

Annex D

Statement of ECGD's policy on withholding support for future transactions for those who have been found guilty of bribery and corruption.

ECGD is subject to general principles of administrative law. Pursuant to one of such principles, the Secretary of State may not fetter his future discretion; he must, in each case, evaluate all relevant facts before making decisions. If blacklisting means automating a refusal to grant cover to a company that has been convicted for corruption or debarred from the services of another institution, blacklisting would be contrary to the duties of the Secretary of State and could be successfully challenged by way of judicial review. While ECGD cannot blacklist companies, a company's conviction for corruption or its inclusion in the World Bank's blacklist would be a *prima facie* reason for refusing it cover.