

MAN / Trucks Unit

Case ID:

ST-266

Case Cluster :

MAN

Jurisdiction of Settlement / Enforcement Agency:

Munich Public Prosecution Office

Jurisdiction of Foreign Public Official(s) :

Unspecified

Year of Settlement:

2009

Month/Day of Settlement (or Notes):

12/10

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Administrative

Legal Form of Settlement:

Administrative Offences Act

Monetary Sanctions (Types):

Fine, Confiscation of Profits

Total Monetary Sanctions (US\$):

\$110,859,672.00

Civil Disgorgement of Profits (US\$) :

\$110,418,000

Civil Fine / Penalty (US\$):

\$441,672

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

Offenses - Alleged:

Sections 130 and 30 OWiG

Offenses - Settled:

Sections 130 and 30 OWiG

Public Procurement Contract / SOE Involved?:

Unspecified

Summary:

According to the March 2011 Germany Phase 3 Report to the OECD, "iv) Decision of Munich I Public Prosecution office of 10 December 2009 pursuant to sections 130 and 30 OWiG -

against the Trucks unit of MAN - Fine of EUR 75.3 million (see Annual report 2009 Bavaria (d) and Germany's reply to Phase 3 questionnaires), hereinafter Case "Trucks Unit of MAN" (Source: Organisation for Economic Co-operation and Development, Working Group on Bribery: 2010 Data on Enforcement of the Anti-Bribery Convention, accessed at <http://www.oecd.org/dataoecd/47/39/47637707.pdf>; Organisation for Economic Co-operation and Development, Directorate for Financial and Enterprise Affairs, "Germany: Phase 3 Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 2009 Revised Recommendation on Combating Bribery in International Business Transactions," approved and adopted by the Working Group on Bribery in International Business Transactions on 17 March 2011, at footnote 49.)

Sources :

Organisation for Economic Co-operation and Development, Working Group on Bribery: 2010 Data on Enforcement of the Anti-Bribery Convention, accessed at <http://www.oecd.org/dataoecd/47/39/47637707.pdf>; Organisation for Economic Co-operation and Development, Directorate for Financial and Enterprise Affairs, "Germany: Phase 3 Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 2009 Revised Recommendation on Combating Bribery in International Business Transactions," approved and adopted by the Working Group on Bribery in International Business Transactions on 17 March 2011, accessed at <http://www.oecd.org/dataoecd/5/45/47416623.pdf>.