

Siemens AG (Nigeria Settlement)

Case ID:

ST-317

Case Cluster :

Siemens AG

Jurisdiction of Settlement:

Nigeria

Jurisdiction of Settlement / Enforcement Agency:

Economic and Financial Crimes Commission; Attorney General

Jurisdiction of Foreign Public Official(s) :

Nigeria

Year of Settlement:

2009

Month/Day of Settlement (or Notes):

11/22

Other Jurisdictions of Settlement:

Germany, United States, World Bank

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Non-Prosecution Agreement

Monetary Sanctions (Types):

Criminal Fine, Disgorgement

Total Monetary Sanctions (US\$):

\$46,000,000.00

Criminal Fine/Penalty (US\$) :

\$46,000,000

Criminal Fine / Penalty (Explanation):

Please note that the December 22, 2010 press briefing by the Nigerian Attorney General noted that \$170.8 million had been paid in total by companies and individuals; no specific figure was given as to each company. The press statement noted that the sums had been paid by the companies as fines and disgorgement but no breakdown was given.

Monetary Sanctions Returned / Ordered Returned (US\$):

\$46,000,000

Monetary Sanctions Returned / Ordered Returned (Explanation):

Enforcement by "Affected" Jurisdiction (Amount from secondary sources)

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 8

Offenses - Alleged:

Unknown

Offenses - Settled:

Unknown

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the May 4, 2011 Siemens Company Statement on Legal Proceedings against it around the world, the criminal charges filed against it by the Nigerian Economic and Financial Crimes Commission (EFCC) was dismissed in November 2010, pursuant to a settlement agreement between Siemens and the Nigerian authorities. (Source: Siemens, "Legal Proceedings," May 4, 2011.) Please note that the settlement agreement with the Nigerian government is confidential and not publicly available. However, on December 22, 2010, the Nigerian Attorney General and Minister of Justice stated at a media briefing that the total sum of \$170.8 million had been paid by foreign companies to settle bribery charges and/or allegations and that the sums represented fines and disgorgement of profits. (Source: 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice, by Mr. Mohammed Bello Adoke, SAN, Attorney General and Minister of Justice, Annual Press Briefing, 22 December 2010.)

Sources :

2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice, by Mr. Mohammed Bello Adoke, SAN, Attorney General and Minister of Justice, Annual Press Briefing, 22 December 2010, provided to the study by the Nigerian Economic and Financial Crimes Commission; Marcus Cohen, David Elesinmogun & Obumneme Egwuatu, "Will Nigeria Take Another Bite?," FCPA Blog, August 4, 2011, accessed at <http://www.fcpablog.com/blog/tag/shell>; Siemens, "Legal Proceedings," May 4, 2011, accessed at <http://www.siemens.com/press/pool/de/events/2011/corporate/2011-q2/2011-q2-legal-proceedings-e.pdf>; US v. Siemens A.G., Case No. 08-cr-367-RJL (D.D.C.), Plea Agreement and Statement of Offense, both filed December 15, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens-aktiengesellschaft.html>.