

## **Siemens AG / Siemens S.A. (Argentina)**

**Case ID:**

ST-327

**Case Cluster :**

Siemens AG

**Jurisdiction of Settlement:**

United States

**Jurisdiction of Settlement / Enforcement Agency:**

Department of Justice

**Jurisdiction of Foreign Public Official(s) :**

Argentina

**Year of Settlement:**

2008

**Month/Day of Settlement (or Notes):**

12/15

**Other Jurisdictions of Settlement:**

Germany, World Bank

**Settlement with Individual or Legal Person?:**

Legal Person

**Type of Settlement:**

Criminal

**Legal Form of Settlement:**

Guilty Plea

**Monetary Sanctions (Types):**

Criminal Fine

**Total Monetary Sanctions (US\$):**

\$500,000.00

**Criminal Fine/Penalty (US\$) :**

\$500,000

**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, Art. 8

**Offenses - Alleged:**

Conspiracy to Falsify Books and Records

**Offenses - Settled:**

Conspiracy to Falsify Books and Records

**Public Procurement Contract / SOE Involved?:**

Yes

**Summary:**

According to the June 2011 United States Report to the OECD, "On December 11, 2008,

Siemens Aktiengesellschaft (Siemens AG), a German corporation, and three of its subsidiaries were charged in separate criminal informations filed in the U.S. District Court for the District of Columbia for their roles in a scheme to bribe foreign officials in several countries. [ ] From 1998 through 2007, Siemens Argentina made and caused to be made significant payments to various Argentine officials, both directly and indirectly, in exchange for favorable business treatment in connection with a \$1 billion national identity card project. From March 2001 through January 2007, Siemens Argentina paid approximately \$31,263,000 in corrupt payments to various Argentine officials through purported consultants and other conduit entities, and improperly characterized those corrupt payments in its books and records as legitimate payments for "consulting fees" or "legal fees." Siemens Argentina's books and records were subsequently incorporated into the books and records of Siemens AG." (Source: 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, Siemens Aktiengesellschaft (Siemens AG) Case Summary at 70-73.)

**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, Siemens Aktiengesellschaft (Siemens AG) Case Summary at 70-73, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>. US v. Siemens Argentina S.A., Case No. 1:08-cr368-RJL (D.D.C.), Information filed December 12, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-12-08siemensargen-info.pdf>; Plea Agreement filed December 15, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensargen-plea.pdf>; Statement of Offense filed December 15, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensargen-statement.pdf>; Judgment filed January 6, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/01-06-09siemensarg-judgment.pdf>.