

The OECD Convention and the Working Group on Bribery

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Switzerland signed the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 1997 and ratified it in 2000. The Convention obliges the parties to criminalise foreign bribery, to establish the liability of legal persons and to impose effective, proportionate and dissuasive sanctions. Its implementation is monitored by the OECD Working Group on Bribery through a system of peer reviews, which proceeds in phases. Each phase ends with a report and with recommendations, whose implementation is assessed in a written follow-up two years later.¹

The Phase 4 report on Switzerland was adopted in March 2018. The Working Group acknowledged that Switzerland had increased its enforcement activity, in particular through the Office of the Attorney General, and that the number of concluded cases against natural and legal persons had risen. At the same time it criticised several points: the level of the maximum fine under Article 102 StGB, the frequent use of summary penalty orders without published reasoning, the lack of protection for whistleblowers in the private sector and the limited transparency of proceedings. The Working Group also recommended that Switzerland ensure an adequate allocation of resources to the prosecuting authorities. The follow-up report of 2020 found that some recommendations had been implemented, while others remained open.²

The peer review has importance beyond the legislative debate. Foreign authorities and companies read the reports in order to assess the risk of a jurisdiction. When the Working Group expresses doubts about enforcement in a country, foreign prosecutors may feel more justified in pursuing cases with a Swiss connection themselves. Conversely, a positive assessment strengthens the position of Swiss authorities in international coordination. For the Basel groups, the reports therefore form part of the

The OECD Convention and the Working Group on Bribery

environment in which they negotiate with authorities in several countries at once.³

1 Notes

1. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of 17 December 1997, in force for Switzerland since 30 July 2000 (SR 0.311.21). To be verified. ↩
2. OECD Working Group on Bribery, Implementing the OECD Anti-Bribery Convention, Phase 4 Report: Switzerland, March 2018, and the subsequent Phase 4 two-year written follow-up report (2020). To be verified. ↩
3. On the role of OECD peer reviews in coordinating national enforcement, see the publications of the OECD Working Group on Bribery and the literature on the multi-jurisdictional resolution of corruption cases. To be verified. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/basel-the-oecd-convention-and-the-working-group-on-bribery