

## Flowerserve bv te Etten-Leur (Flowserve Corporation)

Case ID:

ST-156

Case Cluster :

Flowserve Corporation

Jurisdiction of Settlement:

Netherlands

Jurisdiction of Settlement / Enforcement Agency:

Rijksrecherche (Dutch Public Prosecution Service)

Jurisdiction of Foreign Public Official(s) :

Iraq (UN Oil-for-Food)

Year of Settlement:

2008

Month/Day of Settlement (or Notes):

07/16

Other Jurisdictions of Settlement:

United States

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Unspecified

Monetary Sanctions (Types):

Criminal Fine, Criminal Confiscation

Total Monetary Sanctions (US\$):

\$408,875.00

Criminal Fine/Penalty (US\$) :

\$121,569

Criminal Forfeiture / Confiscation (US\$):

\$287

306

Monetary Sanctions Returned / Ordered Returned (Explanation):

Unspecified

UNCAC Articles(s) Implicated:

Art.16

Art.23

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 7, Art. 8

Offenses - Settled:

Sanctions legislation by paying kickbacks when implementing UN Oil-for-Food Programme

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the Netherlands Phase 2 Report of the OECD Anti-Bribery Working Group (December 17, 2008): "As of October 2008, no foreign bribery cases had been brought before the Dutch courts. Nevertheless, the prosecution authorities have concluded out-of-court transactions with seven companies for paying kickbacks in the context of the Oil-for-Food Programme in Iraq, although the offence charged was the violation of sanctions legislation and not the foreign bribery offence." (para 2); " the Prosecution Department reports that it has concluded financial transactions (out of court settlements) with 7 companies for violating sanction legislation by paying kickbacks when implementing the Oil for Food Programme. Criminal gains have also been confiscated. In July 2008 a press release has been issued about these settlements. Together with the names of the companies (Alfasan International B.V., N.V. Organon, Flowserve B.V. , OPW Fluid Transfer Group Europe B.V., Prodetra B.V. Solvochem Holland B.V., Stet Holland B.V.) the settlements have been made public. For the following Oil-for-food transactions out-of-court settlements have been reached: 1. Alfasan International BV Woerden, fine: € 31.800,-- and confiscation € 10.183,55 2. NV Organon Oss, fine: € 381.602 3. Flowerserve bv te Etten-Leur, fine: € 76.274 and confiscation € 180.260 4. OPW Fluid Transfer Group Europe BV, Nieuw Vennep, fine € 57.204 and confiscation € 24.600 5. Prodetra bv, Wadinxveen, fine: 64.751 and confiscation € 34.485,95 6. Solvochem Holland bv, Rotterdam, fine € 136.000 and confiscation € 144.592 7. Stet Holland bv, Emmeloord, fine € 119.712 and confiscation € 54.458." (Source: Ibid., at 14.)

Sources :

OECD Anti-Bribery Working Group, The Netherlands Phase 2 Report (December 17, 2008), accessed at <http://www.oecd.org/dataoecd/61/59/41919004.pdf>; Melissa Lipman, "Cos. Settle Dutch Probe Into Oil-For-Food For ?1.3M," Law 360, July 16, 2008, accessed at <http://www.law360.com/articles/62486/cos-settle-dutch-probe-into-oil-for-food-for-1-3m> (partial article, gives date of Dutch Public Prosecution Service press release); see also, US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Information as of May 31, 2011, Flowserve Corporation Case Summary at 83-84, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>.