-Württemberg is currently examining whether to introduce a similar system as the State of Lower Saxony. Additionally, a federal administration/Land project group (including the BKA and several Land offices of criminal investigation) is currently examining whether the system should be introduced across the whole of Germany. In January 2005 the project group submitted a report for discussion by the BKA and all the Land offices of criminal investigation. Following these consultations the Standing Conference of the Interior Ministers of the Länder will make a decision on whether to introduce the system. A date has not yet been set for this decision."

The introduction of a web-based system which allows people to report to the investigation authority at a national level without having to reveal their identity would be an enormous improvement.

Please list written sources:

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title):

OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th December 2005)

D. Whistleblower Protection

1. How would you assess the level of whistleblower protection in law and in practice in the public sector for foreign bribery complaints?

Please circle one of the following:

UNSATISFACTORY x SATISFACTORY

Explanation for choice, including any difference from last year:

There is no specific whistleblower protection for foreign bribery complaints. In general, whistleblower protection in Germany is weak. As mentioned above, in the State of Lower Saxony, a website has been established which allows whistleblowers to provide information about criminal conduct anonymously, though. The fairly high frequency of bribery reports submitted to this platform (and to the Deutsche Bahn's two external independent ombudsmen) suggests that whistleblowers are afraid to make their reports in the open, underlining the need for effective whistleblower protection.

According to Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group (page 26), there is some hope for improvement: "...the German government is currently reviewing the internal regulations on the protection of whistle-blowers in order to provide civil servants and public service employees with the possibility of reporting directly to the criminal prosecution authorities. At present only superior officials are permitted to report corruption offences to the public prosecution authorities. The principle of confidentiality in office applies to all other employees. For this reason federal civil servants are to be expressly exempt from the disciplinary consequences of reporting a concrete suspicion of corruption if the facts substantiate the claim – in accordance with Article 9 of the Council of Europe's Civil Law Convention on Corruption of 4 November 1999. An opt-out clause in the Framework Act on the Law Applicable to Civil Servants is to allow the Land legislators to introduce similar regulations to exempt those reporting crimes from facing such disciplinary consequences. Thus reporting the well-founded suspicion of corruption will not lead to negative disciplinary consequences for the civil servant in question. The danger that illegal acts of corruption will not be reported will thereby be minimised. There are plans to make the legislative changes regarding the protection of whistle-blowers before the end of 2006."

Please list written sources:

OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th December 2005)

Please list government authorities or other persons consulted:

2. How would you assess the level of whistleblower protection in law and in practice in the private sector for foreign bribery complaints?

Please circle one of the following:

UNSATISFACTORY x SATISFACTORY

Explanation for choice, including any difference from last year:

As mentioned above, whistleblower protection in Germany is weak. This is true for the private sector as well.

According to Germany's Written Follow-Up in the December 2005 Report of the OECD

E. Public Awareness

How would you assess your government's efforts in the last year to create public awareness that foreign bribery has become a crime?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY x

Explanation for choice, including any difference from last year:

According to the Follow-Up Report of the OECD Working Group (page 3), the German government "has taken numerous initiatives to raise the level of awareness of the foreign bribery offences and of the OECD Convention either through public measures or private activities. However, it does not appear that Germany has taken any comparable initiative to foster the adoption of corporate compliance programmes by Small and Medium Enterprises (SMEs)."

As Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group states on page 8, "The Federal Ministry of Economics and Labour has compiled a leaflet on the OECD Guidelines for Multinational Enterprises which outlines the OECD's guiding principles on fighting corruption. The leaflet was widely distributed in autumn 2003 by the German ministries, in particular the Foreign Office and the Federal Ministry of Economic Cooperation and Development, as well as by organisations such as the Association of German Chambers of Industry and Commerce (DIHK), the Confederation of German Employer Associations (BDA) and non-governmental organisations (NGOs) such as Germanwatch. For example, the leaflet was distributed within the context of economic cooperation and development and projects or at workshops run by private sector enterprises. As the leaflet was in great demand, the campaign was repeated in autumn 2004. The OECD Guidelines for Multinational Enterprises are also available on the Federal Ministry of Economics and Labour's website (www.bmwa.bund.de). There are links to the guiding principles as well as to the aforementioned leaflet.

According to Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group (page 6), the "Federal Ministry of Justice is currently preparing a Draft Second Act on Combating Bribery with which the Criminal Law Convention on Corruption of the Council of Europe of 27 January 1999 and the Council of the European Union Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector are to be transposed into national law [...] the Draft Act is to repeal the Act on Combating International Bribery, with which the OECD Convention on the Combating of Bribery of Foreign Public Officials in International Business Transactions was transposed into German law. The corruption offences previously incorporated in the Act on Combating International Bribery will be transferred to the Criminal Code (StGB)." This would be an important step to increase public awareness.

In general, public awareness has increased due to a number of corruption scandals, which were discussed in detail in the media. Investigations in cases under § 299 StGB have clarified that transnational bribery is penalized. This will create greater awareness for fact that bribery of foreign public officials is a crime as well.

Please list written sources:

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title):

OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th 10)

F. Accounting and Auditing Requirements

How would you assess accounting and auditing requirements intended to prevent practices for hiding foreign bribery (such as the prohibition of off-the-books account or the use of other practices for hiding foreign bribery)?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

Explanation for choice, including any difference from last year:

Since 1998, the effectiveness of the company's internal controls have to be evaluated as part of the statutory audit. Also, the auditor takes samples to check the accounts for criminal conduct. If any irregularities or violations of statutory provisions or facts that constitute violations of the law are being detected, the auditor is obligated to report to the legal representative or supervisory board of the company.

According to the Follow-Up Report of the OECD Working Group (page 3), "German auditors are legally obliged to notify legal representative or supervisory board of the audited company of "any irregularities and violations of statutory provisions or facts that constitute serious violation of law". However, neither auditors nor statutory bodies have an obligation to report suspicion of corruption to prosecutorial authorities. The German authorities indicate that they have considered this issue and they have concluded to not introduce a legal obligation for auditors and statutory bodies to report suspicion of corruption to prosecutorial authorities. The Working Group holds the opinion that the system of reporting might work more effectively by providing civil servant, employees and auditors with the possibility of directly reporting to the prosecutorial authorities." We share this opinion.

Please list written sources:

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title):

G. Private Sector Efforts

How would you assess the effectiveness of corporate anti-bribery compliance programmes in your country?

Please circle one of the following:

UNSATISFACTORY *x*

SATISFACTORY

Explanation for choice, including any difference from last year (at least 1 paragraph):

A good number of prominent (especially export-oriented) companies have introduced codes of conduct and anti-bribery compliance programmes. However, among the small and medium size enterprises, the ratio of companies with codes of conduct and compliance programmes is much smaller.

Please list written sources:

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title): Various private sector managers with good insight.

H. Statutory and Other Legal Obstacles

1. Are there significant inadequacies in the legal framework for foreign bribery prosecutions in your country?

Yes No

2. If so, please indicate if these include:

- Inadequate definition of foreign bribery Yes No
- Short statutes of limitation: Yes No
- Jurisdictional limitations: Yes No
- Lack of (criminal) liability for corporations: Yes No
- Inadequate sanctions: Yes No

3. Please list any additional inadequacies:

- _____
- _____

The Follow-Up Report of the OECD Working Group states on page 3, that “since the evaluation of Germany under Phase 2, the maximum level of monetary sanctions for legal persons has not been increased. The issue of a further increase of the monetary sanctions has recently been re-examined and the German authorities have concluded that the statutory maximum of 1 million Euros is sufficient and proportionate. Furthermore, Germany noted that, in practice, the pecuniary sanction could exceed the statutory maximum of 1 million Euros in cases where prosecutors and courts could establish the “skimming off” of the benefits of offence exceeding this amount. The Working Group still has doubts whether the statutory maximum of 1 million Euros for monetary sanctions represents an adequate deterrent especially for large companies when considering also the difficulty of assessing in practice the “skimming off” of benefits of offences.” We share these doubts.

Explanation for choice, including any difference from last year (at least 1 paragraph):

4. Tax system

- Are foreign bribes tax deductible? NO
- Are revenue departments are under a statutory obligation to report evidence of bribery uncovered in the course of tax audits to the law enforcement agencies; similar for other departments? YES

There still is substantial need for improvement in this field.

The OECD Working Group notes at page 3 of the Follow-Up Report that “Germany has not taken any significant steps to reduce the time-lag with regard to the performance of tax audits of largest companies.”

Please list written sources:

Please list government authorities or other persons consulted (Please indicate institution and, if possible, name and title):

I. Actions Needed in Your Country

1. Your suggestions

Please list, in order of importance, the most important actions the government in your country should take to promote enforcement and compliance. Please consider the actions listed above, but feel free to add other actions.

- 1) Establish a centralized national office with sufficient resources for scanning the international press, collecting relevant information and preliminary investigation, before passing the case to the appropriate State authorities;
- 2) Establish a website at federal level that allows whistleblowers to provide information about foreign bribery cases even anonymously;
- 3) Create better public awareness of the fact that foreign bribery is a crime;
- 4) Introduce effective criminal liability for corporations.
- 5) Strengthen financial and personnel resources of specialized prosecutors' departments.

III. Current and Anticipated Level of Enforcement

1. How would you assess the current level of foreign bribery enforcement in your country?

Please circle one of the following:

UNSATISFACTORY x SATISFACTORY

2. Did your government's enforcement efforts increase since last year?

Please choose one of the following:

1	2	x
<i>Decreased enforcement</i>	<i>No change</i>	<i>Increased Enforcement</i>

The government has taken some appreciable steps to improve foreign bribery enforcement since last year as noted above under the respective question.

3. How do you expect your government's enforcement of foreign bribery to change in the coming three years?

Please choose one of the following:

1	2	x
<i>Decreasing Enforcement</i>	<i>No change</i>	<i>Increasing enforcement</i>

There are some important initiatives under way which may improve the enforcement of foreign bribery in the coming three years. Most of these have been mentioned above.

In addition, there is in particular one appreciable initiative under way:

As stated in Germany's Written Follow-Up in the December 2005 Report of the OECD Working Group (page 6), "the Federal Ministry of Economics and Labour is currently preparing a regulation to exclude enterprises from competition for public contracts on the grounds of unreliability if employees whose activities are to be ascribed to the enterprise are found guilty of a corruption offence. Bribery of foreign public officials shall also constitute an offence leading to suspension from competition for public contracts. In addition to these substantive rules on public procurement, there are plans to create a federal corruption register. The main purpose of such a register will be to provide public agencies with information on those enterprises which have been excluded from competition for public contracts for corruption-related reasons. The corruption register will also list those enterprises excluded from competition for public contracts for bribery of foreign public officials. The public agencies are obligated to report such exclusions to the register. They are also under the obligation to enquire with the register whether the company to whom they intend to award a particular contract is listed in the register. This makes it considerably easier for the public agency to check the reliability of the prospective contractor. The corruption register is to be introduced in early 2006. It will make a significant contribution to the combating of corruption and further raise the level of awareness of the punishability of corruption in general and of bribery of foreign public officials in particular." We share this view and underscore the importance of such a corruption register as well as the need to ensure that overly narrow prerequisites do not harm the potential benefits of such a register.

Due to a number of corruption scandals which have been extensively discussed in the press, the public awareness for the problems associated with corruption has risen since last year. This may trigger further efforts to improve the effectiveness of the prosecution of bribery in general and foreign bribery in particular.

Report prepared by :

_____ (signature)

Name of respondent:

Dr. Michael H. Wiehen: long-time executive of the World Bank, Attorney 1996-2003

Dr. Jan Christoph Richter: junior lawyer

Appendix

List of persons consulted (with affiliation) (Optional) This is a list of the persons already listed under each question.

Numerous prosecutors at all levels and in many states, judges, police officials (in the Federal Criminal Police Office (BKA), several LKAs State Criminal Offices and municipal police departments), officials of the federal and several state governments, business representatives (individual enterprises, industry associations and chambers of commerce and industry), attorneys, auditors, and journalists.

List of references and sources used in responding to this questionnaire (Optional) This is a list of the sources already listed under each question.

1. OECD Working Group: Follow-Up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions (8th December 2005)
2. Germany's Federal Criminal Police Office (BKA): Annual Status Report on Corruption Offences in Germany (2004)