

2021 Enforcement of the OECD Anti-Bribery Convention

INVESTIGATIONS, PROCEEDINGS, AND SANCTIONS

OECD Working Group on Bribery

20 December 2022



HIGHLIGHTS

Concluded cases

From the entry into force of the OECD Anti-Bribery Convention on 15 February 1999 through 31 December 2021:

- 25 Parties have, collectively, convicted or sanctioned at least 687 natural and 264 legal persons for foreign bribery through criminal proceedings;
- 7 Parties have, collectively, sanctioned at least 88 natural and 121 legal persons for foreign bribery through administrative or civil proceedings;
- 11 Parties have, collectively, convicted or sanctioned at least 76 natural and 109 legal persons for related offences (e.g. false accounting, money laundering, embezzlement, tax evasion) through criminal proceedings; and
- 3 Parties have, collectively, sanctioned at least 76 natural and 192 legal persons for related offences through administrative or civil proceedings.

Pending matters

As of 31 December 2021:

- 35 Parties reported having had, collectively, 481 ongoing investigations for foreign bribery;
- 12 Parties reported having had, collectively, ongoing criminal proceedings for foreign bribery against 166 natural and 14 legal persons; and
- 2 Parties reported having had, collectively, ongoing administrative or civil proceedings for foreign bribery against 5 natural and 11 legal persons.

By ratifying the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Anti-Bribery Convention), the Parties pledge to work together to fight foreign bribery. This report contains an overview of the Parties' enforcement efforts since the Convention's entry into force on 15 February 1999. More information about the implementation and enforcement of the OECD Anti-Bribery Convention, including the Parties' mutual evaluations of their implementation of the Convention, through the Working Group on Bribery, is available on line at: www.oecd.org/corruption.

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The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

OVERVIEW OF THE ENFORCEMENT DATA

The following tables provide an overview of the enforcement data reported by Parties to the OECD Anti-Bribery Convention. The data distinguish foreign bribery from other related offences covered by the Convention, in particular accounting misconduct and money laundering related to the bribery of foreign public officials. Enforcement data on cases against individuals and entities are recorded separately.

The Annex “Methodology for Enforcement Data” provides further context for the data presented.

Table 1A. Decisions on criminal foreign bribery cases
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Argentina	0.75	0.33	0	0	0	0
Australia	1.02	1.42	7	3	0	0
Austria	0.36	0.97	7	0	16	0
Belgium	0.48	1.86	8	2	16	5
Brazil	2.34	1.18	25	N/A	0	N/A
Bulgaria	0.13	0.18	1	0	0	0
Canada ²	1.33	2.23	1	4	3	0
Chile	0.38	0.37	2	1	0	0
Colombia	0.59	0.19	0	0	0	0
Costa Rica	0.09	0.08	0	0	0	0
Czech Republic	0.33	0.75	0	0	0	0
Denmark	0.26	0.86	0	1	0	0
Estonia	0.04	0.11	0	0	0	0
Finland	0.21	0.42	0	0	18	4
France ³	2.38	3.20	23	23	18	1
Germany ⁴	3.33	7.25	354	12	2	0

¹ Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national accounts, Eurostat, as well as national statistical offices. The OECD Economic Department calculated the relevant world total against which the national data were compared.

² For **Canada**: One of the legal persons listed above pleaded guilty to one count of fraud in connection with a foreign bribery scheme.

³ For **France**: Two legal persons were convicted without imposition of sanctions (*dispense de peine*).

⁴ For **Germany**: Due to a change in methodology to align the enforcement data in this report with the data in Germany’s Phase 4 evaluation report, the German data before 2017 are not comparable to the data reported for 2017 or thereafter. Furthermore, the sanctions reported include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Greece	0.23	0.32	0	0	5	0
Hungary	0.25	0.54	26	0	2	0
Iceland	0.01	0.04	0	0	0	0
Ireland	0.37	2.44	0	0	0	0
Israel ⁵	0.28	0.52	0	2	0	0
Italy ⁶	1.88	2.49	19	9	17	2
Japan	3.83	3.31	13	2	0	0
Korea	1.74	2.72	25	9	5	0
Latvia	0.05	0.09	0	1	0	0
Lithuania	0.08	0.19	0	0	0	0
Luxembourg	0.06	0.67	1	0	5	0
Mexico	1.81	1.91	0	0	0	0
Netherlands	0.78	3.10	2	9	0	0
New Zealand	0.17	0.20	0	0	0	0
Norway ⁷	0.25	0.73	3	3	5	1
Peru	0.32	0.24	0	0	0	0
Poland	0.99	1.50	1	0	0	0
Portugal	0.26	0.38	0	0	0	0

(Section 153a(2) Code of Criminal Procedure – CCP (*Strafprozessordnung*)). As of Germany's Phase 3 evaluation, it was not possible to identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data includes sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed under section 299 CC in foreign bribery cases (since the entry into force of the Convention). In Germany, the liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

- ⁵ For **Israel**: In addition to criminally sanctioning a legal person for foreign bribery through a plea agreement, Israel has criminally sanctioned another legal persons in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- ⁶ For **Italy**: The liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. The sanctions reported in this table include those imposed via non-trial resolutions known as "*patteggiamento*". Although not reported in this table, Italy also initiated 16 prosecutions against natural persons and 16 prosecutions against legal person in connection with violations of the U.N. Oil-for-Food Programme. Of those 16 prosecutions against natural persons, 12 were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions against legal persons, 12 were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals.
- ⁷ For **Norway**: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the Criminal Procedure Act (CPA). Although not reported in this table, Norway also issued "*påtaleunntatelse*" decision for three natural persons under paragraph 69 of Norway's CPA. The "*påtaleunntatelse*" decision is a penal resolution by which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Russian Federation	3.40	2.00	0	0	0	0
Slovak Republic	0.12	0.39	0	0	0	0
Slovenia	0.06	0.19	0	0	0	0
South Africa	0.60	0.48	0	0	0	0
Spain	1.34	1.81	2	0	1	1
Sweden	0.43	1.05	6	0	4	2
Switzerland ⁸	0.46	2.07	14	12	2	0
Turkey	1.89	1.04	0	0	1	0
United Kingdom ⁹	2.17	3.13	25	16	23	1
United States ¹⁰	15.73	9.03	122	155	4	0
TOTAL (entire WGB)	53.59%	63.98%	687 natural persons sanctioned, including through plea agreements or other resolutions	264 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	147 natural persons acquitted	17 legal persons acquitted

⁸ In **Switzerland**, foreign bribery cases can be pursued either at the federal or cantonal level. In fact, the Office of the Attorney General of Switzerland (OAG) initiates the vast majority of such cases. As the cantons are not required to report their cases to the OAG, the data contained in this table only reflect federal cases as well as those cases delegated by the cantons to the OAG. In addition, the numbers reported here do not take into account exemptions from punishment under Article 53 of the Swiss Criminal Code.

⁹ For the **United Kingdom**: The sanctions reported for legal persons include those imposed through a deferred prosecution agreement (DPA).

¹⁰ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, this Table does not reflect criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflects declinations with disgorgement concluded under the FCPA Corporate Enforcement Policy.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(15 Feb 1999 – 31 Dec 2021)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil ³	2.34	1.18	24	4	0	0
Colombia	0.59	0.19	0	1	0	1
Germany	3.33	7.25	7	5	0	0
Japan	3.83	3.31	0	6	0	0
Russian Federation	3.40	2.00	0	1	0	0
United Kingdom	2.17	3.13	0	10	1	0
United States ⁴	15.73	9.03	57	94	2	0
TOTAL (relevant countries)	31.4%	26.1%	88 natural persons sanctioned, through civil or administrative proceedings or other resolutions	121 legal persons sanctioned, through civil or administrative proceedings or other resolutions	3 natural persons found not liable	1 legal person found not liable

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed in Table 1B concerning “administrative and civil cases”. Note that some countries have criminal and administrative/civil sanctions for foreign bribery, and in some cases persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

³ For **Brazil**: All 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

⁴ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the anti-bribery provisions of the FCPA either alone or in conjunction with violations of the books and records and internal controls provisions of the FCPA, whether through a court decision, an administrative order, or through another resolution, including NPAs. Therefore, this Table does not reflect civil or administrative sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA.

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(15 Feb 1999 – 31 Dec 2021)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Australia	1.02	1.42	3	0	0	0
Austria	0.36	0.97	0	0	1	0
Brazil	2.34	1.18	1	0	0	0
Finland	0.21	0.42	3	0	1	0
Germany ³	3.33	7.25	24	4	0	0
Israel	0.28	0.52	1	0	0	0
Italy	1.88	2.49	5	0	2	0
Luxembourg ⁴	0.06	0.67	7	0	0	0
Netherlands ⁵	0.78	3.10	1	2	0	0
Norway ⁶	0.25	0.73	1	1	0	0
Sweden	0.43	1.05	1	0	0	0
United States ⁷	15.73	9.03	29	102	3	0
TOTAL (relevant countries)	26.68%	28.84%	76 natural persons sanctioned, including through plea agreements or other resolutions	109 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	7 natural persons acquitted	0 legal persons acquitted

- ¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed in Table 2A concerning “criminal sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
- ² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.
- ³ For **Germany**: The liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- ⁴ For **Luxembourg**: Six natural persons were convicted of forgery in connection with a foreign bribery scheme; one natural person was convicted of trading in influence.
- ⁵ For the **Netherlands**: One legal person was sanctioned for multiple anti-money-laundering violations, encompassing at least one count of money laundering predicated on foreign bribery.
- ⁶ For **Norway**: Sanctions on the individual and legal persons are for the offence of “trading in influence”.
- ⁷ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice for violations of the books and records and internal controls provisions of the FCPA as well as supply-side money laundering violations predicated on foreign bribery either alone or in combination with violations of the FCPA anti-bribery provisions. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned. In addition to the enforcement actions reported in this Table, the US Department of Justice has charged at least 44 foreign public officials or other demand-side participants of foreign bribery schemes, typically by pursuing money laundering charges. Of these foreign public officials, at least 19 have been convicted with sanctions and at least 6 have pled guilty and are awaiting sentencing.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹
(15 Feb 1999 – 31 Dec 2021)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil	2.34	1.18	1	1	0	0
Israel	0.28	0.52	1	1	0	0
United States ³	15.73	9.03	74	190	2	0
TOTAL (relevant countries)	18.36%	10.73%	76 natural persons sanctioned, through civil or administrative proceedings or other resolutions	192 legal persons sanctioned, through civil or administrative proceedings or other resolutions	2 natural persons found not liable	0 legal persons found not liable

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under Table 2B concerning the “administrative/civil sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

³ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the books and records and internal controls provisions of the FCPA either alone or in conjunction with the FCPA’s anti-bribery provisions. It includes sanctions imposed through court decisions, administrative orders, as well as other types of resolutions, including NPAs.

ANNEX: METHODOLOGY FOR ENFORCEMENT DATA

Collection and presentation of enforcement data

Tables 1A and 1B present data that the Parties to the OECD Anti-Bribery Convention, have agreed to provide on a *mandatory* basis as part of the Working Group on Bribery's law enforcement data collection exercise. It shows the number of criminal cases (in Table 1A), and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under a non-criminal procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative, and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 44 Parties to the Anti-Bribery Convention from its entry into force in February 1999. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a *voluntary* basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables?** Unless otherwise indicated, the tables *do not include* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been imposed by the 44 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative, and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not cover* other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available here: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

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HIGHLIGHTS

Concluded cases

From the entry into force of the OECD Anti-Bribery Convention on 15 February 1999 through 31 December 2020:

- 25 Parties convicted or sanctioned, collectively, at least 684 natural and 245 legal persons for foreign bribery through criminal proceedings;
- 7 Parties sanctioned, collectively, at least 87 natural and 119 legal persons for foreign bribery through administrative or civil proceedings;
- 10 Parties convicted or sanctioned, collectively, at least 77 natural and 107 legal persons for related offences (e.g. false accounting, money laundering, embezzlement, tax evasion) through criminal proceedings;
- 3 Parties sanctioned, collectively, at least 75 natural and 188 legal persons for related offences through administrative or civil proceedings.
- 3 Parties – Colombia, Latvia, and the Russian Federation – reported having imposed sanctions for the first time for foreign bribery (each sanctioning one legal person) either through criminal or non-criminal proceedings.

Pending matters

As of 31 December 2020:

- 32 Parties reported having had, collectively, 485 ongoing investigations for foreign bribery;
- 13 Parties reported having had, collectively, ongoing criminal proceedings for foreign bribery against 167 natural and 14 legal persons;
- 2 Parties reported having had, collectively, ongoing administrative or civil proceedings for foreign bribery against 6 natural and 10 legal persons.

By ratifying the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Anti-Bribery Convention), the Parties pledge to work together to fight foreign bribery. This report contains an overview of the Parties' enforcement efforts since the Convention's entry into force on 15 February 1999. More information about the implementation and enforcement of the OECD Anti-Bribery Convention, including the Parties' mutual evaluations of their implementation of the Convention, through the Working Group on Bribery, is available on line at: www.oecd.org/corruption.

OVERVIEW OF THE ENFORCEMENT DATA

The following tables provide an overview of the enforcement data reported by Parties to the OECD Anti-Bribery Convention. The data distinguish foreign bribery from other related offences covered by the Convention, in particular accounting misconduct and money laundering related to the bribery of foreign public officials. Enforcement data on cases against individuals and entities are recorded separately.

The Annex “Methodology for Enforcement Data” provides further context for the data presented.

Table 1A. Decisions on criminal foreign bribery cases
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Argentina	0.74	0.29	0	0	0	0
Australia	1.03	1.36	7	2	0	0
Austria	0.38	1.02	7	0	15	0
Belgium	0.46	1.88	8	2	16	5
Brazil	2.42	1.10	25	0	0	0
Bulgaria	0.13	0.18	1	0	0	0
Canada ²	1.40	2.16	1	4	3	0
Chile	0.37	0.36	2	1	0	0
Colombia	0.57	0.17	0	0	0	0
Costa Rica	0.08	0.09	0	0	0	0
Czech Republic	0.35	0.79	0	0	0	0
Denmark	0.27	0.88	0	1	0	0
Estonia	0.04	0.10	0	0	0	0
Finland	0.22	0.44	0	0	18	4
France ³	2.42	3.30	22	15	18	1
Germany ⁴	3.46	7.51	348	12	2	0

¹ Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

² For **Canada**: One of the legal persons listed above pleaded guilty to one count of fraud in connection with a foreign bribery scheme.

³ For **France**: One legal person was convicted without imposition of sanctions (*dispense de peine*).

⁴ For **Germany**: Due to a change in methodology to align the enforcement data in this report with the data in Germany’s Phase 4 evaluation report, the German data before 2017 are not comparable to the data reported for 2017 or thereafter. Furthermore, the sanctions reported include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court (Section 153a(2) Code of Criminal Procedure – CCP (*Strafprozessordnung*)). As of Germany’s Phase 3 evaluation, it was not possible to

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Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
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Greece ⁵	0.23	0.27	0	0	0	0
Hungary	0.25	0.56	26	0	2	0
Iceland	0.02	0.03	0	0	0	0
Ireland	0.36	2.51	0	0	0	0
Israel ⁶	0.30	0.52	0	2	0	0
Italy ⁷	1.91	2.50	16	7	15	2
Japan	4.02	3.55	10	2	0	0
Korea	1.72	2.70	25	9	5	0
Latvia	0.05	0.09	0	1	0	0
Lithuania	0.08	0.19	0	0	0	0
Luxembourg	0.06	0.71	1	0	5	0
Mexico	1.86	1.98	0	0	0	0
Netherlands	0.79	3.21	2	8	0	0
New Zealand	0.17	0.23	0	0	0	0
Norway ⁸	0.26	0.53	3	3	5	1
Peru	0.31	0.21	0	0	0	0
Poland	1.00	1.51	1	0	0	0

identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data include sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed under Section 299 CC in foreign bribery cases (since the entry into force of the Convention). In Germany, the liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

- ⁵ For **Greece**: The liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. On 12 December 2017, a revised version of Article 51 of the AML law came into force. According to Greek authorities, this law sets out a regime of criminal liability for legal persons.
- ⁶ For **Israel**: In addition to criminally sanctioning a legal person for foreign bribery through a plea agreement, Israel has criminally sanctioned another legal person in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. As a disclaimer, the statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- ⁷ For **Italy**: The liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. The sanctions reported in this table include those imposed via non-trial resolutions known as "*patteggiamento*". Although not reported in this table, Italy also initiated 16 prosecutions against natural persons and 16 prosecutions against legal persons in connection with violations of the UN Oil-for-Food Programme. Of those 16 prosecutions against natural persons, 12 were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions against legal persons, 12 were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals.
- ⁸ For **Norway**: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the Criminal Procedure Act (CPA). Although not reported in this table, Norway also issued "*påtaleunntatelse*" decision for three natural persons under paragraph 69 of Norway's CPA. The "*påtaleunntatelse*" decision is a penal resolution by which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Portugal	0.27	0.38	0	0	0	0
Russian Federation	3.17	1.71	0	0	0	0
Slovak Republic	0.13	0.40	0	0	0	0
Slovenia	0.06	0.19	0	0	0	0
South Africa	0.55	0.42	0	0	0	0
Spain	1.39	1.77	2	0	1	1
Sweden	0.44	1.09	6	0	2	1
Switzerland ⁹	0.48	2.12	13	9	2	0
Turkey	1.82	0.93	0	0	1	0
United Kingdom ¹⁰	2.32	3.35	25	13	22	1
United States ¹¹	16.05	9.59	133	154	4	0
TOTAL (entire WGB)	54.42	64.89	684 natural persons sanctioned, including through plea agreements or other resolutions	245 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	136 natural persons acquitted	16 legal persons acquitted

⁹ In **Switzerland**, foreign bribery cases can be pursued either at the federal or cantonal level. In fact, the Office of the Attorney General of Switzerland (OAG) initiates the vast majority of such cases. As the cantons are not required to report their cases to the OAG, the data contained in this table only reflect federal cases as well as those cases delegated by the cantons to the OAG. In addition, the numbers reported here do not take into account exemptions from punishment under Article 53 of the Swiss Criminal Code.

¹⁰ For the **United Kingdom**: The sanctions reported for legal persons include those imposed through a deferred prosecution agreement (DPA).

¹¹ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, this table does not reflect criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflect declinations with disgorgement concluded under the FCPA Corporate Enforcement Policy.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil ³	2.42	1.10	24	4	0	0
Colombia	0.57	0.17	0	1	0	1
Germany	3.46	7.51	7	5	0	0
Japan	4.02	3.55	0	6	0	0
Russian Federation	3.17	1.71	0	1	0	0
United Kingdom	2.32	3.35	0	10	1	0
United States ⁴	16.05	9.59	56	92	2	0
TOTAL (relevant countries)	32.01	26.98	87 natural persons sanctioned, through civil or administrative proceedings or other resolutions	119 legal persons sanctioned, through civil or administrative proceedings or other resolutions	3 natural persons found not liable	1 legal persons found not liable

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed in Table 1B concerning “administrative and civil cases”. Note that some countries have criminal and administrative/civil sanctions for foreign bribery, and in some cases persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

³ For **Brazil**: All 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

⁴ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the anti-bribery provisions of the FCPA either alone or in conjunction with violations of the books and records and internal controls provisions of the FCPA, whether through a court decision, an administrative order, or through another resolution, including NPAs. Therefore, this table does not reflect civil or administrative sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA.

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Australia	1.03	1.36	3	0	0	0
Austria	0.38	1.02	0	0	1	0
Belgium	0.46	1.88	0	0	1	0
Brazil	2.42	1.10	1	0	0	0
Finland	0.22	0.44	3	0	1	0
Germany ³	3.46	7.51	20	4	0	0
Italy	1.91	2.50	5	1	2	0
Luxembourg ⁴	0.06	0.71	7	0	0	0
Netherlands ⁵	0.79	3.21	1	2	0	0
Norway ⁶	0.26	0.53	1	1	0	0
Sweden	0.44	1.09	1	0	0	0
United States ⁷	16.05	9.59	35	99	3	0
TOTAL (relevant countries)	27.48	30.94	77 natural persons sanctioned, including through plea agreements or other resolutions	107 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	8 natural persons acquitted	0 legal persons acquitted

- ¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed in Table 2A concerning “criminal sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
- ² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.
- ³ For **Germany**: The liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- ⁴ For **Luxembourg**: Six natural persons were convicted of forgery in connection with a foreign bribery scheme; one natural person was convicted of trading in influence.
- ⁵ For **the Netherlands**: One legal person was sanctioned for multiple anti-money-laundering violations, encompassing at least one count of money laundering predicated on foreign bribery.
- ⁶ For **Norway**: Sanctions on the individual and legal persons are for the offence of “trading in influence”.
- ⁷ For **the United States**: This row records the number of criminal cases prosecuted by the US Department of Justice for violations of the books and records and internal controls provisions of the FCPA as well as supply-side money laundering violations predicated on foreign bribery either alone or in combination with violations of the FCPA anti-bribery provisions. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned. In addition to the enforcement actions reported in this table, the US Department of Justice has charged at least 35 foreign public officials or other demand-side participants of foreign bribery schemes, typically by pursuing money laundering charges. Of these foreign public officials, at least 11 have been convicted with sanctions and at least 9 have pled guilty and are awaiting sentencing.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil	2.42	1.10	1	1	0	0
Israel	0.30	0.52	0	1	0	0
United States ³	16.05	9.59	74	186	2	0
TOTAL (relevant countries)	18.77	11.21	75 natural persons sanctioned, through civil or administrative proceedings or other resolutions	188 legal persons sanctioned, through civil or administrative proceedings or other resolutions	2 natural persons found not liable	0 legal persons found not liable

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under Table 2B concerning the “administrative/civil sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

³ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the books and records and internal controls provisions of the FCPA either alone or in conjunction with the FCPA’s anti-bribery provisions. It includes sanctions imposed through court decisions, administrative orders, as well as other types of resolutions, including NPAs.

ANNEX: METHODOLOGY FOR ENFORCEMENT DATA

Collection and presentation of enforcement data

Tables 1A and 1B present data that the Parties to the OECD Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the Working Group on Bribery's law enforcement data collection exercise. They show the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under a non-criminal procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative, and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 44 Parties to the Anti-Bribery Convention from its entry into force in February 1999. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a *voluntary* basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases, the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** Unless otherwise indicated, the tables *do not include* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been imposed by the 44 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative, and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Article 7 (Money Laundering) and Article 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set *does not cover* other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available at: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

www.oecd.org/corruption/anti-bribery



2019 Enforcement of the Anti-Bribery Convention

INVESTIGATIONS, PROCEEDINGS, AND SANCTIONS

OECD Working Group on Bribery

23 December 2020



HIGHLIGHTS

Concluded cases

From the entry into force of the OECD Anti-Bribery Convention on 15 February 1999 through 31 December 2019, the Parties to the Convention reported having:

- convicted or sanctioned at least 651 natural and 230 legal persons for foreign bribery through criminal proceedings;
- sanctioned at least 87 natural and 115 legal persons for foreign bribery through administrative or civil proceedings;
- convicted or sanctioned at least 81 natural and 103 legal persons for related offences (e.g. false accounting, money laundering, tax evasion) through criminal proceedings; and
- sanctioned at least 73 natural and 179 legal persons for related offences (e.g. false accounting, money laundering, tax evasion) through administrative or civil proceedings.

Pending matters

As of 31 December 2019:

- 28 Parties reported having had, collectively, 492 on-going investigations for foreign bribery;
- 11 Parties reported having had, collectively, on-going criminal proceedings for foreign bribery against 146 natural and 8 legal persons; and
- 4 Parties reported having had, collectively, on-going administrative or civil proceedings for foreign bribery against 5 natural and 13 legal persons.

By ratifying the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Anti-Bribery Convention), the Parties pledge to work together to fight foreign bribery. This report contains an overview of the Parties' enforcement efforts since the Convention's entry into force on 15 February 1999. More information about the implementation and enforcement of the OECD Anti-Bribery Convention, including the Parties' mutual evaluations of their implementation of the Convention, through the Working Group on Bribery, is available online at www.oecd.org/corruption.

OVERVIEW OF THE ENFORCEMENT DATA

The following tables provide an overview of the enforcement data reported by Parties to the OECD Anti-Bribery Convention. The data distinguish foreign bribery from other related offences covered by the Convention, in particular accounting misconduct and money laundering related to the bribery of foreign public officials. Enforcement data on cases against individuals and entities are recorded separately.

The Annex “Methodology for Enforcement Data” provides further context for the data presented.

Table 1A. Decisions on criminal foreign bribery cases
(15 Feb 1999 – 31 Dec 2019)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Argentina	0.76	0.32	0	0	0	0
Australia	1.04	1.40	6	2	0	0
Austria	0.39	1.01	7	0	14	0
Belgium	0.47	1.78	8	2	16	5
Brazil	2.41	1.08	25	0	0	0
Bulgaria	0.13	0.18	1	0	0	0
Canada ²	1.44	2.24	1	4	3	0
Chile	0.36	0.32	2	1	0	0
Colombia	0.59	0.21	0	0	0	0
Costa Rica	0.08	0.09	0	0	0	0
Czech Republic	0.35	0.76	0	0	0	0
Denmark	0.26	0.83	0	1	0	0
Estonia	0.04	0.09	0	0	0	0
Finland	0.21	0.44	0	0	18	4
France	2.48	3.52	20	12	15	1
Germany ³	3.50	7.42	340	12	2	0

¹ Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which comes from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economic Department calculated the relevant world total against which the national data were compared.

² For **Canada**: One of the legal persons listed above pleaded guilty to one count of fraud in connection with a foreign bribery scheme.

³ For **Germany**: Due to a change in methodology to align the enforcement data in this report with the data in Germany’s Phase 4 evaluation report, the German data before 2017 are not comparable to the data reported for 2017 or thereafter. Furthermore, the sanctions reported include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court (Section 153a(2) Code of Criminal Procedure – CCP (Strafprozessordnung). As of Germany’s Phase 3 evaluation, it was not possible to identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data includes sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Greece ⁴	0.25	0.34	0	0	0	0
Hungary	0.25	0.55	26	0	2	0
Iceland	0.02	0.04	0	0	0	0
Ireland	0.33	2.05	0	0	0	0
Israel ⁵	0.29	0.47	0	2	0	0
Italy ⁶	1.99	2.58	16	7	9	0
Japan	4.08	3.63	10	2	0	0
Korea	1.67	2.68	24	9	5	0
Latvia	0.05	0.08	0	0	0	0
Lithuania	0.08	0.17	0	0	0	0
Luxembourg	0.06	0.61	1	0	5	0
Mexico	1.95	2.02	0	0	0	0
Netherlands	0.77	3.08	2	8	0	0
New Zealand	0.16	0.23	0	0	0	0
Norway ⁷	0.27	0.60	3	3	5	1
Peru	0.36	0.23	Not reported	Not reported	Not reported	Not reported
Poland	0.98	1.35	1	0	0	0

under section 299 CC in foreign bribery cases (since the entry into force of the Convention). In Germany, the liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. .

- ⁴ For **Greece**: The liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. On 12 December 2017 a revised version of Article 51 of the AML law came into force. According to Greek authorities, this law sets out a regime of criminal liability for legal persons.
- ⁵ For **Israel**: In addition to criminally sanctioning a legal person for foreign bribery through a plea agreement, Israel has criminally sanctioned another legal persons in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. As a disclaimer, the statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- ⁶ For **Italy**: The liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. The sanctions reported in this table include those imposed via non-trial resolutions known as “patteggiamento”. Although not reported in this table, Italy also initiated 16 prosecutions against natural persons and 16 prosecutions against legal person in connection with violations of the U.N. Oil-for-Food Programme. Of those 16 prosecutions against natural persons, 12 were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions against legal persons, 12 were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals.
- ⁷ For **Norway**: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the Criminal Procedure Act (CPA). Although not reported in this table, Norway also issued “*påtaleunntatelse*” decision for three natural persons under paragraph 69 of Norway’s CPA. The “*påtaleunntatelse*” decision is a penal resolution by which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Portugal	0.28	0.42	0	0	0	0
Russian Federation	3.20	1.96	0	0	0	0
Slovak Republic	0.14	0.40	0	0	0	0
Slovenia	0.06	0.19	0	0	0	0
South Africa	0.57	0.43	0	0	0	0
Spain	1.48	1.98	2	0	1	1
Sweden	0.43	1.02	6	0	2	1
Switzerland ⁸	0.47	1.97	6	8	0	0
Turkey	1.75	1.02	0	0	1	0
United Kingdom ⁹	2.43	3.60	21	12	22	1
United States ¹⁰	16.02	10.26	123	145	4	0
TOTAL (entire WGB)	54.90	65.65	651 natural persons sanctioned, including through plea agreements or other resolutions	230 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	124 natural persons acquitted	14 legal persons acquitted

⁸ In **Switzerland**, data are not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions thus reflects only the cantonal foreign bribery cases that have been reported by cantonal authorities to the federal level. In addition, the numbers reported here do not take into account exemptions from punishment under Article 53 of the Swiss Criminal Code.

⁹ For the **United Kingdom**: The sanctions reported for legal persons include those imposed through a deferred prosecution agreement (DPA).

¹⁰ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, this Table does not reflect criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflects declinations with disgorgement concluded under the FCPA Corporate Enforcement Policy.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(15 Feb 1999 – 31 Dec 2019)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Brazil ³	2.41	1.08	24	4	0	0
Germany	3.50	7.42	7	5	0	2
Japan	4.08	3.63	0	6	0	0
United Kingdom	2.43	3.60	0	10	0	0
United States ⁴	16.02	10.26	56	90	2	0
TOTAL (relevant countries)	28.44	25.99	87 natural persons sanctioned, through civil or administrative proceedings or other resolutions	115 legal persons sanctioned, through civil or administrative proceedings or other resolutions	2 natural persons found not liable	2 legal persons found not liable

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed in Table 1B concerning "Administrative and Civil Cases". Note that some countries have criminal and administrative/civil sanctions for foreign bribery, and in some cases persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which comes from Peru's Instituto Nacional de Estadística e Informática (INEI). The OECD Economic Department calculated the relevant world total against which the national data were compared.

³ For **Brazil**: All 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

⁴ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the anti-bribery provisions of the FCPA either alone or in conjunction with violations of the books and records and internal controls provisions of the FCPA, whether through a court decision, an administrative order, or through another resolution, including NPAs. Therefore, this Table does not reflect civil or administrative sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA.

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(15 Feb 1999 – 31 Dec 2019)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Acquitted	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Australia	1.04	1.40	3	0	0	0
Belgium	0.47	1.78	0	0	1	0
Brazil	2.41	1.08	1	0	0	0
Finland	0.21	0.44	1	0	4	0
Germany ³	3.50	7.42	16	4	0	0
Italy	1.99	2.58	7	2	0	0
Luxembourg ⁴	0.06	0.61	7	0	0	0
Netherlands	0.77	3.08	1	1	0	0
Norway ⁵	0.27	0.60	1	1	0	0
Sweden	0.43	1.02	1	0	0	0
United States ⁶	16.02	10.26	43	95	3	0
TOTAL (relevant countries)	27.17	30.27	81 natural persons sanctioned, including through plea agreements or other resolutions	103 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions	8 natural persons acquitted	0 legal persons acquitted

- ¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed in Table 2A concerning “Criminal Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
- ² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which comes from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economic Department calculated the relevant world total against which the national data were compared.
- ³ For **Germany**: The liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- ⁴ For **Luxembourg**: Six natural persons were convicted of forgery in connection with a foreign bribery scheme; one natural person was convicted of trading in influence.
- ⁵ For **Norway**: Sanctions on the individual and legal persons are for the offence of “trading in influence”.
- ⁶ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice for violations of the books and records and internal controls provisions of the FCPA as well as supply-side money laundering violations predicated on foreign bribery either alone or in combination with violations of the FCPA anti-bribery provisions. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflects declinations with disgorgement concluded under the FCPA Corporate Enforcement Policy.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹

(15 Feb 1999 – 31 Dec 2019)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned (agreed or imposed)		Found not liable	
			Natural Persons	Legal Persons	Natural Persons	Legal Persons
Brazil	2.41	1.08	1	1	0	0
Israel	0.29	0.47	0	1	0	0
United States ³	16.02	10.26	72	177	2	0
TOTAL (relevant countries)	18.72	11.81	73 natural persons sanctioned, through civil or administrative proceedings or other resolutions	179 legal persons sanctioned, through civil or administrative proceedings or other resolutions	2 natural persons found not liable	0 legal persons found not liable

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under Table 2B concerning the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which comes from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economic Department calculated the relevant world total against which the national data were compared.

³ For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the books and records and internal controls provisions of the FCPA either alone or in conjunction with the FCPA’s anti-bribery provisions. It includes sanctions imposed through court decisions, administrative orders, as well as other types of resolutions, including NPAs.

ANNEX: METHODOLOGY FOR ENFORCEMENT DATA

Collection and presentation of enforcement data

Tables 1A and 1B present data that the Parties to the OECD Anti-Bribery Convention, have agreed to provide on a *mandatory* basis as part of the Working Group on Bribery's law enforcement data collection exercise. It shows the number of criminal cases (in Table 1A) and administrative, and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under a non-criminal procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative, and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 44 Parties to the Anti-Bribery Convention from its entry into force in February 1999. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a *voluntary* basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** Unless otherwise indicated, the tables *do not include* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been imposed by the 44 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative, and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not cover* other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available here: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

www.oecd.org/corruption/anti-bribery



2018 Enforcement of the Anti-Bribery Convention: Investigations, proceedings, and sanctions

OECD Working Group on Bribery

December 2018

HIGHLIGHTS

Concluded cases

From the Convention's 1999 entry into force through 31 December 2018, WGB countries have:

- convicted or criminally sanctioned at least 615 natural and 203 legal persons for foreign bribery;
- sanctioned at least 86 natural and 108 legal persons for foreign bribery through administrative or civil proceedings;
- convicted or criminally sanctioned at least 53 natural and 96 legal persons for related offences (false accounting or money laundering); and
- sanctioned at least 70 natural and 165 legal persons for related offences (false accounting or money laundering) through administrative or civil proceedings.

Pending matters

As of 31 December 2018, at least

- 28 WGB countries reported having had 528 on-going investigations;
- 12 WGB countries reported having had on-going criminal proceedings for foreign bribery against 157 natural and 5 legal persons; and
- 2 WGB member countries reported having had on-going administrative or civil proceedings for foreign bribery against 6 legal persons.

By ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention), the Parties to the Convention pledge to work together to fight foreign bribery. This report contains an overview of the Parties' enforcement efforts between the Convention's entry into force in February 1999 until 31 December 2018. More information about the implementation and enforcement of the Anti-Bribery Convention is available online at www.oecd.org/corruption.

Based on information provided by Parties to the Convention,

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The following tables provide an overview of the enforcement data reported by WGB member countries. The data distinguish foreign bribery from other related offences covered by the Anti-Bribery Convention, in particular accounting misconduct and money laundering related to the bribery of foreign public officials. Enforcement data on cases against individuals and entities are recorded separately.

The Annex “Methodology for Enforcement Data” provides further context for the data presented.

Table 1A. Decisions on criminal foreign bribery cases
(1999 to December 2018)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Argentina	0.56	0.30	0	0	0	0
Australia	1.68	1.32	6	2	0	0
Austria	0.54	1.03	2	0	4	0
Belgium	0.63	1.81	8	2	16	5
Brazil	2.25	1.11	25	0	0	0
Bulgaria	0.08	0.18	1	0	0	0
Canada	2.04	2.20	1	3	3	0
Chile	0.35	0.35	2	1	0	0
Colombia	0.40	0.21	0	0	0	0
Costa Rica	0.07	0.08	0	0	0	0
Czech Republic	0.29	0.78	0	0	0	0
Denmark	0.42	0.80	0	0	0	0
Estonia	0.03	0.09	0	0	0	0
Finland	0.33	0.43	0	0	18	4
France	3.29	3.52	22	5	11	4
Germany ²	4.75	7.59	326	11	2	0

¹ The 2018 data on world GDP and world exports were provided by the Investment Division within the OECD Directorate for Financial Affairs as well as the OECD Economics Department.

² For **Germany**: Due to a change in methodology to align the enforcement data in this report with the data in Germany’s Phase 4 evaluation report, the German data before 2017 are not comparable to the data reported for 2017 or thereafter. Furthermore, the sanctions reported include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court (Section 153a(2) Code of Criminal Procedure – CCP (Strafprozessordnung)). As of Germany’s Phase 3 evaluation, it was not possible to identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data includes sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed under section 299 CC in foreign bribery cases (since the entry into force of the Convention). In Germany, the liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Greece ³	0.26	0.32	0	0	0	0
Hungary	0.18	0.54	26	0	2	0
Iceland	0.03	0.05	0	0	0	0
Ireland	0.43	1.89	0	0	0	0
Israel ⁴	0.43	0.44	0	2	0	0
Italy ⁵	2.46	2.65	13	6	5	0
Japan	5.98	3.71	10	2	0	0
Korea	1.95	2.89	24	9	5	0
Latvia	0.04	0.09	0	0	0	0
Lithuania	0.06	0.16	0	0	0	0
Luxembourg	0.08	0.61	1	0	0	0
Mexico	1.41	1.95	0	0	0	0
Netherlands	1.07	3.11	1	7	0	0
New Zealand	0.24	0.23	0	0	0	0
Norway ⁶	0.52	0.67	3	3	5	1
Peru	0.27	0.23	Not reported	Not reported	Not reported	Not reported
Poland	0.65	1.32	1	0	0	0
Portugal	0.28	0.42	0	0	0	0
Russian Federation	1.86	2.05	0	0	0	0

³ For **Greece**: The liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. On 12 December 2017 of a revised version of Article 51 of the AML law came into force. It sets out a regime of liability of legal persons and which Greek authorities report as being a system of criminal liability for legal persons.

⁴ For **Israel**: In addition to the sanctioning a legal person for foreign bribery through a plea agreement, Israel has sanctioned another legal persons in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. As a disclaimer, the statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

⁵ For **Italy**: Sanctions include those imposed via non-trial resolutions known as “patteggiamento”. Although not reported in this table, Italy also initiated 16 prosecutions against natural persons and 16 prosecutions against legal person in connection with violations of the U.N. Oil-for-Food Programme. Of those 16 actions initiated against natural persons, 12 prosecutions were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions initiated against legal persons, 12 prosecutions were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals. In Italy, the liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

⁶ For **Norway**: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the Criminal Procedure Act (CPA). Although not reported in this table, Norway also issued “*påtaleunntatelse*” decision for three natural persons under paragraph 69 of Norway’s CPA. The “*påtaleunntatelse*” decision is a penal resolution by which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ¹	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal Persons	Natural persons	Legal Persons
Slovak Republic	0.13	0.41	0	0	0	0
Slovenia	0.06	0.19	0	0	0	0
South Africa	0.44	0.44	0	0	0	0
Spain	1.69	2.01	2	0	0	0
Sweden	0.65	1.03	6	0	2	1
Switzerland ⁷	0.84	1.89	4	4	0	0
Turkey	0.84	0.92	0	0	1	0
United Kingdom ⁸	3.31	3.46	23	10	16	1
United States ⁹	24.18	10.14	108	136	4	0
TOTAL	68.08	65.64	615 natural persons sanctioned, including plea agreements and agreed sanctions	203 legal persons sanctioned, including plea agreements, NPAs, DPAs, and declinations with disgorgement	94	16

⁷ In **Switzerland**, data are not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions thus reflects only the cantonal foreign bribery cases that have been reported by cantonal authorities to the federal level. In addition, the numbers reported here do not take into account exemptions from punishment under Article 53 of the Swiss Criminal Code.

⁸ For the **United Kingdom**: The sanctions reported for legal persons include those imposed through a deferred prosecution agreement (DPA).

⁹ For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflects declinations with disgorgement concluded under the DOJ’s FCPA Corporate Enforcement Policy.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(1999 to December 2018)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Found not liable	
			Individual	Legal Person	Individual	Legal Person
Brazil ³	2.25	1.11	24	2	0	0
Germany	4.75	7.59	7	7	0	0
Japan	5.98	3.71	0	6	0	0
United Kingdom	3.31	3.46	1	10	0	0
United States ⁴	24.18	10.14	54	83	2	0
TOTAL	40.47	26.01	86	108	2	0

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed in Table 1B concerning “Administrative and Civil Cases”. Note that some countries have criminal and administrative/ civil sanctions for foreign bribery, and in some cases persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

² The 2018 data on world GDP and world exports were provided by the Investment Division within the OECD Directorate for Financial Affairs as well as the OECD Economics Department.

³ For **Brazil**: All 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

⁴ For the **United States**: This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, this Table does not reflect civil or administrative sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA.

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(1999 to December 2018)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Acquitted	
			Individual	Legal Person	Individual	Legal Person
Australia	1.68	1.32	3	0	0	0
Belgium	0.63	1.81	0	0	1	0
Brazil	2.25	1.11	1	0	0	0
Finland	0.33	0.43	1	0	4	0
Germany ³	4.75	7.59	4	3	0	0
Italy	2.46	2.65	7	2	0	0
Norway ⁴	0.52	0.67	1	1	0	0
Sweden	0.65	1.03	1	0	0	0
United States	24.18	10.14	35	90	2	0
TOTAL	37.45	26.75	53	96	7	0

¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed in Table 2A concerning “Criminal Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, abus de biens sociaux (misuse of company assets), and Untreue (breach of trust based on a failure to supervise).

² The 2018 data on world GDP and world exports were provided by the Investment Division within the OECD Directorate for Financial Affairs as well as the OECD Economics Department.

³ For **Germany**: The liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

⁴ For **Norway**: Sanctions on the individual and legal persons are for the offence of “trading in influence”.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹

(1999 to December 2018)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP ²	% share of world exports ²	Sanctioned		Found not liable	
			Individual	Legal Person	Individual	Legal Person
Brazil	2.25	1.11	1	1	0	0
United States	24.18	10.14	69	164	2	0
TOTAL	26.43	11.25	70	165	2	0

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under Table 2B concerning the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, abus de biens sociaux (misuse of company assets), and Untreue (breach of trust based on a failure to supervise).

² The 2018 data on world GDP and world exports were provided by the Investment Division within the OECD Directorate for Financial Affairs as well as the OECD Economics Department.

ANNEX: METHODOLOGY FOR ENFORCEMENT DATA

Collection and presentation of enforcement data

Tables 1A and 1B present data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of its law enforcement data collection exercise. It shows the number of criminal cases (in Table 1A) and administrative, and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under a non-criminal procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative, and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 44 Parties to the Anti-Bribery Convention from its entry into force in February 1999 to December 2018. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a *voluntary* basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** Unless otherwise indicated, the tables *do not include* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been imposed by the 44 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative, and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not cover* other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available here: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

www.oecd.org/corruption



2017 Enforcement of the Anti-Bribery Convention

Special focus: What happened to the public officials in sanctioned foreign bribery schemes?

OECD Working Group on Bribery

November 2018



HIGHLIGHTS

- 560 individuals and 184 entities have received criminal sanctions for foreign bribery between the time the Convention entered into force in 1999 and the end of 2017.
- At least 172 of the sanctioned individuals have been sentenced to prison for foreign bribery, including at least 11 for prison terms exceeding 5 years.
- For the 97 individuals for whom information is available on the length of (non-suspended) prison terms, 11 were for more than 5 years, 41 were in the 2-5 year range, 26 in the 1-2 year range and 19 were less than 1 year.
- Over 500 investigations are ongoing in 30 Parties.
- At least 155 criminal proceedings (against 146 individuals and 9 entities) are ongoing for foreign bribery in 11 Parties.

2017 IN A NUTSHELL

- Three countries adopted law reforms designed to support more effective anti-bribery law enforcement. Reforms include the lengthening the statute of limitations (Italy), creating corporate liability for corruption (Argentina) and reinforcing laws on anti-money laundering laws and confiscation of the proceeds of foreign bribery (Japan).
- Three Parties joined the list of jurisdictions that are known to have sanctioned foreign bribery: Brazil, Spain and Australia. This brings to 23 the total number of Parties to the Convention that have sanctioned foreign bribery at least once, but it also means that 21 Parties have never sanctioned foreign bribery.

By ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention), the Parties to the Convention pledge to work together to fight foreign bribery. Based on information provided by Parties to the Convention, this report reviews the enforcement efforts until end-2017. More information about the implementation and enforcement of the Anti-Bribery Convention is available online at www.oecd.org/corruption.

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The Parties have committed to enforcing their foreign bribery laws and to cooperating with each other in the fight against foreign bribery. This report looks at whether and how they have been living up to these commitments.

The report begins with a review of law reforms relevant for foreign bribery enforcement that were made by Parties to the Convention in the course of 2017 (Section A). It then reviews the enforcement experiences of the Parties over the period starting with the entry into force of the Anti-Bribery Convention in 1999 to the end of 2017 (Section B). The report draws on a database on foreign bribery enforcement that the OECD Working Group on Bribery (WGB) has been developing since 2009. Section C provides tables summarising the enforcement data contributed by the 43 WGB members whose legislation implementing the Convention had entered into force by the end of 2017.¹

The report's overall finding on enforcement continues to be one of highly variable outcomes, with some Parties showing active enforcement and others essentially none. Nevertheless, although progress is slow and uneven, a growing number of countries are now enforcing their foreign bribery laws.

Section D provides a special focus on the 'flip side' of enforcement actions sanctioning the supply-side of bribery. Specifically, it looks at what happened to the public officials who were on the receiving end of 55 foreign bribery cases in which supply-side sanctions were imposed by WGB members. The section shows that, although a considerable number of investigations and prosecutions targeting public officials took place, only 20% of the 55 cases ended with sanctions on one or more public officials.

A. Strengthening the legal foundations for anti-bribery enforcement

The Convention provides a robust legal foundation for countries' fight against foreign bribery. Over the past 20 years, monitoring by the WGB has motivated countries to take concrete action to fight foreign bribery and corruption, including refining anti-foreign bribery laws and enforcement practices.

A fundamental step in this process involves putting in place laws that permit effective enforcement of foreign bribery laws. If countries do not have laws that allow them to investigate and successfully prosecute perpetrators of this complex, multi-jurisdictional crime, then active and effective enforcement will not be possible. Adequate laws – including in such areas as the definition of the offence, the scope of liability for both individuals and entities (e.g. corporations), jurisdiction and statutes of limitations – are a necessary pre-condition to effective enforcement.

Although not the focus of the present report, these laws nevertheless form an essential part of the backdrop for the enforcement outcomes reported here. Box 1 highlights relevant legal reforms in Argentina, Italy and Japan that were adopted in the course of 2017. The new laws aim to strengthen the legal foundations for anti-bribery enforcement. These laws – like all of the laws relevant for foreign bribery of the Parties to the Convention – will be subjected to monitoring by the OECD WGB.

¹ Peru became the 44th Party to the Convention on 27 July 2018. For more information, see OECD Convention on Ratification Status: www.oecd.org/daf/anti-bribery/WGBRatificationStatus.pdf.

Box 1. Key law reforms adopted in 2017

Key law reforms adopted by Working Group members that are expected to enhance anti-foreign bribery law enforcement include:

- **Argentina -- legal person liability.** In November 2017, Argentina adopted a new law establishing corporate criminal liability for corruption for the first time. As defined under the law, corruption includes domestic and foreign bribery and influence peddling, as well as creating false accounts in order to hide these crimes. Companies incur liability for corruption when it is committed, directly or indirectly, with their intervention or on their behalf, in their interest or for their benefit. The Law provides for a range of sanctions: 1) fines of up to 5 times the improper benefit obtained; 2) the suspension of commercial activities; 3) loss of eligibility to participate in public tenders or bids; and 4) loss of public advantages. It also provides for a special statute of limitations of 6 years to initiate criminal action. Factors to be considered when imposing sanctions include the appropriateness of company's compliance program (whose design should reflect specific business risks); its size and economic capacity; and the amount of money involved. Furthermore, the company can completely avoid liability and administrative consequences if it spontaneously self-reports, has an adequate compliance and returns the illegal proceeds of the offense. The Law entered into force in March 2018.
- **Italy -- statute of limitations.** In June 2017, Parliament approved a law on statutes of limitation under which the first 18 months after an initial conviction will not be part of the limitations period, nor will the 18 months after a conviction is upheld if the defence takes the case to the final court of appeal.
- **Japan – proceeds of crime and money laundering.** The bill to amend the Anti-Organised Crime Law (AOCL) was adopted in June 2017 and entered into force 20 days after its adoption. The AOCL grants judges the power to confiscate proceeds of crime pertaining to serious offenses that carry a maximum penalty of four years or more imprisonment, which includes foreign bribery. The AOCL also makes it an offence to launder the proceeds of serious crimes, including the proceeds of foreign bribery.

B. Key findings on enforcement activities²

In 2017, three Parties joined the list of jurisdictions that are known to have sanctioned foreign bribery: Brazil (which sanctioned 25 individuals and 1 legal person) and Spain (which sanctioned two individuals) and Australia (which sanctioned five individuals and two legal persons). This brings to 23 the total number of WGB members that have sanctioned foreign bribery at least once.

In spite of this progress, the data indicate that 21 of the 43 Parties whose implementing legislation had entered into force by 1 January 2018 have never sanctioned an individual or an entity for foreign bribery.

The data also show that 560 individuals and 184 entities have received criminal sanctions for foreign bribery in 23 Parties between the time the Convention entered into force and the end of 2017. Out of these 23 Parties, 13 have sanctioned both companies and individuals, 8 have sanctioned only individuals, and 2 have sanctioned only companies.

Five parties have sanctioned 84 individuals and 102 entities in administrative and civil proceedings for foreign bribery.

Eleven Parties have also sanctioned 35 individuals and 97 legal persons for other offences related to foreign bribery in international business transactions (e.g. accounting offences, breach of trust, or money laundering).

² Changes were made to the methodology used to calculate Germany's enforcement data in order to align these data with those presented in the Phase 4 report. For this reason, 2017 data are not fully comparable with those of earlier years.

Although many countries limit or prohibit sharing information about investigations, some WGB members have provided estimates and additional information about investigations of the crime of foreign bribery and related offences (e.g. the number of ongoing investigations and ongoing criminal proceedings). Some also provide information on sanctions, including the size range of fines and prison terms and exclusions or limitations on access to public procurement contracts or benefits. This information, which is provided on a voluntary basis, shows the following:

- **Ongoing investigations:** In 2017, 30 Parties reported more than 500 ongoing investigations of foreign bribery and related offences in 30 Parties to the Convention. It is worth noting that each country has its own definition of what constitutes an investigation and that many countries' law enforcement authorities are barred from reporting detailed information on investigations.
- **Ongoing proceedings:** At least 155 criminal proceedings (against 146 individuals and 9 entities) are ongoing for foreign bribery in 11 Parties. In addition, there are 3 administrative proceedings involving foreign bribery for individuals and 6 involving entities.
- **Criminal sanctions for foreign bribery:** Out of the 560 individuals who received criminal sanctions for foreign bribery, details on the nature of these sanctions are available for 312 individuals³. Of these, 90 received mixed sanctions involving both prison terms and monetary penalties, 140 received only monetary penalties and 82 received only a prison term.
- **Length of prisons terms:** For the 97 individuals for whom information is available on the length of (non-suspended) prison terms, 11 were for more than 5 years, 41 were in the 2-5 year range, 26 in the 1-2 year range and 19 were less than 1 year. In addition, at least 60 individuals and 101 entities have been sanctioned in administrative and civil proceedings for foreign bribery in 4 Parties.
- **Administrative sanctions for foreign bribery:** Administrative sanctions were imposed on 84 individuals and 102 entities.

C. Comparative tables on enforcement outcomes

This section provides more detailed enforcement data by WGB member country. The data distinguish foreign bribery from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery. Enforcement data on cases against individuals and entities are recorded separately. The 'Annex on Methodology' provides further information on the data.

³ WGB members report this number on a voluntary basis and not all members provide details on sanctions. This figure covers both imposed and agreed sanctions.

Table 1A. Decisions on criminal foreign bribery cases
(1999 to December 2017)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ¹	Sanctioned (agreed or imposed)		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Argentina	0.32	0	0	0	0
Australia	1.52	5	2	0	0
Austria	0.99	1	0	4	0
Belgium	2.02	8	2	16	5
Brazil	1.17	25	0	0	0
Bulgaria	0.14	1	0	0	0
Canada	2.45	1	3	3	0
Chile	0.38	1	1	0	0
Colombia	0.24	0	0	0	0
Czech Republic	0.82	0	0	0	0
Denmark	0.83	0	0	0	0
Estonia	0.09	0	0	0	0
Finland	0.43	0	0	18	4
France	3.66	15	2	4	1
Germany ²	7.85	316	11	3	0
Greece	0.32	0	0 ³	0	0 ³
Hungary	0.63	26	0	2	0
Iceland	0.04	0	0	0	0
Ireland	1.68	0	0	0	0
Israel ⁴	0.39	0	2	0	0
Italy ⁵	2.73	12	6	5	0
Japan	4.21	10	2	0	0
Korea	3.04	10	5	5	0
Latvia	0.08	0	0	0	0
Lithuania	0.17	0	0	0	0
Luxembourg	0.58	1	0	0	0
Mexico	1.88	0	0	0	0
Netherlands	3.24	0	7	0	0
New Zealand	0.22	0	0	0	0
Norway ⁶	0.77	3	3	5	1
Poland	1.23	1	0	0	0
Portugal	0.42	0	0	0	0
Russian Federation	2.17	No information	No information	No information	No information
Slovak Republic	0.44	0	0	0	0
Slovenia	0.17	0	0	0	0

South Africa	0.54	0	0	0	0
Spain	2.02	2	0	0	0
Sweden	1.18	6	0	2	1
Switzerland ⁷	1.97	3	4	0	0
Turkey	0.99	0	0	1	0
United Kingdom ⁸	3.47	14	7	8	0
United States ⁹	9.51	99	125	4	0
TOTAL	66.96	560 persons sanctioned, including plea agreements and agreed sanctions	184 legal persons sanctioned, including plea agreements and DPAs/NPAs	80	12

¹ 2017 export data provided by the OECD Economics Department.

² For Germany: Due to a change in methodology that aligned the enforcement data in this report with the data in the Phase 4 report, the German data for 2017 are not comparable to the data reported in earlier years. Also to be noted: 1) In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. 2) Two acquittals are under appeal. 3) Sanctions include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court (Section 153a(2) Code of Criminal Procedure – CCP (Strafprozessordnung). As of Germany’s Phase 3 evaluation, it was not possible to identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data includes sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed under section 299 CC in foreign bribery cases (since the entry into force of the Convention).

³ For Greece: The liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. On 12 December 2017 of a revised version of Article 51 of the AML law came into force. It sets out a regime of liability of legal persons and which Greek authorities report as being a system of criminal liability for legal persons.

⁴ For Israel: In addition to the sanctioned legal person, an additional legal persons was sanctioned in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. Also to note: The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

⁵ For Italy: Sanctions include those imposed via non-trial resolutions. The applicable procedure for plea agreements is called “patteggiamento”. In addition to these cases, Italy initiated 16 prosecutions against natural persons and 16 prosecutions against legal person in connection with violations of the U.N. Oil-for-Food Programme. Of the 16 actions initiated against natural persons, 12 prosecutions were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions initiated against legal persons, 12 prosecutions were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals. Also to note: In Italy, the liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

⁶ For Norway: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the CPA. In addition to the sanctions on individuals, 3 prosecutorial decisions of “påtaleunntatelse” were made in application of paragraph 69 of Norway’s CPA. A decision of “påtaleunntatelse” is a penal sanction according to Norwegian Penal law under which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

⁷ In Switzerland, data are not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). In addition, the numbers reported here do not take into account the exemption from punishment according to Art. 53 of the Swiss Criminal Code (SCC) that are a means of dismissing proceedings.

⁸ For the United Kingdom: Three of the 7 sanctions on legal persons were imposed by means of a deferred prosecution agreement (DPA).

⁹ For the United States: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(1999 to December 2017)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Brazil	1.17	24	1	0	0
Germany	7.85	7	5	0	0
Japan	4.21	0	6	0	0
United Kingdom	3.47	0	10	0	0
United States ^{3,4}	9.51	53	80	0	0
TOTAL	16.71	84	102	0	0

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases". Note that some countries have criminal and administrative/ civil sanctions for foreign bribery.

² 2017 export data provided by the OECD Economics Directorate.

³ This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.

⁴ Several persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings. For Brazil, all 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(1999 to December 2017)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ²	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Australia	1.52	2	0	0	0
Belgium	2.02	0	0	1	0
Brazil	1.17	1	0	0	0
Finland	0.43	1	0	4	0
Germany ³	7.85	2	2	0	0
Italy	2.73	7	2	0	0
Netherlands	3.24	1	1	0	0
Norway ⁴	0.77	1	1	0	0
Portugal	0.42	1	1	0	0
Sweden	1.18	1	0	0	0
United Kingdom	3.47	0	1	0	0
United States	9.51	20	88	2	0
TOTAL	34.31	36	96	7	0

¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the “Criminal Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² 2017 export data provided by the OECD Economics Department.

³ In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. .

⁴ For Norway, sanctions on the individual and legal persons are for the offence of ‘trading in influence’.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹
(1999 to December 2017)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Brazil	1.17	1	1	0	0
United States	9.51	65	150	0	0
TOTAL	10.68	66	151	0	0

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² 2017 export data provided by the OECD Economics Department.

D. Special focus: What happened to the public officials who were on the receiving end of these supply-side cases?

Fighting corruption in all its forms is a top priority of the international community in general and of the OECD in particular. The OECD Working Group on Bribery (WGB) plays its part in this fight by helping its members to enact effective laws and to build enforcement capacity to combat the supply-side of foreign bribery. To have a globally effective enforcement system, however, both the sides of the bribery transaction – that is, the supply-side (i.e. the bribers) and the demand-side (i.e. the public officials) – must face genuine risks of detection, prosecution and sanctions.

If both the demand- and supply-sides of bribery face credible enforcement risks, then the overall deterrence effect of the global law enforcement system is enhanced. Both sides are more reluctant to engage in bribery because, in such situations, if one side of the bribe transaction is detected, then detection of the other side will soon follow. Thus, taken together, effective enforcement on both sides of bribery transactions can lead to mutually reinforcing outcomes.

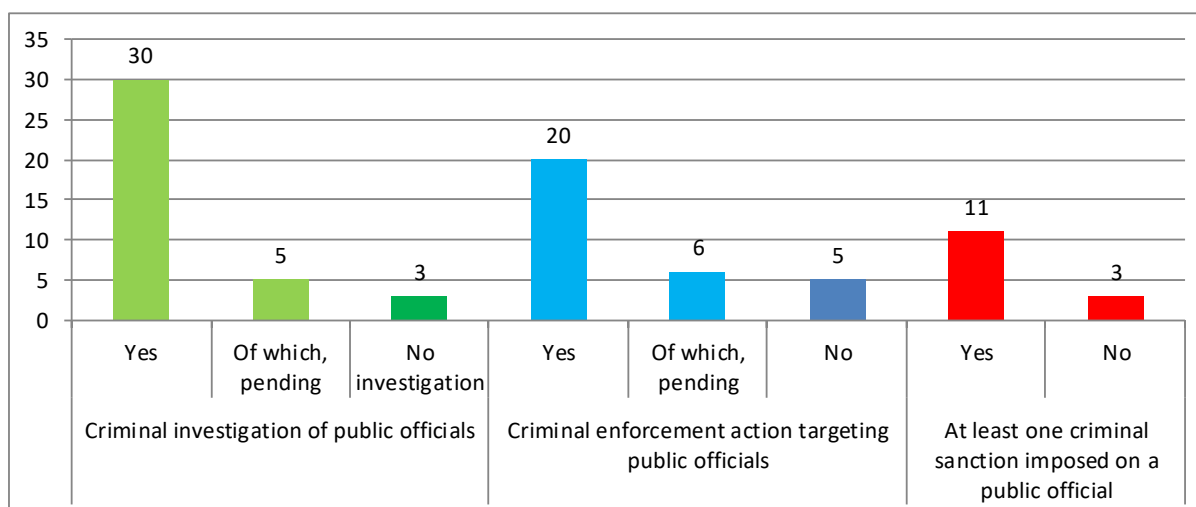
The WGB survey explores the question of whether this situation of mutual reinforcement between supply- and demand-side jurisdictions actually exists. More specifically, it asks whether there is a "flip side" to a set of 55 concluded foreign bribery cases that ended with sanctions being imposed on a supply-side participant (the briber) – that is, were the public officials involved in these schemes also sanctioned or otherwise disciplined? In order to answer this question, questionnaires were sent to members of the WGB whose public officials were on the receiving end of bribes that were sanctioned as supply side offences in other WGB members between 2008 and 2013 and 33 responses to these questionnaires were received.

The main findings of the survey are as follows:

- ***Enforcement actions do take place on the demand side, but public officials are known to have been sanctioned in only one fifth of the 55 schemes covered by the survey.*** The WGB survey shows that public officials are subjected to law enforcement actions in a considerable number of cases (Figure 1). Of the 33 cases for which specific information was provided, 30 cases involving public officials were investigated in the demand-side countries. Criminal enforcement actions (such as prosecutions) targeting at least one official were then undertaken in 20 of these cases and criminal sanctions are known to have been imposed on at least one public official in 11 cases (see Figure 2 for sanctions imposed in these 11 cases). In addition, 11 actions are still pending – five at the investigative stage and 6 at prosecutorial stage.

Figure 1. Investigation, enforcement actions and sanctions: what is the pattern?

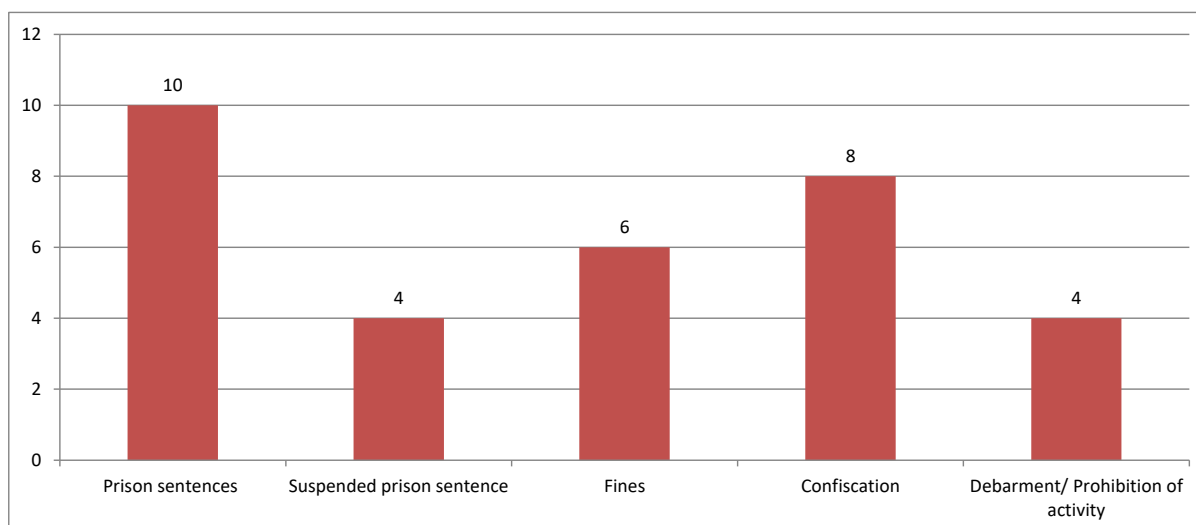
(At least one public official sanctioned of 33 completed questionnaires and a total of 55 questionnaires)



Source: OECD Working Group on Bribery questionnaire-based survey.

Figure 2. Sanctions imposed in the concluded criminal cases targeting public officials

(at least one public official was sanctioned in 11 of the 33 completed questionnaires and out of a total of 55 questionnaires)



Source: OECD Working Group on Bribery questionnaire-based survey.

- The information flow between demand- and supply side countries is unreliable and often slow.** The survey generated information about how and when the demand-side countries became aware of 28 cases. In 11 cases, the demand-side country reports becoming aware of the case almost simultaneously (within one month) with the supply-side sanction being imposed. However, the speed of information flow is uneven. For the 5 cases where the demand-side country learned of the supply side sanction after it was imposed, it took an average of 25 months for the demand-side country to become aware of the case. In 11 cases, the demand-side country was aware of the case before the supply-side sanction was imposed.

- ***Exchange of information between demand- and supply-side enforcement authorities was not a source of detection in this survey sample.*** None of the demand-side countries detected the bribes involving their public officials through formal or informal communications with the supply-side enforcement authorities. This could be considered to be a surprising result, given that law enforcement officials in the WGB communicate regularly at the Group's meetings.
- ***The media plays a major role in international information flow as direct communication between supply and demand-side enforcement authorities is rarely a source of detection.*** The media were a major source of detection for the demand-side authorities (they were the source in 14 cases). Other sources of detection on the demand side were: reports by government institutions (4 cases); self-reporting by the offender (2 cases) and whistleblowers (2 cases).
- ***Sanctioning public officials for bribery poses the same enforcement challenges as sanctioning supply-side bribers.*** When public officials were not sanctioned, the survey responses often attribute it to standard problems encountered in criminal law enforcement: insufficient evidence (5 cases) and statute of limitations (4 cases). In one case no sanctions were imposed because the "effects of some offences on society were insignificant" and in another because key documents disappeared from the Ministry associated with the bribe. Finally, in 2 cases, sanctions were not imposed because the payments in question were not deemed to be illegal under the demand-side country's law. Finally, the machinery of justice appears to be quite slow in some countries. As noted above, 5 of the cases are still pending at the stage of investigation and 6 at the stage of prosecution, despite the fact that the cut-off date for the sample was 2013.
- ***Demand-side actions were pursued mainly under criminal law; reported disciplinary actions under administrative law were rare.*** The survey questionnaire also asked about disciplinary actions directed at public officials. In 4 cases, public officials were targeted by non-criminal tax measures, some of which are still pending. In another case, two SOE employees were suspended from their positions, while, in another, a disciplinary procedure is described as pending and awaiting the outcome of criminal proceedings. This comparatively low number (relative to the number of actions taken under criminal law) may reflect more restrictive publication policies for disciplinary actions taken under administrative law or differential access to information on criminal versus administrative action for the individuals filling out the questionnaire.

ANNEX ON METHODOLOGY FOR ENFORCEMENT DATA

Collection and presentation of enforcement data

Tables 1A and 1B present all data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data collection exercise described above. It shows the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 41 Parties to the Anti-Bribery Convention from its entry into force to December 2017. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a voluntary basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** The tables do *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been ordered in the 41 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not* cover other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available here: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

www.oecd.org/corruption



2016 Data on Enforcement of the Anti-Bribery Convention

Special focus on international co-operation

OECD Working Group on Bribery

November 2017



HIGHLIGHTS

- 443 individuals and 158 entities have been sanctioned in criminal proceedings for foreign bribery between the time the Convention entered into force in 1999 and the end of 2016.
- At least 125 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 53 individuals and 95 entities have been sanctioned in administrative and civil proceedings for foreign bribery in 4 Parties.
- At least 121 individuals and 235 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money laundering or false accounting, in 8 Parties.
- Over 500 investigations are ongoing in 29 Parties. Prosecutions are ongoing against 125 individuals and 19 entities in 11 Parties for offences under the Convention.

2016 IN A NUTSHELL

- Countries appear to be cooperating more on foreign bribery cases, with press releases showing more than 40% of the resolutions in US foreign bribery cases involved co-operation with foreign law enforcement agencies, well up from 10 years ago.
- Three countries adopted key law reforms that are expected to support more effective anti-bribery law enforcement. Reforms include the introduction of negotiated settlements, broadened jurisdiction, enhanced whistle-blowers' protection and amended laws on the liability of legal persons.
- Two countries – Austria and Israel – were added to the list of WGB members that have imposed sanctions for foreign bribery. Nevertheless, 22 WGB members have never imposed a sanction for foreign bribery.

By ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention), the Parties to the Convention pledge to work together to fight foreign bribery. Based on information provided by Parties to the Convention, this report reviews the enforcement efforts until end-2016. More information about the implementation and enforcement of the Anti-Bribery Convention is available online at www.oecd.org/corruption.

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The Parties to the Convention on Combating Bribery of Public Officials in International Business Transactions (henceforth, the Convention) have committed to enforcing their foreign bribery laws and to cooperating with each other in the fight against foreign bribery. This report sheds light on how they have been living up to these commitments in the area of enforcement of anti-bribery laws.

The report begins with a review of law reforms made by Parties in 2016 that may influence enforcement outcomes (Section A). It then reviews the enforcement experiences of the Parties over the period starting with the entry into force of the Convention on Combating Bribery of Public Officials in 1999 to the end of 2016 (Section B). This is based on a database on foreign bribery enforcement that the OECD Working Group on Bribery (WGB) has been collecting since 2009.

The review shows that the enforcement outcomes have been highly variable among Parties, with some showing active enforcement and others essentially no enforcement. Section C provides tables summarising the enforcement data contributed by the 41 WGB members whose legislation implementing the Convention had entered into force by the end of 2016.¹ These data show that, although progress is slow and uneven, a growing number of countries are now actively enforcing their foreign bribery laws. Section D of the report describes the emerging trend toward international co-operation in anti-bribery enforcement and toward multi-jurisdictional cases. This trend is an encouraging development in anti-bribery enforcement, one that is actively supported and advanced by WGB projects.

A. Strengthening the legal foundations for anti-bribery enforcement

The Convention creates a solid legal foundation for countries' fight against foreign bribery. Over the past 18 years, monitoring by the WGB has motivated countries to take concrete action to fight foreign bribery and corruption, including refining anti-foreign bribery laws and enforcement practices.

A fundamental step in this process involves establishing a legal framework that permits effective enforcement of foreign bribery laws. If countries do not have laws in place that allow them to investigate and successfully prosecute perpetrators of this complex, multi-jurisdictional crime, then active and effective enforcement will not be possible. Adequate laws – including in such areas as the definition of the offence, the scope of liability for both individuals and entities (e.g. corporations), jurisdiction and statutes of limitations – are a necessary pre-condition to effective **enforcement**.

Although not the main focus of the present report, these laws are nevertheless an essential part of the backdrop for the enforcement outcomes reported here. Box 1 highlights legal reforms that were adopted in 2016 and that are expected to support more active enforcement of foreign bribery laws. The new laws in France, the Netherlands and the Slovak Republic aim to strengthen the legal foundations for anti-bribery enforcement. These new laws – like all of the laws relevant for foreign bribery of the WGB members – will be monitored by the WGB in order to determine whether further adjustments are needed and to learn from these countries' experiences.

¹ See OECD Convention on Ratification Status as of May 2017, www.oecd.org/daf/anti-bribery/WGBRatificationStatus.pdf.

Box 1. Key law reforms adopted in 2016

Key law reforms adopted by Working Group members that are expected to enhance anti-foreign bribery law enforcement include:

France. The *Loi Sapin II*, adopted in December 2016, seeks to promote transparency, anti-corruption and the modernisation of the economy. Specific measures include: creation of a national anti-corruption agency; the introduction of new negotiated settlements similar to deferred prosecution agreements; new or redefined offences and penalties; a requirement that companies with more than 500 employees establish and implement anti-corruption compliance measures. Several elements of this new law reflected pressure applied by the WGB in the course of its monitoring of the French legal framework relevant for foreign bribery.

Netherlands. The Dutch Whistleblower Authority Act (*Wet Huis voor Klokkeluiders*) entered into force on 1 July 2016. The purpose of the Act is to improve ways to report a concern about wrongdoing within organisations and to offer better protection to those who do so. The Act also provides for the establishment of a Whistleblower Authority which can provide advice to those who have concerns about possible wrongdoing. The Whistleblower Authority can also carry out investigations as a result of a report about wrongdoing.

Slovak Republic. A new Law on the Criminal Liability of Legal Persons entered into force on 1 July 2016. The law aims to respond to WGB recommendations that the Slovak Republic establish the liability of legal persons for bribery of a foreign public official. Also entering into force were amendments to the Slovak Republic's foreign bribery offence, which seek *inter alia* to address WGB recommendations to amend the definition of foreign public official.

B. Key findings on enforcement activities

Two Parties have recently joined the list of jurisdictions that have sanctioned foreign bribery: Austria (which sanctioned an individual²) and Israel (which sanctioned a legal person in 2016). This brings to 20 the total number of WGB members that have sanctioned foreign bribery at least once.

In spite of this progress, the data indicate that 21 of the Parties whose implementing legislation has entered into force have never sanctioned an individual or an entity for foreign bribery.

The data also show that 443 individuals and 158 entities have been sanctioned under criminal proceedings for foreign bribery in 20 Parties between the time the Convention entered into force and the end of 2016. Out of these 20 Parties, 11 have sanctioned both companies and individuals, 7 have sanctioned only individuals, and 2 have sanctioned only companies.

Four parties have sanctioned 53 individuals and 95 entities in administrative and civil proceedings for foreign bribery.

Eight Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, including accounting offences, breach of trust, or money laundering).

Although many countries limit or prohibit sharing information about investigations, many countries have provided estimates and additional information about investigations of the crime of foreign bribery and related offences (e.g. the number of ongoing investigations and ongoing criminal proceedings). Some have also voluntarily provided information on sanctions, including the size

² This individual was an intermediary in an arms deal. He was sanctioned in 2013.

range of fines and prison terms and exclusions or limitations on access to public procurement contracts or benefits. This voluntary information shows the following:

- **Ongoing investigations:** In 2016, there were over 500 ongoing investigations of foreign bribery in 29 Parties to the Anti-Bribery Convention. This is an increase of about 100 investigations, relative to the 2015 data. In addition, at least 87 investigations in 8 countries involved books and records, internal controls and money laundering with foreign bribery as a predicate offence. It is worth noting that each country has its own definition of what constitutes an investigation and that, as mentioned earlier, many countries are legally barred from reporting detailed information on investigations.
- **Criminal proceedings:** At least 144 criminal proceedings (against 125 individuals and 19 entities) are ongoing in 12 Parties. Again, this is an increase over the 2015 numbers, where a total of 128 criminal proceedings were reported against 115 individuals and 13 entities.
- **Prison terms:** Out of the 441 individuals sanctioned³ for foreign bribery under criminal proceedings, at least 125 individuals have been sentenced to prison terms in 11 Parties. Some Parties provided information on the length of the sentences. For the non-suspended sentences where information is available, 5 were for prison terms of more than 5 years, 19 were for less than 1 year and 41 were in the 1-5 year range.

C. Comparative tables on enforcement outcomes

This section provides more detailed, country-by-country enforcement data. The data distinguish foreign bribery from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery. Enforcement data on cases against individuals and entities are recorded separately. The ‘Annex on Methodology’ provides further information on the data.

³ This number includes both imposed and agreed sanctions.

Table 1A. Decisions on criminal foreign bribery cases
(1999 to December 2016)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ¹	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Argentina	.32	0	0	0	0
Australia	1.52	0	0	0	0
Austria	.99	1	0	2	0
Belgium	2.02	7	2	6	0
Brazil	1.17	0	0	0	0
Bulgaria	.14	1	0	0	0
Canada	2.45	1	3	0	0
Chile	.38	1	1	0	0
Colombia	.24	0	0	0	0
Czech Republic	.82	0	0	0	0
Denmark	.83	0	0	0	0
Estonia	.09	0	0	0	0
Finland	.43	0	0	18	4
France	3.66	8	0	4	1
Germany	7.85	57 (+187 agreed sanctions) ²	13 ³	3	0
Greece	.32	0	0	0	0
Hungary	.63	26	0	2	0
Iceland	.04	0	0	0	0
Ireland	1.68	0	0	0	0
Israel ⁴	.39	0	1	0	0
Italy	2.73	11 (including plea agreements ⁵)	5 (including plea agreements ⁵)	5	0
Japan	4.21	10	2	0	0
Korea	3.04	19	6	0	0
Latvia	.07	0	0	0	0
Luxembourg	.58	1	0	0	0
Mexico	1.88	0	0	0	0
Netherlands	3.24	0	1 (+3 out of court settlements)	0	0
New Zealand	.22	0	0	0	0
Norway	.77	3 (+3 decisions of "påtaleunnlatelse" ⁶)	3 (including penalty notices ⁷)	5	1
Poland	1.23	1	0	0	0
Portugal	.42	0	0	0	0
Russian Federation	2.17	No information	No information	No information	No information
Slovak Republic	.44	0	0	0	0
Slovenia	.17	0	0	0	0

South Africa	.54	0	0	0	0
Spain	2.02	0	0	0	0
Sweden	1.18	6	0	1	1
Switzerland ⁸	1.97	6	4	4	0
Turkey	.99	0	0	1	0
United Kingdom	3.47	12	3 (+2 DPAs)	7	0
United States ⁹	9.51	81 (+1 DPA/NPA)	42 (+67 DPAs/NPAs ¹⁰)	4	0
TOTAL	70.98	443 persons sanctioned, including plea agreements and agreed sanctions	158 legal persons sanctioned, including plea agreements and DPAs/NPAs	62	7

¹ 2016 export data provided by the OECD Economics Directorate.

² Sanctions ordered by the application of paragraph 153a of the German Code of Criminal Procedure.

³ In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

⁴ The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

⁵ The applicable procedure is called "patteggiamento".

⁶ Prosecutorial decisions of "påtaleunntatelse" taken in application of paragraph 69 of Norway's CPA. A decision of "påtaleunntatelse" is a penal sanction according to Norwegian Penal law and implies an admission of guilt from the accused person. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

⁷ These legal persons have been sanctioned (to both a fine and confiscation measures) through penalty notices under Chapter 20 of the Criminal Procedure Act (CPA). Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the CPA.

⁸ In Switzerland, data are not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). In addition, the numbers reported here do not take into account the exemption from punishment according to Art. 53 of the Swiss Criminal Code (SCC) that are a means of dismissing proceedings.

⁹ This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured.

¹⁰ "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US Department of Justice and the persons sanctioned.

Table 1B. Decisions on administrative and civil foreign bribery cases¹
(1999 to December 2016)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	7.85	2	2	0	0
Japan	4.21	0	6	0	0
United Kingdom	3.47	0	10	0	0
United States ³	9.51	51	77 (+2 DPA/NPA)	0	0
TOTAL	---	53 (including settlements)	95 (including settlements)	0	0

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".

² 2016 export data provided by the OECD Economics Directorate.

³ This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.

⁴ Several persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

Table 2A. Decisions on criminal cases for other offences related to foreign bribery¹
(1999 to December 2016)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ²	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Finland	0.43	1	0	4	1
Germany	7.85	22 (+12 agreed sanctions)	3	1	0
Italy	2.73	6	2 (including plea agreement)	0	0
Netherlands	3.24	0	1 agreed sanction	0	0
Sweden	1.18	1	0	0	0
Switzerland	1.97	0	2	1	0
United Kingdom	3.47	0	1	0	0
United States	9.51	14	20 (including plea agreements +65 DPAs/NPAs)	2	0
TOTAL	30.38	56	94	8	1

¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the "Criminal Sanctions for Other Offences Related to Foreign Bribery". "Other offences related to foreign bribery" includes offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² 2016 export data provided by the OECD Economics Department.

Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery¹
(1999 to December 2016)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	7.85	4	0	0	0
United States	9.51	61	138 (+3 DPAs/NPAs)	0	0
TOTAL	17.36	65	141	0	0

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the "Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery". "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

²¹ 2016 export data provided by the OECD Economics Department.

D. Special focus: International co-operation in anti-bribery law enforcement

1. Article 9 of the Convention commits Parties to providing “prompt and effective legal assistance to another Party.”⁴ Foreign bribery enforcement actions undertaken in 2016 suggest that such co-operation is becoming a reality. OECD data on completed cases that ended with a sanction for foreign bribery show that, for the 26 bribery schemes⁵ in the database, 11 were based on investigations that benefitted from publicly-acknowledged co-operation across international borders.

2. More insights on international co-operation in foreign bribery law enforcement can be found in the detailed press releases available on the websites of the US Department of Justice (DOJ) and the US Securities and Exchange Commission (SEC). This information suggests that, at least for these two law enforcement authorities, co-operation has increased dramatically over the last 10 years. In 2016, 42% of the bribery schemes whose resolutions are described on the DOJ and SEC websites involved international co-operation. This percentage is calculated by examining all the explicit acknowledgements of foreign law enforcement authorities contained in the DOJ and SEC press releases for 2016. The full list of the 2016 press releases’ references to foreign law enforcement authorities and financial supervisory authorities is presented in Box 2. Of the 31 foreign, cooperating government institutions that were mentioned in these press releases, 13 were judicial/enforcement institutions and 18 were financial supervisors.⁶ This is in marked contrast to the situation in 2006. In that year, DOJ and SEC press releases for only 1 out of 13 foreign bribery schemes sanctioned that year acknowledged foreign law enforcement authorities.⁷

3. This co-operation is based on both on formal institutional arrangements for the coordination of law enforcement activities⁸ (e.g. signing mutual legal assistance treaties) and on the human/social connections across the various law enforcement communities in order to facilitate contacts and communication. The WGB hosts biannual meetings of law enforcement authorities that support both formal and informal co-operation.

⁴ The complete text of Article 9 is: “1. Each Party shall, to the fullest extent possible under its laws and relevant treaties and arrangements, provide prompt and effective legal assistance to another Party for the purpose of criminal investigations and proceedings brought by a Party concerning offences within the scope of this Convention and for non-criminal proceedings within the scope of this Convention brought by a Party against a legal person. The requested Party shall inform the requesting Party, without delay, of any additional information or documents needed to support the request for assistance and, where requested, of the status and outcome of the request for assistance. 2. Where a Party makes mutual legal assistance conditional upon the existence of dual criminality, dual criminality shall be deemed to exist if the offence for which the assistance is sought is within the scope of this Convention. 3. A Party shall not decline to render mutual legal assistance for criminal matters within the scope of this Convention on the ground of bank secrecy.”

⁵ The Oxford English Dictionary defines ‘scheme’ as a “systematic plan or arrangement for attaining some particular object or putting a particular idea into effect.” Foreign bribery can involve multiple individuals and corporate defendants, various intermediaries and offshore transactions. A bribery scheme refers to what may be a series of crimes by various natural and legal persons (possibly involving separate prosecutions and resolutions) that are linked by planning, coordination and/or objectives, <https://en.oxforddictionaries.com/definition/scheme>.

⁶ These numbers may not add up to the references in Box 2 because several law enforcement agencies and financial supervisory authorities are mentioned several times in the press releases.

⁷ The references in this press release were to the Costa Rican Office of the Attorney General and the Fiscalía de Delitos Economicos, Corrupcion y Tributarios in Costa Rica.

⁸ More information about OECD work on mutual legal assistance, www.oecd.org/corruption/typologyonmutuallegalassistanceinforeignbriberycases.htm. See also: Typology on Mutual Legal Assistance in Foreign Bribery Cases, www.oecd.org/daf/anti-bribery/TypologyMLA2012.pdf.

4. Other examples of cross-jurisdiction interaction among law enforcement authorities can be found in the multi-jurisdictional bribery cases involving foreign bribery. A multi-jurisdictional case is one in which prosecutions for foreign bribery are brought in more than one country for related acts of foreign bribery; i.e. in relation to the same bribery scheme. Of the 6 multi-jurisdictional cases in the WGB database, 4 involved at least one resolution in one or more jurisdictions in 2016.⁹ The other two involved first resolutions in 2004¹⁰ and 2008.¹¹ These 6 cases related to foreign bribery or associated offences by very large multinational enterprises with extensive, global networks for marketing and production. In all six cases, the bribe amounts were large and resolutions totalled in the hundreds of millions of USD. All six of these cases involved US enforcement authorities. Brazil, Germany and Switzerland were each involved in two cases and Norway, Netherlands and the United Kingdom in one.

5. With respect to co-operation across jurisdictions, the multi-jurisdictional cases raise complex issues relating to how investigations and prosecutions in different jurisdictions are to be coordinated. For example:

- How do the procedural rules for investigations, information sharing and attorney-client privilege interact across jurisdictions?
- How are financial and non-financial sanctions determined and shared between jurisdictions?

For the time being, publicly available information suggests that these jurisdictions have been able to address coordination issues, presumably by relying on a spirit of co-operation and existing legal principles. However, further consideration of the law enforcement issues raised by multi-jurisdictional cases will be followed closely by the WGB as part of its ongoing monitoring work.

6. The activities of the WGB facilitate international co-operation in law enforcement. For the last ten years, the law enforcement officials of the members of the Working Group on Bribery have been meeting twice a year in a confidential setting to share experiences and information on anti-foreign bribery enforcement. In these meetings, practitioners discuss practical challenges encountered in investigating and prosecuting foreign bribery, share good practices and nurture social relationships that can enhance international co-operation.¹²

⁹ For the 2016 cases, one multi-jurisdictional case involved one resolution in the Netherlands and 3 resolutions in the United States in 2016; a second multijurisdictional case involved one resolution in Brazil and 2 resolutions in the United States in 2016; a third case involved 2 resolutions in Germany and 1 in the United States in 2016 (and in the United Kingdom a resolution in 2017). A fourth multijurisdictional case involved two resolutions in Brazil, 1 in Switzerland and 1 in the United States in 2016 (this case also involved 2 resolutions in the United States in 2017).

¹⁰ Defendants in a Norwegian company's foreign bribery scheme were resolved in Norway in 2004 and in United States in 2006.

¹¹ Defendants in a German companies' foreign bribery scheme were resolved in the United States in 2008, in Germany between 2007 and 2011, and in Switzerland in 2013.

¹² This report was prepared with the valuable research assistance of Sara Brimbeuf working as an Intern for the OECD Anti-Bribery Division.

Box 2. International co-operation in FCPA enforcement – Foreign law enforcement and financial regulatory institutions whose co-operation is acknowledged in 2016 DOJ and SEC FCPA press releases

Austria. Financial Market Authority. Law enforcement colleagues.

Belgium. Law enforcement colleagues.

Brazil. Ministerio Publico Federal. Federal Prosecution Service, the Federal Police, Comissão de Valores Mobiliários.

Canada. Royal Canadian Mounted Police

Cayman Islands. Monetary Authority

Cyprus¹³. Securities and Exchange Commission

Denmark. State Prosecutor.

Estonia. Finantsinspektsioon (Financial Supervisory Authority)

France. Financial Markets Authority. Law enforcement colleagues.

Finland. Financial Supervisory Authority.

Gibraltar. Financial Services Commission

India. Securities and Exchange Board

Ireland. Law enforcement colleagues.

Latvia. Financial and Capital Market Commission; Corruption Prevention and Combating Bureau.

Liechtenstein. Federal Market Authority.

Luxembourg. Law enforcement colleagues

Malta. Financial Services Authority. Judicial authorities.

Mexico. Office of the Attorney General..

Netherlands. OM (Netherlands Prosecution Service)

Portugal. Security Market Commission

South Africa. Financial Services Board.

Spain. Comisión Nacional del Mercado de Valores.

Sweden. Prosecution Authority

Switzerland. Ministry of Justice. Office of the Attorney General. Federal Office of Justice. Financial Market Supervisory Authority (FINMA).

United Kingdom. Financial Conduct Authority; Serious Fraud Office. Law enforcement colleagues.

UK Crown Dependencies and Overseas Territories. British Virgin Islands -- Financial Services Commission; the Central Authority. Guernsey -- Financial Services Commission. Jersey Financial Services Commission.

Uruguay. Banco Central del Uruguay,

¹³

Footnote by Turkey: “The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognizes the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of United Nations, Turkey shall preserve its position concerning the ‘Cyprus’ issue”. Footnote by all the European Union Member States of the OECD and the European Commission: The Republic of Cyprus is recognized by all members of the United Nations with the exception of Turkey. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.”

ANNEX ON METHODOLOGY

Collection and presentation of enforcement data

Tables 1A and 1B present all data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data collection exercise described above. It shows the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 41 Parties to the Anti-Bribery Convention from its entry into force to December 2016. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a voluntary basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** The tables do *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been ordered in the 41 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not* cover other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available here: www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf.

www.oecd.org/corruption



2015 Data on Enforcement of the Anti-Bribery Convention

OECD Working Group on Bribery
November 2016



HIGHLIGHTS

- 397 individuals and 133 entities have been sanctioned in criminal proceedings for foreign bribery in 17 Parties between the time the Convention entered into force in 1999 and the end of 2015.
- At least 115 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 51 individuals and 77 entities have been sanctioned in administrative and civil proceedings for foreign bribery in 4 Parties.
- At least 116 individuals and 209 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money laundering or false accounting, in 9 Parties.
- Approximately 302 investigations are ongoing in 28 Parties. Prosecutions are ongoing against 115 individuals and 13 entities in 11 Parties for offences under the Convention.

2015 IN A NUTSHELL

- 37 individuals and 7 entities were sanctioned under criminal proceedings for foreign bribery in 2015. At least 8 individuals and 6 entities were sanctioned in administrative and civil proceedings for foreign bribery in 2015.
- At least 25 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 16 individuals and 9 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money-laundering or accounting, in 3 Parties.

By ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention), the Parties to the Convention pledge to work together to fight foreign bribery. Based on information provided by Parties to the Convention, this report reviews the enforcement efforts until end-2015. More information about the implementation and enforcement of the Anti-Bribery Convention is available online at www.oecd.org/corruption.

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Key Findings

To date, almost all Parties to the Convention have provided data on their enforcement activities. The data covers countries that account for more than 63.1% of world trade.

The data indicate that 24 of the 41 Parties to the Convention have never sanctioned an individual or an entity for foreign bribery since the Convention entered into force in 1999.

The data also show that 397 individuals and 133 entities have been sanctioned under criminal proceedings for foreign bribery in 17 Parties between the time the Convention entered into force and the end of 2015. Out of these 17 Parties, 10 have sanctioned both companies and individuals, 6 have sanctioned only individuals, and 1 has sanctioned only companies.

4 parties have sanctioned 51 individuals and 77 entities in administrative and civil proceedings for foreign bribery.

9 Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, including accounting offences, breach of trust, or money laundering).

Parties to the Convention have also voluntarily provided additional information not included in the tables below, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits. This voluntary information shows the following:

- **Ongoing investigations:** There are over 302 ongoing investigations in 29 Parties to the Anti-Bribery Convention. No investigation is ongoing in 5 other Parties. The 8 remaining Parties have not provided information. It is worth noting that each country has its own definition of what constitutes an investigation.
- **Criminal proceedings:** Over 128 criminal proceedings (against 115 individuals and 13 entities) are ongoing in 11 Parties. Fourteen Parties have reported that no criminal proceedings are ongoing. The 16 remaining Parties have not provided information.
- **Prison terms:** Out of the 397 individuals sanctioned for foreign bribery under criminal proceedings, at least 115 individuals have been sentenced to prison terms in 11 Parties.

The data for the year 2015 show that 37 individuals were sanctioned during the year under criminal proceedings for foreign bribery. At least 25 of the sanctioned individuals received prison sentences. At least 8 individuals and 6 entities were sanctioned in administrative and civil proceedings for foreign bribery. At least 16 individuals and 9 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money laundering or accounting, in 3 Parties.

About the Working Group on Bribery Enforcement Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or

acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (e.g. ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (e.g. ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (e.g. prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement). The enforcement data provided on a voluntary basis also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

Comparative Tables on Enforcement Data Collected from the 41 Parties to the Anti-Bribery Convention

The data distinguishes foreign bribery from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery. Enforcement data on cases against individuals and entities are recorded separately. The Annex provides further information on the methodology of data collection.

Table 1A. Decisions on Criminal Foreign Bribery Cases
(1999 to December 2015)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ¹	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Argentina	0.3	0	0	0	0
Australia	1.1	0	0	0	0
Austria	0.9	0	0	0	0
Belgium	1.7	4 (+4 under appeal)	2	4 (+1 under appeal)	0
Brazil	1	0	0	0	0
Bulgaria	0.1	1	0	0	0
Canada	2.3	1	3	0	0
Chile	0.3	0	0	0	0
Colombia	0.2	0	0	0	0
Czech Republic	0.7	0	0	1	0
Denmark	0.7	0	0	0	0
Estonia	0.1	0	0	0	0
Finland	0.4	2 under appeal	1 under appeal	16	3
France	3.5	7(+1 under appeal)	0	4	1
Germany	7.4	56 (+171 agreed sanctions) ²	12 ³	3	0
Greece	0.3	0	0	0	0
Hungary	0.5	26	0	2	0
Iceland	0	0	0	0	0
Ireland	1.4	0	0	0	0
Israel ⁴	0.4	0	0	0	0
Italy	2.6	10, including plea agreements ⁵ + 1 under appeal	4, including plea agreements ⁵ + 1 under appeal	4	0

Party to the Convention	% share of world exports ¹	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Japan	3.7	10	2	0	0
Korea	3	16	4	0	0
Latvia	0.1	0	0	0	0
Luxembourg	0.5	2	0	0	0
Mexico	1.9	0	0	0	0
Netherlands	2.9	0	2 agreed sanctions	0	0
New Zealand	0.2	0	0	0	0
Norway	0.7	2 (+3 decisions of "påtaleunntatelse" ⁶)	3, including penalty notices ⁷	2	1
Poland	1.1	1	0	0	0
Portugal	0.4	0	0	0	0
Russian Federation	1.8				
Slovak Republic	0.4	0	0	0	0
Slovenia	0.2	0	0	0	0
South Africa	0.5	0	0	0	0
Spain	1.9	0	0	0	0
Sweden	1	5	0	0	0
Switzerland ⁸	1.9	2 (+3 reparation procedures ⁹)	1(+1 reparation procedure ⁹)	0	1
Turkey	0.9	0	0	1	0
United Kingdom	3.7	10	2+1DPA	7	0
United States ¹⁰	10.4	67, including plea agreements, (+1 under appeal)	37, including plea agreements (+59 DPAs/NPAs ¹¹)	4	0
TOTAL	63.1	397 persons sanctioned, including plea agreements and agreed sanctions (+ 9 persons sanctioned under appeal)	133 legal persons sanctioned, including plea agreements and DPAs/NPAs (+ 2 under appeal)	48	6

¹ 2015 export data provided by the OECD Economics Directorate.

² Sanctions ordered by the application of paragraph 153a of the German Code of Criminal Procedure.

³ In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

⁴ The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

⁵ The applicable procedure is called patteggiamento.

⁶ Prosecutorial decisions of "påtaleunntatelse" taken in application of paragraph 69 of Norway's CPA. A decision of "påtaleunntatelse" is a penal sanction according to Norwegian Penal law and implies an admission of guilt from the accused person. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

⁷ These legal persons have been sanctioned (to both a fine and confiscation measures) through penalty notices under Chapter 20 of the Criminal Procedure Act (CPA). Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the CPA

⁸ In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). There may be other investigations underway, which the cantons have not reported following a survey conducted in 2011

⁹ Article 53CC provides that when the defendant has compensated the damage or taken all efforts that could be reasonably expected to rectify the wrong that he or she has caused, the competent authority will desist from prosecution, from bringing the matter to a trial or from punishment: a) if the conditions for suspension sentence are satisfied (article 42) and b) if the public interest and the interest of the victim in a criminal prosecution of the defendant are insignificant.

¹⁰ This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured.

¹¹ "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned

Table 1B. Decisions on Administrative and Civil Foreign Bribery Cases¹
(1999 to December 2015)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	7.4	2	2	0	0
Japan	3.7	0	6	0	0
United Kingdom	3.7	0	1	0	0
United States ³	10.4	49, including settlements ⁴	68, including settlements ⁴	0	0
TOTAL	---	51, including settlements	77, including settlements	0	0

¹ Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".

² 2015 export data provided by the OECD Economics Directorate.

³ This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.

⁴ Several persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

Table 2A. Decisions on Criminal Cases for Other Offences Related to Foreign Bribery¹
(1999 to December 2015)

Number of individuals and legal persons sanctioned or acquitted					
Party to the Convention	% share of world exports ²	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Australia	0.9	1	0	0	0
Finland	0.4	4	0	0	1
Germany	7.4	20 (+12 agreed sanctions)	3	1	0
Italy	2.6	2	1, including plea agreement	0	0
Netherlands	2.9	0	1 agreed sanction	0	0
Sweden	1	1	0	0	0
Switzerland	1.9	1 (+13 settlements)	0	0	0
United Kingdom	3.7	0	1	0	0
United States	10.4	4, including plea agreements	20, including plea agreements (+57 DPAs/NPAs)	2	0
TOTAL	10.4	4, including plea agreements	20, including plea agreements (+57 DPAs/NPAs)	2	0

¹ Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the "Criminal Sanctions for Other Offences Related to Foreign Bribery". "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

² 2015 Export data provided by the OECD Economics Department.

Table 2B. Decisions on Administrative/Civil Cases for other Offences Related to Foreign Bribery¹
(1999 to December 2015)

Number of individuals and legal persons sanctioned or found not liable					
Party to the Convention	% share of world exports ²	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	7.4	4	0	0	0
United Kingdom	3.7	0	9		
United States	10.4	54, including settlements	117, including settlements	0	0
TOTAL					

¹ Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the "Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery". "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

²¹ 2015 export data provided by the OECD Economics Department.

Collection and Presentation of WGB Enforcement Data

Tables 1A and 1B present all data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data collection exercise described above. That is it shows the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The Tables record the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 41 Parties to the Anti-Bribery Convention from its entry into force to December 2015. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The Tables also include data provided on a voluntary basis concerning the number of foreign bribery cases that have been resolved through agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others allegedly involved in the same case.
- **What is not included in the Tables.** The Tables do *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been ordered in the 41 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not* cover other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

ANNEX

Methodology for collection of mandatory and voluntary enforcement data

Date of data provision. For nearly all countries, data was last provided in December 2015. Exceptions are: Austria (data last provided in December 2012); Belgium (December 2014), Bulgaria (December 2014), Chile (December 2014), Iceland (December 2012) and Korea (December 2013), Luxembourg (December 2014), Norway (December 2014), the Russian Federation, Slovenia (December 2014), Spain (December 2014) and Switzerland (December 2014).

Accuracy. The OECD Secretariat has endeavoured to verify the accuracy of this information, including by using it in Phase 3 evaluations completed to date. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

Cases are counted per person, not per bribery scheme. For both the mandatory and voluntary data, cases have been counted per person (either an individual or a legal person). This means that several sanctions recorded by the same Party may concern one “case” (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction.

It is not possible to aggregate mandatory and voluntary data. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above.

Number of countries included in the sample. The data covers countries that are Parties to the Convention and the number of Parties has increased over the data collection period. While the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States’ Foreign Corrupt Practices Act (FCPA), which came into force in 1977.



Working Group on Bribery: 2014 Data on Enforcement of the Anti-Bribery Convention

Highlights from the Working Group on Bribery Enforcement Data, as of December 2014

- 361 individuals and 126 entities have been sanctioned under criminal proceedings for foreign bribery in 17 Parties between the time the Convention entered into force in 1999 and the end of 2014.
- At least 95 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 110 individuals and 200 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money-laundering or accounting, in 8 Parties.
- Approximately 393 investigations are ongoing in 25 Parties to the Anti-Bribery Convention. Prosecutions are ongoing against 142 individuals and 14 entities in 12 Parties for offences under the Convention.

2014 in a Nutshell

- 29 individuals and 15 entities were sanctioned under criminal proceedings for foreign bribery in 2014.
- At least 10 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 16 individuals and 15 entities (mainly companies) have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money laundering or accounting misconduct, in 8 Parties.

Key Findings

To date, almost all Parties to the Convention have provided data on their enforcement activities. The data covers countries that account for more than 65% of world trade. The data indicates that 24 of the 41 Parties to the Convention have never sanctioned an individual or an entity for foreign bribery since the Convention entered into force in 1999.

The data also show that 361 individuals and 126 entities have been sanctioned under criminal proceedings for foreign bribery in 17 Parties between 1999 when the Convention entered into force and the end of 2014. Out of these 17 Parties, 10 have sanctioned both companies and individuals, 6 have sanctioned only individuals, and 1 has sanctioned only companies.

Eight Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, including accounting offences, breach of trust, or money laundering).

The data for the year 2014 show that 29 individuals and 15 entities were sanctioned during the year under criminal proceedings for foreign bribery in 9 Parties. At least 16 individuals and 15 entities

have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money laundering or accounting in 8 Parties.

Parties to the Convention have also voluntarily provided additional information not included in the tables below, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits. This voluntary information shows the following:

- **Ongoing foreign bribery investigations.** There are over 393 ongoing investigations in 25 Parties to the Anti-Bribery Convention. No investigation is ongoing in 7 other Parties. The 8 remaining Parties have not provided information. It is worth noting that each country has its own definition of what constitutes an investigation.
- **Ongoing criminal proceedings involving foreign bribery charges.** Over 156 criminal proceedings (against 142 individuals and 14 entities) are ongoing in 12 Parties. Thirteen Parties have reported that no criminal proceedings are ongoing. The 16 remaining Parties have not provided information.
- **Prison sentences for foreign bribery.** Out of the 361 individuals sanctioned for foreign bribery under criminal proceedings, at least 95 individuals have been sentenced to prison terms in 13 Parties. At least 10 of the individuals sanctioned in 2014 received prison sentences.

About the Working Group on Bribery Enforcement Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (*e.g.* ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (*e.g.* ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (*e.g.* prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement). The enforcement data provided on a voluntary basis also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

Comparative Tables on Enforcement Data Collected from the 41 Parties to the Anti-Bribery Convention

The data distinguishes foreign bribery from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery. Enforcement data on cases against individuals and entities are recorded separately. The Annex provides further information on the methodology of data collection.

Table 1A. Decisions on Criminal Foreign Bribery Cases from 1999 to December 2014

		Number of individuals and legal persons sanctioned or acquitted			
Party to the Convention	% share of world exports ¹	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Argentina	0.3	0	0	0	0
Australia	1.3	0	0	0	0
Austria	1.0	0	0	0	0
Belgium	1.9	4 ²	2	4	0
Brazil	1.2	0	0	0	0
Bulgaria	0.2	1	0	0	0
Canada	2.4	1	3	0	0
Chile	0.4	0	0	0	0
Colombia	0.3	0	0	0	0
Czech Republic	0.7	0	0	1	0
Denmark	0.8	0	0	0	0
Estonia	0.1	0	0	0	0
Finland	0.4	0	0	4	0
France	3.5	7	0	2	0
Germany	8.1	45 (+164 agreed sanctions) ³	11 ⁴	2	0
Greece	0.3	0	0	0	0
Hungary	0.5	26	0	2	0
Iceland	0	0	0	0	0
Ireland	1.2	0	0	0	0
Israel ⁵	0.4	0	0	0	0

Italy	2.7	9, including plea agreements ⁶	4, including plea agreements ⁶	4	0
Japan	3.5	7	1	0	0
Korea	3.1	16	4	0	0
Latvia	0.1	0	0	0	0
Luxembourg	0.6	2	0	0	0
Mexico	1.8	0	0	0	0
Netherlands	3.1	0	2 agreed sanctions	1	0
New Zealand	0.2	0	0	0	0
Norway	0.9	2 (+3 decisions of "påtaleunntatelse" ⁷)	3, including penalty notices ⁸	2	1
Poland	1.1	1	0	0	0
Portugal	0.4	0	0	0	0
Russian Federation	2.4				
Slovak Republic	0.4	0	0	0	0
Slovenia	0.2	0	0	0	0
South Africa	0.5	0	0	0	0
Spain	1.9	0	0	0	0
Sweden	1.1	2	0	0	0
Switzerland ⁹	1.9	2 (+3 reparation procedures ¹⁰)	1(+1 reparation procedure ¹⁰)	0	1
Turkey	0.9	0	0	1	0
United Kingdom	3.6	8	2	4	0
United States ¹¹	9.9	57, including plea agreements (+1DPA)	35, including plea agreements (+57 DPAs/NPAs ¹²)	4	0
TOTAL	65.3	361 persons sanctioned, including plea agreements and agreed sanctions	126 legal persons sanctioned, including plea agreements and DPAs/NPAs	31	2

**Table 1B. Decisions on Administrative and Civil Foreign Bribery Cases
From 1999 to December 2014¹³**

		Number of individuals and legal persons sanctioned or found not liable			
Party to the Convention	% share of world exports ¹	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	8.1	2	2	0	0
Japan	3.5	0	3	0	0
United Kingdom	3.6	0	1	0	0
United States ¹⁴	9.9	41, including settlements ¹⁵	65, including settlements ¹⁵	0	0
TOTAL	---	43, including settlements	71, including settlements	0	0

- 2014 export data provided by the OECD Economics Directorate.
- This figure does not include 4 natural persons convicted in first instance in Brussels in May 2014, as well as the acquittal of 1 other natural person. An appeal is pending in this case which is not final.
- Sanctions ordered by the application of paragraph 153a of the German Code of Criminal Procedure.
- In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- The applicable procedure is called patteggiamento.
- Prosecutorial decisions of "påtaleunntatelse" taken in application of paragraph 69 of Norway's CPA. A decision of "påtaleunntatelse" is a penal sanction according to Norwegian Penal law and implies an admission of guilt from the accused person. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.
- These legal persons have been sanctioned (to both a fine and confiscation measures) through penalty notices under Chapter 20 of the Criminal Procedure Act (CPA). Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the CPA
- In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). There may be other investigations underway, which the cantons have not reported following a survey conducted in 2011.
- Article 53CC provides that when the defendant has compensated the damage or taken all efforts that could be reasonably expected to rectify the wrong that he or she has caused, the competent authority will desist from prosecution, from bringing the matter to a trial or from punishment: a) if the conditions for suspension sentence are satisfied (article 42) and b) if the public interest and the interest of the victim in a criminal prosecution of the defendant are insignificant.

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11. This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured.
 12. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
 13. Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
 14. This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
 15. Several persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

**Table 2A. Decisions on Criminal Cases for Other Offences Related to Foreign Bribery¹
from 1999 to December 2014**

		Number of individuals and legal persons sanctioned or acquitted			
Party to the Convention	% share of world exports ²	Sanctioned		Acquitted	
		Individual	Legal Person	Individual	Legal Person
Australia	1.3	1	0	0	0
Finland	0.4	4	0	0	1
Germany	8.1	20 (+10 agreed sanctions)	3	1	0
Italy	2.7	2	1, including plea agreement	0	0
Netherlands	3.1	0	1 agreed sanction	0	0
Switzerland	1.5	1 (+13 settlements)	0	0	0
United Kingdom	3.5	0	1	0	0
United States	9.9	4, including plea agreements	19, including plea agreements (+57 DPAs/NPAs)	2	0
TOTAL	---	54, including settlements	82, including settlements	3	1

**Table 2B. Decisions on Administrative/Civil Cases for other Offences Related to Foreign Bribery³
From 1999 to December 2014**

		Number of individuals and legal persons sanctioned or found not liable			
Party to the Convention	% share of world exports ⁴	Sanctioned		Found not liable	
		Individual	Legal Person	Individual	Legal Person
Germany	8.1	4	0	0	0
United Kingdom	3.5	0	9		
United States	9.9	52, including settlements	109, including settlements	0	0
TOTAL	---	56, including settlements	118, including settlements	0	0

1. Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the "Criminal Sanctions for Other Offences Related to Foreign Bribery". "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

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2. 2014 Export data provided by the OECD Economics Department.
 3. Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
 4. 2014 export data provided by the OECD Economics Department.

Methodology for Collection of Mandatory and Voluntary Enforcement Data

Presentation of WGB Enforcement Data

Tables 1A and 1B present all data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise described above. It shows the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The Tables record the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 41 Parties to the Anti-Bribery Convention from its entry into force to December 2014. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The Tables also include data provided on a voluntary basis concerning the number of foreign bribery cases that have been resolved through agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others allegedly involved in the same case.
- **What is not included in the Tables.** The Tables do *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been ordered in the 41 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Tables 2A and 2B present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set does *not* cover other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction.

Collection of WGB Enforcement Data

Accuracy. The OECD Secretariat has endeavoured to verify the accuracy of this information, including by using it in Phase 3 evaluations completed to date. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

Date of data provision. Nearly all countries last provided data in December 2014. Exceptions are: Austria (data last provided in December 2012); Greece (December 2011); Iceland (December 2012) and Korea (December 2013).

Number of countries included in the sample. The data cover countries that are Parties to the Convention and the number of Parties has increased over the data collection period. While the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States' Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

Mandatory versus Voluntary. The data are provided by Parties on either a *mandatory* or a *voluntary* basis:

- The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure.
- The voluntary data on foreign bribery enforcement includes:
 - data on investigations (e.g. ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings);
 - data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (e.g. ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and
 - data on sanctions (e.g. prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

The voluntary enforcement data also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

It is not possible to aggregate mandatory and voluntary data. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above.

Cases are counted per person, not per bribery scheme. For both the mandatory and voluntary data, cases have been counted per person (either an individual or a legal person). This means that several sanctions recorded by the same Party may concern one “case” (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction.

Sanctions The data on sanctions distinguishes sanctions upon conviction (or, where applicable, a similar finding of culpability for administrative and civil proceedings) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings) with or without court approval.

Some of the cases may under appeal. The Tables include data on foreign bribery cases that have resulted in a final disposition (decision), such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases under appeal, which means that the numbers could change depending on the outcome of any appeals against the decisions reported in the Table.



Working Group on Bribery: *2013 Data on Enforcement of the Anti-Bribery Convention*

Highlights from the Working Group on Bribery Enforcement Data, as of December 2013

- 333 individuals and 111 entities have been sanctioned under criminal proceedings for foreign bribery in 17 Parties between the time the Convention entered into force in 1999 and the end of 2013.
- At least 87 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 98 individuals and 132 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money-laundering or accounting, in 7 Parties.
- Approximately 390 investigations are ongoing in 24 Parties to the Anti-Bribery Convention. Prosecutions are ongoing against 130 individuals and 12 entities in 11 Parties for offences under the Convention.

About the Working Group on Bribery Enforcement Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group. Again this year, the Parties have agreed to publish official data for the Annual Report.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (*e.g.* ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (*e.g.* ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (*e.g.* prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement). The enforcement data provided on a voluntary basis and published in the annual report also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

In Short: Working Group on Bribery Enforcement Data¹

To date, almost all Parties to the Convention have provided enforcement data. According to data as of December 2013, 333 individuals and 111 entities have been sanctioned under criminal proceedings for foreign bribery in 17 Parties between the time the Convention entered into force in 1999 and the end of 2013. Out of these 17 Parties, 9 have sanctioned both companies and individuals, and 5 have sanctioned only individuals.

According to voluntarily provided data, at least 87 of the sanctioned individuals were sentenced to prison for foreign bribery. Seven Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, such as accounting offences, breach of trust, or money laundering). Approximately 390 investigations are ongoing in 24 Parties to the Anti-Bribery Convention.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 40 Parties to the Anti-Bribery Convention – Decisions on Foreign Bribery Cases from 1999 to December 2013

What the Table includes

The Table below contains all data that the Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). It records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery (Articles 1 and 2 of the Anti-Bribery Convention) in the 40 Parties to the Anti-Bribery Convention from its entry into force to December 2013. Latvia became a State Party to the Anti-Bribery Convention on 31 May 2014 and is therefore not included in this year's WGB enforcement data.

Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows the number of sanctions for foreign bribery and for failures to prevent foreign bribery. It does *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Table also does not record the number of sanctions that may have been ordered in the 40 Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person. This methodology implies that several sanctions recorded by the same State Party may concern one "case" (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same

1. The WGB enforcement data represents data collected from 40 Parties to the OECD Anti-bribery Convention.

person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

While the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States' Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from 40 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2013¹**

Country	Date of latest information supplied	% share of world exports (2013) ²	Number of individuals (I) and legal persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
			I	LP	I	LP
CRIMINAL CASES						
Argentina	December 2013	0.4	0	0	0	0
Australia	December 2013	1.3	0	0	0	0
Austria	December 2012	1.0	0	0	0	0
Belgium	December 2013	1.9	4	2	4	0
Brazil	December 2012	1.2	0	0	0	0
Bulgaria	December 2013	0.1	1	0	0	0
Canada	December 2013	2.4	0	3	0	0
Chile	December 2013	0.4	0	0	0	0
Colombia	-	0.3	0	0	0	0
Czech Republic	December 2013	0.7	0	0	1	0
Denmark	December 2013	0.8	0	0	0	0
Estonia	December 2012	0.1	0	0	0	0
Finland	December 2012	0.5	0	0	0	0
France	December 2013	3.3	7	0	2 ³	0
Germany	December 2013	8.1	40 (+150 agreed sanctions) ⁴	7 ⁵	1	0
Greece	December 2011	0.3	0	0	0	0
Hungary	December 2013	0.5	26	0	2	0
Iceland	December 2012	0.0	0	0	0	0
Ireland	December 2013	1.0	0	0	0	0

Israel ⁶	December 2012	0.4	0	0	0	0
Italy	December 2013	2.8	8, including plea agreements ⁷	2, including plea agreements ⁷	2	0
Japan	December 2013	3.5	7	1	0	0
Korea	December 2013	3.1	16	4	0	0
Latvia	N/A		N/A	N/A	N/A	N/A
Luxembourg	December 2013	0.5	1	0	0	0
Mexico	December 2013	1.8	0	0	0	0
Netherlands	December 2013	3.1	0	0 (+1 agreed sanction)	1	0
New Zealand	December 2013	0.2	0	0	0	0
Norway	December 2012	0.9	2	1	2	0
Poland	December 2013	1.1	1	0	0	0
Portugal	December 2013	0.4	0	0	0	0
Russian Federation	-	2.6	0	0	0	0
Slovak Republic	December 2013	0.4	0	0	0	0
Slovenia	December 2013	0.2	0	0	0	0
South Africa	December 2013	0.5	0	0	0	0
Spain	December 2013	2.0	0	0	0	0
Sweden	December 2013	1.1	2	0	0	0
Switzerland ⁸	December 2013	1.5	1 (+3 reparation procedures ⁹)	1(+1 reparation procedure ⁹)	0	1
Turkey	December 2013	0.9	0	0	2	0
United Kingdom	December 2013	3.5	6	2	2	0
United States ¹⁰	December 2013	9.9	58, including plea agreements	32, including plea agreements (+54 DPAs/NPAs ¹¹)	4	0

TOTAL		64.7	333 persons sanctioned, including plea agreements and agreed sanctions	111 legal persons sanctioned, including plea agreements and DPAs/NPAs	23	1
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ADMINISTRATIVE AND CIVIL CASES¹²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2013	8.1	1	0	0	0
Japan	December 2013	3.5	0	1	0	0
United States ¹³	December 2013	9.9	42, including settlements¹⁴	59, including settlements¹⁴	0	0
TOTAL			43, including settlements	60, including settlements	0	0

- 1 The OECD Secretariat has endeavoured to verify the accuracy of this information, including through the Phase 3 evaluations completed to date. This verification has resulted in corrections for some data since the publication of the 2010 Annual Report. Most of these corrections reflect the erroneous inclusion of sanctions based on offences that do not fall within the Convention or a mis-categorisation of certain offences. The number of convictions and sanctions may decrease from previous years due to appeals and other challenges. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.
- 2 Export data provided by the OECD Economics Directorate and includes data for 2013, except for Argentina and Colombia for which data are for 2012.
- 3 In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
- 4 Sanctions ordered by the application of paragraph 153a of the German Code of Criminal Procedure.
- 5 In Germany, the liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- 6 The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- 7 The applicable procedure is called *patteggiamento*.
- 8 In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). There may be other investigations underway, which the cantons have not reported following a survey conducted in 2011.
- 9 Article 53CC provides that when the defendant has compensated the damage or taken all efforts that could be reasonably expected to rectify the wrong that he or she has caused, the competent authority will desist from prosecution, from bringing the matter to a trial or from punishment: a) if the conditions for suspension sentence are satisfied (article 42) and b) if the public interest and the

interest of the victim in a criminal prosecution of the defendant are insignificant.

- 10 This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
- 11 “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US DoJ and the persons sanctioned.
- 12 Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the “Administrative and Civil Cases”.
- 13 This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
- 14 A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.
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Tables with Voluntary Data on Cases for Other Offences Related to Foreign Bribery

What the data includes

For the second time, the Working Group's enforcement data includes information provided on a *voluntary* basis by certain countries regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery (i.e. Articles 7 (Money Laundering) and 8 (Accounting) of the Convention). The specific offences vary by jurisdiction, but are based on misconduct underlying foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with the data above, it does *not* include other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Working Group chose to include this information for the first time last year in order to reflect Parties' efforts to fight the crime of foreign bribery with as wide an array of legal means as possible.

Methodology used and limits

Similar to the data related to the foreign bribery offence above, the cases have been counted per person in the voluntary data tables below. This methodology implies that several sanctions recorded by the same State Party may concern one "case" (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above. Finally, as noted above, cases included in this report could be under appeal. Therefore, the numbers could change, depending on the outcome of possible appeals against the decisions reported in the following tables.

CRIMINAL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Australia	December 2013	1.3	1	0	0	0
France	December 2013	3.3	4	0	0	0
Germany	December 2013	8.1	20 (+9 agreed sanctions)	3	1	0
Netherlands	December 2013	3.1	0	0 (+1 agreed sanction)		
Switzerland	December 2013	1.5	0 (+11 reparation procedures)	0		
United Kingdom	December 2013	3.5	0	1	0	0
United States	December 2013	9.9	4, including plea agreements	17, including plea agreements (+53 DPAs/NPAs)	2	0
TOTAL			49, including settlements	22, including settlements	3	0

ADMINISTRATIVE/CIVIL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2013	8.1	4	0	0	0
United Kingdom	December 2013	3.5	0	8		
United States	December 2013	9.9	45, including settlements	102, including settlements	0	0
TOTAL			49, including settlements	110, including settlements	0	0

1. Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the “Criminal Convictions for Other Offences Related to Foreign Bribery”. This information was voluntarily provided by Member Countries. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
2. Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. This information was voluntarily provided by Member Countries. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent foreign bribery as well as other offences related to foreign bribery. Parties to the Convention have also *voluntarily provided additional information* not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

Ongoing Investigations on Foreign Bribery Cases

There are over 390 ongoing investigations in 24 Parties to the Anti-Bribery Convention. No investigation is ongoing in 5 other Parties. The 11 remaining Parties have not provided information. It should be noted that each country has its own definition of what constitutes an investigation.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

According to the data submitted, over 142 criminal proceedings (against 130 individuals and 12 entities) are ongoing in 11 Parties. Eleven Parties have reported that no criminal proceedings are ongoing. The 18 remaining Parties have not provided information.

Prison Sentences for Foreign Bribery

Out of the 333 individuals sanctioned for foreign bribery under criminal proceedings, at least 87 individuals have been sentenced to prison terms in 13 Parties.



Working Group on Bribery: *2012 Data on Enforcement of the Anti-Bribery Convention*

Highlights from the Working Group on Bribery Enforcement Data, as of December 2012

- 221 individuals and 90 entities have been sanctioned under criminal proceedings for foreign bribery in 13 States Parties between the time the Convention entered into force in 1999 and the end of 2012.
- At least 83 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 85 individuals and 120 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money-laundering or accounting, in 5 States Parties.
- Approximately 320 investigations are ongoing in 24 States Parties to the Anti-Bribery Convention. Prosecutions are ongoing against 148 individuals and 18 entities in 15 Parties for offences under the Convention.

About the Working Group on Bribery Enforcement Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group. Again this year, the Parties have again agreed to publish official data for the Annual Report.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and information provided on a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (*e.g.* ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (*e.g.* ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (*e.g.* prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

The enforcement data provided on a voluntary basis and published in the annual report also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

In Short: Working Group on Bribery Enforcement Data¹

To date, all States Parties to the Convention have provided enforcement data. According to data as of December 2012, 221 individuals and 90 entities have been sanctioned under criminal proceedings for foreign bribery in 13 States Parties between the time the Convention entered into force in 1999 and the end of 2012. Out of these 13 States Parties, 9 have sanctioned both companies and individuals, and 4 have sanctioned only individuals.

According to voluntarily provided data, at least 83 of the sanctioned individuals were sentenced to prison for foreign bribery. Five States Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, such as accounting offences, breach of trust, or money laundering).

Approximately 320 investigations are ongoing in 24 States Parties to the Anti-Bribery Convention.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 39 States Parties to the Anti-Bribery Convention – Decisions on Foreign Bribery Cases from 1999 to December 2012

What the Table includes

The Table below contains all data that the States Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). It records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery in international business transaction and for failures to prevent a proven case of bribing a foreign public official in international business transactions (Articles 1 and 2 of the Anti-Bribery Convention) in the 39 States Parties to the Anti-Bribery Convention from its entry into force to December 2012. (Colombia did not become a Party to the Anti-Bribery Convention until January 2013 and is therefore not included in this year's WGB enforcement data.)

Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows the number of sanctions for the commission of the offence of bribing a foreign public official in international business transactions and for failures to prevent a proven case of bribing a foreign public official in international business transactions. It does *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Table also does not

1. The WGB enforcement data represents data collected from 39 States Parties to the OECD Anti-bribery Convention. As of December 2012, there were 38 States Parties to the Anti-Bribery Convention. Russia became the 39th State Party to the OECD Anti-Bribery Convention in April 2012. In January 2013, Colombia became the 40th State Party.

record the number of sanctions that may have been ordered in the 39 States Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention. Finally, the Table does not include data from Colombia because the Anti-Bribery Convention was not in force during the entire 2012 calendar year for that Party.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person. This methodology implies that several sanctions recorded by the same State Party may concern one “case” (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

While the Table tracks data back to 1999—the year the Convention entered into force—a number of States Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States’ Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from 39 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2012¹**

Country	Date of latest information supplied	% share of world exports (2012) ²	Number of individuals (I) and legal persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	December 2012	0.4	0	0	0	0
Australia	December 2012	1.4	0	0	0	0
Austria	December 2012	1.1	0	0	0	0
Belgium ³	December 2012	1.9				
Brazil	December 2012	1.3	0	0	0	0
Bulgaria	December 2012	0.1	1	0	0	0
Canada	December 2012	2.5	0	2	0	0
Chile	December 2012	0.4	0	0	0	0
Czech Republic	December 2012	0.7	0	0	1	0
Denmark	December 2012	0.8	0	0	0	0
Estonia	December 2012	0.1	0	0	0	0
Finland	December 2012	0.5	0	0	0	0
France	December 2011	3.2	4	0	2 ⁴	0
Germany	December 2012	7.9	21 (+67 agreed sanctions) ⁵	0	0	0
Greece	December 2011	0.3	0	0	0	0
Hungary	December 2012	0.5	26	0	2	0
Iceland	December 2012	0.04	0	0	0	0
Ireland	December 2012	1.0	0	0	0	0
Israel ⁶	December 2012	0.4	0	0	0	0
Italy	December 2012	2.7	8, including plea agreements ⁷	2, including plea agreements ⁷	3	2
Japan	December 2011	4.0	6	1	0	0
Korea	December 2012	2.9	16	4	0	0
Luxembourg	December 2012	0.4	0	0	0	0
Mexico	December 2012	1.8	0	0	0	0
Netherlands	December 2012	3.0	0	0	1	0
New Zealand	December 2012	0.2	0	0	0	0
Norway	December 2012	0.9	2	1	2	0
Poland	December 2012	1.0	0	0	0	0
Portugal ⁸	June 2009	0.4	0	0	0	0
Russian Federation	N/A	2.7	N/A	N/A	N/A	N/A
Slovak Republic	December 2012	0.4	0	0	0	0
Slovenia	December 2012	0.2	0	0	0	0
South Africa	December 2012	0.5	0	0	0	0
Spain	December 2012	2.0	0	0	0	0
Sweden	December 2012	1.2	2	0	0	0
Switzerland ⁹	December 2012	1.5	1	1	0	1
Turkey	December 2012	0.8	0	0	1	0
United Kingdom	December 2012	3.5	5	2	1	0
United States ¹⁰	December 2012	9.9	62, including plea agreements	29 plea agreements (+ 48 DPAs/NPAs ¹¹)	1	0
TOTAL	December 2012	60.44	221 persons sanctioned, including plea agreements and agreed sanctions	90 legal persons sanctioned, including plea agreements and DPAs/NPAs	14	3
ADMINISTRATIVE AND CIVIL CASES ¹²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2012	7.9	1	7	0	0
Japan	December 2011	4.0	0	1	0	0
United States ¹³	December 2012	9.9	41, including settlements ¹⁴	55, including settlements ¹⁴	0	0
TOTAL	December 2011		42, including settlements	63, including settlements	0	0

- 1 The OECD Secretariat has endeavoured to verify the accuracy of this information, including through the Phase 3 evaluations completed to date. This verification has resulted in corrections for some data since the publication of the 2010 Annual Report. Most of these corrections reflect the erroneous inclusion of sanctions based on offences that do not fall within the Convention or a mis-categorisation of certain offences. The number of convictions and sanctions may decrease from previous years due to appeals and other challenges. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.
 - 2 Export data provided by the OECD Economics Directorate and includes data through the first nine months for 2012.
 - 3 Belgium reported that it had several convictions of individuals and legal persons for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
 - 4 In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
 - 5 Sanctions ordered by application of paragraph 153a of the German Code of Criminal Procedure.
 - 6 The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
 - 7 The applicable procedure is called *patteggiamento*.
 - 8 Portugal's Phase 3 report, adopted 14 June 2013, notes that Portugal's foreign bribery enforcement statistics as provided by Portugal and as originally included in the 2013 Working Group on Bribery Annual Report erroneously included cases of bribery of Portuguese officials. These cases do not fall under Article 1 of the Convention for Portugal. The data in this version of the Annual Report has been corrected to rectify this error.
 - 9 In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). There may be other investigations underway, which the cantons have not reported following a survey conducted in 2011.
 - 10 This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
 - 11 "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
 - 12 Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
 - 13 This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
 - 14 A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.
-

Tables with Voluntary Data on Cases for Other Offences Related to Foreign Bribery

What the data includes

For the second time, the Working Group's enforcement data includes information provided on a *voluntary* basis by certain countries regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery (i.e. Articles 7 (Money Laundering) and 8 (Accounting) of the Convention). The specific offences vary by jurisdiction, but are based on misconduct underlying foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with the data above, it does *not* include other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Working Group chose to include this information for the first time last year in order to reflect States Parties' efforts to fight the crime of foreign bribery with as wide an array of legal means as possible.

Methodology used and limits

Similar to the data related to the foreign bribery offence above, the cases have been counted per person in the voluntary data tables below. This methodology implies that several sanctions recorded by the same State Party may concern one "case" (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above. Finally, as noted above, cases included in this report could be under appeal. Therefore, the numbers could change, depending on the outcome of possible appeals against the decisions reported in the following tables.

CRIMINAL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Australia	December 2012	1.4	1	0	0	0
France	December 2011	3.2	3	0	0	0
Germany	December 2012	7.9	20 (+8 agreed sanctions)	0	0	0
United Kingdom	December 2012	3.5	0	1	0	0
United States	December 2012	9.9	5, including settlements ²	14, including settlements	2	0
TOTAL			37, including settlements	15, including settlements	2	0

ADMINISTRATIVE/CIVIL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2012	7.9	4	3	0	0
United Kingdom	December 2012	3.5	0	7		
United States	December 2012	9.9	44, including settlements	95, including settlements	0	0
TOTAL			48, including settlements	105, including settlements	0	0

1. Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the "Criminal Convictions for Other Offences Related to Foreign Bribery". This information was voluntarily provided by Member Countries. "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *untreue* (breach of trust based on a failure to supervise).
2. Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the "Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery". This information was voluntarily provided by Member Countries. "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *untreue* (breach of trust based on a failure to supervise).

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official as well as other offences related to foreign bribery. States Parties to the Convention have also *voluntarily provided additional information* not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

Ongoing Investigations on Foreign Bribery Cases

There are over 320 ongoing investigations in 24 States Parties to the Anti-Bribery Convention (more than 150 in one State Party, between 15 and 50 in 5 States Parties, between 5 and 15 in 6 States Parties, and fewer than 5 in 12 States Parties). No investigation is ongoing in 5 other States Parties. The 11 remaining States Parties have not provided information. It should be noted that each country has its own definition of what constitutes an investigation.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

According to the data submitted, over 160 criminal proceedings (against 148 individuals and 18 entities) are ongoing in 15 States Parties. Seven States Parties have reported that no criminal proceedings are ongoing. The 18 remaining States Parties have not provided information.

Prison Sentences for Foreign Bribery

Out of the 221 individuals sanctioned for foreign bribery under criminal proceedings, at least 83 individuals have been sentenced to prison terms in 7 States Parties.



Working Group on Bribery: 2012 Data on Enforcement of the Anti-Bribery Convention

Highlights from the Working Group on Bribery Enforcement Data, as of December 2012

- 221 individuals and 90 entities have been sanctioned under criminal proceedings for foreign bribery in 13 States Parties between the time the Convention entered into force in 1999 and the end of 2012.
- At least 83 of the sanctioned individuals were sentenced to prison for foreign bribery.
- At least 85 individuals and 120 entities have been sanctioned in criminal, administrative and civil cases for other offences related to foreign bribery, such as money-laundering or accounting, in 5 States Parties.
- Approximately 320 investigations are ongoing in 24 States Parties to the Anti-Bribery Convention. Prosecutions are ongoing against 148 individuals and 18 entities in 15 Parties for offences under the Convention.

About the Working Group on Bribery Enforcement Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group. Again this year, the Parties have again agreed to publish official data for the Annual Report.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and information provided on a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (*e.g.* ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (*e.g.* ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (*e.g.* prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

The enforcement data provided on a voluntary basis and published in the annual report also includes data on concluded criminal, administrative and civil proceedings for other offences related to foreign bribery, such as accounting and money laundering offences.

In Short: Working Group on Bribery Enforcement Data¹

To date, all States Parties to the Convention have provided enforcement data. According to data as of December 2012, 221 individuals and 90 entities have been sanctioned under criminal proceedings for foreign bribery in 13 States Parties between the time the Convention entered into force in 1999 and the end of 2012. Out of these 13 States Parties, 9 have sanctioned both companies and individuals, and 4 have sanctioned only individuals.

According to voluntarily provided data, at least 83 of the sanctioned individuals were sentenced to prison for foreign bribery. Five States Parties have also sanctioned individuals or legal persons for other offences related to foreign bribery in international business transactions (e.g. offences under Articles 7 and 8 of the Anti-Bribery Convention, such as accounting offences, breach of trust, or money laundering).

Approximately 320 investigations are ongoing in 24 States Parties to the Anti-Bribery Convention.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 39 States Parties to the Anti-Bribery Convention – Decisions on Foreign Bribery Cases from 1999 to December 2012

What the Table includes

The Table below contains all data that the States Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). It records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery in international business transaction and for failures to prevent a proven case of bribing a foreign public official in international business transactions (Articles 1 and 2 of the Anti-Bribery Convention) in the 39 States Parties to the Anti-Bribery Convention from its entry into force to December 2012. (Colombia did not become a Party to the Anti-Bribery Convention until January 2013 and is therefore not included in this year's WGB enforcement data.)

Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows the number of sanctions for the commission of the offence of bribing a foreign public official in international business transactions and for failures to prevent a proven case of bribing a foreign public official in international business transactions. It does *not* include other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Table also does not

1. The WGB enforcement data represents data collected from 39 States Parties to the OECD Anti-bribery Convention. As of December 2012, there were 38 States Parties to the Anti-Bribery Convention. Russia became the 39th State Party to the OECD Anti-Bribery Convention in April 2012. In January 2013, Colombia became the 40th State Party.

record the number of sanctions that may have been ordered in the 39 States Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention. Finally, the Table does not include data from Colombia because the Anti-Bribery Convention was not in force during the entire 2012 calendar year for that Party.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person. This methodology implies that several sanctions recorded by the same State Party may concern one “case” (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

While the Table tracks data back to 1999—the year the Convention entered into force—a number of States Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States’ Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from 39 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2012¹**

Country	Date of latest information supplied	% share of world exports (2012) ²	Number of individuals (I) and legal persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	December 2012	0.4	0	0	0	0
Australia	December 2012	1.4	0	0	0	0
Austria	December 2012	1.1	0	0	0	0
Belgium ³	December 2012	1.9				
Brazil	December 2012	1.3	0	0	0	0
Bulgaria	December 2012	0.1	1	0	0	0
Canada	December 2012	2.5	0	2	0	0
Chile	December 2012	0.4	0	0	0	0
Czech Republic	December 2012	0.7	0	0	1	0
Denmark	December 2012	0.8	0	0	0	0
Estonia	December 2012	0.1	0	0	0	0
Finland	December 2012	0.5	0	0	0	0
France	December 2011	3.2	4	0	2 ⁴	0
Germany	December 2012	7.9	21 (+67 agreed sanctions) ⁵	0	0	0
Greece	December 2011	0.3	0	0	0	0
Hungary	December 2012	0.5	26	0	2	0
Iceland	December 2012	0.04	0	0	0	0
Ireland	December 2012	1.0	0	0	0	0
Israel ⁶	December 2012	0.4	0	0	0	0
Italy	December 2012	2.7	8, including plea agreements ⁷	2, including plea agreements ⁷	3	2
Japan	December 2011	4.0	6	1	0	0
Korea	December 2012	2.9	16	4	0	0
Luxembourg	December 2012	0.4	0	0	0	0
Mexico	December 2012	1.8	0	0	0	0
Netherlands	December 2012	3.0	0	0	1	0
New Zealand	December 2012	0.2	0	0	0	0
Norway	December 2012	0.9	2	1	2	0
Poland	December 2012	1.0	0	0	0	0
Portugal ⁸	June 2009	0.4	0	0	0	0
Russian Federation	N/A	2.7	N/A	N/A	N/A	N/A
Slovak Republic	December 2012	0.4	0	0	0	0
Slovenia	December 2012	0.2	0	0	0	0
South Africa	December 2012	0.5	0	0	0	0
Spain	December 2012	2.0	0	0	0	0
Sweden	December 2012	1.2	2	0	0	0
Switzerland ⁹	December 2012	1.5	1	1	0	1
Turkey	December 2012	0.8	0	0	1	0
United Kingdom	December 2012	3.5	5	2	1	0
United States ¹⁰	December 2012	9.9	62, including plea agreements	29 plea agreements (+ 48 DPAs/NPAs ¹¹)	1	0
TOTAL	December 2012	60.44	221 persons sanctioned, including plea agreements and agreed sanctions	90 legal persons sanctioned, including plea agreements and DPAs/NPAs	14	3
ADMINISTRATIVE AND CIVIL CASES ¹²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2012	7.9	1	7	0	0
Japan	December 2011	4.0	0	1	0	0
United States ¹³	December 2012	9.9	41, including settlements ¹⁴	55, including settlements ¹⁴	0	0
TOTAL	December 2011		42, including settlements	63, including settlements	0	0

- 1 The OECD Secretariat has endeavoured to verify the accuracy of this information, including through the Phase 3 evaluations completed to date. This verification has resulted in corrections for some data since the publication of the 2010 Annual Report. Most of these corrections reflect the erroneous inclusion of sanctions based on offences that do not fall within the Convention or a mis-categorisation of certain offences. The number of convictions and sanctions may decrease from previous years due to appeals and other challenges. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.
 - 2 Export data provided by the OECD Economics Directorate and includes data through the first nine months for 2012.
 - 3 Belgium reported that it had several convictions of individuals and legal persons for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
 - 4 In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
 - 5 Sanctions ordered by application of paragraph 153a of the German Code of Criminal Procedure.
 - 6 The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
 - 7 The applicable procedure is called *patteggiamento*.
 - 8 Portugal's Phase 3 report, adopted 14 June 2013, notes that Portugal's foreign bribery enforcement statistics as provided by Portugal and as originally included in the 2013 Working Group on Bribery Annual Report erroneously included cases of bribery of Portuguese officials. These cases do not fall under Article 1 of the Convention for Portugal. The data in this version of the Annual Report has been corrected to rectify this error.
 - 9 In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level). There may be other investigations underway, which the cantons have not reported following a survey conducted in 2011.
 - 10 This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
 - 11 "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
 - 12 Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
 - 13 This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
 - 14 A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.
-

Tables with Voluntary Data on Cases for Other Offences Related to Foreign Bribery

What the data includes

For the second time, the Working Group's enforcement data includes information provided on a *voluntary* basis by certain countries regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery (i.e. Articles 7 (Money Laundering) and 8 (Accounting) of the Convention). The specific offences vary by jurisdiction, but are based on misconduct underlying foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with the data above, it does *not* include other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations, or bribery to obtain a benefit outside of an international business transaction. The Working Group chose to include this information for the first time last year in order to reflect States Parties' efforts to fight the crime of foreign bribery with as wide an array of legal means as possible.

Methodology used and limits

Similar to the data related to the foreign bribery offence above, the cases have been counted per person in the voluntary data tables below. This methodology implies that several sanctions recorded by the same State Party may concern one "case" (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above. Finally, as noted above, cases included in this report could be under appeal. Therefore, the numbers could change, depending on the outcome of possible appeals against the decisions reported in the following tables.

CRIMINAL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Australia	December 2012	1.4	1	0	0	0
France	December 2011	3.2	3	0	0	0
Germany	December 2012	7.9	20 (+8 agreed sanctions)	0	0	0
United Kingdom	December 2012	3.5	0	1	0	0
United States	December 2012	9.9	5, including settlements ²	14, including settlements	2	0
TOTAL			37, including settlements	15, including settlements	2	0

ADMINISTRATIVE/CIVIL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ²			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2012	7.9	4	3	0	0
United Kingdom	December 2012	3.5	0	7		
United States	December 2012	9.9	44, including settlements	95, including settlements	0	0
TOTAL			48, including settlements	105, including settlements	0	0

1. Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the “Criminal Convictions for Other Offences Related to Foreign Bribery”. This information was voluntarily provided by Member Countries. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *untreue* (breach of trust based on a failure to supervise).
2. Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the “Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery”. This information was voluntarily provided by Member Countries. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *untreue* (breach of trust based on a failure to supervise).

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official as well as other offences related to foreign bribery. States Parties to the Convention have also *voluntarily provided additional information* not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

Ongoing Investigations on Foreign Bribery Cases

There are over 320 ongoing investigations in 24 States Parties to the Anti-Bribery Convention (more than 150 in one State Party, between 15 and 50 in 5 States Parties, between 5 and 15 in 6 States Parties, and fewer than 5 in 12 States Parties). No investigation is ongoing in 5 other States Parties. The 11 remaining States Parties have not provided information. It should be noted that each country has its own definition of what constitutes an investigation.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

According to the data submitted, over 160 criminal proceedings (against 148 individuals and 18 entities) are ongoing in 15 States Parties. Seven States Parties have reported that no criminal proceedings are ongoing. The 18 remaining States Parties have not provided information.

Prison Sentences for Foreign Bribery

Out of the 221 individuals sanctioned for foreign bribery under criminal proceedings, at least 83 individuals have been sentenced to prison terms in 7 States Parties.



Working Group on Bribery: *2011 Data on Enforcement of the Anti-Bribery Convention*

About the Working Group on Bribery Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the 2009 Annual Report of the Working Group. This year, the Parties have again agreed to publish official data for the 2011 Annual Report.

As part of this effort, the Working Group has been collecting data from its members on investigations, proceedings, and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct related to the bribery of foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a *mandatory* basis and information provided on a *voluntary* basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes: 1) data on investigations (*e.g.* ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (*e.g.* ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (*e.g.* prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement). In 2011, the enforcement data provided on a voluntary basis and published in the annual report also includes data on concluded criminal, administrative and civil proceedings for accounting misconduct related to foreign bribery.

In Short: Working Group on Bribery Enforcement Data

Note to the reader: This data has been compiled and published by the OECD Secretariat on the basis of statistics, data and information provided by the States Parties to Convention in order to provide a realistic picture of the level of enforcement in the jurisdiction of each of the States Parties. The OECD Secretariat has endeavoured to verify the accuracy of this information, including through the Phase 3 evaluations completed to date. This verification has resulted in corrections for some data since the publication of the 2010 Annual Report. Most of these corrections reflect the erroneous inclusion of sanctions based on offences that do not fall within the Convention or a mis-categorisation of certain offences. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

To date, all States Parties to the Convention have provided enforcement data. According to data as of December 2011, 210 individuals and 90 entities have been sanctioned under criminal proceedings for foreign bribery in 14 States Parties between the time the Convention entered into force in 1999 and the end of 2011. Out of these 14 States Parties, seven have sanctioned both companies and individuals, one has sanctioned only a company, and six have sanctioned only individuals.

According to the data, at least 66 of the sanctioned individuals were sentenced to prison for foreign bribery. Five States Parties have also sanctioned individuals or legal persons for accounting misconduct related to foreign bribery.



Approximately 300 investigations are ongoing in 26 States Parties to the Anti-Bribery Convention.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention

What the Table includes

The Table below contains all data that the States Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). It records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery, failures to prevent a proven case of bribing a foreign public official, or other offences related to the bribery of a foreign public official (Articles 1, 2, 7 and 8 of the Anti-Bribery Convention) in the 38 States Parties to the Anti-Bribery Convention from its entry into force to December 2010.

Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows sanctions for the commission of the offence of bribing a foreign public official and for failures to prevent a proven case of bribing a foreign public official, *not* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence or United Nations embargo violations. The Table also does not record sanctions that may have been ordered in the 38 States Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention. Finally, the Table does not include data from Russia and Colombia because the Anti-Bribery Convention was not in force during the entire 2011 calendar year for these Parties.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person. This methodology implies that several sanctions recorded by the same State Party may concern one “case” (*e.g.* in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (*e.g.* one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

Readers should also note that, while the Table tracks data back to 1999—the year the Convention entered into force—a number of States Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States’ Foreign Corrupt Practices Act (FCPA), which came into force in 1977.



**Comparative Table of Enforcement Data Collected from 38 States Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2011¹**

Country	Date of latest information supplied	% share of world exports (2011) ²	Number of individuals (I) and legal persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	December 2011	0.4	0	0	0	0
Australia	December 2011	1.5	0	0	0	0
Austria	December 2008	1.1	0	0	0	0
Belgium ³	December 2011	2.0				
Brazil	December 2009	1.3	0	0	0	0
Bulgaria	December 2011	0.1	1	0	0	0
Canada	March 2009	2.4	0	2	0	0
Chile	December 2011	0.4	0	0	0	0
Czech Republic	December 2011	0.7	0	0	1	0
Denmark	December 2011	0.8	0	0	0	0
Estonia	December 2011	0.1	0	0	0	0
Finland	December 2011	0.5	0	0	0	0
France	December 2011	3.4	4	0	2 ⁴	0
Germany	December 2011	8.2	14 (plus 59 agreed sanctions) ⁵	0	0	0
Greece	December 2011	0.3	0	0	0	0
Hungary	December 2011	0.6	26	0	0	0
Iceland	December 2011	0.04	0	0	0	0
Ireland	December 2011	1.1	0	0	0	0
Israel ⁶	December 2011	0.4	0	0	0	0
Italy	December 2011	2.9	10, including 9 plea agreements ⁷	3, all plea agreements ⁷	2	0
Japan	December 2011	4.1	6	1	0	0
Korea	December 2011	2.9	16	4	0	0
Luxembourg	December 2011	0.4	0	0	0	0
Mexico	December 2010	1.7	0	0	0	0
Netherlands	December 2011	3.2	0	0	1	0
New Zealand	December 2011	0.2	0	0	0	0
Norway	December 2011	0.9	5	1	2	0
Poland	December 2011	1.1	0	0	0	0
Portugal	June 2009	0.4	5	0	0	0
Slovak Republic	December 2011	0.4	0	0	0	0
Slovenia	December 2011	0.2	0	0	0	0
South Africa	December 2011	0.5	0	0	0	0
Spain	December 2011	2.1	0	0	0	0
Sweden	December 2011	1.2	2	0	0	0
Switzerland ⁸	December 2011	1.5	1	1	1	0
Turkey	December 2011	0.8	0	0	1	0
United Kingdom	December 2011	3.6	3	2	0	0
United States ⁹	December 2011	9.6	58, including 22 plea agreements	28 plea agreements (+ 48 DPAs/NPAs ¹⁰)	1	0
TOTAL	December 2011	63.24	151 persons sanctioned, including 22 plea agreements (plus 59 agreed sanctions)	42 legal persons sanctioned, including 30 plea agreements (+ 48 DPAs/NPAs)	11	0
ADMINISTRATIVE AND CIVIL CASES ¹¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2011	8.2	0	3	0	0
Japan	December 2011	4.1	0	1	0	0
United States ¹²	December 2011	9.6	39 settlements ¹³	51, including 50 settlements ¹³	0	0
TOTAL	December 2011		39 settlements	55 (including 50 settlements)	0	0



1. Export data provided by OECD Economic Outlook No. 88 (December 2010), except for the export data of Argentina and Bulgaria, which are from the 2009 edition of the IMF World Economic Outlook. (More recent information for these countries was not available at the time of printing.)
2. Belgium reported that it had several convictions of individuals and legal persons for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
3. In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
4. The 2009 enforcement data table included data on convictions and acquittals in Germany in the years 2008 and 2009 only, and not since the entry into force of the Convention in Germany. At the time of the publication of this the 2010 enforcement data table, Germany was still in the process of collecting updated data in all German Länder. The data provided in the this year's table was compiled in the context of Germany's Phase 3 evaluation (March 2011) and may not fully reflect all completed proceedings in 2010. In 2010, Germany imposed sanctions on 2 individuals and an agreed sanction on 1 individual.
5. Sanctions ordered following the application of paragraph 153a of the German Code of Criminal Procedure.
6. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
7. The applicable procedure is called *patteggiamento*.
8. Switzerland reported it could not complete the last two columns of the Table. In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level).
9. This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table. The US reports that 14 entities and 2 individuals have been subject to criminal sanctions exclusively for books and records and internal controls violations under the FCPA since 1999.
10. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
11. Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
12. This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
13. A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.



New in 2011: Tables with Voluntary Data on Cases for Other Offences Related to Foreign Bribery

What the data includes

For the first time this year, the Working Group's enforcement data includes information provided on a *voluntary* basis by certain countries regarding sanctions in criminal, administrative and civil cases for other offences related to foreign bribery (i.e. Articles 7 (Money Laundering) and 8 (Accounting) of the Convention). The specific offences vary by jurisdiction, but are based on misconduct underlying foreign bribery, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. The Working Group has chosen to include this new information in this year's annual report in order to reflect States Parties' efforts to fight the crime of foreign bribery with as wide an array of legal means as possible.

Methodology used and limits

For the purposes of completing the voluntary data tables below, cases have been counted per person. This methodology implies that several sanctions recorded by the same State Party may concern one "case" (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction. Readers should note individuals and legal persons could be sanctioned for multiple offences and thus the number of persons sanctioned in the voluntary data cannot be aggregated with the mandatory enforcement data included above. Finally, as noted above, cases included in this report could be under appeal. Therefore, the numbers could change, depending on the outcome of possible appeals against the decisions reported in the following tables.

CRIMINAL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
France	December 2011	3.4	3	0		
Germany	December 2011	8.2	6	0	0	0
United Kingdom	December 2011	3.6	0	1	0	0
United States	December 2011	9.6	4, including settlements	14, including settlements	2	0
TOTAL			13, including settlements	15, including settlements	2	0

ADMINISTRATIVE/CIVIL SANCTIONS FOR OTHER OFFENCES RELATED TO FOREIGN BRIBERY ¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2011	8.2	1	0	0	0
United Kingdom	December 2011	3.6	0	6	0	0
United States	December 2011	9.6	42, including settlements	86, including settlements	0	0
TOTAL			43, including settlements	92, including settlements	0	0

1. Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed under the "Criminal Convictions for Other Offences Related to Foreign Bribery". This information was voluntarily provided by Member Countries. "Other offences related to foreign bribery" include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to devise and maintain a system of internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise.
2. Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under the "Administrative/Civil Sanctions for Other Offences Related to Foreign Bribery". This



information was voluntarily provided by Member Countries. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and Article 8 (Accounting) of the Convention. Examples include books and records violations, failure to devise and maintain a system of internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise.

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official as well as other offences related to foreign bribery. States Parties to the Convention have also *voluntarily provided additional information* not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

- ***Ongoing Investigations on Foreign Bribery Cases***

There are over 300 ongoing investigations in 26 States Parties to the Anti-Bribery Convention (more than 150 in one State Party, between 15 and 50 in 5 States Parties, between 5 and 10 in 4 States Parties, and fewer than 5 in 16 States Parties). No investigation is ongoing in 3 other States Parties. The 11 remaining States Parties have not provided information. It should be noted that each country has its own definition of what constitutes an investigation.

- ***Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges***

According to the data submitted, over 170 criminal proceedings (against 158 individuals and 13 entities) are ongoing in 13 States Parties. Nine States Parties have reported that no criminal proceedings are ongoing. The 18 remaining States Parties have not provided information.

- ***Prison Sentences for Foreign Bribery***

Out of the 210 individuals sanctioned for foreign bribery under criminal proceedings, at least 66 individuals have been sentenced to prison terms in 9 States Parties.

More information about the Anti-Bribery Convention and the work of the OECD Working Group on Bribery is available online at: www.oecd.org/daf/nocorruption

About the Working Group on Bribery Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the last Annual Report of the Working Group. This year, the Parties have again agreed to publish official data for the 2010 Annual Report.

The Working Group has therefore been collecting data from its members on investigations, proceedings and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct for purposes of bribing foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a mandatory basis and information provided on a voluntary basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes, tracking separately the offence of foreign bribery and foreign bribery-related accounting misconduct : 1) data on investigations (e.g. ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (e.g. ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (e.g. prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

In Short: Working Group on Bribery Enforcement Data

Note to the reader: This data has been compiled and published by the OECD Secretariat on the basis of statistics, data and information provided by the Parties to Convention in order to provide a realistic picture of the level of enforcement in the jurisdiction of each of the Parties. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

To date, all Parties to the Convention have provided enforcement data. According to data collected as of March 2011, 199 individuals and 91 entities have been sanctioned under criminal proceedings for foreign bribery in 13 Parties between the time the Convention entered into force in 1999 and the end of 2010. Out of these 13 Parties, 7 have sanctioned both companies and individuals, one has sanctioned only a company and 5 have sanctioned only individuals.

According to the data, at least 54 of the sanctioned individuals were sentenced to prison for foreign bribery. A record amount of EUR 1.24 billion was imposed in combined fines on a single company for foreign bribery.

Approximately 260 investigations are ongoing in 15 Parties to the Anti-Bribery Convention. Furthermore, criminal charges have been laid against over 120 individuals and 20 entities in 5 Parties.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention

What the Table includes

The Table below records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official (Articles 1 and 2 of the Anti-Bribery Convention) in the 38 Parties to the Anti-Bribery Convention from its entry into force to December 2010.

The Table contains all data that the 38 Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows sanctions for the commission of the offence of bribing a foreign public official and for failures to prevent a proven case of bribing a foreign public official, *not* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence or United Nations embargo violations.

Some countries have also voluntarily provided data on sanctions for foreign-bribery related accounting misconduct and inadequate internal controls, falling under Article 8 of the Anti-Bribery Convention. This data will be included in future tables, but for now only the data from the United States on such sanctions is provided, due to the significant extent of US enforcement in this area, in footnotes 9 and 12 to the US entry in the Table. Other Parties voluntarily published information relating to related books and records or internal controls violations in the [Steps Taken by Parties to the Anti-Bribery Convention to implement and enforce the Convention](#).

Finally, the Table does not record sanctions that may have been ordered in the 38 Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person.

This methodology implies that several sanctions recorded by the same Party may concern one “case” (*e.g.* in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (*e.g.* one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not

identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

Readers should also note that, while the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the US' Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2010**

Country	Date of latest information supplied	Exports in 2010 in billions of USD ¹	Number of Individuals (I) and Legal Persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	March 2009	0.4	0	0	0	0
Australia	February 2011	1.4	0	0	0	0
Austria	April 2010	1.1	0	0	0	0
Belgium ²	December 2010	2.0				
Brazil	December 2009	1.3	0	0	0	0
Bulgaria	December 2008	0.1	0	0	0	0
Canada	March 2009	2.5	0	1	0	0
Chile	December 2010	0.4	0	0	0	0
Czech Republic	March 2010	0.8	0	0	1	0
Denmark	December 2010	0.8	0	0	0	0
Estonia	February 2011	0.1	0	0	0	0
Finland	December 2010	0.5	0	0	0	0
France	December 2010	3.5	2	0	2 ³	0
Germany ⁴	December 2010	8.2	30 (+35 agreed sanctions ⁵)	6	0	
Greece	December 2010	0.3	0	0	0	0
Hungary	December 2009	0.6	27	0	2	0
Iceland	December 2010	0.04	0	0	0	0
Ireland	December 2010	1.1	0	0	0	0
Israel ⁶	December 2010	0.4	0	0	0	0
Italy	December 2009	2.9	21, including 16 plea agreements ⁷	18, including 17 plea agreements ⁷	1	0
Japan	December 2010	4.5	6	1	0	0
Korea	December 2009	2.9	13	3	0	0
Luxembourg	December 2008	0.5	0	0	0	0
Mexico	December 2010	1.7	0	0	0	0
Netherlands	December 2010	3.3	0	0	1	0
New Zealand	May 2009	0.2	0	0	0	0
Norway	March 2010	0.9	5	1	2	0
Poland	December 2010	1.0	0	0	0	0
Portugal	December 2010	0.4	5	0	1	0
Slovak Republic	December 2010	0.4	0	0	0	0
Slovenia	December 2010	0.2	0	0	0	0
South Africa	December 2010	0.5	0	0	0	0
Spain	December 2009	2.0	0	0	0	0
Sweden	December 2011	1.2	1	0	0	0
Switzerland ⁸	December 2010	1.6	3	0		
Turkey	February 2010	0.9	0	0	0	0
United Kingdom	December 2010	3.5	3	2	0	0
United States ⁹	December 2010	9.8	48, including 41 plea agreements	27 plea agreements (+ 32 DPAs/NPAs ¹⁰)	0	0
TOTAL	December 2010	63.94	164 convictions, including 57 plea agreements (+ 35 other agreed sanctions)	59 convictions, including 44 plea agreements (+ 32 DPAs/NPAs)	10	0
ADMINISTRATIVE AND CIVIL CASES ¹¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2010	8.2	4		0	0
Japan	December 2010	4.5	0	1	0	0
United States ¹²	December 2010	9.8	37 settlements ¹³	45, including 44 settlements ¹³	0	0
TOTAL	December 2010	22.5	41 (including 37 settlements)	46 (including 44 settlements)	0	0

1. Export data provided by OECD Economic Outlook No. 88 (December 2010), except for the export data of Argentina and Bulgaria, which are from the 2009 edition of the IMF World Economic Outlook. (More recent information for these countries was not available at the time of printing.)
2. Belgium reported that it had several convictions of individuals and legal persons for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
3. In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
4. The 2009 enforcement data table included data on convictions and acquittals in Germany in the years 2008 and 2009 only, and not since the entry into force of the Convention in Germany. At the time of the publication of this the 2010 enforcement data table, Germany was still in the process of collecting updated data in all German Länder. The data provided in the this year's table was compiled in the context of Germany's Phase 3 evaluation (March 2011) and may not fully reflect all completed proceedings in 2010. In 2010, Germany imposed sanctions on 2 individuals and an agreed sanction on 1 individual.
5. Sanctions ordered following the application of paragraph 153a of the German Code of Criminal Procedure.
6. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
7. The applicable procedure is called *patteggiamento*.
8. Switzerland reported it could not complete the last two columns of the Table. In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level).
9. This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table. The US reports that 14 entities and 2 individuals have been subject to criminal sanctions exclusively for books and records and internal controls violations under the FCPA since 1999.
10. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
11. Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
12. This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
13. A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official. Parties to the Anti-Bribery Convention are required to provide this data. However, some Parties to the Convention have also voluntarily provided additional information not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

Ongoing Investigations on Foreign Bribery Cases

There are approximately 260 ongoing investigations in 15 Parties to the Anti-Bribery Convention (more than 150 in one Party, between 15 and 35 in 3 Parties, between 5 and 10 in 2 Parties, and fewer than 5 in 9 Parties). No investigation is ongoing in 4 other Parties. The 19 remaining Parties have not provided information. It should be noted that each country has its own definition of what an investigation is.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

144 criminal proceedings (against 122 individuals and 22 entities) are ongoing in 5 Parties. 12 Parties have reported that no criminal proceedings are ongoing. The 21 remaining Parties have not provided information.

Prison Sentences for Foreign Bribery

Out of the 199 individuals sanctioned for foreign bribery under criminal proceedings, at least 54 individuals have been sentenced to prison terms in 9 Parties.

More information about the Anti-Bribery Convention and the work of the OECD Working Group on Bribery is available online at: www.oecd.org/daf/nocorruption



Working Group on Bribery Data on Enforcement of the Anti-Bribery Convention

About the Working Group on Bribery Data

This is the first year that official data on enforcement efforts by Parties to the Anti-Bribery Convention are publicly available. The Working Group first recommended compiling enforcement data in its Mid-Term Study in March 2006, following which there was a call for the publication of such data by several stakeholders in the public consultation on the review of the OECD anti-bribery instruments. In 2008 the Working Group agreed on a methodology for compiling the data. Furthermore, the 2009 Anti-Bribery Recommendation instructs the Working Group to carry out its programme of monitoring implementation of the OECD Anti-Bribery Convention and the 2009 Anti-Bribery Recommendation by including inter alia voluntarily submitted enforcement data for publication. In March 2010, the Working Group decided it would publish official data in the 2009 Annual Report. Most Parties to the Anti-Bribery Convention have provided information for this Report.

The Working Group has therefore been collecting data from its members on investigations, proceedings and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct for purposes of bribing foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a mandatory basis and information provided on a voluntary basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes, tracking separately the offence of foreign bribery and foreign bribery-related accounting misconduct : 1) data on investigations (e.g. ongoing investigations, investigations that have been discontinued, and investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (e.g. ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (e.g. prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

In Short: Working Group on Bribery Enforcement Data

Note to the reader: This data has been compiled and published by the OECD Secretariat on the basis of statistics, data and information provided by the Parties to Convention in order to provide a realistic picture of the level of enforcement in the jurisdiction of each of the Parties. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

To date, 37 of the 38 Parties to the Convention have provided enforcement data. According to data collected as of May 2010, 148 individuals and 77 entities have been sanctioned under criminal

June 2010

proceedings for foreign bribery in 13 Parties between the time the Convention entered into force in 1999 and the end of 2009. Out of these 13 Parties, 7 have sanctioned both companies and individuals, one has sanctioned only a company and 5 have sanctioned only individuals.

According to the data, at least 40 of the sanctioned individuals were sentenced to prison for foreign bribery. A record amount of EUR 1.24 billion was imposed in combined fines on a single company for foreign bribery.

Approximately 280 investigations are ongoing in 21 Parties to the Anti-Bribery Convention. Investigations are not ongoing in 5 Parties, and the 12 remaining Parties have not provided information on the number of ongoing investigations. Furthermore, criminal charges have been laid against approximately 180 individuals and 20 entities in 7 Parties, no charges have been laid against either individuals or companies in 15 other Parties, and the remaining 16 Parties have not provided information on the number of criminal proceedings.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention

What the Table includes

The Table below records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official (Articles 1 and 2 of the Anti-Bribery Convention) in the 38 Parties to the Anti-Bribery Convention from its entry into force to December 2009.

The Table contains all data that the 38 Parties to the Anti-Bribery Convention have agreed to provide on a mandatory basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (i.e. the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). Additionally, the comparative Table includes data provided on a voluntary basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the law enforcement authorities and the accused person or entity, with or without court approval. In some cases the proceedings may have been terminated or deferred for a certain period on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows sanctions for the commission of the offence of bribing a foreign public official and for failures to prevent a proven case of bribing a foreign public official, not other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence or United Nations embargo violations.

Some countries have also voluntarily provided data on sanctions for foreign-bribery related

accounting misconduct and inadequate internal controls, falling under Article 8 of the Anti-Bribery Convention. This data will be included in future tables, but for now only the data from the United States on such sanctions is provided, due to the significant extent of US enforcement in this area, in footnotes 9 and 12 to the United States entry in the Table. Other Parties voluntarily published information relating to related books and records or internal controls violations in the Steps Taken by Parties to the Anti-Bribery Convention to implement and enforce the Convention: http://www.oecd.org/document/44/0,3343,en_2649_34859_36433004_1_1_1_1,00.html.

Finally, the Table does not record sanctions that may have been ordered in the 38 Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person.

This methodology implies that several sanctions recorded by the same Party may concern one “case” (e.g. in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (e.g. one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

Readers should also note that, while the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the United States’ Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2009**

Country	Date of latest information supplied	% of world exports in 2009 ¹	Number of Individuals (I) and Legal Persons (LP) sanctioned or acquitted for foreign bribery			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	March 2009	0.4	0	0	0	0
Australia	September 2009	1.3	0	0	0	0
Austria	April 2010	1.3	0	0	0	0
Belgium ²	December 2009	2.2				
Brazil	December 2009	1.0	0	0	0	0
Bulgaria	December 2008	0.1	0	0	0	0
Canada	March 2009	2.5	0	1	0	0
Chile	December 2009	0.4	0	0	0	0
Czech Republic	March 2010	0.9	0	0	1	0
Denmark	March 2010	1.0	0	0	0	0
Estonia	March 2009	0.1	0	0	0	0
Finland	March 2009	0.5	0	0	0	0
France	December 2009	4.0	1	0	2 ³	0
Germany ⁴	December 2009	8.9	16 (+10 agreed sanctions ⁵)	4	24	
Greece	December 2008	0.4	0	0	0	0
Hungary	December 2009	0.6	27	0	2	0
Iceland	December 2008	0.04	0	0	0	0
Ireland	No info supplied	1.4				
Israel ⁶	December 2009	0.4	0	0	0	0
Italy	December 2009	3.2	21, including 16 plea agreements ⁷	18, including 17 plea agreements ⁷	1	0
Japan	December 2009	4.0	6	1	0	0
Korea	December 2009	2.8	13	3	0	0
Luxembourg	December 2008	0.5	0	0	0	0
Mexico	March 2010	1.5	0	0	0	0
Netherlands	March 2010	3.6	0	0	0	0
New Zealand	May 2009	0.2	0	0	0	0
Norway	March 2010	1.0	5	1	2	0
Poland	December 2009	1.1	0	0	0	0
Portugal	March 2010	0.4	5	0	0	0
Slovak Republic	May 2010	0.4	0	0	0	0
Slovenia	December 2009	0.001	0	0	0	0
South Africa	February 2010	0.5	0	0	0	0
Spain	December 2009	2.2	0	0	0	0
Sweden	February 2010	1.3	1	0	0	0
Switzerland ⁸	December 2009	1.6	2			
Turkey	February 2010	0.9	0	0	0	0
United Kingdom	December 2009	3.9	1	1	0	0
United States ⁹	December 2009	10.0	40, including 33 plea agreements	20 plea agreements (+ 28 DPAs/NPAs ¹⁰)	0	0
TOTAL	December 2009	66.601	138 convictions, including 49 plea agreements (+ 10 other agreed sanctions)	49 convictions, including 37 plea agreements (+ 28 DPAs/NPAs)	32	0
ADMINISTRATIVE AND CIVIL CASES ¹¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Japan	December 2009	4.0	0	1	0	0
United States ¹²	December 2009	10.0	29 settlements ¹³	28 settlements ¹³	0	0
TOTAL	December 2009	10.0	29	29 (including 28 settlements)	0	0

1. Export data provided by OECD Economic Outlook No. 86 (November 2009), except for the export data of Argentina and Bulgaria, provided by the IMF World Economic Outlook.
2. Belgium reported that it had several convictions of individuals for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
3. In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
4. The data refer to convictions and acquittals in the years 2008 and 2009 only, and not since the entry into force of the Convention in Germany. The data are compiled on the basis of the information voluntarily supplied to the Federal Ministry of Justice by Administrations of the 16 federal states.
5. Sanctions ordered following the application of paragraph 153a of the Germany Criminal Procedure Law.
6. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
7. The applicable procedure is called patteggiamento.
8. Switzerland reported it had no information available to complete the last three columns of the Table. In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG.
9. This row records the number of cases prosecuted by the United States Department of Justice (DOJ) either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions of the FCPA and the books and records and internal controls provisions of the FCPA. The United States reports that 10 entities and 2 individuals have been subject to criminal sanctions exclusively for books and records violations under the FCPA.
10. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the United States DoJ and the persons sanctioned.
11. Only those countries that have an administrative and/or civil procedure applicable for the offence of foreign bribery and that have reported sanctions ordered under such procedures have been listed under the "Administrative and Civil Cases".
12. This row records the number of civil actions of the United States Securities and Exchange Commission (SEC) that have led to sanctions either for violations of the anti-bribery provisions of the FCPA or for violations of both the anti-bribery provisions of the FCPA and the books and records and internal controls provisions of the FCPA. Therefore, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table. The United States reports that 22 entities and 2 individuals have been subject to civil sanctions for this offence exclusively.
13. A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

Additional Global Enforcement Data

Ongoing Investigations on Foreign Bribery Cases

There are over 280 ongoing investigations in 21 Parties to the Anti-Bribery Convention (more than 150 in one Party, between 15 and 30 in 3 Parties, between 5 and 10 in 3 Parties, and fewer than 5 in 14 Parties). No investigation is ongoing in 5 other Parties. The 12 remaining Parties have not provided information. It should be noted that each country has its own definition of what an investigation is.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

There are approximately 180 individuals (more than 50 individuals in 3 countries, 5 individuals in one Party, and fewer than 5 individuals in 3 Parties) and 20 entities (18 entities in one Party, 1 to 3 entities in 2 Parties) subject to ongoing criminal proceedings in 7 Parties. No criminal proceedings are ongoing in 15 Parties. The 16 remaining Parties have not provided information.

Criminal Sanctions and Prison Sentences for Foreign Bribery

Seventy-seven entities and 148 individuals have been sanctioned for foreign bribery under criminal proceedings, including through settlements or following other types of procedures involving the agreement of the person ultimately sanctioned (with 59 individuals in 3 Parties and 65 entities in 2 Parties), of which at least 40 individuals in 9 Parties have been sentenced to prison terms.

Exclusions or Limitations on Access to Public Procurement or Benefits

Two Parties have voluntarily reported that exclusions or limitations on access to public procurement or benefits have been ordered against companies for foreign bribery.

More information about the new Recommendation, the Anti-Bribery Convention and the work of the OECD Working Group on Bribery is available online at: www.oecd.org/daf/nocorruption