

Siemens AG / Siemens S.A. (Venezuela)

Case ID:

ST-328

Case Cluster :

Siemens AG

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

Venezuela

Year of Settlement:

2008

Month/Day of Settlement (or Notes):

12/15

Other Jurisdictions of Settlement:

Germany, The 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 Bribe Foreign Officials

Offenses - Settled:

Conspiracy to Bribe Foreign Officials

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 2001 through 2007, Siemens Venezuela made and caused to be made corrupt payments of at least \$18,782,965 to various Venezuelan officials, indirectly through purported business consultants, in exchange for favorable business treatment in connection with two major metropolitan mass transit projects called Metro Valencia and Metro Maracaibo. Some of those payments were made using U.S. bank accounts controlled by the purported business consultants." (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 S.A. (Venezuela), Case No. 1:08-cr-370-RJL (D.D.C.), Information filed December 12, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-12-08siemensvenez-info.pdf>; Plea Agreement filed December 15, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensvenez-plea.pdf>; Statement of Offense filed December 15, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensvenez-statement.pdf>; Judgment filed January 6, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensvenez-statement.pdf>