

Bonny Island Liquefied Natural Gas Bribe Scheme (TSKJ Consortium) / Snamprogetti Netherlands B.V. and ENI, S.p.A.

Case ID:

ST-69

Case Cluster :

Bonny Island Liquefied Natural Gas Bribe Scheme

Jurisdiction of Settlement:

Nigeria

Jurisdiction of Settlement / Enforcement Agency:

Economic and Financial Crimes Commission

Jurisdiction of Foreign Public Official(s) :

Nigeria

Year of Settlement:

2010

Month/Day of Settlement (or Notes):

12/20

Other Jurisdictions of Settlement:

United States

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Non-Prosecution Agreement

Monetary Sanctions (Types):

Criminal Fine, Disgorgement

Total Monetary Sanctions (US\$):

\$32,500,000.00

Criminal Fine/Penalty (US\$) :

\$30,000,000

Monetary Sanctions Returned / Ordered Returned (US\$):

\$32,500,000

Monetary Sanctions Returned / Ordered Returned (Explanation):

Enforcement by "Affected" Jurisdiction

UNCAC Articles(s) Implicated:

Art.16

Art.23

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 7

Offenses - Alleged:

Unknown (Bribery offenses related to the Bonny Island Natural Gas Bribe Scheme)

Offenses - Settled:

Unknown

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to a Press Release by the ENI company, its subsidiary Snamprogetti Netherlands BV entered into a settlement and non-prosecution agreement with the Nigerian authorities to resolve an investigation into the activities of Snamprogetti, as member of the TSKJ consortium, in connection with contracts to build liquid natural [gas] facilities on Bonny Island, Nigeria. According to the company press release, "Pursuant to the agreement, Snamprogetti Netherlands B.V. agreed to the payment of a criminal penalty of \$30 million and of \$2.5 million as reimbursement for legal costs and expenses incurred by the Nigerian authorities. The Federal Government of Nigeria agreed to dismiss all charges against Snamprogetti Netherlands BV and to renounce to any civil claims and criminal charges in any jurisdiction." (Source: ENI/Saipem company Press Release, "Snamprogetti Netherlands BV enters agreement with Federal Government of Nigeria," December 20, 2010.) Please note that the settlement agreement with the Nigerian government is confidential and not publicly available. However, on December 22, 2010, the Nigerian Attorney General and Minister of Justice stated at a media briefing that the total sum of \$170.8 million had been paid by foreign companies, including Technip, to settle bribery charges and/or allegations and that the sums represented fines and disgorgement of profits. (Source: 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice, by Mr. Mohammed Bello Adoke, SAN, Attorney General and Minister of Justice, Annual Press Briefing, 22 December 2010.)

Sources :

2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice, by Mr. Mohammed Bello Adoke, SAN, Attorney General and Minister of Justice, Annual Press Briefing, 22 December 2010, provided to the study by the Nigerian Economic and Financial Crimes Commission. ENI Company Press Release, "Snamprogetti Netherlands BV enters agreement with Federal Government of Nigeria," December 20, 2010, accessed at <http://www.saipem.com/site/download.jsp?idDocument=2013&instance=2>. For details on United States settlement in the case, please see: US v. Snamprogetti Netherlands BV, Case No. 4:10-cr-00460 (S.D. Tex.), Deferred Prosecution Agreement and Statement of Facts, filed July 7, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/snamprogetti/07-07-10snamprogetti-dpa.pdf>