

About the Working Group on Bribery Data

Official data on the enforcement efforts of the Parties to the Anti-Bribery Convention were made public for the first time in the last Annual Report of the Working Group. This year, the Parties have again agreed to publish official data for the 2010 Annual Report.

The Working Group has therefore been collecting data from its members on investigations, proceedings and sanctions, distinguishing sanctions upon conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) from agreements to resolve proceedings without a conviction (or a similar finding of culpability for administrative and civil proceedings, where applicable) with or without court approval. The data collected distinguishes foreign bribery misconduct from other related offences—in particular accounting misconduct for purposes of bribing foreign public officials or concealing bribery—and, where relevant, tracks enforcement data related to cases against individuals and entities separately.

This data has been divided into two categories: information provided by Parties on a mandatory basis and information provided on a voluntary basis. The mandatory data consists of the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative or civil procedure. The voluntary data includes, tracking separately the offence of foreign bribery and foreign bribery-related accounting misconduct : 1) data on investigations (e.g. ongoing investigations, investigations that have been discontinued, investigations that have led to criminal prosecutions or administrative proceedings); 2) data on criminal, administrative and civil proceedings that have not resulted in a final court disposition (e.g. ongoing court proceedings, proceedings that have been discontinued, and out-of-court settlements); and 3) data on sanctions (e.g. prison sentences, monetary penalties including fines, confiscation and forfeiture, and collateral consequences such as debarment from public procurement).

In Short: Working Group on Bribery Enforcement Data

Note to the reader: This data has been compiled and published by the OECD Secretariat on the basis of statistics, data and information provided by the Parties to Convention in order to provide a realistic picture of the level of enforcement in the jurisdiction of each of the Parties. However, the responsibility for the provision and accuracy of information rests solely with the individual Parties.

To date, all Parties to the Convention have provided enforcement data. According to data collected as of March 2011, 199 individuals and 91 entities have been sanctioned under criminal proceedings for foreign bribery in 13 Parties between the time the Convention entered into force in 1999 and the end of 2010. Out of these 13 Parties, 7 have sanctioned both companies and individuals, one has sanctioned only a company and 5 have sanctioned only individuals.

According to the data, at least 54 of the sanctioned individuals were sentenced to prison for foreign bribery. A record amount of EUR 1.24 billion was imposed in combined fines on a single company for foreign bribery.

Approximately 260 investigations are ongoing in 15 Parties to the Anti-Bribery Convention. Furthermore, criminal charges have been laid against over 120 individuals and 20 entities in 5 Parties.

Methodology and Content of the Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention

What the Table includes

The Table below records the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official (Articles 1 and 2 of the Anti-Bribery Convention) in the 38 Parties to the Anti-Bribery Convention from its entry into force to December 2010.

The Table contains all data that the 38 Parties to the Anti-Bribery Convention have agreed to provide on a *mandatory* basis as part of the data-collection exercise on the enforcement of the Anti-Bribery Convention described above (*i.e.* the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure). Additionally, the Table includes data provided on a *voluntary* basis by certain countries concerning the number of foreign bribery cases that have been resolved through an agreement between the 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 on condition that the accused agrees to certain conditions, such as implementation of corporate reforms, the payment of fines, restitution, and/or full cooperation in the investigation of others allegedly involved in the same case.

What the Table does not include

It should be underlined that the Table shows sanctions for the commission of the offence of bribing a foreign public official and for failures to prevent a proven case of bribing a foreign public official, *not* other offences that might also apply to this form of conduct in certain circumstances, such as trading in influence or United Nations embargo violations.

Some countries have also voluntarily provided data on sanctions for foreign-bribery related accounting misconduct and inadequate internal controls, falling under Article 8 of the Anti-Bribery Convention. This data will be included in future tables, but for now only the data from the United States on such sanctions is provided, due to the significant extent of US enforcement in this area, in footnotes 9 and 12 to the US entry in the Table. Other Parties voluntarily published information relating to related books and records or internal controls violations in the [Steps Taken by Parties to the Anti-Bribery Convention to implement and enforce the Convention](#).

Finally, the Table does not record sanctions that may have been ordered in the 38 Parties to the Convention against foreign public officials for receiving bribes, as this offence is not covered by the Anti-Bribery Convention.

Methodology used and limits

For the purposes of completing the Table below, cases have been counted per person.

This methodology implies that several sanctions recorded by the same Party may concern one “case” (*e.g.* in one case, a parent company, its subsidiary and a manager may have been sanctioned) or one person (*e.g.* one person may have been subject to, and sanctioned in, both criminal and civil proceedings). In addition, several sanctions recorded by several countries may concern the same person or entity, where they all had jurisdiction

The Table includes data on foreign bribery cases that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an administrative procedure. The data does not

identify cases that might be under appeal. This implies that the numbers could change depending on the outcome of possible appeals against the decisions reported in the Table.

Readers should also note that, while the Table tracks data back to 1999—the year the Convention entered into force—a number of Parties joined the Convention and started enforcement against foreign bribery offences later. In addition, data is not included from before 1999 on enforcement of the US' Foreign Corrupt Practices Act (FCPA), which came into force in 1977.

**Comparative Table of Enforcement Data Collected from the 38 Parties to the Anti-Bribery Convention
Decisions on Foreign Bribery Cases from 1999 to December 2010**

Country	Date of latest information supplied	Exports in 2010 in billions of USD ¹	Number of Individuals (I) and Legal Persons (LP) sanctioned or acquitted/found not liable			
			Sanctioned		Acquitted	
CRIMINAL CASES			I	LP	I	LP
Argentina	March 2009	0.4	0	0	0	0
Australia	February 2011	1.4	0	0	0	0
Austria	April 2010	1.1	0	0	0	0
Belgium ²	December 2010	2.0				
Brazil	December 2009	1.3	0	0	0	0
Bulgaria	December 2008	0.1	0	0	0	0
Canada	March 2009	2.5	0	1	0	0
Chile	December 2010	0.4	0	0	0	0
Czech Republic	March 2010	0.8	0	0	1	0
Denmark	December 2010	0.8	0	0	0	0
Estonia	February 2011	0.1	0	0	0	0
Finland	December 2010	0.5	0	0	0	0
France	December 2010	3.5	2	0	2 ³	0
Germany ⁴	December 2010	8.2	30 (+35 agreed sanctions ⁵)	6	0	
Greece	December 2010	0.3	0	0	0	0
Hungary	December 2009	0.6	27	0	2	0
Iceland	December 2010	0.04	0	0	0	0
Ireland	December 2010	1.1	0	0	0	0
Israel ⁶	December 2010	0.4	0	0	0	0
Italy	December 2009	2.9	21, including 16 plea agreements ⁷	18, including 17 plea agreements ⁷	1	0
Japan	December 2010	4.5	6	1	0	0
Korea	December 2009	2.9	13	3	0	0
Luxembourg	December 2008	0.5	0	0	0	0
Mexico	December 2010	1.7	0	0	0	0
Netherlands	December 2010	3.3	0	0	1	0
New Zealand	May 2009	0.2	0	0	0	0
Norway	March 2010	0.9	5	1	2	0
Poland	December 2010	1.0	0	0	0	0
Portugal	December 2010	0.4	5	0	1	0
Slovak Republic	December 2010	0.4	0	0	0	0
Slovenia	December 2010	0.2	0	0	0	0
South Africa	December 2010	0.5	0	0	0	0
Spain	December 2009	2.0	0	0	0	0
Sweden	December 2011	1.2	1	0	0	0
Switzerland ⁸	December 2010	1.6	3	0		
Turkey	February 2010	0.9	0	0	0	0
United Kingdom	December 2010	3.5	3	2	0	0
United States ⁹	December 2010	9.8	48, including 41 plea agreements	27 plea agreements (+ 32 DPAs/NPAs ¹⁰)	0	0
TOTAL	December 2010	63.94	164 convictions, including 57 plea agreements (+ 35 other agreed sanctions)	59 convictions, including 44 plea agreements (+ 32 DPAs/NPAs)	10	0
ADMINISTRATIVE AND CIVIL CASES ¹¹			Sanctioned		Found Not Liable	
			I	LP	I	LP
Germany	December 2010	8.2	4		0	0
Japan	December 2010	4.5	0	1	0	0
United States ¹²	December 2010	9.8	37 settlements ¹³	45, including 44 settlements ¹³	0	0
TOTAL	December 2010	22.5	41 (including 37 settlements)	46 (including 44 settlements)	0	0

1. Export data provided by OECD Economic Outlook No. 88 (December 2010), except for the export data of Argentina and Bulgaria, which are from the 2009 edition of the IMF World Economic Outlook. (More recent information for these countries was not available at the time of printing.)
2. Belgium reported that it had several convictions of individuals and legal persons for foreign bribery to report, but was not able to provide specific data at this stage, as data on domestic and foreign bribery cases have not, to date, been counted separately.
3. In these two cases, the individuals were acquitted of the offence of foreign bribery, but were sanctioned for other offences.
4. The 2009 enforcement data table included data on convictions and acquittals in Germany in the years 2008 and 2009 only, and not since the entry into force of the Convention in Germany. At the time of the publication of this the 2010 enforcement data table, Germany was still in the process of collecting updated data in all German Länder. The data provided in the this year's table was compiled in the context of Germany's Phase 3 evaluation (March 2011) and may not fully reflect all completed proceedings in 2010. In 2010, Germany imposed sanctions on 2 individuals and an agreed sanction on 1 individual.
5. Sanctions ordered following the application of paragraph 153a of the German Code of Criminal Procedure.
6. 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.
7. The applicable procedure is called *patteggiamento*.
8. Switzerland reported it could not complete the last two columns of the Table. In Switzerland, data is not collected at the federal level, and the Office of the Attorney General of Switzerland (OAG) does not have the authority to require the cantons to report the relevant data to the OAG. The number of sanctions relates to cantonal foreign bribery cases as far as reported by the competent cantonal authorities (and therefore known at the federal level).
9. This row records the number of criminal cases prosecuted by the US Department of Justice (DoJ) 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, criminal sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table. The US reports that 14 entities and 2 individuals have been subject to criminal sanctions exclusively for books and records and internal controls violations under the FCPA since 1999.
10. "DPAs" and "NPAs" are "Deferred Prosecution Agreements" and "Non Prosecution Agreements" that have been entered into between the US DoJ and the persons sanctioned.
11. Only those countries that have reported additional sanctions ordered under administrative and/or civil procedures have been listed under the "Administrative and Civil Cases".
12. This row records the number of administrative and civil actions of the US Department of Justice and the US Securities and Exchange Commission (SEC) that have led to sanctions 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, civil sanctions that have been imposed exclusively for violations of the books and records and internal controls provisions of the FCPA are not captured by the Table.
13. A number of persons that have been sanctioned in civil proceedings have also been sanctioned in criminal proceedings.

Additional Global Enforcement Data

As explained above, the enforcement data table includes information on the number of sanctions that have been imposed on individuals and entities in criminal, administrative and civil proceedings for the offence of foreign bribery and for failures to prevent a proven case of bribing a foreign public official. Parties to the Anti-Bribery Convention are required to provide this data. However, some Parties to the Convention have also voluntarily provided additional information not included in the table, including: the number of ongoing investigations, ongoing criminal proceedings, and exclusions or limitations on access to public procurement contracts or benefits.

Ongoing Investigations on Foreign Bribery Cases

There are approximately 260 ongoing investigations in 15 Parties to the Anti-Bribery Convention (more than 150 in one Party, between 15 and 35 in 3 Parties, between 5 and 10 in 2 Parties, and fewer than 5 in 9 Parties). No investigation is ongoing in 4 other Parties. The 19 remaining Parties have not provided information. It should be noted that each country has its own definition of what an investigation is.

Ongoing Criminal Proceedings on the Grounds of Foreign Bribery Charges

144 criminal proceedings (against 122 individuals and 22 entities) are ongoing in 5 Parties. 12 Parties have reported that no criminal proceedings are ongoing. The 21 remaining Parties have not provided information.

Prison Sentences for Foreign Bribery

Out of the 199 individuals sanctioned for foreign bribery under criminal proceedings, at least 54 individuals have been sentenced to prison terms in 9 Parties.

More information about the Anti-Bribery Convention and the work of the OECD Working Group on Bribery is available online at: www.oecd.org/daf/nocorruption