



2009 TI Progress Report on Enforcement against Foreign Bribery

Questionnaire for TI National Chapters

20.11.08

Questionnaire for: **Germany**

Date: 26.02.09

I. CURRENT STATUS

A. FOREIGN BRIBERY

Please note: Foreign bribery cases (and investigations) shall include all cases involving bribery of foreign public officials, criminal and civil, whether brought under laws dealing with corruption, money laundering, tax evasion, fraud, or accounting and disclosure.

1. TOTAL FOREIGN BRIBERY CASES, PENDING AND CONCLUDED:

110 (=Sum total of numbers under 2. & 3.)

2. PENDING CASES: Pending foreign bribery cases

Please list all pending foreign bribery cases brought since the OECD Convention became effective in your country.

Total number of pending cases: 37

Cases pending brought since 1 January 2008: 7

There is generally no official Government's or Bundesländer-Report on foreign bribery cases and allegations.

This lack concerns especially pending cases where the investigations are not yet finished.

The data and figures of this Report rely mainly on the anonymized report given in June 2008 by the Federal Ministry of Justice to the OECD Working Group on Foreign Bribery.

For each case please list if possible the following:

- (1) Name of case, including principal parties
 - (2) Is this a major case? (See Guidelines for definition) Yes___ No ___
- Note: For major cases please provide as much detail as possible to the questions below. Less detail is needed for minor cases.
- (3) Is it a criminal or civil case?
 - (4) Date and court where filed
 - (5) Current status of case i.e. likely trial date
 - (6) Summary of principal charges, including name of the country whose officials were allegedly bribed
 - (7) Penalties or other sanctions imposed
 - (8) To your knowledge has a case involving the same facts or defendants been brought in another country? If so where and when?
 - (9) To your knowledge, is there a pending request or requests for mutual legal assistance lodged with another country?
 - (10) Please outline the steps taken by the authorities to bring the case to court

PLEASE NOTE: State source of information for each case

3. CONCLUDED CASES: Including convictions, settlements, dismissals or other final dispositions of cases

Total number of concluded cases: 73
whereof 16 convictions,
57 terminations.
Cases concluded since 1 January 2008: 34
whereof 7 convictions,
27 terminations.

Convictions.

1-3) Landgericht in Baden-Württemberg:

In the proceeding against the international transport company (Betz) mentioned in the Report 2008, the court issued a second and third conviction on 17 and 23 March 2008:

The proceeding against the co-indicted domestic public official, who received travel costs and a car as bribery payments, had been separated, and on 23 March 2007 the defendant, after confessing to corruptibility, was convicted and sentenced to imprisonment of 11 months suspended on probation with final and binding effect.

The indicted junior head and managing director of the haulage company was convicted and sentenced with final and binding effect on 17 March 2008 for deception to the detriment of welfare insurance, for the violation of the Foreigners Act by obtaining visas by deception, for trafficking foreigners into the country on a commercial basis, for the bribery of a German and of foreign public officials, and for falsification of documents – each of them offences committed concurrently in several criminal acts, to imprisonment totalling 5 years and a fine totalling 540 daily rates of €4000 each.

In a judgement made on the same day, the following people were also convicted and sentenced with final and binding effect:

- the accused authorised representative to imprisonment totalling 2 years suspended on probation for aiding and abetting a violation of the Foreigners Act and for aiding and abetting the bribery of a foreign public official,
- a further member of staff to imprisonment totalling 1 year, also suspended on probation, for aiding and abetting the bribery of foreign public officials in two cases.

A corporate fine totalling €14,740,000 has been imposed on the company involved in the proceeding pursuant to Section 30 of the Act on Administrative Offences.

4) A Landgericht in Bavaria

ruled in February 2008 the following conviction:

In a proceeding based on suspicion of bribery of Belgian public officials, one of the two defendants was convicted and sentenced with final and binding effect in February 2008 for the bribery of foreign public officials to imprisonment of 1 year and 3 months suspended on probation. One of the conditions imposed on the probation was the payment of the sum of €10,000.

The other defendant had already been convicted and sentenced for the bribery of foreign public officials to imprisonment of 1 year suspended on probation.

5- 6) Another Landgericht in Bavaria

decided in March 2008 the following:

The subject matter of a further investigation proceeding was the suspicion of bribery payments to a North American public official. As the purchaser acting for an American institution in a German town, he was accused of having demanded money and benefits in kind for private purposes. Since it was not possible to demonstrate that the defendant had the capacity of a public official, the competent prosecution authority has preferred charges against him on the grounds of a particularly serious case of suspected corruptibility in business transactions and of deception.

Penal orders with final and binding effect have been imposed on two other defendants who provided benefits to the North American defendant. One of the defendants was convicted and sentenced to imprisonment of 1 year suspended on probation and to a fine of 270 daily rates of €80 each, and the other defendant to a fine of 150 daily rates of €80 each.

7) Landgericht München.

In a large complex of proceedings (Siemens), investigations based on suspicion of breach of trust and other crimes are being conducted against several persons in responsible positions in a corporation. There are grounds for believing that unlawful accounts were established to obtain contracts in foreign countries (Europe, Asia, Africa, North and South America) with these funds by bribing foreign public officials.

A corporate fine totalling €201 million has been imposed by the Landgericht München on the corporation in accordance with Section 30 of the Act on Administrative Offences due to the bribery of foreign public officials by staff of the company.

The convictions cited under 1- 7 are major cases.

8) Landgericht Darmstadt of May 14, 2007 partly upheld and partly rejected by decision of the High Federal Court (BGH) of August 29, 2008 (BGH 2 StR 587/07).

The convictions of two Siemens managers (two years and nine months imprisonment on probation) by the Landgericht Darmstadt on May 14, 2007 - cited in the last Report 2008 – for breach of trust and bribery of Italian managers were partly upheld as to breach of trust, partly rejected as to the bribery in business transactions because this punishment of § 299 StGB was only introduced into German Law in 2002, whereas the transactions took place in 2001.

Consequently the forfeit of 38 million € by Siemens was also cancelled because forfeit requires the conviction of bribery.

Terminations:

Landgericht München:

a) A proceeding based on suspicion of bribery of South East European public officials was terminated following evaluation of the available evidence in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges). No sufficient grounds for suspicion of an offence by the defendant could be found.

b) In connection with the “Oil for Food” UN aid programme, seven examinations were pending. Six of these investigations, which were mainly based on suspicion of violation of the Foreign Trade and Payments Act, were terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges).

A further proceeding against three defendants based on the suspicion of violation of the Foreign Trade and Payments Act was terminated in accordance with Section 153a of the Code of Criminal Procedure (termination after fulfilment of conditions) in return for the payment of fines totalling €90,000.

Landgericht Berlin:

a) One of two proceedings started for violation of the IIC rules has been terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges).

b) The investigation proceeding against a person in a responsible position in a German company who was suspected of having paid bribes to management employees of a company in a Central European country as well as to party functionaries in order to obtain preference for his company over competitors in the awarding of contract in the areas of producing and supplying energy was terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges). Neither the accusation of bribery of foreign public officials nor the accusation of corruptibility and bribery in business transactions could be demonstrated.

Landgericht Hamburg

a) The investigation proceeding based on suspicion of bribery of public officials of an Arab country (violation of the IIC rules regarding the UN'S Oil for Food Programme) by a German citizen has been terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges). No sufficient grounds for suspicion of an offence by the defendant were found.

b) The proceeding against three accused persons suspected of having paid public officials of a Middle Eastern country "commissions" totalling €750,000 in return for ordering a money testing machine in 2002 has been terminated with respect to two of the defendants in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges). The proceeding against the third defendant has been terminated in accordance with Section 153a of the Code of Criminal Procedure (termination after fulfilment of conditions) in return for the payment of a fine.

Landgericht Hannover.

One of the three remaining proceedings relating to disclosures of the IIC regarding the UN's Oil for Food Programme has been terminated due to a lack of sufficient suspicion of an offence pursuant to Section 170 (2) of the Code of Criminal Procedure (insufficient reason for the preferment of public charges).

The investigations in the two remaining proceedings have yet to be completed. In all of the cases the charges are or were also violations of the Foreign Trade and Payments Act.

Landgerichte in Nordrhein-Westfalen:

a) Two – previously reported – investigation proceedings were being conducted in respect of Germans in responsible positions in companies whose business activity is in the area of animal slaughter. The suspicion of bribery of foreign public officials of a Central European country existed in connection with the issuance by a ministry of foreign shipping certificates from 2000 to 2004. The investigations have been terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges).

b) .Six of the remaining seven proceedings (after termination of four proceedings out of eleven as reported last year) launched on the basis of the evaluation of the final report of the IIC have been terminated in accordance with Section 153 of the Code of Criminal Procedure (termination due to insignificance) or Section 153a of the Code of Criminal Procedure (termination following fulfilment of conditions), with one of the defendants being ordered to pay a fine of €20,000 and two companies involved in the proceedings being ordered to pay corporate fines totalling €190,000 in accordance with Section 30 of the of the Act on Administrative Offences.

None of these proceedings produced accusations of bribery of foreign public officials.

Landgericht Dresden (Sachsen).

An investigation proceeding involved the accusation of bribery of a South East European official. It was suspected that through not entering higher net proceeds on duplicate invoices, and thereby entering lower corporate revenues, illicit monies would be yielded, with which bribes could be paid.

The proceeding was terminated following the completion of the investigation in accordance with Section 153 (1) of the Code of Criminal Procedure (decision not to prosecute due to insignificance).

Landgericht Kiel (Schleswig-Holstein).

In one investigation proceeding a haulage company was accused of having made money available to its employees so that they could pay certain amounts to Eastern European border patrol officers and customs officers for the purpose of expediting the necessary formalities (customs and passport controls). The investigations were terminated in accordance with Section 170 (2) of the Code of Criminal Procedure (insufficient grounds for the preferment of public charges).

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For each case please list if possible the following:

(1) Name of case, including principal parties (Please indicate if major multinationals involved)

(2) Is this a major case? (See Guidelines for definition.) Yes ___ No ___

(3) Is it a civil or criminal case? _____

Note: For major cases please provide as much detail as possible to the questions below. Less detail is needed for minor cases.

(4) Date and court where filed

(5) Summary of principal charges, including name of the country whose officials were allegedly bribed

(6) Disposition of case, including penalties or other sanctions imposed including (a) penalties against individuals or companies; (b) requirements for compliance programmes

(7) To your knowledge has a case involving the same facts or defendants been brought in another country? If so where and when?

PLEASE NOTE: State source of information for each case

4. 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.

Total number of known investigations: more than 150

Number since 1 January 2008: 7

If information unavailable, please indicate: _____

PLEASE NOTE: State source of information for each case

5. 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.

Total number of serious allegations: none

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/Name of multinational or company involved in bribery process:

6. ACCESS TO INFORMATION: Information available about foreign bribery cases

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

If yes, please specify what kind of access is provided? _____

The scope of this question is not quite clear for Germany.

Official information by the prosecution authorities or by the courts about investigations or pending cases is limited in Germany by the legal protection of personal rights of defendants and the presumption of innocence of accused persons.

On the other hand, public information by the press or other media about interesting investigations and cases of bribery, included foreign bribery, is by no means restricted in Germany.

The data and figures of this Report rely mainly on the anonymized report given in June 2008 by the Federal Ministry of Justice to the OECD Working Group on Foreign Bribery.

B. DOMESTIC BRIBERY BY FOREIGN COMPANIES

Please note: **Domestic bribery** refers to the bribery of domestic public officials by foreign companies or subsidiaries of foreign companies.

General remark: The questions of this section are as a general rule not applicable to Germany because practically all foreign companies doing business in Germany are acting through subsidiaries established according to German Law that are consequently considered as German (domestic) companies. The questions can therefore only be answered by “unknown”.

- 1. TOTAL DOMESTIC BRIBERY CASES, PENDING And CONCLUDED:
unknown**
- 2. Sum total of numbers under 2. & 3.)** _____

2. PENDING CASES:

Please list all pending domestic bribery cases involving foreign companies brought since the OECD Convention became effective in your country.

Total number of pending cases: unknown

Cases pending brought since 1 January 2008: unknown

For each case please list if possible the following:

- (1) Name of case, including principal parties
- (2) Is this a major case? (See Guidelines for definition) Yes ___ No ___

Note: For major cases please provide as much detail as possible to the questions below and the severity of the case. Less detail is needed for minor cases.

- (3) Is it a criminal or civil case?
- (4) Date and court where filed
- (5) Current status of case i.e. likely trial date
- (6) Summary of principal charges, including name of the foreign company involved and/or the name of the company charged with bribery
- (7) Penalties or other sanctions sought
- (8) To your knowledge has a case involving the same facts / defendants been brought in another country? If so where and when?
- (9) To your knowledge, is there a pending request or requests for mutual legal assistance lodged with another country?
- (10) Please outline the steps taken to bring the case to court

PLEASE NOTE: State source of information for each case

3. CONCLUDED CASES:

Including convictions, settlements, dismissals or other final dispositions of cases

Total number of concluded cases: _unknown _____

Cases concluded since 1 January 2008: _____

For each case please list points as mentioned in (ii)

(1) Name of case, including principal parties (Please indicate if major multinationals involved)

(2) Is this a major case? (See Guidelines for definition.) Yes ___ No ___

Note: For major cases please provide as much detail as possible to the questions below. Less detail is needed for minor cases.

(3) Is it a civil or criminal case? _____

(4) Date and court where filed

(5) Summary of principal charges, including name of the country whose officials were allegedly bribed

(6) Penalties or other sanctions sought

(7) **Disposition of case**

(8) To your knowledge has a case involving the same facts or defendants been brought in another country? If so where and when?

(9) Please outline the steps taken to bring the case to court and any special features in this case? If this is the same for different cases, please refer to previous description.

PLEASE NOTE: State source of information for each case

4. 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 you country.

Total number of known investigations: ___ unknown ___

Number since 1 January 2008: _____

If information unavailable, please indicate: _____

5. SERIOUS ALLEGATIONS

Please provide information about serious allegations of domestic 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.

Total number of serious allegations: unknown ___

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/Name of multinational or company involved in bribery process:

6. ACCESS TO INFORMATION: Information available about domestic bribery cases involving foreign companies.

Is there adequate public access to information about domestic bribery cases?
Yes ___ No ___

If yes, please specify what kind of access is provided? _____

II. ACTIONS TO PROMOTE ENFORCEMENT

A. STATUTORY AND OTHER LEGAL OBSTACLES

General remarks:

As explained already in the past years, the jurisdiction for law enforcement rests with the Länder. The competence of the Federal Ministry of Justice, the Generalbundesanwalt and of the Bundeskriminalamt is regulated by the Basic Law and is limited, they have no supervisory powers.

The main competence for the prosecution and investigation of crimes, committed in Germany or abroad, including foreign bribery cases, lies with the Länder. Accordingly, organisational procedures and institutional structures for the investigation and prosecution of corruption cases may vary from Land to Land. But there is to observe in the last years a tendency in most of the Länder to concentrate the responsibility for the prosecution of foreign bribery cases in special prosecution units, and an effort among the prosecution authorities of the Länder to exchange data, experience and best practice models.

The results of the enforcement in 2008 (pending and concluded cases) laid down in Section I show a serious progress in the general prosecution of foreign bribery cases.

Also the Federal Government makes credible efforts to provide adequate guidance and ground rules for the investigation and prosecution of bribery cases, but its possibilities for coordinating the Länder activities are limited. Worth noting in this context is, as in 2008, the publication in 2006 of the federal guideline for criminal prosecutions and administrative sanctions ("RiStBV") which advises prosecutors i.a. on how to deal with the liability of legal persons (see further below). And as a result of a new law that came into force in 2005, there is now better coordination of data among the Länder and the Federal Government.

In addition, the Federal Government has submitted to the Bundestag a bill (with a wide public consultation process) that would incorporate into German law several obligations Germany has subscribed to in international conventions, including the UN Convention on Corruption.

If Germany had a centralised Federal Office for foreign bribery prosecutions, we might see more investigations and court cases. But there is little likelihood –seen the rules of distribution of competence between the Federal Government and the Länder -, that Germany will and can introduce central (federal) legislation.

We support therefore the continued transfer of competence for foreign bribery cases to special prosecution units within the Länder and the continued and effective exchange of the experiences and best practice cases between the prosecution authorities of the Länder themselves and with the Federal Government.

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

Yes _____ No **X**_____

2. If so, please indicate if these include the following:

- Inadequate definition of foreign bribery Yes_____ No **X**_____
- Jurisdictional limitations: Yes_____ No **X**_____
- Lack of (criminal) liability for corporations: Yes **X**_____ No_____
- Inadequate sanctions: Yes **X**_____ No_____
- Statutes of limitation: Yes_____ No **X**_____

"General remarks.

As to the need of introduction of (criminal) liability of corporations and the question of inadequate sanctions there exists since long years a dispute between TI Germany and the Federal Government.

The Federal Ministry of Justice refers to the existence of the "Ordnungswidrigkeitengesetz" (Act on Administrative Offences) with the possibility of imposing high sanctions and fines against corporations (that are also imposed , cp. the Siemens case cited under A 3 Nr.7 with 201 million €) and to the fact that Germany is only required to introduce a liability , but not a criminal liability, for corporations

TI maintains the position that the introduction of a criminal liability of corporations and of criminal sanctions would strengthen the prosecution and adequate sanctioning of foreign bribery in Germany.

3. Please provide some detail on the statutes of limitation for foreign and domestic bribery offences:

4. Please provide some detail on the types of penalty imposed for foreign and domestic bribery offences.

B. COMPLAINT PROCEDURE

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

In two of the Bundesländer there are data on investigations against foreign bribery available. In Niedersachsen the data system is called BKMS, in Brandenburg Ekops. See also remarks under I A 6 above.

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

Explanation for choice, including any difference from last year:

C. POLITICAL CONTROL OVER ENFORCEMENT ACTIONS/INDEPENDENCE PROSECUTORS

Are you aware of any instances where a foreign bribery investigation or prosecution has been terminated by political decision-makers?

No.

D. ANTI-MONEY LAUNDERING EFFORTS

1. How would you assess the regulations in place for the financial sector regarding Anti-Money Laundering procedures?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

2. Is there a well-functioning regulatory body or financial intelligence unit ensuring compliance with corruption-related AML? Yes____ No____

3. Are financial institutions required to identify Politically Exposed Persons? ? Yes____ No____?

4. Are the penalties imposed on financial institutions that were found to have violated AML regulations satisfactory? If not, please explain why.

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

5. Are the levels of Know-Your-Customer and PEP Due Diligence investigations in financial firms satisfactory?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

6. Is the regulation of bank secrecy in line with international standards?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

7. How would you assess the legislative regime for seizure and confiscation of the proceeds of corruption?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

E. ACCOUNTING AND AUDITING REQUIREMENTS

1. 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) in law?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

Explanation for choice, including any difference from last year:

Are you aware of any cases or investigations brought for violation of these requirements? If already mentioned above please indicate.

2. 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) in practice?

Please circle one of the following:

UNSATISFACTORY

SATISFACTORY

Explanation for choice:

F. TAX DEDUCTIBILITY OF BRIBES

1. Is tax deductibility of bribes prohibited explicitly in law?

Yes No

2. Is tax deductibility prohibited in practice?

Yes No

Explanation for choice:

G. MUTUAL LEGAL ASSISTANCE (MLA)

3. Are there reports of cases in which your government has not responded in a satisfactory way to MLA requested by other states in foreign bribery cases?

Yes No

If yes, please elaborate: _____

4. Are there reports of cases in which your government has not received a satisfactory response to its requests for MLA from other states in foreign bribery cases?

Yes No

If yes, please elaborate: _____

III. RECENT DEVELOPMENTS, ACTIONS NEEDED

A. NOTEWORTHY RECENT DEVELOPMENTS

Please describe recent developments in the areas covered in this report or any other areas that you feel are relevant, e.g. new legislation, institutional changes in the last 1 - 2 years.

Whistleblowing.

The protection of whistleblowers occupied in the civil service of the Federal Government and of the Bundesländer has been carried through in the last year by the "Dienstrechtsneuordnungsgesetz" (Law with new regulations of the civil service) passed by the Bundestag on November 12, 2008, and by the "Neues Beamtenstatusgesetz" (New Law regulating the status of civil servants of the Länder) of June 17, 2008.

The new Laws allow civil servants to report serious crimes, including corruption, that have become known to them, directly to a public prosecutor instead of to their immediate superior.

These bills which were mentioned in the last Report as being in preparation have now passed the Bundestag and the Bundesrat and constitute a fundamental change in the protection of whistleblowers in the civil service.

These new regulations follow the recommendations of the Council of Europe Convention against Corruption.

B. ACTIONS NEEDED IN YOUR COUNTRY

1. Your suggestions and recommendations

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 recommendations.

- 1) Introduction of criminal liability of legal persons**
- 2) Strengthening and continued centralization of the prosecution entities against foreign bribery in the Bundesländer**
- 3) Establishment of a Central Register for the purpose of debarring corrupt companies from public contracts**
- 4) Ratification of the UNCAC – United Nations Convention against Corruption – and introduction of an enlarged punishment of members of Parliament for corruption**
- 5) Ratification of the two Council of Europe Conventions against Corruption**

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C. ENFORCEMENT TRENDS

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	3
<i>Decreased</i>	<i>No change</i>	<i>Increased X</i>

<i>enforcement</i>		<i>Enforcement</i>
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The data cited under Section I A 2 and 3 prove that the concentration of the prosecution units in the Bundesländer for the prosecution of foreign bribery has been quite successful and that the prosecution and combating of foreign bribery is taken very serious by the prosecution entities and the courts in Germany.

I have shown this report to a member of my country's delegation to the OECD Working Group on Bribery and taken into account their feedback:

X Yes No

Report prepared by: Max Dehmel

_____ (signature)

Name of respondent:

Affiliation: Head of TI Working Group on International Conventions

Professional experience: Dr. Jur.

Appendix

List of persons consulted (with affiliation):

Dr. Matthias Korte

Oberstaatsanwalt beim Bundesgerichtshof
Federal Ministry of Justice

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List of references and sources used in responding to this questionnaire:

The data and figures of this Report rely mainly on the information internally given in June 2008 by the Federal Ministry of Justice to the OECD Working Group on Foreign Bribery.