



Transparency International Canada Inc.

TI-Canada

Anti-Corruption Compliance Checklist

**Third Edition
2014**

Introduction

Transparency International (TI) has a vision: A world in which government, politics, business, civil society and the daily lives of people are free from corruption.

Transparency International Canada (TI-Canada) has a mission: To be an informed voice that promotes anti-corruption practice and transparency in Canada's governments, business and society at large.

Our work in the anti-corruption field has convinced us that Canadian firms and the governments that work with them need to stay abreast of the latest developments on this topic. In line with Canada's *Corruption of Foreign Public Officials Act*, the *TI-Canada Anti-Corruption Compliance Checklist Third Edition (TI-Canada ACC)* is a critical tool for those Canadian corporations seeking to significantly enhance their risk management processes.

The various tools, which make up the *TI-Canada ACC*, are mainly products of Transparency International, some created in concert with other international organizations. Some of these tools may be familiar. Others may be new. While there may be some overlap amongst the independently produced tools, each, in whole or part, is of relevance to corporations of any size, are available at no cost and are flexible to be tailored for business purposes. The *Third Edition* introduces TI's Business Integrity Toolkit, a user-friendly six-step process (Commit, Assess, Plan, Act, Monitor, and Report) for building an effective anti-corruption programme. This Toolkit includes business requirements for each step and provides accompanying tools that ensure corporations are playing their part in achieving transparent, level playing fields in international markets, through honouring commitments of transparency, accountability and integrity, established in their codes of conduct.

The *TI-Canada ACC* is in PDF format, allowing for easy download. Each tool is described, in brief, with a live link to the full document. We invite you to explore the *TI-Canada ACC* and employ those tools most suited to creating value for your anti-corruption programme.

Sincerely yours,



Peter Dent
Chair and President

Transparency International Canada (TI-Canada) wishes to thank Transparency International for the use of its various anti-corruption tools, included in the TI-Canada ACC Third Edition, as well as Bennett Jones LLP for its in-kind contribution to the design.

Transparency International Canada accepts no liability (including liability in negligence) for and gives no undertakings concerning the accuracy, completeness or fitness for the purpose of the information provided or the results, feedback or other information deriving from use of the *TI-Canada Anti-Corruption Compliance Checklist*. Before relying on any information or material derived from use of the *TI-Canada ACC* in any important matter, users and third parties should carefully evaluate its accuracy, currency, completeness and relevance for the purposes and should obtain any appropriate professional advice relevant to their particular circumstances. The user is bound to inform any subsequent recipient of information or material derived from use of the *TI-Canada ACC* of such terms.

The *TI-Canada ACC* has been compiled by Bronwyn Best, Senior Advisor, TI-Canada. For any questions/suggestions or further information, please contact:

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Transparency International - Business Integrity Toolkit



Transparency International Canada has based its TI-Canada Anti-Corruption Compliance Checklist on many Transparency International (TI) tools, found in TI's Business Integrity Toolkit, an interactive version of which can be found at: transparency.org/whatwedo/tools/business_integrity_toolkit/0/

Six Steps for Companies and Tools to Help

Step	Company Relevance	Tools
Commit	Commit to an Anti-Corruption Programme “from the Top”	<ul style="list-style-type: none"> • TI Business Principles for Countering Bribery • TI Business Principles for Countering Bribery – SME Edition
Assess	Assess the current status and risk environment	<ul style="list-style-type: none"> • TI-Canada Anti-bribery Checklist • TI Corruption Perceptions Index (CPI) • TI Bribe Payers Index (BPI) • TI Global Corrupt Barometer (GCB) • National Integrity System assessments
Plan	Plan the anti-corruption programme	<ul style="list-style-type: none"> • Corruption of Foreign Public Officials Act (CFPOA) • Foreign Corrupt Practices Act (FCPA) • 2010 UK Bribery Act Adequate Procedures
Act	Act on the plan	<ul style="list-style-type: none"> • TI-UK Anti-Bribery Due Diligence for Transactions • Resisting Extortion and Solicitation in International Transactions (RESIST) • Doing Business Without Bribery (DBWB) (English) • Doing Business Without Bribery (DBWB) (French) • TI Integrity Pact (IP)
Monitor	Monitor controls and progress	<ul style="list-style-type: none"> • TI Assurance Framework for Corporate Anti-bribery Programmes • TI Self-Evaluation Tool (SET)
Report	Report internally and externally on the programme	<ul style="list-style-type: none"> • TI Transparency in Corporate Reporting: Assessing Emerging Market Multinationals • TI Transparency in Corporate Reporting: Assessing the World’s Largest Companies • UNGC-TI Reporting Guidance on the 10th Principle Against Corruption



Commit

Commit to an Anti-Corruption Programme “from the Top”

Companies should adopt an anti-corruption programme as an expression of core values of integrity and responsibility as well as to effectively counter corruption.

An effective programme requires oversight, leadership and support from the Board of Directors (or equivalent) and senior management.

The commitment should be expressed formally through a written statement published internally and externally.

Business requirements

- The owners/shareholders, chairman or Chief Executive Officer publishes a statement of the organisation’s commitment to anti-corruption business principles, e.g.:
 - “The enterprise shall prohibit corruption in any form whether direct or indirect.”
 - “The enterprise shall commit to implementing a programme to counter corruption.”
- The commitment is communicated and adopted throughout the organisation in operational (e.g. procurement) and key support (e.g. Finance & Controlling) departments, as well as to external stakeholders worldwide.
- Sufficient resources are allocated to ensure implementation or review of the anti-corruption programme, which may include the setup of an independent, cross-functional project team.
- Commitment from the business’s senior management should be renewed on a periodic and regular basis (e.g. yearly).
- A “culture of integrity” is fostered from the top down.

Transparency International - Business Principles for Countering Bribery

The [Business Principles for Countering Bribery](#) provide a framework for companies to develop comprehensive anti-bribery programmes. The tool reflects recent developments in anti-bribery practice worldwide and incorporates approaches by business, academia and civil society. While many large companies have no-bribes policies, all too few implement these policies effectively. TI encourages companies to consider using the business principles as a starting point for developing their own anti-bribery programmes or to benchmark existing ones.

The 2013 edition aims to maintain previous good practice recommendations while adding clauses that reflect more advanced practice.

The full Business Principles for Countering Bribery can be downloaded in English from:
transparency.org/whatwedo/pub/business_principles_for_countering_bribery

Transparency International - Business Principles for Countering Bribery – Small and Medium Enterprise (SME) Edition

To cater for the needs of smaller businesses, TI has produced an edition of the Business Principles for Countering Bribery tailored to small- and medium-sized enterprises (SMEs). More than 95 per cent of the world's business is carried out by SMEs which may not have the same human and financial resources as larger companies, yet are just as vulnerable to the risks of bribery.

The **SME Edition** includes model anti-bribery principles for companies with fewer resources of time, money and people. It also provides practical guidance for developing anti-bribery programmes that suit the size and structure of smaller enterprises.

The SME Edition isn't only for smaller firms. It can also be used by larger companies to encourage SMEs in their supply chain to implement no-bribe policies and practices.

The full Business Principles for Countering Bribery – Small and Medium Enterprise (SME) Edition can be downloaded in English, French and Spanish from:

transparency.org/whatwedo/tools/business_principles_for_countering_bribery_sme_edition/1/



Assess

Assess the current status and risk environment

Before a business develops and implements its anti-corruption programme, it conducts a risk assessment.

The aim of the risk assessment is to identify areas of greatest inherent risk (for example along geographic or functional lines) and evaluate the effectiveness of existing risk-mitigating measures.

As a result, the business can prioritise and allocate resources appropriately to the areas of greatest risk.

Business requirements

- The risk assessment identifies inherent risks of corruption by:
 - industry,
 - the countries in which the business operates, and
 - business-specific corruption risks, such as the procurement processes, interaction with public officials, utilisation of intermediaries, political contributions, facilitation payments etc.
- Also, the risk assessment evaluates the effectiveness of existing risk-mitigating measures to determine the residual risks of corruption in the business.
- Finally, the risk assessment takes into consideration:
 - changes in the legal environment,
 - new or increased risk exposure,
 - technological developments (e.g. continuous auditing), or
 - past experience (e.g. internal audit reports, incidents).

Where does your company stand on countering bribery?

COMMITMENT		Yes	No	Partly	Planned
1	Does your company have a published policy of prohibition of bribery in any form whether direct or indirect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Has your company committed to implementing a Programme to counter bribery?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Is your Programme consistent with all laws relevant to countering bribery in each of the jurisdictions in which you operate, in particular the CFPOA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IMPLEMENTATION					
4	Is your Programme designed and improved on the basis of continuing risk assessment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Does your Programme provide detailed policies and procedures to address the following:	Conflicts of interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Bribes in any form?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Political contributions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Charitable donations and sponsorships?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Prohibition of facilitation payments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gifts, hospitality and travel expenses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Does your Board of Directors demonstrate visible and active commitment to the implementation of the anti-bribery Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Is your CEO responsible for ensuring that the Programme is implemented consistently with clear lines of authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Does your Programme cover business relationships as follows:	The Programme is implemented in all business entities over which your company has effective control?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		An equivalent Programme is encouraged in business entities in which your company has a significant investment or with which it has significant business relationships including joint ventures and consortia?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		The Programme requires agents, lobbyists and other intermediaries to agree contractually to comply with your company's anti-bribery policies and procedures and provides them with appropriate advice and documentation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		The Programme is communicated to contractors and suppliers and your company works in partnership with major contractors and suppliers to help them develop their anti-bribery practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Does your company undertake properly documented, reasonable and proportionate anti-bribery due diligence on business entities when entering into a relationship?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Do your human resources practices reflect your company's commitment to the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Is the Programme communicated to:	All Directors, managers and employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Business associates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Other stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Does your company provide secure and accessible channels through which employees and others can obtain advice or raise concerns ("whistleblowing") without risk of reprisal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Is tailored training provided to:	All Directors, managers, employees and agents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Where appropriate, contractors and suppliers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Are there internal controls to counter bribery comprising financial and organisational checks over accounting and record keeping practices and other business processes related to the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MONITORING AND REVIEW					
15	Are the internal control systems, in particular the accounting and record keeping practices, subjected to regular review and audit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Does your company perform reasonable and proportionate monitoring of its significant business relationships?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Does your company have feedback mechanisms and other internal processes supporting the continuous improvement of the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Is there regular assessment of the Programme by the leadership including:	Monitoring and periodic review by senior management of the Programme's suitability, adequacy and effectiveness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Periodic reporting by management of the results of reviews to the Audit Committee or the Board with implementation of improvements as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		An independent assessment by the Board of the adequacy of the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Where appropriate, does your company undergo voluntary independent assurance of the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PUBLIC REPORTING					
20	Does your company publicly disclose information about:	The Programme including the management systems employed to ensure its implementation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Material holdings of subsidiaries, affiliates, joint ventures and other related entities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Payments to governments on a country-by-country basis?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transparency International - Corruption Perceptions Index (CPI)

The **Corruption Perceptions Index (CPI)** supports businesses to understand the perceived level of corruption in a particular country among public officials and politicians.

The complete 2013 CPI, including, methodology and source data, in English, can be found at:
transparency.org/cpi2013/results

Transparency International - Bribe Payers Index (BPI)

The **Bribe Payers Index (BPI)** evaluates the supply side of corruption - the likelihood of companies from the world's wealthiest and most economically influential countries to bribe abroad.

The full report for 2011, in English, Chinese and Arabic, can be found at:
bpi.transparency.org/bpi2011/results/

Transparency International - Global Corruption Barometer (GCB)

Published annually, since 2003, the **Global Corruption Barometer (GCB)** is a survey that assesses general public attitudes toward, and experience of, corruption in dozens of countries around the world. It assesses the extent to which key institutions and public services are perceived, by their own citizens, to be corrupt, measures citizens' views on government efforts to fight corruption, and, in 2009, for the first time, included questions about the level of state capture and people's willingness to pay a premium for clean corporate behaviour.

The GCB is designed to complement the expert opinions on public sector corruption provided by TI's Corruption Perceptions Index and the views of senior business executives on international bribery flows reflected in TI's Bribe Payers Index. It also aims to provide information on trends in public perceptions of corruption.

The full 2013 GCB, in English, can be downloaded from:

transparency.org/gcb2013

Transparency International - National Integrity System assessments

National Integrity System assessments help businesses to understand the anti-corruption provisions and capacities in a particular country.

No matter how overt and obvious its consequences are for society, corruption is a crime that prefers to remain covert and concealed. It can take root in many areas of a society, whether in government or law enforcement, or among other actors like the media, business, political parties and so on.

Transparency International developed the National Integrity System approach as a comprehensive means of assessing a country's anti-corruption efficacy sector by sector. It allows a nuanced analysis of national efforts to stamp out corruption.

Pillars of national integrity

The National Integrity System evaluates key 'pillars' in a country's governance system, both in terms of their internal corruption risks and their contribution to fighting corruption in society at large.

When all the pillars in a National Integrity System are functioning well, corruption remains in check. If some or all of the pillars wobble, these weaknesses can allow corruption to thrive and damage a society.

The pillars analysed in a National Integrity System assessment typically include:

- Legislative branch of government
- Executive branch of government
- Judiciary
- Public sector
- Law enforcement
- Electoral management body
- Ombudsman
- Audit institution
- Anti-corruption agencies
- Political parties
- Media
- Civil society
- Business

A National Integrity System assessment examines both the formal framework of each pillar and the actual institutional practice. The analysis highlights discrepancies between the formal provisions and reality on the ground, making it clear where there is room for improvement.

The analysis is undertaken via a [consultative approach](#), involving the key anti-corruption agents in government, civil society, the business community and other sectors.

Conclusions are drawn together in a comprehensive national report to build momentum, political will and civic pressure for relevant reform initiatives.

Ultimately, strengthening the National Integrity System promotes better governance across all aspects of a society and contributes to a more just society overall.

To view information, in English, on the NIS, and to access NIS reports on various countries, please visit:

transparency.org/whatwedo/nis



Plan

Plan the anti-corruption programme

After completing its risk assessment, a business lays the foundation by developing a plan of action.

Policies and procedures are developed defining the scope and activities of the anti-corruption programme.

The policies and procedures should be available throughout the organisation and be issued in the main languages of all employees.

The programme should address the most prevalent forms of corruption relevant to the business, but at a minimum should cover the following areas:

Corruption within the business (Examples: Fraud, Conflicts of Interest, Insider Trading)

Corruption in the supply chain (Examples: Bribery, Extortion)

Corruption in the market environment (Example: Collusion)

Business requirements

- Detailed policies, processes, training materials and guidance that form the basis for the detailed implementation in step 4 (ACT) are drafted (or reviewed):
 - Who is responsible for ensuring compliance with and monitoring the programme (e.g. compliance officer, internal audit)?
 - Do existing policies need to be adapted (e.g. employee incentive structures)?
 - What monitoring controls are needed?
 - How will suggestions and complaints be handled?
 - How will the programme be communicated to internal and external stakeholders?
 - To what extent will external assurance and reporting be used?
 - What recordkeeping systems need to be put in place?
- The policies and procedures should be reviewed and approved by management, employee representatives and (if appropriate) external stakeholders.
- The detailed implementation plan (including objectives, resources and timetable) must be drafted and approved by all relevant parties before proceeding to step 4.

Government of Canada - Corruption of Foreign Public Officials Act (CFPOA)

The **Corruption of Foreign Public Officials Act (CFPOA)** is Canada's response to the OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. It was introduced into the Senate on December 1, 1998, and received Royal Assent on December 10, 1998, allowing Canada to ratify the OECD Convention on December 17, 1998. This triggered the OECD Convention coming into force on February 15, 1999, one day after the CFPOA, came into effect. The CFPOA was significantly strengthened, through a number of amendments, in 2013.

The CFPOA features three offences: bribing a foreign public official, laundering property and proceeds, and possession of property and proceeds. There is a 14-year maximum term of imprisonment for individuals found guilty under the law and a limitless fine for corporations.

The English version, including amendments, of the CFPOA can be found in the Appendix, of the *TI-Canada ACC*, and can be downloaded from:

laws-lois.justice.gc.ca/eng/acts/c-45.2/index.html

The French version, including amendments, of the CFPOA can be found in the Appendix, of the *TI-Canada ACC*, and can be downloaded from:

laws-lois.justice.gc.ca/fra/lois/c-45.2/index.html

A Guide to the original *Act*, prepared by the Department of Justice, can be downloaded in English from:

minlac.org/wp-content/uploads/2012/08/THE-CORRUPTION-OF-FOREIGN-PUBLIC-OFFICIALS-ACT.pdf

U.S. Government - Foreign Corrupt Practices Act (FCPA)

The **Foreign Corrupt Practices Act (FCPA)** of 1977, as amended, 15 U.S.C. §§ 78dd-1, et seq. , was enacted for the purpose of making it unlawful for persons and entities to make payments to foreign government officials to assist in obtaining or retaining business.

The anti-bribery provisions of the FCPA apply not only to U.S. citizens but also to foreign persons and organizations, who cause, directly or through agents, an act in furtherance of such a corrupt payment to take place within the territory of the United States.

The FCPA also requires companies whose securities are listed in the United States to meet its accounting provisions. See 15 U.S.C. § 78m. These accounting provisions, require corporations covered by the provisions to (a) make and keep books and records that accurately and fairly reflect the transactions of the corporation and (b) devise and maintain an adequate system of internal accounting controls.

The FCPA can be downloaded in English and French, as well as 48 other languages from:
[justice.gov/criminal/fraud/fcpa/statutes/regulations.html](https://www.justice.gov/criminal/fraud/fcpa/statutes/regulations.html)

For more background information regarding the anti-bribery provisions of the FCPA, refer to “A Resources Guide to the U.S. Foreign Corrupt Practices Act,” which can be downloaded from:
[justice.gov/criminal/fraud/fcpa/guidance/](https://www.justice.gov/criminal/fraud/fcpa/guidance/)

Transparency International UK - Guidance on Adequate Procedures under the UK Bribery Act 2010

Transparency International UK has published a **Guidance on Adequate Procedures under the UK Bribery Act 2010**. This Guidance helps business to comply with the new UK Bribery Act by providing clear, practical advice on good practice anti-bribery systems that in Transparency International's opinion constitute "adequate procedures" for compliance with the Bribery Act. This would be particularly relevant for Canadian companies with a UK footprint that will have to comply with the new Bribery Act. For others, it is good general advice, based on various TI tools.

The Guidance, a Checklist and various Annexes, can be downloaded free of charge from:
transparency.org.uk/our-work/bribery-act/adequate-procedures

If you find them useful, please help TI-UK cover the costs of producing and providing them by making a donation. £20 will enable them to invest in producing new resources and toolkits.

Hard copies, comprised of a ring-bound folder with the full 200-page document printed in colour, are available at a cost of £90. To place an order, please download and complete the order form also from:

transparency.org.uk/working-with-companies/adequate-procedures



Act

Act on the plan

After planning an anti-corruption programme, the written words need to be translated into visible actions.

This is a key step in the overall framework, as it is Transparency International's experience that while many businesses have well planned programmes they fall short on effective implementation.

Controls must be tempered in consideration of the trustworthiness and competence of stakeholders.

Business requirements

- The policies and procedures need to be integrated into the organisational structures:
 - Implement policies and procedures (e.g. internal checks and balances)
 - Develop supporting systems (IT, etc.)
 - Communicate the programme (e.g. CEO announcement, workshops, newsletter)
 - Identify 'local champions' to support the implementation
 - Deliver training (face-to-face, self-study etc.)
 - Provide supporting tools and guidance (e.g. self-assessment survey for high-risk departments)
 - Address concerns and issues (e.g. hotline, FAQ)
- Furthermore, the capacity of internal functions needs to be reviewed and (if necessary) strengthened (e.g. building an international law repository):
 - Support functions (legal, finance, internal audit, human resources etc.)
 - Operational functions (procurement and supply chain management, marketing, sales etc.)

Transparency International UK - Anti-Bribery Due Diligence for Transactions

The **Anti-Bribery Due Diligence for Transactions** provides guidance for anti-corruption due diligence in mergers, acquisitions and investments.

This publication aims to help those operating in this area by providing a practical guide that draws on the expertise of leading practitioners in multinational companies, the legal profession, accounting firms and professional advisors.

It is part of a series of practical guides we have been producing around the Bribery Act and related international legislation.

TI-UK's 32-page guide contains

- 10 Good Practice Principles
- A detailed description of how to integrate anti-bribery considerations into a standard due diligence process
- 59-point checklist
- A full description of the legal context.

Full information on the guidance is available, in English, at:

transparency.org.uk/our-work/publications/227-anti-bribery-due-diligence-for-transactions

Transparency International/World Economic Forum Partnering Against Corruption Initiative/International Chamber of Commerce/United Nations Global Compact - RESIST – Resisting Extortion and Solicitation in International Transactions

Companies facing extortion now have an anti-corruption tool based on real-life scenarios of solicitation and extortion demands. **RESIST (Resisting Extortions and Solicitations in International Transactions)** is primarily a training tool to support businesses in establishing training on how to respond to an inappropriate demand by a client, business partner or public authority in the most efficient and ethical way. Over 20 companies and organisations contributed to designing RESIST, based on their experience of solicitation and extortion demands.

Transparency International, in collaboration with the World Economic Forum Partnering Against Corruption Initiative (PACI), the International Chamber of Commerce (ICC) and the United Nations Global Compact (UNGC), developed RESIST to support companies conducting international business who are potentially exposed to corruption.

RESIST can be downloaded, in PDF from:

transparency.org/whatwedo/pub/resist_resisting_extortion_and_solicitation_in_international_transactions

Transparency International Canada - Doing Business Without Bribery (DBWB)

The free self-study e-learning course **Doing Business Without Bribery (DBWB)** provides best practice anti-bribery training, and enables companies to benchmark their own training programmes.

This free online learning module developed by Transparency International UK and revised by TI-Canada, in English and French, provides comprehensive anti-bribery training designed by leading experts in the field. It also enables companies to benchmark their own training programmes against a best practice standard.

You can quit and re-enter the module as often as you would like. There are no restrictions as to the number of times you can take the course, or the number of individuals from the same organisation who can take it. Transparency International UK and TI-Canada are anti-corruption charities that are promoting free access to the best available anti-bribery training resources for all individuals at all companies.

Learning outcomes

- What is bribery and why is it important?
- Case scenarios - how to prevent and resist bribery
- Bribery laws and the consequences of bribery for you
- How to report cases of bribery

Transparency International Canada has developed a Canadian English version, available at:

doingbusinesswithoutbribery.com/canada-en.html

and a Canadian French version available at:

doingbusinesswithoutbribery.com/canada-fr.html

NB: While the online learning module is free, if a company wishes to track (provide a version that allows a company to see who has done the training)/**brand** (provide a version with a company's logo)/**adapt** (provide a version which includes tailored case studies) **DBWB, they may do so at a cost of:**

- Up to 2,000 employees: £6,000
- Up to 10,000 employees: £12,000
- Over 10,000 employees: £18,000

For further information re. tracking/branding/adapting, please contact:

Catriona Razic: crazic@skillcast.com

Transparency International - Integrity Pact (IP)

Developed by TI, the **Integrity Pact (IP)** is a tool aimed at, initially, preventing corruption in public contracting. It consists of a process that includes an agreement between a government or a government department (at the federal, national or local level) and all bidders for a public contract. It contains rights and obligations to the effect that neither side will: pay, offer, demand or accept bribes; collude with competitors to obtain the contract; or engage in such abuses while carrying out the contract. The IP also introduces a monitoring system that provides for independent oversight and accountability.

[Integrity pacts in public procurement: An implementation guide](#), published in 2014, is a hands-on practical resource that explains how integrity pacts help governments, bidders and civil society to work together to prevent corruption in public contracting. It introduces the integrity pact's approach and presents a step-by-step guide to using a pact, giving tools and ideas for its application, as well as illustrative case studies, templates and good practice examples of integrity pacts in action.

By bringing transparency, integrity and oversight to public contracts, integrity pacts can help protect public resources from waste and mismanagement. Figures show that around the world on average [between 10 to 25 per cent](#) of a public contract's overall value may disappear into the pockets of the corrupt. The European Commission [estimates](#) in the European Union member states alone around US\$163 billion of public money for procurement is diverted through corruption – nearly as much as the EU's annual budget.

Integrity pacts in public procurements: An Implementation Guide is available in English at:

transparency.org/news/feature/integrity_pacts_keeping_public_contracts_corruption_free



Monitor

Monitor controls and progress

Implementing an anti-corruption programme is not a one-time event; it needs to be followed up through regular periodic evaluation (monitoring).

Monitoring ensures that strengths and weaknesses are identified and that the programme is continuously improved to remain effective and up-to-date (change management activities).

Internal and external monitoring must be undertaken.

Business requirements

- Responsibility for the monitoring of the overall anti-corruption programme needs to be assigned clearly and resources made available.
- The progress of the overall programme needs to be continuously monitored (e.g. internal employee self-evaluations, automated controls monitoring).
- The management of the company (e.g. Board of Directors, Audit Committee) must review the results of internal and external reviews and ensure that required changes are implemented in an appropriate and prompt manner.
- In addition to internal monitoring and traditional external auditing processes, external independent assurance should be considered to provide further security to management and stakeholders regarding the effectiveness of the anti-corruption programme.

Transparency International - Assurance Framework for Corporate Anti-Bribery Programmes

Despite greater awareness of the risks related to bribery and corruption, corporate scandals continue to make the headlines. Against this background, demand is growing from stakeholders and from companies themselves for mechanisms that can enhance confidence in their anti-bribery programmes.

The **Assurance Framework** is the latest addition to a range of Transparency International tools based on the Business Principles for Countering Bribery and was developed to raise the level of anti-bribery practice by business. The Assurance Framework is aimed primarily at enterprises. It sets out and explains the process for enterprises commissioning independent assurance, and charts new territory in the field of assurance as it attempts to address the complex issue of what is material to stakeholders in matters of bribery and corruption.

The Framework can be downloaded, in English, from:

transparency.org/whatwedo/pub/assurance_framework_for_corporate_anti_bribery_programmes

Transparency International - Self-Evaluation Tool (SET)

Transparency International's **Self-Evaluation Tool (SET)** is a checklist that enables companies to determine where they stand with their anti-corruption programme and identify improvements, based on an easy-to-use checklist that is comprised of an in-depth and extensive range of 241 indicators.

Through these indicators, SET identifies the policies, procedures and reporting indicators that companies should consider for their anti-bribery programmes. This will help companies to determine where they stand, identify improvements and prepare reports for management, assurers and stakeholders. In this way, TI SET can assist companies to manage risks more effectively and improve their operational efficiency. TI SET is aimed at larger companies but can also be of use to smaller companies wishing to check particular aspects of anti-bribery.

TI SET is an in-depth check-list, aligned to the Business Principles for Countering Bribery, aiming to assist companies to:

- Identify strengths and areas for improvement;
- Stimulate approaches and thinking related to anti-bribery;
- Provide content for a report to management, the Audit or Governance Committee or the Board on the design completeness, effectiveness and reliability of the anti-bribery Programme;
- Provide a basis for internal audit or an independent verification or assurance provider.

SET can be applied at different levels: To the whole of the company's worldwide activities including subsidiaries and branches or limited to one country, region, subsidiary or business unit.

The full TI SET can be downloaded, in Word, in English, with capability of being filled out, from:

transparency.org/whatwedo/tools/business_integrity_toolkit/0/

(click on Monitor and then on Tools)

in PDF, in English, from:

transparency.org/files/content/tool/2009_TI_BusinessSelfEvaluationTool_EN.pdf



Report

Report internally and externally on the programme

Reporting on the anti-corruption programme demonstrates the sincerity of the company's commitment and demonstrates how values and policies are being translated into action.

- Reporting on anti-corruption raises awareness among employees and provides a means of control and discipline for the management.
- Reporting on anti-corruption positively influences a business's reputation in the marketplace and society.
- Reporting on anti-corruption establishes a common language to measure, compare, discuss and improve anti-corruption activities and practices.

Reporting not only reassures internal and external stakeholders that the business is operating properly but can also act as a deterrent to those intending to bribe or solicit bribes.

Business requirements

- Information about the programme needs to be regularly communicated to relevant internal and external stakeholders, e.g.:
 - how the programme is being implemented,
 - employee perceptions and attitudes to the company's anti-corruption stance and performance,
 - numbers of inquiries or issues raised through help and whistle-blowing channels,
 - numbers and types of violations detected as well as corrective action undertaken,
 - sanctions applied and transactions abandoned because of corruption incidents etc.
- Implementation experiences should be discussed with external stakeholders and peer groups to share good (and bad) practices and learn from each other (e.g. through participation in voluntary anti-corruption initiatives).

Transparency International - Transparency in Corporate Reporting: Assessing Emerging Market Multinationals

The report **Transparency in Corporate Reporting: Assessing Emerging Market Multinationals** assesses the extent to which 100 leading emerging market companies report on the strategy, policies and management systems they have in place for combating bribery and corruption.

Transparency International conducted research into the public reporting practices of 100 emerging markets companies comprising a list of Global Challengers 2011. Based on the methodology of previous Transparency International studies, researchers collected and analysed publicly available data on three dimensions of transparency: Reporting on anti-corruption programmes (covering inter alia bribery, facilitation payments, whistleblower protection and political contributions), Organisational transparency (including information about corporate holdings), and Country-by-country reporting (including revenues, capital expenditure and tax payments). The report dedicates a section to the performance of companies from the BRICS. This is of interest in view of their importance within emerging markets and in the world economy as a whole.

The full report can be accessed, in English, from:

transparency.org/whatwedo/pub/transparency_in_corporate_reporting_assessing_emerging_market_multinational

Transparency International - Transparency in Corporate Reporting: Assessing the World's Largest Companies

The report **Transparency in Corporate Reporting: Assessing the World's Largest Companies** assesses the extent to which 105 leading global companies report on the strategy, policies and management systems they have in place for combating bribery and corruption. This study analyses the transparency of corporate reporting on a range of anticorruption measures among the 105 largest publicly listed multinational companies. Together these companies are worth more than US\$11 trillion and touch the lives of people in countries across the globe, wielding enormous and far reaching power.

The full report can be accessed, in English, from:

transparency.org/whatwedo/pub/transparency_in_corporate_reporting_assessing_the_worlds_largest_companies

UN Global Compact/Transparency International - Reporting Guidance on the 10th Principle against Corruption

The **Reporting Guidance**, developed in the framework of the Global Compact, the world's largest voluntary corporate citizenship initiative (more than 7,000 signatories in 135 countries), equips business with a practical means to report on anti-corruption policies and actions comprehensively and effectively. It sets the standard for thousands of UN Global Compact signatories, while its use will be beneficial well beyond this network.

The Reporting Guidance is a tool to give practical guidance to businesses of all sizes as they report on their anti-corruption programme, by providing a comprehensive set of 22 Reporting Elements which can be used to provide information in a mainly descriptive manner. The objective of the Reporting Guidance is to set out and promote the strong benefits of reporting on anti-corruption in the annual Communication on Progress by providing a structural and comprehensive guidance document that encourages thorough and consistent reporting of anti-corruption efforts by signatories.

The Reporting Guidance contains two principal sections:

- **Business Case for reporting on the 10th Principle:** This section explains and underscores the benefits of reporting on the implementation of the 10th Principle.
- **Reporting Elements for the 10th Principle:** This section sets out a list of Basic and Desired Reporting Elements for the 10th Principle. Each Reporting Element is supplemented with practical guidance on the importance of the Element, how to implement it and examples of on what to report. These Reporting Elements can help any organization by:
 - identifying the components of a comprehensive anti-corruption programme;
 - giving practical examples on how and what to report, including references to indicators from other initiatives; and
 - providing a clear and easy-to-use format to structure and facilitate the reporting of anti-corruption activities in the annual Communication on Progress.

The complete document can be downloaded, in English, from:

transparency.org/whatwedo/pub/un_global_compact_ti_reporting_guidance_on_the_10th_principle_against_corru



Additional Resource

Transparency International - Anti-Corruption Plain Language Guide

TI has developed the first **Anti-Corruption Plain Language Guide**. The Guide provides standardised, easy-to-understand definitions for 45 key terms commonly used by the anti-corruption movement – from “access to information” to “whistle blowing.” Each term includes a practical example of how TI approaches these issues and helpful links for further background information or research.

The Guide may be downloaded in English, French and Spanish from:

transparency.org/whatwedo/pub/the_anti_corruption_plain_language_guide



Appendix



CANADA

CONSOLIDATION

CODIFICATION

Corruption of Foreign Public Officials Act

Loi sur la corruption d'agents publics étrangers

S.C. 1998, c. 34

L.C. 1998, ch. 34

Current to April 16, 2014

À jour au 16 avril 2014

Last amended on June 19, 2013

Dernière modification le 19 juin 2013

Published by the Minister of Justice at the following address:
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :
<http://lois-laws.justice.gc.ca>

OFFICIAL STATUS
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit:

Published
consolidation is
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications
comme élément
de preuve

Inconsistencies
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité
— lois

NOTE

This consolidation is current to April 16, 2014. The last amendments came into force on June 19, 2013. Any amendments that were not in force as of April 16, 2014 are set out at the end of this document under the heading “Amendments Not in Force”.

NOTE

Cette codification est à jour au 16 avril 2014. Les dernières modifications sont entrées en vigueur le 19 juin 2013. Toutes modifications qui n'étaient pas en vigueur au 16 avril 2014 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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S.C. 1998, c. 34

L.C. 1998, ch. 34

An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts

Loi concernant la corruption d'agents publics étrangers et la mise en œuvre de la Convention sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales, et modifiant d'autres lois en conséquence

[Assented to 10th December 1998]

[Sanctionnée le 10 décembre 1998]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Corruption of Foreign Public Officials Act*.

1. *Loi sur la corruption d'agents publics étrangers*.

Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions

2. The definitions in this section apply in this Act.

2. Les définitions qui suivent s'appliquent à la présente loi.

Définitions

"business"
« affaires »

"business" means any business, profession, trade, calling, manufacture or undertaking of any kind carried on in Canada or elsewhere.

« affaires » Commerce, métier, profession, industrie ou entreprise de quelque nature que ce soit exploités ou exercés au Canada ou à l'étranger.

« affaires »
"business"

"foreign public official"
« agent public étranger »

"foreign public official" means
(a) a person who holds a legislative, administrative or judicial position of a foreign state;
(b) a person who performs public duties or functions for a foreign state, including a person employed by a board, commission, corporation or other body or authority that is established to perform a duty or function on behalf of the foreign state, or is performing such a duty or function; and
(c) an official or agent of a public international organization that is formed by two or

« agent de la paix » [Abrogée, 2013, ch. 26, art. 2]
« agent public étranger » Personne qui détient un mandat législatif, administratif ou judiciaire d'un État étranger ou qui exerce une fonction publique d'un État étranger, y compris une personne employée par un conseil, une commission, une société ou un autre organisme établi par l'État étranger pour y exercer une telle fonction ou qui exerce une telle fonction, et un fonctionnaire ou agent d'une organisation internationale publique constituée par des États, des

« agent public étranger »
"foreign public official"

Corruption of Foreign Public Officials — April 16, 2014

	more states or governments, or by two or more such public international organizations.	gouvernements ou d'autres organisations internationales publiques.	
"foreign state" « État étranger »	"foreign state" means a country other than Canada, and includes (a) any political subdivision of that country; (b) the government, and any department or branch, of that country or of a political subdivision of that country; and (c) any agency of that country or of a political subdivision of that country.	« État étranger » Pays autre que le Canada. Sont assimilés à un État étranger : a) ses subdivisions politiques; b) son gouvernement, ses ministères, ses directions ou ceux de ses subdivisions politiques; c) ses organismes ou ceux de ses subdivisions politiques.	« État étranger » "foreign state"
	"peace officer" [Repealed, 2013, c. 26, s. 2]	« quiconque » [Abrogée, 2013, ch. 26, art. 2]	
"person" « quiconque »	"person" means a person as defined in section 2 of the <i>Criminal Code</i> . 1998, c. 34, s. 2; 2013, c. 26, s. 2.	« quiconque » ou « personne » S'entend au sens de l'article 2 du <i>Code criminel</i> . 1998, ch. 34, art. 2; 2013, ch. 26, art. 2.	« quiconque » ou « personne » "person"
	GENERAL	DISPOSITIONS GÉNÉRALES	
Bribing a foreign public official	3. (1) Every person commits an offence who, in order to obtain or retain an advantage in the course of business, directly or indirectly gives, offers or agrees to give or offer a loan, reward, advantage or benefit of any kind to a foreign public official or to any person for the benefit of a foreign public official (a) as consideration for an act or omission by the official in connection with the performance of the official's duties or functions; or (b) to induce the official to use his or her position to influence any acts or decisions of the foreign state or public international organization for which the official performs duties or functions.	3. (1) Commet une infraction quiconque, directement ou indirectement, dans le but d'obtenir ou de conserver un avantage dans le cours de ses affaires, donne, offre ou convient de donner ou d'offrir à un agent public étranger ou à toute personne au profit d'un agent public étranger un prêt, une récompense ou un avantage de quelque nature que ce soit : a) en contrepartie d'un acte ou d'une omission dans le cadre de l'exécution des fonctions officielles de cet agent; b) pour convaincre ce dernier d'utiliser sa position pour influencer les actes ou les décisions de l'État étranger ou de l'organisation internationale publique pour lequel il exerce ses fonctions officielles.	Corruption d'agents publics étrangers
Punishment	(2) Every person who contravenes subsection (1) is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.	(2) Quiconque commet une infraction prévue au paragraphe (1) est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans.	Peine
Saving provision	(3) No person is guilty of an offence under subsection (1) if the loan, reward, advantage or benefit (a) is permitted or required under the laws of the foreign state or public international organization for which the foreign public official performs duties or functions; or (b) was made to pay the reasonable expenses incurred in good faith by or on behalf of the foreign public official that are directly related to	(3) Nul ne peut être déclaré coupable d'une infraction prévue au paragraphe (1) si le prêt, la récompense ou l'avantage : a) est permis ou exigé par le droit de l'État étranger ou de l'organisation internationale publique pour lequel l'agent public étranger exerce ses fonctions officielles; b) vise à compenser des frais réels et raisonnables faits par un agent public étranger, ou pour son compte, et liés directement à la promotion, la démonstration ou l'explication des	Défense

(i) the promotion, demonstration or explanation of the person's products and services, or

(ii) the execution or performance of a contract between the person and the foreign state for which the official performs duties or functions.

Facilitation payments

(4) For the purpose of subsection (1), a payment is not a loan, reward, advantage or benefit to obtain or retain an advantage in the course of business, if it is made to expedite or secure the performance by a foreign public official of any act of a routine nature that is part of the foreign public official's duties or functions, including

(a) the issuance of a permit, licence or other document to qualify a person to do business;

(b) the processing of official documents, such as visas and work permits;

(c) the provision of services normally offered to the public, such as mail pick-up and delivery, telecommunication services and power and water supply; and

(d) the provision of services normally provided as required, such as police protection, loading and unloading of cargo, the protection of perishable products or commodities from deterioration or the scheduling of inspections related to contract performance or transit of goods.

Greater certainty

(5) For greater certainty, an "act of a routine nature" does not include a decision to award new business or to continue business with a particular party, including a decision on the terms of that business, or encouraging another person to make any such decision.

1998, c. 34, s. 3; 2013, c. 26, s. 3.

Accounting

4. (1) Every person commits an offence who, for the purpose of bribing a foreign public official in order to obtain or retain an advantage in the course of business or for the purpose of hiding that bribery,

(a) establishes or maintains accounts which do not appear in any of the books and records that they are required to keep in accordance with applicable accounting and auditing standards;

produits et services de la personne, ou à l'exécution d'un contrat entre la personne et l'État étranger pour lequel il exerce ses fonctions officielles.

(4) Ne constitue pas un prêt, une récompense ou un avantage visé au paragraphe (1) le paiement visant à hâter ou à garantir l'exécution par un agent public étranger d'un acte de nature courante qui est partie de ses fonctions officielles, notamment :

a) la délivrance d'un permis, d'une licence ou d'un autre document qui habilite la personne à exercer une activité commerciale;

b) la délivrance ou l'obtention d'un document officiel tel un visa ou un permis de travail;

c) la fourniture de services publics tels que la collecte et la livraison du courrier, les services de télécommunication, la fourniture d'électricité et les services d'aqueduc;

d) la fourniture de services occasionnels tels que la protection policière, le débardage, la protection des produits périssables contre la détérioration ou les inspections relatives à l'exécution de contrats ou au transit de marchandises.

Exception

(5) Il est entendu que l'expression « acte de nature courante » ne vise ni une décision d'octroyer de nouvelles affaires ou de reconduire des affaires avec la même partie — notamment ses conditions — ni le fait d'encourager une autre personne à prendre une telle décision.

1998, ch. 34, art. 3; 2013, ch. 26, art. 3.

Précision

4. (1) Commet une infraction quiconque, dans le but de corrompre un agent public étranger afin d'obtenir ou de conserver un avantage dans le cours de ses affaires ou dans le but de dissimuler cette corruption :

a) établit ou tient des comptes qui n'apparaissent pas dans les livres comptables qu'il doit tenir selon les normes de comptabilité et de vérification applicables;

b) effectue des opérations qui ne sont pas enregistrées dans ces livres ou qui y sont insuffisamment identifiées;

Comptabilité

	<p>(b) makes transactions that are not recorded in those books and records or that are inadequately identified in them;</p> <p>(c) records non-existent expenditures in those books and records;</p> <p>(d) enters liabilities with incorrect identification of their object in those books and records;</p> <p>(e) knowingly uses false documents; or</p> <p>(f) intentionally destroys accounting books and records earlier than permitted by law.</p>	<p>c) enregistre dans ceux-ci des dépenses inexistantes;</p> <p>d) enregistre dans ceux-ci des éléments de passif dont l'objet n'est pas correctement identifié;</p> <p>e) utilise sciemment des faux documents;</p> <p>f) détruit intentionnellement des livres comptables plus tôt que ne le prévoit la loi.</p>	
Punishment	<p>(2) Every person who contravenes subsection (1) is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.</p> <p>1998, c. 34, s. 4; 2001, c. 32, s. 58; 2013, c. 26, s. 4.</p>	<p>(2) Quiconque commet une infraction prévue au paragraphe (1) est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans.</p> <p>1998, ch. 34, art. 4; 2001, ch. 32, art. 58; 2013, ch. 26, art. 4.</p>	Peine
Offence committed outside Canada	<p>5. (1) Every person who commits an act or omission outside Canada that, if committed in Canada, would constitute an offence under section 3 or 4 — or a conspiracy to commit, an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence under that section — is deemed to have committed that act or omission in Canada if the person is</p> <p>(a) a Canadian citizen;</p> <p>(b) a permanent resident as defined in subsection 2(1) of the <i>Immigration and Refugee Protection Act</i> who, after the commission of the act or omission, is present in Canada; or</p> <p>(c) a public body, corporation, society, company, firm or partnership that is incorporated, formed or otherwise organized under the laws of Canada or a province.</p>	<p>5. (1) Quiconque commet à l'étranger tout acte — action ou omission — qui, s'il était commis au Canada, constituerait une infraction prévue aux articles 3 ou 4, un complot en vue de commettre une telle infraction, une tentative de la commettre, une complicité après le fait à son égard ou le fait d'en conseiller la perpétration, est réputé commettre l'acte au Canada si, selon le cas :</p> <p>a) il a la citoyenneté canadienne;</p> <p>b) il est un résident permanent au sens du paragraphe 2(1) de la <i>Loi sur l'immigration et la protection des réfugiés</i> et se trouve au Canada après la commission de l'acte;</p> <p>c) il est un organisme public, une personne morale, une société, une compagnie, une entreprise ou une société de personnes constitués, formés ou autrement organisés au Canada en vertu d'une loi fédérale ou provinciale.</p>	Infraction commise à l'étranger
Jurisdiction	<p>(2) If a person is alleged to have committed an act or omission that is deemed to have been committed in Canada under subsection (1), proceedings for an offence in respect of that act or omission may, whether or not that person is in Canada, be commenced in any territorial division in Canada. The person may be tried and punished for that offence as if the offence had been committed in that territorial division.</p>	<p>(2) Dans le cas où, par application du paragraphe (1), une personne est réputée avoir commis un acte au Canada constituant une infraction, les poursuites peuvent être engagées à l'égard de cette infraction dans toute circonscription territoriale au Canada, que la personne soit ou non présente au Canada. Elle peut subir son procès et être punie comme si l'infraction avait été commise dans cette circonscription territoriale.</p>	Compétence

Appearance of accused at trial	<p>(3) For greater certainty, the provisions of the <i>Criminal Code</i> relating to the requirements that an accused appear at and be present during proceedings and the exceptions to those requirements apply to proceedings commenced in any territorial division under subsection (2).</p>	<p>(3) Il est entendu que les dispositions du <i>Code criminel</i> concernant l'obligation pour un accusé d'être présent et de demeurer présent lors des procédures et les exceptions à cette obligation s'appliquent aux poursuites engagées dans une circonscription territoriale au titre du paragraphe (2).</p>	<p>Comparution de l'accusé lors du procès</p>
Person previously tried outside Canada	<p>(4) If a person is alleged to have committed an act or omission that is deemed to have been committed in Canada under subsection (1) and they have been tried and dealt with outside Canada for an offence in respect of the act or omission so that, if they had been tried and dealt with in Canada, they would be able to plead <i>autrefois acquit</i>, <i>autrefois convict</i> or pardon, they are deemed to have been so tried and dealt with in Canada.</p>	<p>(4) Est réputée avoir été poursuivie et jugée au Canada la personne accusée d'avoir commis un acte réputé avoir été commis au Canada aux termes du paragraphe (1) qui, à cet égard, a été poursuivie et jugée à l'étranger de telle manière que, si elle l'avait été au Canada, elle aurait pu invoquer les moyens de défense d'autrefois acquit, d'autrefois convict ou de pardon.</p>	<p>Jugement antérieur rendu à l'étranger</p>
Exception for foreign trials in <i>absentia</i>	<p>(5) Despite subsection (4), a person may not plead <i>autrefois convict</i> to a count that charges an offence in respect of the act or omission if</p> <p>(a) the person was not present and was not represented by counsel acting under the person's instructions at the trial outside Canada; and</p> <p>(b) the person was not punished in accordance with the sentence imposed on conviction in respect of the act or omission.</p> <p>1998, c. 34, s. 5; 2001, c. 32, s. 58; 2013, c. 26, s. 4.</p>	<p>(5) Malgré le paragraphe (4), la personne ne peut invoquer le moyen de défense d'autrefois convict à l'égard d'un chef d'accusation relatif à l'acte si :</p> <p>a) d'une part, elle n'était pas présente au procès ni représentée par l'avocat qu'elle avait mandaté;</p> <p>b) d'autre part, la peine infligée à l'égard de l'acte n'a pas été purgée.</p> <p>1998, ch. 34, art. 5; 2001, ch. 32, art. 58; 2013, ch. 26, art. 4.</p>	<p>Exception : procès à l'étranger</p>
Laying an information	<p>6. An information may be laid under section 504 of the <i>Criminal Code</i> in respect of an offence under this Act — or a conspiracy to commit, an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence under this Act — only by an officer of the Royal Canadian Mounted Police or any person designated as a peace officer under the <i>Royal Canadian Mounted Police Act</i>.</p> <p>1998, c. 34, s. 6; 2001, c. 32, s. 58; 2013, c. 26, s. 4.</p>	<p>6. Seuls les officiers de la Gendarmerie royale du Canada ou les personnes désignées comme agent de la paix en vertu de la <i>Loi sur la Gendarmerie royale du Canada</i> sont autorisés à faire une dénonciation en vertu de l'article 504 du <i>Code criminel</i> à l'égard d'une infraction prévue par la présente loi ou à l'égard d'un complot en vue de commettre une telle infraction, d'une tentative de la commettre, d'une complicité après le fait à son égard ou du fait d'en conseiller la perpétration.</p> <p>1998, ch. 34, art. 6; 2001, ch. 32, art. 58; 2013, ch. 26, art. 4.</p>	<p>Dénonciation</p>
	<p>7. [Repealed, 2001, c. 32, s. 58]</p>	<p>7. [Abrogé, 2001, ch. 32, art. 58]</p>	
	<p>RELATED AMENDMENTS</p>	<p>MODIFICATIONS CORRÉLATIVES</p>	
	<p>8. to 10. [Amendments]</p>	<p>8. à 10. [Modifications]</p>	
	<p>CONDITIONAL AMENDMENT</p>	<p>MODIFICATION CONDITIONNELLE</p>	
	<p>11. [Amendment]</p>	<p>11. [Modification]</p>	

ANNUAL REPORT

RAPPORT ANNUEL

Annual report

12. Within four months of the end of each fiscal year, the Minister of Foreign Affairs, the Minister for International Trade and the Minister of Justice and Attorney General of Canada shall jointly prepare a report on the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and on the enforcement of this Act, and the Minister of Foreign Affairs shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is completed.

Rapport annuel

12. Dans les quatre mois suivant la fin de chaque exercice, le ministre des Affaires étrangères, le ministre du Commerce international et le ministre de la Justice et procureur général du Canada préparent conjointement un rapport sur la mise en œuvre de la Convention sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales et sur l'application de la présente loi et le ministre des Affaires étrangères fait déposer une copie de ce rapport devant chacune des chambres du Parlement dans les quinze premiers jours de séance de cette chambre après l'établissement du rapport.

COMING INTO FORCE

ENTRÉE EN VIGUEUR

Coming into force

***13.** This Act or any of its provisions comes into force on a day or days to be fixed by order of the Governor in Council.

Entrée en vigueur

***13.** La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret.

* [Note: Act in force February 14, 1999, *see* SI/99-13.]

* [Note: Loi en vigueur le 14 février 1999, *voir* TR/99-13.]

AMENDMENTS NOT IN FORCE

— 2013, c. 26, s. 3(2)

3. (2) Subsections 3(4) and (5) of the Act are repealed.

MODIFICATIONS NON EN VIGUEUR

— 2013, ch. 26, par. 3(2)

3. (2) Les paragraphes 3(4) et (5) de la même loi sont abrogés.