

Bonny Island Liquefied Natural Gas Bribe Scheme (TSKJ Consortium) / Technip S.A. - Nigeria Settlement

Case ID:

ST-82

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):

Month and Day unspecified

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\$):

\$30,000,000.00

Criminal Fine/Penalty (US\$) :

\$30,000,000

Criminal Fine / Penalty (Explanation):

Please note that the December 22, 2010 press briefing by the Nigerian Attorney General noted that \$170.8 million had been paid in total by companies and individuals; no specific figure was given as to Technip. The press statement noted that the sums had been paid by the companies as fines and disgorgement but no breakdown was given. The total amount for Technip is from a secondary source; as it was unknown what portion of the sums constituted fines or disgorgement.

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

\$30,000,000

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 secondary sources (including Marcus Cohen, David Elesinmogun & Obumneme Egwuatu, "Will Nigeria Take Another Bite?," FCPA Blog, August 4, 2011), Technip agreed to pay \$30 million to Nigerian authorities as part of its settlement agreement. For background on the US Foreign Corrupt Practices Act case and settlement with Technip, S.A. related to the Bonny Island natural gas project in Nigeria, please see US v. Technip S.A., Case No. 4:10-cr-00439 (S.D. Tex.), Deferred Prosecution Agreement and Statement of Facts, filed June 28, 2010 and Technip S.A. Company Statement, "Technip confirms resolution of DOJ and SEC investigation into TSKJ Nigeria," June 28, 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. Marcus Cohen, David Elesinmodun & Obumneme Egwuatu, "Will Nigeria Take Another Bite?," FCPA Blog, August 4, 2011, accessed at <http://www.fcpablog.com/blog/tag/shell>; US v. Technip S.A., Case No. 4:10-cr-00439 (S.D. Tex.), Deferred Prosecution Agreement and Statement of Facts, filed June 28, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/technip-sa/06-28-10-technip-agreement.pdf>; Technip S.A. Company Statement, "Technip confirms resolution of DOJ and SEC investigation into TSKJ Nigeria," June 28, 2010, accessed at <http://www.technip.com/en/press/technip-confirms-resolution-doj-and-sec-investigation-tskj-nigeria>