

**Foreign bribery: the Dutch should take a more proactive stance, says OECD**

The Netherlands needs to take a more proactive approach to the investigation and prosecution of the offence of bribery of foreign public officials in international business transactions, according to a report by the OECD's Working Group on Bribery. Given the size of the Dutch economy and the level of international trade of Dutch companies, particularly in sectors and markets at a high risk of corruption, more investigations and prosecutions of foreign bribery would be expected. While there have been encouraging signs that Dutch authorities have stepped up their responses to foreign bribery allegations in recent months, there have been no trials or convictions to date.

The 36-country Working Group has just completed a review of the Netherlands' enforcement of the OECD Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions. The main recommendations of the Working Group are that the Netherlands should:

- provide sufficient training and resources, including specialised expertise, to law enforcement and prosecution authorities to enable them to detect and pursue cases of foreign bribery more proactively.
- improve co-ordination among law enforcement and prosecution authorities to combat foreign bribery more effectively.
- increase the level of fines on Dutch companies found guilty of foreign bribery to ensure that sanctions are effective, proportionate and dissuasive.
- enhance and clarify reporting obligations and procedures within the public service so that suspicions of foreign bribery are channelled to appropriate authorities swiftly and systematically.
- strongly pursue efforts to encourage the Netherlands Antilles and Aruba, which are signatories to the Convention as part of the Kingdom of the Netherlands, to pass laws against foreign bribery and ratify the Convention.

The Working Group highlighted positive aspects of the Netherlands' fight against foreign bribery, including the establishment of the office of the National Public Prosecutor for Corruption to coordinate and oversee assignment of cases of foreign bribery to appropriate law enforcement teams. A promising development has been the recent efforts of the National Police Internal Investigation Department (*Rijksrecherche*) to improve its expertise and methods for the detection and investigation of corruption. Another strong point in the Netherlands'

implementation of the Convention is the high level of awareness among large multinational corporations; the government is active in promoting corporate social responsibility and many large companies have developed codes of conduct that specifically address foreign bribery. The Working Group also welcomed the recent amendments made to tax laws in the Netherlands to expressly prohibit the tax deductibility of bribes. However, given its recent entry into force, the Working Group will follow-up on its effective application.

The report, available at [www.oecd.org/corruption](http://www.oecd.org/corruption), with the full recommendations on pages 75-78 also includes an overview of recent enforcement actions and specific legal and policy features in the Netherlands for combating the bribery of foreign public officials. Dutch authorities will orally report to the Working Group after one year on its actions to implement the Working Group's recommendations. A further report in writing to the Working Group within two years will give rise to a publicly available evaluation by the Working Group of the Netherlands' implementation of the recommendations.