

# 2020 Enforcement of the Anti-Bribery Convention

## INVESTIGATIONS, PROCEEDINGS, AND SANCTIONS

### OECD Working Group on Bribery

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## HIGHLIGHTS

### Concluded cases

From the entry into force of the OECD Anti-Bribery Convention on 15 February 1999 through 31 December 2020:

- 25 Parties convicted or sanctioned, collectively, at least 684 natural and 245 legal persons for foreign bribery through criminal proceedings;
- 7 Parties sanctioned, collectively, at least 87 natural and 119 legal persons for foreign bribery through administrative or civil proceedings;
- 10 Parties convicted or sanctioned, collectively, at least 77 natural and 107 legal persons for related offences (e.g. false accounting, money laundering, embezzlement, tax evasion) through criminal proceedings;
- 3 Parties sanctioned, collectively, at least 75 natural and 188 legal persons for related offences through administrative or civil proceedings.
- 3 Parties – Colombia, Latvia, and the Russian Federation – reported having imposed sanctions for the first time for foreign bribery (each sanctioning one legal person) either through criminal or non-criminal proceedings.

### Pending matters

As of 31 December 2020:

- 32 Parties reported having had, collectively, 485 ongoing investigations for foreign bribery;
- 13 Parties reported having had, collectively, ongoing criminal proceedings for foreign bribery against 167 natural and 14 legal persons;
- 2 Parties reported having had, collectively, ongoing administrative or civil proceedings for foreign bribery against 6 natural and 10 legal persons.

By ratifying the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Anti-Bribery Convention), the Parties pledge to work together to fight foreign bribery. This report contains an overview of the Parties' enforcement efforts since the Convention's entry into force on 15 February 1999. More information about the implementation and enforcement of the OECD Anti-Bribery Convention, including the Parties' mutual evaluations of their implementation of the Convention, through the Working Group on Bribery, is available on line at: [www.oecd.org/corruption](http://www.oecd.org/corruption).

## OVERVIEW OF THE ENFORCEMENT DATA

The following tables provide an overview of the enforcement data reported by Parties to the OECD Anti-Bribery Convention. The data distinguish foreign bribery from other related offences covered by the Convention, in particular accounting misconduct and money laundering related to the bribery of foreign public officials. Enforcement data on cases against individuals and entities are recorded separately.

The Annex “Methodology for Enforcement Data” provides further context for the data presented.

**Table 1A. Decisions on criminal foreign bribery cases**  
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP <sup>1</sup>	% share of world exports <sup>1</sup>	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Argentina	0.74	0.29	0	0	0	0
Australia	1.03	1.36	7	2	0	0
Austria	0.38	1.02	7	0	15	0
Belgium	0.46	1.88	8	2	16	5
Brazil	2.42	1.10	25	0	0	0
Bulgaria	0.13	0.18	1	0	0	0
Canada <sup>2</sup>	1.40	2.16	1	4	3	0
Chile	0.37	0.36	2	1	0	0
Colombia	0.57	0.17	0	0	0	0
Costa Rica	0.08	0.09	0	0	0	0
Czech Republic	0.35	0.79	0	0	0	0
Denmark	0.27	0.88	0	1	0	0
Estonia	0.04	0.10	0	0	0	0
Finland	0.22	0.44	0	0	18	4
France <sup>3</sup>	2.42	3.30	22	15	18	1
Germany <sup>4</sup>	3.46	7.51	348	12	2	0

<sup>1</sup> Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

<sup>2</sup> For **Canada**: One of the legal persons listed above pleaded guilty to one count of fraud in connection with a foreign bribery scheme.

<sup>3</sup> For **France**: One legal person was convicted without imposition of sanctions (*dispense de peine*).

<sup>4</sup> For **Germany**: Due to a change in methodology to align the enforcement data in this report with the data in Germany’s Phase 4 evaluation report, the German data before 2017 are not comparable to the data reported for 2017 or thereafter. Furthermore, the sanctions reported include those imposed in the context of proceedings terminated after the accused or indicted accused complied with the conditions and instructions (e.g. payment of a sum of money to a non-profit-making institution) imposed by the public prosecution office or the court (Section 153a(2) Code of Criminal Procedure – CCP (*Strafprozessordnung*)). As of Germany’s Phase 3 evaluation, it was not possible to

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP <sup>1</sup>	% share of world exports <sup>1</sup>	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Greece <sup>5</sup>	0.23	0.27	0	0	0	0
Hungary	0.25	0.56	26	0	2	0
Iceland	0.02	0.03	0	0	0	0
Ireland	0.36	2.51	0	0	0	0
Israel <sup>6</sup>	0.30	0.52	0	2	0	0
Italy <sup>7</sup>	1.91	2.50	16	7	15	2
Japan	4.02	3.55	10	2	0	0
Korea	1.72	2.70	25	9	5	0
Latvia	0.05	0.09	0	1	0	0
Lithuania	0.08	0.19	0	0	0	0
Luxembourg	0.06	0.71	1	0	5	0
Mexico	1.86	1.98	0	0	0	0
Netherlands	0.79	3.21	2	8	0	0
New Zealand	0.17	0.23	0	0	0	0
Norway <sup>8</sup>	0.26	0.53	3	3	5	1
Peru	0.31	0.21	0	0	0	0
Poland	1.00	1.51	1	0	0	0

identify which sanctions imposed under Section 153a CCP were for foreign bribery and foreign bribery-related offences. Therefore, the data include sanctions imposed under that provision for both foreign bribery and foreign bribery-related offences. Data also include sanctions imposed under Section 299 CC in foreign bribery cases (since the entry into force of the Convention). In Germany, the liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.

- <sup>5</sup> For **Greece**: The liability of legal persons is an administrative liability but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. On 12 December 2017, a revised version of Article 51 of the AML law came into force. According to Greek authorities, this law sets out a regime of criminal liability for legal persons.
- <sup>6</sup> For **Israel**: In addition to criminally sanctioning a legal person for foreign bribery through a plea agreement, Israel has criminally sanctioned another legal person in a case involving foreign bribery-related facts, but which was resolved with an NPA under securities law. As a disclaimer, the statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
- <sup>7</sup> For **Italy**: The liability of legal persons is administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case. The sanctions reported in this table include those imposed via non-trial resolutions known as "*patteggiamento*". Although not reported in this table, Italy also initiated 16 prosecutions against natural persons and 16 prosecutions against legal persons in connection with violations of the UN Oil-for-Food Programme. Of those 16 prosecutions against natural persons, 12 were discontinued without sanction, 1 was discontinued with sanctions, and 3 resulted in acquittals. Of the 16 prosecutions against legal persons, 12 were discontinued without sanctions, 1 was discontinued with sanctions, and 3 resulted in acquittals.
- <sup>8</sup> For **Norway**: All sanctions on legal persons were imposed using a non-trial resolution procedure called a penalty notice. Acceptance of a penalty notice has the same effect as a final court judgement under paragraph 258 of the Criminal Procedure Act (CPA). Although not reported in this table, Norway also issued "*påtaleunntatelse*" decision for three natural persons under paragraph 69 of Norway's CPA. The "*påtaleunntatelse*" decision is a penal resolution by which guilt is deemed to be proven. There are no monetary sanctions, confiscation measures, or prison sentences attached to these decisions.

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP <sup>1</sup>	% share of world exports <sup>1</sup>	Sanctioned (agreed or imposed)		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Portugal	0.27	0.38	0	0	0	0
Russian Federation	3.17	1.71	0	0	0	0
Slovak Republic	0.13	0.40	0	0	0	0
Slovenia	0.06	0.19	0	0	0	0
South Africa	0.55	0.42	0	0	0	0
Spain	1.39	1.77	2	0	1	1
Sweden	0.44	1.09	6	0	2	1
Switzerland <sup>9</sup>	0.48	2.12	13	9	2	0
Turkey	1.82	0.93	0	0	1	0
United Kingdom <sup>10</sup>	2.32	3.35	25	13	22	1
United States <sup>11</sup>	16.05	9.59	133	154	4	0
<b>TOTAL (entire WGB)</b>	<b>54.42</b>	<b>64.89</b>	<b>684 natural persons sanctioned, including through plea agreements or other resolutions</b>	<b>245 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions</b>	<b>136 natural persons acquitted</b>	<b>16 legal persons acquitted</b>

<sup>9</sup> In **Switzerland**, foreign bribery cases can be pursued either at the federal or cantonal level. In fact, the Office of the Attorney General of Switzerland (OAG) initiates the vast majority of such cases. As the cantons are not required to report their cases to the OAG, the data contained in this table only reflect federal cases as well as those cases delegated by the cantons to the OAG. In addition, the numbers reported here do not take into account exemptions from punishment under Article 53 of the Swiss Criminal Code.

<sup>10</sup> For the **United Kingdom**: The sanctions reported for legal persons include those imposed through a deferred prosecution agreement (DPA).

<sup>11</sup> For the **United States**: This row records the number of criminal cases prosecuted by the US Department of Justice either for violations of the anti-bribery provisions of the FCPA, or for violations of both the anti-bribery provisions and the books and records and internal controls provisions of the FCPA. Therefore, this table does not reflect criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US Department of Justice and the persons sanctioned. The data also reflect declinations with disgorgement concluded under the FCPA Corporate Enforcement Policy.

**Table 1B. Decisions on administrative and civil foreign bribery cases<sup>1</sup>**  
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP <sup>2</sup>	% share of world exports <sup>2</sup>	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil <sup>3</sup>	2.42	1.10	24	4	0	0
Colombia	0.57	0.17	0	1	0	1
Germany	3.46	7.51	7	5	0	0
Japan	4.02	3.55	0	6	0	0
Russian Federation	3.17	1.71	0	1	0	0
United Kingdom	2.32	3.35	0	10	1	0
United States <sup>4</sup>	16.05	9.59	56	92	2	0
<b>TOTAL (relevant countries)</b>	<b>32.01</b>	<b>26.98</b>	<b>87 natural persons sanctioned, through civil or administrative proceedings or other resolutions</b>	<b>119 legal persons sanctioned, through civil or administrative proceedings or other resolutions</b>	<b>3 natural persons found not liable</b>	<b>1 legal persons found not liable</b>

<sup>1</sup> Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed in Table 1B concerning “administrative and civil cases”. Note that some countries have criminal and administrative/civil sanctions for foreign bribery, and in some cases persons sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

<sup>2</sup> Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

<sup>3</sup> For **Brazil**: All 24 individuals sanctioned under administrative/civil proceedings were also sanctioned in criminal proceedings (see Table 1A).

<sup>4</sup> For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the anti-bribery provisions of the FCPA either alone or in conjunction with violations of the books and records and internal controls provisions of the FCPA, whether through a court decision, an administrative order, or through another resolution, including NPAs. Therefore, this table does not reflect civil or administrative sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA.

**Table 2A. Decisions on criminal cases for other offences related to foreign bribery<sup>1</sup>**  
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or acquitted						
Party to the Convention	% share of world GDP <sup>2</sup>	% share of world exports <sup>2</sup>	Sanctioned		Acquitted	
			Natural persons	Legal persons	Natural persons	Legal persons
Australia	1.03	1.36	3	0	0	0
Austria	0.38	1.02	0	0	1	0
Belgium	0.46	1.88	0	0	1	0
Brazil	2.42	1.10	1	0	0	0
Finland	0.22	0.44	3	0	1	0
Germany <sup>3</sup>	3.46	7.51	20	4	0	0
Italy	1.91	2.50	5	1	2	0
Luxembourg <sup>4</sup>	0.06	0.71	7	0	0	0
Netherlands <sup>5</sup>	0.79	3.21	1	2	0	0
Norway <sup>6</sup>	0.26	0.53	1	1	0	0
Sweden	0.44	1.09	1	0	0	0
United States <sup>7</sup>	16.05	9.59	35	99	3	0
<b>TOTAL (relevant countries)</b>	<b>27.48</b>	<b>30.94</b>	<b>77 natural persons sanctioned, including through plea agreements or other resolutions</b>	<b>107 legal persons sanctioned, including through plea agreements, NPAs, DPAs, or other resolutions</b>	<b>8 natural persons acquitted</b>	<b>0 legal persons acquitted</b>

- <sup>1</sup> Only those countries that have reported criminal sanctions for offences related to foreign bribery have been listed in Table 2A concerning “criminal sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” includes offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).
- <sup>2</sup> Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.
- <sup>3</sup> For **Germany**: The liability of legal persons is an administrative liability, but legal persons are sanctioned in connection with a criminal offence in the context of a criminal case.
- <sup>4</sup> For **Luxembourg**: Six natural persons were convicted of forgery in connection with a foreign bribery scheme; one natural person was convicted of trading in influence.
- <sup>5</sup> For **the Netherlands**: One legal person was sanctioned for multiple anti-money-laundering violations, encompassing at least one count of money laundering predicated on foreign bribery.
- <sup>6</sup> For **Norway**: Sanctions on the individual and legal persons are for the offence of “trading in influence”.
- <sup>7</sup> For **the United States**: This row records the number of criminal cases prosecuted by the US Department of Justice for violations of the books and records and internal controls provisions of the FCPA as well as supply-side money laundering violations predicated on foreign bribery either alone or in combination with violations of the FCPA anti-bribery provisions. “DPAs” and “NPAs” are “Deferred Prosecution Agreements” and “Non Prosecution Agreements” that have been entered into between the US Department of Justice and the persons sanctioned. In addition to the enforcement actions reported in this table, the US Department of Justice has charged at least 35 foreign public officials or other demand-side participants of foreign bribery schemes, typically by pursuing money laundering charges. Of these foreign public officials, at least 11 have been convicted with sanctions and at least 9 have pled guilty and are awaiting sentencing.

**Table 2B. Decisions on administrative/civil cases for other offences related to foreign bribery<sup>1</sup>**  
(15 Feb 1999 – 31 Dec 2020)

Number of individuals and legal persons sanctioned or found not liable						
Party to the Convention	% share of world GDP <sup>2</sup>	% share of world exports <sup>2</sup>	Sanctioned (agreed or imposed)		Found not liable	
			Natural persons	Legal persons	Natural persons	Legal persons
Brazil	2.42	1.10	1	1	0	0
Israel	0.30	0.52	0	1	0	0
United States <sup>3</sup>	16.05	9.59	74	186	2	0
<b>TOTAL (relevant countries)</b>	<b>18.77</b>	<b>11.21</b>	<b>75 natural persons sanctioned, through civil or administrative proceedings or other resolutions</b>	<b>188 legal persons sanctioned, through civil or administrative proceedings or other resolutions</b>	<b>2 natural persons found not liable</b>	<b>0 legal persons found not liable</b>

<sup>1</sup> Only those countries that have reported administrative/civil sanctions for offences related to foreign bribery have been listed under Table 2B concerning the “administrative/civil sanctions for other offences related to foreign bribery”. “Other offences related to foreign bribery” include offences falling under Articles 7 (Money Laundering) and 8 (Accounting) of the Convention. Examples include books and records violations, failure to implement sufficient internal controls, *abus de biens sociaux* (misuse of company assets), and *Untreue* (breach of trust based on a failure to supervise).

<sup>2</sup> Statistics on GDP and world exports were obtained from the OECD Economics Department and are based on OECD national account data for all countries except for Peru, the data for which come from Peru’s Instituto Nacional de Estadística e Informática (INEI). The OECD Economics Department calculated the relevant world total against which the national data were compared.

<sup>3</sup> For the **United States**: This row records the number of administrative and civil enforcement actions of the US Department of Justice and the US Securities and Exchange Commission that have led to sanctions for violations of the books and records and internal controls provisions of the FCPA either alone or in conjunction with the FCPA’s anti-bribery provisions. It includes sanctions imposed through court decisions, administrative orders, as well as other types of resolutions, including NPAs.

## ANNEX: METHODOLOGY FOR ENFORCEMENT DATA

### Collection and presentation of enforcement data

**Tables 1A and 1B** present data that the Parties to the OECD Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the Working Group on Bribery's law enforcement data collection exercise. They show the number of criminal cases (in Table 1A) and administrative and civil cases (in Table 1B) of foreign bribery that have resulted in a final court disposition, such as a criminal conviction or acquittal, or similar findings under a non-criminal procedure. The tables report the number of sanctions that have been imposed on individuals and entities in criminal, administrative, and civil proceedings for foreign bribery and for failures to prevent a proven case of foreign bribery in the 44 Parties to the Anti-Bribery Convention from its entry into force in February 1999. The following additional points about these tables should be noted:

- **Agreements between law enforcement authorities and the accused.** The tables also include data provided on a *voluntary* basis by countries concerning the number of foreign bribery cases that have been resolved through an agreement between law enforcement authorities and the accused person or entity, with or without court approval. In some cases, the proceedings may have been terminated or deferred for a certain period of time on condition that the accused person agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full co-operation in the investigation of others individuals or companies allegedly involved in the same case.
- **What is not included in the tables.** Unless otherwise indicated, the tables *do not include* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence, United Nations embargo violations, private-to-private bribery or to obtain a benefit outside of an international business transaction. They also do not record the number of sanctions that may have been imposed by the 44 Parties against foreign public officials for receiving bribes, as this offence is not covered by the Convention.

**Tables 2A and 2B** present the enforcement data provided on a *voluntary* basis by Parties regarding sanctions in criminal, administrative, and civil cases for other offences related to foreign bribery. These include non-bribery offences that are covered by Article 7 (Money Laundering) and Article 8 (Accounting) of the Convention. The specific offences vary by jurisdiction, but all relate to misconduct associated with foreign bribery in international business transactions, such as books and records violations, failure to implement internal controls, *abus de biens sociaux* (misuse of company assets), and breach of trust based on a failure to supervise. As with Tables 1A and 1B, this data set *does not cover* other offences that fall outside the Convention, such as trading in influence, United Nations embargo violations or bribery to obtain a benefit outside of an international business transaction.

Supplementary information about the methodology used to collect the data on enforcement is available at: [www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf](http://www.oecd.org/daf/anti-bribery/Methodology-Enforcement-Data.pdf).

[www.oecd.org/corruption/anti-bribery](http://www.oecd.org/corruption/anti-bribery)

