

Bribery by Oil Services and Freight Forwarding Companies / Transocean Inc.

Case ID:

ST-102

Case Cluster :

Bribery by Oil Services and Freight Forwarding Companies

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

Nigeria

Year of Settlement:

2010

Month/Day of Settlement (or Notes):

11/04

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Deferred Prosecution Agreement

Monetary Sanctions (Types):

Criminal Fine

Total Monetary Sanctions (US\$):

\$13,440,000.00

Criminal Fine/Penalty (US\$) :

\$13,440,000

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

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 8

Offenses - Alleged:

Conspiracy to falsify books and records, Conspiracy to aiding and abetting falsification of books and records

Offenses - Settled:

Conspiracy to falsify books and records, Conspiracy to aiding and abetting falsification of books and records

Public Procurement Contract / SOE Involved?:

No (Customs)

Summary:

According to the US Department of Justice Press Release, "Transocean Inc., a Caymans Island subsidiary of Transocean Ltd. (collectively "Transocean"), was charged today in a criminal information with conspiring to violate the anti-bribery and books and records provisions of the FCPA; violating the anti-bribery provision of the FCPA; and aiding and abetting the violation of the books and records provisions of the FCPA. Transocean Ltd. is a global provider of offshore oil drilling services and equipment based in Vernier, Switzerland. The charges relate to approximately \$90,000 in bribes paid by Transocean Inc.'s freight forwarding agents in Nigeria to Nigerian customs officials to circumvent Nigerian customs regulations regarding the import of goods and materials and the import of Transocean's deep-water oil rigs into Nigerian waters. The department and Transocean have agreed to enter into a deferred prosecution agreement that requires, among other things, Transocean Inc. to pay a \$13.44 million criminal penalty." (Source: US Department of Justice Press Release, "Oil Services Companies and a Freight Forwarding Company Agree to Resolve Foreign Bribery Investigations and to Pay More Than \$156 Million in Criminal Penalties," November 4, 2010.)

Sources :

Report by the United States to the OECD, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions" (June 2011), Bribery by Oil Services and Freight Forwarding Companies Case Summary at 32-37, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>. US v. Transocean Inc., Case No. 4:10-cr-00768 (S.D. Tex.), Information filed November 4, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/transocean-inc/11-04-10transocean-info.pdf>; Deferred Prosecution Agreement filed November 4, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/transocean-inc/11-04-10transocean-dpa.pdf>. US Department of Justice Press Release, "Oil Services Companies and a Freight Forwarding Company Agree to Resolve Foreign Bribery Investigations and to Pay More Than \$156 Million in Criminal Penalties," November 4, 2010, accessed at <http://www.justice.gov/opa/pr/2010/November/10-crm-1251.html>