

Micrus Corporation and Micrus S.A.

Case ID:

ST-271

Case Cluster :

Micrus Corporation

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

France, Germany, Spain, Turkey

Year of Settlement:

2005

Month/Day of Settlement (or Notes):

02/28

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Non-Prosecution Agreement

Monetary Sanctions (Types):

Criminal Fine

Total Monetary Sanctions (US\$):

\$450,000.00

Criminal Fine/Penalty (US\$) :

\$450,000

Civil Disgorgement of Profits (US\$) :

\$0

Civil Prejudgment Interest (US\$) :

\$0

Civil Fine / Penalty (US\$):

\$0

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:

Bribery of foreign officials, Internal controls violations

Offenses - Settled:

Bribery of foreign officials, Internal controls violations

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the US Department of Justice's Press Release on its settlement agreement with the Micrus Corporation and its Swiss subsidiary Micrus S.A., "The investigation by the Department revealed that Micrus, through the conduct of certain officers, employees, agents and salespeople paid more than \$105,000 - disguised in Micrus's books and records as stock options, honorariums and commissions - to doctors employed at publicly owned and operated hospitals in [France, Turkey, Spain and Germany] in return for the hospitals' purchase of embolic coils from Micrus. An additional \$250,000 was comprised of payments for which Micrus did not obtain the necessary prior administrative or legal approval, as required under the laws of the relevant foreign jurisdiction." (Source: US Department of Justice Press Release, "Micrus Corporation Enters into Agreement to Resolve Potential Foreign Corrupt Practices Act Liability," March 2, 2005.)

Sources :

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, Micrus Corporation Case Summary at 121-122, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>. US Department of Justice Press Release, "MICRUS CORPORATION ENTERS INTO AGREEMENT TO RESOLVE POTENTIAL FOREIGN CORRUPT PRACTICES ACT LIABILITY," March 2, 2005, accessed at http://www.justice.gov/opa/pr/2005/March/05_crm_090.htm; In Re: Micrus Corporation, Non-Prosecution Agreement (dated February 28, 2005), accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/micrus-corp/02-28-05micrus-agree.pdf>