

Seminar on International Cooperation in Civil and Administrative Proceedings relating to Corruption in the G20

(Seminário: cooperação internacional em processos civis e administrativos relacionados à corrupção - no âmbito do G20)

Brasília, 10 April 2017

Organizado pela OCDE e pelos co-presidentes do Grupo de Trabalho Anticorrupção do G20 - Brasil e Alemanha, o seminário será uma oportunidade para que os países do G20 e experts convidados compartilhem experiências, boas práticas e desafios relacionados à cooperação jurídica internacional para a responsabilização de empresas por corrupção e para a recuperação de ativos.

Information:

- **Draft Agenda**

8:30-9:00 – Registration (Credenciamento)

9:00-9:45 – Welcome from co-organizers and brief introduction on the scope of the Seminar: civil and administrative liability of legal persons and international cooperation for this end. (Boas-vindas dos co-organizadores e breve introdução sobre o escopo do Seminário)

Each State can exercise its authority to hold legal persons liable for corruption through three forms of legal liability: criminal, civil and/or administrative. Even though a majority of countries have historically chosen to establish criminal liability of legal persons for corruption, civil and administrative liability regimes may also be an efficient way of holding legal persons liable for corruption. The ability to effectively provide and receive mutual legal assistance plays an important role in a country's ability to effectively hold legal persons liable for corruption.

Brazil: Torquato Jardim, Minister of CGU (TBC)

Germany: Markus Busch, G20 co-chair

OECD: Nicola Bonucci, Director of the Directorate for Legal Affairs

9:45 -10:45 – Civil and administrative liability of legal persons for corruption: comparative legal frameworks (Responsabilização civil e administrativa de pessoas jurídicas por corrupção: direito comparado)

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The United Nations Convention against Corruption (UNCAC) provides that liability of legal persons may be pursued through criminal, civil or administrative procedures.¹ Similarly, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) establishes that States shall apply civil and/or administrative sanctions upon legal persons² whenever criminal liability is not applicable³.

This panel will present an overview of the legal landscape for civil and administrative legal person liability, as well as relevant national experiences in developing, implementing and applying these types of corporate liability regimes.

Moderator: OECD: Nicola Bonucci, Director of the Directorate for Legal Affairs
USA (TBC)

Italy: Alfredo Durante Mangoni, Coordinator for Anticorruption, Ministry of Foreign Affairs and International Cooperation

Germany: Markus Busch, Head of Division, Ministry of Justice and Consumer Protection

Colombia: Francisco Reyes, Superintendent of Companies

10:45 -11:15 – Coffee Break

11:15-12:30 – *The Petrobras Case - application of civil and administrative liability of legal persons (Caso Petrobras - aplicação da responsabilização civil e administrativa das pessoas jurídicas)*

The Petrobras Case entails a remarkable example of civil and administrative proceedings initiated to seek liability of major Brazilian companies. This panel will further explore both civil and administrative perspectives of this case, as well as its impacts on PETROBRAS' policies of corporate governance.

Moderator: Germany: Markus Busch, Head of Division, Ministry of Justice and Consumer Protection

Brazil: Antonio Carlos Nóbrega, Head of the Disciplinary Board, CGU

Brazil: Davi Bressler, Attorney General's Office

Petrobras' compliance officer: João Elek, diretor of Governance, Risk and Compliance

12:30-14:00 – Lunch Break

14.00-14:15 – *Discussion of draft G20 'Guide on Requesting International Cooperation in Civil and Administrative Proceedings Related to Corruption' (Apresentação do guia produzido no âmbito do G20)*

¹ United Nations Convention Against Corruption (UNCAC), article 26(2).

² OECD Anti-Bribery Convention, commentaries on article 3(2), adopted by the Negotiating Conference.

³ OECD Anti-Bribery Convention, article 3(4).

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The Guide aims at helping countries to request assistance in an appropriate manner and through proper channels, by gathering practical information on how G20 members can provide legal cooperation for civil and administrative proceedings. It represents significant progress in the efforts to promote and disseminate the use of non-criminal proceedings in the investigation and punishment of corruption.

Brazil: Renato Capanema, director of Integrity, Agreements and International Cooperation, CGU

14:15-15:30 – *Seeking cooperation: comparative legal frameworks on legal cooperation for non-criminal matters and concrete cases (Cooperação Internacional: marcos legais e casos concretos)*

Bearing in mind UNCAC and OECD Anti-Bribery Convention provisions, States may want to provide each other with the widest possible assistance for proceedings in civil and administrative matters relating to corruption offences. To that end, it is extremely important to promote mutual understanding by sharing information on national frameworks for international cooperation. This panel is intended to foster this debate by giving attendants an opportunity to improve their knowledge of how different systems address the main aspects related to international cooperation, including the extent of the cooperation that may be provided in non-criminal matters.

Moderator: UNODC: Dimitri Vlassis, Chief of the Corruption and Economic Crime Branch

USA (TBC)

Switzerland (TBC)

Colombia: Francisco Reyes, Superintendent of Companies

Brazil (TBC)

15:30-16:00 – *Coffee Break*

16:00-16:45 – *International cooperation for the recovery of assets: exploring non-criminal tools (Cooperação Internacional para a recuperação de ativos: instrumentos não criminais)*

There are four main ways through which States can pursue asset recovery: criminal prosecution and confiscation, non-conviction-based confiscation, administrative confiscation, and private lawsuits based on civil remedies. In any of these cases, States seeking to recover stolen assets may need international cooperation.

This panel will explore the possibilities to obtain recovery of assets from abroad, including the possibility of a State to act as a private person in foreign legal actions.

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Moderator: StAR: Jean Pierre Brun
UK (TBC)

France

Brazil: Homero Andretta Junior, General Coordinator of Patrimony and Environment, Attorney General's Office

16:45-17:00 – Closing session (*Considerações finais*)

Speakers may highlight key points for enhancing cooperation for civil and administrative proceedings relating to the liability of legal persons for corruption and G20 members may point out their impressions of the event.

OECD: Nicola Bonucci, Director of the Directorate for Legal Affairs

Germany: Markus Busch, G20 co-chair

Brazil: Claudia Taya, Secretary of Transparency and Corruption Prevention, CGU