

Chile must conclude its current legislative reforms of the criminal sanctions regime and clarify its corporate liability framework to better combat foreign bribery

25/10/2017 – Chile must make further progress on key recommendations of the OECD Working Group on Bribery in International Business Transactions, more than three years after its Phase 3 evaluation in March 2014. The Working Group notes with approval that draft legislative reforms to address recommendations on criminal sanctions and bank secrecy are currently under discussion in Chile. The Working Group welcomes these developments and encourages Chile to conclude these reforms as a priority. As a party to the [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), Chile is subject to systematic monitoring by the Working Group on its implementation of the Convention. The Working Group comprises the 43 parties to the Convention.

To date, Chile has not addressed remaining weaknesses in its framework to combat foreign bribery. Chile has therefore been subject to enhanced reporting to the Working Group.

First, Chile must conclude its legislative reforms to a) ensure the same maximum fines apply in domestic and foreign bribery cases; b) eliminate mandatory reductions of sanctions in certain cases and c) allow for confiscation of the equivalent of the proceeds of foreign bribery.

Secondly, Chile has not provided guidance on the required elements of an effective model (“offence prevention model”) for preventing foreign bribery, nor has it clarified the legal effect of certification of an offence prevention model. Regulation and oversight of certifying entities is currently lacking.

Thirdly, while Chile is congratulated on concluding its first two foreign bribery cases in 2015 and 2016, the Working Group notes that Chile has yet to implement recommendations pertaining to the enforcement of the foreign bribery offence. In particular, the Group remains concerned at the conditional application of bank secrecy to foreign bribery cases and the lack of availability of covert investigative techniques in such cases.

Chile should address the Working Group’s recommendations as a priority and will be further evaluated in the context of Chile’s Phase 4 evaluation in December 2018, as part of the Working Group’s regular monitoring process.

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For more information on the implementation of the OECD Anti-Bribery Convention in the Chile, please visit: www.oecd.org/daf/anti-bribery/chile-oecdanti-briberyconvention.htm.

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