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Dear Consultee,

INTERIM RESPONSE TO ECGD'S CONSULTATION ON CHANGES TO ITS ANTI-BRIBERY AND CORRUPTION PROCEDURES: QUALIFICATION OF STATEMENTS

Thank you for the representation you made to ECGD on its Interim Response document. Altogether, 16 responses were received.

Certain responses received have brought to the Department's attention a discrepancy in the degree to which it was proposed in the Interim Response that certain representations made to ECGD should be qualified. The Interim Response proposed that representations made by applicants in respect of themselves and their controlled companies should be absolute. The Interim Response also suggested that the December 2004 banks Letters of Undertaking did not require any change. One effect of this would be that representations made by banks in respect of corrupt actions committed by their controlled companies and other authorised parties would remain qualified. ECGD is currently considering the degree to which such representations should be qualified, but proposes that whatever decision is finally reached at this point be applied equally to banks and applicants.

If you have any views about this proposal, I would be grateful if you would make these known to me, as consultation coordinator, in writing, by 19 December 2005.

It goes without saying that if, as a result of the representations made to it, ECGD makes changes in its Final Response to the documentation exhibited as examples to the Interim Response, equivalent changes, to the extent applicable, will also be made to all ECGD documentation including the Letters of Undertaking given by banks.

The Department is determined to ensure that the decisions reached as a result of this consultation are the right ones. The complexity of this task has meant that ECGD will require more time to finalise the Final Response to the consultation. ECGD now expects to publish the Final Response at the end of January 2006.

Yours Sincerely,

BEN LLEWELLYN
EXTERNAL AFFAIRS MANAGER