

Siemens AG (Italy)

Case ID:

ST-319

Case Cluster :

Siemens AG

Jurisdiction of Settlement:

Italy

Jurisdiction of Settlement / Enforcement Agency:

Milan Prosecutors Office

Jurisdiction of Foreign Public Official(s) :

Italy

Year of Settlement:

2006

Month/Day of Settlement (or Notes):

07/25

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:

Patteggiamento

Monetary Sanctions (Types):

Criminal Fine, Disgorgement of Profits

Total Monetary Sanctions (US\$):

\$8,373,905.00

Criminal Fine/Penalty (US\$) :

\$632,375

Criminal Forfeiture / Confiscation (US\$):

\$7

741

530

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

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.23

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2, Art. 7

Offenses - Alleged:

Legislative Decree No. 231 of 8 June 2001 - Administrative Liability of Legal Persons

Offenses - Settled:

Legislative Decree No. 231 of 8 June 2001 - Administrative Liability of Legal Persons

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the July 2006 Sentence ordered by the Milan Tribunal, Siemens entered into a plea agreement regarding the bribery by its executives of officials at state owned-Enelpower. According to the Sentence, the executives made bribery payments to the CEO of EnelProduzione and CEO of Enelpower in order to obtain secret information related to the bids. The bribe payments passed from bank accounts in Liechtenstein or via the Emirates Bank International (subsidiary of a British Virgin Island company) to different accounts of which the Enel executives were beneficiaries, via accounts of a foreign established company (the MEEISCO LLC), which was under the control of an intermediary. (Source: Sentence against Siemens AG and individual defendants issued by the II Tribunale Ordinario di Milano (25 July 2006)).



Sources :

Sentence against Siemens AG and individual defendants issued by the II Tribunale Ordinario di Milano (25 July 2006), accessed at

http://www.penalecontemporaneo.it/upload/Trib.%20Milano,%2025.7.2006%20_sent._,%20GUP%20Va

text of Legislative Decree No. 231 of 8 June 2001 -- Administrative Liability of Legal Persons excerpted in Phase 3 Report on Implementing the OECD Anti Bribery Convention in Italy (December 2011), accessed at <http://www.oecd.org/dataoecd/59/47/49377261.pdf> repalce with <http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/Italyphase3reportEN.pdf>

Documents:

Attachment	Size
 Trib. Milano, 25.7.2006 _sent._, GUP Varanelli _Confisca_it.pdf	51.75 KB
 OECD_Italy_Phase_3_Report_Dec_2011.pdf	859.2 KB