

What is foreign bribery?

Companies engage in the bribery of foreign public officials—'foreign bribery'— when they offer, promise or give a bribe to a foreign official to win advantages in an international business transaction, such as winning a construction contract, an oil or gas concession, or an operating license.

Which industries are most affected by foreign bribery?

The construction, mining, defence and military industries, natural resources and energy, medical and pharmaceutical, telecommunications, transportation sectors, infrastructure projects and property development activities seem to be particularly prone to foreign bribery.

How many sanctions have been handed down for foreign bribery?

In the last 10 years, more than 150 companies and individuals have been sanctioned in more than 10 of the countries that are States Parties to the OECD Anti-Bribery Convention for committing foreign bribery and related offences.

What has been the highest monetary sanction so far?

Courts in three different jurisdictions ordered sanctions totalling approximately EUR 1.24 billion against an engineering company with worldwide operations.

Have individuals been sentenced to prison for foreign bribery?

In all 38 States Parties to the OECD Anti-Bribery Convention, foreign bribery may result in imprisonment for the individuals who commit this crime. Prison sentences have been ordered against at least 40 individuals convicted of foreign bribery and related offences in at least 10 State Parties.

The OECD Anti-Bribery Convention: Key Figures

- There are 38 States Parties to the Convention: the 34 OECD members, plus Argentina, Brazil, Bulgaria, and South Africa.
- Together, the 38 States Parties account for roughly two-thirds of world exports in 2009
- The 38 States Parties to the Convention also account for nearly 90 percent of global outward flows of foreign direct investment.
- 290 companies and individuals have been sanctioned in 13 States Parties for foreign bribery and related offences.
- Sanctions have resulted in fines, having totalled approximately EUR 1.24 billion against one single company, and prison sentences for involved company representatives.
- There are currently roughly 260 ongoing investigations in the Parties to the Convention concerning allegations that could be covered by the OECD Anti-Bribery Convention.

How severe are these prison sentences?

Average prison sentences for individuals convicted of foreign bribery and related offences vary depending on the severity of the crime. Here are a few examples of the most severe sentences:

- In 2005, an executive of a large rice exporting company was sentenced to five years and three months in prison, followed by two years of supervised release, for the bribery of foreign customs officials.
- In 2007, an individual received a three-year sentence after being convicted for attempting to bribe a senior foreign police official.
- In 2008, a five-year sentence was ordered for the managing director of a transport firm for bribes paid to officials in hopes of obtaining permission to transport cargo across a country border.
- In March 2009, a two-and-a-half year sentence was imposed on the former president of a consultancy firm convicted for bribing a foreign public official in charge of a road construction and infrastructure project.

Other than monetary sanctions and prison sentences, do companies face other types of sanctions for foreign bribery?

Companies that bribe foreign public officials may also face non-monetary sanctions, such as debarment from participating in public procurement or official development assistance contracts. They may also have only restricted access to official export credits or other government advantages. In practice, these sanctions could hit companies even harder than fines.

How many investigations are ongoing in the States Parties to the OECD Anti-Bribery Convention?

There are roughly 250 ongoing investigations in the 38 States Parties concerning allegations of corruption of foreign public officials that could be covered by the OECD Anti-Bribery Convention.

Who is part of the OECD Anti-Bribery Convention?

There are 38 States Parties to the Convention: the 30 OECD members, plus Argentina, Brazil, Bulgaria, Chile, Estonia, Israel, Slovenia and South Africa. The OECD is also engaging major emerging economies—including Russia, China, India, Indonesia and Thailand—bilaterally and through regional anti-corruption programmes.

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For more information on foreign bribery and the OECD Anti-Bribery Convention, go to www.oecd.org/bribery or email anti-corruption.contact@oecd.org.