OPW Fluid Transfer Group Europe BV, Nieuw Vennep

Case ID: ST-294
Case Cluster: OPW Fluid Transfer Group Europe BV
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: Unknown
Settlement with Individual or Legal Person?: Legal Person
Type of Settlement: Criminal
Legal Form of Settlement: Out of court settlement
Monetary Sanctions (Types): Criminal Fine, Criminal Confiscation
Total Monetary Sanctions (US$): $130,382.50
Criminal Fine/Penalty (US$): $91,174
Criminal Forfeiture / Confiscation (US$): $39 208.50
Monetary Sanctions Returned / Ordered Returned (Explanation): Unspecified
UNCAC Articles(s) Implicated: Art.16  Art.26
OECD Anti-Bribery Convention Articles Implicated: Art. 1, Art. 2
Offenses - Alleged: Unspecified
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. Flowserve 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: