

ANTI-CORRUPTION SUMMIT – LONDON 2016

Germany Country Commitments

1. Punishing corruption, recovering and returning the proceeds of corruption

- Germany ratified the United Nations Convention Against Corruption in 2014 and is committed to ratifying the Council of Europe's Criminal Law Convention on Corruption and its Additional Protocol. A new Anti-Corruption Act which completes the implementation of both instruments into national law entered into force in November 2015 and provides for the broadening of the offence of bribery in the private sector as well as the offence of active and passive bribery on the part of foreign and international public officials. In February 2016, the Federal Ministry of Justice and Consumer Protection presented draft legislation authorizing the Federal Government to ratify both instruments.
- We will strengthen the liability of legal persons for criminal offences such as corruption.
- We are committed to strengthening and streamlining our legislation on seizure and confiscation of ill-gotten gains including proceeds of corruption. The Federal Ministry of Justice and Consumer Protection recently presented draft legislation aimed at broadening the application of extended confiscation orders as well as independent confiscation orders (which allow for confiscation without prior conviction) in addition to easing the burden of proof for non-conviction-based confiscation in cases of proceeds from terrorism and organized crime.
- We are committed to working together with other countries in developing internationally endorsed guidelines for the transparent and accountable management of returned stolen assets.
- We will work with the UK and others and help to establish an International Anti-Corruption Coordination Centre, that aims at streamlining and focussing international cooperation in cases of grand corruption with international dimensions

2. Zero Tolerance of corruption, wherever it exists

Public Procurement

- The Modernisation of the Public Procurement Act which entered into force in April 2016 stipulates that corrupt bidders must be excluded from participation in public procurement tenders.
- Germany is committed to improving transparency and openness in public procurement procedures, including by making e-procurement obligatory. We are also committed to introducing timely and reliable statistics on the award of public contracts and to examining how more usable, open data on public contracting activities can be provided.

- Germany will explore the establishment of central databases of companies and managers with final and binding convictions in order to ensure that relevant convictions are made known to contracting authorities. We will also explore ways of sharing information on corrupt bidders across borders.

Sport

- Germany has broadened the criminalization of doping in sports (including for athletes using doping) with a new Anti-Doping Act which entered into force in December 2015. In addition, the Federal Government submitted draft legislation to Parliament aimed at introducing comprehensive criminal liability for corruption-related match fixing.
- Germany will join the International Sport Integrity Partnership to be launched in 2017.
- Germany intends to implement and ratify the Council of Europe Convention on the Manipulation of Sports Competitions.

Health Care Sector

- Germany is committed to fighting bribery in the health care sector by ending impunity for those who give or take bribes. In April 2016, the Federal Parliament passed legislation creating the criminal offences of active and passive bribery on the part of self-employed medical doctors and other health care professionals.

Promoting Integrity in our institutions

- Germany is committed to continue existing efforts to strengthen institutional integrity through our work with partner countries, as currently is the case with the Kenyan government through our programme "Promoting Good Governance to Strengthen Integrity and Accountability". We will further explore opportunities to enter into new institutional integrity partnerships, to build capacity and tackle cultures of corruption.
- Germany will review and further develop its Federal Government Directive concerning the Prevention of Corruption in the Federal Administration including associated guidelines and recommendations to meet current developments, challenges and international standards. We will continue to cooperate with the business sector to foster a mutual understanding and jointly promote corruption prevention and integrity.
- To strengthen the targets of Open Government: transparency, participation and co-operation, Germany is preparing the necessary measures to become a member of the Open Government Partnership.

Extractives

- In 2015, Germany submitted its EITI candidature, which was approved by the EITI board in February 2016. We support the ongoing work within EITI. Reporting

progress via EITI working groups, we will explore the scope for a common global reporting standard, and work together to build a common understanding and strengthen the evidence for transparency in this area.

- Germany welcomes voluntary disclosures through EITI reporting and by some major companies regarding payments to governments for the sale of oil, gas and minerals. We welcome the new 2016 EITI Standard, in particular the requirements on beneficial ownership and the sale of the state's share of production.

International System

- The German Federal Ministry of Economic Cooperation and Development (BMZ) launched its Anti-Corruption Concept for German Development Cooperation Policy in 2012. The BMZ is committed to further enforcing the implementation of this concept in its co-operation with its partner countries as well as within the German system of development cooperation.
- We will work with other countries, civil society and international organisations to support accelerated implementation of the UN Convention Against Corruption.
- Germany will work with other countries to strengthen fiscal transparency, to strengthen capacities for fighting illicit financial flows and to return the proceeds of such illicit activities to the legitimate public sources in the country of origin.

Security

- We will integrate anti-corruption components into training for our security forces, including developing new materials as needed.
- We will assess corruption risk in foreign security forces before providing assistance or engaging in joint action.
- We will ensure that the security assistance we provide incorporates, wherever relevant, support in improving security sector governance.

3. Fighting the Laundering of Proceeds of Corruption

Transparency of Beneficial Ownership

- Germany already has a data retrieval system in place providing up-to-date basic information on bank accounts and deposits including information on the beneficial owner. A special data base that can be accessed by competent authorities is supplied by banks with account information collected in the course of their due diligence obligations when opening new accounts or updating customer information on existing accounts.
- Moreover, draft legislation is being prepared to create a beneficial owner register under the German Money Laundering Act where beneficial ownership information will be held for companies incorporated in Germany. In line with the 4th EU Anti-Money

Laundering Directive, the register will be accessible for competent authorities, obliged entities when performing customer due diligence measures, and persons who are able to demonstrate a legitimate interest with respect to money laundering, terrorist financing, and the associated predicate offences such as corruption, tax crimes and fraud.

- Germany is part of the G5 initiative for automatic exchange of beneficial owner information.
- Germany is fully committed to implementing FATF standards. Germany's new Anti-Corruption Act which entered into force in 2015 provides for stronger criminalization of self-laundering in line with FATF recommendations. Also in line with FATF recommendations, an amendment to the German Act on Public Limited Companies which entered into force in 2015 has greatly restricted the issuing of bearer shares, generally limiting this practice to listed companies for which the German Securities Trading Act already provides a sufficient level of transparency.
- We continue to use public-private information sharing partnerships to bring together governments, law enforcement, regulators and the financial sector to detect, prevent and disrupt money laundering linked to corruption.

Tax

- We will call on all countries to sign up to the Common Reporting Standard initiative.
- We are committed to joining the Addis Tax Initiative.
- We call on all countries to commit to country-by-country reporting on tax information for large multinational enterprises according to the recommendation on Action Item 13 for the OECD/G20 project BEPS.