

Prodetra bv, Wadinxveen

Case ID:

ST-305

Case Cluster :

Prodetra bv, Wadinxveen

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\$):

\$158,168.10

Criminal Fine/Penalty (US\$) :

\$103,203

Criminal Forfeiture / Confiscation (US\$):

\$54

965.10

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 - 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.)