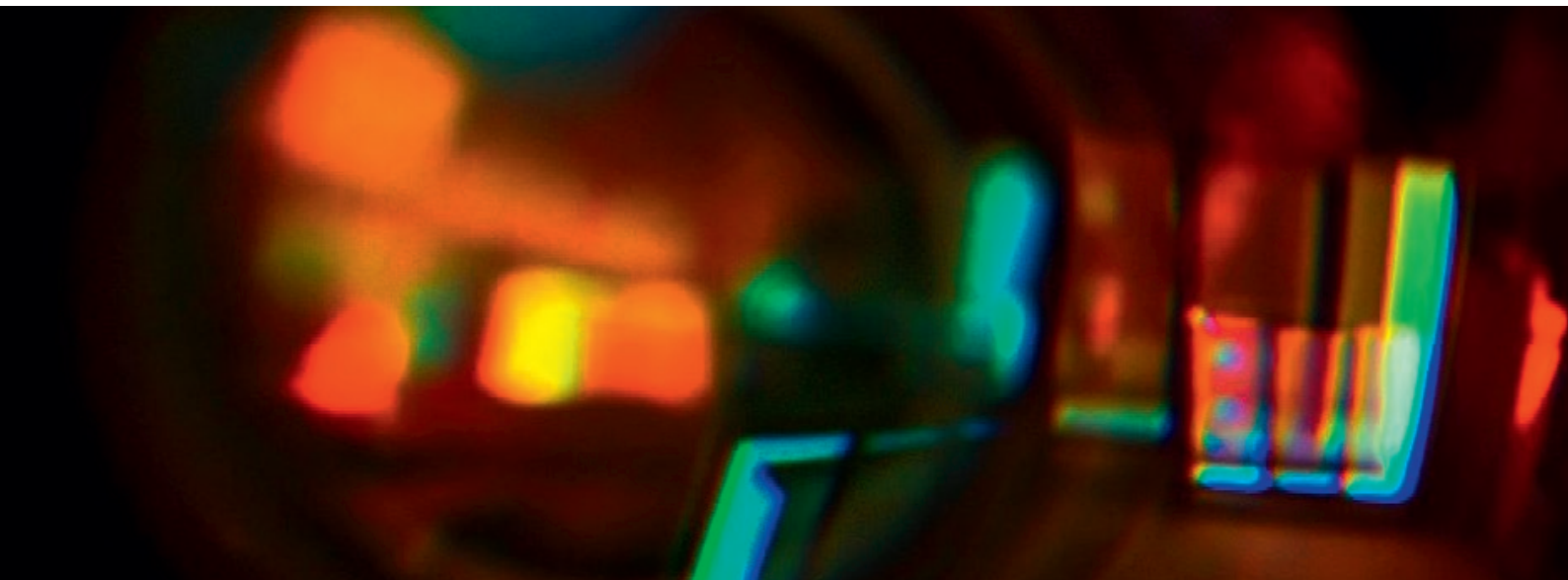


CMS Guide to Anti-Bribery and Corruption Laws



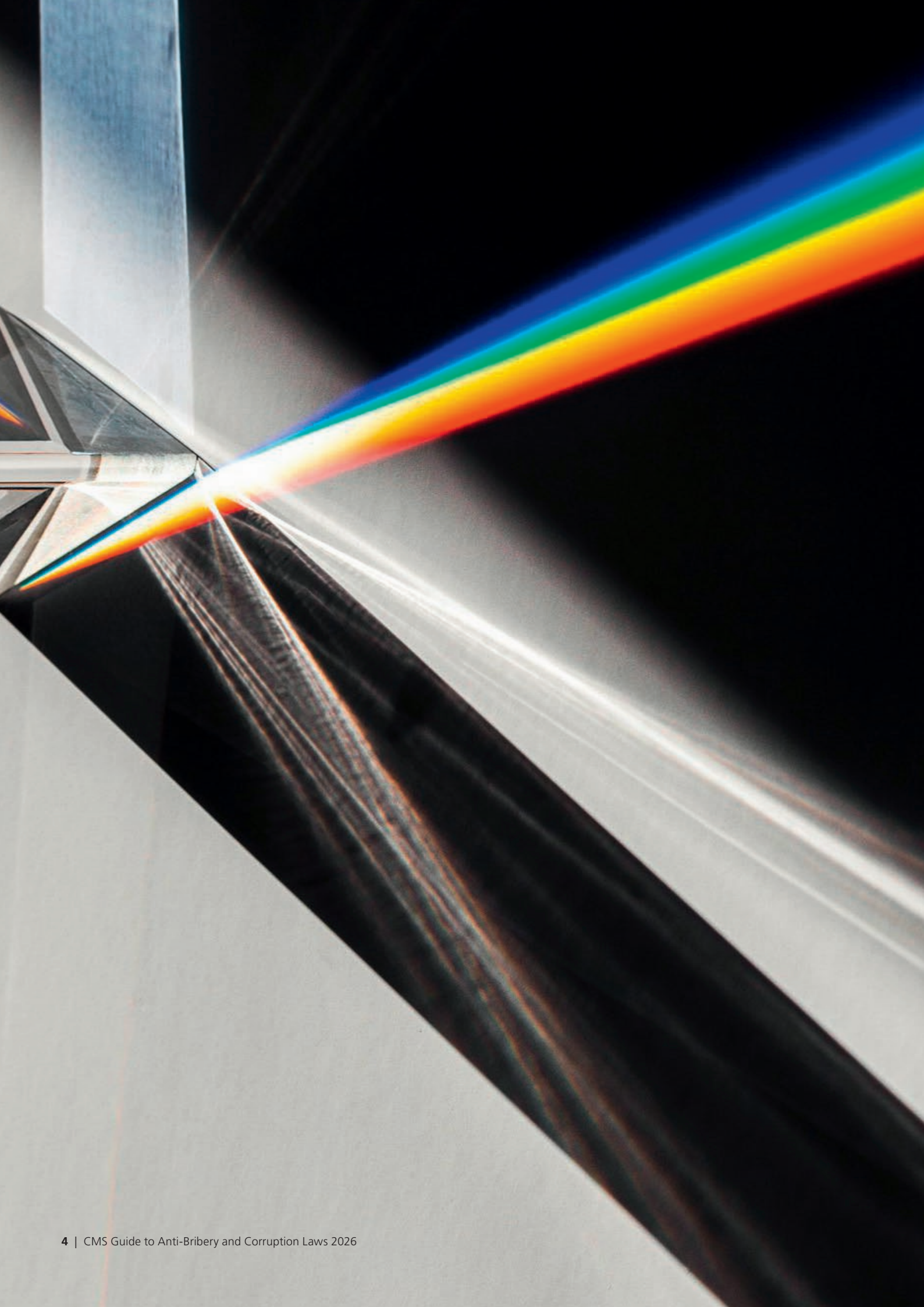
How can we help

<i>Bribery law</i>	Our lawyers advise on all aspects of bribery law and related risks issues, including money laundering and fraud. We have specialist, in-depth experience of advising on and conducting complex internal and external investigations and in dealing with regulators and prosecutors where problems are identified, across a range of industries. We assist clients in developing procedures to meet their legal and regulatory obligations, and can help implement improvements to systems in any areas where risks have been identified. We work with our clients to understand and manage risk, protect reputation, and put robust procedures in place.
<i>Internal and external investigations</i>	As our team regularly advises clients in connection with internal and external investigations, they see first hand where client processes have failed or fallen down, or where gaps in those processes have enabled rogue staff and others to exploit them for improper ends. This experience informs our advice to clients in developing robust anti-bribery controls and procedures.
<i>Training programmes and seminars</i>	We also assist clients in developing and delivering training programmes and seminars, including bespoke training programmes to form part of a corporate compliance model. This also includes developing e-learning training solutions for global clients with large international workforces.
<i>Dispute resolution service</i>	CMS is one of the largest providers of legal services across the globe operating in 50 countries from 92 offices worldwide across Europe, Middle East, Asia, the Americas and Africa, and is a leader in all areas of dispute resolution. Whatever the nature of your dispute, across the globe, our expertise and experience can help you resolve it successfully.



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Introduction

We are delighted to present the 8th edition of the CMS Guide to Anti-Bribery and Corruption Laws. The Guide is now available in both offline PDF format and online on our website.

The purpose of the Guide is to **provide an overview of anti-bribery and corruption laws in 50 countries worldwide**. We are extremely fortunate and grateful that so many national experts have provided such clear and detailed content on the bribery laws of each jurisdiction.

Since the last edition in 2024, many jurisdictions, particularly across Europe and South America, have introduced substantive changes to their anti-corruption laws. The vast majority of these have widened the scope of offences or introduced stronger penalties for breach. We expect this trend to continue over the next few years following the introduction of the EU Anti-Corruption Directive (Directive 2026/1021), which will seek to further harmonise corruption offences and penalties across EU Member States, including strengthening corporate liability and penalties, as well as enhanced cross-border cooperation.

As with previous editions, **this Guide provides answers to the following key questions** for each of the 50 countries:

- what are the offences?
- who can be liable and when?
- what are the penalties?
- what are the defences?

Of course, the answers will be generic – nothing in this publication amounts to legal advice. However the hope is that this information will provide users with an initial starting point when considering particular national regimes, as well as points of contact should specific advice be needed.

We wish to thank all of those who have contributed to this Guide, the details for whom can be found on the final pages of the Guide. We would particularly like to thank the very generous contributions from the following leading firms:

- **Assegaf Hamzah & Partners**, for contributing the chapter on Indonesia.
- **Cabinet d'avocats Maitre Aouam Fatiha**, for contributing the chapter on Algeria.
- **Christopher & Lee Ong**, for contributing the chapter on Malaysia.
- **Corrs Chambers Westgarth**, for contributing the chapter on Australia.
- **MHR | Martínez de Hoz & Rueda**, for contributing the chapter on Argentina.
- **Rajah & Tann Asia**, for contributing the chapter on Thailand.
- **Udo Udoma & Belo-Osagie**, for contributing the chapter on Nigeria.

The contact details of all our key contributors can be found at the back of the PDF version of the Guide or online within each country chapter here. Please do not hesitate to contact us with any questions or feedback, for which we are always grateful.



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Algeria

Sources of law		Law n°06-01 of 02/20/2006, relating to the prevention and fight against corruption, supplemented by Ordinance n°10-05 of 08/26/2010, and modified and supplemented by the Law n°11-15 of 02/08/2011.
Offence	Corruption means all offences provided for in Title IV of the said Law, especially from Article 25 to Article 47, which are, respectively and by way of example: — bribery of public officials; — unjustified privileges in the field of public procurement; — bribery in the field of public procurement; — bribery of foreign public officials and employees of international organisations; — misappropriation of property by a public official and its illegal use.	
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓	
Would facilitation payments be caught?	If it is possible regarding the circumstances of each legal case.	
Would corporate hospitality be caught?	This depends on several factors determining and evaluating the facts in relation to each situation. For example, the legal nature of the company, private or public, the concerned market or project, the identity and the job/administrative position of the person supported, etc.	
Is there any <i>de minimis</i> ?	X	
Does the bribe have to be monetary?	X	
Public officials		
Does the offence only apply to bribing public officials?	The private sector is also concerned by the legal provisions relating to the fight against corruption.	
Acts performed outside Algeria		
Can bribery performed outside Algeria be caught?	✓	
Does the act also need to be illegal in the foreign country of performance?	X	
Who can be liable		
Algerian national?	✓	
Algerian company?	X	
Algerian partnership (including limited liability partnership)?	✓	
Director of Algerian company?	✓	
Algerian company if the bribe is committed abroad by its foreign subsidiary?	✓	
Foreign subsidiary of a Algerian company if the bribe is committed abroad?	✓	
Foreign national/company/partnership if bribe is committed in Algeria?	✓	
Foreign national domiciled or “ordinarily resident” in Algeria if bribe is committed outside Algeria?	X	
Foreign company/partnership if bribe is committed abroad?	✓	

Algeria (continued)

Penalties	
Penalties include:	— Corruption of public officials: Are punishable by imprisonment for two to ten years and a fine of DA 200,000 to DA 1m; — Unjustified advantages in public procurement: Are punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Corruption in public procurement: Is punishable by imprisonment of 10 to 20 years and a fine of DA 1m to DA 2m; — Corruption of foreign public officials and officials of public international organisations: Are punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Misappropriation or illicit use of property by a public official: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Embezzlement: Is guilty of embezzlement and punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Illegal exemptions and franchises: Is punishable by imprisonment of five to ten years and a fine of DA 500,000 to DA 1m; — Influence peddling: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Abuse of functions: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Of the conflict of interest: Breach by a public official of the provisions of Article 9 of this law is punishable by imprisonment of six months to two years and a fine of DA 50,000 to DA 200,000; — Illegal taking of interests: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Default or false declaration of assets: Is punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — Illicit enrichment: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Gifts: Is punishable by imprisonment of six months to two years and a fine of DA 50,000 to DA 200,000; — Hidden financing of political parties: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Corruption in the private sector: Are punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — The misappropriation of goods in the private sector: Is punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — Laundering of the proceeds of crime: The laundering of the proceeds of crimes provided for by this law is punishable by the same penalties provided for by the legislation in force in the matter; — Concealment: Is punishable by imprisonment of two to ten years and a fine of DA 200,000 to DA 1m; — Obstruction of the proper functioning of justice: Are punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — Protection of witnesses, experts, whistleblowers and victims: Is punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — Abusive denunciation: Is punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000; — Non-reporting of offenses: Is punishable by imprisonment of six months to five years and a fine of DA 50,000 to DA 500,000.
Defences	
Are there any defences available?	In any case of presumption of corruption, and this is a major constitutional principle, any person prosecuted by the competent authorities is considered innocent of the facts with which he is accused as long as he has not been declared guilty by the competent court. On the other hand, the Algerian authorities are continuing their efforts in the prevention and fight against corruption through several measures and the adoption of a multifaceted strategy in the fight against corruption, a strategy based on numerous axes relating to the moralisation of public life and the consecration of transparency and integrity in the management of public funds. To this end, the Central Office for the Repression of Corruption (O.C.R.C) was created to play the role of a central operational judicial police service specialising in the fight against corruption. It is responsible for recording offenses and searching for the perpetrators. The office reports to the Minister of Justice, and it has autonomy of action and management. The headquarters of the office is in Algiers.





Kenya

Source of law	Bribery Act (Act No. 47 of 2016)	Anti-Corruption and Economic Crimes Act (Act No. 3 of 2003) (ACECA)
Offence	- Active offence of offering, promising, or actual giving of an advantage to another for the improper performance of a function or activity (s5). - Passive offence of requesting, agreeing to receive or receiving an advantage (s6). - Corporate offences - A private entity's failure to prevent bribery (s10). - A senior official's consent or connivance to a private entity's failure to prevent bribery (s9(2)). - Duty to report: any person who is aware or suspicious of the commission of an offence under the Bribery Act is under an obligation to report it. Failure to report is an offence (s14(2)).	- Public officer offence of giving or receiving secret inducements for advice or information (s40). - Conflict of interest, an agent's failure to disclose a conflict of interest while continuing to participate in a transaction (s42). - Improper benefits to trustees for their appointment or for joining or assisting in such appointment (s43). - Bid rigging which interferes with public procurement (s44). - Engaging in economic crime with regard to public property or revenue, such as mismanagement or misappropriation (s45). - Abuse of office to confer a benefit on oneself or another (s46).
The bribe		
Is there a presumption that any advantage was given/received corruptly?		✓
Would facilitation payments be caught?		✓ ¹
Would corporate hospitality be caught?		✓ ²
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X ³
Public officials		
Does the offence only apply to bribing public officials?		X ⁴
Acts performed outside Kenya		
Can bribery performed outside Kenya be caught?		✓ (s15 of the Bribery Act)
Does the act also need to be illegal in the foreign country of performance?		✓ ⁵
Who can be liable		
Kenyan national?		✓
Kenyan company?		✓
Kenyan partnership (including limited liability partnership)?		✓
Director of Kenyan company?		✓ ⁶
Kenyan company if the bribe is committed abroad by its foreign subsidiary?		✓ ⁷
Foreign subsidiary of a Kenyan company if the bribe is committed abroad?		✓ ⁸
Foreign national/company/partnership if the bribe is committed in Kenya?		✓
Foreign national domiciled or "ordinarily resident" in Kenya if the bribe is committed outside Kenya?		X (only Kenyan citizens – s15 Bribery Act)
Foreign company/partnership if the bribe is committed abroad?		X

Kenya (continued)

Penalties	Bribery Act	ACECA
Penalties include:	- Individuals found guilty of offences under s5, 6 or 13: - Imprisonment for a term not exceeding 10 years; or a fine not exceeding USD 50,000; or both; and - A mandatory fine if the offence led to a person gaining a quantifiable benefit or another incurred a quantifiable loss. The fine shall be 5 times the amount of the gain or loss and 5 times the sum of the gain and loss where both occurred. - Any other person – committing an offence under s5, 6 or 15 – a fine not exceeding USD 50,000. - A person or private entity if guilty under s10, a fine that shall be both punitive and deterrent. - The Court may order the person to pay back the amount or value of the advantage to the Government. - Confiscation of any property acquired as a result of the advantage. - State or public officers can be barred from holding public office. - Directors of a company/partners of a firm can be barred from holding such position in Kenya for not more than 10 years. - Legal persons can be disqualified from transacting business with the national or county Government for a maximum 10 years. - There is also a general penalty where one is not provided of imprisonment for a term not exceeding 10 years; or a fine not exceeding USD 50,000; or both.	For all offences: - A fine not exceeding the equivalent of USD 10,000; or imprisonment for a period not exceeding 1 year, or both; and - A mandatory fine if the offence led to a person gaining a quantifiable benefit or another incurred a quantifiable loss. The fine shall be 2 times the amount of the gain or loss and 2 times the sum of the gain and loss where both occurred.
Defences		
Are there any defences available?		✓ ⁹

¹ S2 of the Bribery Act defines an “advantage” to include “any facilitation payment made to expedite or secure performance by another person”.

² If intended to affect the person’s ability to act in good faith, impartially and/or in a position of trust.

³ S2 of the ACECA defines a “benefit” to include “any gift, loan, fee, reward, appointment, service, favour, forbearance, promise or other consideration or advantage”.

S2 of the Bribery Act provides a wide meaning of the word “advantage” to include among other things, any office, employment or contract; any service or favour including protection from any penalty or disability incurred and any facilitation payment.

⁴ The ACECA targets public officers, while the Bribery Act targets all persons. However, prosecutors will often charge public officials under the Bribery Act as read with ACECA.

⁵ If the suspect or accused is a foreign public official. In this case, it must be proven that the official is not permitted or required to be influenced under the laws applicable to him or her (s8 of the Bribery Act).

⁶ For instance, where a company fails to prevent corruption with the consent or connivance of a director.

⁷ S15 of the Bribery Act includes liability for acts committed by associated persons. An associated person is defined under s11 of the Bribery Act as a person acting on behalf of another. According to s11(2), this would be determined on a case by case basis, to establish whether the subsidiary was acting on behalf of the parent company.

⁸ Given that the subsidiary itself is a “private entity” as defined by s2 of the Bribery Act.

⁹ Proof of procedures and policies to prevent corruption.



Morocco

Source of law		
Moroccan Criminal Code (Chapter III, Section IV, Articles 248 et seq); Moroccan Criminal Procedure Code (Books VII, Title II, Articles 707 et seq.).		
Offence	Passive Bribery (Article 248 to 250 & 252 to 256-1 of the Moroccan Criminal Code) Public Sector (Articles 248 & 254) - Any judge, public or elected official who solicits or agrees, offers or promises, solicits or receives gifts, donations or other benefits, to perform or refrain from performing an act in the course of his or her duties that is not subject to remuneration, or an act that has been facilitated by his or her duties, notwithstanding that it is not within his or her personal remit; - Any arbitrator or expert appointed either by the administrative or judicial authority, or by the parties, who solicits or accepts offers or promises, or solicits or receives donations, gifts or other advantages, in order to render a favourable or unfavourable decision or opinion; - Any judge who rules based on a favour granted to a party, or out of enmity against the said party. Private Sector (Article 249) Any employee who, either directly or through an intermediary, and without the knowledge or consent of his or her employer, solicits or agrees to offers or promises, solicits or receives gifts, presents, commissions, discounts or bonuses in order to do or refrain from doing an act in the course of his or her employment, or an act which, despite not being within the scope of his or her personal duties, is, or may have been, facilitated by his or her position. Influence Peddling (Article 250) Any person who solicits or agrees to offers or promises, solicits or receives gifts, presents or other advantages, in order to procure or attempting to procure decorations, medals, distinctions or awards, positions or functions or any favors granted by the public authorities, procurement contracts, or other benefits resulting from deals made with the public authorities or with an administrative body, or more generally a favorable ruling by such authorities or administrative bodies, and thereby misuses actual or alleged influence.	Active Bribery (Article 251 of the Moroccan Criminal Code) Anyone who, in order to obtain either the performance or abstention from an act, or favors or advantages from (i) a judge, public or elected official, arbitrator or expert appointed by the administrative or judicial authority, court member, or (ii) an employee, has recourse to promises, offers, donations, gifts or other advantages, or has given in to solicitations tending to bribery, regardless of whether or not he or she has taken the initiative, and whether or not the bribery has produced the desired effect.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Morocco		
Can bribery performed outside Morocco be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Moroccan national?	✓	✓
Moroccan company?	X ¹	X ¹
Moroccan partnership (including limited liability partnership)?	X	X
Director of Moroccan company?	✓	✓
Moroccan company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a Moroccan company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Morocco?	✓ (Foreign national) X (Foreign company) X (Foreign partnership)	✓ (Foreign national) X (Foreign company) X (Foreign partnership)
Foreign national domiciled or "ordinarily resident" in Morocco if bribe is committed outside Morocco?	X	X
Foreign company/partnership if bribe is committed abroad?	X	X

Morocco (continued)

Penalties		
Penalties include:	Penalties applied to the person being bribed: (i) Official being bribed: - Two to five years' imprisonment; and - Fine of MAD 2,000 to 50,000; - Should the amount of the bribe exceed MAD 100,000, the penalties will be five to ten years' imprisonment and a fine of MAD 5,000 to 100,000. (ii) Employee being bribed: - One to three years' imprisonment; and - Fine of MAD 5,000 to 50,000. (iii) Influence peddling: - Two to five years' imprisonment; and - Fine of MAD 5,000 to 100,000; Should the briber be a judge, public or elected official, the abovementioned penalties will be doubled. (iv) Common penalties to the abovementioned offences: - Confiscation of anything acquired as a result of the bribery; - In case of misdemeanor, the offender may also be prohibited from exercising (i) one or more of his or her civic, civil or family rights for a period of five to ten years, and from holding (ii) any public office or public employment for a maximum of ten years. (v) Offence involving the commission of a felony: Should the bribery or influence peddling involve the commission of an act defined by law as a felony, the penalty for that felony shall be applicable to the bribed party. (vi) Bribery leading to a felony conviction: If the bribery of a judge or a court member has led to the pronouncement of a felony sentence, such sentence shall be applicable to the said judge or court member.	Penalties applied to the briber: (i) Public sector bribery: - Two to five years' imprisonment; and - Fine of MAD 2,000 to 50,000; - Should the amount of the bribe exceed MAD 100,000, the penalties will be five to ten years' imprisonment and a fine of MAD 5,000 to 100,000. (ii) Private sector bribery: - One to three years' imprisonment; and - Fine of MAD 5,000 to 50,000. (iii) Influence peddling: - Two to five years' imprisonment; and - Fine of MAD 5,000 to 100,000; - Should the briber be a judge, public or elected official, the abovementioned penalties will be doubled. (iv) Common penalties to the abovementioned offences: - Confiscation of goods or assets involved in the corruption; - In case of misdemeanor, the offender may also be prohibited from exercising (i) one or more of his or her civic, civil or family rights for a period of five to ten years, and from holding (ii) any public office or public employment for a maximum of ten years. (v) Offence involving the commission of a felony: Should the bribery or influence peddling involve the commission of an act defined by law as a felony, the penalty for that felony shall be applicable to the briber. (vi) Bribery leading to a felony conviction: If the bribery of a judge or a court member has led to the pronouncement of a felony sentence, such sentence shall be applicable to the briber.
Defences		
Are there any defences available?	The briber who reports the bribery offence shall be exempted from criminal liability, provided that: - He or she denounces the said offence to the judicial authorities, prior to having acted on the bribery request; or - If the bribe request has been met, he or she denounces the offence to judicial authorities and provides evidence that the official obliged him or her to pay the bribe.	

¹ Moroccan anti-bribery regulations do not explicitly apply to legal persons. However, it is conceivable that the expression "any person" in Article 250 might incur their criminal liability. The position of Moroccan courts on this matter has yet to be publicly clarified.

Mozambique

Sources of law	
Criminal Code Law n. ° 24/2019 of 24 December	
Offence	Public Sector¹: Passive corruption for an illegal act The solicitation or acceptance by public servants, for themselves or for third parties, acting by themselves or by a third party with their consent or ratification, of a pecuniary advantage or its promise, for any act or omission contrary to the duties of their position, when it is not due; Passive corruption for an illicit act The solicitation or acceptance by public servants, for themselves or for third parties, acting by themselves or by a third party with their consent or ratification, of a pecuniary advantage or its promise, for any act or omission for acts not contrary to the duties of their position. Crime of active corruption This applies to anyone who, by themselves or through an intermediary with their consent or ratification, gives or promises to a public servant, or to a third party with his or her knowledge, a pecuniary or non-pecuniary advantage that is not due to the public servant, for an illicit or licit act. Private Sector: Crime of active corruption The granting by employees of the private sector, by themselves or with their consent or acknowledgement, of a pecuniary or non-pecuniary advantage for the performance of any act or omission that constitutes a breach of their functional duties. Crime of passive corruption² The solicitation by employees of the private sector, by themselves or with their consent or acknowledgement, of a financial or non-financial advantage for the performance of any act or omission that constitutes a breach of their functional duties. It is important to note that, under the terms of the Anti-Money Laundering Law, the crime of corruption is a crime that precedes the crime of money laundering.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	Depends on intent
Would corporate hospitality be caught?	Depends on intent
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	It can be a pecuniary or non-pecuniary advantage.
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Mozambique	
Can bribery performed outside Mozambique be caught?	✓ ³
Does the act also need to be illegal in the foreign country of performance?	✓
Who can be liable	
Mozambican national?	✓
Mozambican company?	✓ ⁴
Mozambican partnership (including limited liability partnership)?	✓ ⁵
Director of Mozambican company?	✓
Mozambican company if the bribe is committed abroad by its foreign subsidiary?	✓
Foreign subsidiary of a Mozambican company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in Mozambique?	✓
Foreign national domiciled or "ordinarily resident" in Mozambique if bribe is committed outside Mozambique?	✓
Foreign company/partnership if bribe is committed abroad?	X

Mozambique (continued)

Penalties	
Penalties include:	The crime of passive corruption for an illicit act, in the public sector, is punishable by a prison sentence of one to eight years and a fine of up to two years. The crime of passive corruption for a licit act in the public sector is punishable by a prison sentence of one to five years and a fine of up to one year. The crime of active corruption for an illicit act in the public sector is punishable by imprisonment of six months to five years and, in the case of a licit act, it is punishable by imprisonment of up to two years. The crime of passive corruption in the private sector is punishable by a prison sentence of up to two years and a fine of up to one year. If the act or omission in question is likely to cause distortion of competition or damage to the employer's assets, the prison sentence may be from one to five years. The crime of active corruption in the private sector is punishable by a prison sentence of up to two years and a fine of up to one year and, if the act or omission is likely to cause distortion of competition or damage to the assets of third parties, it may be punishable by a prison sentence of up to five years and a fine of up to one year.
Defences	
Are there any defences available?	There may be special reduction of the sentence if, before the trial at first instance is concluded, the agent specifically helps to obtain decisive proof for the identification or arrest of others involved, or in some way contributes decisively to the discovery of the truth. The agent may be exempted from the sentence if, voluntarily, before committing the act, repudiates the offer or promise accepted, returns the advantage or benefit or, in the case of a fungible item, its value.

¹ Besides the crimes of active and passive corruption specifically, the Criminal Code also stipulates crimes that are related to the crimes of corruption, namely the crime of illicit enrichment, the crime of fraud, the crime of corruption of magistrates and criminal investigation agents, the crime of abuse of function or position, the crime of embezzlement and the crime of influence peddling.

² This crime is punishable not only in its consummated form, but also in the attempted form.

³ Bribery performed outside Mozambican territory is punishable in Mozambique, in certain circumstances, provided for in article 5 of the Criminal Code, namely:

- (i) when the acts have been committed by Mozambicans outside national territory, if the offender has not been tried in the country where he committed the crime or has escaped full or partial compliance with the sentence handed down in that country;
- (ii) if the act was committed by a foreigner, provided that the foreigner appears in Mozambican territory or can be surrendered;
- (iii) when the crime has been committed by or against a legal or equivalent person with its registered office in Mozambican territory;

⁴ In cases where the crime has been committed on behalf of the legal entity and in the corporate interest, by persons in a position of management or when it has been committed by a person acting under the authority of persons in a position of management, as a result of a breach of their duties of supervision or control.

⁵ As long as it is legally constituted and, upon verification of the conditions set out in footnote number 3.

Nigeria

Source of law	Code of Conduct Bureau and Tribunal Act 1991 (the Act)	The Corrupt Practices and Other Related Offences Act 2000	Money Laundering (Prevention and Prohibition) Act 2022	Criminal Code Act, C.38 Laws of the Federation of Nigeria 2004) (Criminal Code)	Penal Code Law Cap.89 Laws of Northern Nigeria 1963
Offence	A. Gifts or benefits in kind (S.10) (1) Public officers are prohibited from seeking or accepting any property or benefits, whether for themselves or others, as a result of their official duties unless proven otherwise. (2) Any gifts or benefits received by a public officer from commercial firms, business enterprises or persons who have contracts with the Government are deemed to be received in contravention of the Code of Conduct Act unless the contrary is proved. Public officers may, however, accept personal gifts or benefits from relatives or personal friends to such extent and on such occasions that are recognised by custom. (3) Gifts or benefit received by a public officer on a public or ceremonial occasion is considered a gift to the institution they represent and is not considered a violation of the provision. B. Bribery of public officers (S.12) It is prohibited for any individual to offer a public officer any form of property, gift, or benefit as a means to influence or bribe the public officer into granting favours or favourably performing their official duties. C. Agents and nominees (S.17) A public officer who does any act prohibited by the Code of Conduct Act through a nominee, trustee or other agent shall be deemed ipso facto to have committed a breach of the Act.	A. Official Corruption (S.8, 9(1) and 10) It is an offence for any individual to corruptly receive or obtain any benefit in situations involving acts, omissions, favours or disfavours by the individual in their official duties or related matters. It is also an offence for an individual to provide any benefit to a public officer, expecting to receive an act, omission, favour, or disfavour from the public officer in their official duties or related matters. B. Gratification and Bribery of Public Officers (S.18) It is an offence for a person to offer gratification to a public officer and for a public officer to accept gratification with the intention of influencing the performance or hindrance of official acts. C. Bribery for giving assistance regarding Contracts (S.22) It is an offence for any person to corruptly offer an advantage to a public servant, and for any public servant to accept such advantage in exchange for their assistance in a contract or sub-contract with a public body.	Money laundering offences (S.18) It is an offence of money laundering for any individual or corporate entity, whether within or outside Nigeria, to intentionally or indirectly conceal the source of funds, convert or transfer them, take them out of the jurisdiction, or gain control over them if they knew or should have reasonably known that the funds or property form proceeds of an unlawful act. S.18(6)(f) defined "Unlawful Act" to include corruption, bribery, fraud, currency counterfeiting.	A. Official corruption: public official inviting bribes, etc., on account of own actions and persons giving bribes etc., on account of actions of a public official (S.98) It is an offence of felony for a person to give any property or benefit to a public officer and for a public officer to receive such property or benefit in exchange for any favour or disfavour shown in their official capacity. B. Extortion by public officers (S.99) It is an offence for a public officer to take or accept any reward beyond proper pay emoluments for the performance of his duty. C. Bargaining for offices in public service (S.112) A person who corruptly asks for, receives, obtains, or agrees to any benefit in relation to the appointment of a person into public service, is guilty of a felony.	A. Public servants taking gratification in respect of official act (S.115 and 116) Any form of gratification as a motive or reward for using corrupt or illegal means to influence a public officer to perform or refrain from performing an official act, is an offence. Also, a public officer who accepts or obtains any form of gratification apart from lawful payment as a motive or reward for performing or refraining from performing an official act is guilty of an offence. B. Offering or giving gratification to public servant (S.118) Whoever offers or gives or agrees to give any gratification, whether pecuniary or otherwise, in the circumstances and for any of the purposes mentioned above, is guilty of an offence.
The bribe					
Is there a presumption that any advantage was given/received corruptly?	✓ ¹	✓ ²	✓	✓	✓
Would facilitation payments be caught?	✓ ³	✓	✓	✓	✓
Would corporate hospitality be caught?	✓	✓	X	✓	✓
Is there any <i>de minimis</i> ?	X	X	X	X	X
Does the bribe have to be monetary?	X	X	X	X	X
Public officials					
Does the offence only apply to bribing public officials?	✓	X	X	X	✓

Nigeria (continued)

Acts performed outside Nigeria					
Can bribery performed outside Nigeria be caught?	✓	✓ ⁴	✓	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	X	X	X	X
Who can be liable					
Nigerian national?	✓	✓	✓	✓	✓
Nigerian company?	X	✓	✓	✓	✓
Nigerian partnership (including limited liability partnership)?	X	✓	✓	✓	✓
Director of Nigerian company?	✓ ⁵	✓	✓	✓	✓
Nigerian company if the bribe is committed abroad by its foreign subsidiary?	X	X	✓ ⁶	✓ ⁷	X
Foreign subsidiary of a Nigerian company if the bribe is committed abroad?	X	✓ ⁸	✓	✓ ⁹	X
Foreign national/company/partnership if bribe is committed in Nigeria?	X	✓ (Provided the foreign national is a permanent resident of Nigeria)	✓	✓ ¹⁰	X
Foreign national domiciled or "ordinarily resident" in Nigeria if bribe is committed outside Nigeria?	X	✓ (Provided the foreign national is a permanent resident of Nigeria)	✓	✓ ¹¹	✓
Foreign company/partnership if bribe is committed abroad?	X	✓ ¹²	✓ ¹³	✓ ¹⁴	X
Penalties					
Penalties include:	— Vacation of office or any elective or nominated office. — Disqualification from holding any public office (whether elected or not) for a period not exceeding ten years. — Seizure and forfeiture to the State of any property acquired by abuse or corruption of office. These punishments are without prejudice to the penalties that may be imposed by any law where the breach of conduct is also a criminal offence under the Criminal Code or any other enactment or law. The provisions of the Constitution of the Federal Republic of Nigeria 1999, relating to prerogative of mercy, shall not apply to any punishment imposed. ¹⁵	— Five to seven years imprisonment, depending on the offence. — Fine of not less than five times the sum of the value of the gratification or one million naira, depending on the offence.	For an individual: an imprisonment term of four to fourteen years or a fine of not less than five times the value of the proceeds of the crime, or both. ¹⁶ For a corporate body: (a) fine of not less than five times the value of the funds or the properties acquired;¹⁷; and (b) where the offence persists, revocation of certificate or licence by the regulators. ¹⁸	Three to seven years imprisonment, depending on the type of offence.	Individual – three-year imprisonment term, a fine, or both. ¹⁹ Public servant – seven to fourteen years imprisonment term depending on his status, a fine, or both. ²⁰
Defences					
Are there any defences available?	✓ ²¹	✓	✓	✓ (It is a defence for an offence committed outside of Nigeria, if it is proved that the act was not intended to take effect in Nigeria) ²²	✓ (It is a defence for an offence committed outside of Nigeria, if it is proved that the act was not intended to take effect in Northern Nigeria) ²³

Nigeria (continued)

Source of law	Criminal Law of Lagos State 2011 ("CLL")	Lagos State Public Complaints and Anti-Corruption Commission Law, 2021
Offence	A. Corruption and Abuse of Office (S.63(1)) It is an offence for a public officer to receive or attempt to receive any benefit for themselves or others in connection with actions, omissions, favours or disfavours by the public officer in the discharge of their official duties or related matters. B. Offering Gratification to a public official (S.64(1)) It is an offence for any person to intentionally promise, give or attempt to give any benefit to a public official and an offence for the public official to receive any benefit, with the intention of influencing the public official's actions in the exercise of their official duties. C. Acceptance of Gifts by Agents (S.65(1)) An agent who obtains or agrees to obtain any gift or consideration as a reward or inducement to perform or refrain from performing any act related to their principal's affairs or business is guilty of an offence. D. Unlawful Enrichment (S.82) Any public official who, under certain circumstances, significantly increases their assets without a reasonable explanation in relation to their lawful income is guilty of a felony. E. Bribery in the Private Sector (S.83) It is an offence for a person to give an undue advantage to a person in the private sector and an offence for a person in the private sector to accept such undue advantage with the intention of influencing their actions or refraining from acting.	A. Gratification by an Officer (S.28) It is an offence for any person to corruptly request, receive or obtain any property or benefit for themselves or others based on actions, omissions, favours or disfavours related to their official duties. B. Corrupt Offers to Public Officers (S.29) It is an offence for any person to corruptly provide, obtain or attempt to obtain any benefit for a public officer or any other person, based on the expectation of any act, omission, benefit or detriment to be done or shown to the public officer. C. Corrupt Demand by a Person(s) (S.30) It is an offence for any person to ask for or receive any benefit on account of actions, omissions, benefits or detriments shown by a public officer in the discharge of their official duties. D. Making False Statement or Return (S.32) Any person who, being an officer handling state / local government's revenue or property, knowingly uses any part of the revenue, mismanages or furnishes any false statement or return regarding the money entrusted to him is guilty of an offence. E. Gratification through Agents (S.33) Any person who corruptly gives or agrees to give any consideration to an agent as an inducement or reward for doing or not doing an act is guilty of an offence. Any agent who knowingly gives false accounts to deceive his principal or any other person is also guilty of an offence. F. Bribery for Giving Assistance, etc. regarding Contracts (S.34) It is an offence for any person to offer an advantage or inducement to a public officer in exchange for their assistance in a contract or subcontract with a public body.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓	✓
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Nigeria		
Can bribery performed outside Nigeria be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Nigerian national?	✓	✓
Nigerian company?	✓	✓
Nigerian partnership (including limited liability partnership)?	✓	✓
Director of Nigerian company?	✓	✓
Nigerian company if the bribe is committed abroad by its foreign subsidiary?	✓ ²⁴	✓
Foreign subsidiary of a Nigerian company if the bribe is committed abroad?	✓ ²⁵	✓
Foreign national/company/partnership if bribe is committed in Nigeria?	✓ ²⁶	✓
Foreign national domiciled or "ordinarily resident" in Nigeria if bribe is committed outside Nigeria?	✓ ²⁷	✓
Foreign company/partnership if bribe is committed abroad?	✓ ²⁸	✓

Nigeria (continued)

Penalties		
Penalties include:	— imprisonment term of two to seven years, depending on the offence; or — fine of up to NGN 360,000, depending on the offence	— imprisonment term of one to four years, depending on the offence; or — in the case of Bribery for Giving Assistance etc. with respect to Contracts, refund of the market price of the property and/or a fine of not less than NGN 1m
Defences		
Are there any defences available?	✓ (The defences available would be based on the nature of charges against him and relevant circumstances of the allegation)	✓

¹ Section 10(2) of the Code of Conduct Act.

² Section 8(2) (c) of the Corrupt Practices and Other Related Offences Act.

³ Section 12 of the Code of Conduct Act.

⁴ Sections 24 and 66 of the Corrupt Practices and Other Related Offences Act.

⁵ Directors of a Government-owned company.

⁶ Section 21(c) of the Money Laundering (Prevention and Prohibition) Act, 2022.

⁷ Section 14 of the Criminal Code. Provided that the Nigerian company procured its foreign subsidiary to commit the bribery.

⁸ Section 24 of the Corrupt Practices and Other Related Offences Act.

⁹ Section 12(1) of the Criminal Code.

¹⁰ Section 12 of the Criminal Code.

¹¹ Section 14 of the Criminal Code.

¹² Section 24 of the Corrupt Practices and Other Related Offences Act.

¹³ Provided the foreign company is registered in Nigeria.

¹⁴ Provided that the foreign company is registered in Nigeria.

¹⁵ Section 18(3) of the Money Laundering (Prevention and Prohibition) Act, 2022.

¹⁶ Section 18 (4) of the Money Laundering (Prevention and Prohibition) Act, 2022.

¹⁷ Section 116 & 118 of the Penal Code Act.

¹⁸ Section 115 (i) & (ii) of the Penal Code Act.

¹⁹ Section 23 of the Code of Conduct Act.

²⁰ Section 18 (5) of the Money Laundering (Prevention and Prohibition) Act, 2022.

²¹ Section 18 of the Act. The President may by order exempt any cadre of public officers from the provisions of the Act if it appears to him that their position in the public service is below the rank which is considered appropriate for the application of the provisions of the Act.

²² Section 12 (2) of the Criminal Code Act.

²³ Section 5 (3) of the Penal Code (Northern States) Federal Provision Act.

²⁴ Section 13 and 11(2) of the CLL. Provided that the Nigerian company procured its foreign subsidiary to commit the bribery.

²⁵ Section 11(2) of the CLL. Provided that some elements of the bribery emanated from Nigeria.

²⁶ Section 11(1) of the CLL.

²⁷ Section 11(2) and (3) of the CLL.

²⁸ Provided that the foreign company is registered in Nigeria.

South Africa

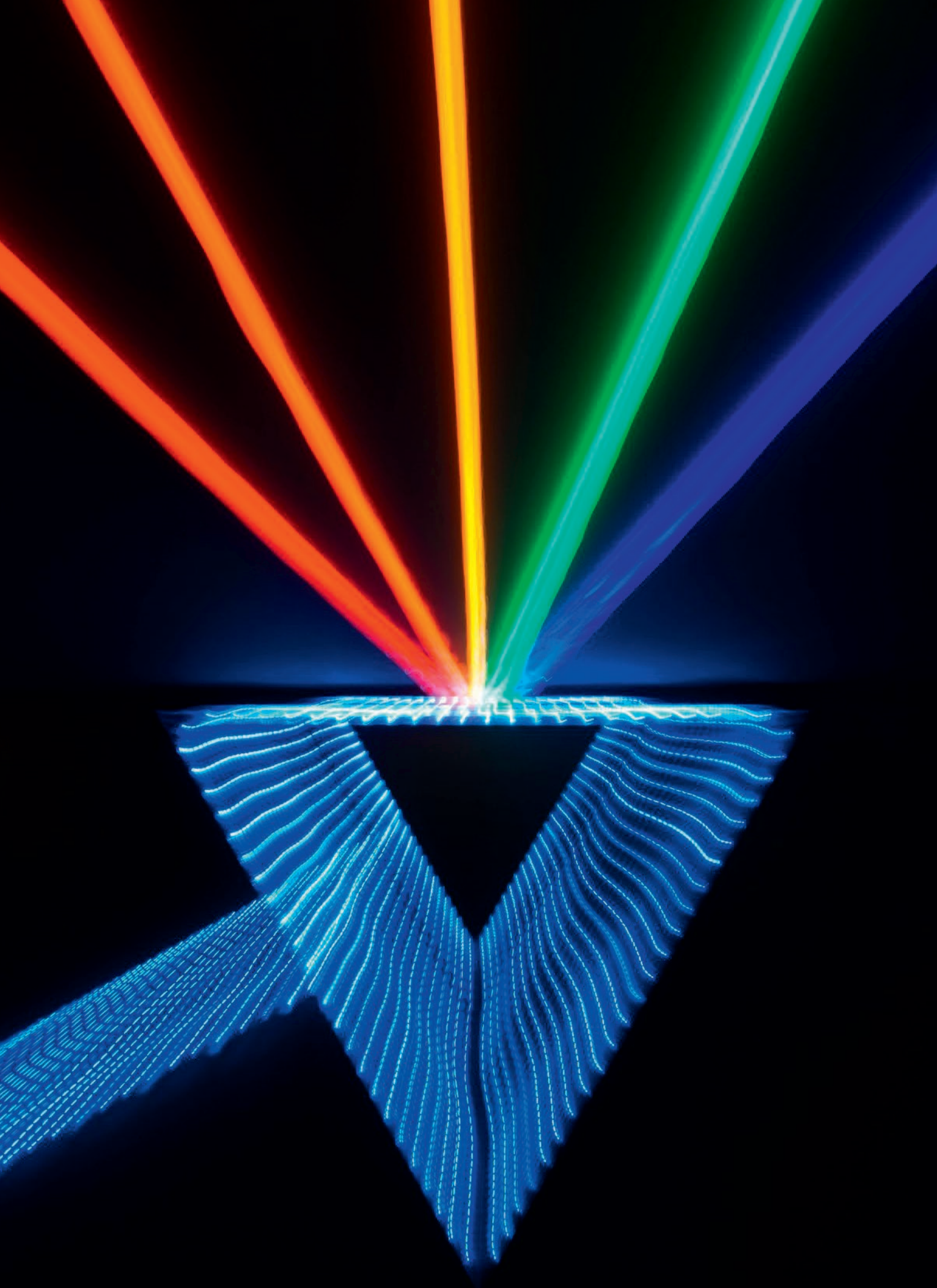
Source of law		Prevention and Combating of Corrupt Activities Act No 12 of 2004 (PCCA)
Offence		The Prevention and Combating of Corrupt Activities Act (PCCA) creates a broad general offence of corruption, which applies to any person in both the public and private sector. In essence, corruption occurs where any person directly or indirectly gives, receives, offers, or accepts gratification to act in a manner that is illegal, dishonest, unauthorised, biased, or unethical, or to abuse a position of authority, trust, or power. PCCA also sets out specific corruption offences relating to roles and situations. These include corruption involving public officers, foreign public officials, agents, members of legislative bodies, judicial officers, and prosecutors. Further specific offences address corruption in tendering and procurement processes, contracts, auctions, employment relationships, sporting events, and gambling, recognising areas that are especially vulnerable to improper influence. In addition, PCCA criminalises related and ancillary conduct, such as interfering with witnesses or investigations, and imposes a mandatory duty to report corruption under section 34. Convictions under PCCA carry severe penalties, including substantial fines, imprisonment (up to life in serious cases), and possible listing on the Register for Tender Defaulters.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		✓ ¹
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		Depends on intent
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X ²
Public officials		
Does the offence only apply to bribing public officials?		X
Acts performed outside South Africa		
Can bribery performed outside South Africa be caught?		✓
Does the act also need to be illegal in the foreign country of performance?		X
Who can be liable		
South African national?		✓
South African company?		✓
South African partnership (including limited liability partnership)?		✓
Director of South African company?		✓ ³
South African company if the bribe is committed abroad by its foreign subsidiary?		X
Foreign subsidiary of a South African company if the bribe is committed abroad?		X
Foreign national/company/partnership if bribe is committed in South Africa?		✓
Foreign national domiciled or "ordinarily resident" in South Africa if bribe is committed outside South Africa?		✓
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:		Penalties for bribery and corruption are set out in s26 of PCCA and depend on the category of offence. The penalties in relation to the majority of the offences (including the offences of corruption) are the following, in the case of a sentence to be imposed by: — a High Court, a fine or imprisonment of a period of up to life imprisonment; — a Regional Court, a fine or imprisonment for a period not exceeding 18 years; and — a Magistrates' Court, a fine or imprisonment for a period not exceeding 5 years. In addition to any fine that a court may impose, the court may further impose a fine equal to five times the value of the gratification involved in the offence. S28 of PCCA also provides for the endorsement on the Register for Tender Defaulters, which is a register of entities and individuals convicted of acts of corruption relating to contracts and the procurement and withdrawal of tenders, with the consequence being that the National Treasury may terminate any agreement with such persons. Such persons will also be prevented from doing business with the State for a period of between 5 and 10 years.⁴ It is a criminal offence for an individual or enterprise not to disclose their endorsement on this register in any subsequent agreement or tender process involving the State.
Defences		
Are there any defences available?		X

¹ Presumption applies in certain instances (s24). Broadly, when a person is charged with an offence of corruption, if the State can show that despite having taken reasonable steps, it was not able with reasonable certainty to link the acceptance or giving of the gratification to any lawful authority or excuse on the part of the person charged, and in the absence of evidence to the contrary which raises reasonable doubt, proof that that person gave or accepted gratification to any other person holding a certain position (as set out in s24) is sufficient evidence that the person gave or accepted the gratification corruptly.

² The PCCA uses the term 'gratification' which is broadly defined and includes, amongst others, money, donation, gift, loan, fee, reward, property, or valuable security as well as any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage.

³ There is no specific provision in the PCCA which deals with personal liability for company management/directors or employees in connection with a corporate bribery issue. However, section 332 of South Africa's Criminal Procedure Act No 51 of 1977 deals with the prosecution of corporate bodies. In terms of this section, a corporate body can be held liable for the acts of its directors or other servants. If the State alleges that a particular office bearer was responsible for the offence in question, that particular office bearer (be it a director, manager or other employee) may be charged separately or as a second defendant in the case and the State will have to prove that such office bearer was in fact responsible for the offence in question.

⁴ This register can be found on the National Treasury's website: www.treasury.gov.za.





Asia and Pacific

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Australia

Source of law <i>The Criminal Code Act 1995 (Cth)</i>				
Offence	s70.2: Bribery of a Foreign Public Official Offence: A person commits an offence if they provide or offer to provide a benefit to another person with the intention of improperly influencing¹ a foreign public official² in order to obtain or retain business, or a business or personal advantage.⁴	s70.5A Failure to prevent bribery of foreign public officials A body corporate⁵ commits an offence if an associate⁶ of the company commits an offence under s 70.2 or engages in conduct outside of Australia which would constitute an offence under s 70.2 for the profit or gain of the corporation unless adequate procedures were in place to prevent the foreign bribery.⁷	Bribery of or Giving Corrupting Benefits to a Commonwealth Public Official s141.1(1)-(2): Bribery of a Commonwealth Public Official A person commits an offence if they dishonestly provide or offer to provide a benefit to another person with the intention of influencing a Commonwealth public official⁸ in the exercise of the official's duties.⁹ s142.1(1)-(2): Corrupting benefits given to a Commonwealth Public Official A person commits an offence if they dishonestly provide or offer to provide a benefit to another person where the receipt, or expectation of the receipt, of the benefit would tend to influence a Commonwealth public official¹⁰ in the exercise of the official's duties.¹¹	Receiving Bribes or Corrupting Benefits as a Commonwealth Public Official s141.1(3): Receiving a Bribe A Commonwealth public official commits an offence if they dishonestly ask for, receive, obtain, or agree to receive a benefit for themselves or another person with the intention that the exercise of their duties¹² will be influenced, or of inducing a belief that it will be influenced. s142.1(3): Receiving a Corrupting Benefit A Commonwealth public official commits an offence if they dishonestly ask for, receive, obtain, or agree to receive a benefit for themselves or another person where the receipt, or expectation of the receipt, of the benefit would tend to influence the exercise of their duties¹³ will be influenced. s142.2(1): Abuse of public office A Commonwealth public official commits an offence where the official exercises any influence as an official, engages in any conduct in the exercise of their duties or uses any information gained as an official,¹⁴ with the intention of dishonestly obtaining a benefit for themselves or another person, or causing a detriment to another person.
The bribe				
Is there a presumption that any advantage was given/received corruptly?	X	X	✓ (There is no requirement that the benefit be either corrupt, not legitimately due, improper or dishonest)	✓ (Benefit received corruptly; there is no requirement that the benefit be either corrupt, not legitimately due, improper or dishonest) X (Abuse of public office)
Would facilitation payments be caught?	X (See s70.4) ¹⁵	X (See s 70.4) ¹⁶	✓	✓
Would corporate hospitality be caught?	✓ (Depending on circumstance)	✓ (Depending on circumstance)	✓ (Depending on circumstance)	✓ (Depending on circumstance)
Is there any <i>de minimis</i> ?	✓ (See s 70.2(2)(b))	X (As the contravention is predicated on a failure to prevent the occurrence of actual bribery of a foreign official (under s 70.2 or similar offence in an overseas jurisdiction))	✓	✓
Does the bribe have to be monetary?	X ("Benefit" includes any advantage and is not limited to property: see Dictionary in the Criminal Code Act for definition of "benefit")	X ("Benefit" includes any advantage and is not limited to property: see Dictionary in the Criminal Code Act for definition of "benefit")	X ("Benefit" includes any advantage and is not limited to property: see s 140.1 definition)	X ("Benefit" includes any advantage and is not limited to property: see s 140.1 definition)
Public officials				
Does the offence only apply to bribing public officials?	✓ (Only applies to foreign public officials: see s 70.1 for definition of "foreign public official")	✓ (Only applies to conduct that is targeted at foreign public officials: see s 70.1 for definition of "foreign public official")	✓ (Only applies to Commonwealth public officials: see Dictionary in the Criminal Code Act for definition of "Commonwealth public official")	✓ (Only applies to Commonwealth public officials: see Dictionary in the Criminal Code Act for definition of "Commonwealth public official", however, note offence under s 142.2(2) for dishonest misuse of information) after a person ceases to be a Commonwealth public official)
Acts performed outside Australia				
Can bribery performed outside Australia be caught?	✓ (If the alleged offender is an Australian citizen, resident or body corporate incorporated by or under an Australian law: see s 70.5(1)(b)) ¹⁷	✓ ¹⁸ (This offence is predicated on a failure to prevent the occurrence of actual bribery of a foreign official)	✓ ¹⁹	✓ ²⁰

Australia (continued)

Does the act also need to be illegal in the foreign country of performance?	X ²¹ (However, it is a defence if there is a “written law in force in the foreign country” that permits or requires the provision of the benefit: see s 70.3)	✓ ²² (However, it is a defence if there is a “written law in force in the foreign country” that permits or requires the provision of the benefit: see s 70.3)	X	X
Who can be liable				
Australian national?	✓	X (Will not be primarily liable, as Australian nationals don’t fit within the definition of a body corporate. However, an Australian national may be liable as a secondary contravenor if there is ancillary criminal liability by complicity, incitement or conspiracy) ²³	✓	✓
Australian company?	✓	✓	✓	✓ (Companies don’t fit within definition of Commonwealth Public Official)
Australian partnership (including limited liability partnership)?	X (Partnerships are not subject to criminal liability. ²⁴ But individual partners could be prosecuted)	X (Partnerships not subject to criminal liability, ²⁵ and don’t fit within the definition of a body corporate)	X (Partnerships are not subject to criminal liability. ²⁶ But individual partners could be prosecuted)	X (Partnerships are not subject to criminal liability. ²⁷ But individual partners could be prosecuted)
Director of Australian company?	X (Will not be primarily liable, unless offence is committed in Australia) If a director aids, abets, counsels or procures the commission of the offence by the company, they are taken to have committed that offence themselves: s11.2)	X (Will not be primarily liable, as directors don’t fit within the definition of a body corporate. However, a director may be liable as a secondary contravenor if there is ancillary criminal liability by complicity, incitement or conspiracy ²⁸)	✓ ²⁹	✓ ³⁰
Australian company if the bribe is committed abroad by its foreign subsidiary?	X (Not as a primary contravenor. Parent can be liable as a secondary contravenor if it caused the benefit or an offer of a benefit to be provided by the subsidiary, or if there is ancillary criminal liability by complicity, incitement or conspiracy ³¹)	✓	✓	X (Companies don’t fit within definition of Commonwealth Public Official)
Foreign subsidiary of an Australian company if the bribe is committed abroad?	X	✓ (If the foreign subsidiary meets the definition of foreign corporation, and the predicate offence of foreign bribery is committed by an associate of the foreign subsidiary rather than the Australian company)	✓	X (Companies don’t fit within definition of Commonwealth Public Official)
Foreign national/company /partnership if bribe is committed in Australia?	✓	✓ (If the foreign company meets the definition of foreign corporation and the predicate offence of foreign bribery is committed by an associate. However, foreign nationals and partnerships don’t fit within the definition of a body corporate)	✓	✓ (Foreign national could fall under definition of Commonwealth Public Official. ³² However, companies don’t fit within definition of Commonwealth Public Official)
Foreign national domiciled or “ordinarily resident” in Australia if bribe is committed outside Australia?	✓	X (Foreign nationals don’t fit within the definition of a body corporate)	✓	✓ (Foreign national could fall under definition of Commonwealth Public Official. ³³)
Foreign company/partnership if bribe is committed abroad?	X	X (if the foreign subsidiary meets the definition of foreign corporation and the predicate offence of foreign bribery is committed by an associate. However, partnerships don’t fit within the definition of a body corporate)	✓	X (Companies don’t fit within definition of Commonwealth Public Official)

Penalties				
Penalties include:	Individuals: ³⁴ - Imprisoned for up to ten years, and/or - Fined up to \$3,300,000 Corporations: ³⁵ Fine not more than the greatest of:³⁶ \$33,000,000, - Three times the value of benefits obtained (by the corporation and any related corporation), - Where the benefits are unascertainable 10% of annual turnover for the previous 12 months for the corporation and any related corporations (subject to exclusions)	Corporations Fine not more than the greatest of: \$33,000,000, - Three times the value of benefits obtained (by the corporation and any related corporation), - Where the benefits are unascertainable, 10% of annual turnover for the previous 12 months for the corporation and any related corporations (subject to exclusions)	Bribery Offence: Individuals: - Imprisoned for up to ten years, and/or - Fined up to \$3,300,000 Corporations: Fine not more than the greatest of: \$3,300,000, - Three times the value of benefits obtained (by the corporation and any related corporation), - Where the benefits are unascertainable, 10% of annual turnover for the previous 12 months for the corporation and any related corporations (subject to exclusions) Corrupting Benefits Offence: Individuals: - Imprisoned for up to five years	Bribery Offence: - Imprisoned for up to ten years, and/or - Fined up to \$3,300,000 Corrupting Benefits Offence / Abuse of Public Office: - Imprisoned for up to five years
Defences				
Are there any defences available?	✓ (See the facilitation payment defence and written law defences above at ss 70.3 and 70.4; there is a general defence for conduct carried out under duress: see s 10.2)³⁷	✓ (there is a general defence if the Australian company provides that it had adequate procedures in place designed to prevent the commission of the offence by the associate: see s 70.5A(5)); there is a general defence for conduct carried out under duress: see s 10.2)³⁸	✓ (There is a general defence for conduct carried out under duress: see s 10.2)³⁹	✓ (There is a general defence for conduct carried out under duress: see s 10.2)⁴⁰

¹ The determination of whether influence is improper is a question of fact. The Criminal Code Act outlines matters to be regarded and disregarded in making this determination: s 70.2A.

² 'Foreign Public Official' is defined in s 70.1

³ The benefit doesn't need to be given to the foreign public official.

⁴ The particular business or particular advantage does not need to be obtained or retained by the first person or the foreign public official.

⁵ A body corporate that is a constitutional corporation (a trading or financial corporations formed in Australia or a foreign corporation), is incorporated in a Territory or is taken to be registered in a Territory under s 119A of the Corporations Act 2001 (Cth).

⁶ An associate is defined broadly and includes all subsidiaries, controlled entities, officers, employees, agents, contractors of the corporation and any person who performs services for or on the corporation's behalf.

⁷ This is a strict liability offence, meaning that if an associate of the company commits bribery for the 'profit or gain' of the company, the company will be liable as if it had committed the bribery itself. This is regardless of whether or not the company has any fault or was otherwise involved in the illegal conduct by the associate.

⁸ The benefit doesn't need to be given to the Commonwealth public official.

⁹ Their duties as a Commonwealth public official.

¹⁰ The benefit doesn't need to be given to the Commonwealth public official.

¹¹ Their duties as a Commonwealth public official.

¹² Their duties as a Commonwealth public official.

¹³ Their duties as a Commonwealth public official.

¹⁴ Use of information gained for dishonest purposes continues to be an offence even after the official ceases to be a Commonwealth Public Official: see s142.2(2).

¹⁵ Facilitation payments are not caught if the value of the benefit is of a minor nature, the conduct was engaged in for the dominant purpose of expediting or securing the performance of a routine government action of a minor nature, and as soon as practicable after the conduct, the person made a record of the conduct that complies with the relevant provisions in the Criminal Code Act.

¹⁶ Facilitation payments are not caught if the value of the benefit is of a minor nature, the conduct was engaged in for the dominant purpose of expediting or securing the performance of a routine government action of a minor nature, and as soon as practicable after the conduct, the person made a record of the conduct that complies with the relevant provisions in the Criminal Code Act.

¹⁷ However, if the alleged offender is not an Australian citizen, proceedings for an offence require the Attorney-General's written consent: see s 70.5(2).

¹⁸ See s 15.1, 70.5A(7).

¹⁹ See s 15.4, 141.1(4), 142.3.

²⁰ See s 15.4, 141.1(4), 142.3.

²¹ "Custom" or "official tolerance" is to be disregarded: see s 70.2A(2).

²² "Custom" or "official tolerance" is to be disregarded: see s 70.2A(2).

²³ See ss 11.2-11.6.

²⁴ *Bishop v Chung Bros* (1907) 4 CLR 1262.

²⁵ *Bishop v Chung Bros* (1907) 4 CLR 1262.

²⁶ *Bishop v Chung Bros* (1907) 4 CLR 1262.

²⁷ *Bishop v Chung Bros* (1907) 4 CLR 1262.

²⁸ See ss 11.2-11.6.

²⁹ E.g. "an individual who is an officer or employee of a contracted service provider for a Commonwealth contract and who provides services for the purposes (whether direct or indirect) of the Commonwealth contract": see definition of "Commonwealth public official" in the Dictionary in the Criminal Code Act.

³⁰ E.g. "an individual who is an officer or employee of a contracted service provider for a Commonwealth contract and who provides services for the purposes (whether direct or indirect) of the Commonwealth contract": see definition of "Commonwealth public official" in the Dictionary in the Criminal Code Act.

³¹ See s 11.2-11.6. By virtue of s 2C(1) of the Acts Interpretation Act 1901 the concept of a "person" includes body politic or corporate as well as an individual.

³² E.g. "an individual who is a contracted service provider for a Commonwealth contract": see definition of "Commonwealth public official" in the Dictionary in the Criminal Code Act.

³³ E.g. "an individual who is a contracted service provider for a Commonwealth contract": see definition of "Commonwealth public official" in the Dictionary in the Criminal Code Act.

³⁴ See s 70.2(3). For an individual, 10,000 penalty units. For conduct post 7 November 2024, a penalty unit is= \$330.

³⁵ See s 70.2(4). For a corporation, 100,000 penalty units.

³⁶ When determining the value of the benefit obtained for the purposes of penalties, the gross or whole value of the benefit / advantage provided or secured is relevant, without any deductions for costs or expenses of any kind: see *R v Jacobs Group (Australia) Pty Ltd* (2023) 280 CLR 170.

³⁷ If the offender reasonably believe that a threat has been made that will be carried out unless an offence is committed; there is no reasonable way that the threat can be rendered ineffective; and the conduct is a reasonable response to the threat.

³⁸ Realistically, in Australia, it will be difficult to establish a defence under duress.

³⁹ Realistically, in Australia, this will be difficult to establish.

⁴⁰ Realistically, in Australia, this will be difficult to establish.

China

Sources of law		
<i>The PRC Criminal Law (revised in 2023), the PRC Anti Unfair Competition Law (revised in 2025) and the Interim Rules of the State Administration for Industry and Commerce on Prohibition of Commercial Bribery.¹</i>		
Offence	Active Bribery Criminal Offence An individual or entity gives money or property to state working personnel², non-state working personnel (including state working personnel of a foreign country or officials of an international public organization), close relatives of state working personnel or other persons closely related to that state working personnel as well as close relatives of ex-state working personnel or other persons closely related to that ex-state working personnel, state organs, state-owned enterprises, public institutions or organisations for the purpose of obtaining improper benefits. Administrative Offence A business operator offers money or property to the following entities or individuals in order to seek a transaction opportunity or competitive advantage: - the business counterparty or working personnel of the business counterparty in a transaction; - units or individuals entrusted by the business counterparty to handle relevant matters; and - units or individuals that can affect the transaction by taking advantage of their powers and influence.	Passive Bribery Criminal Offence An entity or an individual working for the entity (including close relatives of state working personnel or other persons closely related to that state working personnel as well as close relatives of ex-state working personnel or other persons closely related to that ex-state working personnel) demands or receives illegal money or property by taking advantage of its or his/her position for the purpose of obtaining benefits for other entities or individuals. Administrative Offence An entity or an individual working for the entity demands or receives illegal money or property in the course of purchasing and selling products. The business counterparty or working personnel of the business counterparty in a transaction / units or individuals entrusted by the business counterparty to handle relevant matters / units or individuals that can affect the transaction by taking advantage of their powers and influence, passively accepts money or property which is deemed as bribes.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓	✓
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ ³	✓
Is there any <i>de minimis</i> ?	X ⁴	X
Does the bribe have to be monetary?	X ⁵	X
Public officials		
Does the offence only apply to bribing public officials?	X	X ⁶
Acts performed outside China		
Can bribery performed outside China be caught?	✓ (for Chinese citizens if the act constitutes a criminal offence, but may be exempted from punishment or given a mitigated punishment if already received criminal punishment in the foreign country)	✓ (for Chinese citizens if the act constitutes a criminal offence, but may be exempted from punishment or given a mitigated punishment if already received criminal punishment in the foreign country)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Chinese national?	✓	✓
Chinese company?	✓	✓
Chinese partnership (including limited liability partnership)?	✓	✓
Director of Chinese company?	✓ (only the person in charge or directly responsible for the act)	✓ (only the person in charge or directly responsible for the act)
Chinese company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a Chinese company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in China?	✓	✓
Foreign national domiciled or "ordinarily resident" in China if bribe is committed outside China?	X	X
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	Individuals - Fine - Criminal detention - Fixed-term/life imprisonment - Confiscation of property Companies - Fine - Confiscation of illegal income - Revocation of business licence - Fixed term imprisonment for up to ten years (the person in charge or directly responsible)	Individuals - Fine - Criminal detention - Fixed-term/life imprisonment - Confiscation of property - In extreme cases: death penalty Companies - Fine - Confiscation of illegal income - Revocation of business licence - Fixed term imprisonment for up to ten years (the person in charge or directly responsible)

China (continued)

Defences	
Are there any defences available?	Defences for Criminal Offence - Any person who offers money or property to state working personnel through extortion but gains no illegitimate benefits shall not be regarded as offering bribes. - The offence shall not be prosecuted if the following periods have elapsed: - Five years, when the maximum prescribed punishment is fixed-term imprisonment of less than five years. - Ten years, when the maximum prescribed punishment is fixed-term imprisonment of not less than five years but less than ten years. - Fifteen years, when the maximum prescribed punishment is fixed-term imprisonment of not less than ten years. - Twenty years, when the maximum prescribed punishment is life imprisonment or death (if after 20 years it is considered necessary to prosecute a crime, the matter shall be submitted to the Supreme People's Procuratorate for examination and approval). Defences for Administrative Offence - A business operator may offer or receive some advertising gifts in small amount according to business practice. - The act of an employee of a business operator bribing any other individual shall be deemed as an act of the business operator itself, unless otherwise proven by the business operator with evidence that such act is not related to efforts in seeking a transaction opportunity or competitive advantage.

¹ The latest PRC Criminal Law has been revised on 29 December 2023 with the changes took effect on 1 March 2024. The latest PRC Anti-Unfair Competition Law was revised on 27 June 2025 with the changes effective from 15 October 2025. The specific sanctions in relation to bribery, which are provided by China's Corporate Social Credit System, are not stated in this overview. Key sanction is the blacklisting of the company, which will trigger a number of negative regulatory impacts on the company.

² "State working personnel" refers to government officials, persons who perform the management functions in state-owned enterprises (SOEs) and persons who are assigned by SOEs to non-SOEs to perform management functions, such as Directors, Supervisors, General Managers, department managers, accountants, etc.

³ If expenses are unreasonable and intended for the purpose of obtaining improper benefits.

⁴ Offering or receiving gifts with significantly low value (in practice less than RMB 300) does not constitute an offence.

⁵ The bribe can be either money or material gifts as well as benefits with monetary value including building decorations, membership cards, travelling expenses, etc.

⁶ In the public sector, the recipients of the bribery are so-called "state working personnel", which include not only public officials but also persons performing management functions in SOEs (see definition in footnote 1). They are subject to more severe criminal liabilities than non-state working personnel should they commit crimes.

Sources of law		The Prevention of Corruption Act 1988 (PCA), The Foreign Contribution (Regulation) Act 2010 (FCRA)	
Offence	Offences under the PCA By commercial organisations If any person associated with a commercial organisation gives or promises to give any “undue advantage” (i) to a public servant (ii) to improperly or dishonestly perform a public duty, or refraining from performing a public duty, with the intention to obtain or retain business or an advantage in the conduct of business for the commercial organisation. By public servants Accepting, obtaining, attempting to obtain, or agreeing to accept (personally or inducing another public servant) an “undue advantage” with the intention to perform a public duty improperly or dishonestly, or refrain from performing a public duty. By others 1. Whoever accepts, obtains, or attempts to obtain from another person for themselves or for any other person any “undue advantage” as a motive or reward to induce a public servant to improperly or dishonestly perform a public duty, or refrain from performing a public duty through corrupt or illegal means. 2. Giving or promising to give an undue advantage: to another person or persons with the intention to induce or reward a public servant for improper performance of a public duty.	Offences under the FCRA It is an offence: — For a candidate for election, a newspaper columnist, government servant, public servant, Member of the Legislature, political party or its office bearer, or a company engaged in production or broadcast of audio news (“Relevant Persons”), to accept a “foreign contribution”. — For an Indian resident, or a citizen of India who is resident outside of India, on behalf of a political party or a Relevant Person, to accept a foreign contribution. — For any Indian resident (or Indian citizen outside India) to deliver to any person any currency, which has been accepted by a “foreign source”, if the resident (or overseas citizen) has reasonable cause to believe/know that such other person intends to deliver the currency to a political party or Relevant Person. — To deliver any currency, which has been accepted by a foreign source, on behalf of any person or class of persons if so specified by the Central Government. — For any Legislative member, office-bearer of a political party, judge or government servant (among others) to accept foreign hospitality, when visiting a foreign country, without the prior permission of the Central Government, except in cases of emergency medical aid. — Not to comply with a prohibitory order made by Central Government, prohibiting any person, who has in his custody or control any article, currency or security, in contravention of any provisions of FCRA, from paying, delivering, transferring or otherwise dealing in any manner whatsoever, any such article or currency or security.	
The bribe			
Is there a presumption that any advantage was given corruptly?	✓ ⁴		X
Would facilitation payments be caught?	✓		✓
Would corporate hospitality be caught?	✓		✓
Is there any <i>de minimis</i> ?	X		✓ ⁵
Does the bribe have to be monetary?	X		X
Public officials			
Does the offence only apply to bribing public officials?	✓		X
Acts performed outside India			
Can bribery performed outside India be caught?	X ⁶		✓
Does the act also need to be illegal in the foreign country of performance?	X		X
Who can be liable			
Indian national?	✓		✓
Indian company?	✓ ⁷		✓
Indian Partnership (including limited liability partnership)?	✓ ⁸		✓
Director of Indian company?	✓ ⁹		✓ ¹⁰
Indian company if the bribe is committed abroad by its foreign subsidiary?	X		✓ ¹¹
Foreign subsidiary of an Indian company if the bribe is committed abroad?	X		✓ ¹²
Foreign national/company/partnership if bribe is committed in India?	✓ ¹³		✓ ¹⁴
Foreign national domiciled or “ordinarily resident” in India if bribe is committed outside India?	X		✓
Foreign company/partnership if bribe is committed abroad?	X		X

India (continued)

Penalties		
Penalties include:	— Imprisonment between three and seven years. — Unlimited fine.	— Varying prison sentence for offences; accepting or assisting in acceptance of foreign contribution or currency /security from a foreign source can lead to imposition of a prison sentence of up to five years, or a fine, or both. — Any article/ currency/security received in contravention of the FCRA may be seized and subsequently disposed of, by the Central Government.
Defences		
Are there any defences available?	✓ ^{xv}	X

- ¹ See Sec. 2(d) PCA: “undue advantage” means any gratification whatever, other than legal remuneration. For the purposes of this clause, (a) the word “gratification” is not limited to pecuniary gratifications or to gratifications estimable in money; (b) the expression “legal remuneration” is not restricted to remuneration paid to a public servant, but includes all remuneration which he is permitted by the Government or the organisation, which he serves, to receive.
- ² See Sec. 2 (c) of the PCA.
- ³ See Sec. 2 (h) of FCRA: “foreign contribution” means the donation, delivery or transfer made by any foreign source, (i) of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, is not more than such sum as may be specified from time to time, by the Central Government by the rules made by it in this behalf; (ii) of any currency, whether Indian or foreign; (iii) of any security as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956) and includes any foreign security as defined in clause (o) of section 2 of the Foreign Exchange Management Act, 1999 (42 of 1999).
- ⁴ This presumption is applicable to public servants for offences relating to acceptance or attempting to obtain for himself, or for any other person, any undue advantage from any person and to those private parties who abet the said offences. This presumption is additionally applicable to all parties for habitual commission of offences punishable under the PCA.
- ⁵ As per Rule 6 of FCRA, any person receiving foreign contribution more than INR 10 Lakh in a financial year from relatives as defined in section 2(1)(r) of the FCRA has to intimate to Central Government within three months of receipt of foreign contribution. There is no intimation requirement for foreign contribution below INR 10 lakhs.
- ⁶ The PCA will cover a Indian public servant receiving a bribe abroad from an Indian Citizen, but it does not cover bribery of a foreign public servant or official.
- ⁷ Where an offence is committed by a commercial organisation with the consent or connivance of any director, manager, secretary or other officer, such individuals will be held liable. Where the offence is committed by a partnership firm, the partners with whose consent or connivance such offence occurred will be held liable
- ⁸ A partnership has no separate legal personality. The partners are jointly and severally liable for all acts of the firm done while the said persons were partners, provided that the wrongful act was committed by one partner in the ordinary course of business of the firm or with the authority of his partners. A “Limited Liability Partnership” (LLP) has a separate legal personality from that of its partners. The LLP, along with the partner, will be liable for any wrongful act/omission of a partner, done in the course of business of the LLP or with the authority of the LLP. However, the other partners will not be liable for such wrongful act/omission.
- ⁹ The PCA does not specifically provide for directors to be held liable for the acts of the Company. In the situation where the Company has committed an offence, directors of a Company will be liable provided Company it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, and that act constitutes an offence under the PCA.
- ¹⁰ The Act does not specifically provide for directors to be held liable for the acts of the Company. In the situation where the Company has committed an offence, directors of a Company will be liable provided Company it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, and that act constitutes an offence.
- ¹¹ Provided it can be proved that the Indian company assisted in the wrongdoing.
- ¹² Provided it can be proved that the foreign company assisted in the wrongdoing, through an Indian resident or through an Indian citizen resident outside India.
- ¹³ The term ‘Commercial Organisation’ covers within its ambit (i) a body which is incorporated in India and which carries on a business, whether in India or outside India; (ii) any other body which is incorporated outside India and which carries on a business, or part of a business, in any part of India; (iii) a partnership firm or any association of persons formed in India and which carries on a business whether in India or outside India; or (iv) any other partnership or association of persons which is formed outside India and which carries on a business, or part of a business, in any part of India
- ¹⁴ Provided that the entity will qualify as a person resident in India. Alternatively, it must be proved that the entity assisted an Indian resident or a citizen of India resident outside of India, in commission of such offence.
- ¹⁵ Commercial Organisations can raise a defence that they had in place adequate procedures in compliance with the prescribed guidelines to prevent persons associated with it from undertaking such conduct.

Indonesia

Source of law	Law No. 31/1999 on Eradication of Corruption Crime, as amended by Law No. 20/2001 Law No. 28/1999 on Good Governance, Anti-Corruption, Collusion and Nepotism Supreme Court Regulation No. 13 of 2016 on Procedures for Handling Corporate Crimes Corruption Eradication Commission (KPK) Regulation No. 2/2019 on Gratification Reporting
Offence	— Loss to state finance or the state economy; — Bribery/gratification; — Fraudulent act; — Extortion; — Embezzlement in the performance of official duties; — Conflict of interest in procurement.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	✓ (with exceptions) Exceptions include gifts that have a sale value not exceeding IDR 1m and are given in relation to certain traditional/religious ceremonies, and advantages given due to the occurrence of a natural disaster.
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ (with exceptions) Exceptions include corporate hospitality that was lawfully obtained during the performance of official work, with proper documentation, and with an amount that is reasonable pursuant to the annual Foreign Minister Regulation on the Standard for General Cost.
Is there any <i>de minimis</i> ?	✓ IDR 0.5m for judges, and IDR 1m for other public officials, so long as it was given in relation to certain traditional/religious ceremonies, or due to the occurrence of a natural disaster.
Does the bribe have to be monetary?	✗ The bribe can be anything that has value, including but not limited to money, goods, discount, commission, loans without interest, travel tickets, accommodation, holidays and free medication, among others.
Public officials	
Does the offence only apply to bribing public officials?	✓
Acts performed outside Indonesia	
Can bribery performed outside the jurisdiction be caught?	✓
Does the act also need to be illegal in the foreign country of performance?	✗
Who can be liable	
Indonesian national?	✓
Indonesian company?	✓
Indonesian partnership (including limited liability partnership)?	✓
Director of Indonesian company?	✓
Indonesian company if the bribe is committed abroad by its foreign subsidiary?	✗ Unless the company is actively involved in the commission of the bribe, i.e.: 1. The one who causes the subsidiary to perpetrate, or who takes a direct part in the execution of the bribe; 2. The one who aids the subsidiary in the commission of the bribe; and/or 3. The one who provides the opportunity, means, or information for commissioning the bribe.
Foreign subsidiary of an Indonesian company if the bribe is committed abroad?	✓
Foreign national/company/partnership if bribe is committed in Indonesia?	✓
Foreign national domiciled or "ordinarily resident" in Indonesia if bribe is committed outside Indonesia?	✓
Foreign company/partnership if bribe is committed abroad?	✓
Penalties	
Penalties include:	— For the bribe-giver (individual): up to 15 years imprisonment and fines up to IDR 750m. — For the bribe-giver (corporation): fines up to IDR 1bn, as well as an additional penalty of temporary closing of the company for a maximum period of one year. — For public officials who receive the bribe: up to life imprisonment and fines up to IDR1bn.
Defences	
Are there any defences available?	Based on Article 4 paragraph(2) letter c of the Supreme Court Regulation No. 13 of 2016 on Procedures for Handling Corporate Crimes, when imposing criminal sanctions on a corporation, the Judge can assess the fault of a corporation by reference to (amongst other things): — Whether or not the corporation gained benefit from the crime or whether or not the crime was committed in the interests of the corporation; — Whether or not the corporation allowed the crime to occur; or — Whether or not the corporation failed to take necessary action to prevent the occurrence of the offence, failed to take mitigating measures and/or failed to comply with the prevailing laws in order to prevent the occurrence of the offence. These factors may be used in the corporation's defence against corruption claims.

Malaysia

Source of law	Malaysian Anti-Corruption Commission Act 2009 (MACC Act)	Penal Code
Offence	The principal offences are: a) corruptly soliciting or receiving or agreeing to receive; or b) corruptly giving, promising or offering gratification as an inducement to or a reward for, or otherwise on account of any person or officer of a public body to do anything in respect of any matter or transaction, actual or proposed or likely to take place. The MACC Act also provides for the offences of: a) giving or accepting gratification by an agent; b) corruptly procuring withdrawal of an agenda; c) offering an officer of any public body any gratification as an inducement or a reward for performing or abstaining from performing certain actions; d) offering any gratification to or accepting any gratification by a foreign public official; or e) using public office or position for gratification; or f) dealing with, using, holding, receiving or concealing any property which was the subject matter of any offence under the MACC Act. Corporate offence: In addition to the above, there is a corporate liability offence where a person associated with a commercial organisation corruptly gives, agrees to give, promises or offers to any person any gratification with intent to obtain or retain business for the commercial organisation, or to obtain or retain an advantage in the conduct of business of the commercial organisation. Failure to report offence: The MACC Act imposes a reporting obligation on any person to whom any gratification is given, promised, or offered and on any person from whom any gratification has been solicited or obtained.	The Penal Code provides for offences: a) against a public servant for taking gratification other than legal remuneration, in respect of any official act; b) against a person taking gratification in order to influence a public servant, by corrupt or illegal means; c) against a person taking gratification for the exercise of personal influence with a public servant; or d) against a public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant. Failure to report offence: Section 13(1) of the Malaysian Criminal Procedure Code imposes a reporting obligation on any person who is aware of the commission of any offence punishable under the Penal Code or any other written law.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓ ¹	✓ ²
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Malaysia		
Can bribery performed outside Malaysia be caught?	✓ (if committed by a citizen or permanent resident of Malaysia)	✓ (if committed by a citizen or permanent resident of Malaysia)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Malaysian national?	✓	✓
Malaysian company?	✓	✓
Malaysian partnership (including limited liability partnership)?	✓	✓
Director of Malaysian company?	✓ ³	✓
Malaysian company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a Malaysian company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Malaysia?	✓	✓
Foreign national domiciled or "ordinarily resident" in Malaysia if bribe is committed outside Malaysia?	✓ (provided the foreign national is a permanent resident of Malaysia)	X
Foreign company/partnership if bribe is committed abroad?	X	X

Malaysia (continued)

Penalties	MACC Act	Penal Code
Penalties include:	A person who commits an offence under the MACC Act is liable to: a. imprisonment for a term not exceeding 20 years; and/or b. a fine of not less than five times the sum/value of the gratification where it is capable of being valued or is of a pecuniary nature, or MYR 10,000 (whichever is higher). Where a commercial organisation commits an offence under section 17A of the MACC Act, culpable Top Management and partners are liable to: a. imprisonment for a term not exceeding 20 years; and/or b. a fine of not less than ten times the sum/value of the gratification where it is capable of being valued or is of a pecuniary nature, or MYR 1m (whichever is higher) The commercial organisation will be liable to a fine calculated on the same basis.	Imprisonment for a term not exceeding three years or fine or both.
Defences		
Are there any defences available?	✓ ⁴	X

¹ Where it is proved that gratification has been received, accepted etc., it is presumed to have been done so corruptly, unless the contrary is proved.

² The presumption under the MACC Act has been extended to offences in the Penal Code.

³ Where an offence is committed by a commercial organisation, a person who is its director, controller, officer or partner, or who is concerned in the management of its affairs at the time of the commission of the offence (Top Management), is also deemed to have committed that offence.

⁴ Commercial organisations charged for the corporate offence under s17A of the MACC Act will have a defence if it can prove it had in place adequate procedures to prevent persons associated with it from undertaking any corrupt practices. Where an offence is deemed to have been committed by a member of Top Management pursuant to s17A of the MACC Act, he/she will have a defence if he/she can prove that the offence was committed without his/her consent or connivance and that he/she exercised due diligence to prevent the commission of the offence as he/she ought to have exercised, having regard to the nature of his/her function in that capacity and to the circumstances.

Singapore

Source of law	Prevention of Corruption Act 1960 (PCA)	Penal Code 1871
Offence	Corruption through obtaining gratification as an inducement or reward.	The Penal Code provides for offences: a) a public servant for taking gratification other than legal remuneration, in respect of any official act; b) a person taking gratification in order, by corrupt or illegal means, to influence a public servant; c) a person taking gratification, for the exercise of personal influence with a public servant; d) a public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant; e) bribery of witnesses; abettment of any of the above.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓ (only for gratification given to a person in the employment of the government or a public body, by or from a person or agent of a person who has or seeks to have any dealing with the government or public body) ¹	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	✓ (except bribery of a witness)
Acts performed outside Singapore		
Can bribery performed outside Singapore be caught?	✓ (if committed by a Singapore citizen)	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Singaporean national?	✓	✓
Singaporean company?	✓	✓
Singaporean partnership (including limited liability partnership)?	✓	✓
Director of Singapore company?	✓	✓
Singaporean company if the bribe is committed abroad by its foreign subsidiary?	✓ (where the company incorporated in Singapore was acting in conjunction with the foreign subsidiary) ²	X ³
Foreign subsidiary of a Singapore company if the bribe is committed abroad?	✓ ²	X ³
Foreign national/company/partnership if the bribe is committed in Singapore?	✓	X ³
Foreign national domiciled or "ordinarily resident" in Singapore if the bribe is committed outside Singapore?	✓ ²	X ³
Foreign company/partnership if the bribe is committed abroad?	X	X
Penalties		
Penalties include:	- Imprisonment up to seven years - Fine up to SGD 100,000 - Confiscation of benefits from under the Corruption, Drug Trafficking and other Serious Crimes (Confiscation of Benefits) Act 1992 ("CDTSCA") - When a corrupt offender is convicted, the Court shall also order the offender to pay a penalty equivalent to the amount of bribes the offender received.	- Imprisonment up to three years and/or fine in relation to corruption of public servants - Seven years and/or fine for bribery of witnesses - Confiscation of benefits from under the CDTSCA
Defences		
Are there any defences available?	X	X

¹ As set out in section 8 of the PCA.

² If in relation to affairs or business in Singapore.

³ Unless it was abetment from outside Singapore for an act in Singapore.

Thailand

Sources of law	<i>The Thai Criminal Code</i>	<i>The Organic Act on Counter-Corruption Act B.E. 2561 (2018) (Counter-Corruption Act) as amended and the Notification of the National Anti-Corruption Commission regarding Rules of the Acceptance of Property or Other Benefits of State Officials B.E. 2563 (2020)</i>
Offence	The Criminal Code criminalises the offering and giving of bribes to, as well as the acceptance and solicitation of bribes by, government officials. The offence requires intent “to induce an official to do or not to do any act, or to delay the doing of any act contrary to one’s own duty”.	The Counter-Corruption Act criminalises the giving and taking of bribes by state officials, which include Thai officials as well as foreign state officials, and officials from international organisations. The offence requires intent “to induce such person to do or not to do any act, or to delay the doing of any act contrary to his own duty”.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓ ¹	✓ ¹
Would corporate hospitality be caught?	✓ ¹	✓ ¹
Is there any <i>de minimis</i> ?	X	✓ (if an official receives property or any other benefit exceeding THB 3,000, such official must report the details and fact thereof to the official’s superior, and such money or benefit may be required to be handed over to the State)
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	✓ ²
Acts performed outside Thailand		
Can bribery performed outside Thailand be caught?	✓ (for example, if it is connected to or affected a Thai government procurement process)	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Thai national?	✓	✓
Thai company?	✓ ³	✓ ⁶
Thai partnership (including limited liability partnership)?	✓ ⁴	✓ ⁶
Director of Thai company?	✓ ⁵	✓ ⁵
Thai company if the bribe is committed abroad by its foreign subsidiary?	✓ ¹² (in limited circumstances)	X
Foreign subsidiary of a Thai company if the bribe is committed abroad?	X	✓ ⁷ (in limited circumstances)
Foreign national/company/partnership if the bribe is committed in Thailand?	✓	✓
Foreign national domiciled or “ordinarily resident” in Thailand if the bribe is committed outside Thailand?	✓ (in limited circumstances)	✓ ⁷ (in limited circumstances)
Foreign company/partnership if the bribe is committed abroad?	✓ (in limited circumstances)	✓ ¹⁰ (in limited circumstances)
Penalties		
Penalties include:	Bribing an official: — Imprisonment up to five years; and/or — A fine not exceeding THB 100,000. For the official being bribed: — Imprisonment of five – twenty years, or life imprisonment, and a fine of THB 100,000 – 400,000, or — The death penalty.	Bribing an official: (i) <i>Individual</i> — Imprisonment up to five years; and/or — A fine not exceeding THB 100,000. (ii) <i>Juristic Person</i> — A fine starting at the amount (and not exceeding double the amount) of the incurred damages or the gained benefits. For the official being bribed: — Imprisonment of five – twenty years, or life imprisonment, and a fine of THB 100,000–400,000.
Defences		
Are there any defences available?	✓ (lack of intent)	✓ (for juristic persons, where the offender has committed an offence in the interests of such legal person, it is a defence to have “appropriate internal control measures to prevent the commission of the offence”)

Thailand (continued)

The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓ ⁸	✓ ¹
Would corporate hospitality be caught?	✓ ⁸	✓ ¹
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	✓ ⁹
Acts performed outside Thailand		
Can bribery performed outside Thailand be caught?	✓ (for example, if it is connected to or affects a Thai government procurement process)	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Thai national?	✓	✓ ¹⁰
Thai company?	✓	✓ ¹⁰
Thai partnership (including limited liability partnership)?	✓	✓ ¹⁰
Director of Thai company?	✓ ¹¹	✓ ⁵
Thai company if the bribe is committed abroad by its foreign subsidiary?	✓ ¹¹ (in limited circumstances)	X
Foreign subsidiary of a Thai company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if the bribe is committed in Thailand?	✓	✓
Foreign national domiciled or "ordinarily resident" in Thailand if the bribe is committed outside Thailand?	✓ ¹¹ (in limited circumstances)	✓ ¹⁰ (in limited circumstances)
Foreign company/partnership if the bribe is committed abroad?	✓ (in limited circumstances, for example, if it is connected to or affects a Thai government procurement process)	✓ ¹⁰ (in limited circumstances)
Penalties		
Penalties include:	— Imprisonment of one – five years, and — A fine amounting to 50% of the amount representing the highest bid made between co-offenders, or the value of the contract, whichever is greater.	— Imprisonment of five – twenty years, or life imprisonment, and a fine of THB 2,000–40,000, or — The death penalty.
Defences		
Are there any defences available?	✓ (lack of intent)	✓ (lack of intent)

¹ If the relevant intent to induce an official to act contrary to their duty is established.

² In addition, the offence also covers the bribery of foreign state officials, and officials from international organisations.

³ Theoretically, individuals and juristic persons can be liable under the Thai Criminal Code. In the case of legal persons, it is generally the case that the director(s), or the person in charge for the operation of the juristic person will also be prosecuted.

⁴ Where a partnership (including a limited liability partnership) is accused of committing an offence under Section 144 of the Criminal Code, it is generally the case that the partner(s) will also be prosecuted.

⁵ Provided they had intent to commit the act, and knowledge of the facts.

⁶ Provided the offender is involved with the juristic person (e.g., company, partnership) and acts for the benefit of that juristic person where such juristic person does not have appropriate internal control measures to prevent such bribery. The person involved with the juristic person shall mean an employee, a representative, an affiliated company or any person who acts for or on behalf of such juristic person, whether they have the power or duties in such matter or not.

⁷ Provided that the offender is a Thai national or state official, or the offence is committed against a Thai national or state official.

⁸ If the relevant intent to induce an official to obtain a government contract, or to distort prices in the bidding for government contracts is established.

⁹ Officials under the Offences of Officials of State Organisations or State Agencies Act also include the employees of state enterprises.

¹⁰ Individuals and juristic persons can be liable under the Act on Offences Committed by Officials of State Organisations as a supporter of an official who commits the offence.

¹¹ If an offence is committed for the benefit of a juristic person, its directors, executives, or responsible officers may be deemed a joint offender, unless it can be proven that he or she had no knowledge or involvement in the commission of the offence.

¹² Bribery performed outside Thailand can be caught under the Submission of Bids to State Agencies Act if it is connected to or affected a Thai government procurement process. A juristic person benefitting from such bribery is also likely to be held liable, or deemed a supporter of the offence.



Europe

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Albania

Source of law <i>Criminal Code of the Republic of Albania (Law no. 7895, dated 27 January 1995)</i> <i>Criminal liability of legal entities (Law no. 9754, dated 14 June 2007)</i> <i>Public collaboration in the fight against corruption (Law no. 9508, dated 3 April 2006)</i> <i>National Strategy and Action Plan against corruption</i>		
Offence	Private Sector Active Corruption The direct or indirect promise, offer, or giving to a person, who exercises a management function in a commercial company or who works in any other position in the private sector, of any irregular benefit for himself or a third person, in order to act or not to act contrary to his duty. Passive corruption The direct or indirect soliciting or taking of any irregular benefit or of any such promise, for himself or a third person, or accepting an offer or a promise that originates from the irregular benefit, of the person that exercises a managerial function or works in whatever position in the private sector, with the purpose to act or not to act contrary to his duty or function.	Public Sector Active Corruption The promising, proposing or giving, directly or indirectly, any kind of improper benefit for oneself or other persons, to a person exercising public functions; a foreign public official; a high state official and local elected representative; witness, expert or interpreter; judge, prosecutor and other justice officials. Passive corruption The soliciting or taking, directly or indirectly, by a person who exercises public functions, of any irregular benefit or of any such promise for himself or for a third person or accepting an offer or promise, deriving from an irregular benefit, in order to act or not act in the exercise of his duty.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Albania		
Can bribery performed outside Albania be caught?	✓ ¹ (regarding foreign nationals under certain conditions)	✓ ² (regarding foreign nationals under certain conditions)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Albanian national?	✓	✓
Albanian company?	✓ (for criminal offences committed in Albania)	✓ (for criminal offences committed in Albania)
Albanian partnership (including limited liability partnership) incorporated?	✓ (for criminal offences committed in Albania)	✓ (for criminal offences committed in Albania)
Director of Albanian company?	✓	✓
Albanian company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of an Albanian company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Albania?	✓ ³ (with regard to companies and partnerships under certain conditions)	✓ ⁴ (with regard to companies and partnerships under certain conditions)
Foreign national domiciled or "ordinarily resident" in Albania if bribe is committed outside Albania?	✓ ⁵ (under certain conditions)	✓ ⁶ (under certain conditions)
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	Private Sector Individuals — Active corruption: imprisonment for up to three years — Passive corruption: imprisonment for up to five years Companies — Active and passive corruption: fine up to EUR 40,000 — Misdemeanors: fine of up to EUR 8,000 — Other penalties such as termination, restriction of operation, debarment from tendering for public contracts; confiscation of benefits derived from bribery may apply	Public Sector — Active corruption: imprisonment for up to three or five years — Passive corruption: imprisonment for up to four or eight years
Defences		
Are there any defences available?	X	X

¹ Albanian criminal law is applicable to foreign nationals where the bribe is committed outside Albania and the offence is against the interests of the Albanian Government or citizens.

² See footnote 1.

³ The foreign nationals, committing a criminal offence within the territory of the Republic of Albania, shall be held liable under the criminal law of the Republic of Albania. Albanian criminal law applies to foreign companies and partnerships only if these are considered to have a permanent establishment in Albania.

⁴ See footnote 3.

⁵ Only if the bribe committed outside the jurisdiction is against the interests of the Albanian Government or citizens.

⁶ See footnote 5.

Austria

Source of law	s304 and 305 of the Austrian Criminal Code (Strafgesetzbuch)	s306 of the Austrian Criminal Code	s307 of the Austrian Criminal Code
Offence	Being Bribed s304: Public Sector Bribery Requesting, accepting or being promised a personal benefit ¹ or a benefit for a third person as a condition for the improper performance or omission of a public function. s305: Acceptance of benefits Accepting or being promised a personal benefit or a benefit for a third person as a condition for the improper performance or omission of a business activity.	Being Bribed Acceptance of benefits with the intent of being influenced Requesting a personal benefit or a benefit for a third person or accepting an undue ² benefit with the intent of being influenced in the exercise of a public function.	Bribing Public Sector Bribery Offering, promising or giving to a public official ⁶ or to a third person a financial or other benefit with the intent of inducing the public official to improperly perform a public function ⁷ .
The bribe			
Is there a presumption that any advantage was given/received corruptly?	X	X	X
Would facilitation payments be caught?	✓ (if an improper performance results, s305 regarding the acceptance of benefits (<i>Vorteilsannahme</i>) is applicable)	✓	✓ (if improper performance results, s307a on the grant of benefits (<i>Vorteilszuwendung</i>) is applicable)
Would corporate hospitality be caught?	✓ (depending on intent)	✓	✓ (depending on intent)
Is there any <i>de minimis</i> ?	X (certain gifts of minor value are not considered an advantage)	X (certain gifts of minor value are not considered an advantage)	X (certain gifts of minor value are not considered an advantage)
Does the bribe have to be monetary?	X	X	X
Public officials			
Does the offence only apply to bribing public officials?	✓	✓	✓
Acts performed outside Austria			
Can bribery performed outside Austria be caught?	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)
Does the act also need to be illegal in the foreign country of performance?	X	X	X
Who can be liable			
Austrian national?	✓	✓	✓
Austrian company?	✓	✓	✓
Austrian partnership (including limited liability partnership)?	✓	✓	✓
Director of Austrian company?	✓	✓	✓
Austrian company if the bribe is committed abroad by its foreign subsidiary?	X	X	X
Foreign subsidiary of an Austrian company if the bribe is committed abroad?	X	X	X
Foreign national/company/partnership if bribe is committed in Austria?	✓	✓	✓
Foreign national domiciled or "ordinarily resident" in Austria if bribe is committed outside Austria?	✓	✓	✓
Foreign company/partnership if bribe is committed abroad?	X	X	X
Penalties			
Penalties include:	Individuals - Imprisonment for up to three years - When advantage exceeds EUR 3,000: imprisonment between six months and five years - When advantage exceeds EUR 50,000: imprisonment between one and ten years s304: Companies / Partnerships - Maximum fines between 55–130 daily rates³ depending on amount of advantage given/offered s305: Companies / Partnerships - Maximum fines between 40–100 daily rates	Individuals⁴ - Imprisonment for up to two years - When advantage exceeds EUR 3,000: imprisonment up to three years - When advantage exceeds EUR 50,000: imprisonment between six months and five years Companies / Partnerships⁵ - Maximum fines between 40–100 daily rates depending on amount of advantage given/offered	Individuals - Imprisonment for up to three years - When advantage exceeds EUR 3,000: imprisonment between six months and five years - When advantage exceeds EUR 50,000: imprisonment between one and ten years Companies / Partnerships - Fines between 55–130 daily rates depending on amount of advantage given/offered
Defences			
Are there any defences available?	X (but see definition of "personal benefit" above)	X	X

Austria (continued)

Source of law	s307a and 307b of the Austrian Criminal Code	s308 of the Austrian Criminal Code	s309 of the Austrian Criminal Code
Offence	Bribing s307a: Granting of benefits Offering, promising or giving to a public official or a third person an undue benefit in exchange for such public official to improperly perform a public function. s307b: Granting of benefits to influence Intentionally offering, promising or giving an undue benefit to a public official or a third person with the intent of influencing the performance of the public function by the public official.	Being Bribed/Bribing Illicit intervention Requesting, being promised, or accepting a personal benefit or an advantage for a third person for exercising undue influence on the decision-making of a public official; or Offering, promising or giving of a benefit to a third person in exchange for such third person influencing the decision-making of a public official.	Being Bribed/Bribing Private Sector Bribery Requesting or accepting a personal benefit or a benefit for a third person for the improper performance or omission of a business activity; or Offering, promising or giving to an employee or agent of a company a financial or other benefit in his favour or in favour of a third person with the intent of inducing improper performance of a business activity.
The bribe			
Is there a presumption that any advantage was given/received corruptly?	X	X	X
Would facilitation payments be caught?	✓	✓	✓
Would corporate hospitality be caught?	✓ s307a (depending on intent) ✓ s307b	✓ (depending on intent)	✓ (depending on intent)
Is there any <i>de minimis</i> ?	X (certain gifts of minor value are not considered an advantage)	X (certain gifts of minor value are not considered an advantage)	X (certain gifts of minor value are not considered an advantage)
Does the bribe have to be monetary?	X	X	X
Public officials			
Does the offence only apply to bribing public officials?	✓	✓	X (only applicable to private persons)
Acts performed outside Austria			
Can bribery performed outside Austria be caught?	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)	✓ (if committed by an Austrian national or a company or partnership which is incorporated in Austria)
Does the act also need to be illegal in the foreign country of performance?	X	X	X
Who can be liable			
Austrian national?	✓	✓	✓
Austrian company?	✓	✓	✓
Austrian partnership (including limited liability partnership)?	✓	✓	✓
Director of Austrian company?	✓	✓	✓
Austrian company if the bribe is committed abroad by its foreign subsidiary?	X	X	X
Foreign subsidiary of an Austrian company if the bribe is committed abroad?	X	X	X
Foreign national/company/partnership if bribe is committed in Austria?	✓	✓	✓
Foreign national domiciled or "ordinarily resident" in Austria if bribe is committed outside Austria?	✓	✓	✓
Foreign company/partnership if bribe is committed abroad?	X	X	X
Penalties			
Penalties include:	Individuals — Imprisonment up to two years — When advantage exceeds EUR 3,000: imprisonment up to three years — When advantage exceeds EUR 50,000: imprisonment between six months and five years Companies / Partnerships — Fines between 40–100 daily rates depending on amount of advantage given/offered	Individuals — Imprisonment up to two years — When advantage exceeds EUR 3,000: imprisonment up to three years — When advantage exceeds EUR 50,000: imprisonment between six months and five years Companies / Partnerships — Fines between 40–100 daily rates depending on amount of advantage given/offered	Individuals — Imprisonment for up to two years — When advantage exceeds EUR 3,000: imprisonment up to three years — When advantage exceeds EUR 50,000: imprisonment between six months and five years Companies / Partnerships — Fines between 40–100 daily rates depending on amount of advantage given/offered
Defences			
Are there any defences available?	X	X	X

¹ "Personal benefit" does not include (i) advantages that are permitted by law or given in the context of events where there is an official or objectively justified interest in participating; (ii) advantages for public purposes for the use of which a public officer does not exercise any influence; (iii) customary gifts of minor value, unless they are given with a view to generating income on a sustainable basis (gewerbsmäßig).

² "Undue" refers to an influence which aims at improper performance of a public function or the omission of such performance, or is connected with the offering, promising or giving of an undue advantage to a public official or a third person connected to him / her.

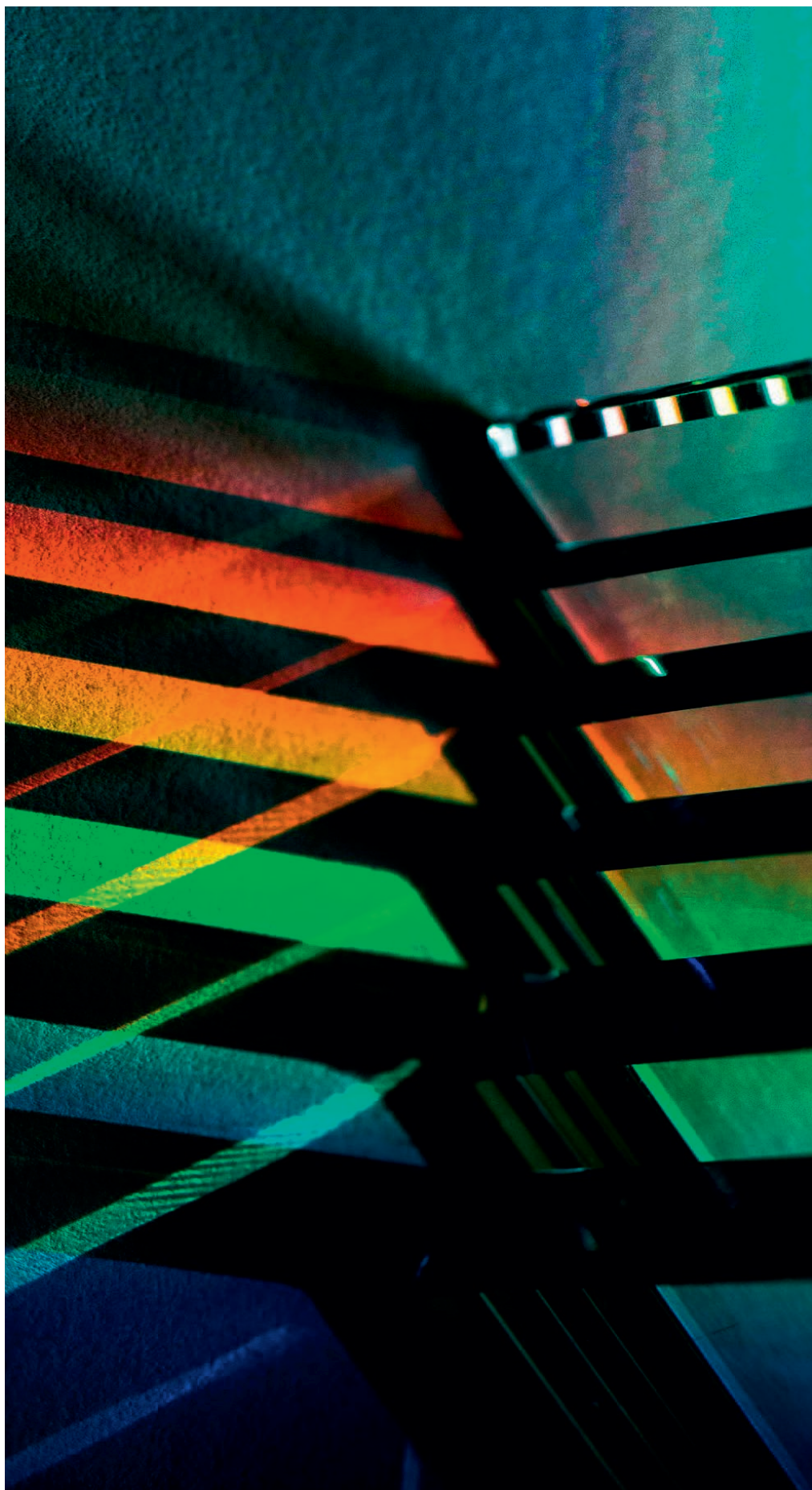
³ "Daily rates" are financial penalties applied in lieu of a prison sentence. They are calculated by reference to the economic means of the perpetrator multiplied by a certain number of (fictitious) days reflecting the gravity of the offence.

⁴ Not liable for acceptance or request of a minor benefit, unless the act is committed commercially.

⁵ See footnote 6.

⁶ "Public official" includes arbitrators and experts establishing an expert opinion in a public function, as well as members of the representative bodies in Austria, employees and organs of state and affiliated companies.

⁷ Including foreign public officials.



Belgium

Source of law	Public Bribery (Article 638 New Criminal Code ¹)	Private Bribery (Article 487 New Criminal Code)
Offence	Public corruption consists of, on the part of public official, deliberately: (1) soliciting, accepting, or receiving, either directly or through an intermediary, for oneself or for a third party, an offer, a promise, or a benefit of any kind; or (2) offering, either directly or through intermediaries, to a public official an offer, a promise, or a benefit of any kind, for themselves or for a third party. Such conduct is punishable when committed with the intent to: 1° induce the public official to perform an act within the scope of their duties that is lawful but not subject to remuneration; 2° to induce a public official to abuse the actual or supposed influence they possess by virtue of their function, in order to obtain an act from a public authority or administration or the omission of such an act; (3) inducing a public official to perform an unjust act in the course of the performance of his or her duties or to refrain from performing an act that falls within the scope of his or her duties; or (4) inducing a public official to commit an offense in the course of the performance of his or her duties.	Active Private Bribery Offering or giving to a company director any advantage intending to induce him to act, or to refrain from certain acts within his functions or accepting such advantage without the board of directors' authorisation. Passive Private Bribery A person acting as a director or employee of a company requesting or accepting directly or through another person an offer, promise or any advantage for himself or a third party, to do or refrain from doing certain acts within his function, without the board of directors' authorisation.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ ²	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	X
Acts performed outside Belgium		
Can bribery performed outside Belgium be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	✓
Who can be liable		
Belgian national?	✓	✓
Belgian company?	✓	✓
Belgian partnership (including limited liability partnership)?	✓	✓
Director of Belgian company?	✓	✓
Belgian company if the bribe is committed abroad by its foreign subsidiary?	✓	✓
Foreign subsidiary of a Belgian company if the bribe is committed abroad?	✓	✓
Foreign national/company/partnership if the bribe is committed in Belgium?	✓	✓
Foreign national domiciled or "ordinarily resident" in Belgium if the bribe is committed outside Belgium?	✓	✓ (but the act also needs to be illegal in the foreign country of performance)
Foreign company/partnership if the bribe is committed abroad?	X	X

Belgium (continued)

Penalties		
Penalties include:	Individuals — Imprisonment between three and up to five years — Professional restrictions i.e. restrictions may be imposed on the power of company directors, auditors or managers Legal entities — Fine up to EUR 600,000 Both for individuals and legal entities; — Confiscation of the proceeds of the offence — Debarment from tendering — Payment of a sum not exceeding three times the value of the financial benefit that the perpetrator or perpetrators derived or expected to derive, directly or indirectly, from the offense	Individuals — Imprisonment for a term of not less than six months and not more than three years or, — Detention for a term of not less than six months and not more than two years, or — Electronic monitoring for a period of not less than one month and not more than one year, or — Community service for a period of not less than 120 hours and not more than 300 hours; or — Probation for a period of not less than 12 months and not more than two years; Professional restrictions i.e. restrictions may be imposed on the power of company directors, auditors or managers. Legal entities — Fine up to EUR 360,000 — Public service Both for individuals and legal entities; — Confiscation of the proceeds of the offence — Debarment from tendering — Payment of a sum not exceeding three times the value of the financial benefit that the perpetrator or perpetrators derived or expected to derive, directly or indirectly, from the offense
Defences		
Are there any defences available?	X	X

¹ Belgium's new Criminal Code is due to come into effect in 2026 and this section outlines the law as it will be once in force.

² Moderate hospitality and gifts are tolerated. However, they should be moderate and are acceptable only if the giver has no intention of persuading the public official to commit an act relating to his official job duties.

Bosnia and Herzegovina

Sources of law

*Criminal Code of Bosnia and Herzegovina ("BiH"),
Criminal Code of Federation of Bosnia and Herzegovina ("FBiH"),
Criminal Code of Republika Srpska ("RS"),
Criminal Code of Brčko District ("BD"),
Law on confiscation of property arising from the criminal act of FBiH,
Law on confiscation of property arising from the criminal act of RS,
Law on confiscation of illegally acquired property of BD,
Law on Agency for the Prevention of Corruption and Coordination of the Fight against Corruption of BiH,
Law on the Suppression of Corruption and Organized Crime (FBiH),
Law on the Protection of Persons Reporting Corruption (RS),
Law on the Suppression of Corruption, Organized and the Most Severe Forms of Economic Crime (RS),
and Law on the Protection of Persons Reporting Corruption in the Institutions of BiH.*

Offence

Bribing

Giving or promising (directly or indirectly) a gift or other benefit to an official (including a foreign public official or an international official) or responsible person in the institutions of Bosnia and Herzegovina, an arbiter or juror judge to induce performance or non-performance of an act within the scope of his official powers (whether or not the act should or should not have been performed by the person).

Being bribed

Demanding or accepting such a gift or benefit or facilitating bribing by an official (including a foreign public official or an international official) or a responsible person in the institutions of Bosnia and Herzegovina, an arbiter or juror judge in return for performance or non-performance of an act within the scope of his official powers, or as a reward for such performance or non-performance (whether or not the act should or should not have been performed by the person).

Bribing for trafficking of influence

Giving or promising a gift or other benefit to a person who has an official, social or influential position or other status to facilitate or induce performance or non-performance of an activity by an official, responsible person in the institutions of Bosnia and Herzegovina, foreign official, international official, arbiter or juror judge.

Being bribed for trafficking of influence

Demanding or accepting a gift or other benefit directly or indirectly in order to use his/her influential position or other status (or facilitating by using his/her influence) to induce performance or non-performance of an official activity by an official, responsible person in the institutions of Bosnia and Herzegovina, foreign official, international official, arbiter or juror judge.

Bribing and being bribed in bankruptcy procedure

Demanding, accepting or giving a bribe or an offer/a promise of a bribe by a creditor, a member of the creditors' committee or a bankruptcy administrator to vote/not to vote in a certain way or to act otherwise detrimentally to at least one creditor in bankruptcy proceedings.

Bribing in the performance of business or other activity

Giving or promising, directly or indirectly, a gift or other benefit to a person to conclude a contract or reach a business agreement or provide service, or refrain from such actions, to violate other duties in performing a business or other activity to the detriment/for the benefit of a business entity for/in which he/she works or another legal or natural person mediating in such bribing.

Being bribed in the performance of business or other activity

Demanding or accepting, directly or indirectly, a gift or other benefit to a person to conclude a contract or reach a business agreement or provide service, or refrain from such actions, to violate other duties in performing a business or other activity to the detriment/for the benefit of a business entity for/in which he/she works or another legal or natural person mediating in such bribing.

The bribe

Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	Depends on intent
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X

Public officials

Does the offence only apply to bribing public officials?	✓
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Acts performed outside Bosnia

Can bribery performed outside Bosnia be caught?	✓
Does the act also need to be illegal in the foreign country of performance?	✓

Who can be liable

Bosnian national?	✓
Bosnian company?	✓
Bosnian partnership (including limited liability partnership)?	✓
Director of Bosnian company?	✓
Bosnian company if the bribe is committed abroad by its foreign subsidiary?	✓

Bosnia and Herzegovina (continued)

Foreign subsidiary of a Bosnian company if the bribe is committed abroad?	✓
Foreign national/company/partnership if bribe is committed in Bosnia?	✓
Foreign national domiciled or "ordinarily resident" in Bosnia if bribe is committed outside Bosnia?	✓
Foreign company/partnership if bribe is committed abroad?	✓
Penalties	
Penalties include:	Individuals Bribing: imprisonment for up to five years (for performing an unauthorised act; or not doing what should have been done); fine or imprisonment for up to three years (for doing what should have been done (by accepting a facilitation payment); or for not doing what should have been done) Being bribed: imprisonment for up to ten years (for performing an unauthorised act; or not doing what should have been done); imprisonment for up to five years (for doing what should have been done (by accepting a facilitation payment); or for not doing what should have been done) Bribing for trafficking of influence: imprisonment for up to five years Being bribed for trafficking of influence: imprisonment for up to five years; or imprisonment for up to eight years (for mediating in such a bribe), or for up to ten years (if the person requested or received or accepted a reward or any other benefit for himself or another) Bribery in Elections and in Publicly Funded Service: one to ten years imprisonment and a fine (bribery for misconduct in public duty), six months to five years imprisonment and a fine (bribery for lawful acts), six to five years imprisonment and a fine (offering bribe for misconduct), up to three years imprisonment and a fine (offering bribe for lawful acts), one to ten years imprisonment and a fine (misconduct without bribe received yet) Bribing in the performance of business or other activity: fine and imprisonment for up to five years Being bribed in the performance of business or other activity: fine and imprisonment for up to five years Bribing and being bribed in bankruptcy procedure: imprisonment for up to five years or imprisonment for up to eight years (if committed by a bankruptcy administrator) + Confiscation of property gained through the perpetration of the criminal act Companies Depending on the circumstances of the individual case: fines, confiscation orders and/or dissolution of the company
Defences	
Are there any defences available?	✓

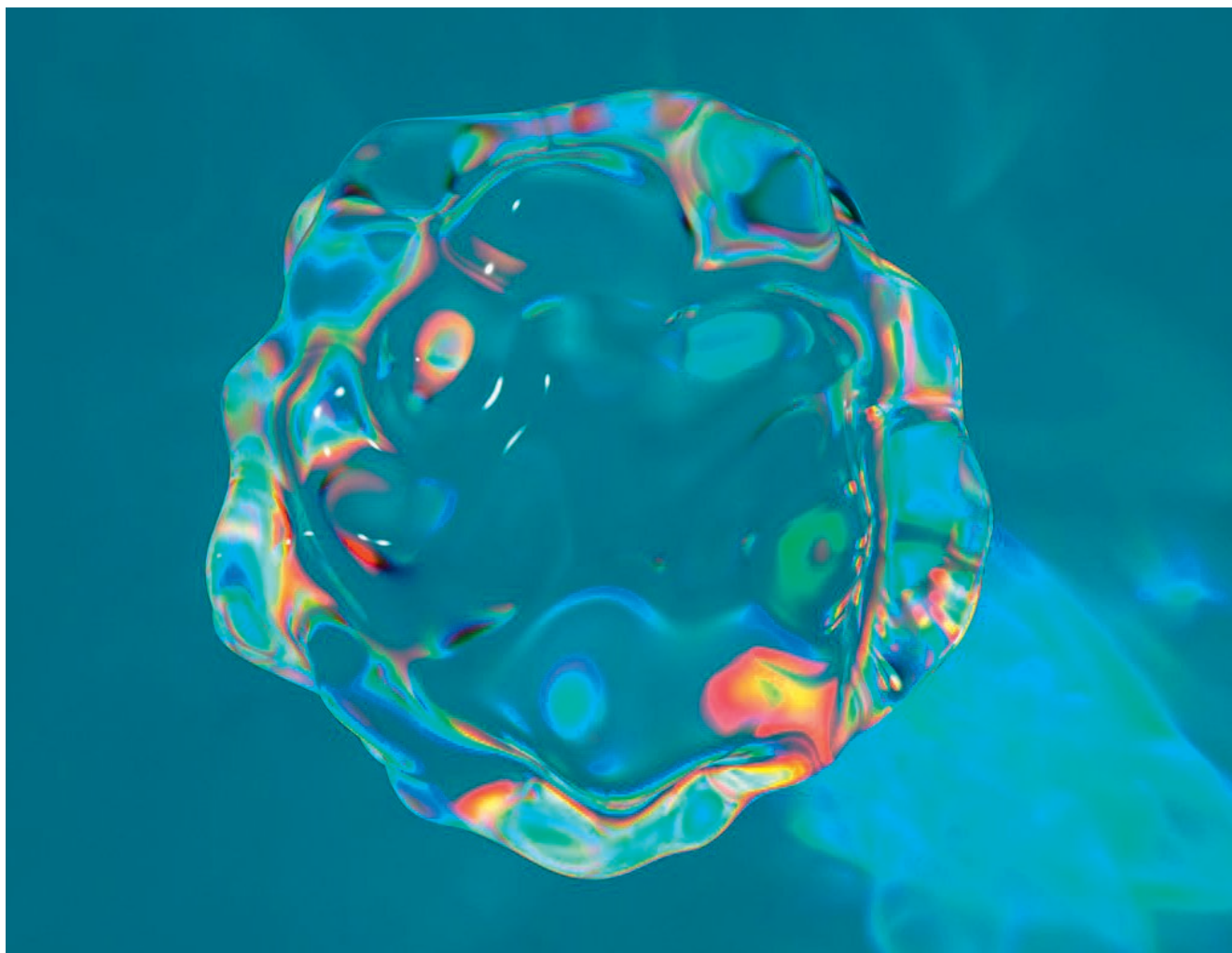
Bulgaria

Source of law		Criminal Code, Administrative Offences and Sanctions Act
Offence	Criminal offences related to the office of public officials¹	
	Recipient An official (including a foreign official) who asks for or accepts a gift or other undue benefit or accepts any offer/promise of a gift or other undue benefit to perform or refrain from performing an act connected with his office, or because he has performed or refrained from performing such an act. The offence is committed also where, with the consent of the official, the gift or the undue benefit has been offered, promised or given to a third person. Briber Any person offering, promising or giving a gift or any other benefit to an official (including a foreign official) in order to perform or to refrain from performing an act connected with his office, or because the official has performed or has refrained from performing such an act.	Recipient Any person requesting or accepting an offer or promise of a gift, or any undue benefit to exert influence over a domestic or foreign public official in relation to the decision-making of such official. Briber Any person offering, promising or giving a gift or any undue benefit to a person who alleges that it may exert influence over a domestic or foreign public official in relation to the decision-making of such official.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	Depends on intent	Depends on intent
Is there any <i>de minimis</i> ?	X (except for the general restriction) ³	X (except for the general restriction) ³
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	✓
Acts performed outside Bulgaria		
Can bribery performed outside Bulgaria be caught?	✓ (if committed by (i) a Bulgarian national, or (ii) a foreign national, where the offence concerned Bulgaria or a Bulgarian citizen)	✓ (if committed by (i) a Bulgarian national, or (ii) a foreign national, where the offence concerned Bulgaria or a Bulgarian citizen)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Bulgarian national?	✓	✓
Bulgarian company?	X (only individuals caught)	X (only individuals caught)
Bulgarian partnership (including limited liability partnership)?	X (only individuals caught)	X (only individuals caught)
Director of Bulgarian company?	Recipient: X Briber: ✓ (if implicated in the actual offence)	Recipient: X Briber: ✓ (if implicated in the actual offence)
Bulgarian company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a company incorporated in Bulgaria if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Bulgaria?	(only individuals caught)	✓
Foreign national domiciled or "ordinarily resident" in Bulgaria if bribe is committed outside Bulgaria?	(only if the offence concerns Bulgaria or a Bulgarian citizen)	✓
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	Recipient — Imprisonment for up to 30 years — Fine of up to EUR 15,000 — Confiscation of assets — Disqualification from taking similar offices Briber — Imprisonment for up to ten years — Fine of up to EUR 7,500 In both cases the benefit is expropriated	Recipient — Imprisonment for up to six years — Fine of up to EUR 2,500 Briber — Imprisonment for up to three years — Fine of up to EUR 1,500 In both cases the benefit is expropriated
Defences		
Are there any defences available?	X	X

Bulgaria (continued)

Source of law	Criminal Code, Administrative Offences and Sanctions Act		
Offence	Criminal offences related to the employment of officials² Recipient Any person, who performs a job for a legal entity, requesting or accepting an offer/promise of a gift or any undue benefit in order to perform an act, or to refrain from doing so, in breach of his/her duties related to the business activities of the entity. The offence is also committed where, with the consent of the person, the gift or the undue benefit has been offered, promised or given to a third person. Briber Any person offering, promising or giving a gift or any benefit to another person, who performs a job for a legal entity, in order for the latter to perform an act or to refrain from doing so, in breach of his/her duties related to the business activities of the entity.	Middleman Any person mediating the commission of any of the offences in the previous columns. (This would be a separate offence only where the involvement of the person is so limited that he cannot be considered as an accomplice in committing any of the other offences).	Administrative liability related to criminal offences in public and private sector Benefiting entity A legal entity which has benefited or which could have benefited from any of the criminal offences in this table, committed by: 1. person that makes decisions for the entity; or 2. a person representing the entity; or 3. a member of a controlling or supervisory board of the entity; or 4. an employee of the entity, mandated by it to perform a certain activity, if the criminal offence was committed in relation to performance of that activity.
The bribe			
Is there a presumption that any advantage was given/received corruptly?	X	X	X
Would facilitation payments be caught?	✓	✓	✓
Would corporate hospitality be caught?	Depends on intent	Depends on intent	✓ (if, depending on the intent, any of the aforementioned qualifies as a crime)
Is there any <i>de minimis</i> ?	X (except for the general restriction) ³	X (except for the general restriction) ³	X (except for the general restriction) ³
Does the bribe have to be monetary?	X	X	X
Public officials			
Does the offence only apply to bribing public officials?	X (applies only to officials of a private entity)	X (applies to both public and private sectors)	X (applies to both public and private sectors)
Acts performed outside Bulgaria			
Can bribery performed outside Bulgaria be caught?	✓ (if committed by (i) a Bulgarian national, or (ii) a foreign national, where the offence concerned Bulgaria or a Bulgarian citizen)	✓ (if any of the conditions under (i) or (ii) in previous columns were satisfied)	✓ (if any of the conditions under (i) or (ii) in previous columns were satisfied)
Does the act also need to be illegal in the foreign country of performance?	X	X	X
Who can be liable			
Bulgarian national?	✓	✓	X
Bulgarian company?	X (only individuals caught)	X (only individuals caught)	✓
Bulgarian partnership (including limited liability partnership)?	X (only individuals caught)	X (only individuals caught)	✓
Director of Bulgarian company?	✓ (if implicated in the actual offence)	✓ (if implicated in the actual offence)	X
Bulgarian company if the bribe is committed abroad by its foreign subsidiary?	X	X	X (unless the individual implicated in committing the actual offence acted also for the Bulgarian company under any of one to four above)
Foreign subsidiary of a company incorporated in Bulgaria if the bribe is committed abroad?	X	X	X
Foreign national/company/partnership if bribe is committed in Bulgaria?	✓ (individual only)	✓ (individual only)	✓ (only legal persons, i.e. companies)
Foreign national domiciled or "ordinarily resident" in Bulgaria if bribe is committed outside Bulgaria?	✓ (if the offence concerns Bulgaria or a Bulgarian citizen)	✓ (if the offence concerns Bulgaria or a Bulgarian citizen)	✓ (if the condition in the previous columns is satisfied)
Foreign company/partnership if bribe is committed abroad?	X	X	X

Penalties			
Penalties include:	Recipient — Imprisonment for up to five years — Fine of up to EUR 10,000 Briber — Imprisonment for up to three years — Fine of up to EUR 7,500 In both cases the benefit is expropriated	— Imprisonment for up to three years — Fine of up to EUR 2,500 The benefit is expropriated	— Financial penalties of up to EUR 5 000 000 or 5 % of the legal person's (company's) annual turnover for the year preceding that in which the offense was committed or the value of the benefit. — The direct or indirect benefit acquired by the legal person (company) from the crime under paragraph 1, as well as the object of the crime, shall be expropriated in favor of the state if it is not subject to return or to confiscation under the Criminal Code. Where the benefit that is the object of the crime is missing or has been alienated, its equivalent value shall be awarded.
Defences			
Are there any defences available?	X	X	X



¹ Applies also to managers and directors of private entities and companies.

² Applies also to managers, directors and employees of private entities and companies.

³ If the offence is so insignificant that it is not damaging to the public interest or the damage to the public interest insignificant, there would be no offence.

Croatia

Source of law		Criminal Act ¹ , Act on Criminal Liability of Legal Entities ²
Offence		— Giving a bribe in business activities (Article 253 CA): offering, promising or giving a bribe (or intermediating in those actions) during a business activity in order to favour the briber or someone else by or when making or performing a deal or rendering services, to the detriment of an entity the recipient represents or works for. — Accepting a bribe in business activities (Article 252 CA): demanding or accepting a bribe (or the offer or promise of a bribe), or intermediating in those actions, during a business activity in order to favour someone by or when making or performing a deal or rendering services, to the detriment of an entity they represent or work for. — Giving a bribe (Article 294 CA): offering, promising or giving a bribe (or intermediating in those actions) to an official³ or responsible person⁴ in order for them to (within or outside their powers) perform/not perform an action which should not/should be performed. — Accepting a bribe (Article 293 CA): demanding or accepting a bribe or the offer or promise of a bribe by an official or responsible person for themselves or someone else, in order for them to (within or outside their powers) perform/not perform an action which should not/should be performed, as well as demanding or accepting a bribe after performing/not performing such action. — Giving a bribe for trading in influence (Article 296 CA): offering, promising or giving a bribe (or intermediating in those actions) in order for someone to use the official or social status or influence for performing/not performing an action which should not/should be performed. — Trading in influence (Article 295/2, 3 CA): demanding or accepting a bribe or the offer or promise of a bribe (or intermediating in those actions) in order to use the official or social status or influence for not performing/performing action which should/should not be performed. — Bribing a representative (Article 339 CA): demanding or accepting a bribe or the offer or promise of a bribe by a representative in the Croatian or European Parliament or in a local and regional representative body, in order to vote in a certain way, as well as offering/promising/giving of such bribe. — Accepting and giving a bribe in insolvency proceedings (Article 251 CA): demanding or accepting a bribe or the offer or promise of a bribe, by a creditor or insolvency trustee for themselves or someone else, in order to harm at least one creditor in the insolvency proceeding, as well as offering/promising/giving of such bribe.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		✓
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		✓ ⁵
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X
Acts performed outside Croatia		
Can bribery performed outside Croatia be caught?		✓
Does the act also need to be illegal in the foreign country of performance?		✓
Who can be liable		
Croatian National?		✓
Croatian company?		✓
Croatian partnership (including limited liability partnership)?		✓
Director of Croatian company?		✓ ⁶
Croatian company if the bribe is committed abroad by its foreign subsidiary?		✓ ⁷ (provided the criminal offence was conducted against the Republic of Croatia or a Croatian national or a Croatian legal entity)
Foreign subsidiary of a Croatian company if the bribe is committed abroad?		✓ (provided the criminal offence was conducted against the Republic of Croatia or a Croatian national or a Croatian legal entity)
Foreign national/company/partnership if bribe is committed in Croatia?		✓
Foreign national domiciled or "ordinarily resident" in Croatia if bribe is committed outside Croatia?		✓
Foreign company/partnership if bribe is committed abroad?		✓

Croatia (continued)

Penalties	
Penalties include:	Individuals — Imprisonment of up to five years (for offence Giving a bribe in business activities) — Imprisonment of up to eight years (for offences Accepting and giving a bribe in the insolvency proceeding, Accepting a bribe in business activities, Giving a bribe, Giving a bribe for trading in influence and Bribing a representative) — Imprisonment of up to ten years (for offences Accepting a bribe and Trading in influence) Companies — Fines up to EUR 25,000,000, or exceptionally up to 10% of the previous year's revenue — Cessation of legal entity — Probationary sentence — Various safety measures⁸
Defences	
Are there any defences available?	✓ ⁹

¹ Criminal Act (Croatian: Kazneni zakon, Official Gazette of Republic of Croatia No. 125/11, as amended; hereinafter referred to as "CA").

² Act on Criminal Liability of Legal Entities (Croatian: Zakon o odgovornosti pravnih osoba za kaznena djela, Official Gazette of Republic of Croatia No. 151/03, as amended)

³ An official person is a public official or an employee on a state or local/regional level, a judicial official, a juror, a member of a Croatian National Judicial Council and Croatian State Prosecutorial Council, an arbitrator, a public notary, a professional worker who performs activities in the field of social welfare, upbringing and education, as well as any person performing those duties in European Union, a foreign country, an international organisation that Croatia is a member of, an international court of arbitration whose competence Croatia accepts.

⁴ A responsible person is a natural person who conducts the affairs of a company or is expressly or actually entrusted with conducting the affairs from the company's scope of work or the scope of work of the state authorities or local/regional authorities.

⁵ According to the Act on prevention of the conflict of interest (Croatian: Zakon o sprječavanju sukoba interesa, Official Gazette of Republic of Croatia No. 143/21, as amended), government officials can accept a gift or service of symbolic value (i.e. under EUR 66) if it does not put the official into a dependent and/or obligatory position towards the donor. Accepting money, securities and precious metals is not allowed.

⁶ Liability is not limited to directors. Any responsible person (please see footnote no. 4) can be liable.

⁷ The Act on Criminal Liability of Legal Entities does not provide special rules on corporate liability for bribery committed through a related legal person. The Ministry of Justice and Public Administration states that a parent company would be liable if the Acts requirements are met. This occurs for example, if a "responsible person" of the parent company is guilty of directing or authorising the subsidiary to commit foreign bribery.

⁸ Examples of safety measures include the prohibition of certain activities or transactions, prohibition of acquiring licences, authorisations, concessions or subventions, prohibition of doing business with beneficiaries of state or local budgets and confiscation of objects.

⁹ The perpetrator of the offences "Giving a bribe in business activities", "Giving a bribe" and "Giving a bribe for trading in influence" can be released from punishment if they gave the bribe upon request of a responsible person and if they reported the offence before it was discovered or before they found out that the offence was discovered. Companies can be released from punishment if they report the offence of the responsible person before it was discovered or before they found out that the offence was discovered.

Czech Republic

Source of law	
Act No. 40/2009 Coll., Czech Criminal Code; Act No. 418/2011 Coll., on Criminal Liability of Legal Entities	
Offence	Major offences — acceptance of a bribe — active bribery — indirect bribery The Criminal Code defines a bribe as “offering, giving, requesting or accepting (directly or indirectly) in the public or private sector, an unauthorised benefit consisting in a direct material enrichment or other advantage which is obtained or is intended to be obtained by the bribed person or another person with his/her agreement, and to which s/he has no right.”¹ Other special offences apply in relation to public tenders and public auctions.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ ²
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Czech Republic	
Can bribery performed outside Czech Republic be caught?	✓ ³
Does the act also need to be illegal in the foreign country of performance?	✓ ⁴
Who can be liable	
Czech national?	✓
Czech company?	✓ ⁵
Czech partnership (including limited liability partnership)?	✓
Director of Czech company?	✓
Czech company if the bribe is committed abroad by its foreign subsidiary?	✓ ⁶
Foreign subsidiary of a Czech company if the bribe is committed abroad?	✓ ⁷
Foreign national/company/partnership if the bribe is committed in Czech Republic?	✓ ⁸
Foreign national domiciled or “ordinarily resident” in Czech Republic if the bribe is committed outside Czech Republic?	✓ ⁹
Foreign company/partnership if the bribe is committed abroad?	✓ ¹⁰
Penalties	
Penalties include:	Individuals — Imprisonment for up to 12 years, forfeiture of property, protective measures, (i.e. confiscation of an item / property (in part or whole))¹¹ monetary penalty (its potential maximum amount is dependent on the upper limit of the prison sentence specified in days for the offence committed by the offender), house arrest, community service, prohibition of entry to sporting, cultural and other social events, deportation, prohibition of residence, prohibition on performing public contracts or participating in public tenders, prohibition on receiving grants and subsidies and / or prohibition of keeping and breeding animals Companies — Monetary penalty (its potential maximum amount is dependent on the upper limit of the prison sentence specified in days for the offence committed by the offender), forfeiture of property, forfeiture of a possessed item, protective measures (i.e. confiscation of an item / property (in part or whole))¹² publication of judgment, prohibition on performing public contracts or participating in public tenders, prohibition on receiving grants and subsidies and / or prohibition of keeping and breeding animals; if held liable, the company may be dissolved (in extreme cases)
Defences	
Are there any defences available?	A legal entity may escape criminal liability if it can show it has exerted all efforts that could be justifiably expected from it to prevent the commission of further offences (e.g. a suitable and effective internal compliance programme is set up, internal regulations and policies are adopted, educational events take place etc.).

¹ s331 – 334 of the Criminal Code.

² Would have to be examined on a case by case basis. Can be prosecuted under certain circumstances.

³ If: (a) an offence is committed abroad by Czech or a person without Czech citizenship but permanently resident in the Czech Republic (s6 of the Criminal Code); or (b) a person (regardless of his/her citizenship) commits an offence abroad with the intention to have an impact in the Czech Republic (s4 of the Criminal Code).

⁴ If an offence is committed abroad by a foreigner or a person without Czech citizenship and not permanently resident (domiciled) in the Czech Republic and this person was caught in the Czech Republic and was not extradited for criminal proceedings in a foreign country (s8 of the Criminal Code).

⁵ However, the Czech Republic and self-governing territorial units in the exercise of public power are excluded from criminal liability (s6 of the Act on Criminal Liability of Legal Entities).

⁶ The company would be liable only if it would actually have benefited from the conduct of its foreign subsidiary or if the company would be an accessory to the crime of its subsidiary.

⁷ If the crime is committed for the benefit of a Czech company (s4 of the Act on Criminal Liability of Legal Entities).

⁸ If a foreign company/partnership has its branch or subsidiary in the Czech Republic, or it does business in the Czech Republic or it has its assets in the Czech Republic (s2 of the Act on Criminal Liability of Legal Entities).

⁹ If: (a) a foreign national is domiciled (s6 of the Criminal Code); or (b) a foreign national is “ordinarily resident” in the Czech Republic (please see footnote no. 4). Additionally, if the crime is committed for the benefit of a company that has its registered seat in the Czech Republic or local branch in the Czech Republic (s8 of the Criminal Code).

¹⁰ If the crime is committed for the benefit of a Czech company (s4 of the Act on Criminal Liability of Legal Entities).

¹¹ Can be imposed on third parties in addition to the offender.

¹² Can be imposed on third parties in addition to the offender.

France

Sources of law		International corruption: Articles 435-1 and seq of the French Criminal Code (French Statute of 13 November 2007, as amended by the French Statute of 17 May 2011, by the French Statute of 9 December 2016 (hereafter Sapin II Law) and by the Ordinance of 18 September 2019) Article 17 of the Sapin II Law, which came into force on June 1st, 2017 "Large companies"¹ and their CEOs failing to implement the eight internal preventive anti-corruption measures (i.e., a code of conduct, a whistleblowing system, a risk mapping, due diligence procedures, internal and accounting controls, trainings, a disciplinary regime, and evaluation and audit of the program) expose themselves respectively to a 1m€ administrative fine and 200k€ administrative fine, and/or an injunction to remediate, following a public hearing before the Sanctions Committee of the French Anticorruption Agency (AFA). The AFA regularly launches in-depth inspections (controls) within companies to verify proper implementations of the eight measures. On top of the administrative fine by the AFA, if AFA agents identify criminal misconducts or misdemeanours during their inspections, they have the duty to report them to the Public Prosecutors. Besides, the AFA promotes to the general public the external issuance of whistleblowing alerts to them. According to the 2025 Annual Report of the AFA. In 2024, 58 alerts have been received and led to 52 reports to public prosecutors or relevant regulators. Public Sector (various Articles of the French Criminal Code, in particular Articles 432-11, 432-11-1, 433-1 to 433-2-1 of the French Criminal Code) Bribing Unlawfully offering, promising or giving² to a public official (including judicial officers and an elected foreign public official), directly or indirectly, any advantage for the future or past performance or non-performance of any act within the official's functions, duties or mandate.
		Being Bribed A public official (including judicial officers and an elected foreign public official) unlawfully requesting or accepting for himself or another an advantage for the future or past performance or non-performance of any act within the official's functions, duties or mandate. Private Sector (Article 445-1 and Seq. of the French Criminal Code) Bribing Unlawfully offering to a person holding a management position or any occupation, any advantage for the future or past performance or non-performance of any act within his activity or function, in breach of his legal, professional or contractual obligations. Being Bribed A person holding a management position or any occupation, requesting or accepting, directly or indirectly, any advantage for the future or past performance of an act within his activity in breach of his legal, professional or contractual obligations.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓	✓
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside France		
Can bribery performed outside France be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
French national?	✓	✓
Company incorporated in France?	✓	✓
French partnership (including limited liability partnership)?	✓	✓
Director of a French company?	✓	✓
French company if the bribe is committed abroad by its foreign subsidiary?	✓	✓
Foreign subsidiary of a French company if the bribe is committed abroad?	✓ ⁴	✓ ⁵
Foreign national/company/partnership if bribe is committed in France?	✓	✓
Foreign national domiciled or "ordinarily resident" in France if bribe is committed outside France?	✓	✓ ⁷
Foreign company/partnership if bribe is committed abroad?	X ⁸	X ⁹

France (continued)

Penalties		
Penalties include:	Bribing Individuals <i>Corruption involving a person holding a public office:</i> — Imprisonment of up to ten years — Fines up to EUR 1m, where the fine can be increased up to double the value of the advantage resulting from the offence — Fines are raised to EUR 2m or, if this amount exceeds 2m, to twice the amount of the advantage resulting from the offence, when the offence is committed by an organised gang <i>Corruption in the private sector:</i> — Imprisonment of up to five years — Fines of up to EUR 500,000 where the amount of the fine can be increased up to twice the value of the advantage resulting from the offence — Additional penalties such as deprivation of rights, professional restrictions, publication of the decision, and confiscation of what was used to commit the offence Companies <i>Corruption of a person holding a public office:</i> — Fines up to EUR 5m where the fine can be increased up to double the value of the advantage resulting from the offence — Fines are raised to EUR 10m or, if this amount exceeds 10m, to twice the amount of the advantage resulting from the offence, when the offence is committed by an organised gang — For a maximum of five years: • Prohibition from continuing the activity at stake • Placing under judicial supervision • Being banned from public markets • Exclusion from government procurement • Banning the entity from raising public funds • Banning the entity from writing cheques other than those allowing funds to be withdrawn, certified cheques or using credit cards — Publication of the decision — Confiscation — Fine of up to 30% of the company's turnover and the implementation of a compliance programme in case of a settlement with the public prosecutor	Being bribed Individuals <i>Corruption involving a person holding a public office:</i> — Imprisonment of up to ten years¹⁰ — Fines up to EUR 1m, where the fine can be increased up to double the value of the advantage resulting from the offence — Fines are raised to EUR 2m or, if this amount exceeds 2m, to twice the amount of the advantage resulting from the offence, when the offence is committed by an organised gang <i>Corruption in the private sector:</i> — Imprisonment of up to five years — Fines up to EUR 500,000 where the amount of the fine can be increased up to twice the value of the advantage resulting from the offence — Additional penalties such as deprivation of rights, professional restrictions, publication of the decision, and confiscation of what was used to commit the offence Companies <i>Corruption of a person holding a public office:</i> — Fines of up to EUR 5m where the fine can be increased up to double the value of the advantage resulting from the offence — Fines are raised to EUR 10m or, if this amount exceeds 10m, to twice the amount of the advantage resulting from the offence, when the offence is committed by an organised gang — Since the implementation of Sapin II Law, fine up to EUR 1m if the programme does not comply with legal requirements (i.e. failure to implement any of the eight measures provided for) — Fine of up to 30% of the company's turnover and the implementation of a compliance programme in case of a settlement with the public prosecutor <i>Corruption of a person not holding a public office:¹¹</i> — Fines up to EUR 2.5m where the amount of the fine can be increased up to twice the value of the advantage resulting from the offence — For a maximum of five years: • Prohibition from continuing the activity at stake • Placing under judicial supervision • Exclusion from government procurement • Being banned from public markets • Banning the entity from raising public funds • Banning the entity from writing cheques other than those allowing funds to be withdrawn, certified cheques or using credit cards — Publication of the decision — Confiscation — Fine of up to 30% of the company's turnover and the implementation of a compliance programme in case of a settlement with the public prosecutor
Defences		
Are there any defences available?		✓
Is there an obligation to set up an anti-corruption Compliance Programme?		✓
Is having a Compliance Programme in place a sufficient defence?		x



- ¹ Company employing at least 500 employees, or belonging to a group of companies with at least 500 employees, and whose consolidated turnover or turnover exceeds EUR 100m.
- ² Whether or not as a result of an unlawful request from such an official.
- ³ Sapin II Law extends the extraterritorial application of the provisions of the Criminal Code relating to corruption. Indeed, the law provides that in the event of offences relating to corruption committed abroad by a French citizen, a person habitually resident in France or carrying out all or part of his economic activity on French territory, French law is applicable in "all circumstances".
- ⁴ For instance, if the French parent company is sentenced as the main offender ("directly or indirectly") and the foreign subsidiary as an accomplice.
- ⁵ See footnote 4.
- ⁶ Foreign nationals who carry out all or part of their economic activity on French territory also fall within this scope.
- ⁷ This may be the case for foreign public officials belonging to an international organisation or arbitrators.
- ⁸ Although the foreign company could be prosecuted if it was an accomplice to a bribery offence committed by a French company.
- ⁹ See footnote 8.
- ¹⁰ Article 432-11-1 Imprisonment sanction may be reduced by half if, after having denounced the offence, the author or the accomplice has helped to stop it and to identify the other offenders and accomplices.
- ¹¹ In case of corruption involving a private person (as distinguished from public officials), companies may also be bribed and therefore be held liable for it.

Germany

Source of law		
German Criminal Code		
Offence	Private Sector: s299 et seq. German Criminal Code (StGB) Where someone promises or grants the employees or agents of another company or a third party a financial or other benefit in return for (1) treating him or his company preferentially in relation to other competitors without an appropriate reason or (2) committing a breach of his duties towards his company. The same applies to employees or agents of a company who ask for or accept such benefits.	Public Sector: s331 et seq. StGB Where someone promises or grants a holder of office (i.e. any judge, civil servant or any person holding public office who performs public administration tasks at a public authority or other body) a benefit in order to convince him to perform an illegal act or act within his authority.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X (however, inappropriate or unusual benefits, as well as additional circumstantial evidence such as the position of the recipient or lack of other plausible explanations, may lead to preliminary investigation and finally conviction)	X (however, advantages given/received in connection with the exercise of office constitute a bribe (Sect. 331 et seq. StGB))
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ (depends on the intent and on whether the benefit offered is "socially adequate" i.e. a reasonable benefit which does not have the potential to improperly influence a future business decision)	✓ (depends on the intent; however, significantly lower threshold than in private sector)
Is there any <i>de minimis</i> ?	X ¹	X ²
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	✓ ³
Acts performed outside Germany		
Can bribery performed outside of Germany be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
German National?	✓	✓
German company?	✓ ⁴	✓ ⁴
German partnership (including limited liability partnership)?	✓	✓
Director of German company?	✓ (if he is implicated in the act of bribery or in cases of neglect of corporate duty to avoid criminal acts)	✓ (if he is implicated in the act of bribery or in cases of neglect of corporate duty to avoid criminal acts)
German company if the bribe is committed abroad by its foreign subsidiary?	✓ ⁵	✓ ⁵
Foreign subsidiary of a German company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Germany?	Foreign national: ✓ Foreign company or partnership: ✓ ⁶	Foreign national: ✓ Foreign company or partnership: ✓ ⁶
Foreign national domiciled or "ordinarily resident" in Germany if bribe is committed outside Germany?	✓ (if caught within Germany and not subject to extradition)	✓ (if caught within Germany and not subject to extradition)
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	Individuals - Fines and/or imprisonment (up to five years) in case of conviction. An occupational ban may also be imposed on wrongdoers - Directors, board members and officers: fines (up to EUR 1m) in case of insufficient organisation, instruction and supervision Companies - Fines (in principle up to EUR 10m – fine may be higher if benefit derived from bribery exceeds EUR 10m – this is the exception rather than the rule) - Listing in federal Competition Register in case of conviction or fine which may lead to debarment of companies from tendering for public contracts - Confiscation of benefits derived from bribery	Individuals - Fines and/or imprisonment (up to five years) in case of conviction. An occupational ban may also be imposed on wrongdoers - Directors, board members and officers: fines (up to EUR 1m) in case of insufficient organisation, instruction and supervision Companies - Fines (in principle up to EUR 10m – fine may be higher if benefit derived from bribery exceeds EUR 10m – this is the exception rather than the rule) - Listing in federal Competition Register in case of conviction or fine which may lead to debarment of companies from tendering for public contracts - Confiscation of benefits derived from bribery
Defences		
Are there any defences available?	X	X

¹ Low-value gifts are not subject to criminal prosecution. Generally, in the private sector occasional gifts and usual invitations with a total value of EUR 50–EUR 80 (per person) are considered as adequate.

² Low-value gifts are not subject to criminal prosecution. In the public sector occasional small gifts with a total value of EUR 5 -10 or offering refreshments are usually considered as adequate, however, subject to individual circumstances.

³ Employees, officers or directors of privately operated companies who perform public functions or who are controlled by a public body may also be considered as public officials.

⁴ Even though legal entities are not subject to criminal prosecution in Germany they can be ordered to pay substantial fines; confiscation of benefits derived from bribery.

⁵ Depending on the individual circumstances, as in footnote 4.

⁶ As in footnote 4.

Hungary

Sources of law	
Act C of 2012 on the Criminal Code (Hungarian Criminal Code) Act CIV of 2001 on Corporate Criminal Code	
Offence ¹	Corporate Bribery (s290-291 of the Criminal Code) Active Corporate Bribery Giving or promising an unlawful advantage to a person acting for a Hungarian or foreign company to induce that person to breach his/her duties. Passive Corporate Bribery Requesting an unlawful advantage by a person acting for a Hungarian or foreign company, or accepting such advantage or a promise thereof, or agreeing with the third party requesting or accepting the advantage. Public Bribery (s293-294 of the Criminal Code) Active Public Bribery Giving or promising an unlawful advantage to a public official or a third person with regard to a public official to unlawfully influence the public official. Passive Public Bribery Requesting an unlawful advantage by a public official, or accepting such advantage or a promise thereof, or agreeing with the third party requesting or accepting the advantage.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	Depends on intent
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	✓ ²
Acts performed outside Hungary	
Can bribery performed outside Hungary be caught?	✓ ³
Does the act also need to be illegal in the foreign country of performance?	X (unless committed by a foreign national)
Who can be liable	
Hungarian National?	✓
Hungarian company?	✓ ⁴
Hungarian partnership (including limited liability partnership)?	✓ ⁵
Director of Hungarian company?	✓ ⁶
Hungarian company if the bribe is committed abroad by its foreign subsidiary?	✓ ⁷
Foreign subsidiary of a company incorporated in Hungary if the bribe is committed abroad?	✓ ⁸
Foreign national/company/partnership if bribe is committed in Hungary?	✓ ⁹
Foreign national domiciled or "ordinarily resident" in Hungary if bribe is committed outside Hungary?	✓ ¹⁰
Foreign company/partnership if bribe is committed abroad?	✓ ¹¹
Penalties	
Penalties include:	Individuals — Imprisonment up to five years in the case of active and up to ten years in the case of passive bribery (may vary depending on the nature and seriousness of the crime) Companies (if applicable) — Termination — Restriction of operation (one – three years), including debarment from public contracts or state subsidies — Fine: From 2026, the minimum fine that can be imposed is one million forints (approx. EUR 2,500), and the maximum fine is 5% of the turnover achieved by the affected company in the year preceding the commission of the offence. — Confiscation order
Defences	
Are there any defences available?	✓ ¹²

- ¹ There are also special offences relating to bribery in judicial proceedings and influence peddling. In addition, it is also an offence if a public official fails to report bribery of any kind which he / she is aware of.
- ² Bribery concerning public officials qualify as active and passive public bribery pursuant to Sections 293 and 294 of the Hungarian Criminal Code. The statutory definition of active and passive public bribery is similar to that of active and passive corporate bribery.
- ³ Bribery performed outside Hungary is illegal under the Criminal Code if the following conditions are met: the bribery is committed (1) by a Hungarian national, or (2) on a Hungarian ship or aircraft, or (3) by a foreign national and the act is also illegal in the foreign country of performance (to be assessed by the Hungarian General Attorney) (53 of the Criminal Code).
- ⁴ The Corporate Criminal Code was substantially amended in January 2026, expressly identifying bribery offences as conducts capable of giving rise to corporate criminal liability.
- ⁵ If a bribery offence is committed by a partner or representative on the partnership's behalf, and within the scope of the partnership's activity or for its benefit, the partnership can incur measures under Corporate Criminal Liability Act. Thus, Hungarian partnerships (even without separate legal personality) can be penalized for corruption through their members or agents.
- ⁶ The director of a company can be held liable for bribery only if he/she has an active role in the perpetration in her/his capacity as culprit, abettor or accomplice. Negligent acts are not punishable.
- ⁷ Companies cannot be legally "liable" but certain criminal sanctions can be imposed on them, as outlined in footnote 3. If the bribe is committed abroad by a foreign subsidiary, criminal sanctions may be imposed on the Hungarian parent company if the act fell within the scope of its activity, although this has not yet been tested in practice. In addition, the conditions set out in the Criminal Code must also be met.
- ⁸ A foreign subsidiary of a Hungarian company can be liable in Hungary only if the bribe which is committed abroad is also illegal in the foreign country concerned – to be assessed by the Hungarian General Attorney. See also footnotes 6 and 8.
- ⁹ Foreign companies and partnerships may be sanctioned in accordance with the amended Corporate Criminal Liability Act because it now specifically provides that foreign entities may also be subject to corporate criminal liability. Enforceability issues may arise. Still, the criminal actions performed by a foreign national in Hungary fall under the territorial scope of the Hungarian Criminal Code and therefore the foreign national can be easily prosecuted in Hungary.
- ¹⁰ A foreign national domiciled or "ordinarily resident" in Hungary can be liable only if the bribe which is committed outside Hungary is also illegal in the foreign country concerned – to be assessed by the Hungarian General Attorney.
- ¹¹ A foreign company/partnership can be liable in Hungary only if the bribe which is committed abroad is also illegal in the foreign country concerned – to be assessed by the Hungarian General Attorney. See also footnotes 6 and 8.
- ¹² Before the bribe is detected, a person's penalty may be alleviated without limits or in some cases the liability may be avoided by providing the authorities with information regarding the bribe and (in case of passive bribery) by surrendering the unlawfully obtained advantage to the authorities. A corporation may argue it may not be sanctioned for corruption committed by its employee since the company applied adequate and effective preventive measures.



Italy

Source of law	Italian Criminal Code (s318 et seq. and s346 bis ¹)
Offence	Bribery/Incitement to bribery Active bribery: Briber/Instigator Giving or promising money or other benefits to a public official or to a person in charge of a public service⁴ for the performance of a function⁵ or for performing (or for having performed) an act conflicting with his/her duties or in exchange for omitting or delaying (or for having omitted or delayed) an act within his/her duties⁶. In the case of “<i>Incitement to bribery</i>” by a private briber⁷, the conduct of the instigator is the same, but the public agent does not accept the offer or the promise of money or other utilities. Passive bribery: Recipient/Instigator (public agent) A public official or public service agent unduly receiving a reward for himself/herself or for a third party/or accepting a promise thereof, for: (i) the performance of a function, or (ii) omitting an act within his/her duties, or (iii) acting in breach of his/her duties. In the case of “<i>Incitement to bribery</i>” by a public agent⁸, even if the public official or the person in charge of a public service solicits such reward for himself/herself or for a third party, the person incited does not promise or give anything. Judicial bribery The offence set forth in s319 ter of the Italian Criminal Code punishes the conduct of a public agent who commits bribery in order to aid or damage a party within a civil, criminal or administrative proceeding. Undue trading of influence⁹ Unless the conduct involves the complicity in crimes under s318, s319, s319 ter and s322 bis of the Italian Criminal Code, any person who intentionally exploits existing relationships with a public official/person in charge of a public service or any other subjects under s322 bis of the Italian Criminal Code, and unlawfully causes or has caused money or other economic advantage to be given or promised, either to themselves or to others, as compensation for a public official or a person in charge of a public service, or any of the other persons referred to in Article 322-bis, in connection with the performance of their official duties, or in return for another unlawful mediation. For the purposes of the first paragraph, “unlawful mediation” refers to mediation aimed at inducing a public official, a person in charge of a public service, or any of the other persons mentioned in Article 322-bis to perform an act in violation of their official duties that constitutes a criminal offence and from which an undue benefit may result. The same penalties apply to anyone who unlawfully gives or promises money or other economic advantage. Aggravating circumstances as well as extended penalties apply if the mediator or promise giver is a public official, for conduct related to judicial activity, or for other specified reasons. Aggravated penalties apply if: — the person who receives or demands the undue benefit is a public official, a public service officer, or any other person falling under Article 322-bis; — the offence is committed in relation to judicial activities; or — the undue benefit is given or promised in return for an act contrary to official duties, or for omitting or delaying an official act. Undue inducement to give or promise benefits¹⁰ The offence under s319 quarter of the Italian Criminal Code punishes a public official abusing his or her title or powers by inducing a party to unduly give or promise to himself/herself or a third party money or other benefits. In such cases, the party that gives or promises the money or other benefits is also punished
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	Depends on intent
Would corporate hospitality be caught?	Depends on intent
Is there any <i>de minimis</i> ?	X ¹⁸
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X ²¹
Acts performed outside Italy	
Can bribery performed outside Italy be caught?	✓ ²²
Does the act also need to be illegal in the foreign country of performance?	X
Who can be liable	
Italian national?	✓
Italian company?	X
Italian partnership (including limited liability partnership)?	X
Director of Italian company?	✓
Italian company if the bribe is committed abroad by its foreign subsidiary?	X
Foreign subsidiary of an Italian company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in Italy?	✓
Foreign national domiciled or “ordinarily resident” in Italy if bribe is committed outside Italy?	✓ ²⁶
Foreign company/partnership if bribe is committed abroad?	X
Penalties	
Penalties include:	— Imprisonment for up to ten years²⁸ (for judicial bribery imprisonment for up to 20 years) — Disqualifying penalties, both temporary and permanent²⁹ if applicable — Confiscation³⁰
Defences	
Are there any defences available?	✓ ³²

Italy (continued)

Source of law	Italian Civil Code (s2635 and 2635 bis) ²	Legislative Decree no 231 / 2001 (Decree 231) ³ (s25 and 25 ter)
Offence	Private bribery/Incitement to private bribery Briber/Instigator Anyone (either in their own capacity or through a third person¹¹) offering¹², promising or giving, money or other benefits to an individual who – within the organisation of the company or private entity – exercises managing functions¹³ (not limited to the persons expressly referred to by law i.e. managers, general directors, directors responsible for the company's balance sheet), as well as to auditors, liquidators, and/or to anyone who is employed by them, so that they act or omit acts in breach of the duties relating to their office or duties of loyalty¹⁴. In the case of "Incitement to private bribery", anyone offering or promising, without success, money or other benefits to in-house persons for the same purpose. Recipient/Instigator All persons in the company and/or the private entity having managing functions¹⁵, as well as auditors, liquidators, and/or anyone who is employed by them, soliciting¹⁶, receiving or accepting the promise of such advantage. In the case of "Incitement to private bribery" by "in-house" persons: soliciting, without success, the promise or offer of such reward for themselves or on behalf of third parties; in order to act or omit acts in breach of the duties relating to their office or duties of loyalty.	Bribery under s25 Briber A company can be held liable under the Decree 231 in cases where its executive/representative or employee commits offences of bribery/undue trading of influence¹⁷/undue inducement to give or promise benefits in the interest of and/or for the advantage of the company. Private bribery/Incitement to private bribery under s25 ter Briber/Instigator A company can be held liable under Decree 231 in cases where its executive/representative or employee, commits private bribery in the interest of and/or for the advantage of the company: this means that the company's liability is provided for by Decree only in cases where its executive/representative or employee is the briber.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	Depends on intent	Depends on intent
Would corporate hospitality be caught?	Depends on intent	Depends on intent
Is there any <i>de minimis</i> ?	X ¹⁹	X ²⁰
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Italy		
Can bribery performed outside Italy be caught?	X ²³	X ²⁴
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Italian national?	✓	✓
Italian company?	X	✓
Italian partnership (including limited liability partnership)?	X	✓ ²⁵
Director of Italian company?	✓	X
Italian company if the bribe is committed abroad by its foreign subsidiary?	X	✓
Foreign subsidiary of an Italian company if the bribe is committed abroad?	X	✓
Foreign national/company/partnership if bribe is committed in Italy?	✓	✓
Foreign national domiciled or "ordinarily resident" in Italy if bribe is committed outside Italy?	✓ ²⁷	X
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	— Imprisonment for up to three years — Disqualifying penalties, if applicable	— Financial penalties applied in quotas ranging from EUR 258 to EUR 1,549 calculated on the basis of the company or organisation's economic and financial position, in order to ensure that the penalty is effective — Disqualifying penalties³¹, if applicable — Confiscation — Publication of the judgment, if applicable
Defences		
Are there any defences available?	✓ ³³	✓ ³⁴

- ¹ In 2019, the Italian anticorruption legal framework was amended by Law no. 3/2019 (the so-called “Bribe Destroyer Law”). The Bribe Destroyer Law established additional provisions to fight corruption, in line with the most relevant multilateral Conventions. The main amendments include more severe penalties and reinforcement of collateral sanctions (such as debarment from public contracts or employment). Inter alia, the new law extended the definition of foreign public officials to include persons performing functions or activities equivalent to those of public officials and employees of international public organisations.
- ² Law no. 3/2019 provided for prosecution ex officio for offences of “Private bribery” and “Incitement of private bribery”.
- ³ Legislative Decree no. 231/2001 provides for corporate liability – formally called “administrative” but which is, in fact, essentially criminal in nature – that may be established in connection with a specific listed offence (including bribery and private bribery) directly performed by the company’s executives/representatives or employees in the interest of and/or for the advantage of the corporate.
- ⁴ Pursuant to s320 of the Italian Criminal Code the provisions set forth in s318 and 319 of the Code are also applicable in cases where the bribery involves a person in charge of a public service (e.g. public transport driver).
- ⁵ See s318 of the Italian Criminal Code.
- ⁶ See s319 of the Italian Criminal Code.
- ⁷ See s322, 1st and 2nd para, of the Italian Criminal Code.
- ⁸ See s322, 3rd and 4th para, of the Italian Criminal Code.
- ⁹ The offence is intended to punish conduct performed prior to, and independently from, the commission of corruption offences, as well as bribery through intermediaries. **Law no. 114 of 9 August 2024**, effective from 25 August 2024, amended the offence.
- ¹⁰ s319 quarter of the Italian Criminal Code was introduced by Law no. 190/2012. Previously, the behaviour of the public official was punished under s317 of the Italian Criminal Code, which provided for the offence of public extortion.
- ¹¹ Legislative Decree no. 38/2017 extended punishment to cases where the offence is committed through a third party.
- ¹² Compared to the offence’s previous formulation, reference to the offer of benefits is a new addition to the behaviors that may lead to a bribery agreement.
- ¹³ The category of the so-called “in-house” persons has been widened by Legislative Decree no. 38/2017 to include persons within the organisation of the company or of the private entity that exercise management functions different from those pertaining to the persons expressly referred to by law.
- ¹⁴ Compared to the offence’s previous formulation, it is no longer necessary for the company to have suffered detriment for the offence to be punished.
- ¹⁵ See footnote 11.
- ¹⁶ Compared to the offence’s previous formulation, reference to the solicitation of benefits has been added to the behaviors that may lead to a bribery agreement.
- ¹⁷ Law no. 3/2019 introduced the offence of undue trading of influence among crimes relevant for triggering corporate criminal liability pursuant to Decree 231.
- ¹⁸ Low-value courtesy gifts, giveaways or invitations may in some cases be considered as “acceptable because socially adequate”. However, in Italy (except in the public sector) there is no statutory threshold in relation to such behaviour. Acceptable behaviour is determined on a case-by-case basis.
- ¹⁹ See footnote 18.
- ²⁰ See footnote 18.
- ²¹ Under s321 of the Italian Criminal Code, the penalties set forth for bribery are applied to anyone who gives or promises rewards to public officials.
- ²² The provisions in respect of Italian jurisdiction over corruption-related offences committed abroad can be summarised as follows:
- 1) citizens or aliens shall be punished according to Italian criminal law if they commit abroad an offence as public officials serving the State, with abuse of their powers or the violation of the duties of their office. This provision applies regardless if the citizen or alien is found within Italian territory (see s7 of the Italian Criminal Code);
 - 2) citizens or aliens who commit abroad a political offence (including bribery) can be prosecuted under Italian Criminal Law only upon the Ministry of Justice’s request (see s8 of the Italian Criminal Code);
 - 3) citizens who commit abroad an offence punishable by imprisonment for a minimum of three years (including bribery) shall be punished according to Italian criminal law, provided that they are in the territory of the State (see s9, 1st para, of the Italian Criminal Code). The offender may be subject to Italian criminal law even where the relevant criminal offence is punishable with a lower term of imprisonment, but only upon the Ministry of Justice’s or victim’s request (see s9, 2nd para of the Italian Criminal Code). According to amendments set forth by Law no.3/2019, the Ministry of Justice’s or victim’s request is not necessary for the offences provided for in s320 (Bribery of persons in charge of a public service), 321 (Penalties applied to the briber) and 346-bis (Undue trading of influence) of the Italian Criminal Code (see s9, 4th para of the Italian Criminal Code);
 - 4) aliens who commit abroad a criminal offence shall be punished according to Italian criminal law (see s10 of the Italian Criminal Code) in the presence of certain circumstances listed by law (e.g. if under Italian law the relevant offence is punishable with imprisonment of not less than one year; if Italy or an Italian citizen were the victims of the crime; if the offender is located in Italy; and if either the victim of the crime or the Italian Ministry of Justice asked that the offender be prosecuted). According to amendments set forth by Law no.3/2019 the Ministry of Justice’s or victim’s request is not necessary where the committed offences are those provided for in s317 (Extortion by a public official), s318 (Bribery in the performance of a public office), s319 (Bribery involving a specific act in breach of official duties), s319-bis (Aggravating circumstances), s319-ter (Judicial bribery), s319-quarter (undue inducement to give or promise benefits), s320 (Bribery of persons in charge of a public service), s321 (Penalties applied to the briber), s322 (Incitement to bribery) and s322-bis (Bribery of a foreign public official) of the Italian Criminal Code. Special rules are also set out to determine the cases in which Italian Law applies to offences committed abroad against the EU or a foreign State.
- ²³ The offender may be subject to Italian Criminal Law only upon the Ministry of Justice’s or victim’s request. (see s9, 2nd para of the Italian Criminal Code).
- ²⁴ If the company has its registered office in Italy, provided the company is not already involved in pending criminal proceedings abroad for the same facts. Furthermore, if the offence committed is punishable only on a request of the Ministry of Justice, the same request should expressly involve the company (see s4 of the Decree 231).
- ²⁵ Decree 231 applies to all legal entities, companies and associations, even those without any legal personality.
- ²⁶ See the provisions set forth in s7, 8 and 10 of the Italian Criminal Code (e.g. if the bribery is politically motivated).
- ²⁷ See the provisions set forth in s8 and 10 of the Italian Criminal Code.
- ²⁸ Law no. 3/2019 increased penalties for bribery for the exercise of a function under s318 of the Italian Criminal Code (punishable by imprisonment for three to eight years). Bribery for an act contrary to official duties under s319 of the Italian Criminal Code is punishable by imprisonment for six to ten years. In any event, pursuant to s321 of the Italian Criminal Code, the penalties are extended to anyone who gives money/advantage to a public official or public service agent. The offence of “Undue trading of influence” under s346 bis of the Italian Criminal Code is punishable by imprisonment for one to four years and six months.
- ²⁹ According to amendments set forth by Law no.3/2019, conviction for corruptive crimes entail the prohibition of holding public offices and the ban in dealing with public administration (permanently applied to the individuals convicted with more than two years).
- ³⁰ Under s322 ter of the Italian Criminal Code confiscation shall always be ordered for anything representing the price or the proceeds thereof, unless they belong to a person who has not committed the offence; if said confiscation is not possible, the confiscation of anything which the offender has at his disposal shall be ordered for the corresponding value.
- ³¹ Under s13 of the Decree 231 disqualifying penalties are applied solely for specific offences if: (i) the company derived a sizable profit from the offence; or (ii) the offence was committed by its executive/representative and was repeated. Disqualifying penalties are: debarment of the company from carrying out business; suspension or withdrawal of authorisations, licences, or concessions that are related to the commission of the unlawful conduct; prohibition against the company contracting with the Public Administration; exclusion of facilities, financing, contributions or subsidies, and (if applicable) revocation of those already granted; prohibition on advertising the company’s goods or services.
- ³² For individuals, defences depend on a case-by-case basis. In any event, in Italy the liability of the defendant (who enjoys a presumption of innocence) shall be demonstrated by the Public Prosecutor. A special non-punishment clause will be applied to individuals who commit bribery offences if they voluntarily disclose the facts before becoming aware of their involvement in an investigation being carried out within four months from the commission of the crime. In such circumstances, the individual must also provide useful and concrete information to facilitate evidence-gathering activities and identify other offenders (see s323 ter of the Italian Criminal Code, introduced by Law no. 3/2019).
- ³³ Defences depend on a case-by-case basis.
- ³⁴ The company can avoid liability, as provided for by Decree 231, by adopting and effectively enforcing an organisational, management and control model (the “Model”) suitable for preventing the commission of crimes and appointing a Supervisory Body (the “Organismo di Vigilanza”) with the duty to control the correct implementation of the Model. The Model, which should be adapted to the nature of a given business, must provide procedures to ensure that business activities comply with the law, and that company officers are alert to situations which increase the risk of bribery and promptly remove them when they are identified.

Luxembourg

Source of law	Criminal Code
Offence	Public Sector Active Public Bribery (Criminal Code, Articles 247, 249§2, 250§2 and 252) Bribing (i.e. giving, offering or promising someone, directly or indirectly, gifts, presents or benefits of any kind, for themselves or for a third party) a public official¹, in order to obtain²: — that they perform or refrain from performing an act of their function, mission or mandate or facilitated by their function, mission or mandate, or — that they abuse their real or supposed influence with a view to obtaining distinctions, jobs, contracts or any other favourable decision from an authority or public administration. Passive Public Bribery (Criminal Code, Articles 246, 249§1, 250§1 and 252) The act by a public official³ of being bribed (i.e. soliciting or receiving bribes directly or indirectly, for themselves or for others) in consideration that⁴: — They perform or refrain from performing an act of their function, mission or mandate or facilitated by their function, mission or mandate, or — They abuse their real or supposed influence with a view to obtaining distinctions, jobs, contracts or any other favourable decision from an authority or public administration. Influence peddling (Criminal Code, Article 248) Active influence peddling: Bribing a person so that they can abuse their real or supposed influence to obtain from a public authority or administration distinctions, employment, contracts or any other favourable decision. Passive influence peddling: Being bribed for the same reasons. Private Sector Bribery Active Private Bribery (Criminal Code, Article 310-1): Bribing a director, manager, agent or employee of a legal or natural person so that they perform, or abstain from performing an act of their function or facilitated by their function, without the knowledge or authorisation, as the case may be, of the board, general meeting of shareholders, principal or employer. Passive Private Bribery (Criminal Code, Article 310): For a director, manager, agent or employee of a legal or natural person, the act of being bribed for performing an act of their function or facilitated by their function, without the knowledge or authorisation, as the case may be, of the board, general meeting of shareholders, principal or employer.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Luxembourg	
Can bribery performed outside Luxembourg be caught?	✓ ⁵
Does the act also need to be illegal in the foreign country of performance?	X ⁶
Who can be liable	
Luxembourg national?	✓
Luxembourg company?	✓
Luxembourg partnership (including limited liability partnership)?	✓ ⁷
Director of Luxembourg company?	✓ ⁸
Luxembourg company if the bribe is committed abroad by its foreign subsidiary?	X ⁹
Foreign subsidiary of a Luxembourg company if the bribe is committed abroad?	X ¹⁰
Foreign national/company/partnership if the bribe is committed in Luxembourg?	✓ (provided they form a legal entity)
Foreign national domiciled or "ordinarily resident" in Luxembourg if the bribe is committed outside Luxembourg?	✓
Foreign company/partnership if the bribe is committed abroad?	X ¹¹

Luxembourg (continued)

Penalties	
Penalties include:	For public sector bribery: — Criminal retention from five to 15 years — Fine from EUR 500 to EUR 250,000 (up to EUR 3,75m for legal persons) For influence peddling: — Imprisonment from six months to five years — Fine from EUR 500 to EUR 125,000 (up to EUR 1,25m for legal persons) For private sector bribery: — Imprisonment from one month to five years — Fine from EUR 251 to EUR 30,000 (up to EUR 300,000 for legal persons) Ancillary penalties include: — For natural persons, confiscation, the loss of civil and political rights and professional restrictions — For legal persons, confiscation, debarment from public tendering and dissolution
Defences	
Are there any defences available?	X ¹²

- ¹ Article 247 applies to the bribery of Luxembourg public officials (persons who are representatives or agents of the public authority or of the public force, or entrusted with a public service mission, or vested with a public elective mandate). Article 250§2 applies to the bribery of magistrates, arbitrators and experts (appointed by courts or parties). Article 252 extends these offences to the bribery of foreign public officials, EU public officials and international public officials.
- ² A posteriori active bribery is sanctioned in article 249§2.
- ³ Article 246 applies to Luxembourg public officials. Article 250§1 applies to magistrates, arbitrators and experts (appointed by courts or parties). Article 252 extends these offences to foreign public officials, EU public officials and international public officials.
- ⁴ A posteriori passive bribery is sanctioned in article 249§1.
- ⁵ Yes, if committed by any Luxembourg national or person who is ordinarily resident in the Grand Duchy of Luxembourg, as well as any foreigner who is found in the Grand Duchy of Luxembourg.
- ⁶ For public sector bribery (articles 246, 247, 249 and 250 of the Criminal Code), which is a crime, this is not a requirement. For influence peddling (article 248 of the Criminal Code) and private sector bribery (articles 310 and 310-1 of the Criminal Code), this is a requirement.
- ⁷ As long as they form a legal entity (special limited partnerships do not form a legal entity).
- ⁸ The criminal liability of legal entities does not exclude that of natural persons who are perpetrators or accomplices in the same offences.
- ⁹ Unless the Luxembourg company is found to be a co-offender.
- ¹⁰ Unless the Luxembourg company is found to be a co-offender.
- ¹¹ Unless such company/partnership is the co-offender or accomplice for an offence committed by a Luxembourg national, resident, company.
- ¹² There are no specific defenses available for these offences. However, general principles of criminal law apply meaning, for example, that (i) a person will not be punishable if they acted without criminal intent or (ii) a public official will not be punishable if they acted in accordance with their supervisor's instructions for matters requiring hierarchical obedience (article 260 of the Criminal Code).

Monaco

Source of law		Corruption and Traffic of Influence: Articles 113 to 122-2 of the Monaco Criminal Code (Law n° 1.394 of 9 October 2012 as modified by Law n°1.462 of 28 June 2018). Corruption in the context of transnational organised crime: Article 6 of Sovereign Order n° 605 of 1 August 2006 as modified by Sovereign Order n° 4.440 of 6 August 2013 and Sovereign Order n° 9.966 of 30 June 2023. Judicial Services Officials: Regulation n° 2013-17 of 12 July 2013.
Offence	Passive Bribery – Being Bribed (Article 113-2, § 1 of the Monaco Criminal Code) Where a public or private ¹ official solicits or an arbitrator, accepts or receives, directly or indirectly, any undue advantage² to himself or others, or accepts the offer or promise³ of such an advantage, to perform or refrain from performing or to have performed or refrained from performing an action related to or facilitated by his function. Active Bribery – Bribing (Article 113-2, § 2 of the Monaco Criminal Code) Anyone who proposes or grants, directly or indirectly, any undue advantage, for himself or for others, in order to obtain from a natural or legal person that it performs or refrains from performing an act of his function or facilitated by his function or for having performed or refrained from performing an action related to or facilitated by his function.	Passive Traffic of Influence (Article 113-3, § 1 of the Monaco Criminal Code) Where a public or private official solicits, accepts or receives, directly or indirectly, any undue advantage to himself or others, or accepts the offer or promise⁴ of such an advantage, to abuse or misuse its actual or alleged influence over the decision-making of a public official as regards distinctions, jobs, contracts or any other favourable or unfavourable decision. Active Traffic of influence (Article 113-3, § 2 of the Monaco Criminal Code) Anyone who proposes or grants, directly or indirectly, any undue advantage, for himself or for others, in order to obtain from a natural or legal person that it abuses or for having abused its actual or alleged influence over the decision-making of a public official as regards distinctions, jobs, contracts or any other favourable or unfavourable decision.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	Depends on the intent ⁵	Depends on the intent ⁶
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside of Monaco		
Can bribery performed outside of Monaco be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	Depends ⁷	Depends ⁸
Who can be liable		
Monegasque national?	✓	✓
Monegasque company?	✓	✓
Monegasque partnership (including limited liability partnership)?	✓	✓
Director of a Monegasque company?	✓ ⁹	✓ ¹⁰
Monegasque company if the bribe is committed abroad by its foreign subsidiary?	✓ ¹¹	✓ ¹²
Foreign subsidiary of a Monegasque company if the bribe is committed abroad?	✓ ¹³	✓ ¹⁴
Foreign national/company/partnership if bribe is committed in Monaco?	✓	✓
Foreign national domiciled or “ordinarily resident” in Monaco if bribe is committed outside Monaco?	Depends ¹⁵	Depends ¹⁶
Foreign company/partnership if bribe is committed abroad?	Depends ¹⁷	Depends ¹⁸
Penalties		
Penalties include:	Bribery (i) Corruption involving a private official: — <i>Imprisonment between one to five years.</i> — <i>Fine ranging from EUR 18,000 to EUR 90,000.</i> (ii) Corruption involving a domestic, foreign, or international public official: — <i>Imprisonment between five to ten years.</i> — <i>Fine ranging from EUR 36,000 to EUR 180,000.</i> (iii) Passive corruption involving a magistrate or juror: — <i>Imprisonment between eight to fifteen years.</i> — <i>Fine ranging from EUR 54,000 to EUR 270,000.</i> (iv) Corruption in the context of organised crime: — <i>Imprisonment between ten to twenty years.</i> — <i>Fine ranging from EUR 18,000 to EUR 900,000.</i>	Traffic of Influence (i) Traffic of influence involving a domestic, foreign, or international public official or a private official: — <i>Imprisonment between five to ten years.</i> — <i>Fine ranging from EUR 36,000 to EUR 180,000.</i> (ii) Passive traffic of influence involving a magistrate or juror: — <i>Imprisonment between eight to fifteen years.</i> — <i>Fine ranging between from EUR 54,000 to EUR 270,000.</i> (iii) Traffic of influence in the context of organised crime: — <i>Imprisonment between ten to twenty years.</i> — <i>Fine ranging from EUR 18,000 to EUR 900,000</i>

Monaco (continued)

Penalties		
	Laundering of proceeds resulting from bribery/traffic of influence: — Imprisonment between five to twenty years. — Fine ranging from EUR 18,000 to EUR 1.8m depending on the type of bribery/traffic of influence offence committed and on the existence of aggravating circumstances. Additional penalties: — Prohibition of civic, civil, and family rights may be ordered for a period ranging between five to ten years. — Any public official involved in a bribery/traffic of influence offence will be deprived, definitively or temporarily (between five to ten years), from the right to occupy a public function, an elective or jurisdictional function. — Confiscation of things used for, produced, or procured by the offence of bribery/ traffic of influence (Article 12 of the Monaco Criminal Code). Possible penalties applicable to companies involved in the commission of the offence¹⁹: — Fines ranging between EUR 18,000 to EUR 900,000, depending on the offence committed. — The judicial winding up of the company, where the offender was incorporated for the sole purpose of committing bribery/ traffic of influence or that it was diverted from its corporate purpose for committing bribery/traffic of influence. — Temporary (up to five years) or definitive prohibition to exercise the activities through which the offence was committed. — Temporary (up to five years) placement under judicial supervision. — Closure of the company's branches through which the offence was committed. — Temporary (up to five years) or definitive exclusion from tendering for public procurement contracts. — Temporary (up to five years) prohibition to use cheques and/or credit cards. — Temporary (up to five years) or definitive prohibition from making public offerings. — Confiscation under the conditions set out in Article 12 of the Monaco Criminal Code. — Publication of the offence through various means of communication, for a period of up to three months.	
Defences		
Are there any defences available?	X ²⁰	X ²¹

- ¹ A private official is deemed to be a director or an employee holding a management position within a company performing a purely commercial activity, or an independent worker performing missions for such a company. This definition excludes professions such as lawyers, for instance (Clarifications issued as part of the Public Debate of the Monaco National Council of 8 October 2012), although such professionals' liability can be caught if they breach their professional duties by contributing to the laundering of the proceeds of a bribery/traffic of influence offence (Article 218-2 of the Monaco Criminal Code).
- ² The concept of undue advantages does not include the advantages permitted by the law or by administrative rules (for instance, ordinary gifts given out of courtesy or hospitality to Monaco judges for traditional events), as well as gifts of very low value or socially acceptable gifts.
- ³ Passive bribery and passive traffic of influence also cover the acceptance of an offer or promise of an undue advantage, as well as situations in which the influence does not lead to the intended result (Clarifications issued as part of the Public Debate of the Monaco National Council of 8 October 2012).
- ⁴ Corporate hospitality could be caught if it is established that it was offered for the purpose of inducing a public or private official to act contrary to his duty to obtain improper benefits from the public or private official who is being hosted. This would have to be examined on a case-by-case basis, as under Monaco law, there cannot be any offence without the intent to commit it, except where the law provides otherwise (Article 4-2 of the Monaco Criminal Code). Regarding traffic of influence, the intentional element can be deduced from objective factual circumstances (Article 113-4 of the Monaco Criminal Code).
- ⁵ If the acts are performed outside Monaco, the triggering of Monaco jurisdiction requires dual criminal liability, the prior authorisation of the Monaco General Prosecutor as well as a complaint from the injured party or an official report from the foreign authorities to the Monaco authorities, except where:
- the offence is punishable by five or more years of imprisonment or
 - where the offender is a Monaco judge, prosecutor, or juror, or
 - where the offender is, regardless of his nationality, a Monaco public agent meaning a person holding public authority, or entrusted with a public service mission, or invested with a public elective mandate in Monaco.
- in which case the abovementioned conditions are not applicable (Articles 5, 6, 6-1-1 and 6-2 of the Monaco Code of Criminal Procedure).
- ⁶ The involvement of a director would depend on his intent to commit bribery/traffic of influence through the management position he holds in the company.
- ⁷ Liability will have been triggered because the improper benefit resulting from the bribe would have been obtained "indirectly" by the Monaco parent company, under articles 113-2 and 113-3 of the Monaco Criminal Code.
- ⁸ Where the Monaco parent company is sentenced as the main offender and the foreign subsidiary as an accomplice.
- ⁹ Monegasque residency, as opposed to Monegasque nationality, is not a criterion for criminal jurisdiction. Anyone who bribes outside Monaco can be prosecuted in Monaco if:
- the bribe was given to a Monegasque public national agent or a Monegasque public international agent, within the meaning of article 113 of the Monaco Criminal Code;
 - they are accomplices in Monaco to the bribery/traffic of influence offence committed abroad, and if (i) the case of complicity is provided for by the applicable foreign law and Monegasque law and (ii) the principal fact has been established by a final decision of the foreign court;
 - they committed a bribery/traffic of influence offence abroad that caused damage to a Monaco national or were found in Monaco in possession of assets acquired from the proceeds of the offence, subject to article 6 of the Monaco Code of Criminal Procedure. (Articles 7 to 10 of the Monaco Code of Criminal Procedure).
- ¹⁰ Such companies are criminally liable as offenders or accomplices, when the offence is committed on their behalf by one of their directors/legal representatives (Article 4-4 of the Monaco Code of Criminal Procedure and Articles 29-1 to 29-8 of the Monaco Criminal Code).
- ¹¹ In addition to traditional defences such as lack of intentional element etc, in the context of transnational organized crime, a private or public official participating or having participated in an organized crime group may benefit from immunity from prosecution in the event s/he provides information required that prevents the offence or that leads to the arrest of the other group members, or the reduction of his sentence (up to 50%) in the event s/he provides information that prevents the offence or that leads to the identification and arrest of the other group members (Article 22 of Sovereign Order n° 605 of 1 August 2006).

Montenegro

Source of law		Criminal Code (Official Gazette of Montenegro Nos. 70/2003, 13/2004, 47/2006, 40/2008, 25/2010, 32/2011, 64/2011, 40/2012, 56/2013, 14/2015, 42/2015, 58/2015 and 44/2017, 49/2018, 3/2020, 26/2021, 144/2021, 145/2021, 110/2023 and 123/2024) Law on Criminal Liability of Legal Entities (Official Gazette of Montenegro No.002/07, 013/07, 073/10, 030/12, 039/16) Law on the confiscation of property arising from the criminal act (Official Gazette of Montenegro No. 58/2015, 47/2019 and 54/2024) Law on prevention of corruption (Official Gazette of Montenegro No. 54/2024)
Offence		Giving a bribe in business activities Offering, promising or giving a bribe (or intermediating in those actions) during a business activity in order to favour the briber or someone else by or when making or performing a deal or rendering services, to the detriment of an entity the recipient represents or works for. Accepting a bribe in business activities Demanding or accepting a bribe (or the offer or promise of a bribe), or intermediating in those actions, during a business activity in order to favour someone by or when making or performing a deal or rendering services, to the detriment of an entity they represent or work for. Giving a bribe Offering, promising or giving a bribe (or intermediating in those actions) to an official¹ or responsible person in the company² in order for them to (within or outside their powers) perform/not perform an action which should not/should be performed. Accepting a bribe Demanding or accepting a bribe or the offer or promise of a bribe by an official or responsible person for themselves or someone else, in order for them to (within or outside their powers) perform/not perform an action which should not/should be performed, as well as demanding or accepting a bribe after performing/not performing such action. Trading in influence Requesting or receiving a gift or any other benefit for himself or another, directly or through a third party, to use his official or social position or actual or presumed influence, to mediate, to perform or not to perform an official action. Promising, offering or giving a gift or some other benefit to another through the use of his official or social position or actual or presumed influence to mediate the performance or non-performance of an official action.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		(i.e. if the degree of guilt is low, if there are no harmful consequences and/or if the offence is minor and imposing a penalty would not be in line with public policy)
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X
Acts performed outside Montenegro		
Can bribery performed outside Montenegro be caught?		X
Does the act also need to be illegal in the foreign country of performance?		✓
Who can be liable		
Montenegrin national?		✓
Montenegrin company		✓
Montenegrin partnership (including limited liability partnership)?		✓
Director of Montenegrin company		✓
Montenegrin company if the bribe is committed abroad by its foreign subsidiary?		✓
Foreign subsidiary of a Montenegrin company if the bribe is committed abroad?		✓
Foreign national/company/partnership if bribe is committed in Montenegro?		✓
Foreign national domiciled or "ordinarily resident" in Montenegro if bribe is committed outside Montenegro?		✓
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:	Individuals — Imprisonment of up to 15 years (aggregated, together with different modalities of the offence) — Seizure of the given award, gift or other property benefit — Punishment may be remitted if a person committed the criminal offence based on a request and reports the criminal offence.	Companies — Fines (not higher than EUR 5m) — Confiscation — Winding-up
Defences		
Are there any defences available?		✓ ³

¹ Article 424 of the Criminal Code of Montenegro.

² Article 276b of the Criminal Code of Montenegro.

³ An individual may be cleared of charges if after committing the act of bribery (giving a gift or other benefit under the order of responsible person or other person in the legal entity) he/she reports the bribe before it has been detected.

The Netherlands

Sources of law	Article 177 Criminal Code Article 363 Criminal Code	Article 328ter Criminal Code
Offence	Active bribery of a public official To offer, promise or give a benefit to a public official with the purpose of inducing the official to act or fail to act in his/her official duties. Passive public bribery of public official To request or accept a gift or a promise of a benefit as a public official, knowing or reasonably suspecting that such an advantage is given to obtain an act or omission by him/her in his/her official duties.	Active bribery of a non-public official To offer, promise or give a benefit to an employee, agent or another, in relation to an act or omission in his/her employment or mandate, under circumstances that must lead the offeror to believe that the recipient is acting in contravention of his/her duties. Passive bribery of a non-public official To request or accept a gift or a promise of a benefit in relation to an act or omission by him/her in contravention of his/her duties in the service of an employer or in the exercise of a mandate.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ depends on intent	✓ depends on intent
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	X
Acts performed outside the Netherlands		
Can bribery performed outside the Netherlands be caught?	✓	✓
Does the act also need to be illegal in the foreign country of performance?	✓ ¹	✓
Who can be liable		
Dutch national?	✓	✓
Dutch company incorporated?	✓	✓
Dutch partnership (including limited liability partnership)?	✓	✓
Director of Dutch company?	✓	✓
Dutch company if the bribe is committed abroad by its foreign subsidiary? ²	✓	✓
Foreign subsidiary of a Dutch company if the bribe is committed abroad? ³	✓	✓
Foreign national/company/partnership if bribe is committed in the Netherlands?	✓	✓
Foreign national domiciled or "ordinarily resident" in the Netherlands if bribe is committed outside the Netherlands?	✓	✓
Foreign company/partnership if bribe is committed abroad? ⁴	✓	X
Penalties		
Penalties include:	— Imprisonment of up to six years ⁵ — A fine up to EUR 103,000 for natural persons — A fine up to EUR 1,030,000 for companies or a fine of up to 10% of the revenue of the company. The fine related to the revenue is calculated based on the revenue over the financial year prior to the year of the crime (whether and to what extent this is applicable depends on the severity of the crime) — Disqualification from practising the profession in which the person committed the crime — Deprivation of certain rights	— Imprisonment of up to four years — A fine up to EUR 103,000 for natural persons — A fine up to EUR 1,030,000 for companies or a fine of up to 10% of the revenue of the company. The fine related to the revenue is calculated based on the revenue over the financial year prior to the year of the crime (whether and to what extent this is applicable depends on the severity of the crime) — Disqualification from practising the profession in which the person committed the crime
Defences		
Are there any defences available?	X ⁶	X ⁷

¹ In general this a requirement, but please note exceptions to this requirement could apply.

² Only if the bribery of the foreign subsidiary can be attributed to the Dutch company, which is a high threshold to be met.

³ Please note that foreign companies can only be prosecuted in the Netherlands under certain circumstances. Examples are if (parts of) the elements leading to the offence committed have a link with the Dutch territory or the offence involves or is committed abroad against a person with the Dutch nationality.

⁴ Please note that foreign companies can only be prosecuted in the Netherlands under certain circumstances. Examples are if (parts of) the elements leading to the offence committed have a link with the Dutch territory or the offence involves or is committed abroad against a person with the Dutch nationality.

⁵ The general rule is six years. In case of passive bribery committed by certain high public officials imprisonment of up to eight years is possible.

⁶ Depends on a case by case basis.

⁷ Depends on a case by case basis.

North Macedonia

Sources of law	Criminal Code
Offence	Bribing Directly or indirectly giving or promising an official person a present or other benefit, so that they would perform an official act within the framework of their official authorization which they should not perform/must perform, or not to perform an official act which they should perform/not perform. Being bribed Directly or indirectly requesting or receiving a present or some other benefit, or receiving a promise for a present or some other benefit, in order to perform an official act within the framework of their own official authorization which they should not perform, or not to perform an official act which they otherwise must do. Additionally, directly or indirectly requesting or receiving a present or some other benefit by official person or receiving a promise for a present or some other benefit by official person, in order to perform an official act within the framework of their own official authorization which they must perform, or not to perform an official act which they otherwise should not perform.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	Not specifically regulated
Is there any <i>de minimis</i> ?	Not specifically for bribe. According to the Criminal Code, an act is not a crime even though it contains characteristics of a crime, when it is an act of minor significance, because of the lack or insignificance of the damaging consequences and the low level of criminal responsibility of the perpetrator.
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	The Criminal Code uses the term "official person" / „службено лице“ for the analyzed bribing-related offences.
Acts performed outside North Macedonia	
Can bribery performed outside North Macedonia be caught?	✓
Does the act also need to be illegal in the foreign country of performance?	X
Who can be liable	
North Macedonia's national?	✓
North Macedonia's company incorporated?	✓
North Macedonia's partnership (including limited liability partnership)?	✓
Director of North Macedonia's company?	✓
North Macedonia's company if the bribe is committed abroad by its foreign subsidiary?	✓
Foreign subsidiary of a North Macedonia's company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in North Macedonia?	✓
Foreign national domiciled or "ordinarily resident" in North Macedonia if bribe is committed outside North Macedonia?	✓
Foreign company/partnership if bribe is committed abroad?	✓
Penalties	
Penalties include:	— Imprisonment (of up to ten years) — Confiscation (of given present/property gain) — Fines (for legal entities of up to MKD 30m, i.e., EUR 500,000) — Bans (on acquiring approval, license, etc., on participation on public calls, etc., temporary or permanent ban of performance of business activity) — Winding-up (of the legal entity).
Defences	
Are there any defences available?	Not regulated

Norway

Sources of law	The Penal Code ¹
Offence	Section 387 Corruption A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who — for himself/herself or others demands, receives or accepts an offer of an improper advantage in connection with the conduct of a position, an office or performance of an assignment, or — gives or offers any person an improper advantage in connection with the conduct of a position, an office or performance of an assignment. «Position», «office» or «assignment» in the first paragraph also means a position, office or assignment abroad. Section 388 Aggravated corruption Aggravated corruption is punishable by imprisonment for a term not exceeding ten years. In determining whether the corruption is aggravated, particular weight shall be given to whether the act — was carried out by or toward a public official or any other person by violating the special trust attached to his position, office or assignment, — whether it resulted or could have resulted in a considerable financial advantage, — whether there was a risk of considerable harm of a financial or other nature, and — whether false accounting information was recorded or false accounting documentation or false annual accounts were prepared. Section 389 Trading in influence A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who — for him/herself or others demands, receives or accepts an offer of an improper advantage in return for influencing the conduct of another person's position, office or performance of an assignment, or — gives or offers any person an improper advantage in return for influencing the conduct of another person's position, office or performance of an assignment. «Position», «office» or «assignment» in the first paragraph also means position, office or assignment abroad. Section 27 Penalties for enterprises When a penal provision is violated by a person who has acted on behalf of an enterprise, the enterprise is liable to punishment. This applies even if no single person meets the culpability or the accountability requirement, see section 20. «Enterprise» means a company, co-operative society, association or other organisation, sole proprietorship, foundation, estate or public body. The penalty is a fine. The enterprise may also be sentenced to lose the right to operate, or may be prohibited from operating in certain forms, see section 56, and be subject to confiscation, see chapter 13. Section 15 Contribution A penal provision also applies to any person who contributes to the violation, unless otherwise provided.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ Depends on intent, there has to be an "improper advantage".
Is there any <i>de minimis</i> ?	✓ The advantage gained has to be "improper".
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Norway	
Can bribery performed outside Norway be caught?	X
Does the act also need to be illegal in the foreign country of performance?	X ²
Who can be liable	
Norwegian national?	✓
Norwegian company incorporated?	✓ ³
Norwegian partnership (including limited liability partnership)?	✓ ³
Director of Norwegian company?	✓ (if specific requirements are met) ⁴
Norwegian company if the bribe is committed abroad by its foreign subsidiary?	✓ (if specific requirements are met) ⁵
Foreign subsidiary of a Norwegian company if the bribe is committed abroad?	✓ (if specific requirements are met) ⁶
Foreign national/company/partnership if bribe is committed in Norway?	✓ ^{2, 3}
Foreign national domiciled or "ordinarily resident" in Norway if bribe is committed outside Norway?	✓ ²
Foreign company/partnership if bribe is committed abroad?	✓ (if specific requirements are met) ⁶

Norway (continued)

Penalties	
Penalties include:	Individuals — Fines. — Imprisonment for a term not exceeding three years (for corruption and trading in influence). — Imprisonment for a term not exceeding ten years (for aggravated corruption). Companies — Fines. — Loss of right to operate or prohibition from operating in certain forms. — Confiscation. Criminal prosecution pursuant to section 5, cf. footnote 2 — In the event of criminal prosecution pursuant to section 5, the penalty may not exceed the maximum statutory penalty for a corresponding act in the country in which it has been committed. — Prosecution pursuant to section 5 shall only be instituted when in the public interest.
Defences	
Are there any defences available?	Section 28 Factors in determining whether a penalty shall be imposed on an enterprise In determining whether an enterprise shall be penalised pursuant to section 27, and in assessing the penalty, considerations shall include — the preventive effect of the penalty, — the severity of the offence, and whether a person acting on behalf of the enterprise has acted culpably, — whether the enterprise could have prevented the offence by use of guidelines, instruction, training, checks or other measures, — whether the offence has been committed in order to promote the interests of the enterprise, — whether the enterprise has had or could have obtained any advantage by the offence, — the financial capacity of the enterprise, — whether other sanctions arising from the offence are imposed on the enterprise or a person who has acted on its behalf, including whether a penalty is imposed on any individual person, and — whether agreements with foreign states prescribe the use of enterprise penalties.

¹ The Ministry of Justice and Public Security is currently conducting a hearing regarding potential changes to the legislation regarding anti-bribery and anti-corruption. The reason for the hearings is to highlight the preventive measures of penalties for enterprises and to ensure that the legislation is aligned with Norway's international obligations and the system of the Penal Code.

² Section 4 states that the criminal legislation applies to acts committed in Norway, including in Svalbard, on Jan Mayen and in the Norwegian dependencies. The first paragraph of section 5 states that the legislation also applies to acts committed, in violation of section 387 to 389, outside the area of application pursuant to section 4 by a Norwegian national, by a person domiciled in Norway, or on behalf of an enterprise registered in Norway. The second paragraph of section 5 states that the first paragraph applies correspondingly to acts committed by a person who after the time of the act has become a Norwegian national or has become domiciled in Norway, by a person who is, or who subsequent to the act has become, a national of or domiciled in another Nordic country and who is present in Norway, or on behalf of a foreign enterprise that after the time of the act has transferred its entire operation to an enterprise registered in Norway. The third paragraph of section 5 states that the first paragraph applies correspondingly to acts committed by persons other than those covered by the first and second paragraphs when the person is present in Norway and the act carries a maximum penalty of imprisonment for a term of more than one year. The fifth paragraph of section 5 states that the criminal legislation also applies to acts committed abroad by persons other than those covered by the beforementioned paragraphs if the act carries a maximum penalty of imprisonment for a term of six years or more and is directed at someone who is a Norwegian national or domiciled in Norway, or has a maximum penalty of imprisonment for a term of three years or more and is on behalf of an enterprise registered in Norway or on behalf of a foreign enterprise that after the time of the act has transferred its entire operation to an enterprise registered in Norway. Prosecution pursuant to section 5 shall only be instituted when in the public interest. Section 6 states that outside the area of application pursuant to sections 4 and 5, the criminal legislation also applies to acts that Norway has a right or an obligation to prosecute pursuant to agreements with foreign states or otherwise pursuant to international law. Prosecution pursuant to section 6 shall only be instituted when in the public interest.

³ For a company to be liable, the person who has violated the penal provision must have acted on behalf of the company, see section 27 above.

⁴ A director may be held criminally liable if he was personally involved in the unlawful act or contributed to it.

⁵ A Norwegian company, see footnote 3, can be held criminally liable if the bribe committed abroad by its foreign subsidiary was committed on behalf of the Norwegian enterprise registered in Norway, or if the Norwegian enterprise has contributed to the bribe.

⁶ Section 5 states that the criminal legislation regarding anti-corruption and anti-bribery outside of Norway only applies to acts committed by a Norwegian national, by a person domiciled in Norway, or on behalf of an enterprise registered in Norway. However, the fifth paragraph of section 5 as well as section 6, see footnote 2, states certain exemptions from this outset.

Poland

Source of law		The Criminal Code ¹ The Act on Liability of Organisational Entities for Acts Forbidden by Law, 28 October 2002
Offence		Corruption (public sector offence) Giving or promising to provide a financial or other benefit to a person performing public functions in connection with those functions; receiving a financial or personal benefit of the promise of such benefit by a person performing public functions in connection with those functions. Corruption (private sector offence) Demanding or accepting a financial or personal benefit or the promise of such benefit inconnection with performing managerial functions for an abuse of that person's powers ornegligence of duties, which could result in a loss, an act of unfair competition or preferential treatment.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X
Acts performed outside Poland		
Can bribery performed outside Poland be caught?		✓
Does the act also need to be illegal in the foreign country of performance?		✓ ²
Who can be liable		
Polish national?		✓
Polish company?		✓
Polish partnership (including limited liability partnership)?		✓
Director of Polish company?		✓
Polish company if the bribe is committed abroad by its foreign subsidiary?		✓ ³
Foreign subsidiary of a Polish company if the bribe is committed abroad?		X
Foreign national/company/partnership if bribe is committed in Poland?		✓
Foreign national domiciled or “ordinarily resident” in Poland if the bribe is committed outside Poland?		✓ ⁴
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:	Individuals — Imprisonment of up to 20 ⁵ years and/or fines of up to PLN 1.08m (approx. EUR 250,000) Companies — Fines of up to PLN 5m (approx. EUR 1.14m), in some cases these are dependent on a person acting on behalf of the corporate having been convicted of an offence	
Defences		
Are there any defences available?	✓ (Informing a prosecution body and revealing all details about the offence before it is detected or if the benefit is permitted under other legal provisions (such as pharmaceutical law))	

¹ Separate special corruption offences apply in respect of bribery in the healthcare and pharmaceutical sectors. These apply both to bribery of public officials and private persons and companies.

² Not if a Polish public official committed a crime in a foreign jurisdiction when performing his public functions nor if a bribe is directed at a Polish office or public official.

³ Generally, the offence in question must also constitute an offence in the country in which it was committed, however, this is not always required. For example, irrespective of the local criminal provisions, the bribing of a Polish public official, committing a crime against Polish material public interests, or cases where the perpetrator makes an economic gain (whether directly or indirectly) in Poland will always attract liability in Poland.

⁴ See footnote 3.

⁵ Amendment increasing the max. imprisonment to 20 years coming to force on 1 October 2023.

Portugal

Source of law		Criminal Code	Law no. 20/2008, of April 21
Offence		Unlawfully receiving an advantage: — It is a crime for an official (in the exercise of his functions or because of them), to solicit or accept, by himself or through an intermediary, with its consent or ratification, for himself or for a third party, an undue advantage. — To offer or promise, individually or through an intermediary with its consent or ratification, any undue advantage to an official or to a third person (by indication or knowledge of an official), during the course of its functions or because of those functions – with exception to offers that are socially adequate. Passive corruption It is an offence for an official, by himself or through an intermediary, with his consent or ratification, to solicit or accept, for himself or for a third party, an advantage, or its promise, in order to act or fail to act in a way that violates the duties of the office, even if committed prior to such solicitation or acceptance. Active corruption It is an offence to give or promise to an official, directly or through an intermediary, with his consent or ratification, an advantage for the purposes referred to in the crime of passive corruption. The mere attempt is punishable.	Active corruption in damage of international commerce: To give or promise to give to an official, (whether national, foreign or from an international organisation) or to a holder of political office (national or foreign) or to a third person if any of the above mentioned persons knows of this offer or promise, an undue advantage, in order to obtain or retain a business, a contract or any undue advantage in international commerce. Passive corruption in the private sector A private sector employee or agent, who, by himself or through an intermediary, with his consent or ratification, accepts, for himself or for a third party, undue financial or non-material advantage, or its promise, in order to act or fail to act in a way that violates its functional duties. Active corruption in the private sector To give or promise to a private sector employee or agent, by oneself or through an intermediary with its consent or ratification, or to a third party with the knowledge of the employee or agent of such a gift or promise, an undue advantage in order to induce an action or an omission from that employee or agent in violation of its functional duties. The mere attempt is punishable.
The bribe			
Is there a presumption that any advantage was given/received corruptly?		X	X
Would facilitation payments be caught?		Depends on intent	Depends on intent
Would corporate hospitality be caught?		Depends on intent ¹	Depends on intent
Is there any <i>de minimis</i> ?		X ²	X ²
Does the bribe have to be monetary?		X	X
Public officials			
Does the offence only apply to bribing public officials?		✓ ³	✓ (for the crime of active corruption in damage of international commerce) X (for the crimes of corruption in the private sector)
Acts performed outside Portugal			
Can bribery performed outside Portugal be caught?		✓ ⁴	✓ ⁶
Does the act also need to be illegal in the foreign country of performance?		X	X
Who can be liable			
Portuguese National?		✓	✓
Company incorporated in Portugal?		✓	✓
Partnership (including limited liability partnership) incorporated in Portugal?		✓ (as long as it has legal personality, for example, a branch)	✓ (as long as it has legal personality)
Director of company incorporated in Portugal?		✓	✓
Company incorporated in Portugal if the bribe is committed abroad by its foreign subsidiary?		✓ (only if the subsidiary company does not have legal personality)	✓ (only if the subsidiary company does not have legal personality)
Foreign subsidiary of a company incorporated in Portugal if the bribe is committed abroad?		X	X
Foreign national/company/partnership if the bribe is committed in Portugal?		✓	✓
Foreign national domiciled or “ordinarily resident” in Portugal if the bribe is committed outside Portugal?		✓	✓
Foreign company/partnership if bribe is committed abroad?		X	X

Portugal (continued)

Penalties	Criminal Code	Law no. 20/2008, of April 21
Penalties include:	— For the crime of unlawful receiving of an advantage: • Up to five years imprisonment or a fine of up to 600 days⁵ • Up to three years imprisonment or a fine of up to 360 days respectively — For the crime of passive corruption: one to eight years imprisonment — For the crime of active corruption: one to five years imprisonment — If the act or omission is not contrary to the duties of the office and the advantage is undue, the penalty will be from one to five years' imprisonment for the crime of passive corruption and up to three years' imprisonment or a fine of up to 360 days for the crime of active corruption. — If the advantage exceeds EUR 5.1m, the penalty shall be aggravated by one quarter in its minimum and maximum; if the advantage exceeds EUR 20.4m, the penalty shall be aggravated by one third in its minimum and maximum	— For the crime of corruption in international commerce: one to eight years imprisonment — For the crime of active corruption in the private sector: • Up to three years imprisonment or a fine • If the conduct is apt to produce a distortion in competition or causes damages to a third party, up to five years imprisonment or a fine of up to 600 days — For the crime of passive corruption in the private sector: • Up to five years imprisonment or a fine of up to 600 days • If the conduct is apt to produce a distortion in competition or causes damages to a third party, up to eight years imprisonment
Defences		
Are there any defences available?	— The company can avoid liability if it can demonstrate that the criminally relevant act or omission was not perpetrated on its behalf or collective interest and that there were no violations of any duties of due diligence or control by the person with a leadership position responsible for these duties — The company may also avoid liability if it can demonstrate that the perpetrator acted against orders or express instructions provided by those with the authority and capacity to do so	— The company can avoid liability if it can demonstrate that the criminally relevant act or omission was not perpetrated on its behalf or collective interest and that there were no violations of any duties of due diligence or control by the person with a leadership position responsible for these duties — The company may also avoid liability if it can demonstrate that the perpetrator acted against orders or express instructions provided by those with the authority and capacity to do so

¹ Regarding the offence of unlawful receiving of an advantage, the law specifically states that socially adequate conduct in conformity with traditions and customs is not punishable.

² Although the gift cannot be so small that it is not considered an "advantage".

³ Though if the perpetrator receives aid or cooperation in the perpetration of the offence by someone who is not an official, they may also be liable for such participation.

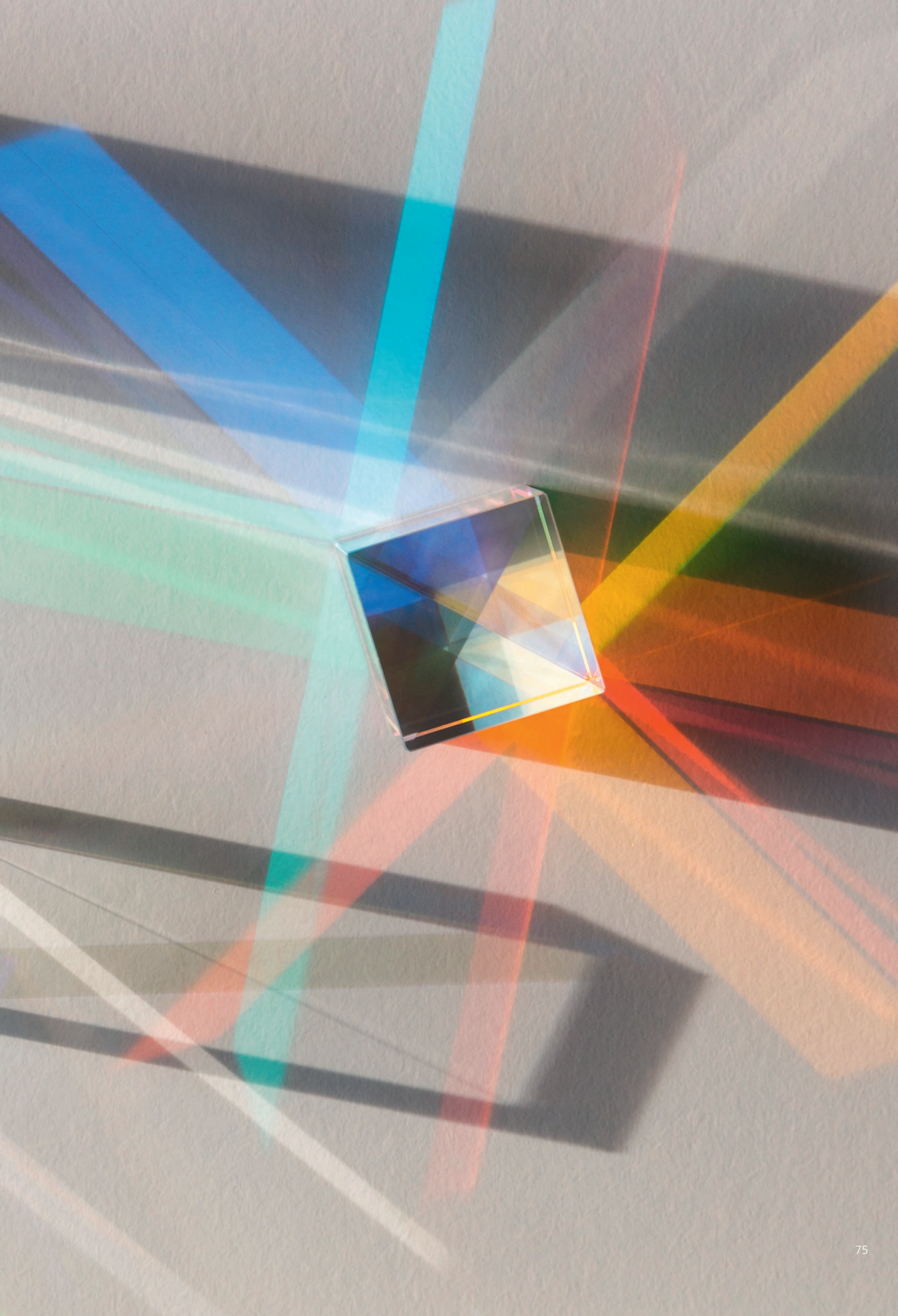
⁴ Though in only a few specific circumstances included in Article 5 (1), b), e), f) and g) of the Portuguese Criminal Code, for example, (i) if the victim and perpetrator are Portuguese, live in Portugal at the time the offence is committed and the perpetrator is captured in Portuguese territory or (ii) if the offence is committed against a Portuguese victim by a Portuguese or foreign perpetrator who is captured in Portugal, where the offence is punishable in the country in which it was perpetrated and the facts that constitute the offence allow for extradition of the perpetrator and the extradition cannot be granted or when the Portuguese authorities decide not to surrender the subject in execution of an European arrest warrant or of any other legal instrument of international cooperation that binds the Portuguese State.

⁵ The fine applicable to legal and natural persons is calculated in a variable amount by reference to the number of days in prison applicable to natural persons. The amount will be calculated taking into consideration the economic and financial status of the defendant, as well as its expenses.

⁶ In addition to the circumstances included in Article 5 (1) above, the perpetrator may also be caught outside the jurisdiction in the circumstances mentioned in Article 3 of Law no. 20/2008, of 21 April, for example, in cases of active corruption in international commerce where the perpetrator, whether foreign or Portuguese, is captured in Portuguese territory or in cases of active or passive corruption in the private sector if the perpetrator is a public servant or the holder of any political office, or both a Portuguese national and an employee of a public international organisation.

Romania

Sources of law	
<i>Criminal Code (new version, applicable since 1 February 2014)</i> <i>Law 78/2000 on prevention, discovery and punishing corruption act</i> <i>Law no. 129/2019 on prevention and sanctioning of money laundering</i> <i>Law no. 82/1991 on accounting registrations</i>	
Offence	Bribery The promise, giving or offering of money or other benefits to a public official by any person, directly or indirectly, in exchange for performing, not performing, speeding up or delaying the performance of an action which falls under the scope of their professional duties or with respect to the performance of an action contrary to their professional duties. Receiving bribes The action of a public official who, directly or indirectly, for themselves or on behalf of others, solicits or receives money or other undue benefits or accepts a promise of money or benefits, in exchange for performing, not performing, speeding up or delaying the performance of an action which falls under the scope of their professional duties or with respect to the performance of an action contrary to their professional duties. Traffic of influence Soliciting, receiving or accepting the promise of money or other benefits, directly or indirectly, for oneself or for another, committed by a person who has influence or who alleges that they have influence over a public servant and who promises they will persuade the latter to perform, fail to perform, speed up or delay the performance of an act that falls under the latter's professional duties or to perform an act contrary to such duties. Buying influence The promise, supply or giving of money or other benefits, for oneself or for another, directly or indirectly, to a person who has influence or who alleges they have influence over a public servant to persuade the latter to perform, fail to perform, speed up or delay the performance of an act that falls under the latter's professional duties or to perform an act contrary to such duties. As well as setting out a number of other corruption-related offences, Law 78/2000 provides more serious sanctions (for example longer prison sentences) for the offences listed herein where those offences are committed by a public official.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ (depends on intent)
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Romania	
Can bribery performed outside Romania be caught?	✓
Does the act also need to be illegal in the foreign country of performance?	✓ (depends on the crime perpetrated and on the International Conventions between the state of the perpetrator and the state where the crime was perpetrated)
Who can be liable	
Romanian national?	✓
Romanian company?	✓
Romanian partnership (including limited liability partnership)?	X (there is no legal concept of "partnership" under Romanian law)
Director of Romanian company?	✓
Romanian company if the bribe is committed abroad by its foreign subsidiary?	X
Foreign subsidiary of a Romanian company if the bribe is committed abroad?	X (only liable if subsidiary is not a different legal entity than the parent company)
Foreign national/company/partnership if bribe is committed in Romania?	✓
Foreign national domiciled or "ordinarily resident" in Romania if bribe is committed outside Romania?	✓ (if the conduct is a crime in the state where it was committed and if the perpetrator is voluntarily on Romanian territory)
Foreign company/partnership if bribe is committed abroad?	X
Penalties	
Penalties include:	— For the most serious corruption offences, the Romanian Criminal Code provides a maximum prison sentence of ten years. Depending on the circumstances of the criminal act or the previous criminal activity of the perpetrator, the maximum penalty may be increased under certain conditions — In cases of corruption crimes committed by certain persons (judge, prosecutor, arbitrator, criminal investigator etc.), the prison sentence is increased by a third under Law no. 78/2000 — Other penalties include restrictions on certain property, confiscation of money, valuables, or any other type of goods used for committing the crime, if these goods cannot be returned to the victim; where goods cannot be found, the offender has to pay the pecuniary equivalent — The bribery shall not constitute an offence when the bribe giver was constrained by any means by the bribe taker — The bribe giver will not be liable if he reveals his conduct to the authorities before the latter is formally tasked with investigating his crime — If the bribe giver cooperates with the authorities to discover other bribery activities, the applicable penalty is reduced by 50%
Defences	
Are there any defences available?	✓



Serbia

Source of law		Criminal Code (Official Gazette of RS No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019 and 94/2024) Law on Criminal Liability of Legal Entities (Official Gazette of RS No. 97/2008) Law on prevention of corruption (Official Gazette of RS No. 35/2019, 88/2019, 11/2021, 94/2021 and 14/2022)
Offence		Bribing Any gift or other advantage which is given, offered or promised, directly or indirectly, to an official, foreign official or responsible person in a company, institution or other legal entity in order that the official, acting within their powers, performs or omits to perform an act which he is permitted or not permitted to perform. Being bribed Any gift or other advantage which is requested or accepted, directly or indirectly, by an official, foreign official or responsible person in a company, institution or other legal entity in order that the official, acting within their powers, performs or omits to perform an act which he is permitted or not permitted to perform. Intermediary offence There is also an offence for intermediaries acting between the person giving and the person accepting the bribe.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		✓ (i.e. if the degree of guilt is low, if there are no harmful consequences and/or if the offence is minor and imposing a penalty would not be in line with Serbian public policy)
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		✓
Acts performed outside Serbia		
Can bribery performed outside Serbia be caught?		✓
Does the act also need to be illegal in the foreign country of performance?		✓ (if the bribe is performed by the foreign national)
Who can be liable		
Serbian national?		✓
Serbian company?		✓
Serbian partnership (including limited liability partnership)?		✓
Director of Serbian company?		✓
Serbian company if the bribe is committed abroad by its foreign subsidiary?		✓
Foreign subsidiary of a Serbian company if the bribe is committed abroad?		X
Foreign national/company/partnership if bribe is committed in Serbia?		✓
Foreign national domiciled or "ordinarily resident" in Serbia if bribe is committed outside Serbia?		✓
Foreign company/partnership if bribe is committed abroad?		✓ ¹ (under certain conditions)
Penalties		
Penalties include:		Individuals — Imprisonment of up to 15 years (aggregated, together with different modalities of the offence) Companies — Fines in general not higher than RSD 500m (EUR 4.160m) — Cessation of the legal entity
Defences		
Are there any defences available?		✓ ²

¹ If the foreign company/partnership is within the jurisdictional reach of the Serbian authorities (i.e. if the individual responsible is in Serbia or has been extradited there) and an offence has been committed against Serbia or a Serbian national.

² In relation to offences under the Serbian Criminal Code, an individual may be cleared of charges if after committing the act of bribery (giving a gift or other benefit) that individual reports the bribe before it has been detected.

Slovakia

Sources of law		Act No. 300/2005 Coll. the Penal Code as amended, Act No. 301/2005 Coll. the Criminal Procedure Code as amended, Act No. 291/2009 Coll. establishing Specialized Criminal Court Act, as amended, Act No. 91/2016 Coll. establishing criminal liability of legal persons.
Offence	Receiving bribes - Whoever directly or indirectly requests, accepts or accepts the promise of a bribe for acting or not acting in a way that violates duties of one's employment, occupation, position or function; or - whoever directly or indirectly, in connection with the procurement of goods of general interest for themselves or for another person, accepts, requests or accepts the promise of a bribe; or - a foreign public official directly or indirectly requests, accepts or accepts the promise of a bribe in connection with performance of official duties or in connection with the discharge of their office, with the intention to gain or preserve a disproportionate advantage.	Bribery - Whoever directly or indirectly provides, offers, or promises a bribe for another person for acting or not acting in a way that violates duties of one's employment, occupation, position or function; or - whoever directly or through another person provides, offers, or promises a bribe for another person in connection with the procurement of goods of general interest; or - whoever directly or indirectly provides, offers, or promises a bribe to a foreign public official or another person in connection with performance of official duties or in connection with the discharge of their office as a foreign public official, with the intention to gain or preserve a disproportionate advantage.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ ¹	✓ ¹
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Slovakia		
Can bribery performed outside Slovakia be caught?	✓ ²	✓ ²
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Slovakian national?	✓	✓
Company incorporated in Slovakia?	✓	✓
Partnership (including limited liability partnership) incorporated in Slovakia?	✓	✓
Director of company incorporated in Slovakia?	✓	✓
Company incorporated in Slovakia if the bribe is committed abroad by its foreign subsidiary?	✓ ³	✓ ³
Foreign subsidiary of a company incorporated in Slovakia if the bribe is committed abroad?	✓	✓
Foreign national/company/partnership if bribe is committed in Slovakia?	✓	✓
Foreign national domiciled or “ordinarily resident” in Slovakia if bribe is committed outside Slovakia?	✓	✓
Foreign company/partnership if bribe is committed abroad?	✓ ³	✓ ³
Penalties		
Penalties include:	Individuals - Imprisonment for up to 10 years Companies - Confiscation of property and / or a fine up to EUR 4m	
Defences		
Are there any defences available?	X	X

¹ Public officials are prohibited from accepting any corporate hospitality.

² If committed: (1) by a Slovak national or a body incorporated in the Slovak Republic; or (2) outside the jurisdiction, but the result of the bribe impacts the Slovak Republic.

³ Provided that the act was committed: (1) for the benefit of a Slovak legal entity, Slovak citizen or foreigner having his/her permanent residency in Slovakia; or (2) caused damage to a Slovak legal entity, a Slovak citizen or a foreigner having his/her permanent residence in Slovakia and the act is also illegal in the foreign country of performance or place of performance is outside of any jurisdiction (terra nullius).

Slovenia

Source of law		The Criminal Code ¹
Offence		Unauthorised Giving of Gifts (Article 242 KZ-1) The crime is committed if one promises, offers, or gives an unauthorised award, gift or any other property benefit to a person performing an economic activity, intended for such a person or any third person with a view to obtaining any benefit for himself or any third person when concluding or retaining a contract or other benefit. The benefit obtained may be unjustified (basic execution form) or not (privileged execution form). Unauthorised Acceptance of Gifts (Article 241 KZ-1) The crime is committed if one, in the performance of an economic activity, requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to conclude or retain a contract or other benefit. Thereby interests of the perpetrator's organisation may be neglected (basic form of execution) or not (privileged execution form).
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓(depends on the intent)	✓(depends on the intent)
Is there any <i>de minimis</i> ?	✓	✓
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside Slovenia		
Can bribery performed outside Slovenia be caught?	✓ ²	✓ ²
Does the act also need to be illegal in the foreign country of performance?	✓	✓
Who can be liable		
Slovenian national?	✓	✓
Slovenian company?	✓	✓
Slovenian partnership (including limited liability partnership)?	✓	✓
Director of Slovenian company?	✓	✓
Slovenian company if the bribe is committed abroad by its foreign subsidiary?	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)
Foreign subsidiary of a Slovenian company if the bribe is committed abroad?	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)
Foreign national/company/partnership if bribe is committed in Slovenia?	✓	✓
Foreign national domiciled or "ordinarily resident" in Slovenia if bribe is committed outside Slovenia?	✓(if: (i) a crime is committed against the Republic of Slovenia or a Slovenian national; or (ii) a crime is committed against a foreign country or foreign national and this person has been apprehended in the territory of the Republic of Slovenia) ³	✓(if: (i) a crime is committed against the Republic of Slovenia or a Slovenian national; or (ii) a crime is committed against a foreign country or foreign national and this person has been apprehended in the territory of the Republic of Slovenia) ³
Foreign company/partnership if bribe is committed abroad?	✓(if it has its seat or business operation in the Republic of Slovenia and the crime was committed against the Republic of Slovenia, a Slovenian national or a Slovenian legal entity)	✓(if it has its seat or business operation in the Republic of Slovenia and the crime was committed against the Republic of Slovenia, a Slovenian national or a Slovenian legal entity)
Penalties		
Penalties include:	Individuals: — imprisonment up to six years — monetary fine — seizure of the given award, gift or other property benefit — Punishment may be remitted if a person committed the criminal offence based on a request and reports the criminal offence. Companies: — Fine of at least EUR 50,000 and up to EUR 1m or, in cases where damage is caused by the criminal offence or benefit obtained, up to 200 times the amount of damage caused or benefit obtained — Confiscation — Winding-up — Prohibition on trading with financial instruments for up to eight years Punishment may be reduced if the crime was committed by omitting due supervision of employees and the legal entity reports the criminal offence before it is discovered. Punishment could also be remitted if the company: (i) committed the crime by omitting due supervision of employees and reports the criminal offence before it is discovered and orders immediate restitution of unlawfully obtained benefits or; (ii) provides indemnification for damage caused; or (iii) reports the criminal offence for liability of another legal entity.	Individuals: — imprisonment from three months up to six years — monetary fine — seizure of the given award, gift or other property benefit — Punishment may be remitted if a person committed the criminal offence based on a request and reports the criminal offence. Companies: — Fine of at least EUR 50,000 and up to EUR 1m or, in cases where damage is caused by the criminal offence or benefit obtained, up to 200 times the amount of damage caused or benefit obtained — Confiscation — Winding-up — Prohibition on trading with financial instruments for up to eight years Punishment may be reduced if the crime was committed by omitting due supervision of employees and the legal entity reports the criminal offence before it is discovered. Punishment could also be remitted if the company: (i) committed the crime by omitting due supervision of employees and reports the criminal offence before it is discovered and orders immediate restitution of unlawfully obtained benefits or; (ii) provides indemnification for damage caused; or (iii) reports the criminal offence for liability of another legal entity.
Defences		
Are there any defences available?	X (only regular legal remedies in a criminal procedure)	X (only regular legal remedies in a criminal procedure)

Slovenia (continued)

Source of law	The Criminal Code	
Offence	Giving Bribes (Article 262 KZ-1) The crime is committed if one promises, offers or gives an award, gift or other benefit to an official or a public officer for him or any third person in order for him either to perform or omit to perform an official act or makes other abuse of his position, or if one serves as an agent for the purpose of bribing an official. Thereby, such official act can be outside of its official duties (basic execution form) or within the scope of the official duties (privileged execution form).	Acceptance of Bribes (Article 261 KZ-1) The crime is committed if an official or a public officer requests or agrees to accept for himself or any third person an award, gift or other property benefit, or a promise or offer for such benefit, in order to perform an official act or make other abuse of his position, or if one serves as an agent for the purpose of bribing an official. Thereby, such official act could be outside of official duties (basic execution form) or within the scope of the official duties (privileged execution form).
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓(depends on the intent)	✓(depends on the intent)
Is there any <i>de minimis</i> ?	✓	✓
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	✓
Acts performed outside Slovenia		
Can bribery performed outside Slovenia be caught?	✓ ²	✓
Does the act also need to be illegal in the foreign country of performance?	✓	✓
Who can be liable		
Slovenian national?	✓	✓
Slovenian company?	✓	X
Slovenian partnership (including limited liability partnership)?	✓	X
Director of Slovenian company?	✓	X
Slovenian company if the bribe is committed abroad by its foreign subsidiary?	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)	X
Foreign subsidiary of a Slovenian company if the bribe is committed abroad?	✓(if the criminal offence was conducted against the Republic of Slovenia or a Slovenian national or a Slovenian legal entity)	X
Foreign national/company/partnership if bribe is committed in Slovenia?	✓	X
Foreign national domiciled or "ordinarily resident" in Slovenia if bribe is committed outside Slovenia?	✓(if: (i) a crime is committed against the Republic of Slovenia or a Slovenian national; or (ii) a crime is committed against a foreign country or foreign national and this person has been apprehended in the territory of the Republic of Slovenia) ³	✓(if: (i) a crime is committed against the Republic of Slovenia or a Slovenian national; or (ii) a crime is committed against a foreign country or foreign national and this person has been apprehended in the territory of the Republic of Slovenia) ³
Foreign company/partnership if bribe is committed abroad?	✓(if it has its seat or business operation in the Republic of Slovenia and the crime was committed against the Republic of Slovenia, a Slovenian national or a Slovenian legal entity)	X
Penalties		
Penalties include:	Individuals: — imprisonment from six months up to six years — monetary fine Punishment may be remitted if such a person has committed a criminal offence on request of an official person or public servant and reports the criminal offence. Companies: — Fine of at least EUR 50,000 and up to EUR 1m or, in cases where damage is caused by the criminal offence or benefit obtained, up to 200 times the amount of damage caused or benefit obtained — Confiscation — Winding-up — Prohibition on trading with financial instruments for up to eight years Punishment may be reduced if the crime was committed by omitting due supervision of employees and the legal entity reports the criminal offence before it is discovered. Punishment could also be remitted if the company: (i) committed the crime by omitting due supervision of employees and reports the criminal offence before it was discovered and orders immediate restitution of unlawfully obtained benefits or; (ii) provides indemnification for damage caused; or (iii) reports the criminal offence of another legal entity being liable.	Individuals — imprisonment up to eight years — monetary fine — seizure of the given award, gift or other property benefit Companies — The Republic of Slovenia and municipalities are not liable for this criminal offence
Defences		
Are there any defences available?	X (only regular legal remedies in a criminal procedure)	X (only regular legal remedies in a criminal procedure)

Slovenia (continued)

Source of law		The Integrity and Prevention of Corruption Act ⁴
Offence		Prohibition and restrictions with regard to the acceptance of gifts by officials (Article 30 ZIntPK) An official shall not accept gifts or other benefits relating to the performance of their duties or their public service or in connection with holding of the office, except for protocol gifts ⁵ , and occasional gifts of low value ⁶ . Officials may not receive gifts, regardless of their value, if prohibited by law ⁷ . Prohibitions and restrictions also apply to family members of the official.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓ (depends on the intent)
Is there any <i>de minimis</i> ?		✓
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		✓
Acts performed outside Slovenia		
Can bribery performed outside Slovenia be caught?		X
Does the act also need to be illegal in the foreign country of performance?		X
Who can be liable		
Slovenian national?		✓
Slovenian company?		X
Slovenian partnership (including limited liability partnership)?		X
Director of Slovenian company?		X
Slovenian company if the bribe is committed abroad by its foreign subsidiary?		X
Foreign subsidiary of a Slovenian company if the bribe is committed abroad?		X
Foreign national/company/partnership if bribe is committed in Slovenia?		✓ (however only by a foreign national acting in a public official role, and not by a company or partnership)
Foreign national domiciled or "ordinarily resident" in Slovenia if bribe is committed outside Slovenia?		X
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:		— Fines for individuals ranging from EUR 400 to EUR 1,200
Defences		
Are there any defences available?		X (only initiation of an administrative dispute)

¹ The Criminal Code (Kazenski zakonik, Official Gazette of the Republic of Slovenia, No. 50/12 et al., hereinafter referred to as KZ-1.

² If committed by: (i) a Slovenian national; or (ii) a Slovenian or foreign legal entity, if that legal entity has its seat or business operation in the Republic of Slovenia and the crime was committed against the Republic of Slovenia, a Slovenian national or a Slovenian legal entity; (iii) a foreign national, if a crime is committed against the Republic of Slovenia or a Slovenian national; (iv) a foreign national, if a crime is committed against a foreign country or foreign national and this person has been apprehended in the territory of the Republic of Slovenia; or (v) any person that committed a crime abroad and such crime is being prosecuted pursuant to an international agreement or general legal principles.

³ KZ-1 is also applicable to any foreign citizen who has, in a foreign country committed an offence (as defined by the country in which the act was perpetrated) against a third country or any of its citizens if he has been apprehended in the territory of the Republic of Slovenia, but not extradited to the foreign country. In such cases, the sentence shall be no more severe than the prescribed by the law of the country in which the offence was committed. Perpetrators shall not be prosecuted: (1) if they have served the sentence imposed on them in the foreign country or if it was decided in accordance with an international agreement that the sentence imposed in the foreign country is to be served in the Republic of Slovenia; (2) if he/she has been acquitted by a foreign court or if his/her sentence has been remitted or the execution of the sentence has fallen under the statute of limitations; (3) if, according to foreign law, the criminal offence concerned may only be prosecuted upon the complaint of the injured party and the latter has not been filled. KZ-1 shall also apply to anyone who commits an offence abroad pursuant to an international agreement or general principle of law, prosecutable in all countries irrespective of the place where it was committed. Permission of the Minister for the Judicial Affairs is required for the prosecution.

⁴ The Integrity and Prevention of Corruption Act (Zakon o integriteti in preprečevanju korupcije), Official Gazette of the Republic of Slovenia, No. 69/2011, hereinafter referred to as ZIntPK.

⁵ Gifts to officials from representatives of other government bodies, countries and international organisations and institutions given in the course of visits or on other occasions, and other gifts given in similar circumstances, shall be regarded as protocol gifts.

⁶ Gifts traditionally or customarily given on the occasion of certain events (cultural, ceremonial, the completion of education, training, holidays, etc.) or on the occasion of the performance of diplomatic activities not exceeding the value of EUR 100, shall be regarded as occasional gifts of low value.

⁷ Prohibited to accept (i) a gift that would constitute a criminal offence; (ii) a gift which acceptance is prohibited under any other law or regulations; (iii) gifts being money, securities, gift vouchers and precious metals; (iv) gifts that affect or may affect the legal, objective and impartial performance of the official's public duties.

Spain

Sources of Law	
Articles 419 – 422, 424, 427, 427 bis, 445 and 286 ter of the Penal Code	
Offence	Bribing Offering or giving handouts, favours or remuneration of any kind to a public official¹ (for their or another's benefit) — to perform an act contrary to his duties — to omit or delay performance of an act within his duties — to carry out an act inherent to his duties — in view of his office or duty Offering, promising or giving an advantage to a foreign public official² (for their or another's benefit) to act or refrain from acting in a particular way, in order to obtain or retain business or another unfair advantage. Being bribed A public official soliciting or receiving, or accepting the offer or promise to receive, a gift or other benefit, (1) to perform an act contrary to his duties; (2) to delay or omit to perform an act within the scope of his authority; (3) to perform an act inherent to his duties; (4) as a reward for the same or (5) in view of his office or duty.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	✓
Acts performed outside Spain	
Can bribery performed outside Spain be caught?	✓ (If committed by a Spanish national/resident ⁴)
Does the act also need to be illegal in the foreign country of performance?	✓
Who can be liable	
Spanish national?	✓
Spanish company?	✓
Spanish partnership (including limited liability partnership)?	✓
Director of Spanish company?	✓
Spanish company if the bribe is committed abroad by its foreign subsidiary?	✓ (if certain requirements are met ⁵)
Foreign subsidiary of a Spanish company if the bribe is committed abroad?	✓ (if certain requirements are met ⁵)
Foreign national/company/partnership if bribe is committed in Spain?	✓
Foreign national domiciled or "ordinarily resident" in Spain if bribe is committed outside Spain?	✓ (if a crime of corruption between private parties or in an international financial transaction)
Foreign company/partnership if bribe is committed abroad?	X
Penalties	
Penalties include:	Individuals — Imprisonment of up to six years or a fine — Fine up to 24 months⁶ — Disqualification of the public official from public employment for up to 12 years depending on the offence — If the bribe was given in relation to public tenders, private individuals face disqualification from public tenders, subsidies and aid for five to ten years — If the bribe was given in relation to international economic transactions, private individuals face debarment from public contracts, subsidies and aid, and any tax or Social Security benefits and incentives, and prohibition from taking part in commercial transactions of public relevance for up to 12 years Companies Fines of up to five times the benefit obtained. In addition, the Courts may also order: — Dissolution — Suspension of activities for up to five years — Closure of premises and establishments for up to five years — Temporary or permanent prohibition on carrying out the activities through which it committed, favoured or concealed the felony; if temporary, the term may not exceed 15 years — Debarment from obtaining public contracts, subsidies and aid, and any tax or Social Security benefits and incentives, for up to 15 years — Judicial intervention to safeguard the rights of the workers or creditors for the time deemed necessary up to five years
Defences	
Are there any defences available?	✓ If an individual reports the benefit required from a public authority/officer before proceedings commence and within two months of the relevant event, he shall be exempt from punishment. Implementing a crime prevention programme, in line with the requirements set out in the Article 31 bis of the Penal Code, may exempt or reduce the criminal liability of the legal entity.

Spain (continued)

Sources of Law		Article 286 bis of the Penal Code
Offence		Bribing Offering, promising or giving any undue advantage to a director, manager, or employee of a company for someone's benefit, to unduly favour in commercial relations.³ Being bribed Requesting, receiving or accepting such undue advantage – or the offer or promise to obtain it in the future – by such director, manager, or employee, to unduly favour someone in commercial relations.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		X
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X
Acts performed outside Spain		
Can bribery performed outside Spain be caught?		✓ (if committed by a Spanish national/resident ⁴)
Does the act also need to be illegal in the foreign country of performance?		✓
Who can be liable		
Spanish national?		✓
Spanish company?		✓
Spanish partnership (including limited liability partnership)?		✓
Director of Spanish company?		✓
Spanish company if the bribe is committed abroad by its foreign subsidiary?		✓ (if certain requirements are met ⁵)
Foreign subsidiary of a Spanish company if the bribe is committed abroad?		✓ (if certain requirements are met ⁵)
Foreign national/company/partnership if bribe is committed in Spain?		✓
Foreign national domiciled or "ordinarily resident" in Spain if bribe is committed outside Spain?		✓ (if a crime of corruption between private parties or in an international financial transaction)
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:		Individuals — Imprisonment of up to four years — Disqualification from engaging in trade for up to six years — Fines of up to three times the value of the profit or advantage obtained Companies Fine of up to five times the benefit obtained. In addition, a court may also order: — Dissolution — Suspension of activities for up to five years — Closure of premises and establishments for up to five years — Temporary or permanent prohibition on carrying out the activities, through which it committed, favoured or concealed the felony; if temporary, the term may not exceed 15 years — Debarment from obtaining public contracts, subsidies and aid, and any tax or Social Security benefits and incentives, for up to 15 years — Judicial intervention to safeguard the rights of the workers or creditors for the time deemed necessary for up to five years
Defences		
Are there any defences available?		✓ Implementing a crime prevention programme, in line with the requirements set out in the Article 31 bis of the Penal Code, may exempt or reduce the criminal liability of the legal entity.

¹ Public official means a person who exercises public functions and includes jury members, arbitrators, experts, and anyone performing or providing public services and judicially appointed auditors. All EU public officials (i.e. public officials of any Member State and those performing equivalent functions within EU bodies) are treated as public officials for these purposes.

² Foreign public official means any person holding a legislative, administrative or judicial office of a foreign country whether appointed or elected, any person exercising a public function (including at a public agency or enterprise) of a foreign country, any agent or officer of a public international organisation and any person who has been assigned, and is performing, a public service consisting of managing the EU's financial interests or on taking decisions regarding those interests.

³ Small promotional gifts or lunch invitations that do not give rise to relevant commercial decisions are excluded from the term "advantage or profit". However, as this is a recently incorporated article, no significant number of judicial resolutions have been issued yet. In any event, companies should implement policies and procedures for employees or representatives.

⁴ Generally provided that: (a) the act is punishable at the place of execution; (b) the injured party or the prosecutor lodges a complaint in the Spanish courts; and (c) the offender has not been indicted abroad or served a sentence for the offending (under Article 23.2 of the Ley Orgánica del Poder Judicial 6/1985 (as amended) (the LOPJ)).

⁵ i.e. the requirements in 23.2 of the LOPJ set out above and in respect of crimes of corruption between private parties or in international financial transactions: (a) the crime was committed by a director, manager, employee or collaborator of a corporate enterprise with its registered office in Spain; or (b) the crime is subject to mandatory prosecution under a treaty in force in Spain or other regulations set by international bodies of which Spain is a member (Article 23.4 of the LOPJ).

⁶ Fines imposed shall be a daily rate of EUR 2 to EUR 400 and be imposed for up to 24 months. The fine will be calculated based on the offender's financial situation, taking into account assets, incomes, obligations and family responsibilities.

Sweden

Sources of law	The Swedish Criminal Code (SFS 1962:700)
Offence	Private Sector - Chapter 10 Section 5a Taking of a bribe Where a person who is an employee or performing a commission receives, accepts a promise of, or requests an undue advantage for their performance of their employment or commission. The same applies to a person who is a participant in or official at a competition about which public betting is arranged, and an undue advantage for their performance of tasks in the competition is involved. The above also applies if the act was committed before the perpetrator obtained a position referred to above or after the position has ended. The above also applies where a person receives, accepts a promise of, or requests a benefit for someone other than themselves. Private Sector - Chapter 10, Section 5b Giving of a bribe Where a person gives, promises or offers an undue advantage in the cases referred to above. Public Sector – Chapter 10, Section 5d Trading in influence Where a person: — receives, accepts a promise of or requests an undue advantage to influence a decision or measure taken by someone else in the exercise of public authority or public procurement; or — gives, promises or offers someone an undue advantage so that they will influence a decision or measure taken by someone else in the exercise of public authority or public procurement. Public Sector - Chapter 10, Section 5e Negligent financing of bribery Where a business operator who supplies money or other assets to a person representing the business operator in a public matter and thereby, through gross negligence, promotes giving of a bribe, gross giving of a bribe or trading in influence in accordance with Section 5d p.2 in the matter.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	✓ ¹
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ ² (private sector – not usually) ✓ ³ (private sector – not usually)
Is there any <i>de minimis</i> ?	✓ ⁴
Does the bribe have to be monetary?	✓ ⁵
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Sweden	
Can bribery performed outside Sweden be caught?	✓ ⁶
Does the act also need to be illegal in the foreign country of performance?	✓
Who can be liable	
Swedish national?	✓
Swedish company?	✓ ⁷
Swedish partnership (including limited liability partnership)?	✓
Director of Swedish company?	✓ ⁸
Swedish company if the bribe is committed abroad by its foreign subsidiary?	X ⁹
Foreign subsidiary of a Swedish company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in Sweden?	✓
Foreign national domiciled or “ordinarily resident” in Sweden if bribe is committed outside Sweden?	✓ ¹⁰
Foreign company/partnership if bribe is committed abroad?	X
Penalties	
Penalties include:	Individuals Sentenced to a fine or imprisonment (up to six years). Companies Corporate fine up to SEK 500m. Confiscation of benefits derived from bribery. Debarment of companies from tendering for public contracts.
Defences	
Are there any defences available?	X

Sweden (continued)



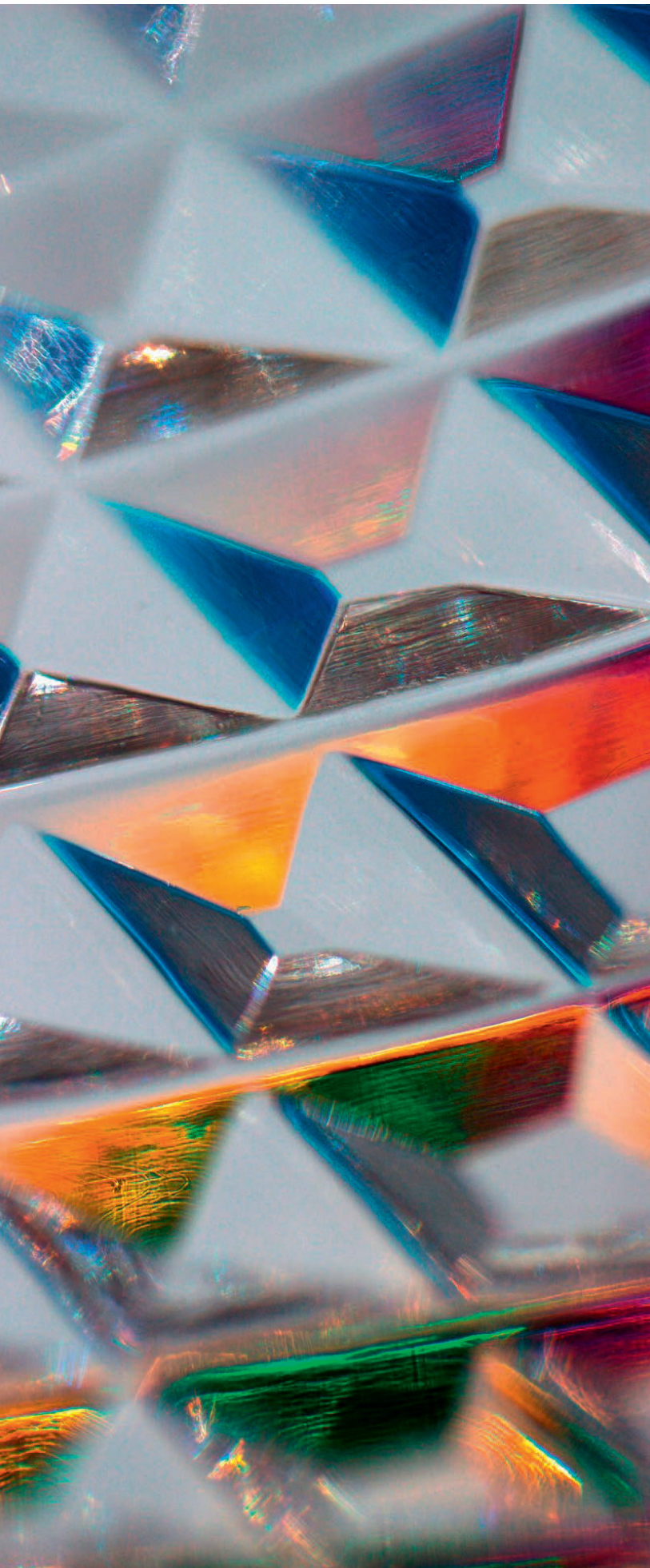
- ¹ There is only a requirement that the advantage can be associated with/connected to the business conducted by the receiver. It is sufficient that the employee etc. has the possibility to influence a certain decision/measure etc. As soon as this possibility exists there is a presumption that the advantage can influence the receiver when performing his/her duties. The advantage must not have led to a specific result.
- ² Normally not such activities as entertainment of clients, colleagues etc in an attempt to impress, reward and/or network. However, it depends on the activity and the intent. The benefit should be reasonable and should not have the potential to improperly influence the decision.
- ³ It depends on the intent. Significantly lower threshold than in private sector.
The Swedish Supreme court have ruled that the following circumstances are of importance when assessing whether corporate hospitality in public sector is considered a bribe or not.
- Whether the gift/promise/offer is acceptable according to prevailing social and ethical codes.
 - Whether it is foreseeable for the giver/receiver etc that his/her acts are not only inappropriate but also illegal.
 - Whether there are existing legal relations between the giver and the receiver of the advantage and that the receiver is about to take a specific measure and there is a risk that the advantage will influence the receiver when performing his/her duties.
 - Whether a participation in an event is considered normal considering the public authority's tasks.
 - Whether the existence of the event and participation is not hidden from the public.
 - Whether the event has broad participation.
- ⁴ However significantly lower threshold than in public sector.
Moreover, political parties can not accept anonymous contributions exceeding SEK 2,675. There is no limit to amounts that political parties can accept as contributions as long as they are not anonymous.
- ⁵ For example services and recommendations/grades can constitute a bribe.
- ⁶ In the exercise of the business activities of a Swedish company and the offence is giving of a bribe, gross giving of a bribe, gross giving of a bribe or trading in influence. Additionally, if an act that constitutes part of the offence has been committed in Sweden, the offence is deemed to have been committed here.
- ⁷ Only natural persons are convicted of bribery offences. However, a Swedish company may be financially affected through a corporate fine. A corporate fine may be imposed if the bribery offence was committed in the course of business activities, the offence carries a more severe penalty than a monetary fine, and the company has not reasonably done what could be required to prevent the offence, or the offence was committed by someone in a managerial position or with special supervisory/oversight responsibility within the business, provided that the criminal conduct was not directed against the company.
- ⁸ If the director is implicated in the act of bribery or in cases of neglect of corporate duty to avoid criminal acts.
- ⁹ Only the exercise of a Swedish company (registered in Sweden or conducting its main business in Sweden).
- ¹⁰ If caught in Sweden and in the exercise of the business activities of a Swedish company and the offence is giving of a bribe, gross giving of a bribe or trading in influence and if not subject to extradition.

Switzerland

Sources of law	Article 322ter – Article 322decies Swiss Criminal Code (SCC) Article 4a Federal Act against Unfair Competition (UCA)¹ Articles 55 and 56 in conjunction with Articles 86 para. 1 lit. h respectively 87 para. 1 lit. h Federal Act on Medicinal Products and Medical Devices (HMG) as well as Article 10 Ordinance on Integrity and Transparency in the field of Medicinal Products and Medical Devices (TPITO)² Articles 76b – 76j Federal Act on Political Rights (PRA)³
Offence	Public Sector Active Bribery of Swiss and Foreign Public Officials (Articles 322ter and 322septies para. 1 SCC) Any act by which a public official^{4,5} or a third party is offered, promised or given an undue advantage in order to cause the public official to commit or omit an act in connection with his official activity which is contrary to his duty or dependent on his discretion. Passive Bribery of Swiss and Foreign Public Officials (Articles 322quater and 322septies para. 2 SCC) Any act by which a public official demands or secures the promise of, or accepts an undue advantage for himself or for a third party in order that he commits or omits an act in connection with his official activity which is contrary to his duty or dependent on his discretion. Granting an Advantage (Article 322quinquies SCC) Any act by which a Swiss public official is offered, promised or given an undue advantage for himself or for a third party in order that he carries out his official duties. Accepting an Advantage (Article 322sexies SCC) Any act by which a Swiss public official demands or secures the promise of, or accepts an undue advantage for himself or for a third party in order that he carries out his official duties. Transparency in Political Funding (Article 76j PRA) Failure by political parties or independent deputies of the Federal Parliament to disclose monetary or non-monetary donations exceeding the value of CHF 15,000 per donor and year (Article 76b PRA), failure by individuals, legal entities and partnerships running a campaign related to an election to the Federal Parliament or a federal vote to disclose funding if they spend more than CHF 50,000 (Article 76c PRA), or failure by political actors according to Articles 76b and 76c PRA to ascertain the source of, or return, an anonymous or foreign donation (Article 76h PRA).
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓ (only to Swiss public officials and persons who prescribe or dispense medicinal products)
Would corporate hospitality be caught?	✓
Is there any <i>de minimis</i> ?	✓ ⁸
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X (see the description of the offence above)
Acts performed outside Switzerland	
Can bribery performed outside Switzerland be caught?	✓
Does the act also need to be illegal in the foreign country of performance?	✓
Who can be liable	
Swiss national?	✓
Swiss company?	✓ ⁹
Swiss partnership (including limited liability partnership)?	✓ ¹⁰
Director of Swiss company?	✓ ¹¹
Swiss company if the bribe is committed abroad by its foreign subsidiary?	X
Foreign subsidiary of a Swiss company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in Switzerland?	✓
Foreign national domiciled or "ordinarily resident" in Switzerland if bribe is committed outside Switzerland?	✓ ¹²
Foreign company/partnership if bribe is committed abroad?	✓
Penalties	
Penalties include:	Public Sector Individuals — Imprisonment for up to five years in cases of bribery (up to three years in cases of granting/acceptance of advantages) — Monetary penalty of up to CHF 540,000 in cases of bribery or granting/acceptance of advantages — Fine of up to CHF 40,000 in cases of failure to comply with the duties of transparency in political funding — Confiscation — Potential disqualification from acting as a director or executive officer (in certain regulated sectors such as the financial sector) Companies — Fine up to CHF 5m in cases of bribery or granting of advantages — Confiscation
Defences	
Are there any defences available?	— According to Article 322decies para. 1 SCC, advantages are not deemed undue if they are either (i) permitted under public employment law (public sector); (ii) contractually approved by the employer/principal (private sector); or (iii) of minor value in accordance with social custom. — Article 55 para. 2 HMG exempts (i) "advantages of modest value (up to CHF 300) which are of relevance to medical or pharmaceutical practice", (ii) "support for research, education and training, provided that certain criteria are met", (iii) "compensation for equivalent services in return, in particular for those provided in connection with orders and deliveries of therapeutic products", as well as (iv) "price discounts or refunds granted on medical purchases, provided they have no influence on the choice of treatment". The details are outlined in the TPITO.

Switzerland (continued)

Sources of law		Article 322ter – Article 322decies Swiss Criminal Code (StGB) Article 4a Federal Act against Unfair Competition (UWG)¹ Articles 55 and 56 in conjunction with Articles 86 para. 1 lit. h respectively 87 para. 1 lit. h Federal Act on Medicinal Products and Medical Devices (HMG) as well as Article 10 Ordonnance on Integrity and Transparency in the field of Medicinal Products and Medical Devices (VITH)²
Offence		Private Sector Active Bribery in the Private Sector (Article 322octies SCC)⁶ Any act by which a person in the private sector⁷ is offered, promised or given an undue advantage for himself or for a third party in order to cause that person to commit or omit an act in connection with his professional or business activities that is contrary to his duties or dependent on his discretion. Passive Bribery in the Private Sector (Article 322novies SCC) Any act by which a person in the private sector demands, secures the promise of, or accepts an undue advantage for himself or for a third party in order to cause that person to commit or omit an act in connection with his professional or business activities that is contrary to his duties or dependent on his discretion. Promise of Undue Advantages (Article 55 para. 1 HMG and Article 86 para. 1 lit. h HMG) Any act by which a person offers, promises or grants an undue advantage to persons who prescribe, dispense, use or purchase for this purpose prescription medicinal products for their benefit or the benefit of a third party.⁸ Accepting Undue Advantages (Article 55 para. 1 HMG and Article 86 para. 1 lit. h HMG) Any act by which persons who prescribe, use or purchase for this purpose prescription medical products claim, are promised or accept any undue advantage for themselves or for the benefit of a third party.
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓ (only to Swiss public officials and persons who prescribe or dispense medicinal products)
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		✓ ⁹
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X (see the description of the offence above)
Acts performed outside Switzerland		
Can bribery performed outside Switzerland be caught?		✓
Does the act also need to be illegal in the foreign country of performance?		✓
Who can be liable		
Swiss national?		✓
Swiss company?		✓ ¹⁰
Swiss partnership (including limited liability partnership)?		✓ ¹¹
Director of Swiss company?		✓ ¹²
Swiss company if the bribe is committed abroad by its foreign subsidiary?		X
Foreign subsidiary of a Swiss company if the bribe is committed abroad?		X
Foreign national/company/partnership if bribe is committed in Switzerland?		✓
Foreign national domiciled or “ordinarily resident” in Switzerland if bribe is committed outside Switzerland?		✓ ¹³
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:		Private Sector¹⁴ Individuals — Imprisonment for up to 3 years — Monetary penalty of up to CHF 540,000 — Confiscation — Potential disqualification from acting as a director or executive officer (in certain regulated sectors such as the financial sector) Companies — Fine up to CHF 5,000,000 — Confiscation
Defences		
Are there any defences available?		— According to Article 322decies para. SCC, advantages are not deemed undue if they are either (i) permitted under public employment law (public sector); (ii) contractually approved by the employer/principal (private sector); or (iii) of minor value in accordance with social custom. — Article 55 para. 2 HMG exempts (i) “advantages of modest value (up to CHF 300) which are of relevance to medical or pharmaceutical practice”, (ii) “support for research, education and training, provided that certain criteria are met”, (iii) “compensation for equivalent services in return, in particular for those provided in connection with orders and deliveries of therapeutic products”, as well as (iv) “price discounts or refunds granted on medical purchases, provided they have no influence on the choice of treatment”. The details are outlined in the PITO.



- ¹ Article 4a UCA qualifies (active and passive) bribery as unfair conduct, exposing offenders to civil liability. The legal definition of bribery in Article 4a UCA coincides with the one in Articles 322octies and 322novies SCC on active and passive bribery in the private sector.
- ² Article 56 in conjunction with Article 86 para. 1 lit. h HMG and Article 10 TPITO impose a duty of transparency on both the selling and the purchasing persons and organisations of medicinal products. According to this provision, all discounts and rebates granted on purchases of such products shall be shown on the receipts and invoices and shall be disclosed to the competent authorities on request. Violations of Article 56 qualify as minor offences (so-called contraventions) (see footnote 13).
- ³ According to Article 76b PRA, political parties represented in the Federal Parliament are obliged to disclose their funding. In particular, all monetary and non-monetary donations to the political parties represented in the Federal Parliament exceeding the value of CHF 15,000 per donor and year must be disclosed. The same rule is applicable to independent deputies. Furthermore, Article 76c PRA provides that individuals, legal entities and partnerships that run a campaign related to an election to the Federal Parliament or a federal vote must disclose the funding thereof if they spend more than CHF 50,000. Finally, Article 76h PRA prohibits the aforementioned political actors from accepting monetary or non-monetary donations that are either anonymous or made from abroad (except from Swiss citizens who are resident abroad).
- ⁴ A Swiss or foreign public official is a member of a judicial or other authority, a public employee, an officially-appointed expert, translator or interpreter, an arbitrator or a member of the armed forces.
- ⁵ Private individuals who fulfil official duties are subject to the same provisions as public officials (Article 322decies para. 2 SCC).
- ⁶ In minor cases, the offences of articles 322octies and 322novies SCC are only prosecuted on complaint. The parliamentary debate revealed the following criteria to determine minor significance: the undue advantage does not exceed “a few thousand Swiss francs”, the offence does not jeopardise the safety or health of third parties, the offence does not consist of multiple or repeated acts of bribery, the offender has not conspired with others to commit the offence and no forgery of a document was committed in connection with the act of bribery.
- ⁷ A person in the private sector is an employee, a company member, an agent or any other auxiliary to a third party. The meaning of the term “auxiliary” is wide and cannot be generally defined. It includes employees and business partners but also any other person who – due to a contractual relationship – is subordinate to the third party (e.g. an agent, a consultant, a lawyer). In practice, the term “auxiliary” is thus mostly congruent with the term “business partner” or “employee”.
- ⁸ Generally, the mere granting or accepting of an undue advantage in the private sector (as opposed to active and passive bribery) is not punishable. Article 55 HMG in conjunction with Article 86 HMG stipulate an exception to this rule with a view to natural persons and entities active in the health sector.
- ⁹ Article 322decies para. 1 lit. b SCC provides that insignificant benefits that are in accordance with common social practice shall not be considered undue advantages. Moreover, Article 322octies para. 2 SCC and Article 322novies para. 2 SCC (on active and passive bribery in the private sector) make the prosecution of minor cases subject to the filing of a criminal complaint by the injured party (see footnote 5). Article 55 para. 2 HMG in conjunction with Art. 3 to 9 TPITO declare permissible certain benefits and acts that are not regarded as undue advantages. Article 87 para. 6 HMG leaves it to the discretion of the authorities to prosecute and punish insignificant cases in the health sector.
- ¹⁰ Where the company has not undertaken all reasonable organisational measures required to prevent the active bribery (article 102 para. 2 SCC).
- ¹¹ Where the partnership has not undertaken all reasonable organisational measures required to prevent the active bribery (article 102 para. 2 SCC).
- ¹² A director may be held criminally liable if he was personally involved in the unlawful act, either actively or passively (i.e. by allowing the conduct to happen in violation of his duty to protect the entity's integrity).
- ¹³ A foreign national domiciled or “ordinarily resident” in the jurisdiction may be held criminally liable if the bribe is committed outside the jurisdiction provided that: (i) the offence is also liable to prosecution at the place of commission or the place of commission is not subject to criminal law jurisdiction; (ii) the person concerned is in Switzerland or is extradited to Switzerland due to the offence; and (iii) under Swiss law extradition is permitted for the offence, but the person concerned is not being extradited (Art. 7 para. 1 SCC).
- ¹⁴ Violations of Article 56 HMG qualify as minor offences (so called contraventions). Offenders may be liable to a fine of up to CHF 50,000.

Sources of law	Article 8, Article 60, Article 252/1, 9, Article 253 and Article 254 of the Turkish Criminal Code		Article 8, Article 60, Article 252/1, 9, Article 253 and Article 254 of the Turkish Criminal Code	
Offence	Bribing a public official Providing a benefit to a public official or another person at the request of the public official, directly or through an intermediary, for the performance or non-performance of an act relating to his duty.	Being bribed as a public official Ensuring of a benefit by a public official or another person at the request of the public official, directly or through an intermediary, for the performance or non-performance of an act relating to his duty.	Being an Intermediary to Bribery Communicating an offer to or requesting a bribe from the other party, ensuring an agreement for a bribe or ensuring the provision of a bribe.	Being a Benefactor of a Bribe Accepting an indirect benefit from a bribe as the authorised person of a third person or legal entity.
The bribe				
Is there a presumption that any benefit was given/received corruptly?	X	X	X	X
Would facilitation payments be caught?	✓	✓	✓	✓
Would corporate hospitality be caught?	X	X	X	X
Is there any <i>de minimis</i> ?	X	X	X	X
Does the bribe have to be monetary?	X	X	X	X
Public officials				
Does the offence only apply to bribing public officials?	X ¹	✓	X ¹	X ¹
Acts performed outside the Türkiye				
Can bribery performed outside Türkiye be caught?	✓ ²	✓ ²	✓ ²	✓ ²
Does the act also need to be illegal in the foreign country of performance?	X	X	X	X
Who can be liable				
Turkish national?	✓	✓	✓	✓
Turkish company?	✓	X	✓	✓
Turkish partnership (including limited liability partnership)?	✓	X	✓	✓
Director of Turkish company?	✓ ³	X	✓ ³	✓
Turkish company if the bribe is committed abroad by its foreign subsidiary?	X ⁴	X	X ⁴	X ⁴
Foreign subsidiary of a Turkish company if the bribe is committed abroad?	✓ ²	X	✓ ²	✓ ²
Foreign national/company/partnership if the bribe is committed in Türkiye?	✓	X	✓	✓
Foreign national domiciled or "ordinarily resident" in Türkiye if the bribe is committed outside Türkiye?	X ⁵	X	X ⁵	X ⁵
Foreign company/partnership if the bribe is committed abroad?	X ⁵	X	X ⁵	X ⁵
Penalties				
Penalties include:	Individuals — Imprisonment of between four and twelve years — Imprisonment of between two and six years if the bribe is offered but not accepted by the public official or other recipient — Sentences are increased by up to 50% if the offence is committed by a judge, court expert, notary or certified public accountant Legal Entities — Cancellation of permit if operating through a permit obtained from a state institution — Seizure of assets or income — Monetary fine between TRY 10,000 and TRY 50m, but it should always exceed double the benefit obtained		Individuals — Imprisonment of between four and twelve years — Imprisonment of between two and six years if the bribe is offered but not accepted by the public official or other recipient — Sentences are increased by up to 50% if the offence is committed by a judge, court expert, notary or certified public accountant Legal Entities — Cancellation of permit if operating through a permit obtained from a state institution — Seizure of assets or income — Monetary fine between TRY 10,000 and TRY 50m, but it should always exceed double the benefit obtained	

Türkiye (continued)

Defences		
Are there any defences available?	✓ If the public official who has received a bribe submits it to the authorities prior to the authorities learning of the matter, the public official will not be penalised for bribery. A public official who has agreed to accept a bribe will also not be penalised if he notifies the authorities prior to the authorities learning of the matter. ✓ If an individual who has bribed or agreed with a public officer to commit bribery informs the authorities with regret, prior to the authorities learning of the matter, the individual will not be penalised for bribery.	✓ If the public official who has received a bribe submits it to the authorities prior to the authorities learning of the matter, the public official will not be penalised for bribery. A public official who has agreed to accept a bribe will also not be penalised if he notifies the authorities prior to the authorities learning of the matter. ✓ If an individual participant in the offence of bribery informs the authorities with regret, prior to the authorities learning of the matter, the individual will not be penalised for bribery.

¹ In the case of benefits to persons at the request of a public official, or when bribing individuals acting on behalf of professional organizations with public institution status and their affiliated companies or foundations, public benefit associations, cooperatives, and public companies or in cases of benefits to other persons as a result of the relationships with such individuals.

² If the outcome of bribery occurs in Türkiye.

³ If known or committed by the Director.

⁴ Unless for the performance or non-performance of an act relating to the Turkish company.

⁵ Unless for the performance or non-performance of an act relating to Türkiye, a Turkish state institution, a Turkish legal entity or a Turkish national.

Ukraine

Source of law	
Law on Prevention of Corruption, Criminal Code of Ukraine, Code on Administrative Offences of Ukraine	
Offence	Criminal offences Receiving a bribe: When a public official; an employee,¹ an officer or a private contractor² of a legal entity; or a public services provider³ accepts an offer to get an unlawful advantage⁴ for him/herself or for a third party; requests an unlawful advantage for him/herself or for a third party; or receives an unlawful advantage for him/herself or for a third party in any form for performance or non-performance of his or her functions in the interests of the person offering or transferring the unlawful advantage or a third party. Illegal enrichment: When a public official acquires⁵ assets with value that exceeds such official's legal income by more than 3,000 minimal costs of living⁶ (approximately EUR 188,455). Extortion (provocation of a bribe): When a public official instigates a person to offer, promise, provide unlawful advantage, or to accept the offer, promise, or rendering of such advantage, with the purpose of subsequently denouncing such person to the competent authorities. Bribery: Offering, giving or transferring an unlawful advantage to I) a public official; II) an employee,⁷ an officer or a private contractor⁸ of a legal entity; or III) a public services provider⁹ for the performance or non-performance of actions by exercising his or her authority in the interests of the person offering or transferring the unlawful advantage or in the interest of a third party. Abuse of powers: When an officer of a legal entity, a public official or a public services provider¹⁰ abuses their powers, authorities or official position for the obtaining of an unlawful advantage for him/herself or for a third party, if such actions caused significant harm¹¹ to the rights or interests of particular citizens, state or public interests, or interests of legal entities. Abuse of influence: When a person receives an unlawful advantage for him/herself or a third party for influencing the decision making of a person authorised to exercise state functions or for offering to influence such a decision. When a person offers or gives an unlawful advantage to a person offering or agreeing to influence the making of a decision by a person authorised to exercise state functions or to a third party. Provision of false information in transparency declaration or failure to submit transparency declaration: Intentional provision of false information¹² in transparency declaration of an official authorised to perform state or local governmental functions or intentional non-submission of transparency declaration.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ ¹³
Is there any <i>de minimis</i> ?	X ¹⁴
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Ukraine	
Can bribery performed outside Ukraine be caught?	✓ (if performed by a Ukrainian citizen or person without citizenship domiciled in Ukraine; if performed by a foreigner or person without citizenship in cases prescribed by international treaties or if a serious or especially serious offence against the rights of Ukrainian citizens or the interests of Ukraine is performed; if one of such offences as receiving a bribe, bribing or abuse of influence is performed by a foreigner or person without citizenship jointly with Ukrainian public official)
Does the act also have to be illegal in the foreign country of performance?	X
Who can be liable	
Ukrainian national?	✓
Ukrainian company?	✓
Ukrainian Partnership (including limited liability partnership)? ¹⁵	X
Director of Ukrainian Company	✓
Ukrainian Company if the bribe is committed abroad by its foreign subsidiary?	X
Foreign subsidiary of a Ukrainian company if the bribe is committed abroad?	X
Foreign national/company / partnership if bribe is committed in Ukraine?	✓ (only foreign nationals and companies)
Foreign national or person without citizenship domiciled in Ukraine if bribe is committed outside Ukraine?	✓
Foreign company/partnership if bribe is committed abroad	X

Ukraine (continued)

Penalties		
Penalties include:	Recipient (public official): — Fine of up to 4,000 tax-free allowances¹⁶ (approximately EUR 1,410)¹⁷ — Debarment from certain positions and activities for up to three years — Confiscation of property — Special confiscation¹⁸ — Probation for up to three years — Imprisonment for up to 12 years Recipient (in case of commercial bribery): — Fine of up to 4,000 tax-free allowances (approximately EUR 1,410) — Forced labour for up to two years — Detention for up to three years — Probation for up to three years — Debarment from certain positions and activities for up to three years — Confiscation of property — Special confiscation — Imprisonment for up to seven years Recipient (public services provider): — Fine of up to 4,000 tax-free allowances (approximately EUR 1,410) — Forced labour for up to two years — Detention for up to five years — Probation for from two to five year — Debarment from certain positions and activities for up to three years — Confiscation of property — Special confiscation — Imprisonment for up to eight years Recipient (an employee of a legal entity, a private contractor): — Fine of up to 750 tax-free allowances (approximately EUR 265) — Community service for up to 240 hours — Special confiscation — Detention for up to three years — Imprisonment for up to three years Briber (of a public official): — Fine of up to 4,000 tax-free allowances (approximately EUR 1,410) — Confiscation of property — Special confiscation — Detention for up to four years — Imprisonment for up to ten years Bribery (in case of commercial bribery / of a public services provider): — Fine of up to 5,000 tax-free allowances (approximately EUR 1,760) — Community service for up to 200 hours — Special confiscation — Detention for up to four years — Imprisonment for up to four years Bribery (of an employee of a legal entity, a private contractor): — Fine of up to 500 tax-free allowances (approximately EUR 215) — Community service for up to 200 hours — Special confiscation — Forced labour for up to two years — Detention for up to three years — Imprisonment for up to three years	Abuse of powers (by a public services provider): — Fine of up to 4,000 tax-free allowances (approximately EUR 1,700) — Confiscation of property — Special confiscation — Debarment from certain positions and activities for up to three years — Detention for up to five years — Imprisonment for up to eight years Abuse of powers (by a public official): — Fine of up to 1,000 tax-free allowances (approximately EUR 352) — Probation for up to three years — Special confiscation — Debarment from certain positions and activities for up to three years — Detention for up to three years — Imprisonment for up to six years Abuse of powers (by an officer of a legal entity): — Fine of up to 6,000 tax-free allowances (approximately EUR 2,112) — Probation for up to two years — Arrest for up to six months — Special confiscation — Debarment from certain positions and activities for up to three years — Detention for up to two years — Imprisonment for up to six years Abuse of influence: — Fine of up to 5,500 tax-free allowances (approximately EUR 1,936) — Confiscation of property — Special confiscation — Detention for up to five years — Imprisonment for up to eight years Companies (for bribing or for failure to prevent trading in influence, bribing of an officer of a legal entity, a public services provider, a public official): — Fine in the double amount of an unlawful advantage or up to 2,000,000 tax-free allowances (approximately EUR 705,360) if an unlawful advantage was not received or its amount cannot be estimated Public official authorized to perform state or municipal functions who intentionally provides false information or does not submit transparency declaration: — Fine of up to 8,000 tax-free allowances (approximately EUR 2,820) — Community service for up to 240 hours — Debarment from certain positions and activities for up to three years — Detention for up to two years — Imprisonment for up to two years
Defences		
Are there any defences available?	✓ There are specific defences if a person who offered, promised or gave an unlawful advantage reported the bribe before the law enforcement authorities found out about the crime from other sources.	

Ukraine (continued)

Source of law	Law on Prevention of Corruption, Criminal Code of Ukraine, Code on Administrative Offences of Ukraine
Offence	Administrative offences Violation of legally established restrictions regarding the acceptance of gifts or donations: Violation of legally established restrictions or prohibitions by accepting gifts or donations. Failure to take action with respect to the prevention of corruption: Failure by a state official, local government official or an officer of a legal entity to take legally established actions to prevent and detect corruption offences. Violation of restrictions regarding involvement in commercial or other paid activities by a public official: Failure by a public official to comply with legally established prohibitions to perform any other paid work or commercial activity. Violation of rules for dealing with the conflict of interest: Failure by a public official, an officer of a public legal entity or a public services provider to report existing conflicts of interest; taking actions or decisions in the presence of a conflict of interest. Violation of financial control requirements: Failure by a public official or an officer of a public legal entity to submit a transparency declaration, or provision of false information¹⁹ in a transparency declaration, or failure to report the opening of bank accounts outside Ukraine or report substantial changes in the property status of such persons. Misuse of information obtained in the process of service: Illegal disclosure by a public official or use to his/her own benefit of information obtained in the process of service.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓
Would corporate hospitality be caught?	✓ ¹³
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside Ukraine	
Can bribery performed outside Ukraine be caught?	X
Does the act also have to be illegal in the foreign country of performance?	X
Who can be liable	
Ukrainian national?	✓
Ukrainian company?	X (only individuals caught)
Ukrainian Partnership (including limited liability partnership) ²¹⁵	X
Director of Ukrainian Company	✓ (only applies to a failure to prevent corruption)
Ukrainian Company if the bribe is committed abroad by its foreign subsidiary?	X
Foreign subsidiary of a Ukrainian company if the bribe is committed abroad?	X
Foreign national/company/ partnership if bribe is committed in Ukraine?	✓ (only foreign nationals)
Foreign national or person without citizenship domiciled in Ukraine if bribe is committed outside Ukraine?	X
Foreign company/partnership if bribe is committed abroad	X
Penalties	
Penalties include:	Recipient in a case of violation of legally established restrictions regarding the acceptance of gifts or donations: — Fine of up to 400 tax-free allowances (approximately EUR 140) with confiscation of a gift or a donation — Debarment from certain positions and activities for up to one year Failure to prevent corruption: — Fine of up to 400 tax-free allowances (approximately EUR 140) — Violation of restrictions regarding involvement into commercial or other paid activities by a public official: — Fine of up to 800 tax-free allowances (approximately EUR 340) — Confiscation of illegally obtained profit or remuneration — Debarment from certain positions and activities for up to one year Violation of rules for dealing with the conflict of interest: — Fine of up to 800 tax-free allowances (approximately EUR 280) — Debarment from certain positions and activities for up to one year Violation of financial control requirements: — Fine of up to 2,500 tax-free allowances (approximately EUR 880) — Confiscation of illegally obtained profit or remuneration — Debarment from certain positions and activities for up to one year Illegal use of information obtained in the process of service: — Fine of up to 2,500 tax-free allowances (approximately EUR 880) — Debarment from certain positions and activities for up to one year
Defences	
Are there any defences available?	X



- ¹ i.e. being neither a public official, nor an officer.
- ² A person providing services or works to a legal entity under a contract.
- ³ A public services provider shall be understood to be an auditor, notary, appraiser or other person who is not a public official but who is conducting a professional activity connected with the provision of public services (including experts, trustees, arbitrators, private enforcement agents etc.).
- ⁴ An unlawful advantage shall be understood as anything of value, tangible or intangible, for the purposes of this brochure.
- ⁵ Acquiring shall be understood as obtaining ownership over assets personally or via third parties, or any other possibility to have a right of disposal of assets.
- ⁶ Minimal costs of living is the basis for offence qualification. As of 4 September 2025 one minimal costs of living equals to approximately EUR 62.8.
- ⁷ i.e. being neither a public official, nor an officer.
- ⁸ A person providing services or works to a legal entity under a contract.
- ⁹ A public services provider shall be understood to be an auditor, notary, or other person who is not a public official but who is conducting a professional activity connected with the provision of public services (including experts, trustees, arbitrators, private enforcement officers etc.).
- ¹⁰ A public services provider shall be understood to be an auditor, notary, appraiser, officer of the Deposit Guarantee Fund or other person who is not a public official but who is conducting a professional activity connected with the provision of public services (including experts, trustees, arbitrators, state and private enforcement officers etc.).
- ¹¹ For the purposes of criminal liability, the harm is significant if its value is 100 or more tax-free allowance (approximately EUR 3,150).
- ¹² For the purposes of criminal liability, the information is false if the value stated in a transparency declaration differs from the real value by 750 or more minimal costs of living (approximately EUR 47,110 and more).
- ¹³ 1. The corporate hospitality (donation) should not violate legally established restrictions or prohibitions regarding the acceptance of gifts and donations by public officials.
2. The value of the corporate hospitality (donation) received by an official may not exceed two minimal costs of living (approximately EUR 125) for a one-off hospitality (donation) or four minimal costs of living for a working person (approximately EUR 250) cumulatively for hospitality (donations) received from one person within one calendar year.
- ¹⁴ There is no threshold. Criminal liability may arise if non-monetary characteristics of bribe are present (e. g. expectation for a certain action from a public official, an employee or an officer of a legal entity, a person working for a legal entity; a public services provider etc.)
- ¹⁵ Ukrainian legislation does not recognize a partnership as a form of conducting business.
- ¹⁶ Tax-free allowance is the basis for both offence qualification and calculation of penalties. However, the amounts of tax-free allowance differ for these two purposes. As of 4 September 2025 the tax-free allowance for the purposes of offence qualification equals to approximately EUR 31.4 and the tax-free allowance for the purposes of calculation of penalties equals to approximately EUR 0.35.
- ¹⁷ The penalties are calculated in EUR based on official currency exchange rates established by the National Bank of Ukraine on 4 September 2025, i.e. EUR 1 = UAH 48.20.
- ¹⁸ Special confiscation is a forced, free of charge withdrawal of funds, valuables and/or property in favour of the state, performed under a court decision. Special confiscation is applied to the funds, valuables and/or property which (i) were obtained as a result of a crime and/or were earned using such funds, valuables and/or property; (ii) were used or supposed to be used for instigating a person to commit a crime; or for financing or facilitating a crime; or as remuneration for committing a crime; (iii) were subject of a crime (except for a property returned to the legitimate owner); or (iv) were sought out, produced, adapted or used as crime instruments (except for a property returned to the legitimate owner). Special confiscation may be applied to the funds, valuables and/or property owned by a third party if such funds, valuables and/or property were transferred to the third party to avoid special confiscation.
- ¹⁹ For the purposes of administrative liability, the information is false if the value stated in a transparency declaration differs from the real value by more than 150 and less than 750 minimal costs of living (approximately EUR 9,420 – EUR 47,110).

United Kingdom

Source of law	The Bribery Act 2010 (in force from 1 July 2011)	
Offence	General Offence Bribing (s1) Offering or giving a financial or other advantage to a person: — intending to induce them, or another, improperly to perform a public function or business activity, or as a reward for the same; or — knowing or believing the acceptance would in itself constitute improper performance.	General Offence Being bribed (s2) — Requesting or accepting an advantage intending personally or through another, improperly to perform a public function or business activity, or as a reward for the same; — Requesting or accepting such advantage when the request or acceptance would itself constitute an improper performance of a public function or business activity; or — Improperly performing such a function or activity in anticipation of receiving such an advantage.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	Depends on intent	Depends on intent
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	X
Acts performed outside UK		
Can bribery performed outside UK be caught?	✓ (if committed by a British national, or resident, a national of a British overseas territory or a body incorporated in the UK)	✓ (if committed by a British national, or resident, a national of a British overseas territory or a body incorporated in the UK)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
UK National?	✓	✓
UK company?	✓	✓
UK Partnership (including limited liability partnership)?	✓ ²	✓
Director of UK company?	✓ (either directly or if the Director consented or connived in an offence committed by the company ³)	✓ (either directly or if the Director consented or connived in an offence committed by the company)
UK company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a UK company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in UK?	✓	✓
Foreign national domiciled or "ordinarily resident" in UK if bribe is committed outside UK?	✓	✓
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	Individuals — Imprisonment for up to ten years — Unlimited fine Companies — Unlimited fine — Debarment from public contracts — A confiscation order under the Proceeds of Crime Act 2002 (POCA)	Individuals — Imprisonment for up to ten years — Unlimited fine Companies — Unlimited fine — Debarment from public contracts — A confiscation order under POCA
Defences		
Are there any defences available?	X	X

United Kingdom (continued)

Source of law		
The Bribery Act 2010 (in force from 1 July 2011)		
Offence	Bribing a foreign public official (s6) Offering or giving to (or with the assent of) a foreign public official any advantage that is neither permitted nor required by the written law applicable to that official intending to: — to influence them in their capacity as a foreign public official and — obtain or retain business or a business advantage.	Corporate offence (s7) A company or partnership failing to prevent bribery (under s1 or 6) committed anywhere in the world by a person performing services on its behalf intending to obtain or retain business or a business advantage for the company/partnership UNLESS adequate procedures were in place designed to prevent the bribery.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	✓ ¹	Depends on intent
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	X
Acts performed outside UK		
Can bribery performed outside UK be caught?	✓ (if committed by a British national, or resident, a national of a British overseas territory or a body incorporated in the UK)	✓ (if the defendant company or partnership is incorporated, or "carries on a business, or part of a business" in any part of the UK)
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
UK National?	✓	X (only corporates and partnerships can be liable)
UK company?	✓	✓
UK partnership (including limited liability partnership)?	✓	✓
Director of UK company?	✓ (either directly or if the Director consented or connived in an offence committed by the company)	X
UK company if the bribe is committed abroad by its foreign subsidiary?	X	✓ (if the subsidiary is performing services on the UK company's behalf and the bribe was made with the intention of obtaining or retaining business or a business advantage for the parent)
Foreign subsidiary of a UK company if the bribe is committed abroad?	X	✓ (if the company "carries on a business, or part of a business" in any part of the UK)
Foreign national/company/partnership if bribe is committed in UK?	✓	✓ (not foreign nationals)
Foreign national domiciled or "ordinarily resident" in UK if bribe is committed outside UK?	✓	X
Foreign company/partnership if bribe is committed abroad?	X	✓ (if the company "carries on a business, or part of a business" in any part of the UK)
Penalties		
Penalties include:	Individuals — Imprisonment for up to ten years — Unlimited fine Companies — Unlimited fine — Debarment from public contracts — A confiscation order under POCA	Companies — Unlimited fine — Debarment from public contracts⁴ — A confiscation order under POCA
Defences		
Are there any defences available?	X	✓ (it is a defence for the corporate to show that it had in place "adequate procedures" designed to prevent bribery on its behalf) ⁵

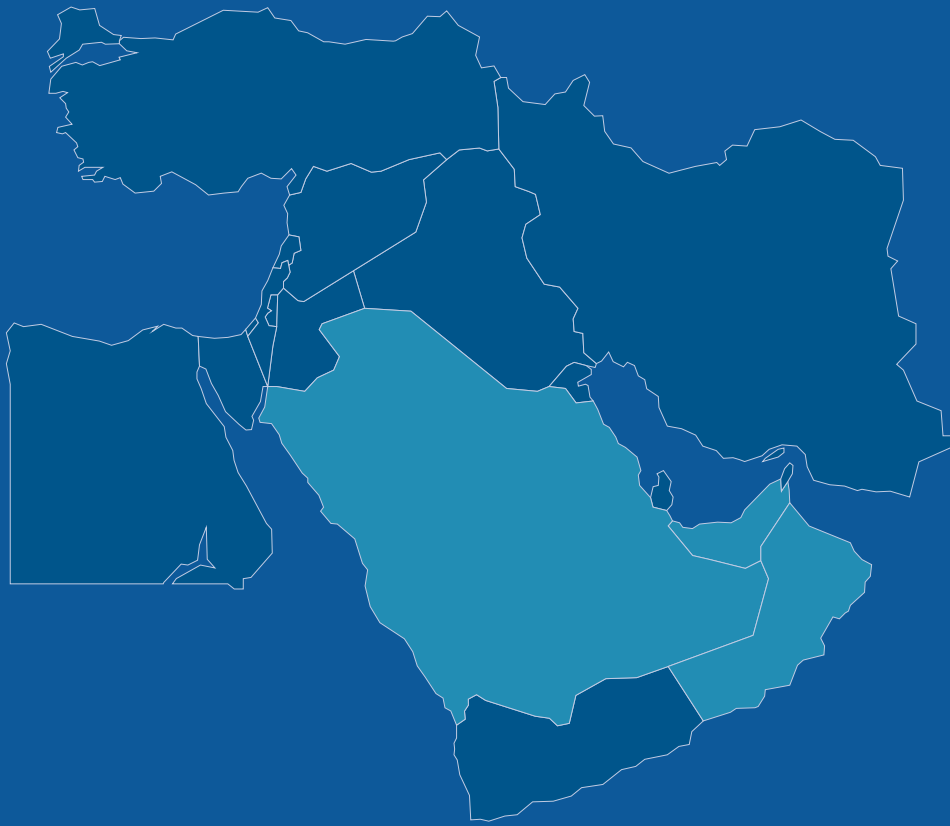
¹ Unlike the other offences, the offence of bribing a foreign public official does not require "impropriety" as part of the wrongful act, but only that the advantage is given in order to "influence". Clearly, corporate hospitality is intended to influence the recipient to look favourably on the giver of the hospitality. Therefore, the legislation relies on prosecutorial discretion with respect to corporate hospitality given to foreign public officials.

² "Person" is not defined but under s5 and 11 of the Interpretation Act 1978, "person" is to be construed as extending to "a body of persons corporate or unincorporate".

³ If no act or omission which forms part of the offence by the company took place in the UK, the Director or senior officer must have a "close connection" with the UK i.e. by being a British national or resident, or a national of a British overseas territory.

⁴ The Government has indicated that such a conviction would not automatically trigger debarment but it remains a discretionary penalty.

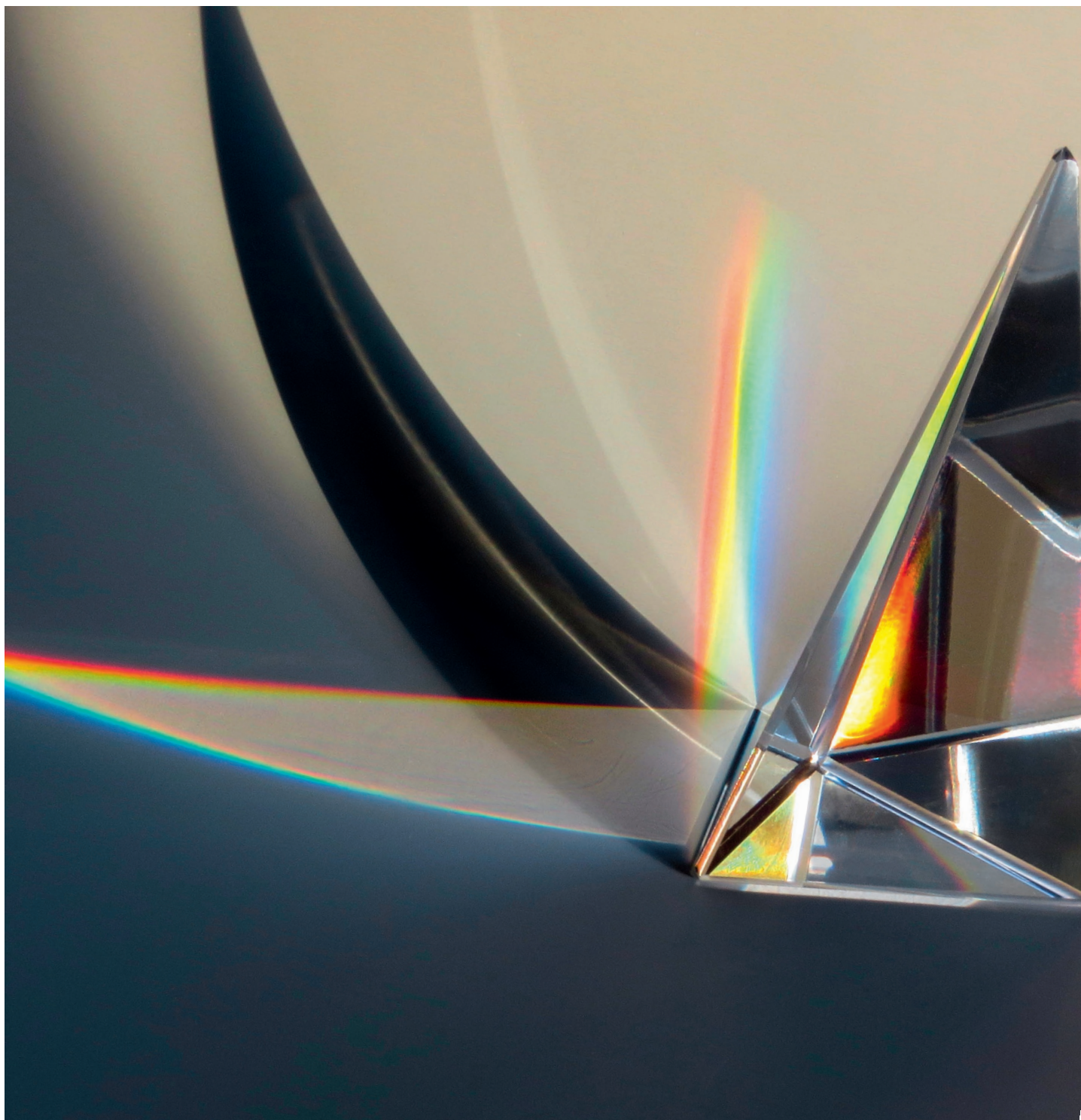
⁵ Adequate procedures, in line with Government guidance published in March 2011, should heed six broad principles which are (1) proportionality, (2) commitment to an anticorruption culture from the senior management of the organisation, (3) assessment of possible risks, (4) due diligence on parties dealt with in the course of business, (5) communication and training on procedures and policies and (6) monitoring and review of the same.



The Middle East

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Source of law		Royal Decree No. 112/2011 “The Law for the Protection of Public Funds and Avoidance of Conflicts of Interest”, as amended (the Anti-Corruption Law) Royal Decree No. 7/2018 (the Penal Code)
Offence	Definition of “Public Official” (Article 10 of the Penal Code) Means (a) every person holding a government position; (b) members of Majlis Oman and members of municipal councils; (c) every person assigned a specific task by a competent public authority within the limits of his assignment; (d) representatives of the Government in companies, and employees of companies wholly owned by the Government of those to which the Government contributes more than forty per cent (40%) of its capital; and (e) members of the boards of directors of Omani civil associations of public benefit. Accepting a bribe (Article 207 of the Penal Code) Any Public Official who accepts a bribe for her/himself or on behalf of another person, be it either money, a gift, promise or any other advantage, in order to accomplish an act pertaining to her/his function, or to abstain from accomplishing it or propose its accomplishment. Demanding a bribe (Article 208 of the Penal Code) A Public Official demands a bribe for themselves to carry out an act contrary to her/his duties or to abstain from implementing an act inherent to his function. Accepting a bribe after the fact (Article 209 of the Penal Code) A Public Official who accepts a bribe after implementing the act expected by the briber. Offering a bribe (Article 211 of the Penal Code) Any person offering or inducing any Public Official to accept or demand any bribe.	
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		X ¹
Acts performed outside Oman		
Can bribery performed outside Oman be caught?		✓ ²
Does the act also need to be illegal in the foreign country of performance?		X
Who can be liable		
Omani national?		✓
Omani company?		X ³
Omani partnership (including limited liability partnership)?		X
Director of an Omani company?		✓
Omani company if the bribe is committed abroad by its foreign subsidiary?		X
Foreign subsidiary of an Omani company if the bribe is committed abroad?		X
Foreign national/company/partnership if the bribe is committed in Oman?		✓
Foreign national domiciled or “ordinarily resident” in Oman if the bribe is committed outside Oman?		✓ ⁴
Foreign company/partnership if the bribe is committed abroad?		X
Penalties		
Penalties include:	Accepting a Bribe (Article 207 of the Penal Code): — a period of imprisonment of between three years and five years; — a fine of no less than the value of what was given or promised to receive; — dismissal from their position as a Public Official; and — permanent prohibition from working as a Public Official in Oman Demanding a Bribe (Article 208 of the Penal Code): — a period of imprisonment of between three years and ten years; — a fine of no less than the value of what was given or promised to receive; — dismissal from their position as a Public Official; and — permanent prohibition from working as a Public Official in Oman. Accepting a bribe after the fact (Article 209 of the Penal Code): a period of imprisonment of no more than three years and fine equivalent to the value of the bribe accepted. Offering a Bribe (Article 211 of the Penal Code): a period of imprisonment of not more than three years if an attempt is made to bribe a Public Official who refuses it.	
Defences		
Are there any defences available?		X



¹ Anti-Corruption laws in Oman extend to individuals in respect of their work in and with private companies only where (i) Omani government bodies or Omani Public Officials hold at least 40% of the shares or (ii) there are commercial dealings with Omani government bodies or Omani Public Officials. The Penal Code also defined a Public Official as any of the following: (a) every person holding a government position; (b) members of Majlis Oman and members of municipal councils; (c) every person assigned a specific task by a competent public authority within the limits of his assignment; (d) representatives of the Government in companies, and employees of companies wholly owned by the Government of those to which the Government contributes more than forty per cent (40%) of its capital; and (e) members of the boards of directors of Omani civil associations of public benefit.

² Provided such act of bribery affects and/or involves an Omani Public Official.

³ Anti-corruption laws in Oman apply to natural persons only.

⁴ Only where the bribe affects a public official in Oman.

Saudi Arabia

Sources of law	Combatting Bribery Law issued by Royal Decree No. M/36 dated 29/12/1412H (corresponding to 30/6/1992) as amended by: Saudi Arabia Cabinet Decision No. 5/1440 dated 01/01/1440 H; Saudi Arabia Cabinet Decision No. 633/1440 dated 06/11/1440 H; Saudi Arabia Cabinet Decision No. 106/1442 dated 12/02/1442 H; and Saudi Arabia Cabinet Decision No. 255/1443 dated 25/04/1443 H. (the 'CBL'). Other major legislation contributes to the general anti-corruption legal framework, namely (i) Saudi Civil Service Law issued by Royal Decree No. M/49 dated 10/7/1397H (corresponding to 26/6/1977); (ii) Charter of Public Service Ethics and Conduct, issued pursuant to Council of Ministers Resolution no. (555) dated 25/12/1437H (corresponding to 28/9/2016); (iii) Law of the Oversight and Anti-Corruption Authority issued by Royal Decree No. M / 25 dated 23 / 1 / 1446 H (corresponding to 30 / 7 / 2024); and (iv) the National Strategy for Protecting Honesty and Combatting Corruption implemented by the Council of Ministers Resolution No. 43 dated 1/2/1428AH (corresponding to 19/2/2007). The Kingdom of Saudi Arabia also applies the United Nations Corruption Convention, the United Nations Convention Against Transnational Organized Crime and Arab Convention Against Corruption.
Offence	General Offences: A public official² is deemed to have been bribed, and is subject to the penalties set out in the CBL, when he accepts, receives or solicits a promise or an offer³, for himself or for a third party, to: — perform (or fail to perform) an act deemed to form part of his functions or duties (or that he claims to fall within his functions), even where the act is lawful; — violate his duties or to be remunerated for his actions (even in the absence of a prior agreement); — use his influence to obtain or attempt to obtain from any public authority any act, order, decision, commitment, authorisation, import agreement, job, service or any kind of advantage; — follow up, due to his function, on any formality when none of the above offences apply. Bribers, intermediaries and accessories are also subject to the same penalties set out in the CBL for each of the abovementioned offences. The offence remains punishable even if the offered bribe was not accepted.
The bribe	
Is there a presumption that any advantage was given/received corruptly?	X
Would facilitation payments be caught?	✓ ⁴
Would corporate hospitality be caught?	✓ ⁵
Is there any <i>de minimis</i> ?	X
Does the bribe have to be monetary?	X
Public officials	
Does the offence only apply to bribing public officials?	X
Acts performed outside KSA	
Can bribery performed outside KSA be caught?	X ⁶
Does the act also need to be illegal in the foreign country of performance?	X ⁷
Who can be liable	
Saudi national?	✓
Saudi company?	✓
Saudi partnership (including limited liability partnership)?	✓
Director of Saudi company?	✓
Saudi company if the bribe is committed abroad by its foreign subsidiary?	X ⁸
Foreign subsidiary of a Saudi company if the bribe is committed abroad?	X
Foreign national/company/partnership if bribe is committed in KSA?	✓
Foreign national domiciled or "ordinarily resident" in Saudi Arabia if the bribe is committed outside KSA?	X
Foreign company/partnership if bribe is committed abroad?	X
Penalties	
Penalties include:	Public officials: — Imprisonment of up to ten years or a fine of up to SAR 1m or where the public official violates their duties either by doing or abstaining from doing due to mediation, request or recommendation will be punished by no more than three years of imprisonment and fined no more than SAR 100,000, or both. — Removal or being barred from public office. — Facilitating a transaction: no more than two years of imprisonment and fined no more than SAR 50,000, or both. — Private employees such as a manager, person in charge, board member, auditor or liquidator: — Imprisonment for a period not exceeding five years, and/or a fine not exceeding SAR 500,000, or both. Companies: — Fine of up to ten times the amount of the bribe and a prohibition from entering government contracts (subject to Council of Ministers reconsideration after five years as of the date of the judgment). — With respect to public officials, private employees and companies, there is a right of confiscation of the proceeds of crime, privilege or gift and any related proceeds arising from the criminal act.
Defences	
Are there any defences available?	Briber and intermediary are exempted from criminal liability if they inform the authorities before the offence is discovered.

¹ [The CBL constitutes the main source of law as it directly addresses the offences (i.e. passive and active bribery).

² Irrespective of the legal instruments setting out the overall anti-corruption framework in Saudi Arabia, a newly issued Royal Order No.38/A dated 15/2/1439AH (corresponding to 5/11/2017) established the Supreme Committee chaired by the Crown Prince and having as members: (i) the Chairman of the Monitoring and Investigation Commission; (ii) the Chairman of the National Anti-Corruption Authority; (iii) the Chief of the General Audit Bureau (iv) the Attorney General; and (v) the Head of State Security. This Supreme Committee is vested with extensive powers in combatting corruption while being exempt from the application of any laws, regulations, instructions, orders and decisions when carrying out these authorities.

³ Article 12 CBL defines 'Promise or Offer' as any benefit or privilege of any kind whatsoever whether material or immaterial.

⁴ There are no statutory provisions that explicitly address facilitation payments. However, given the broad definition of 'Promise or Offer' (see footnote 3), facilitation payments could be considered as a bribe pursuant to the CBL.

⁵ There are no statutory provisions that explicitly address corporate hospitality. However, given the broad definition of 'Promise or Offer' (see footnote 3), corporate hospitality could be considered as a bribe pursuant to the CBL.

⁶ See footnote 3.

⁷ Article 8 CBL provides a broad definition of the term 'Public Official' to include individuals working with companies or individual establishments (i.e. sole proprietorships) that operate and manage or maintain utilities, or undertake a public service; and individuals working with companies to which the government contributes capital, or companies or individual establishments carrying out banking activities.

⁸ There are no specific legal provisions regulating this matter. However, we consider that the bribery may be caught in Saudi Arabia only if the briber was a Saudi national.

⁹ There are no specific legal provisions addressing this issue. It is likely that a public official who commits a criminal offence pursuant to the CBL, may be prosecuted even if such offence is committed outside Saudi Arabia.

¹⁰ Article 19 CBL stipulates that a company is subject to the penalties set out in this article when its manager has or any of its staff members have been found guilty of any offence stipulated in the CBL if it was proven that the offence was committed for the company's benefit. The CBL limited a company's criminal liability to the acts of its manager or any its members of staff, and it did not extend to the acts of a company's subsidiaries (whether local or foreign).

¹¹ Lesser penalties are imposed when the public official accepts, receives or solicits a promise or an offer, for himself or for a third party, to follow up, due to his function, on any formality (when none of the other offences apply); in this case, the penalties consist of imprisonment of up to two years and/ or a fine of up to SAR 50,000.



United Arab Emirates

Sources of law		Federal Decree Law No. 31/2021 on the Issuance of Crimes and Penalties Law (as amended by Federal Decree-Law No.36/2022) ¹	
Offence	Passive Public Bribery² Individual public servant Article 275. The offence applies to every public official or person assigned to a public service or foreign public official or an employee of an international organisation who demands, accepts, or receives, either directly or indirectly, an undue gift, benefit, or grant, or is promised of the same, whether the employee himself or to another person or another entity or establishment, in order to perform or to omit an act included within the duties of his office or in the course of such office, or to violate his duties, even if he has not intended to perform or to omit the act or to violate the duties of his office, or if the demand, acceptance or receipt is done after the performance or omission of the said act or after the violation of duties. Article 276. The offence applies to every public official or person assigned to a public service or foreign public official or an employee of an international organisation who, demands, accepts or receives, either directly or indirectly an undue gift, benefit, or grant whether to the employee himself or to another person or another entity or establishment, in order to perform or omit an act which he mistakenly assumes or presumed to be included within the duties of his office. Article 277. Arbitrators, experts, and investigators are considered the same as the public official to the extent of the assigned work Article 281. Any person who demands for himself or for another person, or who accepts or receives a promise or gift to use a genuine or assumed influence, in order to obtain or in attempt to obtain from a public department or authority or any entity under its supervision, an undue grant, service, benefit, or any other advantage. Active Public Bribery Article 280. The offence applies to any person who promises, offers, or grants, a public official or person assigned to a public service, or any foreign public official or an employee of an international organisation, either directly or indirectly, an undue gift, benefit, or grant, whether to the employee himself, in order to perform or to omit an act included within his duties or an act which constitutes a violation of the said duties.	Intermediary Offence Article 282. It is an offence to act as an intermediary between the giver and recipient of a bribe when offering, demanding, requesting, accepting, receiving, or promising a bribe. General Offence Article 323. There is also a general offence for failing to report a criminal offence. This would apply to someone who became aware of, but did not report, an attempt or actual case of bribery.	
The bribe			
Is there a presumption that any advantage was given/received corruptly?	X		X
Would facilitation payments be caught?	✓		✓
Would corporate hospitality be caught?	✓		✓
Is there any <i>de minimis</i> ?	X		X
Does the bribe have to be monetary?	X		X
Public officials			
Does the offence only apply to bribing public officials?	✓		X
Acts performed outside the UAE			
Can bribery performed outside the UAE be caught?	✓ If the criminal or the victim is a UAE national, or if the crime is committed by an employee of the UAE public or private sector or involving UAE public funds.	✓	✓ If the criminal or the victim is a UAE national, or if the crime is committed by an employee of the UAE public or private sector or involving UAE public funds.
Does the act also need to be illegal in the foreign country of performance?	✓		✓
Who can be liable			
UAE national?	✓		✓
UAE company?	✓		✓
UAE partnership (including limited liability partnership)?	✓		✓
Director of a UAE company?	✓		✓
UAE company if the bribe is committed abroad by its foreign subsidiary?	X		X
Foreign subsidiary of a UAE company if the bribe is committed abroad?	X		X
Foreign national/company/partnership if bribe is committed in the UAE?	✓		✓
Foreign national domiciled or "ordinarily resident" in the UAE if the bribe is committed outside the UAE?	✓		✓
Foreign company/partnership if the bribe is committed abroad?	X		X

United Arab Emirates (continued)

Penalties		
Penalties include:	— A fine equal to what is requested, offered or accepted, but no less than AED 5,000. — Confiscation of the gift accepted by or offered to a public official or person entrusted with a public service. — Imprisonment as follows: • Passive Public Bribery: Individual public official: temporary imprisonment • Passive Public Bribery: Officer of public entity: up to five years imprisonment • Active public bribery: up to five years imprisonment • Intermediary: up to five years imprisonment	
Defences		
Are there any defences available?	The briber or bribe-taker who reports the crime to judicial or administrative authorities prior to the discovery of the same shall be exempt from punishment.	The briber or bribe-taker who reports the crime to judicial or administrative authorities prior to the discovery of the same shall be exempt from punishment.

Sources of law			
Federal Decree Law No. 31/2021 on the Issuance of Crimes and Penalties Law (as amended by Federal Decree-Law No.36/2022) ¹			
Offence	Active Public Bribery Article 280. The offence applies to any person who promises, offers, or grants, a public official or person assigned to a public service, or any foreign public official or an employee of an international organisation, either directly or indirectly, an undue gift, benefit, or grant, whether to the employee himself, in order to perform or to omit an act included within his duties or an act which constitutes a violation of the said duties.	Abuse of Power Applies to the promising, offering, granting, or giving either directly or indirectly, a public official or any other person, a gift, a benefit, or grant that is not due to abet that public official or person to abuse his power, whether actual or presumed, in order to obtain, from a public department, an unlawful benefit for the benefit of the original abettor of the act or for the benefit of any other person. Any public official or any other person requesting or accepting a benefit, gift or grant that is not due, whether for himself or for another person, either directly or indirectly, causing such public servant or person to abuse his power, whether actual or presumed, in order to obtain, from a public department or authority, that unlawful benefit.	Private Bribery (Article 278 and 279) Passive Private Bribery Article 278. Any person managing an entity or establishment of the private sector, or employed in whatsoever capacity for either one, who demands or accepts, either directly or indirectly, an undue gift, benefit, or grant, or is promised of the same, whether to the person himself or to another, in order to perform or to omit an act included within the duties of his office or an act which constitutes a violation of the said duties, even if he has not intended to perform or to omit the act, or if the demand, acceptance, or promise is done after the performance or omission of the said act. Active Private Bribery Article 279. Any person or employee in whatsoever capacity who promises, offers, or grants the manager of an entity or establishment of the private sector, either directly or indirectly, an undue gift, benefit, or grant, whether to the manager himself or to another person, in order to perform or to omit an act included within his duties or an act which constitutes a violation of the said obligations.
The bribe			
Is there a presumption that any advantage was given/received corruptly?	X	X	X
Would facilitation payments be caught?	✓	✓	✓
Would corporate hospitality be caught?	✓	✓	✓
Is there any <i>de minimis</i> ?	X	X	X
Does the bribe have to be monetary?	X	X	X
Public officials			
Does the offence only apply to bribing public officials?	✓	✓	X
Acts performed outside the UAE			
Can bribery performed outside the UAE be caught?	✓ If the criminal or the victim is a UAE national, or if the crime is committed by an employee of the UAE public or private sector, or involving UAE public property.	✓ If the criminal or the victim is a UAE national, or if the crime is committed by an employee of the UAE public or private sector, or involving UAE public property.	✓ If the criminal or the victim is a UAE national, or if the crime is committed by an employee of the UAE public or private sector, or involving UAE public property.
Does the act also need to be illegal in the foreign country of performance?	✓	✓	✓

United Arab Emirates (continued)

Who can be liable			
UAE national?	✓	✓	✓
UAE company?	✓	✓	✓
UAE partnership (including limited liability partnership)?	✓	✓	✓
Director of a UAE company?	✓	✓	✓
UAE company if the bribe is committed abroad by its foreign subsidiary?	✓	X	✓
Foreign subsidiary of a UAE company if the bribe is committed abroad?	X	X	X
Foreign national/company/partnership if bribe is committed in the UAE?	✓	✓	✓
Foreign national domiciled or "ordinarily resident" in the UAE if the bribe is committed outside the UAE?	✓	✓	✓
Foreign company/partnership if the bribe is committed abroad?	X	X	X
Penalties			
Penalties include:	— A fine equal to what is requested, offered, or accepted, but no less than AED 5,000. — Imprisonment of up to five years for both passive and active private bribery		— A fine equal to what is requested, offered or accepted, but no less than AED 5,000. — Confiscation of the gift accepted by or offered to a public servant or person entrusted with a public service. — Imprisonment of up to five years.
Defences			
Are there any defences available?	The briber or bribe-taker who reports the crime to judicial or administrative authorities prior to the discovery of the same shall be exempt from punishment.	The briber or intermediary taking the initiative to report the crime to the judicial or administrative authorities, before it is discovered, shall be exempted from any penalty.	The briber or intermediary taking the initiative to report the crime to the judicial or administrative authorities, before it is discovered, shall be exempted from any penalty.

¹ UAE laws are issued in Arabic as the official language of the UAE, however it can be very difficult to make exact translations into English, particularly where there are no equivalent words or phrases. Note, that in any action brought under the legislation it will be the official Arabic version of the law that would be determinative and the UAE courts' interpretation of the Arabic. Court cases are not always reported or publically available, and when reported are reported in the Arabic language, therefore certainty around enforcement and interpretation of the law can be difficult to obtain. We have used a generally accepted English translation of the Penal Code to prepare this table and in the case of uncertainty and inconsistency have referred back to the Arabic version of the law.

² Note, that officials are subject to additional obligations that govern their behaviour (for example, including under Federal Civil Service Law (Law No.21/2001), Federal Human Resources Law (Federal Decree-Law 11/2008), local legislation in Abu Dhabi (the Abu Dhabi Civil Service Law (Abu Dhabi Law No. 1/2006) and Abu Dhabi Human Resources Law (Abu Dhabi Law No.6 /2016) and in Dubai (the Dubai Government Human Resources Management Law (Dubai Law No. 27/2006)) each as amended).

³ A corporation, partnership or other legal person can be criminally liable for the acts of their representatives, directors and/or agents. However, government services and its official departments, public organisations and institutions are specifically excluded from this provision.

⁴ A director can be liable for his own acts. In addition, a director can be liable to the company for any of its acts that contravene UAE law (UAE Companies Law (UAE Federal Law No. 2/2015)).

⁵ However, take into account possible breaches where the director(s) of a UAE Parent and foreign subsidiary are the same and such director(s) reside in the UAE.

⁶ The legislation does not specifically deal with this, however, we are of the view that if there was sufficient nexus to the UAE (e.g. the individuals are acting on behalf of a UAE based business) then the UAE courts may take jurisdiction and apply the UAE Penal code appropriately.



South America

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Argentina

Source of law	Criminal Code (Law No. 11.179)	Law No. 27.401 on Corporate Criminal Liability
Offence	Passive bribery (Section 256 and 257, Criminal Code) Any public official or judicial officer who, either personally or through an intermediary, receives money or any other gift, or accepts a direct or indirect promise to do, delay, or refrain from doing something related to their functions. Influence peddling (Section 256 bis, Criminal Code) Anyone who, either personally or through an intermediary, solicits or receives money or any other gift, or accepts a direct or indirect promise to unduly exert their influence over a public official, in order to make, delay, or refrain from doing something related to their functions. Active bribery (Section 258, Criminal Code) Anyone who directly or indirectly offers or gives gifts in order to obtain any of the conducts punished by Sections 256, 256 bis and 257. Transnational bribery and influence peddling (Section 258 bis, Criminal Code) Anyone who directly or indirectly offers, promises or grants, unduly, to a public official from another State or from an international public organisation, whether for their benefit or that of a third party, sums of money or any other pecuniary benefit or compensation, in exchange for said official to perform or omit an act related to the exercise of their public functions, or to exert the influence derived from their position in a matter linked to an economic, financial, or commercial transaction.	Section 1.a. establishes corporate criminal liability for the felonies typified in Sections 258 and 258 bis of the Criminal Code.
The bribe		
Is there a presumption that any advantage was given/received corruptly?	✓	✓
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught? ¹	X	X
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials? ²	✓	✓
Acts performed outside Argentina		
Can bribery performed outside Argentina be caught? ³	✓	✓
Does the act also need to be illegal in the foreign country of performance?	✓	✓
Who can be liable		
Argentine national?	✓	X
Argentine company?	X	✓
Argentine partnership (including limited liability partnership)?	X	✓
Director of Argentine company?	✓ ⁴	X
Argentine company if the bribe is committed abroad by its foreign subsidiary?	X	✓ ⁵
Foreign subsidiary of a Argentine company if the bribe is committed abroad?	X	X ⁶
Foreign national/company/partnership if bribe is committed in Argentina?	✓	✓
Foreign national domiciled or "ordinarily resident" in Argentina if bribe is committed outside Argentina?	X ⁷	X
Foreign company/partnership if bribe is committed abroad?	X	X

Argentina (continued)

Penalties		
Penalties include:	For the briber: — Imprisonment for up to six years. — Prohibition of holding public office for up to ten years, or perpetual. — Fine of two to five times the amount or value of the undue benefit offered or given. For the recipient: — Imprisonment for up to 12 years. — Perpetual prohibition of holding public office. — Fine of two to five times the amount or value of the undue benefit offered or given.	— Fine of two to five times the undue benefit obtained or that could have been obtained. — Total or partial suspension of activities for no more than ten years. — Suspension from participating in state tenders or bids for public works or services, or in any other activity related to the State, for no more than ten years. — Dissolution and liquidation of the legal entity when it was created for the sole purpose of committing the crime, or when said acts constitute the main activity of the entity. — Loss or suspension of any state benefits it may have. — Publication of the condemnatory judgement.
Defences		
Are there any defences available? ⁸	X ⁹	✓ ¹⁰

¹ Although Section 18 of Law No. 25,188 on Ethics in the Exercise of Public Office states that public officials may not receive gifts, presents or donations, whether in the form of items, services, or assets, on occasion or in connection with the performance of their duties, Decree No. 1,179/16 specifically exempts gifts received as diplomatic custom or as courtesy (all of which must be disclosed in a public registry).

² However, there are certain exceptions such as: (i) the offence of bribery of employees or officials of financial institutions and entities operating on the stock exchange whenever they personally, or through and intermediary, receive money or any other benefit as a condition of providing loans, finance or stock exchange transactions, contemplated under Section 312 of the Argentine Criminal Code; and (ii) Section 173, paragraph 7 of the Criminal Code, which provides sanctions of imprisonment for any person who, vested with the management administration or care of goods or interests belonging to another person and, with the purpose of obtaining an unlawful gain for himself or a third party, damages such interests or makes excessive expenses affecting the represented person.

³ The Criminal Code specifically establishes Argentine extraterritorial jurisdiction (i) for offences whose effects are to take place within the territory of Argentina, or in places under its jurisdiction (Section 1.a); (ii) for offences committed abroad by agents or employees of Argentine authorities in the performance of their duties (Section 1.b) and (iii) when the offence defined in Section 258 bis is committed abroad by an Argentine citizen or a legal entity domiciled in the Argentine Republic, whether such domicile is established in their bylaws or corresponds to the establishments or branches they have within Argentine territory (Section 1.c).

⁴ If the director was personally involved in the unlawful act, either actively or passively.

⁵ There may be liability when the Argentine company would have actually benefited from the conduct of its foreign subsidiary.

⁶ Unless proven that the foreign subsidiary took part in the wrongdoing and benefited from it.

⁷ According to Section 1.c of the Criminal Code, the offence of transnational bribery, as specified in Section 258 bis, is only penalized under the Argentine Criminal Code when committed by an Argentine citizen or a legal entity domiciled in the Argentine Republic, whether such domicile is established in their bylaws or corresponds to the establishments or branches they have within Argentine territory.

⁸ Liability may be tempered by the extent of the damage and danger caused, the age, education and prior behaviour of the accused, their level of involvement in the event, any prior instances of reoffending, and other personal background and conditions, and if they provide accurate, verifiable, and plausible information that can help the investigation (Sections 41 and 41 ter of the Criminal Code).

⁹ However, the accused can use the general defences aimed at disproving typicity, unlawfulness, and culpability.

¹⁰ The legal entity is exempted if the individual who committed the bribery acted solely for their benefit and without generating any advantage for the entity. The legal entity can also be exempted when it: (i) spontaneously self-reports a crime as a consequence of internal detection and investigation; (ii) established, before the facts under investigation occurred, a proper control and supervision system and the breach of such system required an effort by the wrongdoers; and (iii) returned the undue benefit obtained from the crime.

Brazil

Source of law	Anti-Corruption Law on the Liability of Legal Entities (Law n. 12, 846/2013)¹ Decree 11,129/2022^{2,3} The Criminal Code (Act n. 2.848, from 7 December 1940)^{4,5} Lei 8.429/92 (Administrative Misconduct Law)⁶		
Offence	Anti-Corruption Law on the Liability of Legal Entities The following are civil offences: — Active Bribery (Article 5(i)): “Promising, offering or giving, directly or indirectly, any undue advantage to a public agent or any third party related to him or her.” — Sponsoring (Article 5(ii)): “Financing, paying, sponsoring or subsidising in any other manner the commission of any of the illicit acts set out in the law.” — Concealment (Article 5(iii)): “Employing a person or legal entity for the purpose of concealing or disguising any of the illicit acts set out in the law”. — Various Illicit Acts in Connection with Public Procurement and Concessions (Article 5(iv)): “Frustrate, commit fraud, impede, disturb, force the withdrawal of a bidder, fraudulently incorporate a bidding entity in connection with public procurement, or manipulate or commit a fraud in respect of contracts entered into with Public Administration”. — Obstructing Investigations (Article 5(v)): “Hampering or obstructing any investigative or fiscal activities of public bodies, public entities or public officials”. The Criminal Code — Active Bribery (Article 333): “Offering or promising an undue advantage to a public official to induce him/her to perform, omit or delay an official act.” — Misconduct/Extortion in/of Public Officials (Article 316): “To demand an undue advantage, for oneself or for another person, directly or indirectly, even outside the function of a public official or before being appointed as such, but doing so because of one’s position.” <i>Its qualified forms (§1º and §2º) include abusive or unlawful tax collection, and misappropriation of funds received for the public treasury.</i> — Passive Bribery (Article 317): “Requesting or receiving, for oneself or for another person, directly or indirectly, even outside the function of a public official or before being appointed as such, but doing so because of one’s position, an undue advantage, or accepting a promise of such advantage.” — Traffic of Influence (Article 332): “Requesting, requiring, charging or obtaining, for oneself or for another person, an advantage or promise of advantage in exchange for influencing an act carried out by a public official in the exercise of his/her functions.” — Active Bribery in an International Business Transaction (Article 337-B): “Promising, offering, or giving, directly or indirectly, any improper advantage to a foreign public official or to a third person, in order for him/her to put into practice, to omit, or to delay any official act relating to an international business transaction.” — Traffic of Influence in an International Business Transaction (Article 337-C): “Requesting, requiring, charging, or obtaining, for oneself or for another person, directly or indirectly, any advantage or promise of advantage in exchange for influencing an act carried out by a foreign public official in the exercise of his functions relating to an international business transaction.” Administrative Misconduct Law — Acts of impropriety (articles 9, 10 and 11): Article 9 of the Brazilian Law on Administrative Improbability defines illicit enrichment as the unlawful acquisition of any undue financial or material advantage by a public official through intentional misconduct, in connection with the performance of public duties. Such enrichment may occur directly or indirectly and includes situations where the public agent receives or demands bribes, commissions, gifts, or any form of economic benefit from individuals or entities with interests that may be affected by the agent’s actions or omissions. Article 10 defines acts of administrative improbity as any intentional conduct, through action or omission, that causes actual and demonstrable loss to public assets. This includes misappropriation, misuse, waste, or unauthorized transfer or depletion of public funds, goods, or values belonging to the public entities. Article 11 defines as acts of administrative improbity those intentional actions or omissions that violate core principles of public administration, particularly the duties of honesty, impartiality, and legality. These violations include conduct that undermines public trust or the integrity of public functions, even if they do not result in financial loss. — Particular effects (art. 3): the law will be applied to the entity or individual who is an accomplice to the act of impropriety; — Concomitant Penalties (Article 12): defines other civil penalties that will be applied concurrently with criminal penalties and those of the Anti-Corruption Law.		
The bribe			
Is there a presumption that any advantage was given/received corruptly?			X ⁷
Would facilitation payments be caught?			✓
Would corporate hospitality be caught?			✓
Is there any <i>de minimis</i> ?			X
Does the bribe have to be monetary?			X
Public officials			
Does the offence only apply to bribing public officials?			✓
Acts performed outside Brazil			
Can bribery performed outside Brazil be caught?		✓ (if the corruption act involves a Brazilian public official and any Brazilian official act)	
Does the act also need to be illegal in the foreign country of performance?			X

Brazil (continued)

Who can be liable	
Brazilian national?	✓ ⁸
Brazilian company?	✓ (not criminal liability, but administrative and civil liability under the Law n. 12.846/2013) ⁹
Brazilian partnership (including limited liability partnership)?	✓
Director of Brazilian company?	✓ (any company member directly involved in any corrupt act may be liable)
Brazilian company if the bribe is committed abroad by its foreign subsidiary?	✓ ¹⁰
Foreign subsidiary of a Brazilian company if the bribe is committed abroad?	✓ ¹⁰
Foreign national/company/partnership if the bribe is committed in Brazil?	✓ ¹⁰
Foreign national domiciled or "ordinarily resident" in Brazil if bribe is committed outside Brazil?	✓ ^{11 12}
Foreign company/partnership if the bribe is committed abroad?	✓ ¹³ (administrative and civil liable if the corruption act involves Brazilian public official and any Brazilian official act and if Legal Entities that have headquarters, branches or representation in Brazilian territory will be liable)
Penalties	
Penalties include:	— Individuals can face imprisonment of up to 12 years and fines — Legal entities cannot be held criminally liable. However, pursuant to the Anti-Corruption Law, Brazilian and foreign legal entities (and their respective affiliates and successors) can be subject to severe civil sanctions (on a strict liability basis) including: (i) penalties between 0.1 % and 20 % of the corporate entity's gross annual turnover in the year prior to the commission of the offence. Where it is not possible to calculate the gross annual turnover, a fixed fine of up to BRL 60m (circa USD 26m) is imposed; (ii) an order barring the entity from receiving public grants or incentives for up to five years or permanently prohibiting it from undertaking specific economic activities; (iii) an order dissolving the entity; (iv) confiscation of assets or rights acquired through the illicit act and the obligation to pay damages; and (v) publication of the offence in an official registry
Defences	
Are there any defences available?	— For individuals, important doctrinal and case law debates arise regarding the official act that is "sold" by the public agent who offers, gives, or provides any undue advantage in exchange. A key point of divergence concerns whether such an act must be concrete and individualized, given that the criminal offence requires the performance or delay of an official act. However, it is possible for the advantage to be offered, given, or promised without a specific legal act or object. In such cases, the discussion does not centre on the existence of a bribe (in lato sensu), but rather on whether there is a concrete quid pro quo. — There is also ongoing doctrinal and case law debate over whether every charge of active corruption necessarily requires a corresponding charge of passive corruption. While the conduct of a public official who requests or receives an undue advantage, or accepts a promise thereof, in exchange for performing an official act is punishable under the crime of passive corruption (Article 317 of the Brazilian Penal Code), it is debated whether there must also be a corresponding charge of active corruption (Article 333 of the Penal Code), which penalizes the conduct of an individual who offers or promises an undue advantage to a public official in order to influence the performance or omission of an official act. — With respect to the civil liability of legal entities, it is not possible to benefit from complete exemption. However; (i) there is a leniency regime in place whereby entities may obtain reductions of up to 2/3 of the applicable penalties, and a reduction, or even total exemption of non-pecuniary penalties; and (ii) the Anti-Corruption Law sets out several mitigating circumstances, including whether the entity has implemented an anticorruption system at an organisational level, the value of the contracts in question and the severity of the damage caused by the offence; For entities, it is not necessary to demonstrate intent. — The leniency agreement can also be applied to natural persons to reduce penalties. In order to punish individuals, it is necessary that the act has been committed with intent or recklessness.

¹ The Law was enacted on 1 August 2013, came into effect on 29 January 2014 and is known as the 'Clean Company Act'.

² This decree repeals the decree 8,420/2015 in its entirety.

³ This provides further regulation for the Clean Company Act including further regulations on (i) administrative liability, (ii) the calculation of fines, (iii) the leniency regime, (iv) compliance programmes, and (v) the official list of suspended and debarred companies and the official list of punished companies.

⁴ The civil sanctions in the Anti-Corruption Law apply but the criminal sanctions from the Criminal Code do not.

⁵ Under the current Brazilian Criminal Code, criminal liability is personal; only individuals may be convicted of crimes and companies cannot be held liable for the criminal behaviour of their executives. The current Criminal Code does not have any provisions on private bribery.

⁶ This Law defines the concept of Improbability and determines that the act might be punished by the Penal Code.

⁷ The Anti-Corruption Law provides that the entity needs to prove that it has implemented an anti-corruption system at an organizational and efficient level

⁸ The civil sanctions in the Anti-Corruption Law apply but the criminal sanctions from the Criminal Code do not.

⁹ A Partnership, in Brazil, is known as a 'Sociedade em nome coletivo' (Article 1.039 of the Brazilian Civil Code) and the equivalent to a limited liability partnership is known as a 'Sociedade em comandita simples' (Article 1.045 of the Brazilian Civil Code). Although not commonly adopted in the country, both types of partnerships are considered as legal entities. Consequently, they cannot be liable for criminal offences.

¹⁰ Administrative and civil liability if the corrupt act involves a Brazilian public official and any Brazilian official act.

¹¹ If an individual acts on behalf of a Brazilian company or its affiliates, the company in question can be subject to civil sanctions even if the act was committed abroad.

¹² The act of bribery may be subject to Brazilian law, even if committed in a foreign territory, by virtue of international treaties to which Brazil is a party. Where this is the case, the Brazilian law conditions require, inter alia, that the act carried out by the foreign national is illegal in the country where it was carried out; there is an extradition treaty in place; and the foreign national enters Brazil (and is caught). Please note, however, that where the act of bribery breaches the Brazilian rules and is against Brazilian property or the Brazilian public administration, the individual will be liable under Brazilian law without any need to satisfy these conditions or consider international treaties.

¹³ The act of bribery may be subject to Brazilian legislation, even if practiced in foreign territory, if the bribe is against the Brazilian public administration. However, only Legal Entities that have headquarters, branches or representation in Brazilian territory will be liable.



Source of law	Criminal Code	Criminal Code
Offence	Bribery committed by a public official (Articles 248, 248 bis and 249) Requesting to receive or accepting: — greater payments than those that are usually acceptable by a person in such position or requesting an economic benefit for himself or a third party to perform an act, or for having already performed an act in the exercise of his duties, for which no payments are usually permitted. — an economic benefit for himself or for a third party to omit from acting or for having already omitted to act in the exercise of his duties, or to perform or for having already performed an act in violation of the duties of his office. — an economic benefit for himself or for a third party to commit a serious crime or misdemeanour as a public official in the performance of his duties, or torture or other cruel, inhuman or degrading treatment caused by public officials to the rights guaranteed by the Constitution. — an economic or other benefit to which he is not entitled, for himself or for a third party, by reason of his position. Exerting influence on another public employee in order to obtain from him a decision that may generate a benefit for an interested third party.	Bribery of a public officer committed by a private natural person (Articles 250, 250 bis and 251 bis) Requesting to receive or accepting: — Giving, offering or consenting to give a public employee an economic benefit, for his advantage or for the advantage of a third party for such a person: — to perform or for having already performed an act in the exercise of his duties, for which reason no for such economic benefit is indicated. — to omit or for having already omitted to act in the exercise of his duties, or to perform or for having already performed an act in violation of the duties of his office. — to commit any serious crime or misdemeanour as a public official in the performance of his duties, or torture or other cruel, inhuman or degrading treatment caused by public officials to the rights guaranteed by the Constitution. Offering or consenting to give a foreign public official a benefit, whether economic or of another nature, for his advantage or for a third party, to omit or perform, or for already having omitted or performed, an act, in order to obtain or retain, for himself or for a third party, any business or advantage in the context of international transactions
The bribe		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught? ¹	X	X
Is there any <i>de minimis</i> ? ²	✓	X
Does the bribe have to be monetary? ³	X	X
Public officials		
Does the offence only apply to bribing public officials?	✓	X
Acts performed outside Chile		
Can bribery performed outside Chile be caught? ⁴	X	X ⁶
Does the act also need to be illegal in the foreign country of performance?	X	X ⁷
Who can be liable		
Chilean national?	✓	✓
Chilean company?	X	✓ (Criminal liability per Law 20,393)
Chilean partnership (including limited liability partnership)?	X	✓
Director of Chilean company?	X	✓ (Individual liability regardless of the entity's liability)
Chilean company if the bribe is committed abroad by its foreign subsidiary?	X	X
Foreign subsidiary of a Chilean company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Chile?	✓	✓
Foreign national domiciled or "ordinarily resident" in Chile if bribe is committed outside the jurisdiction?	X	X
Foreign company/partnership if bribe is committed abroad?	X	X

Chile (continued)

Penalties		
Penalties include:	For natural persons: — Imprisonment from 61 days to ten years. — Suspension of exercising the public position. — Absolute, temporary or perpetual disqualification, for public positions or offices. — Fine of four times the amount of the benefit requested or accepted. — Penalty applicable to the crime committed as a result of the bribe, if applicable. — Absolute, temporary or perpetual disqualification, to exercise positions, jobs, trades or professions in companies that contract with organs or companies of the State or with companies or associations in which it has a majority participation; or in companies that participate in concessions granted by the State or whose purpose is the provision of public utility services. For Companies — Dissolution (extinction) of the legal entity. — Disqualification from contracting with the State (temporary or perpetual). — Loss of fiscal benefits and prohibition from receiving them for 1 to 5 years. — Court-ordered Supervision of the company to ensure the implementation of a prevention model. — Heavy fines based on a “day-fine” system, which can reach up to 400 or 600 days-fine depending on the case.	For natural persons: — Imprisonment from 61 days to ten years. — Absolute, temporary or perpetual disqualification, for public positions or offices. — Fine from two to four times the amount of the benefit offered. — Fine ranging from 100 to 1,000 “Monthly Tax Units” fine ranging to the equivalent of app. USD 7,700 to USD 2.3m. — Absolute, temporary or perpetual disqualification, to exercise positions, jobs, trades or professions in companies that contract with organs or companies of the State or with companies or associations in which it has a majority participation; or in companies that participate in concessions granted by the State or whose purpose is the provision of public utility services. — Penalty applicable to the crime committed by the public official as a result of the bribe, provided that the former is more severe than an imprisonment penalty ranging from 61 days to 540 days. For Companies — Dissolution (extinction) of the legal entity (applicable only to serious felonies or in cases of recidivism). — Disqualification from contracting with the State (which may be temporary or perpetual). — Loss of fiscal benefits and prohibition from receiving them for 1 to 5 years. — Court-ordered Supervision of the company for a period of six months to two years to ensure the implementation or improvement of a crime prevention model. — Heavy fines based on a “day-fine” system, which can reach up to 400 or 600 days-fine depending on the case, with each day valued between 5 and 5,000 UTM.
Defences		
Are there any defences available?	✓ ⁵	✓

¹ Generally speaking the answer is no. However, Law No. 20.730, which regulates lobbying and the management of private interests before authorities and officials, only authorises official, recorded donations given out of courtesy and politeness (all of which must be disclosed in a public register), so that an excessively burdensome or expensive gift could be considered a bribe. However, this must be analysed according to the particularities of the case.

² In the case of bribery offences in which a Chilean public official is involved, the benefit is only required to be of an economic or material nature, for example, the giving of a gift or debt forgiveness. In the case of bribery of a foreign public official, the law itself provides for the possibility of benefits of another nature. Art. 251 sexies says: “official or protocol gifts, or those of scant economic value authorized by custom as manifestations of courtesy and good manners” do not constitute bribery.

³ Although the answer is no, the following cases will be subject to Chilean jurisdiction: (i) crimes and misdemeanours committed by a diplomatic or consular officer of Chile, in the exercise of his functions, carried out outside the country, and also (ii) bribery committed by Chilean public officials or foreigners in the service of Chile and bribery of foreign public officials, perpetrated outside the country by a Chilean or by a person who has habitual residence in Chile.

⁴ Chilean laws, when contemplating the crime of bribery of a foreign public official, refer to its commission within the Chilean territory or jurisdiction.

⁵ For companies, a critical defence is the effective implementation of a Crime Prevention Model (Modelo de Prevención de Delitos) prior to the commission of the offence, which may exempt the legal entity from liability.

⁶ Also applies to corruption between private individuals per Arts. 287 bis/ter.

⁷ Chilean laws, when contemplating the crime of bribery of a foreign public official, refer to commission within Chilean territory.

⁸ Legal entities may defend by alleging no breach of supervision duties or exclusive personal advantage.

Chile (continued)

Source of law	Criminal Code	Law 20.393, which establishes the criminal liability of legal entities regarding money laundering and bribery offences
Offence	Bribery committed by or offered to private agents (Articles 287 bis and 287 ter.) - Requesting to receive or accepting an economic benefit (or a benefit of another nature), for himself or for a third party, to favour or for already having favoured in the exercise of his work the contracting with one bidder over another. - Giving, offering or consenting to give an employee or agent an economic or other benefit, for himself or a third party, to favour or for already having favoured the contracting of one bidder over another.	Bribery committed by a legal entity or State-owned company Offering or consenting to give a public employee an economic benefit, for his advantage or for a third party to:⁶ - execute or for having executed an act in the exercise of his duties, for which reason no payments are indicated. - omit or for having omitted an act in the exercise of his duties, or to execute or for having executed an act in violation of the duties of his office. - commit any high crime or misdemeanour as a public official in the performance of his duties, or torture or other cruel, inhuman or degrading treatment caused by public officials to the rights guaranteed by the Constitution. Offering or consenting to give an employee or agent from a private company an economic benefit, for his advantage or for the advantage of a third party for favour or for having favoured in the exercise of his work the contracting with one bidder over another.
The bribe		
Liability of legal entities for bribery and corruption offences committed directly and immediately in their interest or for their benefit, by their owners, controllers, managers, executives, representatives, or those who carry out administrative and supervisory activities.		
Is there a presumption that any advantage was given/received corruptly?	X	X
Would facilitation payments be caught?	✓	✓
Would corporate hospitality be caught?	X	X
Is there any <i>de minimis</i> ?	X	X
Does the bribe have to be monetary?	X	X
Public officials		
Does the offence only apply to bribing public officials?	X	✓
Acts performed outside Chile		
Can bribery performed outside Chile be caught?	X	X ⁷
Does the act also need to be illegal in the foreign country of performance?	X	X
Who can be liable		
Chilean national?	✓	✓
Chilean company?	✓ (Criminal liability per Law 20,393)	✓ (Regardless of the liability of the natural person involved)
Chilean partnership (including limited liability partnership)?	✓	✓
Director of Chilean company?	✓ (Individual liability regardless of the entity's liability)	✓ (Individual liability regardless of the entity)
Chilean company if the bribe is committed abroad by its foreign subsidiary?	X	✓ (with the condition that the crime was committed directly in the interest of the legal entity)
Foreign subsidiary of a Chilean company if the bribe is committed abroad?	X	X
Foreign national/company/partnership if bribe is committed in Chile?	✓	✓
Foreign national domiciled or "ordinarily resident" in Chile if bribe is committed outside the jurisdiction?	X	X
Foreign company/partnership if bribe is committed abroad?	X	X
Penalties		
Penalties include:	For natural persons: - Imprisonment from 541 days to 3 years (reclusión menor en su grado medio) as a base penalty - Increased imprisonment up to 5 years (reclusión menor en su grado máximo) if two or more "very qualified" aggravating circumstances apply - Heavy fines via "day-fine" system (Law 21.595): 51–150 days-multa - Special disqualifications: Inhabilitation for managerial positions and State contracting, 3–10 years For Companies - Dissolution (extinction) of the legal entity (applicable only to serious felonies or in cases of recidivism). - Disqualification from contracting with the State (temporary or perpetual). - Loss of fiscal benefits and prohibition from receiving them for 1 to 5 years. - Court-ordered Supervision for 6 months to 2 years. - Day-fine system: 2 to 400 days-fine (up to 600 aggregate), each day valued 5–5,000 UTM.	- Dissolution of the legal entity or cancellation of its legal status - Permanent or temporary prohibition from entering into acts and contracts with State agencies or companies or associations in which the State has majority participation - Prohibition from being awarded any State concession - Permanent or temporary loss of fiscal benefits, or absolute prohibition from receiving them for a specified period of time - Fine ranging from 400 to 300,000 "Monthly Tax Units" (UTM) - Seizure of the assets unlawfully acquired - Seizure of assets whose value corresponds to the amount of the gains obtain through the perpetration of the crime - Publication of the condemnatory judgment - The deposit of a sum equivalent to the investment made in an account held by the treasury (if the crime involves making an investment that exceeds the legal entity's income)
Defences		
Are there any defences available?	✓	✓ (Legal entities may defend by alleging no breach of supervision duties or exclusive personal advantage)

Colombia

Source of law		Criminal Code (Law 599 of 2000), Anti-bribery and Corruption Statute (Law 1474 of 2011), Foreign Bribery Law (Law1778 of 2016), Inter-American Convention Against Corruption, Convention of the United Nations Against Corruption, OCDE Anti-bribery Convention
Offence	Bribery offences in Colombia target personal benefits in the private and public sectors. The sphere of application covers minor, medium and high profile bribery cases, which depend on the magnitude of the resources and people involved. National legislation criminalises several forms of corruption including active and passive bribery, public extortion, and abuse of office, among others. Criminal code: — Article 250A. Private corruption. Whoever, directly or indirectly, promises, offers or grants to officers, directors, employees or advisors of a corporation, association or foundation, a gift or any non-justified benefit, for the benefit of the promisor, offeror or grantor, or a third person, to the detriment of such corporation, association or foundation — Article 250B. Unlawful administration. The company’s registered or de facto officer, director, partner or shareholder, advisor or employee, who in order to obtain a benefit for himself or a third party, in abuse of the functions of his position (i) fraudulently disposes of the company’s assets; or (ii) assumes an obligation on behalf of the company that causes a direct economic loss to its partners and that might be assessable. — Article 407. Bribery of a public official. Whoever offers or gives money or other benefits to a public official (i) for the purpose of withholding or omitting an act which is under the public official’s responsibility, or performing an act against its duties as a public servant; or (ii) to perform an act under its responsibility as a public servant. — Article 410A. Restrictive competition agreements. When two or more entities or individuals in a process of public bidding, public auction, abbreviated selection or contest agree to unlawfully alter the contractual procedure. — Article 411A. Traffic of influence by individuals. Unlawfully influencing a public official in a matter that he knows or should know, in order to obtain any economic benefit. — Article 433. Foreign bribery. Whoever gives or offers to a foreign public official, for the benefit of such public official or for the benefit of a third person, directly or indirectly, any money or object with a pecuniary value or benefit, in exchange for performing, omitting or delaying any act related to an economic or commercial transaction. — Article 444. Bribery. Whoever delivers or promises to deliver money or confer a benefit to a witness, in order for him to give a false statement, or fail to reveal the total or partial truth during his deposition. — Article 444A. Bribery in criminal proceedings. Whoever delivers or promises to deliver money for his or someone else’s profit or whoever confers a benefit to a witness of a criminal offence, for him to refrain to assist to his deposition, or for him to give a false statement, or fail to reveal the total or partial truth¹. Administrative penalties: — Administrative liability of legal entities: Legal entities that through one or several (i) employees; (ii) contractors; (iii) administrators; or (iv) associates employed by the company or by any of its subsidiaries or any other subordinate legal entity (i) give; (ii) offer; or (iii) promise to a foreign public official, directly or indirectly (i) sums of money; (ii) any item of pecuniary value; or (iii) other benefit or utility in exchange for the foreign public official (i) performing; (ii) omitting; or (iii) delaying any act related to the exercise of its functions and in relation to a business or international transaction, will be held liable and fined.	
The bribe		
Is there a presumption that any advantage was given/received corruptly?		X ²
Would facilitation payments be caught?		✓ ³
Would corporate hospitality be caught?		X ⁴
Is there any <i>de minimis</i> ?		✓ ⁵
Does the bribe have to be monetary?		X ⁶
Public officials		
Does the offence only apply to bribing public officials?		X ⁷
Acts performed outside Colombia		
Can bribery performed outside Colombia be caught?		✓ ⁸
Does the act also need to be illegal in the foreign country of performance?		X ⁹
Who can be liable		
Colombian national?		✓
Colombian company?		X ¹⁰
Colombian partnership (including limited liability partnership)?		X ¹¹
Director of Colombian company?		✓
Colombian company if the bribe is committed abroad by its foreign subsidiary?		X ¹²
Foreign subsidiary of a Colombian if the bribe is committed abroad?		X ¹³
Foreign national/company/partnership if bribe is committed in Colombia?		X ¹⁴
Foreign national domiciled or “ordinarily resident” in Colombia if bribe is committed outside Colombia?		X ¹⁵
Foreign company/partnership if bribe is committed abroad?		X ¹⁶

Colombia (continued)

Penalties	
Penalties include:	Depending on the offence committed, penalties vary. Nevertheless, the most common penalties are prison or fines, appraised in legal monthly salaries. Normally prison varies between three to ten years, and fines vary between ten to 1,000 legal monthly salaries. At the time of this Guide the legal monthly salary in force is approximately USD 270. There are also mitigating circumstances, such as not having a criminal record at the time of the sentencing, and aggravating circumstances such as corruption related to assets dedicated to providing for the basic needs of the population. Even though only individuals are subject of criminal liability, according to the law of Transparency, prevention, and fight against corruption, corporations might be subject of administrative liability because of a criminal sentence against one of its executive, employees, partners, or associates. These sanctions may include fines up to 200,000 legal monthly wages, disbarment in procurement processes, publication of the penalty or sanction in widely circulated media, prohibition to receive any type of incentive or subsidy from the government, or the removal of the manager or other staff members that were found guilty. Regarding foreign bribery, Law 1778 of 2016, also known as Foreign Bribery Law, let the Colombian Superintendency of Companies impose one or more of the following sanctions on legal entities involved in acts of transnational bribery: i) fines up to 200,000 current legal monthly minimum wages, plus the greater value between the benefit obtained or intended. ii) disqualification from contracting with the Colombian state for up to 20 years, iii) publication of the sanction in widely circulated media and on its website for up to one year, bearing the costs, iv) prohibition from receiving government incentives for 10 years. The Foreign Bribery Law also includes sanctions in case of structural reforms if a company changes its structure before the sanction, the following rules apply: i) in mergers, the absorbing or new company will be sanctioned, ii) in spin-offs, all involved companies will be jointly liable, iii) in transfers of control, the acquirer will be sanctioned, iv) these rules also apply to other associative forms.
Defences	
Are there any defences available?	— State of need in cases of extortion. This is the most common defence, based on the possibility of allocating the responsibility entirely to the public official, who may be extorting the private individual by utilising his or her office. — Error regarding the facts of the crime, such as not being aware that the individual is a public official.

¹ Only offences that can be committed by private individuals are noted, crimes that can only be committed by public officials are not listed.

² Due to the the Colombian Criminal Code, it must be proven that any advantage was given/received corruptly. Public officials can be prosecuted for unjustified increments in their estate, effectively reversing the burden of proof in said cases.

³ Please note that in Colombia, there is no distinction between facilitation payments and bribes.

⁴ Nevertheless authorities might categorise many conducts perceived as corporate hospitality as acts of bribery or corruption. Please be advised that the health sector has a special prohibition regarding the promise, offering or grant of any type of benefit, including corporate hospitality, to workers of health institutions and entities and independent workers (L. 1474 of 2011. Article 133).

⁵ The principle of actual damage excludes the prosecution of irrelevant acts. There is no established minimum amount, but irrelevant gifts will not be prosecuted.

⁶ The legal provisions explicitly prohibit monetary bribes or the offering and receiving of any kind of benefit.

⁷ Certain crimes can only be committed by public officials, but the aforementioned offences can be committed by private individuals, and corruption amongst private entities is also prosecuted, even without any kind of involvement from public officials. The main difference is that in these cases the crime is treated as a crime against individual wealth and not as a crime against the wealth of the State. Furthermore, individuals and entities may be subject to administrative penalties for committing foreign bribery (i.e. entities are subject to hefty fines). The offence also applies to bribing foreign public officials.

⁸ Transnational bribery is both a criminal and administrative offence and carries a prison sentence and administrative penalty.

⁹ If the crime is not prosecuted in the country of performance, either because of the absence of legislation or lack of interest from the authorities.

¹⁰ According to Colombian Criminal Code only individuals can be liable. Nevertheless companies, partnerships and subsidiaries might have administrative penalties. Several recent efforts have included administrative penalties with hefty fines for entities, companies, partnerships and subsidiaries that commit corruption acts as well as the termination of their existence as a legal entity (i.e. foreign bribery and restrictive competition acts).

¹¹ Colombia establishes no criminal liability of corporations under its legislation. Only individuals can be criminally liable. Corporations may have civil or administrative liability for crimes committed within the organisation, making the standards of compliance protection systems relevant in these cases.

¹² See footnote 11. For instance, this is the case for the administrative penalty of foreign bribery.

¹³ See footnote 11.

¹⁴ See footnote 11. Only foreign individuals can be liable.

¹⁵ If the crime committed carries a penalty of over two years in prison, the individual is in Colombia at the time of the investigation, and the crime is not being tried in another jurisdiction, Colombian authorities claim competence to try the case.

¹⁶ See footnote 11.



Sources of law	Legislative Decree N° 635, Criminal Code of Peru from 1991. Law N° 30424, Law that regulates the administrative responsibility of companies in the criminal process. Law N° 31740, Law that modifies Law N° 30424, Law that regulates the administrative responsibility of companies, to strengthen the anticorruption regulation referring to legal entities and promoting good corporate governance. Supreme Decree N° 002-2019-JUS, Regulations of Law N° 30424. Legislative Decree N° 1352, Legislative Decree that extends the administrative responsibilities of companies. Legislative Decree N° 1385, Legislative Decree that sanctions corruption in the private sphere.
Offence	Bribery (Articles 397, 397-A, 398 and 398-A of the Criminal Code): To offer, give, or promise a public official any donations, promises, advantages or benefits in exchange for them: — acting in violation of their obligations — failing to act in violation of their obligations — performing acts related to their functions without violating their obligations (i.e. a facilitation payment) — failing to act related to their functions without violating their obligations (i.e. a facilitation payment) — bribing a public official from another state or a public official from any international organisation. This offence may be committed when any of the above conduct is directed towards magistrates, prosecutors, experts, arbitrators, members of the Administrative Tribunal or similar, judicial assistants, rapporteurs, or members of the National Police of Peru. Being bribed (Article 394, 395, 395-A, 395-B, 396 of the Criminal Code): Where a public official accepts, receives, or solicits directly or indirectly, or facilitates the delivery of a donation, promise or any other advantage or benefit to: — act in violation of their obligations — fail to act in violation of their obligations — perform acts related to their functions without violating their obligations (i.e. a facilitation payment) — fail to act related to their functions without violating their obligations (i.e. a facilitation payment). This crime may be committed by magistrates, prosecutors, experts, arbitrators, members of the Administrative Tribunal or similar, judicial assistants, rapporteurs or members of the National Police of Peru. Other forms of bribery are committed when the public official: — abuses their position and obliges or induces a person to give or inappropriately promise property or any benefit in cash or in kind (Article 382 of the Criminal Code, Extortion) — demands, pays or delivers contributions or emoluments not due or in amounts that exceed the legal rate (Article 383 of the Criminal Code, Improper Collection) — intervenes in one of the stages of a public tendering process or public procurement of goods or services and arranges with the State to defraud it. In this crime, both the participation and the economic damage to the State are sanctioned (Article 384 of the Criminal Code, Collusion) — sponsors the interests of individuals as a priority over the interests of the public administration (Article 385 of the Criminal Code, Illegal Sponsorship) — appropriates or uses, for him or herself or for another, funds, whose administration is entrusted to him because of his or her position. The penalty is greater if the funds are intended for welfare purposes, support programs or social inclusion (Article 387 of the Criminal Code, Peculation) — uses or allows another to use vehicles or equipment belonging to the public administration for purposes unrelated to the service (Article 388 of the Criminal Code, Peculation of use) — gives money or property that serves a different purpose to that which was intended for such money or property (Article 389 of the Criminal Code, Embezzlement of funds) — is directly or indirectly interested, for their own benefit or that of a third party, in any contract or operation and wrongly intervenes in that contract or operation due to their position (Article 399 of the Criminal Code, Incompatible Negotiation) — uses their actual or apparent position of influence to receive for themselves, or gives or promises to third parties a donation or any other advantage, with the objective of influencing an official who is involved or has been involved in a judicial or administrative case (Article 400 of the Criminal Code, Traffic of Influence) — abuses their position to increase their assets illegally (Article 401 of the Criminal Code, Illicit Enrichment). Corruption in the private sector (Article 241-A of the Criminal Code) Promising, offering or granting an undue advantage or benefit of any nature, to the partner, shareholder, manager, director, administrator, legal representative, attorney-in-fact, employee or advisor of a private legal entity, non-governmental organisation, association, foundation, committee, including non-registered entities or irregular companies, in exchange for favouring them or third parties in the acquisition or commercialisation of goods or merchandise, in the contracting of commercial services or commercial relations. Those who accept or receive such undue donations, promises, advantages or benefits of any nature, for themselves or a third party, will also be sanctioned. Corruption within private entities (Article 241-B of the Criminal Code) Accepting, receiving or requesting a donation, promise, or any other advantage or undue benefit of any nature for oneself or a third party, to carry out or omit an act to the detriment of the legal entity. The offence may be committed by the partner, shareholder, manager, director, administrator, legal representative, attorney-in-fact, employee or advisor of the private legal entity, non-governmental organisation, association, foundation, committee, including non-registered entities or irregular corporations. Anyone who promises, offers or grants such undue advantages or benefits of any nature, for themselves or a third party, as consideration for carrying out or omitting an act to the detriment of the legal entity, will also be punished. Note: In the case of corruption in the private sector and corruption within private entities, the criminal liability is for the person who commits the crime, not the company. The company has no criminal liability for this crime.

Peru (continued)

The bribe		
Is there a presumption that any advantage was given/received corruptly?		✓
Would facilitation payments be caught?		✓
Would corporate hospitality be caught?		✓
Is there any <i>de minimis</i> ?		X
Does the bribe have to be monetary?		X
Public officials		
Does the offence only apply to bribing public officials?		✓
Acts performed outside Peru		
Can bribery performed outside Peru be caught?		✓ ¹
Does the act also need to be illegal in the foreign country of performance?		X
Who can be liable		
Peruvian national?		✓
Peruvian company?		✓ ²
Peruvian partnership (including limited liability partnership)?		✓
Director of Peruvian company?		✓
Peruvian company if the bribe is committed abroad by its foreign subsidiary?		✓
Foreign subsidiary of a Peruvian company if the bribe is committed abroad?		✓
Foreign national/company/partnership if bribe is committed in Peru?		✓ ³
Foreign national domiciled or "ordinarily resident" in Peru if bribe is committed outside Peru?		X
Foreign company/partnership if bribe is committed abroad?		X
Penalties		
Penalties include:	Criminal Code of Peru from 1991, Legislative Decree N° 1243, Legislative Decree N° 1385 Individual — Imprisonment for up to 15 years for public officials — Imprisonment for up to 8 years for non-public officials — Up to 730 day-fines for public officials — Up to 730 day-fines for non-public officials — Additionally, other sanctions may be imposed, for example, disqualification from the function or position, a ban on holding certain other positions, the suspension of political rights, and the withdrawal of qualifications relating to certain positions or professions Company Wherever there is individual liability, the following measures may be imposed on the organisation: — a fine between five and 500 UIT⁵ — suspension of the company's commercial activities — prohibition on carrying out future activities — temporary or permanent closure of business — liquidation or winding up of company	Law N° 30424, Legislative Decree N° 1352, Law N° 30835 and Law N° 31740 Company⁵ Regardless of whether the individual that commits the crime is sanctioned (or even if they are prosecuted) the organisation may be held responsible and face the following penalties: — fines a. When the amount of the benefit obtained or expected to be obtained from the commission of the crime can be determined, the fine will be between 2–6x that amount. b. When the amount of the benefit obtained or expected to be obtained from the commission of the crime cannot be determined, it will be between ten and 10,000 UIT. — disqualification — temporary or permanent suspension of activities — prohibition on carrying on future activities or contracting with the Government — cancellation of licences, concession agreements or rights — temporary or permanent closure of business — liquidation or winding up of the company. Applicable only to legal persons that have been incorporated and operated to favour, facilitate or conceal the commission of crimes.
Defences		
Are there any defences available?	The company is exempt from responsibility for the commission of crimes, if has developed and implemented an effective and tailored compliance programme before the crime is committed. This exemption is not applicable when the crime is committed by the partners, directors, de facto or legal administrators, legal representatives or attorneys-in-fact, with the capacity to control the company.	

¹ International active bribery (Article 397-A of the Criminal Code).

² Individuals will be subject to criminal sanctions whilst legal entities will be subject to civil and administrative sanctions.

³ Individuals will be subject to criminal sanctions whilst legal entities will be subject to civil and administrative sanctions.

⁴ Peruvian Tax Unit, currently valued in PEN 5,350 for 2025.

⁵ Political parties are not subject to disqualification; cancellation of licenses, concession agreements or rights nor liquidation or winding up.



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