



**International Chamber of Commerce**  
*The world business organization*

Mr Donald J. Johnston  
Secretary General  
Organization for Economic Co-Operation  
and Development  
2, rue André Pascal  
75775 Paris Cedex 16

30 June 2005 *MLC/JK-sbt*

Dear Donald,

As you know, private sector bribery has long been an issue of concern for ICC. In our view, measures currently available to fight bribery in the private sector are of limited effectiveness and fail to address the transnational scope of the problem. We continue to believe that OECD action in this field will be fundamental to bring solid change to what remains a much neglected aspect of corruption, in spite of its economic significance.

In our past discussions with the Working Group on Bribery, we took note that the Working Group had decided to postpone further work on the matter until completion of the negotiation for the UN Convention against Corruption. The UN Convention, which has now been adopted, contains provisions prohibiting private-to-private bribery. This important move follows similar efforts by the Council of Europe and the European Union to address private sector bribery as an integral part of their anti-corruption instruments.

Now that the global fight against corruption has gained new and unprecedented momentum, ICC strongly believes the time has come for the OECD to engage in substantive work on the issue of private sector bribery. As a first step, our suggestion would be for the Working Group on Bribery to work together with ICC towards the establishment of a joint task force, with a view to defining the best possible options to address the matter within the scope of existing OECD anti-bribery instruments. Our aim would not be to modify or amend the OECD Convention but possibly to supplement the revised recommendation of 1997 with a clear prohibition of private sector bribery.

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The Working Group can naturally count on ICC's continued assistance and expertise in this area. You will recall that, at the invitation of Dr. Mark Pieth, Chairman of the Working Group on Bribery, ICC has already performed significant work to obtain a better understanding of private sector bribery and to compare the various existing regimes at national and supranational level. Together with the Max Planck Institute of Freiburg, ICC published in 2003 a comparative study of private sector anti-bribery laws in 13 OECD countries, which should provide a strong basis for future work.

The OECD is, in our belief, the right forum for further discussion and action against private sector bribery. OECD's considerable work in monitoring the effective implementation and enforcement of its Anti-Bribery Convention has won the plaudits of the business community. It is therefore with confidence and enthusiasm that we now turn to you for new collective efforts to further the fight against corruption in all its forms.

ICC looks forward to a continuing close relationship with the Working Group and remains at your disposal as always.

Yours sincerely,

A handwritten signature in black ink, reading 'François Vincke'.

François Vincke  
Chair of the ICC Commission on Anti-Corruption

A handwritten signature in black ink, reading 'Maria Livanos Cattaul'.

Maria Livanos Cattaul  
ICC Secretary General

Cc:

Mr Mark Pieth, Chairman, OECD Working Group on Bribery

Mr Rainer Geiger, Deputy Director of Financial, and Enterprise Affairs; OECD

Ms Enery Quinones, Principal Administrator, Anti-Corruption Division, OECD