July 2016

Voluntary Self-Disclosure

BIAC appreciated the opportunity to participate in the OECD Anti-Bribery Ministerial Meeting, which took place in Paris on 16 March 2016. We particularly welcomed that Ministers underlined the importance of cooperation with the private sector as an indispensable partner in this fight and that, as recognized in the Ministerial Declaration, they encouraged further dialogue on possibilities for the adoption of voluntary disclosure and settlement procedures.

We appreciate that Ministers gave a clear mandate for OECD work in this area, as we have long underlined that good compliance must be encouraged, not punished, and that self-cleaning measures should be actively promoted. Business should be encouraged to develop and maintain effective corporate integrity policies and culture. As recognized by the OECD Foreign Bribery Report, one in three cases came to the attention of the authorities through self-reporting by companies or individuals. Giving companies legal certainty of not being punished for their cooperation would be a major step forward in the fight against corruption. Companies should have the possibility to avoid or reduce sanctions by implementing effective compliance measures after a corrupt activity has been detected and remediated. Additional information is summarized in the **BIAC key messages** for the Ministerial Meeting.

We therefore call upon the OECD to launch a dedicated work stream on how best to promote voluntary self-disclosure.

Proposed next steps:

- Following the example of other OECD committees, we call upon the OECD Working Group to set up an informal group, including interested member countries of the Working Group as well as the two institutional advisory groups, BIAC and TUAC, to discuss specific options for further work by the OECD in this area. The group should be manageable in size to allow for an interactive discussion and should report back to the Working Group on a regular basis. While the precise scope of work would be subject to discussion by the Advisory Group and subsequently the OECD Working Group, possible steps/outputs could include:

  ➢ Fact-finding work on countries' approaches
  ➢ Summary of best practice
  ➢ Guidance document/Recommendation