

Mr Ben Llewellyn  
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18<sup>th</sup> November 2005

Dear Ben

**Further Comments from AMICUS on the Interim response to Public Consultation on ECGD Anti-Bribery and Corruption procedures**

Having had an opportunity to study the interim response to this consultation, Amicus welcomes the changes proposed in the Interim Response subject to the following brief comments on those matters relating to Agents which we addressed in our original submission.

Amicus reiterates its view that users of ECGD should wherever possible operate a policy of transparency providing that this does not compromise commercial confidentiality. The alternative proposals made in the Interim Response offer the option of non-disclosure subject to the liability, should subsequent corrupt activity take place by the agent, being transferred from ECGD to the Applicant. Amicus would support this proposal although we note that BExA rightly make the proviso that the liability for Applicants should be no greater than that applied by HMG in other cases where government funds are at risk due to corrupt activity.

Amicus would also support the view that the list of senior employees required to be provided should be limited to those who exercise binding control within the company for the execution of the contracts. As we mentioned in our original submission our own members who are employed in export companies are already subject to strict codes of conduct which cover acts which would be in breach of ethical codes on such contracts. The proposal in the Interim Response would appear to still be overly burdensome upon the Applicants and we would suggest that this be revised further along the lines suggested.

Amicus remains committed to the eradication of bribery and corruption in the area of international trade. We are also very conscious of the need to ensure that UK companies both large and small are able to compete in the export field on a level playing field. It is vital that the final proposals arising from this consultation process do not undermine the ability of UK companies to compete and thus result in more British manufacturing jobs being lost. We believe that the broad thrust of the latest proposals have taken a balanced view but that further adjustments to those areas identified in this letter would, we believe assist in achieving the objectives without compromising the ECGD's stated role.

Yours sincerely

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