

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

REGULATING PRIVATE-TO-PRIVATE CORRUPTION

QUERY

Can you provide an overview of how EU countries regulate private-to-private corruption?

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CAVEAT

This answer does not constitute legal advice or a detailed legal assessment in any manner.

SUMMARY

In recent years, anti-corruption regulations have evolved from the criminalisation of bribery of public officials to the establishment of specific legal frameworks criminalising corruption within the private sector. These laws aim to ensure that individuals working in the private sector do not make decisions for their own benefit, which could potentially have severe impact on a country's economic development, distorting markets and hampering employee morale and integrity.

Within this context and also encouraged by international and regional bodies, several countries, particularly members of the European Union, have recently reformed their legal framework to ensure a more coherent and clear approach to punishing private corruption. They include Croatia, Italy and the United Kingdom. Recent rules thus aim at criminalising active and passive corruption within the private sector, committed by any employee in a breach of duty to gain an advantage for him/herself or a third party. Enforcement of these rules, however, is still rather weak and very few cases of private corruption have been actually prosecuted.

1 PRIVATE-TO-PRIVATE CORRUPTION: AN OVERVIEW

What is private-to-private corruption?

Private-to-private corruption refers to corrupt practices within and between legal entities outside the public sector. It is defined as the “type of corruption that occurs when a manager or employee exercises a certain power or influence over the performance of a function, task, or responsibility within a private organisation or corporation”, that is contrary to the duties and responsibilities of his position in a way that harms the company or organisation in question and for his own benefit or the benefit of another person or organisation (Argandoña 2003).

Private-to-private corruption still receives less attention in the media and by researchers than corruption in the public sector. However, recent assessments demonstrate that it is a growing concern.

For instance, the 2014 economic fraud report published by PricewaterhouseCoopers shows that asset misappropriation, procurement fraud, bribery and corruption and accounting fraud are among the types of economic crimes most frequently reported by companies (PricewaterhouseCoopers 2014).

Similarly, Transparency International’s Bribe Payers Index 2011 analysed business relationships in 30 countries including their relations with other private firms. Business people were asked how often firms in each sector pay or receive bribes from other private firms. The results showed that the perceived likelihood of this form of corruption across all sectors analysed is almost as high as bribery of public officials, providing strong evidence that corruption is also a common practice within the business community (Transparency International 2011).

Moreover, a survey conducted by TRACE in 2009 also shows that 90 per cent of the companies assessed contain provisions on private-to-private corruption within their codes of conduct and compliance regimes, demonstrating that the issue is certainly a concern among businesses (TRACE blog 2013).

Impact

Private-to-private corruption has a serious impact on a country’s economy and society in general, particularly considering that private enterprises play an increasing role in providing public services and in controlling key sectors of the economy (OECD 2009; OECD 2013).

As is the case with public sector corruption, calculating the exact cost of corruption in the private sector is a challenge. Recent assessments show that fraud alone can have a financial impact of between US\$1 million and US\$100 million (PricewaterhouseCoopers 2014).

In addition to direct economic loss as a result of fraud, corruption in the private sector may also have a negative impact on economic development and the investment climate, distorting markets and fair competition, increasing costs as well as reducing the quality of services to the consumer.

Moreover, private-to-private corruption can also have serious non-financial impact, causing damages to employee morale, corporate and brand reputation and business relations.

Types of private-to-private corruption

Private-to-private corruption may take diverse forms depending on the situation and actors involved. The most common manifestations are those listed below (Argandoña 2003; Aldrighi 2009; Hess 2009; PricewaterhouseCoopers 2014).

- *Bribery or kickbacks* (commercial bribery): paid by employees of one company to another in order to obtain an advantage. It includes, for example, payments of kickbacks to a purchasing staff member in order to influence his or her decision, or payments to the manager of a financial institution in order to obtain a loan or secure more favourable terms on a transaction.
- *Extortion or solicitation*: when an employee of a company requests a gift or an amount in cash in return for closing a deal.

- *Conflict of interest*: when managers select a service provider because a relative has a financial stake.
- *Gifts and hospitality*: when substantial gifts, such as luxury items, tickets to events or foreign travel to tourist locations are given to persuade employees to close a deal.
- *Fees and commission*: when fees and commissions for agents and intermediaries are paid not in line with the standard practices of the industry and the geographical region also with the aim of influencing one's opinion.
- *Collusion*: for example, when labour representatives and management exchange allowances or favours in order not to represent employees' interests.
- *Trading of information*: when employees of a company receive or offer bribes in exchange for confidential information.

Such payments may be made in various forms, in cash or in kind, such as favour or service, or a promise to exert influence on another person. In some cases, an agent or an intermediary may be used to facilitate the transaction (Argandoña 2003).

2 REGULATING PRIVATE-TO-PRIVATE CORRUPTION IN THE ABSENCE OF SPECIFIC RULES

Studies conducted at the beginning of 2000 show that countries have been dealing with private-to-private corruption in different ways. In countries where specific rules on private corruption were not in place, existing offences were also used to combat this form of corruption. This include offences contained in a country's criminal and civil law (the latter allows affected parties to sue for damages), as well as self-regulation, with companies setting up their own structures to prevent and curb the problem through internal codes and inter-company or industry agreements (Argandoña 2003; Heine; Rose 2003).

Criminal law and civil law offences have been established based on three main principles. They

include abuse of trust, anti-competitive conduct and fraudulent behaviour. While these laws aim at punishing specific types of behaviour, such as actions that hinder competition, they have also been used to punish private-to-private corruption in countries where a specific and appropriate law is not yet in place (Argandoña 2003; Heine; Rose 2003).

- *Abuse of trust*: some countries have opted to adopt legislation focusing on the basis of the manager or employees' duty of loyalty or breach of fiduciary duty.

Rules based on the duty of loyalty do not necessarily aim at addressing corruption but more broadly at ensuring that attitudes and behaviour that violate employment relationships (abuse of trust) are punishable. As such, corporate directors, officers and employees are prohibited from using corporate property or assets or taking business opportunities for their own benefit. More typical corruption-related offences, such as conflict of interest and the acceptance of secret commissions, may also be prosecuted as abuse of trust in addition or instead of the underlying offence (Legal Practitioner).

Some countries have also enacted special provisions on abuse of office or position. This is the approach still used in some Balkan countries, including Serbia (abuse of responsible position) and Slovenia (abuse of position).

Nevertheless, experts have underscored that the practical challenge of "founding the fight against corruption on fiduciary duties or duties of loyalty lies in the fact that these duties are not specified in manager's and employees' employment contracts and may vary from company, industry or country to another", making it difficult to build the necessary evidence that is acceptable in court (Argandoña 2003).

- *Free competition*: some countries have criminalised private-to-private corruption and other economic crimes based on the principle of free competition and market protection.

According to experts, this approach does not require proof of breach of trust, but only of “improper benefits” that hinder free competition (Heine; Rose 2003), leaving room for interpretation regarding what constitutes improper benefits. Countries such as Czech Republic and Switzerland have adopted this approach (Heine; Rose 2003).

- *Fraudulent behaviour – company’s property and assets*: this approach is the more traditional offence of fraudulent behaviour, which seeks to punish managers and directors who fail to manage and supervise the company’s assets and property in accordance with the interest of its owners. This approach has been adopted by Spain and Switzerland (Argandoña 2003).

While there is no consensus on how to best punish private-to-private corruption, there is an understanding that the above rules require very different standards for evidence collection and culpability, making it difficult to establish a coherent framework for tackling corruption in the private sector (Hess 2009).

3 REGULATING PRIVATE-TO-PRIVATE CORRUPTION THROUGH SPECIFIC RULES

There is an understanding that countries would benefit from a specific law regulating corruption in the private sector. Firstly, it would leave less space for loopholes and increase predictability for companies operating in the country. Secondly, it may help raise awareness on the social costs of private corruption, contributing also to increased business ethics (Hess 2009).

In addition, in order to build strong corporate integrity, there should be no differentiation between corruption in the private and public sector.

However, there is no agreed upon best practice on regulation of corruption within the private sector. Also, very little is known regarding the impact of laws criminalising private-to-private corruption given the

limited number of prosecutions and convictions¹ (Hess 2009). Yet, it is expected that a more coherent and clear legal framework would make it easier to prosecute corruption in the private sector and would also function as a deterrent to employees behaving dishonestly.

Private-to-private corruption in international/regional conventions

International and regional bodies can play an important role in filling this gap and some already actively encourage countries to criminalise corrupt behaviour within the private sector through appropriate legal mechanism.

Nonetheless, the international response so far varies, and it has been stronger at the European Union level than in other regions.

International conventions

While private-to-private corruption seems to constitute a large part of corruption in the private sector, it has so far received limited attention at the international level. For instance, in spite of a fair amount of pressure from the International Chamber of Commerce, the OECD Anti-Bribery Convention still does not cover the issue (International Chamber of Commerce 2006).

The [United Nations Convention against Corruption](#) (UNCAC) calls on countries to consider criminalising bribery in the private sector, but does not include this offence as part of its binding requirements. Article 21 of the UNCAC recommends countries to criminalise the promise, offer or giving of an “undue advantage” to a private person of any capacity in order that that person should act or refrain from acting in breach of his or her duties. A similar provision criminalising the demand side of corruption should also be in place.

¹ *Enforcement of regulation on private sector corruption is rather difficult. Companies are often reluctant to pursue actions against commercial bribery publicly as they are concerned about the negative impact such actions may have on their reputation (Hess 2009). Moreover, evidence collection in such cases is also a challenge. For instance, it is fairly complex to prove that a company lost a contract because it refused to pay a kickback. Therefore, the lack of evidence combined with high reputational risks makes such an offence unlikely to be prosecuted.*

In addition, Article 22 of the convention recommends that countries criminalise the embezzlement of property in the private sector. According to the article, any person who directs or works, in any capacity, in a private sector entity who embezzles any property, private funds or securities, or any other thing of value entrusted to him or her by virtue of his or her position” should be punished.

Regional conventions and decisions

At the regional level, however, the requirement to criminalise private-to-private corruption is mandatory to signatories to the [Council of Europe’s Criminal Law Convention on Corruption](#). According to the convention, “each Party shall adopt such legislative or other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally in the course of business activity, the promising, offering or giving, directly or indirectly, of any undue advantage to any persons who direct or work for, in any capacity, private sector entities, for themselves or for anyone else, for them to act, or refrain from acting, in breach of their duties.”

The European Union has also criminalised private-to-private corruption through the [Council Framework Decision of 2003 on combating corruption in the private sector](#). According to the decision, active and passive corruption in the private sector must be considered a criminal offence in all member states.

Issues to be considered when regulating private-to-private corruption

Based on the recommendations from international and regional bodies, there are several issues that should be addressed to make sure that corrupt behaviour within the private sector is prevented, detected and punished.

- *Comprehensive list of corruption acts performed:* two different offences covering active and passive corruption in the course of business activities should be adopted. The acts of “promising, offering or giving” as well as “requesting or receiving or accepting the promise of” should be included.

- *Broad scope of perpetrators:* all individuals who direct manage or work for the private sector in any capacity should be covered. The above mentioned acts when committed through intermediaries (such as lawyers or consultants) should also be covered. Private-to-private corruption rules in many countries focus only on individuals in senior positions (directors, managers) and do not cover all staff. Moreover, countries have also failed to include intermediaries in their provisions.
- *Clear purpose:* the act or omission should result in an undue advantage of any kind for that person or for a third party. Many countries have laws with a very limited scope. For instance, the majority fail to cover third-party advantage and others have limited the understanding of “undue advantage of any kind” to cover only behaviour resulting in unfair competition.
- *Protection of trust:* the criminalisation of private corruption also seeks to protect trust and loyalty within the private sector by including a general obligation not to act to the detriment of the interests of the company (in breach of a person’s duties). The majority of countries with laws on private-to-private corruption have implemented this requirement. Some countries however have not included breach of duty among the requirements but have distinct laws regulating abuse of office that could also cover acts committed in breach of duty. This is the case for instance in Slovenia (Council of Europe 2007).
- *Proportionate, effective and dissuasive penalties:* passive and active corruption in the private sector should be punishable with dissuasive penalties such as imprisonment.
- *Liability of legal persons:* the legal framework should also cover the liability of legal entities in cases when corruption is committed for their benefit by an individual acting on behalf of the company, without excluding the possibility to prosecute the natural person involved.

4 PRIVATE-TO-PRIVATE CORRUPTION: COUNTRY EXAMPLES

In recent years, regulations have evolved from the criminalisation of bribery of public officials to establishing a specific legal framework prohibiting companies from bribing any individuals or other companies.² Several countries in Europe have passed new/amended laws to comply with the Council of Europe Convention as well as the European Union Council Decision of 2003.

Nevertheless, according to assessments conducted by the Council of Europe Group of State against Corruption (GRECO) and by the European Commission, the level of implementation of private corruption provisions varies significantly across the region and is overall considered very poor. As of 2011, only nine countries had correctly (and fully) transposed all elements of the offence as required by the European Council Decision 2003, including Belgium, Bulgaria, Czech Republic, France, Ireland, Cyprus, Portugal, Finland, and the United Kingdom (European Commission 2011).

More recently, other countries have reformed their legal framework and are now considered fully compliant. These include Croatia and Italy, countries that are analysed in more detail below. This research note also examines the case of the United Kingdom where new provisions in the Bribery Act have led to the prosecution of individuals involved in private sector corruption. Finally, the case of Slovenia is discussed as the current legal framework in this country is of relevance to the enquirer.

Croatia

Croatia passed a new law criminalising bribery in the private sector in 2004, to comply with the Council of Europe Criminal Convention (Council of Europe

² In many post-Soviet countries, as private property was not recognised, bribery offences did not differentiate between public and private officials. They therefore could be understood as covering both public and private sector officials. With the privatisation of public services and whole sectors of the economy, there is a growing need to make clear whether such bribery provisions also concern individuals working in the private sector. Several countries have thus passed separate laws criminalising private sector corruption, yet some countries have opted for covering private corruption through their broad anti-bribery offences. This is the case in Azerbaijan and Macedonia, for example (OECD 2013).

2009). As a result, giving or accepting a bribe in business activities (Art. 253 and 252 Criminal Act) in order to favour the briber to the detriment of an entity he represents or works for is a criminal offence.

However, the law failed to cover the full range of persons working for companies, focusing only on individuals in managerial positions. The law also failed to cover in an unambiguous manner all instances implying a breach of duty of the staff as well as instances where a third party received the advantage (Council of Europe 2009).

Amendments to the criminal code entered into force in 2013, addressing some of these issues. According to the new law, "whoever in economic business operations offers, promises or confers a bribe to another person, intended to this or other person, as a counter favour for concluding or executing business or providing services or whoever intermediates in so bribing, shall be punished by imprisonment not exceeding three years" (Council of Europe 2013).

The law also establishes some defences. The perpetrator of the offences of "giving a bribe in business activities" can be released from punishment if he can prove that the bribe was given upon request of a responsible person such as a higher level authorising manager and if he reported the offence before it was discovered (CMS 2013).

Italy

In 2013, Italy enacted a new anti-corruption law that introduced a new offence of private corruption.

Prior to the enactment of the anti-corruption law, the Italian civil code criminalised offences that caused damage to the company and were performed by managers, directors, executives responsible for the preparation of the corporate accounting documents, statutory auditors and liquidators who "following the giving or promise of a benefit, act, or omit to act, in breach of the duties relating to their office" (Rolla 2013).

The offence however did not cover undue advantage cases committed by lower level staff, even if those occupied functions at high risk of corruption. Moreover, the offence was not prosecutable *ex officio*, but only on request by the affected party.

The new law close some of these loopholes. The offence has been amended to also cover individuals who do not have managerial roles. In addition, specific relevance is now given not only to the breach of duties relating to the offenders' office but also to the violation of loyalty duties. Furthermore, the new law allows for the *ex officio* prosecution in cases where the offence has caused a distortion in competition (Rolla 2013).

Finally, the new offence of private corruption has been included in the list of crimes which may entail corporate liability. Companies can be liable, if they have not adopted adequate preventive measures in their corporate compliance structures, for the crime of corruption between private persons.

It remains to be seen how the law will be implemented in practice. As of 2013, only one case involving private corruption between a former executive of a leasing "bank and an employee of a steel company had been adjudicated (Rolla 2013).

Slovenia

The Slovenian penal code contains provisions criminalising both active and passive bribery in the private sector. The law establishes that any person performing a business activity or whoever in the course of a business activity, regardless of the person's position in the business, offers or accepts a bribe in the conclusion of a business deal or the performance of a service shall be punished (Council of Europe 2007).

The law, however, does not mention that the bribery in the private sector should be committed in breach of duty from the part of the person performing the act, as required by the Council of Europe Convention and the Council of the European Union decision. As such, the prosecution of corruption in the private sector may take place regardless of whether the damage to the company was a result of a breach of duty or not.

During GRECO's evaluation, Slovenian authorities underscored that the fact that the private corruption offence does not include breach of duty among its material components should not be considered a flaw, as the Slovenian Penal Code has a distinct criminal offence of abuse of office in business activity

(Article 244),³ which could also encompass cases of breach of duty related to corruption. The offence of abuse of position does not specifically target bribes but is concerned with breach of trust in general which may cover bribery.

Until now, it seems that the enforcement of private corruption offences has been very weak. There have been, however, a number of convictions concerning the criminal offence of abuse of position in business activity, but it is not clear what the underlying offences are (e.g. embezzlement, acceptance of illegal fees, conflicts of interest, misappropriation of company's properties). According to the data submitted by the Statistical Office of the Republic of Slovenia, between 2004 and 2006, there were 58 convictions in relation to the offence of abuse of position (Council of Europe 2007). In 2013, 29 cases of abuse of position or trust in the economic activity were denounced, but there were no convictions (Statistical Office of the Republic of Slovenia 2013).

United Kingdom

The UK Bribery Act includes provisions criminalising bribery within the private sector. There are two offences covering active and passive corruption in the private sector. Within this framework, active bribery is understood to be the act of offering or giving a financial or other advantage to a person to induce them, or another, improperly to perform a business activity, or as a reward for the same.

Passive private corruption is understood as the act of (i) requesting or accepting an advantage intending personally or through another, improperly to perform a business activity, or as a reward for the same; (ii) requesting or accepting such advantage when the request or acceptance would itself constitute an improper performance of a business activity; or (iii) improperly performing such a function or activity in anticipation of receiving such an advantage.

³Article 244 states: "Whoever, in the performance of an economic activity abuses his position or acts beyond the limits of the rights inherent in his position or fails to perform any of his duties with a view to procuring an unlawful property benefit for himself or for a third person or to causing damage to the property of another, whereby such conduct does not constitute any other criminal offence, shall be sentenced to imprisonment of not more than five years."

According to the Serious Fraud Office's prosecution guidance, the government expects that over time the act will contribute to international and national efforts towards ensuring a shift away from a culture of bribery that may persist in certain sectors and markets and help ensure high ethical standards in all business transactions (Ministry of Justice 2011).

However, the number of prosecutions due to private corruption is still limited. In 2012, four individuals were convicted of conspiring to corruptly obtain payments by passing on confidential information about a series of high-value engineering projects in the oil and gas industry (TRACE Blog 2012; Serious Fraud Office 2012).

5 REFERENCES

- Aldrichi, D. 2009. *Corruption inside the enterprise: corporate fraud and conflicts of interest in Global Corruption Report Corruption and the Private Sector.*, Transparency International.
- Argandoña, A. 2003. *Private-to-Private Corruption.* IESE Working Paper.
<http://www.iese.edu/research/pdfs/DI-0531-E.pdf>
- CMS. 2013. *CMS Guide to Anti-Bribery and Corruption Laws.*
<http://www.cmslegal.com/Hubbard.FileSystem/files/Publication/867d81f9-25b2-49d3-9991-04a3a5e862d5/Presentation/PublicationAttachment/53cb5525-344f-4b8f-9bab-081aeacadd93/Guide-to-Anti-bribery-and-corruption-laws-final.pdf>
- Council of Europe. 2007. *Third Evaluation Round Slovenia.*
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2007\)1_Slovenia_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2007)1_Slovenia_One_EN.pdf)
- Council of Europe. 2009. *Third Evaluation Round Croatia.*
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2009\)1_Croatia_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2009)1_Croatia_One_EN.pdf)
- Council of Europe. 2013. *Third Evaluation Round Croatia.*
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)28_Second_Croatia_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)28_Second_Croatia_EN.pdf)
- European Commission. 2011. Report from the Commission to the European Parliament and the Council based on Article 9 of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector.
http://ec.europa.eu/competition/international/multilateral/2014_feb_fighting_corruption_en.pdf
- Heine, G., Rose, T. 2003. *Private Commercial Bribery: A comparison of national and supranational legal structures.* Max-Planck Institute.
- Hess, D. 2009. *Corruption in the value chain: private-to-private corruption in Global Corruption Report Corruption and the Private Sector.* Transparency International.
- International Chamber of Commerce. *Private-to-Private Bribery*
<http://www.iccwbo.org/policy/anticorruption/id873/index.html>
- International Chamber of Commerce. 2006. *Recommendations by the International Chamber of Commerce (ICC) on further provisions to be adopted to prevent and prohibit Private-to-Private Corruption*
<http://www.iccwbo.org/uploadedFiles/ICC/policy/anticorruption/pages/Memorandum%20to%20OECD%20working%20group.pdf>
- Legal Practitioner, no year. An Introduction to Corporate Regulation and Standardization.
http://legal.practitioner.com/regulation/standards_9_3_6.htm
- Ministry of Justice. 2011. *The Bribery Act 2010: guidance.*
<http://www.sfo.gov.uk/media/167348/bribery%20act%20joint%20prosecution%20guidance.pdf>
- OECD. 2009. *Private-to-Private Corruption: the last piece of the puzzle.*
http://www.oecd-ilibrary.org/fr/governance/strategies-for-business-government-and-civil-society-to-fight-corruption-in-asia-and-the-pacific/private-to-private-corruption-the-last-piece-of-the-puzzle_9789264077010-9-en;jsessionid=6jtadekt5qcrp.delta
- OECD. 2013. *Anti-Corruption Reforms in Eastern Europe and Central Asia: Progress and challenges 2009-2013.*
http://www.keepeek.com/Digital-Asset-Management/oecd/governance/anti-corruption-reforms-in-eastern-europe-and-central-asia_9789264201903-en#page4
- PricewaterhouseCoopers. 2014. *Economic Crime Survey.*
<http://www.pwc.com/gx/en/economic-crime-survey/>
- Rolla, F. 2013. Private bribery and illicit traffic of influence in Italy: the new anti-corruption legislation
<http://uk.practicallaw.com/4-548-1105#a156130>
- Statistical Office of the Republic of Slovenia. 2013. *Statistics on abuse of office position.*
<http://www.stat.si/eng/>
- Serious Fraud Office, 2012. Four guilty in £70 million contracts corruption case.
<http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2012/four-guilty-in-70-million-contracts-corruption-case.aspx>
- Transparency International. 2011. *Bribe Payers Index.*
<http://bpi.transparency.org/bpi2011/>
- TRACE blog. 2012. *Commercial Bribery: No Government Officials in sight.*

<http://traceblog.org/2012/03/14/commercial-bribery-no-government-officials-in-sight/>

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