

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.

© OECD 2017

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

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

