

**Act on Combating Bribery of Foreign Public Officials
In International Business Transactions**

dated 10 September 1998

(Unofficial translation)

Article 1:

Approval of the Convention

The Federal Parliament approves the Convention signed in Paris on 17 December 1997 by the Federal Republic of Germany on Combating Bribery of Foreign Public Officials in International Business Transactions. The Convention is herewith published with an official German translation.

Article 2:

Implementing Provisions

Section 1

**Equal treatment of foreign and
domestic public officials in the event of acts of bribery**

For the purpose of applying section 334 of the Criminal Code (Strafgesetzbuch), also in conjunction with sections 335, 336 and 338 subsection 2 of the Code, to bribery concerning a future judicial or official act which is committed in order to obtain or retain for the offender or a third party business or an unfair advantage in international business transactions, the following shall be treated as equal:

1. to a judge:
 - a) a judge of a foreign state,
 - b) a judge at an international court;
2. to any other public official:
 - a) a public official of a foreign state,
 - b) a person entrusted to exercise a public function with or for an authority of a foreign state, for a public enterprise with headquarters abroad, or other public functions for a foreign state,
 - c) a public official and other member of the staff of an international organisation and a person entrusted with carrying out its functions;
3. to a soldier in the Federal Armed Forces (Bundeswehr):
 - a) a soldier of a foreign state,
 - b) a soldier who is entrusted to exercise functions of an international organisation.

Section 2

**Bribery of foreign Members of Parliament
in connection with international business transactions**

- (1) Anyone who offers, promises or grants to a Member of a legislative body of a foreign state or to a Member of a parliamentary assembly of an international organisation an advantage for that Member or for a third party in order to obtain or retain for him/herself or a third party business or an unfair advantage in international business transactions, in return for the Member's committing an act or omission in future in connection with his/her mandate or functions, shall be punished by imprisonment not exceeding five years or by a fine.
- (2) The attempt shall incur criminal liability.

Section 3

Acts committed abroad

Regardless of the law of the place of commission, German criminal law shall apply to the following offences committed abroad by a German:

1. Bribery of foreign public officials in connection with international business transactions (sections 334 to 336 of the Criminal Code in conjunction with section 1);
2. Bribery of foreign Members of Parliament in connection with international business transactions (section 2).

Section 4

Application of section 261 of the Criminal Code

In cases failing under section 261 subsection 1 second sentence No. 2 (a) of the Criminal Code, section 334 of the Criminal Code shall also be applied in conjunction with section 1.

Article 3:

Entry into force

- (1) Article 2 of this Act shall enter into force on the day on which the Convention enters into force for the Federal Republic of Germany. In other respects, this Act shall enter into force on the day after its promulgation.
- (2) The date on which the Convention enters into force in the Federal Republic of Germany in accordance with Article 15 of the Convention shall be notified in the Federal Law Gazette (Bundesgesetzblatt).