

**Summary Record**  
**APEC Anti-Corruption and Transparency Expert's Working Group Meeting**  
**13th August, 2014. Beijing, China (SOM 3)**

The 19th meeting of the APEC Anti-Corruption and Transparency Experts' Working Group (ACT) was held on 13th August, 2014 in Beijing, China, followed by the ACT-OECD Workshop on "Combating Business Bribery" (14th August 2014, in Beijing). The 1st APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) Meeting was held on 15<sup>th</sup> August 2014, in Beijing.

The 19th ACT meeting was chaired Mr. CAI Wei, Deputy Director General of Department of International Cooperation of Ministry of Supervision of P.R. China, replacing Mr Kong Xian Ren (P.R. China). The meeting was attended by 19 APEC member economies (all except New Zealand and Papua New Guinea). Representatives from eight international organizations were invited to participate in the meeting: United Nations Development Programme (UNDP); United Nations Office on Drugs and Crime (UNODC); Organisation for Economic Co-operation and Development (OECD); The World Bank Group; International Anti-Corruption Academy (IACA); Transparency International (China); Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific (ADB-OECD); and Mr Peter Ritchie (American Bar Association). The meeting was assisted by the secretariat's Program Director, Mr Sergio Narea.

### **Opening Remarks**

Mr. FU Kui, Vice Minister of National Bureau of Corruption Prevention of China (P.R. China) shared his welcome remarks and the Key Notes for Anti-Corruption and Transparency Experts' Working Group (ACT) Meetings.

New ACT Chair, Mr. CAI Wei, welcomed ACT delegates, representatives of international organizations, and invited guests to the meeting, and led the introductions by ACT delegations. A host representative informed participants on administrative announcements for the ACT events in Beijing during SOM3. Meeting document for reference: 2014/SOM3/ACT/028.

The Chair expressed his confidence that ACT will have a successful and fruitful work, highlighting important discussions, deliverables, projects and new initiatives to be addressed during the meeting.

### **Adoption of the Agenda**

ACT members adopted the annotated agenda of the 19th ACT Meeting (2014/SOM3/ACT/001), submitted by the Chair, and the 18th ACT Meeting Summary Record prepared by the PD (2014/SOM3/ACT/002).

### **APEC Secretariat Report**

Members welcomed the Secretariat's (PD) report on intersessional issues, as well as the practical demonstration of the Remote Participation System provided by the PD and the APEC IT Director, who delivered a presentation from Singapore, followed by a Q&A session (2014/SOM3/ACT/013). Some members and in particular the Chair expressed high interest in using this tool for helping future ACTWG events, such as for ACT-NET.

In its report the Secretariat also referred to meeting documents submitted for members' information such as: 'APEC Secretariat Report on Key Developments -August 2014' (2014/SOM3/ACT/025); and the update of the APEC Project Management Unit (2014/SOM3/ACT/003).

### **Direction of ACT Work during 2014**

#### **Constitution of the ACT-NET, and its 1st Meeting**

**China** briefed on the process of establishment of the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) and its first meeting, scheduled for 15th August 2014 in the same venue.

As per members' agreement the ACT-Network, which will operate under the auspices of the ACTWG, will facilitate anticorruption cooperation on case investigation and prosecution; expertise and experience sharing, etc. The mandate on the constitution of this ACT-NET is stated in the 2013 Leaders' Declaration.

**China** also presented a document 'Introduction to Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) Terms of Reference' (2014/SOM3/ACT/005), on the development of the ACT-NET initiative and rationale of the ACT-NET Terms of Reference, drafted for members' consideration.

The Chair led a discussion on the proposed ACT-NET Terms of Reference, which was edited and adopted in general by members (2014/SOM3/ACT/006rev1). Some members requested time after the meeting to adjust the text in order to submit a final version for the upcoming ACT-NET meeting on 15th August.

Regarding practical aspects of the ACT-NET structure, members agreed that the ACT-NET Chair shall be assumed on a rotation basis by the hosting economy of ACTWG each year. Members also agreed that an ACT-NET Office will be established at the working level to handle the network's daily administrative tasks, including maintaining a list of focal points and providing assistance in conducting/coordinating capacity building programs. In close consultation with the ACT Chair, and the Friends of the ACT-NET, China will serve as the initial host of the Office in 2014-2015. ACT members will review the future hosting of the Office at the next ACT meetings in 2015.

**China** presented the ACT-NET List of 44 Focal Points consolidated by the secretariat (PD) (2014/SOM3/ACT/004). The Chair encouraged delegates to keep sending updates on their respective focal points to the secretariat. The secretariat informed that IT team is opening a secure subpage within the AIMP to facilitate focal points future work and information exchange. He pointed out that only ACT-NET focal points will have access to this webpage through individual accounts and passwords.

### **SCE Cross-Fora Collaboration**

Under the same agenda item, the Chair shared a letter from the Chair of the Senior Officials' Meeting (SOM) Steering Committee on Economic and Technical Cooperation (SCE) on Cross Fora Collaboration. (2014/SOM3/ACT/005). In this letter the SCE Chair reviews SCE sub-fora current annual work-plans and makes some suggestions to enhance cross fora collaboration among subgroups.

### **Anti-Bribery Enforcement and Corporate Compliance Program**

**The United States** presented two draft papers for members' discussion and consideration:

- i) 'APEC Principles on the Prevention of Bribery and Enforcement of Anti-bribery Laws'; and
- ii) 'APEC General Elements of Effective Corporate Compliance Programs' (2014/SOM3/ACT/008).

Members adopted in principle the proposals. Some delegates will send feedback after the meeting. Revised versions will be circulated for members' adoption with the view to include the texts as ACT deliverables in the ACT report to CSOM.

### **Members' opportunity to report on development on implementing the UN Convention against Corruption (UNCAC) and other Initiatives related to Anti-corruption and Transparency**

China; Korea; Indonesia (2014/SOM3/ACT/027) Malaysia (2014/SOM3/ACT/012); Mexico; Peru; the Philippines; Russian Federation; Chinese Taipei (2014/SOM3/ACT/026rev1); Thailand (2014/SOM3/ACT/030); and Viet Nam shared their reports on anticorruption progress and development on implementing the UN Convention against Corruption (UNCAC) and other initiatives related to anti-corruption and transparency since the 18th ACT Meeting (SOM1) in Ningbo.

### **ACT Strategic Plan 2013-2017**

Under this agenda item the Chair shared a letter from the Senior Officials' Meeting (SOM) Steering Committee on Economic and Technical Cooperation (SCE) Chair on Strategic Planning (2014/SOM3/ACT/009). In the letter, SCE Chair encourages SCE sub-fora members to review their respective plans to focus more in outcomes rather than outputs.

The Chair conducted a discussion on the current ACT Strategic Plan 2013-2017, endorsed by the group in 2013 (2014/SOM3/ACT/010). Members reviewed the paper: ACT Strategic Plan 2013-2017 Discussion Points provided by U.S. ATAARI Consultant (2014/SOM3/ACT/011).

Regarding the 'Discussion Points' paper provided by US-ATAARI, members agreed to keep the substantial part of the current text of the Strategic Plan, which is considered a living document, and insert intersessionally some additions on Key Performance Indicators (KPIs). The secretariat was asked to collect members' inputs within few days to submit an updated version for SCE-3.

### **Reports on Ongoing and Proposed Projects and ACT Initiatives and Related Synergies with Other Relevant International Fora**

Members received reports on ongoing and proposed projects and related synergies with other relevant international fora.

**P.R. China reported on the outcomes** of the ACT-StAR workshop on "International Recovery of the Proceeds of Corruption", held on 21st February 2014 in Ningbo, China.

**P.R. China** updated members on the upcoming ACT-OECD High Level Workshop on "Combating Business Bribery", organized by China, to be held on 14<sup>th</sup> August 2014 in Beijing. A separate agenda of the high workshop was circulated prior the meeting for members' information.

**Thailand** updated members on the second workshop 'Designing Best Models on Prosecuting Corruption and Money Laundering Cases Using Financial Flow Tracking Techniques and Investigative Intelligence for Effective Conviction and Asset Recovery to Promote Regional Economic Integration', to be held on 22-24 September 2014 in Pattaya (2014/SOM3/ACT/031).

This APEC-funded multiyear project includes as main deliverable the publication of a handbook, which identifies the best tools to deal with the investigation and prosecution of complex criminal cases of corruption and money laundering.

The first part of the handbook was released by Chile in February 2014 (SOM1, Ningbo, China), after the first workshop in Santiago, in October 2013. The second part of the handbook is expected to be released by Thailand at the end of 2014 (TBA).

Members expressed their high appreciation for this important ACT deliverable.

**Australia** updated on the ongoing APEC-funded project "APEC Guide to Mutual Legal Assistance (MLA)". The MLA booklet containing best practices and experiences is about to be finished, and will be circulated intersessionally for members comments and endorsement.

### **Report from International Organizations on their Anti-Corruption activities and Synchronizing with ACT**

The Chair welcomed the representatives from eight international organizations (see list below) and invited them to share their reports on recent activities related to transparency and anticorruption and common synergies with ACTWG.

- United Nations Development Programme (UNDP)
- United Nations Office on Drugs and Crime (UNODC)
- Organization for Economic Co-operation and Development (OECD)
- The World Bank Group
- International Anti-Corruption Academy (IACA)

- Transparency International (China)
- Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific (ADB-OECD)
- Mt Peter Ritchie, as Invited Guest (American Bar Association)

Meeting documents for reference:

2014/SOM3/ACT/032 International Anti-Corruption Academy (IACA)  
 2014/SOM3/ACT/033 Introduction to Transparency International-China

### **Deliverables**

The ACT Chair presented a final draft of the ACT statement: 'Beijing Declaration on Fighting Corruption' (2014/SOM3/ACT/024rev1), which was circulated timely prior the meeting, and included members' inputs.

After adding editions to the Beijing Declaration on Fighting Corruption, members adopted the text in general, requesting more time to send inputs to the text. The final version will be submitted to CSOM for endorsement with the view to include it as an annex in the 2014 Leaders' Declaration.

The Chair pointed out that ACT deliverables during 2014 as stated in the ACT Work plan 2014, plus recent initiatives are numerous and have a wide scope of subjects. Apart from holding meetings; APEC-funded and self-funded workshops, deliverables include: The constitution of the ACT-NET; the Economies' Interim Report II; the two papers presented by the U.S.: 'APEC Principles on the Prevention of Bribery and Enforcement of Anti-bribery Laws'; and 'APEC General Elements of Effective Corporate Compliance Programs'; as well as the Beijing Declaration on Anticorruption.

For more details on expected deliverables refer to: ACT Work plan 2014, document of ACT 18th meeting in Ningbo: (2014/SOM1/ACT/003rev1).

### **Implementation of APEC anti-corruption commitments**

The ACT Strategic Plan 2013-2017 includes an important deliverable, namely the Interim Report II, which is due in 2014: Implementation of APEC anti-corruption commitments. Members were encouraged to send to the secretariat their Interim Reports as soon as possible in order to allow the Chair to submit them to CSOM and high levels.

Eleven economies submitted their reports to the secretary prior and during the meeting using the updated template.

Reference meeting documents:

2014/SOM3/ACT/014 - Australia  
 2014/SOM3/ACT/015 - Brunei Darussalam  
 2014/SOM3/ACT/016 - Chile  
 2014/SOM3/ACT/017 - Indonesia  
 2014/SOM3/ACT/018 - Korea  
 2014/SOM3/ACT/019 - Malaysia  
 2014/SOM3/ACT/020 - New Zealand  
 2014/SOM3/ACT/021 - Russia  
 2014/SOM3/ACT/022 - Singapore  
 2014/SOM3/ACT/023 - Chinese Taipei  
 2014/SOM3/ACT/029 - Peru

### **Other Issues, Next Meeting and final remarks**

The secretariat conducted the usual classification of meetings documents, and informed that all official meeting documents submitted by members prior and during the meeting will be available on the APEC Meeting Document Database (MDDDB) within a week.

Link :

<http://mddb.apec.org/Pages/search.aspx?setting=ListMeetingGroup&DateRange=2014/08/01%2C2014/08/end&Name=19th%20Anti-Corruption%20and%20Transparency%20Experts%27%20Working%20Group%20Meeting%202014&APECGroup=%22Anti-Corruption%20and%20Transparency%20Experts%20Working%20Group%20%28ACTWG%29%22>

Members welcomed the announcement of the new ACT Chairmanship for 2015, which will be taken over by the Philippines as host economy during the APEC year 2015. The Philippines advanced that the next ACT meeting will be chaired by Ms Conchita Carpio-Morales. The Philippines also advised that the upcoming meeting in 2015 will be in Clark the Philippines (TBA).

ACT Chair's shared his final remarks acknowledging the numerous, important and successful outcomes of the meeting. He thanked all ACT delegates for their active participation and contribution prior and during the meeting, and the support of the secretariat. He highlighted the special collaboration of international organizations with APEC-ACT.

Next ACT meeting will be held at SOM1, 2015 in Clark the Philippines (TBA)