

# Sanctioning foreign bribery through multijurisdictional resolutions



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# Foreword

The OECD would like to thank all the experts who shared their insights for the purposes of this paper. Special thanks go to the enforcement practitioners consulted either bilaterally or during the 2024 OECD Global Law Enforcement Network (GLEN), who shared their insights into legal and practical challenges that need to be addressed to ensure that their countries are ready to join other jurisdictions in sanctioning foreign bribery through co-ordinated multijurisdictional resolutions (MJRs). Bilateral consultations included enforcement practitioners from Brazil's Office of the Comptroller General of the Union in, Switzerland's Office of the Attorney General, and France's National Financial Prosecutor's Office.

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In the first phase of the project, consultations were undertaken with law enforcement practitioners from the GLEN to gather their insights into legal and practical challenges that need to be addressed to ensure that their countries are ready to fight transnational corruption with partner countries. The consultations highlighted, first, that many countries lack legal frameworks to support such resolutions and, second, that a consistent challenge is posed by differences in legal and institutional frameworks to facilitate such resolutions at the international level.

Building on the insights from law enforcement practitioners, the paper provides quantitative and qualitative data on how these MJRs are transforming the fight against corruption, while taking into account the legal and institutional challenges to using MJRs. The paper aims to aid OECD Working Group on Bribery in International Business Transactions members in implementing the new provisions, in particular, on non-

trial resolutions, in the 2021 OECD Anti-Bribery Recommendation by identifying good practices. The paper outlines possible policy changes that all jurisdictions, even those that are not members of the Working Group, could consider introducing and using to enable them to successfully participate in MJRs.

This paper also builds on an OECD report on resolving foreign bribery cases with non-trial resolutions (NTR), (2019<sup>[1]</sup>) that was the first cross-country analysis based on countries' specific data of the features, use and impact of NTRs in enforcing foreign bribery offences. This study was part of the inspiration for the paragraphs covering NTRs in one of the key OECD legal instruments complementing the OECD Anti-Bribery Convention, the OECD 2021 Anti-Bribery Recommendation.

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# Abbreviations and acronyms

AFA	Agence Française Anticorruption [France]	NPA-like	Non-Prosecution Agreement like resolutions
AGC	Attorney-General's Chambers [Singapore]	NTR	Non-Trial Resolution
AGU	Advocacia-Geral da União (Attorney General's Office) [Brazil]	OAG	Office of the Attorney General [Switzerland]
C-ADR	Corporate Alternative Dispute Resolution [South Africa]	OECD	Organisation for Economic Co-operation and Development
CFTC	Commodity Futures Trading Commission [United States]	OM	Openbaar Ministerie (Public Prosecution Service) [Netherlands]
CGU	Controladoria-Geral da União (Office of the Comptroller General) [Brazil]	OWiG	Ordnungswidrigkeitengesetz (Regulatory Offences Act) [Germany]
CJIP	Convention Judiciaire d'Intérêt Public (Judicial Public Interest Agreement) [France]	PCA	Prevention of Corruption Act [Singapore]
CVM	Comissão de Valores Mobiliários (Securities and Exchange Commission) [Brazil]	PEP	Politically Exposed Person
DOJ	Department of Justice [United States]	PNF	Parquet National Financier (National Financial Prosecutor's Office) [France]
DPA	Deferred Prosecution Agreement	POCA	Prevention of Organised Crime Act [South Africa]
FCA	Financial Conduct Authority [United Kingdom]	PRA	Prudential Regulation Authority [United Kingdom]
FCPA	Foreign Corrupt Practices Act [United States]	SCC	Swiss Criminal Code [Switzerland]
GLEN	Global Law Enforcement Network	SEC	Securities and Exchange Commission [United States]
ITAR	International Traffic in Arms Regulations [United States]	SFC	Securities and Futures Commission [Hong Kong (China)]
JIT	Joint Investigation Team	SOE	State-owned enterprise
MAS	Monetary Authority of Singapore [Singapore]	SFO	Serious Fraud Office [United Kingdom]
MJR	Multijurisdictional Resolution	SIU	Special Investigating Unit [South Africa]
MLA	Mutual Legal Assistance	USSG	United States Sentencing Guidelines [United States]
MPF	Ministério Público Federal (Federal Public Prosecutor's Office) [Brazil]	Working Group	OECD Working Group on Bribery in International Business Transactions
NABU	National Anti-Corruption Bureau [Ukraine]	WGB LEO	The Working Group's Network of Law Enforcement Officials

# Executive summary

On 8 December 2008, Germany and the United States concluded the first multijurisdictional resolution (MJR) of a transnational bribery investigation by simultaneously announcing co-ordinated non-trial resolutions (NTRs) with Siemens A.G. Since then, the enforcement of anti-corruption laws has evolved in cases involving large transnational bribery schemes, shifting away from isolated national investigations and resolutions toward co-ordinated MJRs. While the objective of OECD Anti-Bribery Convention was to combat the scourge of corruption by having each country contribute to ensuring a level playing field by enforcing its own laws, the Siemens resolution marked a new shift in enforcement with countries working together to meet this shared objective. As defined in this paper, an MJR is a co-ordinated enforcement action in which at least one Party to the Convention concludes an action against a legal person, most of the time through NTRs, in co-ordination with at least one other jurisdiction that is also enforcing its own laws regarding the same (or at least a part of the same) transnational corruption scheme. These resolutions – which may be concluded either simultaneously through joint or co-ordinated global announcements or consecutively as follow-on actions over time (within one to seven years, in the resolutions included in this paper)<sup>1</sup>–provide an effective mechanism for addressing complex corporate misconduct spanning multiple borders that focusses on co-operation among enforcement authorities.

The paper covers 31 cases consisting of 114 distinct resolutions, including 113 non-trial resolutions and one trial resolution, between December 2008 and March 2026. These resolutions resulted in sanctions on at least 74 individual companies (31 parent companies and 43 subsidiaries or other affiliated entities). Over 99% of these resolutions (113 of 114 resolutions) were through non-trial resolution (NTR) mechanisms, though one jurisdiction sanctioned a company through a trial (0.9%). Jurisdictions have used a mix of NTR mechanisms. Some of these mechanisms, such as plea agreements, result in a conviction. Others, such as a Non-Prosecution Agreement (NPA) or Deferred Prosecution Agreement (DPA), do not impose a conviction. While certain jurisdictions have frequently used multiple types of resolution mechanisms, many of the participating jurisdictions exclusively or largely relied on a single NTR mechanism. The fact that NTRs constituted virtually all of resolutions in the paper highlights the importance for jurisdictions to have at least one NTR mechanism available. The variety of NTR mechanisms used in practice, however, suggests that law enforcement enforcements authorities can participate in MJRs using any available mechanism. That said, given that only 25% of the non-trial resolutions involved plea agreements or similar NTR mechanisms resulting in convictions, it appears that NTR mechanisms – such as NPAs and DPAs – that do not require conviction may facilitate co-ordinated resolutions in multijurisdictional cases.

The data demonstrate a significant positive impact on the global enforcement landscape. A hallmark of this trend is the marked increase in the number of types of enforcing jurisdictions. To date, there have been 12 enforcing jurisdictions. Of these, nine were Parties to the Convention (75%) and seven were OECD Member countries (58.3%). Notably, three jurisdictions were not Party to the Convention (25%). As of the cut-off date of this paper, 8 of the 12 countries (66.7%) have only participated in such resolutions to enforce their “supply-side” corruption offences. This means that they were enforcing their laws on companies that engaged in bribery of public officials in another jurisdiction to obtain a business advantage,

which the Convention seeks to prohibit. Two jurisdictions (16.7%) – Malaysia and South Africa – only participated in such resolutions to enforce “demand-side” offences involving bribery schemes directed at their own public officials. Another two jurisdictions (16.7%) – Brazil and France – have participated in MJR cases to enforce both supply-side and demand-side offences. In the first decade after the Siemens resolution, supply-side jurisdictions were responsible for 70% of the MJR cases. Since 2019, however, 18 of 21 MJR cases (85.7%) have involved an enforcing jurisdiction on the demand-side.

This collaborative framework has enabled enforcement authorities to pool information and investigative resources, effectively pursuing criminal conduct that remains beyond the reach of any single sovereign agency. As a result, the participating jurisdictions have collectively imposed over USD 33.7 billion (in constant 2024 US dollars) in sanctions and confiscation on companies that engaged in transnational corruption.

Furthermore, these partnerships directly advance the core objectives of the OECD Anti-Bribery Convention further levelling the playing field for international businesses. By operationalising the mandates of Article 4.3 (consultation of appropriate jurisdiction) and Article 9 (mutual legal assistance), MJRs have fostered an environment of synchronised accountability. Central to this success is the use of innovative credit-granting and penalty-offset frameworks, which ensure that sanctions are effective, proportionate and dissuasive without “piling on” duplicative penalties. Notably, this paper finds that restitution or compensation mechanisms were present in 68% of the cases (21 out of 31), facilitating the return of illicit gains to state-owned entities and, as relevant, government treasuries. As a result, demand-side enforcing jurisdictions are increasingly positioned to recover large amounts of fines and confiscation imposed through the MJR cases. Given that certain resolutions remain under seal, it is not possible to determine exactly how much was imposed, or more crucially how much was recovered in reality. Still, based on the nominal amounts imposed through the resolutions, it is estimated that demand-side jurisdictions should have received nearly USD 12.6 billion in adjusted 2024 US dollars. This trend demonstrates the importance of ensuring that all jurisdictions have the legal tools and capacity to participate in MJR cases both to ensure accountability and to deter transnational corruption but also to ensure that the harms suffered by the jurisdictions concerned are appropriately remediated.

MJR cases also offer benefits for corporate entities that take responsibility for their past misconduct and co-operate with authorities to resolve it. For such companies, the transition toward MJRs offers a structured path to a global resolution of the liability it faces from multiple potential enforcing jurisdictions. Co-ordinated resolutions provide legal and financial certainty through harmonised compliance mandates and unified oversight. The findings of this report suggest that MJRs provide a useful means for effectively and equitably enforcing anti-corruption laws, even as foreign bribery schemes and illicit financial flows become more complex and the available resources for the justice system in many countries are increasingly constrained. The objective of this analysis is to identify the legal enablers and procedural mechanisms that have made these MJRs possible and could enable more countries’ law enforcement authorities to partner with others in investigating and resolving transnational bribery cases through MJRs.

# 1 Introduction and background

The transnational nature of foreign bribery requires a law enforcement response that likewise transcends national boundaries, in particular, through international co-operation.

## 1.1. The OECD Working Group on Bribery's expertise and standards

The OECD Working Group on Bribery in International Business Transactions (Working Group), which is responsible for monitoring the implementation and enforcement of the OECD Anti-Bribery Convention (OECD, 1997<sup>[2]</sup>), and related instruments, has taken a variety of steps to encourage countries to enforce their foreign bribery and related offences. Through its monitoring work, the Working Group has developed specialised expertise and identified good practices to support OECD Member and non-Member countries in effectively addressing foreign bribery and transnational corruption. For example, as more Parties to the Convention have increased their foreign bribery enforcement, the Working Group has monitored the development and use of enforcement instruments, such as non-trial resolutions (NTRs), and observed trends and patterns in the way countries co-ordinate the multijurisdictional resolution (MJR) of cases.

The OECD Anti-Bribery Convention establishes a framework for fighting foreign bribery. It places international co-operation as a crucial support to ensure effective enforcement by requiring Parties to provide prompt and effective mutual legal assistance (MLA) to one another in investigations and proceedings, including, where applicable, non-criminal proceedings against legal persons (see Article 9, (OECD, 1997<sup>[2]</sup>)).

In addition, Article 4.3 of the Convention seeks to prevent legal conflicts and ensure effective prosecution when multiple countries have jurisdiction to prosecute the same act of foreign bribery:

When more than one Party has jurisdiction over an alleged offence described in this Convention, the Parties involved shall, at the request of one of them, consult with a view to determining the most appropriate jurisdiction for prosecution.

Complementing these obligations, the 2021 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2021 OECD Anti-Bribery Recommendation) (OECD, 2021<sup>[3]</sup>), paragraph XIX(C), directly contemplates multijurisdictional cases and calls on Parties to promote early, direct co-ordination in such foreign bribery cases – sharing information and evidence, consulting when multiple jurisdictions apply, and considering joint/parallel investigative teams where appropriate – while respecting each jurisdiction's independence. They should also manage risks such as duplicative prosecutions for the same conduct, avoid undermining other jurisdictions' investigations, and use relevant international or regional organisations to support consultations to find the most appropriate jurisdiction or jurisdictions to resolve a case.

The Parties have developed standards to enhance formal and informal co-operation as well as the use of NTRs to resolve foreign bribery cases.

The OECD 2021 Anti-Bribery Recommendation defines NTRs as “refer(ing) to mechanisms developed and used to resolve matters without a full court or administrative proceeding, based on a negotiated agreement with a natural or legal person and a prosecuting or other authority.” (Paragraph XVII). The 2021

Recommendation also encourage countries to consider using NTRs to resolve cases and to ensure that they are applied following the principles of due process, transparency, and accountability (Paragraph XVIII).

## 1.2. The importance of multijurisdictional co-operation

The fight against transnational bribery requires co-ordinated action across multiple jurisdictions. Foreign bribery, by definition, concerns actors based in at least two countries. As corporations increasingly operate globally, corrupt practices now often span multiple countries. For example, a company created in country A may have its headquarters in country B, while its subsidiary based in country C for tax reasons engages in a bribery scheme in country D, using funds in a bank in country E. While each country may have jurisdiction over certain aspects of the scheme, it may be difficult for a single country acting alone to obtain a full picture of the bribery scheme and gather sufficient evidence to hold the perpetrators accountable.

As MJRs of transnational corruption cases continue to see an increase in their uptake, this paper analyses the institutional and legal frameworks that facilitate cross-border co-operation and examines common themes that have emerged from finalised resolutions. The purpose is to demonstrate the benefits of international co-operation in the investigation and the resolution of these complex crimes, as well as to identify the challenges that countries must overcome to participate in MJRs. The MJRs reviewed in this paper help to shed light on legal frameworks that facilitate cross-border co-operation.

The cases examined demonstrate that the co-ordinated resolution of foreign bribery cases by multiple jurisdictions is an increasing trend to resolve large transnational bribery cases, as for instance by the Odebrecht, Airbus, Goldman Sachs, and several other cases.<sup>2</sup> Indeed, co-ordinating resolutions in transnational corruption cases transform the global fight against corruption. Working together enables enforcement authorities to pool resources and evidence, so that they can pursue criminal conduct that is beyond the reach of any single enforcement agency. One advantage that NTRs have over trials is that multijurisdictional cases can be resolved between several authorities in a co-ordinated manner – whether simultaneous or consecutive, giving both prosecution authorities and companies some certainty in the outcome and in particular the amount of the combined financial penalty, while also managing the risk of debarment and further prosecution in other jurisdictions (OECD, 2019<sup>[1]</sup>). Co-ordinated MJRs broaden the range of enforcing countries, distribute monies recovered from corrupt actors more equitably among the affected countries, and increase the likelihood that the bribe-givers and the corrupt officials alike will be held accountable for the whole spectrum of offences committed across jurisdictions. They also can enable countries to tackle both the supply-side and the demand-side of foreign bribery, when the country of the foreign public official – which could also be a Working Group member country – co-operates with the investigation. This not only helps promote accountability but also provides a mechanism for ensuring that the foreign public official's country can reduce the harm caused by the bribery scheme whether through confiscation, fines, or other financial transfers.

MJRs have emerged as a critical tool for addressing foreign bribery cases that involve multiple countries. These co-ordinated enforcement actions allow:

- Co-ordinated investigation
  - multiple investigative countries, deconfliction
  - efficient resource allocation and information sharing among enforcement authorities
  - building a community of practitioners/sharing knowledge.
- Co-ordinated resolutions:
  - enhanced deterrence
  - comprehensive sanctions

- fairer distribution of the amounts of money recovered through sanctions or other recovered amounts (e.g. confiscated proceeds).
- enhanced transparency through the publication of the main elements of the resolution in multiple jurisdictions
- avoiding *ne bis in idem*/piling on.

Co-ordinated MJRs provide further advantages for investigative and prosecutorial authorities as well as for the economic and punitive certainty they provide. These include:

- Enabling Parties to the Convention to tackle both the supply-side and the demand-side of foreign bribery, at least when the country of the foreign public official – which could also be another Party to the Convention – co-operates with the investigation.
- Increasing the number of enforcing countries, including both from the supply-side and demand-side.
- Increasing the likelihood that the bribe-givers and the corrupt officials alike will be held accountable for the whole spectrum of offences committed across the participating jurisdictions.
- Enhancing certainty for both prosecution authorities and companies in terms of the outcome and the amount of the combined financial penalty, while also managing the risk of debarment and further prosecution in other jurisdictions.
- More equitable distribution of monies recovered from corrupt actors among the enforcing countries, including the country of the foreign public official.

Since the Siemens case in 2008, NTRs have become an increasingly prominent mechanism for resolving large transnational cases.<sup>3</sup> Among the cases reviewed, 20 out of 31 (65%) were concluded between 2019-2026.<sup>4</sup> The recent uptick in MJRs further demonstrates that this new trend towards international co-operation can yield positive enforcement results in the fight against foreign bribery. The paper identifies trends and patterns in the way countries co-ordinate the resolution of multijurisdictional cases, including the types of enforcing countries, the involvement of criminal and regulatory enforcement authorities, the types of resolution mechanisms relied upon, the role of the judiciary in concluding or approving those resolutions, the characteristics of the specific resolutions, including the nature and amount of sanctions imposed as well as the apportionment of financial penalties among enforcing countries.

# 2 Overview and methodology

## 2.1. Scope

By definition, the MJR of a transnational corruption case involves enforcement actions in two or more countries concerning the same offender for transnational corruption. This paper examines MJRs in cases where at least one Party to the OECD Anti-Bribery Convention (Party, or Parties) enforced its foreign bribery offence in a case involving transnational corruption. While most of these cases only involved resolutions with countries Party, in certain cases at least one enforcing country was not a Party (e.g. Hong Kong (China), Singapore and Malaysia).

A predominant feature of these MJRs involving companies is that virtually all involved NTRs. The methodology focussed on MJRs of transnational corruption cases resolved through NTR mechanisms. By definition, NTRs are “any agreement between a legal or natural person and an enforcement authority to resolve foreign bribery cases without a full trial on the merits of the allegations either before or after indictment with sanctions and/or confiscation, irrespective of whether it is a conviction (e.g. plea deals) or a non-conviction mechanism (e.g. non-prosecution or deferred prosecution agreements. NTRs refer to a wide range of mechanisms available to resolve cases involving foreign bribery or related economic offences without a full trial on the merits. These resolutions can also be used in administrative or civil proceedings as part of the enforcement of the foreign bribery laws in the Parties to the Convention, in particular with legal persons.)” (OECD, 2019, p. 11<sub>[11]</sub>).

These co-ordinated resolutions could have been made either simultaneously or consecutively. In most cases, the enforcing countries concluded or announced their resolutions on the same day. Still, nearly a third of the cases were resolved when the enforcing countries reached their own resolutions on different timelines. Even in such consecutive cases, the first country’s resolution often already anticipated a subsequent resolution with another country (e.g. by providing a credit or offset for sanctions paid pursuant to the other country, provided certain conditions are met). Such credits may have served as a catalyst for other countries (and the sanctioned company) to conclude these subsequent resolutions. As a result, even consecutive resolutions were still co-ordinated between the enforcement authorities.<sup>5</sup>

All of the resolutions in this paper concerned legal persons implicated in transnational corruption. For such cases against companies, there are two main categories of multijurisdictional transnational corruption cases. In one scenario, all the countries involved enforce their own supply-side foreign bribery offences. In the second scenario, there is at least one country enforcing supply-side foreign bribery and at least one country enforcing its demand-side domestic bribery offence. Finally, in one case (the *Surys case*), the legal person was sanctioned by one country (France) while other countries (Estonia and Ukraine) brought enforcement actions against the natural persons involved. While this case does not fit the definition of an MJR, unlike the other cases analysed in this paper, the case is still discussed as relevant as it is an interesting counterexample where multijurisdictional co-operation during the investigation stage still achieved positive results.<sup>6</sup>

## 2.2. Methodology

The paper examines the empirical results of 31 MJRs, comprised of 114 separate resolutions across multiple jurisdictions, including 113 non-trial resolutions and 1 trial resolution (the “dataset”). The resolutions involved 12 countries and 27 distinct enforcement authorities. The cases examined range from 2008 – end of March 2026.

To illustrate the type of cases selected, the Airbus case (2020) involved co-ordinated NTRs with three different countries, all of which brought supply-side foreign bribery charges plus other related offences:

- France (Parquet National Financier – PNF)
- United Kingdom (Serious Fraud Office – SFO)
- United States (Department of Justice – DOJ)

An example of a MJR involving one supply-side country and a demand-side country is the ABB case (2022), in which the United States and Switzerland sanctioned ABB for foreign bribery and/or related misconduct in relation to a state-owned enterprise (SOE) in South Africa, while South Africa imposed confiscation on the company for violating South Africa’s domestic bribery law.

It is also possible that these resolutions involve multiple branches of a company agreeing to resolutions with multiple authorities within one or more participating countries. In the ABB case (2022), the United States authorities concluded four separate resolutions:

- ABB Ltd. – Cease-and-Desist Order with the SEC
- ABB Ltd. – Deferred Prosecution Agreement with the DOJ
- ABB Management Services Ltd. – Plea Agreement with the DOJ
- ABB South Africa (Pty) Ltd. – Plea Agreement with the DOJ

In addition, the following resolution was concluded in South Africa:

- ABB Ltd. – Comprehensive settlement agreement with the National Prosecuting Authority’s Investigating Directorate.

Each resolution that was identified for the paper was entered into a dataset where 65 independent data points were collected directly from the resolution (e.g. deferred prosecution agreement, plea agreement, etc.), from official or publicly available sources such as press releases from the authorities involved, or OECD monitoring reports.

The data collected in the dataset included items such as:

- The sanctioning countries and authorities
- whether resolutions were concluded in parallel or consecutively
- The legal basis/authority/charge under which each sanctioning authority acted
- the amounts of the bribes, profits received, and associated fines
- Disgorgement/confiscation imposed as part of the sanctions
- Authority provided credits for sanctions to another authority
- Monitoring and compliance requirements that were imposed as part of the resolution
- The level of judicial oversight provided for the finalisation of the resolution
- Whether enforcement against natural persons was preserved despite the resolution with the legal person

In order to enhance the data analysis with enforcement practitioners experience, consultations were undertaken, either bilaterally or during the 2024 OECD Global Law Enforcement Network (GLEN), to

gather practitioners' insights into legal and practical challenges that need to be addressed to ensure that their countries are ready to fight transnational corruption with partner countries. The consultations highlighted, first, that many countries lack legal frameworks to support such resolutions and, second, that a consistent challenge is posed by differences in legal and institutional frameworks to facilitate such resolutions at the international level.

### 2.3. Cases covered: Companies and entities sanctioned

Among the 31 multijurisdictional cases that gave rise to MJRs, there were 84 distinct corporate entities that were formal parties to the NTRs. This total includes 31 ultimate parent or lead companies and 52 subsidiaries, affiliates, or holding entities that were specifically named as defendants or signatories to the resolutions.

Figure 1. Multijurisdictional cases and resolutions covered



Table 1. Multijurisdictional resolutions cases covered – sanctioned corporate entities

Parent vs. subsidiary breakdown

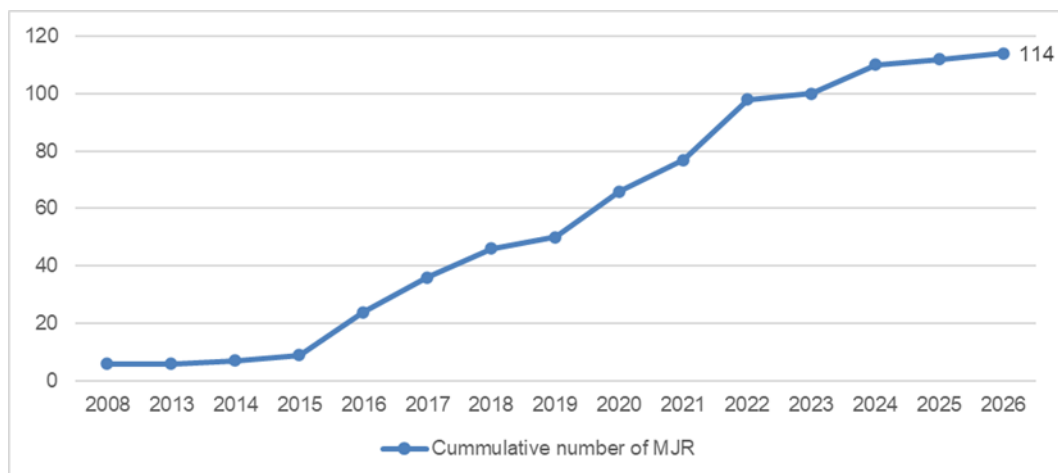
Case	Parent Entity Headquarters	Subsidiary or Affiliate Headquarters	Primary Sanctioning Countries (Targets)
1. ABB	ABB Ltd. (CH)	ABB Management Services (CH); ABB South Africa (pty) Ltd (ZA);	US (Parent/Subs); South Africa (Subs); Switzerland (Subs); UK (Subs)
2. Airbus	Airbus SE (NL/FR)	N/A (Parent-level agreement)	US, UK, France (Parent)
3. Amec Foster Wheeler	AFW plc (UK)	AFW Energy Ltd (UK)	UK (Parent/Sub); US (Sub)
4. Balt SAS	Balt SAS (FR);	Balt USA (US)	US (Sub-Declination); France (Sub)
5. Braskem	Braskem S.A. (BR)	Braskem S.A.(KY)	US, Brazil, Switzerland
6. Credit Suisse	Credit Suisse Group AG (CH)	Credit Suisse Securities (Europe) Limited (UK)	US (Parent/Subs); France (Parent); UK (Sub)
7. Embraer	Embraer S.A. (BR)	Embraer S.A. (US)	US (Parent); Brazil (Parent)
8. Freepoint	Freepoint LLC (US)	N/A	US, Brazil (Parent)
9. Glencore	Glencore International AG (CH)	Glencore Ltd (US); Glencore Energy UK Ltd (UK)	US (Parent/Sub); UK (Sub); Switzerland (Parent)

Case	Parent Entity Headquarters	Subsidiary or Affiliate Headquarters	Primary Sanctioning Countries (Targets)
10. GOL	GOL Linhas Aéreas (BR)	N/A	US, Brazil (Parent)
11. Goldman Sachs	GS Group, Inc. (US)	GS Malaysia (MY); GS Asia (HK); GSI (UK); GS Singapore	US (Parent/Subs); UK (Sub); SG (Sub); HK (Sub); Malaysia (Sub)
12. Gunvor	Gunvor Group Ltd (CY)	Gunvor S.A. (CH)	US (Sub); Switzerland (Sub)
13. Honeywell	Honeywell Int. Inc. (US)	UOP, LLC (US); Honeywell S.A. (BR)	US (Parent/Sub); Brazil (Sub)
14. J&F / JBS	J&F Investimentos (BR)	JBS S.A. (BR)	US (Parent/Subs); Brazil (Parent)
15. Keppel O&M	Keppel O&M Ltd. (SG)	KOM USA (US)	US (Parent/Sub); Brazil (Parent); Singapore (Parent)
16. McKinsey	McKinsey & Co Inc. (US)	McKinsey Africa (ZA)	US (Parent/Sub); South Africa (Sub)
17. Odebrecht	Odebrecht S.A. (BR)	Construtora Norberto Odebrecht (BR)	US, Brazil, Switzerland (Parent); Brazil, Switzerland (Sub)
18. Petrobras	Petrobras (BR)	N/A	US, Brazil (Parent)
19. Rolls-Royce	Rolls-Royce plc (UK)	Rolls-Royce Energy Systems Inc. (US)	US (Parent/); UK (Parent/Sub); Brazil (Parent)
20. SAP	SAP SE (DE)	SAP (South Africa) Pty Ltd (ZA)	US (Parent/Subs); South Africa (Parent/Subs)
21. SBM Offshore	SBM Offshore N.V. (NL)	SBM Offshore USA Inc. (US); SBM Holding Inc. S.A. (CH); Single Buoy Moorings Inc. (CH); SBM Production Contractors Inc. S.A.(CH)	NL (Parent); US (Parent/Sub); Brazil (Parent/Sub); Switzerland (Subs)
22. Siemens	Siemens AG (DE)	Siemens Argentina S.A. (AR); Siemens Bangladesh Ltd. (BD); Siemens Venezuela S.A> (VE)	US (Parent/Subs); Germany (Parent)
23. Société Générale	Société Générale S.A. (FR)	SGA Société Générale Acceptance (CW)	US (Parent/Sub); France (Parent)
24. Standard Bank	Standard Bank Group (ZA)	Standard Bank PLC (UK)	US (Sub); UK (Sub)
25. Stericycle	Stericycle, Inc. (US)	Stericycle do Brasil (BR)	US (Parent); Brazil (Sub)
26. TechnipFMC	TechnipFMC plc (UK/FR)	Technip USA (US); Technip Brasil (BR); Flexibrás (BR)	US (Parent/Subs); Brazil (Parent/Subs)
27. Telia	Telia Company AB (SE)	COSCOM LLC (UZ); Sonera Holding B.V. (NL); TeliaSonera UTA Holding B.V. (NL); TeliaSonera Uzbek Telecom Holding B.V.	US (Parent/Sub); Netherlands (Parent/Sub); Sweden (Parent)
28. Teva	Teva Pharmaceutical Industries (IL)	Teva OOO (RU)	US (Parent/Sub); Netherlands (Sub)
29. Trafigura	Trafigura Beheer B.V. (NL/CH)		US (Parent); Switzerland (Parent)
30. Vimpelcom	Vimpelcom Ltd. (NL)	VimpelCom Ltd; Silkway Holdings BV; Unitel LLC (NL)	Netherlands (Parent/Sub)
31. Vitol	Vitol Holding BV (NL)	Vitol Inc. (US); Vitol S.A. (CH)	US (Subs); Brazil (Sub)

## 2.4. Resolution-level

Over the last two decades, the number of MJRs involving legal persons has increased considerably, rising from 2 in 2008 (in 1 case) to 113 non-trial resolutions in 31 total cases. While the growth in the number of new MJRs has slowed down in recent years, the countries participating in such resolutions tend to conclude more MJRs with each other over time. This suggests that participation in an initial MJR may have pronounced benefits over time as law enforcement officials from the different countries have a template for working together effectively in future cases when the opportunity arises.

Figure 2. Cumulative number of resolutions in MJR cases



## 2.5. Countries involved

Among the 31 cases examined, 12 distinct jurisdictions were involved in at least one MJR case in the dataset. The table below shows that among the most active participants in the MJR cases, the United States has played a leading role in concluding 58% of the individual resolutions, followed by Brazil (15%), the United Kingdom (7%), Switzerland (respectively 6%), and France (4%).

Figure 3. Distribution of resolutions in multijurisdictional resolutions cases by country

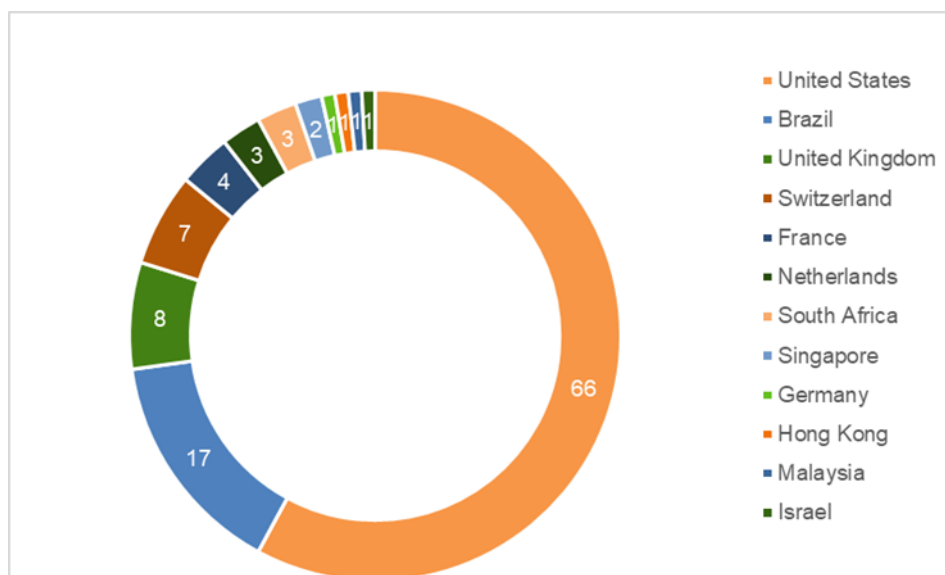


Table 2. Number of multijurisdictional resolutions concluded by country

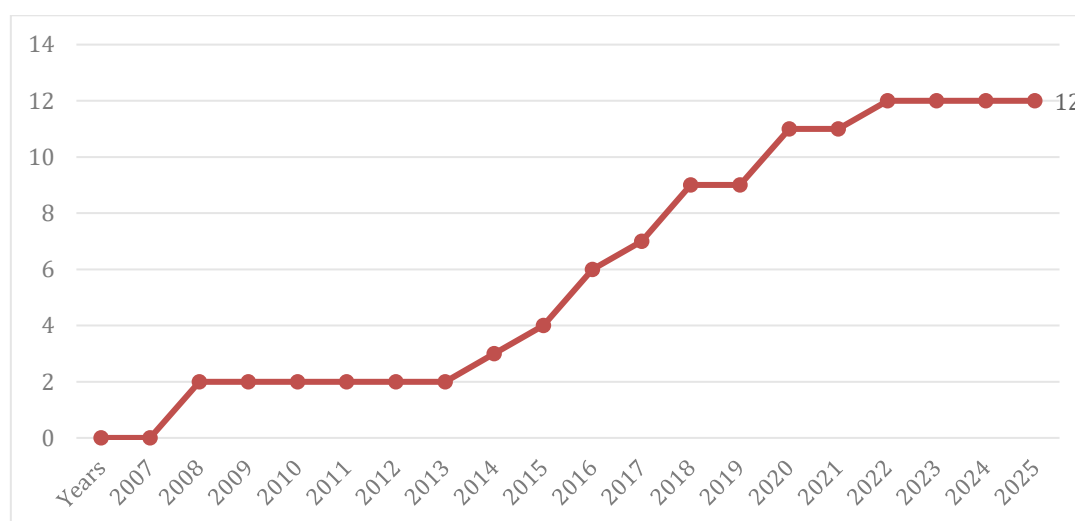
Country	Number of Resolutions	% of Total
United States	66	57.9%
Brazil	17	14.9%
United Kingdom	8	7.0%

Switzerland	7	6.1%
France	4	3.5%
Netherlands	3	2.6%
South Africa	3	2.6%
Singapore	2	1.8%
Germany	1	0.9%
Israel	1	0.9%
Hong Kong (China)	1	0.9%
Malaysia	1	0.9%

Note: Singapore concluded its first DPA in April 2026, but the case was not included in the dataset. For additional details, see (de Liz, 2026<sup>[41]</sup>).

The number of enforcing countries participating in MJRs has progressively increased over the years. In 2008 and for many years thereafter, only two enforcing countries had participated in any MJR: this was the landmark Siemens case involving Germany and the United States. Since 2013, however, the number of enforcing countries has increased nearly six-fold, rising from 2 to 12 enforcing countries. While 9 enforcing countries (more than 80% of the countries involved in the resolutions covered) are Working Group member countries, a few non-Member countries or jurisdictions have also concluded formal agreements (notably Hong Kong (China), Malaysia, and Singapore). In addition, in some resolutions, a Party made a provision to credit a portion of the fine or confiscation imposed by the enforcing Party if the company makes a qualifying payment through a resolution concluded by a country that is not a Party (e.g. Ecuador). In other words, it will “offset” or “credit” the amount the company pays to another country against its own total fine payment. This potentially creates an incentive for the company and the foreign country’s authority to conclude their own a resolution. See Section 4.2 for further discussion of the use of credits in MJRs.

**Figure 4. Cumulative number of countries involved in multijurisdictional cases over time**



## 2.6. Co-operation matrix

The United States participated in each of the 31 cases reviewed. As a result, the United States participated in at least one MJR with each of the other 11 countries that have participated in an MJR analysed in this paper. The countries that have concluded MJRs with the United States are listed below in the order of frequency:

- Brazil (17 cases): Amec Foster Wheeler, Braskem, Embraer, Freepoint Commodities, Glencore, GOL Linhas Aéreas, Honeywell (UOP LLC), J&F Investimentos, Keppel Offshore & Marine, Odebrecht, Petróleo Brasileiro (Petrobras), Rolls-Royce, SBM Offshore, Stericycle, TechnipFMC, Trafigura, and Vitol.
- Switzerland (7 cases): ABB Ltd, Braskem, Glencore, Gunvor, Odebrecht, SBM Offshore, Trafigura.
- United Kingdom (7 cases): Airbus, Amec Foster Wheeler, Credit Suisse, Glencore Goldman Sachs, Rolls-Royce, and Standard Bank.
- France (5 cases): Airbus, Balt SAS, Credit Suisse, Société Générale, and TechnipFMC.
- Netherlands (4 cases): SBM Offshore, Telia Company, Teva Pharmaceuticals, and VimpelCom.
- South Africa (3 cases): ABB Ltd., McKinsey Africa, and SAP SE.
- Singapore (2 cases): Keppel Offshore & Marine, and Goldman Sachs.
- Hong Kong (China) (1 case): Goldman Sachs.
- Israel (1 case): Teva Pharmaceuticals.
- Malaysia (1 case): Goldman Sachs.

Among the other countries, Switzerland has the second-highest number foreign counterparts (7 partner countries), followed by Brazil and the United Kingdom (6 partner countries), France and Singapore (4 partner countries), Hong Kong (China) and the Netherlands (3 partner countries), Germany (2 partner countries), and Israel, Malaysia, and South Africa (1 partner country). The following matrix shows the frequency of co-operation between different jurisdictions in MJRs.

**Table 3. Co-operation matrix**

Enforcing jurisdiction	US	CH	BR	UK	FR	SG	NL	HK	ZA	DE	IL	MY	Total partners
United States	–	5	17	6	5	2	4	1	3	1	1	1	11
Switzerland	6	–	4	1	1	0	1	0	1	1	0	0	7
Brazil	17	4	–	2	1	1	1	0	0	0	0	0	6
United Kingdom	6	1	2	–	2	1	0	1	0	0	0	0	6
France	5	1	1	2	–	0	0	0	0	0	0	0	4
Singapore	2	0	1	1	0	–	0	1	0	0	0	0	4
Netherlands	4	1	1	0	0	0	–	0	0	0	0	0	3
Hong Kong (China)	2	0	0	1	0	1	0	–	0	0	0	0	3
South Africa	3	1	0	0	0	0	0	0	–	0	0	0	2
Germany	1	0	0	0	0	0	0	0	0	–	0	0	1
Israel	1	0	0	0	0	0	0	0	0	0	–	0	1
Malaysia	1	0	0	0	0	0	0	0	0	0	0	–	1

## 2.7. Criminal versus regulatory authorities

Multijurisdictional resolutions frequently involve both criminal prosecutors and regulatory authorities with administrative or civil enforcement powers. In total, 27 of the 31 (87%) cases examined included resolutions by both criminal and regulatory authorities. For example, in the United States, both the DOJ (Criminal) and the SEC (administrative/civil) have concluded resolutions in 17 of the 31 cases examined (55%). Typically, the criminal and regulatory enforcement authorities involved in a given case were from the same country, but in 8 cases, criminal and regulatory enforcement authorities from different jurisdictions (26%) participated in the same case.

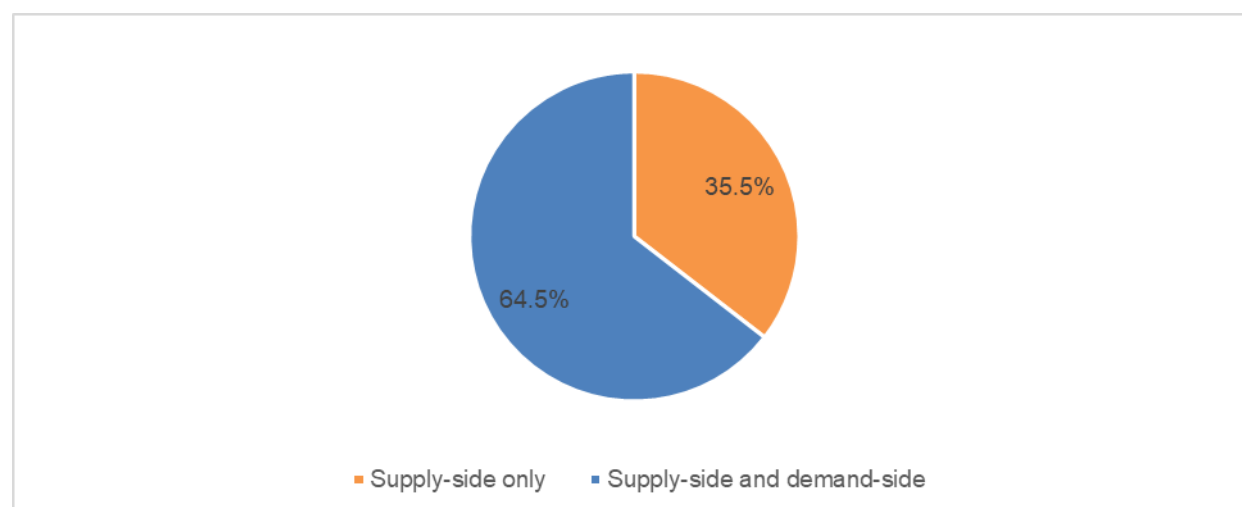
In terms of frequency, law enforcement agencies exercising powers under the criminal law were responsible for nearly two-thirds of the individual resolutions involved in the multijurisdictional cases (74 of 113 non-trial resolutions).

**Table 4. Multijurisdictional resolutions cases resolved by criminal and regulatory authorities in different countries**

Case Group	Criminal Authority (Country A)	Administrative/Regulatory Authority (Country B)
ABB Ltd. (2022)	U.S. Department of Justice	South Africa Special Investigating Unit (SIU)
Amec Foster Wheeler (2021)	UK Serious Fraud Office (SFO)	Brazil CGU and AGU
Credit Suisse (2021)	French Parquet National Financier (PNF)	UK Financial Conduct Authority (FCA)
Embraer S.A. (2016)	U.S. Department of Justice (DOJ)	Brazil Securities and Exchange Commission (CVM)
Freepoint Commodities (2023)	U.S. Department of Justice (DOJ)	Brazil CGU and AGU
Goldman Sachs (2020)	Singapore Attorney-General's Chambers (AGC)	UK FCA/PRA and Hong Kong (China) SFC
Honeywell (2022)	U.S. Department of Justice (DOJ)	Brazil CGU and AGU
Petrobras (2018)	U.S. Department of Justice (DOJ)	Brazil TCU and CVM

While the Convention calls on Parties to enforce the supply-side foreign bribery offences that arise from transnational corruption, it is notable that the MJRs covered in this paper have frequently involved both supply-side and demand-side enforcing countries. While some of the largest cases (e.g. Airbus and Siemens) only involved supply-side enforcing countries, other significant cases (e.g. Odebrecht, 1MDB) have involved countries on the demand-side enforcing their own laws prohibiting (domestic) corruption or other related offences. Overall, as shown in the graph below, nearly two-thirds of the resolutions involved at least one demand-side enforcing country. Over time, the resolutions increasingly involve countries that are not members of the Working Group, with Parties crediting fines and confiscation to other countries that have resolved matters (e.g. Hong Kong (China), Malaysia, and Singapore) as well as offering to credit other countries (e.g. Ecuador) even if it was not clear whether those countries have imposed their own resolutions. Still, as there were several resolutions involving multiple supply-side enforcing countries, over 60% of the estimated total fines and confiscation imposed went to supply-side enforcing countries.

**Figure 5. Breakdown of multijurisdictional resolutions by posture of enforcing countries**



**Table 5. Criminal and regulatory authorities involved in multijurisdictional resolutions through non-trial resolutions**

Country	Authority	Nature of enforcement power	No. of NTRs	% of total
United States	Department of Justice (DOJ)	Criminal	44	38.9%
	Securities and Exchange Commission (SEC)	Regulatory	18	15.9%
	Commodity Futures Trading Commission (CFTC)	Regulatory	4	3.5%
	Department of State	Regulatory	1	0.9%
Brazil	Attorney General's Office (AGU)	Regulatory	12	10.6%
	Comptroller General of the Union (CGU)	Regulatory	12	10.6%
	Securities and Exchange Commission (CVM)	Regulatory	1	0.9%
	Public Prosecutor's Office (MPF)	Criminal	4	3.5%
United Kingdom	Serious Fraud Office (SFO)	Criminal	5	4.4%
	Financial Conduct Authority	Regulatory	2	1.8%
	Prudential Regulation Authority	Regulatory	1	0.9%
France	Parquet National Financier (PNF)	Criminal	4	3.5%
Switzerland	Office of the Attorney General (OAG)	Criminal	6	5.3%
	Federal Criminal Court	Criminal	3	2.7%
South Africa	National Prosecuting Authority (NPA)	Criminal	3	2.7%
Netherlands	Public Prosecution Service (Openbaar Ministerie)	Criminal	2	1.8%
Singapore	Attorney-General's Chambers (AGC)	Criminal	1	0.9%
	Monetary Authority of Singapore	Regulatory	1	0.9%
	Commercial Affairs Department	Regulatory	1	0.9%
Germany	Munich Public Prosecutor	Criminal	1	0.9%
Israel	State Attorney's Office	Criminal	1	0.9%
Hong Kong (China)	Securities and Futures Commission	Regulatory	1	0.9%
Malaysia	Attorney General's office	Criminal	44	38.9%

Note: Certain non-criminal law enforcement authorities' resolutions, which were imposed concurrently with a domestic criminal law enforcement authority, are not counted separately for the total.

# 3 Typologies and co-operation in non-trial resolutions used in multijurisdictional resolutions

This section examines the various types of NTRs used in multijurisdictional anti-bribery cases. Rather than providing theoretical definitions, this analysis emphasises concrete examples from actual cases to illustrate how different resolution mechanisms are used.

The 2019 OECD NTR study (OECD, 2019<sub>[1]</sub>) identified four primary forms of NTRs. This section analyses the distribution and application of these resolution types across the 31 MJR cases examined.

## 3.1. Types of non-trial resolutions systems used among the multijurisdictional resolutions reviewed

### 3.1.1. NPA-like resolutions

Non-trial resolution systems inspired from the U.S. DOJ non-Prosecution Agreements (NPAs) may have different names in different countries, but they typically designate resolutions in which the prosecutor agrees not to file charges in exchange for the defendant fulfilling certain conditions, such as paying a monetary penalty, co-operating with the investigation, and implementing compliance reforms. These resolution systems were described in the 2019 OECD NTR study as NPA-like resolutions. Their “main characteristic is that they resolve a case before charges are filed.” (OECD, 2019<sub>[1]</sub>) p.46-47). For example, these would include, inter alia, the Declination with Disgorgement and Non-Prosecution Agreement (NPA) resolutions available to the United States (see para. 268 (OECD, 2020<sub>[5]</sub>)). While NPAs are available for both legal and natural persons, Declinations with Disgorgement are only available for legal persons. As another example, South Africa also adopted an NPA-like resolution system with the introduction of the Corporate Alternative Dispute Resolution (C-ADR) further described in the box below. Among the resolutions of multijurisdictional cases analysed, eight were made with NPA-like resolutions in at least one country: two in the United States, three in South Africa, two in Singapore, and one in Malaysia.<sup>7</sup>

An example of an NPA resolution is *Petróleo Brasileiro S.A. (Petrobras) (2018)*, which entered into an NPA with the United States.<sup>8</sup> The Fraud section of the DOJ agreed not to bring any criminal or civil case against the company (except for criminal tax violations). As part of the NPA, Petrobras was assessed a total criminal penalty of USD 853 200, 00. The penalty reflected a 25% discount off the bottom of the applicable United States Sentencing Guidelines<sup>9</sup> fine range for the company’s full co-operation and remediation. In addition, only 10% of the total fine was payable to the United States Treasury. The NPA specified that 80% of the total criminal penalty – USD 682 560 000 – would be credited against the amount the company pays to Brazil. The final 10% pertained to the portion the Company was required to pay to the U.S. SEC as a civil penalty. Petrobras also entered into a separate Leniency Agreement with Brazilian authorities.

South Africa's C-ADR mechanism<sup>10</sup> can be deemed to be an NPA-like agreement. To date, South Africa has concluded two C-ADRs as part of an MJR: SAP SE (2024)<sup>11</sup> and McKinsey and Company Africa (pty) Ltd. (2024).<sup>12</sup>

### Box 1. South Africa's Corporate Alternative Dispute Resolution Mechanism

South Africa's Corporate Alternative Dispute Resolution (C-ADR) is a National Prosecuting Authority mechanism for resolving certain corporate corruption/economic crime matters through a structured, prosecutor-led non-trial resolution. The mechanism was adopted in February 2024 and is implemented through the National Director of Public Prosecutions' Prosecution Policy Directives, specifically "Part 51: Corporate Alternative Dispute Resolution", which sets out the eligibility considerations, process steps, co-operation expectations, restitution/disgorgement principles, and governance/oversight features for these corporate resolutions.

The C-ADR resolution mechanism preserves the ability to pursue individuals criminally, while relying on a negotiated package of undertakings to justify the non-prosecution of the corporate entity.

Source: Annexure A, Part 51: Corporate Alternative Dispute Resolution, <https://www.npa.gov.za/sites/default/files/uploads/Annexure A PART 51 Corporate ADRM.pdf>; and NPA Prosecution Policy Directives, <https://www.npa.gov.za/sites/default/files/uploads/Prosecution Policy %28w.e.f. June 2013%29.pdf>.

### 3.1.2. DPA-like resolutions

DPA-like resolutions "consists in a suspension, deferral or withdrawal of a prosecution or other enforcement action, subject to the fulfilment of specific conditions." (OECD, 2019, p. 49<sup>[1]</sup>) This form of non-trial resolution system, inspired from the U.S. DOJ Deferred Prosecution Agreements (DPAs), may have different names in different countries<sup>13</sup> but they typically designate agreements between a prosecutor and a defendant involving the filing of criminal charges, but prosecution is suspended for a defined period during which the defendant must satisfy certain conditions. If the defendant complies, charges are dismissed; if not, prosecution proceeds. DPA-like resolutions often include court oversight, monetary penalties, corporate monitors, and compliance obligations, but these vary depending on the authority concluding the resolution.

DPA-like resolutions represent the most common resolution type among the resolutions of multijurisdictional cases analysed in this paper. In the dataset, 23 of the 31 cases reviewed included at least one DPA-like resolution signed with an authority. In total, 30 DPA-like resolutions were concluded, accounting for 26.5% of the 113 non-trial resolutions in the paper. This reflects the widespread use of DPAs by the U.S. Department of Justice, the UK Serious Fraud Office, the French *Parquet National Financier*<sup>14</sup> and the Netherlands *Openbaar Ministerie*<sup>15</sup> in major foreign bribery cases.

Based on the MJRs resolutions to date, DPA-like resolutions are often concluded with parent companies. This may reflect the fact that parent companies are particularly eager to avoid debarment, given that such debarments might effectively undermine the business capacity of the entire corporate group.

Notable DPA-like resolutions in multijurisdictional cases are described in the table below.

**Table 6. DPA-like resolutions in multijurisdictional cases**

Case	Year	Total Criminal Penalty	Jurisdictions / Resolutions
1. ABB Ltd.	2022	USD 315M	United States – DPA (DOJ)
2. Airbus SE	2020	USD 3.9B	United States – DPA (DOJ)

Case	Year	Total Criminal Penalty	Jurisdictions / Resolutions
			United Kingdom – DPA (SFO) France – CJIP (PNF)
3. Amec Foster Wheeler Ltd.	2021	USD 79.5M	United States – DPA (DOJ) the United Kingdom – DPA (SFO)
4. Balt USA	2026	EUR 1.8M, plus compliance programme up to EUR 700 000	France – CJIP (PNF)
5. Crédit Suisse	2021	USD 247.5M (US); EUR 123M (France)	United States – DPA (DOJ) France – CJIP (PNF)
6. Embraer	2016	USD 107M, plus monitor	United States – DPA (DOJ)
7. Freepoint Commodities LLC	2023	USD 68M	United States – DPA (DOJ)
8. GOL Linhas Aéreas Inteligentes S.A.	2022	USD 17M (reduced)	United States – DPA (DOJ)
9. The Goldman Sachs Group, Inc.	2020	USD 2.315B, plus USD 606M in disgorgement	United States – DPA (DOJ)
10. Honeywell UOP	2022	USD 79M	United States – DPA (DOJ)
11. Keppel Offshore & Marine Ltd.	2017	USD 422.2M	United States – DPA (DOJ)
12. McKinsey and Company Africa (pty) Ltd.	2024	USD 122.9M	United States – DPA (DOJ)
13. Rolls-Royce plc	2017	USD 800M	United States – DPA (DOJ) UK – DPA (SFO)
14. SAP SE	2024	USD 118.8M	United States – DPA (DOJ)
15. SBM Offshore N.V.	2017	USD 238M	United States – DPA (DOJ) Netherlands – (OM)
16. Société Générale S.A.	2018	USD 860M	United States – DPA (DOJ) France – CJIP (PNF)
17. Standard Bank PLC	2015	USD 16.8M	UK – DPA (SFO)
18. Stericycle, Inc.	2022	USD 52.5M	United States – DPA (DOJ)
19. TechnipFMC plc	2019	USD 296.2M	United States – DPA (DOJ)
20. Telia Company AB	2017	USD 276.6M	United States – DPA (DOJ) Netherlands – (OM)
21. Teva Pharmaceutical Industries Ltd.	2016	USD 283.2M	United States – DPA (DOJ) Netherlands – (OM)
22. VimpelCom Ltd / Silkway Holdings BV	2016	USD 460M	United States – DPA (DOJ) Netherlands – (OM)
23. Vitol Inc.	2020	USD 135M	United States – DPA (DOJ)

As shown in the table above, DPA resolutions have been used in 23 cases (74%). As shown in the graph below, only four countries are known to have used DPA-like resolutions. These countries are the United States, France, the Netherlands, and the United Kingdom, as shown below.

### 3.1.3. Civil/administrative-like resolutions

Civil and administrative resolutions are a “form of non-trial resolution system available to resolve foreign bribery cases encompass[ing] resolutions resulting in a final decision that does not amount to a criminal conviction. This category includes all the procedures that are mainly civil or administrative in nature.” (OECD, 2019, p. 53<sub>[11]</sub>). Among the cases examined, the table below illustrates the types of resolutions that fit in this category.

**Table 7. Administrative and civil resolutions by imposing authority**

Resolution Name/Type	Description and Context	Imposing Authority
Administrative Settlement	Resolves administrative allegations of securities law violations.	Brazil Securities and Exchange Commission (CVM)
Cease-and-Desist Order	An administrative order requiring an entity to halt specific	U.S. Securities and Exchange

Resolution Name/Type	Description and Context	Imposing Authority
	illegal activities (e.g. FCPA books and records violations) and often pay civil penalties and disgorgement.	Commission (SEC)
Civil Settlement	A non-criminal agreement focussed on the recovery of losses suffered by state entities due to corrupt contracts.	South Africa Special Investigating Unit (SIU)
Disciplinary Action (Reprimand and Fine)	An administrative sanction involving a public reprimand and financial penalty for management and control failures.	Hong Kong (China) Securities and Futures Commission (SFC)
Final Notice	A regulatory document imposing a financial penalty for breaches of fundamental principles or risk management failures.	UK Financial Conduct Authority (FCA)
Final Notice	Imposes financial penalties for failures in maintaining sufficient records or managing corporate risk.	UK Prudential Regulation Authority (PRA)
Leniency Agreement ( <i>Acordo de Leniência</i> )	A negotiated administrative resolution under Brazil's Clean Company Act (Law 12.846/2013) that requires co-operation and integrity programme improvements.	Brazil Comptroller General of the Union (CGU) / Attorney General of the Union (AGU)
Order Instituting Proceedings (or Consent Order)	An administrative resolution typically involving market manipulation or corruption-based fraud in the commodities sector.	U.S. Commodity Futures Trading Commission (CFTC)
Regulatory Fine (OWIG Resolution)	An administrative resolution under the German Regulatory Offences Act for negligent failure of supervisory duties.	Munich Public Prosecutor (Germany)

Among the 31 cases reviewed, 27 of them (87%) included at least one civil or administrative resolution. Among the 113 non-trial resolutions, 43 fit this category (38%). This reflects the fact that some countries only have non-criminal liability for legal persons as well as the fact that some countries have multiple enforcers, including non-criminal enforcers that can resolve cases either on their own or as part of a multi-agency MJR. None of the MJRs cases reviewed only involved a civil or administrative resolution. In each case, at least one other authority also concluded either a DPA-like resolution, NPA-like resolution, or a plea agreement.

**Table 8. Civil/administrative-like resolutions in multijurisdictional cases**

Resolution type	Sanctioning authority	No. of MJRs	Companies/Entities Sanctioned
Cease-and-Desist Order	U.S. Securities and Exchange Commission (SEC) [United States]	18	<ul style="list-style-type: none"> <li>• ABB Ltd.</li> <li>• Amec Foster Wheeler Ltd.</li> <li>• Braskem S.A.</li> <li>• Credit Suisse Group A.G.</li> <li>• Embraer S.A.</li> <li>• GOL Linhas Aéreas</li> <li>• Goldman Sachs Group</li> <li>• Honeywell International</li> <li>• J&amp;F Investimentos /Batistas</li> <li>• Petrobras, SAP SE</li> <li>• SAP SE</li> <li>• Siemens AG</li> <li>• Standard Bank PLC</li> <li>• Stericycle, Inc.</li> <li>• TechnipFMC plc</li> <li>• Telia Company AB</li> <li>• Teva Pharmaceutical.</li> <li>• VimpelCom Ltd.</li> </ul>
Leniency Agreement ( <i>Acordo de Leniência</i> )	Controladoria-Geral da União (CGU) / AGU [Brazil]	11	<ul style="list-style-type: none"> <li>• Braskem S.A.</li> <li>• Freepoint Commodities LLC</li> <li>• GOL Linhas Aéreas</li> <li>• UOP LLC (Honeywell)</li> <li>• Keppel Offshore &amp; Marine</li> <li>• Odebrecht S.A.</li> </ul>

Resolution type	Sanctioning authority	No. of MJRs	Companies/Entities Sanctioned
			<ul style="list-style-type: none"> <li>Rolls-Royce plc</li> <li>SBM Offshore</li> <li>Stericycle do Brasil</li> <li>Technip Brasil.</li> <li>Trafigura Beheer B.V.</li> </ul>
Order Instituting Proceedings (or Consent Order)	U.S. Commodity Futures Trading Commission (CFTC) [United States]	4	<ul style="list-style-type: none"> <li>Freeport Commodities LLC</li> <li>Glencore International A.G.</li> <li>Société Générale S.A.</li> <li>Vitol Inc.</li> </ul>
Final Notice	FCA (United Kingdom Financial Conduct Authority)	2	<ul style="list-style-type: none"> <li>Credit Suisse Securities (Europe) Ltd.</li> <li>Goldman Sachs International</li> </ul>
Administrative Settlement	Securities and Exchange Commission (CVM) [Brazil]	2	<ul style="list-style-type: none"> <li>Embraer S.A.</li> <li>Petróleo Brasileiro S.A. (Petrobras).</li> </ul>
Disciplinary Action	Securities and Futures Commission (SFC) [Hong Kong (China)]	1	<ul style="list-style-type: none"> <li>Goldman Sachs (Asia) L.L.C.</li> </ul>
Regulatory Fine (OWiG resolution)	Munich Public Prosecutor [Germany]	1	<ul style="list-style-type: none"> <li>Siemens Aktiengesellschaft.</li> </ul>
Administrative Resolution/Oversight	Federal Court of Accounts (TCU) [Brazil]	1	<ul style="list-style-type: none"> <li>Petróleo Brasileiro S.A. (Petrobras).</li> </ul>
Final Notice	Prudential Regulation Authority (PRA) [United Kingdom]	1	<ul style="list-style-type: none"> <li>Goldman Sachs International.</li> </ul>

### Box 2. Brazil's Office of the Comptroller General (CGU)

Brazil's Controladoria-Geral da União (CGU) derives its authority to negotiate and sign Leniency Agreements primarily from Law No. 12 846/2013 (the Brazilian Anticorruption Act) and its subsequent regulatory decree, Decree No. 11 129/2022. Leniency agreements are Brazil's primary non-trial resolution mechanism for companies in foreign bribery cases. A company seeking leniency must admit the violation, stop the unlawful conduct, and adopt or improve compliance measures. In return, it may obtain reduced fines, preserve eligibility for public contracts, and reduce reputational harm. A Leniency Agreement is a sanctioning administrative act rather than a criminal one.

Source: OECD (2023<sup>[6]</sup>), Implementing the OECD Anti-Bribery Convention Phase 4 Report: Brazil, <https://doi.org/10.1787/fd55d063-en>.

#### 3.1.4. Plea agreement or equivalent resolutions

Plea agreements, or equivalent resolutions (hereinafter, plea agreement), are a form of NTR that “require the defendant’s admission of guilt and amount to a conviction.” (OECD, 2019, p. 56<sup>[11]</sup>) This form of NTR, while known as plea agreements in the U.S. and UK, are known as Summary Penalty Orders in Switzerland and a Resolution with admission of guilt in Israel.

In total, 16 of 31 (52%) cases included plea agreement or equivalent resolutions. Among the 113 total non-trial resolutions in the paper, 28 were plea agreement-like, representing 25% of all non-trial resolutions analysed. Among the cases examined, plea agreements frequently appear in U.S. cases where parent companies enter DPAs while subsidiaries plead guilty, or in UK cases where companies plead guilty under section 7 of the Bribery Act 2010 (see Table 10 pertaining to hybrid resolutions for more information).

Table 9. Plea agreement or equivalent resolutions as part of MJRs

Defendant	Resolution	Sanctioning Country / Authority	Sanction and confiscation
ABB Management Services Ltd. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000 as part of a global resolution.
ABB South Africa (Pty) Ltd. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
Braskem S.A. (subsidiary)	Plea Agreement	United States – DOJ	Total criminal penalty of \$632 625 336.81 (with portions credited to Brazil and Switzerland).
Credit Suisse Securities (Europe) Limited (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
Glencore International A.G. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$428 521 173 and criminal forfeiture/disgorgement of \$272 185 792.
Glencore Ltd. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$341 221 682 and criminal forfeiture of \$144 417 203.
Glencore Energy UK Ltd (Subsidiary)	Plea Agreement	United Kingdom – SFO	GBP 182 935 392 in fines, GBP 93 479 338 in confiscation, and GBP 4 550 362 in costs.
Glencore International A.G. (Subsidiary)	Summary Penalty Order	Switzerland – OAG	Criminal fine CHF 2 million and ordered to pay \$150 million in compensation for illicit gains.
Goldman Sachs (Malaysia) Sdn. Bhd. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000 (part of parent \$2.3B total).
Gunvor S.A. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal penalty of \$374 560 071 and forfeiture of \$287 138 444.
Gunvor S.A. (Subsidiary)	Summary Penalty Order	Switzerland – OAG	Summary Penalty Order: Fine of CHF 4 300 000 and an equivalent claim of CHF 82 300 000.
J&F Investimentos, S.A. (Parent)	Plea Agreement	United States – DOJ	Criminal monetary penalty of \$256 497 026.
Keppel Offshore & Marine USA, Inc. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$4 725 000.
Odebrecht S.A. (Parent)	Plea Agreement	United States – DOJ	Total criminal fine of \$4.5 billion (reduced to approx. 2.6 billion based on ability to pay).
Odebrecht S.A. / Construtora Norberto Odebrecht SA (Subsidiary)	Summary Penalty Order	Switzerland – OAG	CHF 117 million equivalent claim and a CHF 4.5 million fine for the subsidiary.
SBM Offshore USA, Inc. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000 and criminal forfeiture of \$13 200 000.
SBM Holding Inc. SA / Single Buoy Moorings Inc. (Subsidiary)	Summary Penalty Order	Switzerland – OAG	Fine of CHF 4 200 000 and compensatory claim of CHF 2 800 000.
Siemens Aktiengesellschaft (Parent)	Plea Agreement	United States – DOJ	Criminal fine of \$448 500 000.
Siemens S.A. (Argentina) (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
Siemens Bangladesh Limited (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
Siemens (Venezuela) (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
SGA Société Générale Acceptance, N.V. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
Technip USA Inc. (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000.
COSCOM LLC (Telia Subsidiary) (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$500 000 and criminal forfeiture of \$40 000 000.
Teva OOO (Subsidiary)	Plea Agreement	United States – DOJ	Admission of guilt; criminal penalty addressed by parent entity.
Teva Pharmaceutical Industries Ltd. (Parent)	Resolution with admission of guilt	Israel – State Attorney's Office	Fine of \$22.1 million.
Trafigura Beheer B.V. (Parent)	Plea Agreement	United States – DOJ	Criminal fine of \$80 488 040 and forfeiture of \$46 510 257.
Vimpelcom (Unitel LLC) (Subsidiary)	Plea Agreement	United States – DOJ	Criminal fine of \$190 000 000.

### 3.1.5. MJR cases resolved through a mix of different resolutions in practice

Many multijurisdictional cases involve different forms of NTRs concluded by different enforcement authorities. In this model, the parent company often enters into a DPA-like resolution while one or more of its subsidiaries enter into a Plea Agreement-like resolution. This structure allows authorities to achieve criminal convictions at the operational level while providing the parent group with a path to rehabilitation.

The table below demonstrates the breakdown of parent company and subsidiary resolutions that were concluded in each MJR case. These include 34 DPA-like resolutions, 42 civil/administrative like resolutions, 29 plea agreements or equivalents, and 8 NPA-like resolutions.

**Table 10. Mix of resolutions used in the multijurisdictional cases**

Case Group	Parent Entity: Resolution Type	Subsidiary Entity: Resolution Type	Sanctioning Authority [Jurisdiction]
ABB Ltd. (2022)	DPA; Cease-and-Desist Order; Comprehensive Settlement	ABB Management Services Ltd. and ABB South Africa (Pty) Ltd.: Plea Agreements	U.S. DOJ & SEC; South Africa NPA
Airbus SE (2020)	DPA; CJIP; Consent Agreement	N/A (Parent-level resolution)	U.S. DOJ & DOS; France PNF; UK SFO
Amec Foster Wheeler (2021)	DPA; Cease-and-Desist Order; Leniency Agreement	AFW Energy Ltd: DPA	U.S. DOJ & SEC; UK SFO; Brazil CGU/AGU
Balt SAS (2026)	Declination (NPA-like)	Balt USA: CJIP	France PNF; U.S. DOJ
Braskem S.A. (2016)	Plea Agreement; Cease-and-Desist; Leniency	Braskem Inc. Ltd: Plea Agreement	U.S. DOJ & SEC; Brazil MPF/CGU; Swiss OAG
Credit Suisse (2021/22)	DPA; Cease-and-Desist; CJIP	CSSEL: Plea Agreement / Final Notice; CSHK: NPA	U.S. DOJ & SEC; France PNF; UK FCA
Embraer S.A. (2016)	DPA; Cease-and-Desist; Admin Settlement	Embraer RL: Plea Agreement	U.S. DOJ & SEC; Brazil MPF/CVM
Freepoint Commodities (2023)	DPA; Consent Order; Leniency Agreement	N/A	U.S. DOJ & CFTC; Brazil CGU/AGU
Glencore (2022/24)	Plea Agreement; Consent Order; Summary Penalty Order	Glencore Ltd and Glencore Energy UK: Plea Agreements	U.S. DOJ & CFTC; UK SFO; Swiss OAG; Brazil MPF
GOL Linhas Aéreas (2022)	DPA; Cease-and-Desist; Leniency Agreement	N/A	U.S. DOJ & SEC; Brazil CGU/AGU
Goldman Sachs (2020)	DPA; Cease-and-Desist	GS Malaysia: Plea; GSI: Final Notice; GS Asia: Disciplinary Action; GS Singapore: NPA-like (conditional warning)	U.S. DOJ & SEC; UK FCA/PRA; HK SFC; Singapore AGC/MAS
Gunvor S.A. (2024)	Plea Agreement	Gunvor S.A.: Plea Agreement; Summary Penalty Order	U.S. DOJ; Swiss OAG
Honeywell / UOP (2022)	Cease-and-Desist Order	UOP LLC: DPA; Leniency Agreement	U.S. DOJ & SEC; Brazil CGU/AGU
J&F Investimentos (2020)	Plea Agreement; Leniency Agreement; Cease-and-Desist	JBS S.A.: Cease-and-Desist Order	U.S. DOJ & SEC; Brazil MPF/PGR
Keppel O&M (2017)	DPA; Leniency Agreement; NPA-Like (Conditional Warning)	KOM USA: Plea Agreement	U.S. DOJ; Brazil MPF; Singapore AGC/CPIB
McKinsey Africa (2024)	DPA	McKinsey Africa: DPA; Corporate-ADR	U.S. DOJ; South Africa NPA
Odebrecht S.A. (2016)	Plea Agreement; Leniency Agreement; Summary Penalty Order	CNO: Summary Penalty Order	U.S. DOJ; Brazil CGU/AGU/MPF; Swiss OAG
Petrobras (2018)	NPA; Cease-and-Desist; Leniency; Admin Settlement	N/A	U.S. DOJ & SEC; Brazil MPF/CVM/TCU
Rolls-Royce plc (2017)	DPA; Leniency Agreement	RRESI: DPA	U.S. DOJ; UK SFO; Brazil CGU/AGU/MPF
SAP SE (2024)	DPA; Cease-and-Desist;	SAP South Africa	U.S. DOJ & SEC; South Africa

Case Group	Parent Entity: Resolution Type	Subsidiary Entity: Resolution Type	Sanctioning Authority [Jurisdiction]
	Corporate-ADR		NPA/SIU
SBM Offshore (2014-2021)	DPA; Settlement; Leniency Agreement	SBM USA: Plea; SBM Holding: Summary Penalty Order	U.S. DOJ; Netherlands OM; Brazil CGU/AGU; Swiss OAG
Siemens AG (2008/13)	Plea Agreement; Cease-and-Desist; Regulatory Fine	Siemens Argentina, Bangladesh, Venezuela: Plea Agreements; Summary Order (Argentina)	U.S. DOJ & SEC; Germany Munich Prosecutor; Swiss OAG
Société Générale (2018)	DPA; CJIP; Consent Order	SGA Acceptance: Plea Agreement	U.S. DOJ & CFTC; France PNF
Standard Bank (2015)	DPA	Standard Bank PLC: DPA; Cease-and-Desist Order	UK SFO; U.S. SEC
Stericycle, Inc. (2022)	DPA; Cease-and-Desist Order	Stericycle do Brasil: Leniency Agreement	U.S. DOJ & SEC; Brazil CGU/AGU
TechnipFMC (2019/23)	DPA; Cease-and-Desist; Leniency; CJIP	Technip USA: Plea Agreement	U.S. DOJ & SEC; Brazil CGU/AGU; France PNF
Telia Company (2017)	DPA; Cease-and-Desist; Settlement	COSCOM LLC: Plea Agreement	U.S. DOJ & SEC; Netherlands OM
Teva Pharm. (2016)	DPA; Cease-and-Desist; Settlement with Admission	Teva OOO: Plea Agreement / Transaction	U.S. DOJ & SEC; Netherlands OM; Israel State Attorney
Trafigura (2024)	Plea Agreement; Leniency Agreement	N/A	U.S. DOJ; Brazil CGU/AGU/MPF
Vimpelcom (2016)	DPA, Plea Agreement,	Unitel LLC: Plea Agreement; Silkway Holdings BV: DPA	U.S. DOJ; Netherlands OM.
Vitol Inc. (2020)	DPA (Vitol Holding parent context)	Vitol Inc: DPA; Consent Order	U.S. DOJ & CFTC

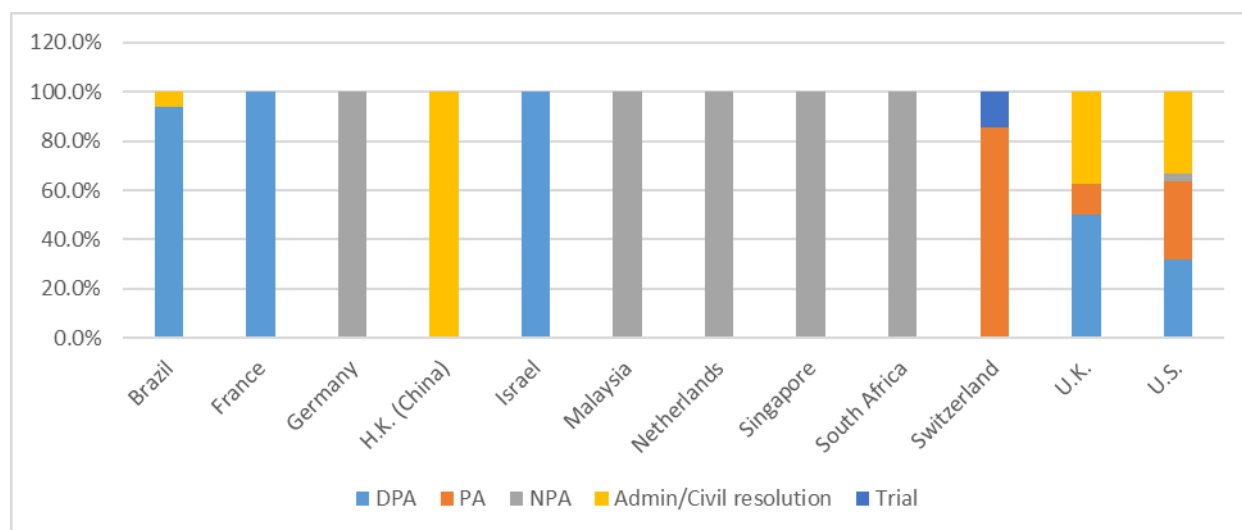
### Box 3. An illustrative example: The ABB case

The parent company entered into a three-year DPA with the U.S. DOJ and a Cease-and-Desist Order with the U.S. SEC, while its subsidiaries, ABB Management Services Ltd. and ABB South Africa (Pty) Ltd., entered guilty pleas. Simultaneously, the South African National Prosecuting Authority (NPA) used an innovative “punitive reparations” model to reach a comprehensive settlement agreement under Section 64(e) of the Prevention of Organised Crime Act (POCA).

The financial sanctions were strategically divided among the corporate entities to ensure accountability at both the parent and local levels: while the parent company was assessed a \$ USD 15 million total criminal penalty, the two subsidiaries each paid a specific \$500 000 criminal fine as part of the global payout. This resolution relied on extensive country co-operation between the United States, South Africa, Switzerland, and Germany to avoid duplicative “piling on” of fines. As a result, the DOJ agreed to credit up to \$157.5 million to other authorities: \$11 million for anticipated Swiss resolutions, \$11 million for German resolutions, and \$63 million for civil penalties paid to the SEC.

Source: U.S. DOJ Press Release, 2 December 2022, <https://www.justice.gov/archives/opa/pr/abb-agrees-pay-over-315-million-resolve-co-ordinated-global-foreign-bribery-case>.

Figure 6. Types of resolutions used in multijurisdictional cases by country (%)



# 4 Co-operation and timing of resolutions

## 4.1. Formal and informal international co-operation

The increasing use of MJRs in transnational corruption large cases is fundamentally driven by a variety of co-operation mechanisms and a shared commitment among national enforcement authorities to increase enforcement actions. Central to these efforts is the requirement under the OECD Anti-Bribery Convention for Parties to provide prompt and effective Mutual Legal Assistance “to the fullest extent possible under its laws and relevant treaties and arrangements” (Article 9 of the Convention). To resolve complex transnational corruption cases, authorities rely on a layered set of formal and informal co-operation mechanisms to co-ordinate investigations, evidence gathering, and outcomes. MLA remains the backbone for obtaining evidence, executing searches, and sharing documents across borders, while direct authority-to-authority communication, including through networks such as the GLEN or the Working Group’s informal Network of Law Enforcement Officials (WGB LEO), is instrumental in the decision and assessment of the possible avenues to co-operate and possibly co-ordinate resolutions in a given case. Integrated tools such as Joint Investigation Teams (JITs) and direct authority-to-authority communication allow for real-time strategic alignment. Together, these mechanisms enable authorities to structure MJRs, whether simultaneous, or consecutive, and facilitate innovative co-ordination features such as penalty-credit offsets to avoid the inequity of “piling on” duplicative sanctions.

It is important to note that a large share of cross-border co-operation in multijurisdictional bribery cases occurs through a mix of formal mechanisms (for example, mutual legal assistance requests) and informal channels (direct regulator to regulator or police to police or prosecutor-to-prosecutor contact), and those two modes are not equally observable in most public or case-level data. In practice, informal co-operation is often used to identify leads, deconflict parallel inquiries, co-ordinate investigative steps, and preserve evidence. As a result, the dataset is more likely to capture high visibility, formalised co-operation (joint press releases, co-ordinated resolutions, MLA references) than the routine, relationship driven collaboration that practitioners often describe as decisive.

The nature and timing of international co-operation may determine whether MJRs are concluded in a co-ordinated but consecutive manner in each country or in a joint and simultaneous manner in all countries involved. When enforcement authorities engage in high-level, real-time information sharing – often referred to as either “parallel” or “joint investigations” depending on the level of integration of the different investigative teams – they are able to synchronise their findings and negotiate terms simultaneously, leading to an agreed, sometimes single, resolution date that provides the corporate entity with immediate legal certainty of the resolution of its case in the jurisdictions that have co-operated. Legal frameworks and their different requirements, however, may limit the ability of authorities to resolve a case simultaneously, resulting in jurisdictions proceeding on different timelines resulting in consecutive resolutions where, for instance, the outcome in one country serves as a catalyst or a credit-granting precedent for subsequent investigative actions in others.

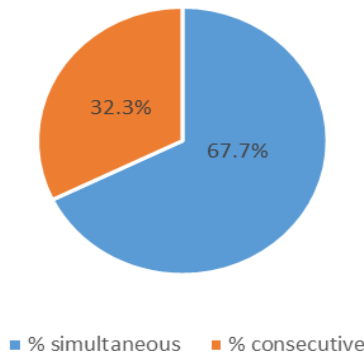
Effective co-ordination mechanisms are therefore essential not only for managing investigative resources and pooling evidence but also for calibrating the sequence of resolutions to ensure that the sanctions or other monetary penalties are proportionate to the misconduct, are apportioned fairly among the enforcing countries and/or the countries most affected by the misconduct, and that all the conditions imposed through the resolutions are consistent and complementary.

#### 4.2. The timing of multijurisdictional resolutions

Among the cases examined, 21 involved simultaneous resolutions while 10 included consecutive resolutions, at least for one country. Importantly, even among some cases categorised as consecutive, some authorities reached synchronised resolutions. For example, in the Glencore case, the U.S. DOJ, the UK SFO, and Brazil’s CGU reached a co-ordinated synchronised resolution in 2022<sup>16</sup> while the Swiss Office of the Attorney General reached a consecutive resolution in 2024.<sup>17</sup> In parallel with the Swiss resolution, the Dutch Prosecution Service dismissed its case against Glencore.<sup>18</sup> Therefore, the Glencore case could be said to contain: three co-ordinated simultaneous resolutions with the Brazil, the United Kingdom, and the United States; and a consecutive simultaneous resolution involving Switzerland and the Netherlands.

As shown in the graph below, just over two-thirds (67.7%) of the MJRs analysed in this survey were resolved simultaneously. The consecutive resolutions typically were resolved within a three-year period, though in one case (*SBM Offshore*) four countries concluded separate resolutions concerning the same misconduct over a seven-year period.

Figure 7. Breakdown of multijurisdictional resolutions per case



The table below shows the breakdown of the number of simultaneous versus consecutive resolutions among the cases identified.

Table 11. Simultaneous versus consecutive resolutions

Resolution Timing	Case / Legal Entity	Involved Jurisdictions
Simultaneous Resolutions (Resolutions concluded or announced around same time)	ABB Ltd. (2022)	United States, South Africa, Germany, Switzerland
	Airbus SE (2020)	United States, France, the United Kingdom
	Amec Foster Wheeler (2021)	United Kingdom, the United States, Brazil
	Balt (2026)	United States, France
	Braskem S.A. (2016)	United States, Brazil, Switzerland
	Embraer S.A. (2016)	United States, Brazil

Resolution Timing	Case / Legal Entity	Involved Jurisdictions
	GOL Linhas Aéreas (2022)	United States, Brazil
	Goldman Sachs (2020)	United States, UK, Hong Kong (China), Singapore,
	Gunvor S.A. (2024)	United States, Switzerland
	Honeywell / UOP (2022)	United States, Brazil
	McKinsey Africa (2024)	United States, South Africa
	Odebrecht S.A. (2016)	United States, Brazil, Switzerland
	Petrobras (2018)	United States, Brazil
	SAP SE (2024)	United States, South Africa, Indonesia, Azerbaijan
	Société Générale (2018)	United States, France
	Standard Bank (2015)	United States, the United Kingdom,
	Stericycle (2022)	United States, Brazil
	Technip (2019)	United States, Brazil
	Telia Company (2017)	United States, the Netherlands
	VimpelCom Ltd. (2016)	United States, the Netherlands
	Vitol (2020)	United States, Brazil
Consecutive Resolutions (Resolutions concluded in different years)	Freepoint Commodities (2023, 2024)	United States (2023), Brazil (2024)
	Credit Suisse (2021 + 2022)	United States (2021), the United Kingdom (2021), France (2022), Switzerland (2025)
	Glencore (2022 + 2024)	United States (2022), the United Kingdom (2022), Brazil (2022), Switzerland (2024)
	Keppel O&M (2017, 2022)	United States (2017), Singapore (2017), Brazil (2022)
	SBM Offshore (2014, 2017, 2018, 2021)	Netherlands (2014), the United States (2017), Brazil (2018), Switzerland (2021)
	Rolls-Royce plc (2017, 2021)	United States (2017), the United Kingdom (2017), Brazil (2021)
	J&F Investimentos (2017 + 2020)	Brazil (2017), the United States (2020)
	Siemens AG (2008 + 2013)	United States (2008), Germany (2008)
	Teva Pharmaceutical (2016, 2017, 2018)	United States (2016), the Netherlands (2017), Israel (2018)
	Trafigura Beheer B.V. (2024, 2025)	United States (2024), Brazil (2025)

### 4.3. Coordination tools in multijurisdictional resolutions

As observed by the 2024 GLEN law enforcement practitioners, in multijurisdictional cases, co-operation should occur across different jurisdictions. For instance, the jurisdiction where the parent company is located may take the lead, while other jurisdictions work in parallel with the company's subsidiaries. This may lead to more advanced co-operation between the company and the investigative authorities in one jurisdiction than in the other, again highlighting the need for law enforcement from all the involved jurisdictions to co-ordinate and co-operate closely.

National authorities' ability to offer a defendant the possibility to enter into a non-trial resolution is governed by a mix of statutory conditions (see section 5.2), implementation policies and guidance, as well as prosecutorial discretion which vary across jurisdictions.

These tools are complemented by a range of additional co-operation avenues, including informal prosecutor-to-prosecutor co-ordination at the beginning of a case, preliminary information exchange facilitated by networks such as the GLEN or the WGB LEO. Together, these mechanisms enable authorities to structure coherent and efficient, MJRs despite differing legal systems and resolution mechanisms.

### **4.3.1. Informal co-operation**

The 2024 GLEN consultation revealed that countries generally prefer conducting informal conversations among jurisdictions that may later engage in a more formal co-operation arrangement. These discussions are most effective when held at the initial stage of gathering information or conducting investigations and should be tailored to fit the legal processes of the involved jurisdictions. Law enforcement liaison officers assigned to various jurisdictions can be instrumental in establishing communication channels, particularly in the early stages when countries are seeking appropriate contacts in other jurisdictions.

In addition to gathering facts, these initial conversations enable countries to understand each other's perspectives better and appropriately select the format for future co-operation on the case. For instance, countries can determine the extent of information each will need to disclose to the defence later, whether a witness can be compelled to testify, and whether such evidence would be admissible in all jurisdictions involved. It is also crucial to know immediately whether all participating countries have corporate liability, the nature of that liability, and their available NTR mechanisms, as well as to clarify any potential issues related to double jeopardy, among others.

### **4.3.2. International co-operation and formal mutual legal assistance**

The Siemens case is a primary example where the high level of co-operation, including the formal sharing of information and evidence, was made possible specifically through the use of the mutual legal assistance provisions. The U.S. DOJ indicated at the time that co-ordinated efforts between U.S. and German authorities, facilitated by these formal channels, “set the standard for multi-national co-operation”.<sup>19</sup> Similarly, in the Surys case,<sup>20</sup> the French investigation into corruption involving Ukrainian state-owned entities was only initiated following a mutual legal assistance request from Ukraine's National Anti-Corruption Bureau (NABU).

MLA is most vital when authorities must bridge jurisdictional conflicts or navigate specific legal hurdles. In the Gunvor investigation,<sup>21</sup> the Swiss OAG was able to extend its criminal probe into corporate bribery only after it requested and obtained mutual legal assistance from the United States regarding bribes paid to Ecuadorian officials.

### **4.3.3. Simplified legal assistance through Eurojust**

Eurojust supports and enhances co-operation in international bribery investigations by functioning as an operational judicial co-ordination hub that can rapidly connect competent prosecutors/judicial authorities across Member States, helping them to align investigative steps, and troubleshoot cross-border execution issues that commonly slow MLA.<sup>22</sup> In practice, Eurojust accelerates co-operation by convening co-ordination meetings to deconflict strategy and timing, and – critically for fast-moving investigative measures – by setting up co-ordination centres that support real-time implementation of MLA requests (and, where applicable, European Investigation Orders) during action days, allowing authorities to resolve urgent legal and operational questions as they arise (e.g. scope of measures, sequencing, admissibility/logistics) without resorting to the usual but slower diplomatic channels.

Eurojust thus facilitates overcoming the legal hurdles that exist in transnational investigations.

#### Box 4. Spotlight on co-operation: The Surys case

In 2021, Ukraine's National Anti-Corruption Bureau (NABU) and Specialised Anti-Corruption Prosecutor's Office (SAPO) launched an investigation into an alleged large-scale embezzlement by the former CEO of a Ukrainian state-owned enterprise. As the investigation unfolded, evidence led to actors in Estonia and France and uncovered elements of money laundering.

Once co-operation was established with Estonia and France, the OECD Global Law Enforcement Network against Transnational Bribery (GLEN) was used by Ukrainian authorities to facilitate connections with the PNF, accelerating the international investigation. All three jurisdictions joined forces in a joint investigation team (JIT), set up with Eurojust, while GLEN meetings provided a platform for informal consultations among JIT members. This collaborative effort via the JIT resulted in the French company entering into a CJIP with the PNF.

Source: Bonhert, Shcherbai and Fromholz (2025<sup>[7]</sup>), How proactive law enforcement co-operation inspires new solutions in combating corruption, <https://www.oecd.org/en/blogs/2025/10/how-proactive-law-enforcement-co-operation-inspires-new-solutions-in-combating-corruption.html>.

#### 4.3.4. Other international co-operation strategies

During the 2024 GLEN session, law enforcement practitioners discussed the possible reluctance to share information and evidence due to a lack of mutual trust. They concluded that this can be addressed through several strategies. Some countries utilise their liaison officers and leverage their strong networks to understand different legal systems, contact the relevant authorities, and expedite the transmission of evidence. The development of good relationships and explaining differences in legal systems are crucial. Many countries utilise informal channels, various international networks, and joint co-ordination meetings to facilitate face-to-face exchanges of information and presentations on cases, thereby assisting in determining whether to establish a joint investigative team (JIT) or conduct a parallel investigation. Still, the impact of diplomatic relationships between countries on MLA success and co-operation related to resolution is significant.

#### 4.3.5. Joint investigation teams and parallel investigations

During the 2024 GLEN session, the European countries law enforcement practitioners stressed the critical role of Eurojust, which provides different kinds of support for multijurisdictional investigations involving EU members, including spontaneous sharing of information that helps find out about parallel running cases or facilitate joint investigation teams (JITs) where partners have equal standing, police and judicial co-operation merged in one frame, exchange of information and evidence organised effectively. There are also 13 prosecutors from non-EU members at Eurojust, which expands the co-operation geography.

The GLEN discussions emphasised that to simplify and speed up the information-sharing process, some countries successfully utilised JITs, allowing direct analysis and selection of evidence using secure communication methods. In the EU, evidence exchange under EU protocols can be quicker than MLA. A JIT is a formal, prosecutor/investigator led co-operation framework that enables authorities from two or more jurisdictions to work as a single co-ordinated investigative team for a defined case and period. In complex foreign bribery matters – where evidence, witnesses, digital records, banking trails, and third-party intermediaries are scattered across borders – JITs may be used to move beyond request/response mutual legal assistance (MLA) and instead create a structure for continuous, operational collaboration. JITs were contemplated by the Convention on Mutual Assistance in Criminal Matters Between Members States of the European Union in 2000,<sup>23</sup> and were introduced as a legal tool in the European Union in

2002. While an EU tool, non-EU countries may, on a voluntary basis, decide to join a JIT that is already constituted among 2 or more EU countries.

GLEN participants, however, emphasised that some jurisdictions prefer parallel investigations for retrospective cases, and some do not participate in JITs at all. Nevertheless, there are examples of successful resolutions in multi-jurisdictional cases using either parallel or joint investigations or both. If appropriately co-ordinated, parallel investigations enable the involved jurisdictions to reach a common understanding of the direction the criminal procedure will take, which authorities will take over the case, whether extradition will be required, and other related matters. They also emphasised that co-ordination through INTERPOL or the IACCC can help establish direct communication channels. Finally, GLEN participants stressed the importance of informal co-operation networks of the OECD, such as the WGB LEOs, GLENS, and regional LEOs, are also helpful in building trust and developing co-operation on cases. Additionally, knowing what evidence is available from face-to-face meetings and discussions, as well as using precise language, were found to be essential for efficient MLA.

In the case dataset, a JIT was used in only 1 of the 31 cases: the Airbus case. Even in that case, only the two participating European authorities used a JIT, while the U.S. authority conducted a parallel investigation. As virtually all the cases involved at least one non-European authority, there were not as many opportunities for JITs as one might have initially expected.

### Box 5. Airbus SE (2020) Joint Investigation Team

A JIT was signed on 30 January 2017, between the French Parquet National Financier (PNF) and the United Kingdom Serious Fraud Office (SFO). This team was established to facilitate investigations into allegations of fraud, bribery, and corruption against the Airbus Group, co-ordinating a strategy that spanned across multiple global Airbus divisions. While the United States DOJ conducted a parallel investigation, it did not participate in the JIT and operated as a “third party” co-ordinated with the JIT.

The JIT structure enabled the PNF and SFO to split markets/regions and issues so each authority could take lead responsibility for specific geographic sets while staying aligned on the overall fact pattern.

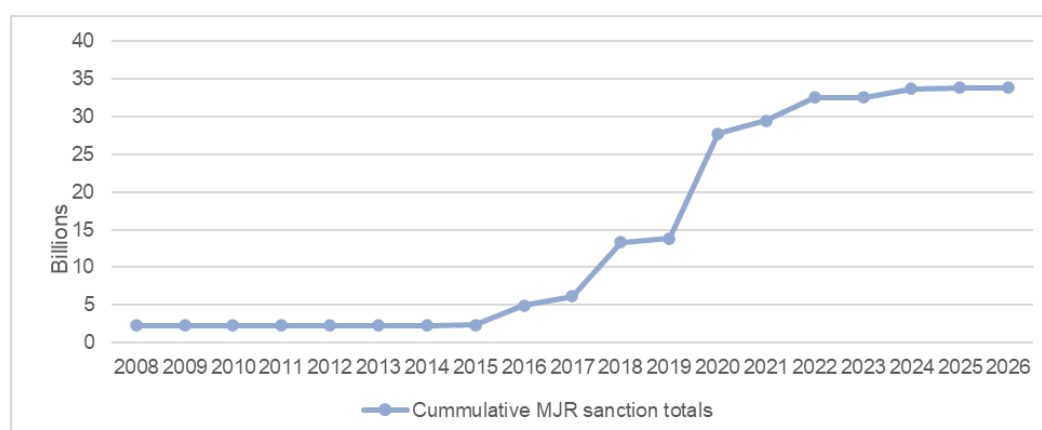
The Airbus JIT delivered at least four practical benefits. The PNF and SFO: 1) divided investigative priorities (including by geography) so each could pursue leads without stepping on each other’s work; 2) developed stronger cross-border co-operation and trust; 3) created a platform for co-ordinated, multi-authority resolution planning facilitating the penalty co-ordination and aligned oversight approached; and 4) accelerated the investigation towards a co-ordinated settlement outcome.

The resolution co-ordinated among the three countries was announced simultaneously on 31 January 2020, with total sanctions of approximately EUR 3.6 billion divided among DPA’s with the U.S DOJ, UK SFO, and a CJIP with France’s PNF.

Sources: Airbus CJIP with French PNF, [https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP\\_AIRBUS\\_English\\_version.pdf](https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP_AIRBUS_English_version.pdf); U.S. DOJ Press Release, <https://www.justice.gov/archives/opa/pr/airbus-agrees-pay-over-39-billion-global-penalties-resolve-foreign-bribery-and-itar-case>; Director of the Serious Fraud Office v Airbus SE (Approved Judgment, 31 January 2020, <https://www.judiciary.uk/wp-content/uploads/2020/01/Director-of-the-Serious-Fraud-Office-v-Airbus-SE-1.pdf>); Cleary and Gottlieb (19 February 2020) “Airbus Enters Into a Coordinated Resolution of Foreign Bribery Investigation With U.S., UK, and French Authorities for a Total of €3.6 Billion”, <https://www.clearygottlieb.com/news-and-insights/publication-listing/airbus-enters-into-a-co-ordinated-resolution-of-foreign-bribery-investigation>.

#### 4.3.6. Sanctions over time

The cumulative amounts of total sanctions imposed on legal persons through MJRs has steadily increased over time. While in 2008, the German and U.S. authorities collectively imposed what was considered at the time the world’s largest sanction for foreign bribery: nearly USD 1.6 billion in sanctions and forfeiture imposed on Siemens. Over time, as the number of enforcing countries has increased, the size of the co-ordinated resolutions has also grown, with the largest multijurisdictional foreign bribery cases reaching nearly USD 4 billion. Thus, in total, the enforcing countries have imposed an estimated sUSD 33.7 billion (in constant 2024 US dollars) in sanctions and confiscation since 2008. This amounts to sanctions of approximately USD 281 million on average per resolution. Per case, this amounts to approximately USD 991.5 million on average.

**Figure 8. Estimated cumulative total sanctions imposed through multijurisdictional resolutions**

Note: Amounts reflect the nominal sums converted to 2024 USD constant dollars. This is a conservative estimate insofar as (i) the amounts paid in 2024 and 2025 are not adjusted for consumer price increases and (ii) the payments made in relation to a case involving consecutive resolutions assume that all monies were paid in the year of the final resolution.

#### 4.3.7. Credits for foreign authorities

One important feature in certain MJRs is the provision of credits for sanctions imposed by foreign authorities. For the company sanctioned, this prevents excessive cumulative penalties and works to discourage “piling-on”.<sup>24</sup> For the foreign authority, it provides recognition of the time and efforts invested in the investigation and the level of co-operation among authorities. Providing credits to other enforcement authorities incentivises the co-operation and the co-ordination of MJRs.

These credits are typically conditional on the company making the foreign payments within a set timeframe and providing proof of payment to the lead jurisdiction (Table 4.2.4 provides details about the cases examined). For example, in the Airbus case (2020), the U.S. DOJ agreed to credit nearly USD 1.8 billion against the payments Airbus made to French authorities as long as payments were made according to the schedule set out in the French CJIP and before the end of the term of the DPA (3 years).<sup>25</sup> In the Goldman Sachs case (2020), the U.S. DOJ agreed to credit over USD 1.6 billion allocated to various authorities including USD 350 million to the Hong Kong (China) Securities and Futures Commission and USD 122 million to the Singapore Attorney-General’s Chambers as long as payments were made within 1-year of the U.S. DPA.<sup>26</sup> The Odebrecht case (2016), while containing the highest shared monetary sanction among the cases reviewed (USD 3.5 billion), involved the U.S. DOJ crediting 80% of the fine against payments made to Brazilian authorities. The payments were to be made on a 22-year instalment plan, the longest among the cases studied.<sup>27</sup>

In some cases, not all the earmarked amount for credit would have necessarily been collectable by a foreign authority. For example, in the ABB case, the U.S. DOJ provided credit offsets of the total criminal penalty of up to USD 11 million for payments made to the Swiss authorities. Switzerland, pursuant to Art. 102 Par. 2 Swiss Criminal Code (SCC) in connection with Art. 322*septies* SCC, sentenced the company to a fine of CHF 4 million. The maximum legal possible fine in Switzerland for this kind of criminal offense is CHF 5 million.<sup>28</sup>

Such mechanisms for crediting payments can also be used to enable demand-side countries to receive appropriate compensation when they enforce their anti-corruption laws in co-operation with the supply-side enforcing countries. For instance, in the ABB case, the U.S. DOJ also credited 50% of its fine (USD 157.5 million) to South African authorities to ensure the victim nation received the largest share of the penalty. In MJR cases involving Brazil and South Africa, the enforcing countries have sometimes used crediting mechanisms to ensure that funds are returned to the specific state-owned enterprises harmed by

the corruption schemes. In the SAP SE and McKinsey cases, the companies repaid tainted revenues directly to Eskom and Transnet in South Africa. Likewise, the companies provided restitution directly to Petrobras in the Keppel and Odebrecht cases.

**Table 12. Credit offsets as part of resolution co-ordination**

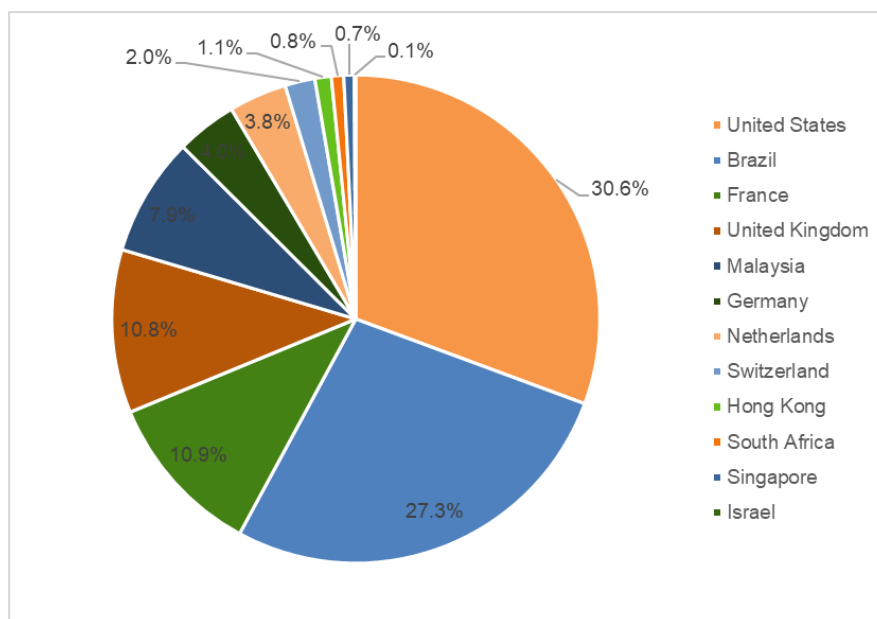
Case Name	Authority Providing Credit	Amount of Credit / Offset	Receiving Authority / Country	Payment timeframe	Other Requirements
ABB Ltd. (2022)	U.S. DOJ	Up to \$157.5M (50% of penalty)	South African Authorities	Term of Agreement	Contingent on separate resolution
	U.S. DOJ	\$11M each	Swiss and German Authorities	12 months	If not paid within 12 months, pay to U.S. Treasury by Dec 2, 2023.
	U.S. DOJ	\$63M	U.S. SEC (Civil Penalty)	N/A	N/A
	U.S. SEC	\$72.5M (Disgorgement)	South African Authorities	N/A	Deemed satisfied by prior payment
Airbus SE (2020)	U.S. DOJ	\$1 797 490 796	French (PNF)	End of term (3 years)	Must follow agreed payment schedule; otherwise due to U.S. Treasury
	U.S. DOJ	\$5 000 000	U.S. Dept of State (ITAR Penalty)	End of term	Must follow schedule
	French PNF	EUR 265 953 892	U.S. DOJ (FCPA Fine)	N/A	N/A
Amec Foster Wheeler (2021)	U.S. DOJ	Up to 25% (\$4.59M)	UK (SFO)	90 days	Copy of wire transfer or evidence acceptable to staff
	U.S. DOJ	Up to 33% (\$6.12M)	Brazilian Authorities	90 days	Copy of wire transfer or evidence acceptable to staff in its sole discretion
	U.S. SEC	Coordinated Disgorgement	UK SFO and Brazilian Authorities	N/A	N/A
	UK SFO	Coordinated Penalty	U.S. DOJ, SEC, and Brazil	N/A	N/A
Freepoint Commodities (2023)	U.S. CFTC	Full Offset (\$61M)	U.S. DOJ (Criminal Resolution)	10 days	Proof required within 10 days of payment to reduce CMP obligation
	U.S. DOJ	Up to \$22 440 000 (33%)	Brazilian Authorities	12 months	If not paid in 12 months, due to U.S. Treasury
	U.S. DOJ	Up to 25% of forfeiture	U.S. CFTC	N/A	N/A
	Brazil CGU/AGU	Coordinated Credits	U.S. DOJ and SEC	N/A	N/A
Glencore (2022)	U.S. DOJ	Nearly \$256M	CFTC, UK SFO, and Swiss authorities	6 months	Balance due to U.S. Treasury within 10 days of expiration
	U.S. DOJ	\$90 728 597	U.S. CFTC (Regulatory Action)	N/A	N/A
	U.S. DOJ	50% of fine/forfeiture	U.S. CFTC	N/A	N/A
	U.S. DOJ	Up to \$29 000 000	Swiss OAG	12 months	Balance due to U.S. Treasury within 10 days of expiration
Goldman Sachs (2020)	U.S. DOJ	Entire Penalty	SEC, Fed, DFS, UK FCA, PRA, Singapore AGC	12 Months	Total U.S. payment complete only if foreign payments made by year-end.
	U.S. DOJ	\$100 000 000	Hong Kong (China) SFC	12 Months	Total U.S. payment complete only if foreign payments made by year-

Case Name	Authority Providing Credit	Amount of Credit / Offset	Receiving Authority / Country	Payment timeframe	Other Requirements
					end.
GOL Linhas Aéreas (2022)	U.S. SEC	Up to \$1 700 000	Brazil CGU and AGU	2 years	Requires copy of wire transfer or other evidence showing amount and agency
Gunvor S.A. (2024)	U.S. DOJ	Up to 25% each	Swiss and Ecuadorean Authorities	1 year	Credit is contingent on resolving and paying within set year
Honeywell / UOP (2022)	U.S. SEC	Up to \$39 600 000	Brazilian Authorities (MPF/CGU)	90 days	Copy of wire transfer or evidence acceptable to staff.
J&F Investimentos (2020)	U.S. DOJ	Up to \$128 248 513 (50%)	Brazilian Authorities	N/A	N/A
Keppel O&M (2017)	U.S. DOJ	Up to \$211 108 490 (50%)	Brazilian Authorities (MPF)	3 years	Less any penalties paid to specified Brazilian authorities
	U.S. DOJ	Up to \$105 554 245 (25%)	Singapore AGC	N/A	N/A
	Singapore AGC	Variable Offset	Brazilian Authorities	N/A	N/A
McKinsey (2024)	U.S. DOJ	Up to 50%	South African Authorities	N/A	N/A
Odebrecht (2016)	U.S. DOJ	10% of the principal	Swiss Authorities	N/A	N/A
	U.S. DOJ	80% of the principal	Brazilian Authorities	N/A	N/A
Petrobras (2018)	U.S. DOJ	\$682 560 000 (80%)	Brazilian Authorities	12 months	Dollar-for-dollar credit based on payments per NPA
	U.S. DOJ	\$85 320 000 (10%)	U.S. SEC	N/A	N/A
	U.S. SEC	Up to \$682 560 000	Brazilian Authorities	12 months	Dollar-for-dollar credit based on payments per NPA
	U.S. SEC	Up to \$85 320 000	U.S. DOJ	N/A	N/A
Rolls-Royce plc (2017)	U.S. DOJ	\$25 600 000	Brazilian MPF	N/A	N/A
SAP SE (2024)	U.S. SEC	Up to \$59 455 779	South African Government/SOEs	12 months	Copy of wire transfer or evidence acceptable to staff
	U.S. DOJ	Up to \$55 100 000	South African Authorities	12 months	N/A
	U.S. DOJ	Full Forfeiture Amount	U.S. SEC or South African authorities	12 months	Pay remaining portion within 10 business days after one year.
SBM Offshore (2017)	U.S. DOJ	Coordinated Credits	Dutch Public Prosecutor (OM) and Brazil	N/A	N/A
Société Générale (2018)	U.S. DOJ	\$292 776 444	French PNF	N/A	N/A
	U.S. DOJ	Coordinated Credit	Brazilian Authorities	N/A	N/A
Stericycle, Inc. (2022)	U.S. SEC	Up to \$4 196 719	Brazilian Authorities (CGU/AGU/MPF)	12 months	Copy of wire transfer or evidence acceptable to staff
TechnipFMC (2019)	U.S. DOJ	Approx. \$214M	Brazilian Authorities	N/A	N/A
Telia Company (2017)	U.S. DOJ	Coordinated Penalty	Dutch Openbaar Ministerie (OM)	N/A	N/A
	U.S. SEC	\$40 000 000	U.S. DOJ (Forfeiture)	N/A	N/A

Case Name	Authority Providing Credit	Amount of Credit / Offset	Receiving Authority / Country	Payment timeframe	Other Requirements
	U.S. SEC	Up to \$208 500 000	Swedish or Dutch authorities	540 days (SE); 550 Days (NL)	Deemed satisfied only if paid within these windows
Trafigura Beheer B.V. (2024)	U.S. DOJ	up to \$26 829 346	Brazilian Authorities	N/A	N/A
VimpelCom Ltd. (2016)	U.S. SEC	Forfeiture payment of \$167.5 million	Netherlands Public Prosecutor	N/A	N/A
	U.S. SEC	Forfeiture payment of \$40 million	U.S. DOJ	N/A	N/A
Vitol Inc. (2020)	U.S. DOJ	Up to \$45 000 000 (33%)	Brazilian Authorities	N/A	Proof of payment within 10 business days of transaction

The exact apportionment of penalties and confiscation imposed depends on numerous factors, including the (i) countries most affected by the foreign bribery misconduct, and (ii) the degree of co-operation each country's law enforcement authorities provided to the investigation. While the exact percentage cannot be fully ascertained as not all resolutions are publicly available, the graph below attempts to estimate the relative breakdown in terms of which countries received the fines and confiscation recovered from the offending companies. While the United States received the largest share (30.6%), this is a smaller share than one would expect given the fact that it participated in all of the 31 MJRs in which two countries sanctioned at least one legal person. Brazil, which received the second-largest share of penalties and forfeited assets (27.3%), was at the epicentre of the transnational corruption scandals tied to Petrobras and Odebrecht and its authorities actively co-operated with multiple other countries to investigate and sanction the wrongdoing. France and the United Kingdom played prominent roles in the resolution of the 2020 Airbus case, while Malaysia was adversely affected by the 1MDB scandal and also contributed to the resolutions with Goldman Sachs to recover assets that had been dissipated due to that corruption scandal.

**Figure 9. Estimated share of penalties obtained by participating enforcing countries**



# 5 Legal basis for resolutions

Multijurisdictional resolutions rest on each participating country's domestic legal framework for corruption offences enforcement and NTRs. While, as discussed under section 1.1 above, the OECD Anti-Bribery Convention and the OECD 2021 Anti-Bribery Recommendation establish some common standards,<sup>29</sup> each country navigates their own legal framework differently resulting in both opportunities and challenges for resolving multijurisdictional cases.

This section provides an overview of the key legal elements that enabled or hindered the NTR of multijurisdictional cases.

## 5.1. Legal authority for resolutions

The legal frameworks for NTRs with legal persons vary significantly across jurisdictions. Some include statutory provisions explicitly authorizing negotiated resolutions such as DPAs while others maintain a requirement to obtain a criminal conviction thereby limiting the flexibility to reach a simultaneous resolution across jurisdictions. Below is a summary of the legal frameworks that have often been applied to the cases reviewed.

- United States: The legal basis rests on prosecutorial discretion under the Justice Manual (§ 9-27.000)<sup>30</sup> and statutory authority under the *Foreign Corrupt Practices Act* (FCPA) and the *Securities Exchange Act*. While NPAs are purely executive, Plea Agreements require federal court approval.<sup>31</sup> DPAs in the U.S. are filed in court but with only a “modicum of review”.<sup>32</sup>
- United Kingdom: The *Crime and Courts Act 2013 (Schedule 17)*<sup>33</sup> explicitly introduces the DPA mechanism, permitting a designated prosecutor to reach agreements for specified economic offenses including foreign bribery. The UK system is characterised by robust judicial oversight, requiring, in particular, a judge to declare in a public hearing that the resolution is in the “interests of justice” and that its terms are “fair, reasonable and proportionate”.
- France: The Sapin II Law (2016) introduced the *Convention Judiciaire d'Intérêt Public* (CJIP), codified in *Article 41-1-2 of the Code of Criminal Procedure*. A prosecutor or an investigative judge can enter into a CJIP with a defendant respectively at the stage of the preliminary investigation or the judicial inquiry (*information judiciaire*). The CJIP must be validated by a judge in a public hearing to confirm, in particular, the legality of the public interest fine and whether it is proportionate to the benefits derived from the breaches.
- Brazil: Negotiated resolutions primarily take the form of “leniency agreements” under the *Clean Company Act (Law 12.846/2013)* and *Decree 11.129/2022*. Leniency agreements are negotiated and approved either by the CGU and AGU or by the Federal Prosecution Service (MPF); judicial involvement, when present, usually relates to parallel court proceedings or the enforcement of related monetary obligations, not approval of the leniency agreement itself.
- South Africa: Authorities used Section 64(e) of the *Prevention of Organised Crime Act* (POCA) and a Corporate Alternative Dispute Resolution (C-ADR) policy. This framework relies on “guided discretion,” where the NPA may resolve cases without trial if it serves the public interest. The C-

ADR regime does not require a court to approve the agreement itself. The decision to issue C-ADR is made by the National Prosecuting Authority.

- Netherlands: Section 74 of the *Dutch Criminal Code* allows the Public Prosecutor to set conditions (e.g. payments to the State or restitution) to avoid criminal proceedings for serious offenses. The “out-of-court transaction” is a consensual agreement between the Public Prosecution Service and the defendant, and it does not require court approval.
- Switzerland: Summary Penalty Orders under Article 102 of the Swiss Criminal Code may be issued by the Office of the Attorney General (OAG) or simplified criminal procedures requiring court approval. Corporate liability is established focussing on organisational failures to prevent bribery and requires a criminal conviction. Swiss law does not have a mechanism akin to a DPA or NPA.
- Singapore: A Conditional Warning may be issued by the Attorney-General’s Chambers (AGC) and the Corrupt Practices Investigation Bureau (CPIB) or Commercial Affairs Department (CAD) “in lieu of prosecution,” making it functionally similar to a U.S. Non-Prosecution Agreement (NPA). While the warning avoids a formal court conviction, it is rooted in the entity’s potential liability for corruption offences punishable under Section 5(b)(i) of the Prevention of Corruption Act (PCA).

Some countries like the U.S. have legal authority to enter into various forms of NTRs such as DPA-like resolutions, NPA-like resolutions, plea agreements, or declinations. Other jurisdictions offer a more limited set of resolution mechanisms and may rely primarily on plea-agreement-type resolutions that require an acknowledgment or admission of guilt, as in Switzerland. Table 5.2 summarises the principal forms of NTRs available across jurisdictions, together with the legal authority under which each type of resolution may be used.

**Table 13. Legal archetypes for negotiated resolutions**

Country	Corporate Criminal Liability?	Primary Resolution Instrument and Typology	Explicit Statutory Authority / Basis
United States	✓	DPA, NPA, Plea Agreement	FCPA (15 U.S.C. §§ 78dd-1);  Justice Manual 9-28.200 and Principles of Federal Prosecution of Business Organizations (CEP Declination with Disgorgement, DPAs and NPAs)  Rule 11 of the Federal Rules of Criminal Procedure (Plea agreements)  Securities exchange Act
UK	✓	Deferred Prosecution Agreement (DPA-like)	Crime and Courts Act 2013, Schedule 17
France	✓	Convention Judiciaire d’Intérêt Public (DPA-like)	Code de procédure pénale Art. 41-1-2
South Africa	✓	Corporate Alternative Dispute Resolution (NPA-Like)	POCA Sec. 64(e) & NPA Policy Directive
Switzerland	✓	Summary Penalty Order (plea-agreement like)	Swiss Criminal Code, Art. 102
Netherlands	✓	Out-of-Court Transaction (DPA-like)	Dutch Criminal Code, Section 74
Brazil	No	Leniency Agreement (Administrative/Civil)	Law 12.846/2013 & Decree 11.129/2022
Germany	No	Regulatory Fine, OWiG Resolution (Administrative)	OWiG §§ 30, 130
Singapore	✓	Conditional Warning (NPA-Like)	Prevention of Corruption Act

Country	Corporate Criminal Liability?	Primary Resolution Instrument and Typology	Explicit Statutory Authority / Basis
			(PCA) Sec. 5(b)(i)

## 5.2. Factors enabling co-operation among countries in foreign bribery resolutions

There are a variety of legal enablers that allow for enhanced multijurisdictional co-operation in foreign bribery resolutions. Certain factors enable co-operation among countries, such as confidentiality provisions or where countries have concurrent jurisdiction and reach an agreement to designate a lead authority for specific portions of an investigation or the entire case. Other factors appear to foster a resolution, such as providing defendants with immunity in exchange for information as well as undertakings to restrict the use of information provided.

### 5.2.1. Legal framework enablers of simultaneous resolutions

The DOJ's *Justice Manual* provides that in matters resolved through "convictions, guilty pleas, deferred prosecution agreements, or non-prosecution agreements," and involving synchronised resolutions with other authorities, it will consider co-ordinating resolutions.<sup>34</sup> The DOJ does not strictly require that countries with which it co-ordinates resolutions have the same available non-trial resolution mechanisms to resolve a foreign bribery case, but in order to co-ordinate simultaneous resolutions, practice appears to demonstrate that the availability of similar non-trial resolution mechanisms enable prosecutors from different countries to negotiate, settle, and credit penalties on, at least, a similar, jointly agreed, timetable.

An example of this enabling framework can be seen between the United States and Brazil which have co-ordinated 17 separate resolutions together (Amec Foster Wheeler, Braskem, Embraer, Freepoint, Glencore, GOL, Honeywell, J&F Investimentos, Keppel, Odebrecht, Petrobras, Rolls-Royce, SBM Offshore, Stericycle, TechnipFMC, Trafigura Beheer B.V., and Vitol Inc). The frequency of these co-ordinated resolutions took off once Brazil's Leniency Agreement mechanism entered into force, providing authorities with clear legal basis to enter into resolutions with legal person defendants. The simultaneous conclusion of Leniency Agreements in Brazil and DPAs in the United States also allowed the United States to begin providing credits to Brazilian authorities for fines that they levied and collected in foreign bribery cases.

In cases involving the U.S. and Switzerland, where Switzerland does not have a DPA-like NTR mechanism, the Swiss resolutions have often been consecutive, with the U.S. authorities agreeing to credit Swiss authorities once they have concluded their own resolution.

Other countries, notably France via its CJIP and the United Kingdom via its DPA, have been able to co-ordinate simultaneous MJRs of foreign bribery cases due in large part to the availability of these DPA-like resolution tools. Prior to their coming into force, neither country had any real record of co-ordination in simultaneously sanctioning foreign bribery offenders. In total, 11 distinct resolutions representing approximately 35% of the cases reviewed involved either France or the United Kingdom as partner in an MJR. The United Kingdom participated in 7 cases (Amec Foster Wheeler, Glencore, Goldman Sachs, Rolls-Royce, Standard Bank, Airbus, Credit Suisse) while France has participated in 6 (Airbus, Société Générale, Technip, Surys, Balt, Crédit Suisse).

Switzerland's Summary Penalty Orders involve a conviction by a court and thus are plea-like agreements. Among the six cases in the dataset where Swiss authorities used Summary Penalty Orders to resolve cases (Siemens, Odebrecht, SBM Offshore, ABB, Glencore, Gunvor), half were concluded as consecutive resolutions after the corresponding U.S. resolutions.<sup>35</sup> During a bilateral interview, a Swiss prosecutor

observed that co-ordinating foreign bribery resolutions would be facilitated by the existence of a more flexible NTR mechanism.

South Africa, with the development of the C-ADR mechanism, now has a non-trial resolution tool that enables it to resolve transnational corruption cases together with other countries. As a result, the C-ADR mechanism enables South Africa to obtain financial penalties or forfeiture amounts through co-ordinated MJRs in transnational corruption cases. The C-ADR is intended to help address multi-jurisdictional offences by multinational companies, secure restitution and promote corporate compliance.<sup>36</sup> In the SAP and McKinsey & Company cases (both 2024), this mechanism enabled South Africa to participate in the co-ordinated resolution of the cases with the United States and ensure penalty crediting and restitution could be properly imposed. In this way, the NPA has imposed accountability for, and recovered some of the funds lost through, corruption offences committed during the state capture period.

### Box 6. Telia and Sweden's lack of an NTR mechanism

The Dutch Prosecution Service co-ordinated a resolution with the United States and stated that \$208 500 000 in disgorgement would be paid to Sweden as part of the resolution. In Sweden, however, there was no non-trial resolution mechanism allowing them to participate in the co-ordinated resolution. As such, the payment was subject to a legal proceeding in Sweden. Sweden was not able to confiscate within the agreed time limit and therefore the final disgorgement amount was paid by the United States to the Dutch Prosecution Service instead. In a public statement, subsequent to the court acquittal in Sweden, the Dutch authorities stated that “the consequence [...] is that Sweden was not able to confiscate the criminal earnings from Telia, within the deadline set. In accordance with the out-of-court resolution (in the United States), therefore, the reserved 208,500,000 USD has been paid to the Netherlands.” Sweden's lack of a legal mechanism to engage in the multijurisdictional resolution resulted in it not being able to recover the funds it was owed.

Source: “Telia Pays remaining 208,500,000 USD from confiscation amount to Dutch Public Prosecution Service” (2019) <https://www.prosecutionservice.nl/latest/news/2019/03/19/telia-pays-remaining-208500000-usd-from-confiscation-amount-to-dutch-public-prosecution-service>.

### 5.2.2. Concurrent jurisdiction and agreements to designate a lead authority

An analysis of the cases reviewed shows that in several instances multiple enforcement authorities with concurrent jurisdiction reached formal or informal agreements to designate a lead authority for specific portions of an investigation or the entire case. These arrangements are designed to optimise resource allocation and ensure co-ordinated resolutions for the corporate entity.

#### *Standard Bank (UK SFO Lead)*

In the 2015 Standard Bank PLC resolution, the United Kingdom and the United States both claimed concurrent jurisdiction over a bribery scheme involving Tanzanian sovereign debt. Following consultations between the two countries, the U.S. DOJ agreed that the UK SFO would take the lead in the investigation and resolution. The DOJ agreed to take no action against the bank on the condition that the full scope of the conduct was captured in the UK DPA and that appropriate sanctions – including compensation for the Government of Tanzania – were imposed by the SFO (OECD, 2017, p. 47<sup>[8]</sup>) (OECD, 2019<sup>[11]</sup>).

### *Airbus SE (French primacy and geographical division)*

The 2020 Airbus case represents one of the most structured examples of lead-jurisdiction co-ordination. This case involved three different enforcing countries, two of which worked together directly through a JIT between the French PNF and the UK SFO. The JIT agreement resulted in a specific division of investigation priorities. The PNF focussed on conduct in countries including China, South Korea, and the UAE, while the SFO took responsibility for Malaysia, Sri Lanka, and Ghana. In a notable instance of jurisdictional deference, the SFO originally led the investigation into Airbus' conduct in Colombia, but later agreed to include that conduct in the French CJIP to reflect French primacy in the overall JIT investigation.<sup>37</sup> The third country, the United States, did not participate in the JIT but instead the DOJ conducted its own investigation in parallel but in close co-ordination with the other enforcing countries. Ultimately, while the United States had significant interests, the DOJ deferred to its French and UK counterparts to "vindicate their respective interests" because France and the United Kingdom had "significantly stronger" jurisdictional bases for enforcement.<sup>38</sup>

### *Rolls-Royce plc (early agreement on primacy)*

The resolution of the Rolls-Royce case in 2017 involved trilateral co-ordination between Brazil, the United Kingdom, and the United States. An early agreement on primacy between the United Kingdom and the United States was a critical enabler that significantly facilitated the resolution of the case. It helped the authorities divide and co-ordinate the case across jurisdictions, instead of duplicating efforts or issuing inconsistent demands.<sup>39</sup> The agreement helped overcome obstacles caused by the legal differences between the countries' regimes, in particular the admissibility of compelled interviews, laws on corporate criminal liability and on disclosure (OECD, 2019, p. 147<sub>[1]</sub>).

### *Amec Foster Wheeler (U.S. lead on Brazil element)*

The Amec Foster Wheeler resolution in 2021 involved co-ordination between Brazil, the United Kingdom, and the United States regarding bribery to win a Petrobras contract. Because the offense in Brazil was first discovered as a result of an investigation initiated in the United States, the authorities involved decided that the U.S. DOJ and SEC would have conduct of the proceedings in relation to that specific aspect of the case. The UK SFO and Brazilian authorities then shared in the financial penalty through a crediting arrangement that offset sums paid in the U.S. resolution.<sup>40</sup>

### *Odebrecht (strategy sharing and simultaneous sanctions)*

In the Odebrecht investigation involving Brazil, the United States, and Switzerland, the authorities held numerous co-ordination meetings to align their efforts. During these meetings, the three authorities discussed an integrated strategy that included the sharing of investigations or offenders to ensure comprehensive accountability without duplication. This co-ordinated action allowed the three jurisdictions to resolve the case through their own NTRs mechanism and hand down sanctions simultaneously, providing the company with a transparent global penalty while ensuring each authority's interests were vindicated (OECD, 2018, p. 37<sub>[9]</sub>) (OECD, 2019<sub>[1]</sub>).

## **5.3. Challenges and incentives for companies to conclude non-trial resolutions as part of multijurisdictional resolutions**

The 2024 GLEN participants observed that many jurisdictions have co-operation incentives in their corporate liability models, or the companies co-operate to minimise the reputational damages. Still, there are often not many tools to compel companies to co-operate. The consultation also pointed out that when

it comes to disclosing commercial secrets, some jurisdictions may be reluctant to co-operate or sort the evidence before sharing it with other jurisdictions. Some jurisdictions consult with the companies to understand which pieces of evidence are relevant. When it comes to multijurisdictional cases, the investigated companies are often interested in reaching a single global resolution.

NTR mechanisms provide a useful vehicle for facilitating MJRs by offering corporate entities that decide to accept responsibility and co-operate with law enforcement to address past wrongdoing a structured path to obtain legal and financial certainty. Through harmonised resolutions across jurisdictions, companies that take such responsibility can manage their financial and legal risks, including through potential penalty reductions or credits offered by enforcing countries to avoid piling on of duplicative sanctions.

As discussed in previous sections, with the defendant's co-operation, law enforcement authorities gain efficiency in uncovering a larger spectrum of the economic offences committed. They thus save time (notably preventing offences from being time barred) and resources (avoiding complex, resource intensive, MLA dependant investigations) while ensuring that misconducts do not remain unpunished.

This section focusses on the factors that incentivise legal person defendants to enter in an NTR with law enforcement authorities. Such incentives include *inter alia* immunity against information provided to an authority, penalty reductions, and confidentiality provisions.

### **5.3.1. Immunity granted in exchange for information provided to an authority**

One critical enabler for MJRs is protection for information that companies or individuals provide to enforcement authorities during resolution discussions. Corporate willingness to co-operate with multiple jurisdictions depends critically on protections against self-incrimination and evidentiary use restrictions. These enablers are critical for MJRs because they provide a safe harbour for information provided during settlement negotiations.

#### *U.S. proffer agreements and non-waiver provisions*

- U.S. authorities used proffer agreements (often called “Queen for a Day” agreements) and non-waiver provisions to allow companies to disclose sensitive internal findings without automatically forfeiting legal protections like legal professional privilege.
- Siemens AG (2008): The plea agreement explicitly references a “non-waiver agreement between the parties, dated 16 March 2007”.<sup>41</sup> This mechanism allowed Siemens to co-operate fully and share information while navigating complex “labor, data protection, and privacy laws”.

#### *French “Foi du Palais”*

- In the CJIP guidance, “*foi du palais*” refers to the customary, unwritten confidentiality that governs oral exchanges between lawyers and magistrates/prosecutors during settlement discussions. The rule is meant to encourage candid settlement discussions without fear that those oral exchanges will later be used against the company if the CJIP is not finalised.<sup>42</sup>

#### *Protection of professional privilege*

- Airbus SE case: In this case, although the company did not receive initial voluntary disclosure credit for its FCPA-related conduct because it reported after the UK SFO investigation became public, it used co-operative positions regarding “privilege and French secret professional” (the French equivalent of legal professional privilege). The SFO verified a schedule of documents withheld on the basis of privilege, allowing for a structured disclosure process.<sup>43</sup>

### *Defined immunity scopes in corporate leniency agreements*

Leniency agreements in Brazil provide defined scopes of protection that are contingent on the company being the first to manifest interest and providing full and permanent co-operation.

- Braskem (2016): The leniency agreement with the CGU and AGU included an explicit undertaking to preserve the confidentiality of information covered by commercial secrecy. The scope of effects included “exemption from the extraordinary publication of the administrative sanctioning decision”.<sup>44</sup>
- Keppel Offshore & Marine (2022): The Brazilian agreement defined the scope of non-compliance, stating that the company could lose its benefits if it broke the confidentiality of the negotiation process, highlighting the importance of the defined secrecy period.<sup>45</sup>

### **5.3.2. Restricted use undertakings**

Various NTR mechanisms often include provisions that restrict how disclosed information can be used, particularly to protect the fair trial rights of individuals who may still be facing prosecution. Some examples include:

- Glencore Energy UK (2022): Following the corporate guilty plea, the court-imposed reporting restrictions to protect the identity of an agent and ensure the integrity of ongoing investigations into natural persons.<sup>46</sup>
- Rolls-Royce plc (2017): The court postponed the publication of certain details to avoid prejudice to the trials of natural persons. Additionally, the DPA terms required the company to keep material gathered during its internal investigation within the UK jurisdiction to facilitate the SFO’s prosecution of individuals.<sup>47</sup>

### **5.3.3. Confidentiality provisions**

While confidentiality provisions can be a hindrance to arriving at an MJR, they can also facilitate the lead enforcing country’s ability to conduct its own investigation while agreeing to share pertinent information with other jurisdictions. In the context of parallel investigations that have resulted in MJRs, the French authorities, for instance, have set forth some limits to the sharing of information with other jurisdictions, in particular in the Airbus case.

- Airbus SE (2020): As noted in France Phase 4 report by the Working Group (OECD, 2021<sub>[10]</sub>), for MLA requests within the EU, French law sets forth specific grounds for refusal (Article 694-31 CCP). These are defence secrecy and the application of the *non bis in idem* principle. For requests made outside the EU context, the grounds for refusal expressly provided for by law are:
  - The “Blocking Statute”(Law No. 68-678): The French Blocking Statute acted as a primary shield, mandating that Airbus communicate internal investigation documents only to the PNF, which then controlled the supply of those documents to the UK SFO and US DOJ to ensure compliance with French sovereignty.
  - Violations of public order, and harm to the essential interests of the Nation (Article 694-4 CPP: French authorities resorted to this provision to exclude certain documents from their responses to non-EU MLA requests. Specifically, the French PNF concluded that protecting “essential interests of France” required keeping specific contract values confidential.<sup>48</sup>

### **5.3.4. Penalty reductions**

A co-ordinated approach to resolving global bribery allegations offers concrete advantages for the defendant company, the sanctioning authorities, and potentially, to the extent they co-operated, the

affected victim countries. For the corporation, the substantial reduction in total monetary sanctions is a clear benefit, as authorities frequently grant discounts of 25% to 50% for exemplary co-operation. Some examples include:

- Airbus SE (2020): Both UK and French authorities awarded 50% discounts to reflect the company's "exemplary" level of co-operation. The UK Serious Fraud Office applied a 50% discount (composed of the standard one-third for a guilty plea plus an additional 16.7% for co-operation) because Airbus brought significant wrongdoing to light that would not have otherwise been discovered. Simultaneously, France's Parquet National Financier applied a 50% discount rate on the amount of the additional penalty, citing the company's thorough internal investigation conducted in co-ordination with judicial authorities.
- Rolls-Royce plc (2017): The UK SFO granted a total 50% discount off the financial penalty, identifying the company's assistance as "extraordinary". This credit was given despite the fact that the company did not initially self-disclose; authorities rewarded the fact that the conduct Rolls-Royce eventually reported was "far more extensive" and of a "different order" than what the SFO had previously uncovered.
- Honeywell / UOP (2022): The United States Department of Justice applied a 25% discount off the bottom of the guidelines, noting that Honeywell proactively disclosed evidence of which the department was previously unaware.
- SAP SE (2024): The U.S. Department of Justice granted SAP a 40% reduction off the tenth percentile above the low end of the sentencing guidelines range. This significant credit recognised the company's "substantial co-operation and timely remediation," including immediately beginning to co-operate after public investigative reports surfaced in South Africa in 2017.

Beyond financial savings, a co-ordinated resolution allows a company to achieve global resolution of enforcement risk regarding all known historical conduct. This typically includes:

- Harmonised Compliance Obligations: Instead of conflicting mandates, the company agrees to a single set of remediation standards.
- Unified Oversight: Co-ordination often results in a single compliance monitor (or the determination that a monitor is unnecessary) rather than multiple monitors with overlapping jurisdictions.
- Simultaneous Public Messaging: Co-ordinated announcement dates reduce the "death by a thousand cuts" impact of serial media reports, allowing the company to present a comprehensive reform narrative.

## 5.4. Challenges countries face in multijurisdictional resolution co-ordination

MJR has demonstrated that it is possible to resolve foreign bribery cases via co-ordinated simultaneous NTRs and overcome the hurdles otherwise linked to the different judicial systems and legal requirements. However certain countries with whom parallel or joint investigations are conducted do not have the NTR systems available that would enable them to reach resolution in a simultaneous manner. This section examines some of these hurdles and how MJRs have managed to overcome them.

### 5.4.1. Evidence sharing

During the 2024 GLEN session, law enforcement practitioners emphasised that the sharing of evidence often must adhere strictly to the scope of the investigation, requiring separate requests for new evidence. On issues such as *non bis in idem* and deciding which jurisdiction should prosecute, some countries base their decisions on the strongest jurisdiction, while others follow specific criteria, including the seriousness

of the offences and applicable penalties. Other considerations related to the death penalty and human rights are also taken into account.

GLEN law enforcement practitioners observed that different rules for the admissibility of evidence necessitate thorough consultations to ensure compliance with the receiving country's legal standards. Some countries highlighted different legal requirements for obtaining banking records as well as emails. To circumvent admissibility challenges, law enforcement authorities can attempt to obtain authorisation from a local judge before requesting evidence from their foreign counterparts. Requests for witness statements or suspect interviews are submitted through formal requests, accompanied by required declarations or cautions, which are translated into the local language. This thorough preparation helps bridge the differences between legal systems and ensures that the evidence is usable in court.

The differences in various corporate liability models were also mentioned by GLEN participants as a potential hurdle they have to take into account. In some jurisdictions, a legal person's case is linked to that of a natural person, while in others, corporate liability is treated independently. Additionally, not all countries recognise the criminal liability of legal persons; some only have administrative or civil liability. This can lead to complications regarding evidence sharing and the *non bis in idem* principle. Furthermore, the requirements for a company to admit guilt in order to enter a NTR vary by jurisdiction.

#### **5.4.2. Limits to sharing information in investigations**

GLEN law enforcement practitioners also cited other limits to sharing information including the legal constraints such as data privacy laws, blocking statutes, and disclosure requirements can complicate information and evidence sharing. Secrecy and other limits such as information under seal have also been cited by authorities in bilateral interviews as a potential hurdle to sharing evidence among the jurisdictions involved in resolving multijurisdictional cases. As discussed in section 5.4.3 above, in France, the "Blocking Statute" (Law No. 68-678) and Article 694-4 CCP serve as critical legal parameters, allowing the PNF to protect essential interests of France by managing and sometimes restricting the flow of documents to foreign partners. It can create challenges when co-ordinating investigations with foreign authorities. While with EU partners and countries voluntarily agreeing to participate in a JIT, these hurdles can be overcome more easily, creative means of co-operation had to be found and implemented with the non-EU jurisdictions with which France needed to share information as part of co-ordinated resolutions, as in the Airbus case.

Switzerland also faces procedural hurdles regarding the confidentiality of evidence. A "searched party" can request that evidence be put under seal, a process that can trigger years of litigation before prosecutors are permitted to use or share the material.<sup>49</sup>

Beyond statutory protections, companies may raise concerns regarding data protection and privacy laws, as seen in the Siemens case, where such regulations necessitated specific "non-waiver agreements" to facilitate the sharing of information while attempting to preserve legal professional privilege.

#### **5.4.3. Timing and procedural challenges**

The disparate timelines of various legal systems can pose a challenge.

In 2024, GLEN law enforcement practitioners highlighted the difficulties they encounter when jurisdictions become aware of their related investigations too late. This issue is particularly challenging when each investigation is at a different stage of progress, as it necessitates significant co-ordination. Consequently, those at an earlier stage must work to catch up with the others, but not all such situations result in a successful resolution. Some jurisdictions can wait with their case for some period of time so the other country can advance with its investigation, and a co-ordinated resolution becomes possible.

Another challenge may arise from the fact that some countries involved in parallel or joint investigations may lack NTR systems that allows for a simultaneous resolution. Due to varying NTR mechanisms and

different stages in cases, careful consideration is necessary to avoid undermining the case in other jurisdictions.

In addition, if one country faces procedural delays – such as the Swiss court rulings over sealing evidence – it may force co-ordination partners to move ahead independently. While these procedural challenges can present hurdles, MJRs have proven effective at overcoming them where consecutive resolutions have been announced rather than simultaneous ones.

#### **5.4.4. Resource disparities**

Resource constraints can dictate the feasibility of international co-operation. In South Africa, the NPA expressly considers the availability of resources and the likely length of trial when determining if a C-ADR is in the public interest.

Certain institutions have developed other mechanisms to bolster resources. For example, Eurojust, as a regional facilitator, can help facilitate JITs by providing financial support. This can be essential for resource-constrained countries attempting to partner with larger enforcement partners.

#### **5.4.5. Impact of fact disclosure on future prosecutions**

The OECD 2021 Recommendation recognises the need to balance different objectives and provides for a roadmap with how to do so. In particular, it states in relevant part:

- iv. where appropriate, and consistent with data protection rules and privacy rights, as applicable, make public elements of non-trial resolutions, including:
  - the main facts and the natural and/or legal persons concerned; (...)
- v. ensure that foreign bribery resolved by non-trial resolutions is punishable by transparent, as well as effective, proportionate and dissuasive sanctions as required by Article 3 of the OECD Anti-Bribery Convention;
- vi. ensure that the non-trial resolution of foreign bribery cases does not constitute an obstacle to the effective investigation and prosecution of natural or legal persons in other countries.”

Balancing the transparency requirements of the OECD 2021 Recommendation with the need to preserve the integrity of ongoing future prosecutions can pose a challenge. In the UK, a DPA must contain a detailed statement of facts, but the court maintains the power under Paragraph 12 of Schedule 17 of the Crime and Courts Act<sup>50</sup> to postpone the publication of such information if it appears necessary to avoid a “substantial risk of prejudice to the administration of justice” in other legal proceedings. This provides some flexibility to overcome the hurdle presented by impact of fact disclosure on future prosecutions.

# 6 Characteristics of non-trial resolutions in multijurisdictional cases

This section describes thematic characteristics that have emerged from the 31 multijurisdictional cases examined.

## 6.1. Impact of voluntary self-disclosure by companies on the opening of non-trial resolutions discussions and the level of sanctions

Voluntary self-disclosure plays a key role in the prosecutors' decision to open discussions with defendants on NTRs potentially leading to full declinations or significant penalty reductions. This section discusses the effect of voluntary disclosure in a selection of NTRs concluded in MJRs. In the United States, the DOJ Justice Manual 9-47.120 states that “when a company has voluntarily self-disclosed misconduct to the Criminal Division (...) fully cooperated, and timely and appropriately remediated (...) there will be a presumption that the company will receive a declination absent aggravating circumstances (...)”<sup>51</sup> Thus, in the Balt SAS case, the company received a full declination of criminal prosecution from the U.S. DOJ specifically because it voluntarily self-disclosed the misconduct, fully co-operated, and timely remediated the wrongdoing.<sup>52</sup>

In the United Kingdom, prompt self-reporting is a critical factor in determining if a Deferred Prosecution Agreement is in the interests of justice. For example, Standard Bank received a DPA and a full one-third reduction in its financial penalty because it disclosed suspicions to the Serious Fraud Office within days of discovery and before its own internal investigation was even completed. Similarly, SAP SE was rewarded for its self-reporting of certain conduct with a 40% reduction off the sentencing guidelines and a complete waiver of an SEC civil penalty.<sup>53</sup>

Among the resolutions in the United States, voluntary disclosure often explains the difference between a standard co-operation credit and an “extraordinary” premium. While companies that fail to self-disclose but provide “full co-operation” typically receive a 25% discount off the bottom of the fine range – as seen in the cases of ABB, Keppel O&M, and Petrobras – those that do self-disclose are eligible for significantly higher discounts or more favourable starting points in the guidelines. Conversely, the absence of timely self-disclosure often results in much lower credits; Goldman Sachs received only a 10% discount due to its failure to self-report and subsequent delays in evidence production, and Teva Pharmaceutical was limited to a 20% discount because it did not timely disclose and engaged in overbroad privilege assertions. In the SBM Offshore case, although the company eventually reported the conduct, the one-year delay in doing so led the U.S. DOJ to deny voluntary disclosure credit entirely, highlighting that the timeliness of the report is just as critical as the disclosure itself.

The table below demonstrates the impact of voluntary self-disclosure on the MJRs examined.

**Table 14. Impact of various mitigating factors in multijurisdictional resolutions cases**

Case / Corporate Entity	Voluntary Self-Disclosure?	Other mitigating factors, including co-operation credit
1. ABB Ltd. (2022)	No	Received “extraordinary co-operation” credit (25% discount off fine range midpoint) for real-time sharing of facts and documents.
2. Airbus SE (2020)	Mixed	No credit for FCPA (late reporting); Yes credit for ITAR. “Exemplary” co-operation led to a 50% penalty discount in both France and the United Kingdom.
3. Amec Foster Wheeler (2021)	No	Received “extensive co-operation” credit for adopting a proactive approach and providing privilege waivers after the probe was public.
4. Braskem S.A. (2016)	No	Received partial co-operation credit for summarizing voluminous foreign records and facilitating executive co-operation.
5. Credit Suisse (2021)	No	Limited to partial credit (15% discount) because co-operation was deemed “reactive instead of proactive” and delayed evidence.
6. Embraer S.A. (2016)	No	Received “full credit” for co-operation and remediation despite the late start after an SEC subpoena.
7. Freepoint Commodities (2023)	No	Received credit for remedial measures and trade data analysis; resolution included a one-third penalty offset (\$22M) for Brazilian payments.
8. Glencore (2022)	No	Received partial credit for production of documents but failed to receive full credit due to inadequate disciplinary measures and late data analysis.
9. GOL Linhas Aéreas (2022)	No	Received full co-operation credit for real-time sharing. Financial condition led to a substantial penalty reduction from \$87M to \$17M.
10. Goldman Sachs (2020)	No	Received only partial credit (10% discount) for co-operation because the bank “significantly delayed” producing recorded phone calls of senior bankers.
11. Gunvor S.A. (2024)	No	Received credit for navigating foreign data privacy laws and imaging custodian phones early; received 25% fine credits for payments to Swiss/Ecuador authorities.
12. Honeywell / UOP (2022)	No	Awarded a standard 25% discount for disclosing evidence that was previously unknown to the DOJ.
13. J&F Investimentos (2020)	No	Received partial co-operation credit in the US; Brazil awarded credit for the first manifest interest in a collaboration agreement.
14. Keppel O&M (2017)	No	Received a 25% reduction from the bottom of the fine range for substantial co-operation and extensive remediation, including termination of 17 employees.
15. McKinsey Africa (2024)	No	Awarded a significant 35% discount for immediate co-operation, specifically reporting a partner’s attempt to delete documents.
16. Odebrecht S.A. (2016)	No	Received a 25% reduction for performing forensic data collections across multiple countries and providing facts on individual involvement.
17. Petrobras (2018)	No	Awarded a 25% discount off the bottom of the guidelines for full co-operation and real-time sharing of facts that were otherwise unavailable to the US.
18. Rolls-Royce plc (2017)	No	Received a 50% discount for “extraordinary” co-operation; the company disclosed conduct that was “far more extensive” than what authorities already knew.
19. SAP SE (2024)	Yes	Self-reporting of certain conduct (though late in some regions) led to a 40% fine reduction and the full waiver of an SEC civil penalty.
20. SBM Offshore (2014/17)	Mixed	Yes to NL (2012); No to US (delayed 1 year). Impacted by 25% reduction for full co-operation and extensive remedial measures.
21. Siemens AG (2008)	No	Despite the late start (police raids), the company received exceptional credit for an internal investigation of “unprecedented scope”.
22. Société Générale (2018)	No	Received substantial credit for co-operation that allowed prosecutors to ascertain complex facts regarding the Libyan scheme.
23. Standard Bank (2015)	Yes	Prompt reporting within days of discovery “militated very much in favour” of a DPA and a full one-third penalty reduction in the UK.
24. Stericycle, Inc. (2022)	Mixed	No (US)/Yes (Brazil). Received 25% discount for proactive disclosure of evidence and conducting an investigation that preserved key government proof.
25. TechnipFMC (2019)	No	Received full co-operation and remediation credit (25% discount) near the midpoint of the fine range despite being a recidivist.
26. Telia Company (2017)	No	Received a 25% reduction for its co-operation, including an internal investigation that provided regular reports to the DOJ on individuals.
27. Teva Pharmaceutical (2016)	No	Limited to a 20% discount due to delays in early stages, including overbroad privilege assertions and slow document production.

Case / Corporate Entity	Voluntary Self-Disclosure?	Other mitigating factors, including co-operation credit
28. Trafigura (2024)	No	Received credit for remedial measures, including developing risk-based policies and providing all relevant facts known about individuals.
29. Vitol Inc. (2020)	No	Received a 25% discount off the bottom of the guidelines for full co-operation, including facilitating US-based interviews and factual presentations.
30. Vimpelcom (2016)	No	Received a 45% downward departure from the bottom of the U.S. Sentencing Guidelines fine range for its substantial co-operation during the investigation.
31. Balt SAS (2026)	Yes	Received a DOJ Declination under the Corporate Enforcement Policy for timely self-disclosure and proactive co-operation.

## 6.2. Judicial and other oversight

At the time of the NTR study, the vast majority of NTR mechanisms were subject to some external review (either by a court or by some other authority) before their final conclusion. This was somewhat less likely for NTRs applicable to legal persons on which this paper focusses (OECD, 2019, p. 141<sub>[11]</sub>). Among the countries that have participated in MJRs covered under this paper, the existence and type of judicial or other oversight varies depending on the type of non-trial mechanism used as shown in the table below. There is significant variation among countries' legal framework regarding prosecutorial discretion, the need for judicial approval of resolutions, and the scope of the control exercised by the judiciary when approving resolutions. While this paper analyses specific NTR mechanisms used in the 31 MJR cases, additional information about NTR mechanisms in general can be found in the 2019 OECD NTR study (OECD, 2019<sub>[11]</sub>).

In the United States, depending on the type of resolution sought, the DOJ may or may not require judicial oversight. The DOJ can decide to resolve foreign bribery allegations without bringing formal charges to court either by using the Declination with disgorgement resolution or an NPA. By using an NPA or a declination with disgorgement, the accused agrees to fulfil certain conditions in exchange for not bringing formal charges in court (OECD, 2019, p. 142<sub>[11]</sub>). In contrast, when the DOJ concludes a DPA, it will file charges in court, submit the DPA, and seek leave to suspend the trial proceedings for the time period in which the defendant has agreed to fulfil the conditions set forth in the resolution. This has the effect of ensuring the charges will remain pending until all the DPA conditions are fulfilled (OECD, 2019, p. 143<sub>[11]</sub>). For plea agreements in both the United Kingdom and the United States, the courts must have the final say on the criminal sentence imposed.

Also, where regulatory bodies, such as the United States SEC, enter into a resolution, judicial approval usually does not factor into the conclusion of the resolution. SEC resolutions, at least when taking the form of cease-and-desist orders in the cases reviewed, are administrative in nature, falling under the SEC's specific statutory authority to find violations and impose remedial sanctions without needing to seek the leave of a judge.<sup>54</sup> SEC administrative orders are concluded as independent agency proceedings where the SEC has the autonomous legal authority to enter orders requiring a person to cease and desist from violations and to pay disgorgement or civil penalties.

In Brazil, both corporate liability for offences against Brazilian and foreign public administration, including foreign bribery and the non-trial resolution mechanism known as a Leniency Agreement are administrative in nature and were created under the 2013 Clean Companies Act (CLL).<sup>55</sup> Both the Controladoria-Geral da União (Office of the Comptroller General or CGU) and the Federal Prosecutors Office (FPS) have the authority to conclude a Leniency Agreement. Formally the Minister of AGU signs leniency agreements together with the Minister of the CGU (OECD, 2023, p. 46<sub>[6]</sub>). As noted in the OECD Phase 4 report on Brazil, "though the CLL does not expressly provide for judicial involvement in the leniency agreement process, various court challenges have been raised to the conclusion of individual leniency agreements or to entire classes of leniency agreements. To date, no leniency agreement has been set aside pursuant to

this litigation. In certain instances, however, courts may have suspended application of the leniency agreement with respect to new adherents or ruled that certain evidence obtained through one leniency agreement with Odebrecht was not admissible in proceedings against other defendants.” (OECD, 2023, p. 78<sup>[6]</sup>).

In some Parties to the Convention, a court must first decide that it would be appropriate for the prosecution to resort to a non-trial resolution even before its terms have been established. This is the case for the DPA in the United Kingdom (OECD, 2019, p. 144<sup>[1]</sup>). “Once the prosecutor begins negotiating with a company about the possibility of concluding a DPA, the Crown Court must determine that (1) such an agreement ‘is likely to be in the interests of justice’ and (2) its terms are ‘fair, reasonable and proportionate’”.<sup>56</sup> “These determinations will be made in private. Once the DPA’s terms are agreed, the prosecution must seek the Crown Court’s approval that the proposed DPA in fact meets both standards. Once the DPA’s terms are agreed, the prosecution must seek the Crown Court’s approval that the proposed DPA in fact meets both standards.”<sup>57</sup>

In the Airbus UK Approved Judgment, the court explicitly referenced the approved judgment in the Standard Bank resolution to note the differences in how the UK statutory regime’s court approval process functions:<sup>58</sup>

*“In contra-distinction to the United States, a critical feature of the statutory scheme in the UK is the requirement that the court examine the proposed agreement in detail, decide whether the statutory conditions are satisfied and, if appropriate, approve the DPA. The court retains control of the ultimate outcome.*

*Thus, even having agreed that a DPA is likely to be in the interests of justice and that its proposed terms are fair, reasonable and proportionate, the court continues to retain control and can decline to conclude that it is, in fact, in the interests of justice or that its terms are fair, reasonable and proportionate.”*

In several countries, judicial oversight serves as a critical validation mechanism for MJRs, ensuring that the NTRs concluded by authorities are in the interests of justice and that the resulting sanctions are reasonable and proportionate. In jurisdictions such as the United Kingdom and France, the judiciary performs an independent review of the facts and the calculation of financial penalties.

### 6.2.1. Judicial role in MJRs

By subjecting proposed agreements to rigorous independent review, courts in jurisdictions like the United Kingdom and France perform a detailed analysis of the facts and assess whether the financial penalties are fair, reasonable, and proportionate compared to what would have been imposed upon conviction. The benefits of this oversight are often emphasised by authorities, academia and civil society as critical for maintaining public confidence, enabling public scrutiny, particularly through the requirement of public hearings and the publication of detailed statements of facts and judicial reasons. Furthermore, judicial control may further contribute to ensure that the rights of third parties and the integrity of related proceedings against individuals are protected, as discussed in section 5.3 above.

**Table 15. Judicial role and requirements for negotiated resolutions**

Judicial role	Type of Resolution	Countries & Specific Circumstances
Required	Deferred Prosecution Agreement (DPA)	<b>United Kingdom:</b> Required by statute (17 Schedule 2013 Act). A judge must declare that the DPA is in the interests of justice and its terms are fair, reasonable, and proportionate. <b>United States:</b> DPAs are filed in U.S. District Courts and are subject to court approval and monitoring during the term.
	Convention Judiciaire d’Intérêt Public (CJIP)	<b>France:</b> Requires a “validation order” (ordonnance de validation) from a presiding judge in a public hearing to confirm the facts and proportionality

		of the public interest fine.
	Plea Agreement / Guilty Plea	<b>United States:</b> Governed by Federal Rule of Criminal Procedure 11(c)(1)(C). The court must accept the plea and the agreed-upon sentence to resolve the criminal case. <b>United Kingdom:</b> Corporate guilty pleas and sentencing occur in open court (e.g. Glencore Energy UK).
	Summary Penalty Order	<b>Switzerland:</b> Issued by the Office of the Attorney General (OAG); while an executive order, it carries the weight of a final criminal conviction and is a formal judicial stage in the Swiss system.
	Deferred Prosecution Agreement (DPA)	<b>United Kingdom:</b> Required by statute (17 Schedule 2013 Act). A judge must declare that the DPA is in the interests of justice and its terms are fair, reasonable, and proportionate. <b>United States:</b> DPAs are filed in U.S. District Courts and are subject to court approval and monitoring during the term.
Not Required (Executive/Admin)	Non-Prosecution Agreement (NPA) / Declination	<b>United States:</b> Purely executive agreements between the DOJ and the company; no judicial review or court filing is required.
	Cease-and-Desist / Consent Order	<b>United States (SEC/CFTC):</b> Administrative resolutions instituted before the Commission or Department; they do not involve criminal court approval.
	Conditional Warning	<b>Singapore:</b> Issued by the AGC and CPIB “in lieu of prosecution”; it is a prosecutorial discretion mechanism not requiring a court order.
	Out-of-Court Transaction / Settlement	<b>Netherlands:</b> Managed directly by the Public Prosecutor (OM) under Article 74 of the Dutch Criminal Code to avoid criminal proceedings.
	Corporate Alternative Dispute Resolution (C-ADR)	<b>South Africa:</b> A policy of “guided discretion” where the NPA resolves cases without trial if it serves the public interest, though often co-ordinated with judicial processes.
	Leniency Agreement	<b>Brazil:</b> These can be concluded either by administrative bodies (CGU/AGU) or prosecutors (the FPS), and generally require homologation but not judicial oversight, particularly regarding the values and the evidence for use in criminal proceedings. Judicial challenges may however be tantamount to a post-facto control.

### 6.3. Fines and monetary penalties

The analysis of fines and monetary penalties across the 31 MJRs reveals a highly structured, guideline-driven approach designed to achieve global proportionality and avoid duplicative punishment. Authorities increasingly use complex mathematical formulas, involving culpability scores and harm multipliers, to arrive at penalties that punish the corporation while maintaining its viability.

#### 6.3.1. Range of fines

The financial scale of penalties in MJRs varies dramatically based on the scope of the bribery scheme and the size of the corporate entity. Overall, they can be categorised in three tiers:

1. The Upper Tier: The largest MJRs involve billions of dollars in combined sanctions. Airbus SE (2020) paid total fines of USD 3.9 billion. Odebrecht S.A. was originally sanctioned with a total fine of USD 4.5 billion but was later reduced to USD 2.6 billion based on their ability to pay. Goldman Sachs was fined USD 2.9 billion.
2. The Mid-to-Lower Tier: Mid-range cases like Telia Company (USD 965 million) and Société Générale (USD 860 million) represent typical large-scale MJRs.
3. Subsidiaries paid a range of fines: Subsidiaries, particularly those entering plea agreements with the U.S. DOJ, paid a USD 500 000, and amount that was integrated into the much larger penalty paid by the parent company (Siemens, Goldman Sachs, ABB, TechnipFMC, SBM Offshore, Telia, Credit Suisse). Mid-range subsidiary penalties include Trafigura (USD 3.3 million), SBM Offshore's Swiss subsidiary (USD 4.6 million) and Keppel O&M (USD 4.725 million). The largest subsidiary

penalties were paid by Glencore Ltd (U.S. subsidiary, USD 210 million), and Goldman Sachs (Asia) LLC (USD 350 million).

### *Impact of recidivism*

In the 5 MJRs that involved recidivist companies, offenders received significantly more stringent financial treatment, primarily through the upward adjustment of culpability scores and a shift in the baseline from which penalty discounts are calculated. In the United States, while first-time offenders typically receive discounts off the bottom of the United States Sentencing Guidelines fine range,<sup>59</sup> recidivist companies are frequently penalised by having their discounts applied to the midpoint or higher percentiles of that range.

Cases where a recidivist penalty was applied include:

- ABB Ltd. (2022): As a repeat offender with a criminal history including FCPA resolutions in 2004 and 2010, the U.S. DOJ applied a 25% discount but specifically calculated it from the mid-point between the middle and the high end of the USSG fine range. This significantly increased the Total Criminal Penalty to \$315 million compared to what a first-time offender would have paid.
- TechnipFMC plc (2019): Because its predecessor, Technip S.A., was a recidivist (2010 DPA), the U.S. DOJ deducted the 25% co-operation and remediation credit from a point near the midpoint of the applicable USSG fine range rather than the bottom.
- SAP SE (2024): Recognised as a recidivist due to a 2016 SEC resolution for FCPA violations and a 2021 NPA with the National Security Division of the U.S. DOJ, SAP received a 40% discount, but it was calculated off the tenth percentile above the low end of the guidelines.<sup>60</sup>
- Gunvor S.A. (2024): Its 25% reduction was applied to the 30th percentile of the fine range by the U.S. DOJ, expressly taking into account the companies prior 2019 conviction in Switzerland for bribery.<sup>61</sup>
- Trafigura (2024): Based on prior misconduct in 2006 and 2010, the U.S. DOJ calculated a 10% discount from the fifth percentile of the fine range.<sup>62</sup>

In Brazil, under Article 22, V of Decree No. 11.129,<sup>63</sup> Brazilian authorities apply a specific 3% increase to the fine calculation in cases of recidivism. Recidivism is defined as a new infraction committed within five years from publication of judgment of prior CLL violation (not need to be same CLL violation).

Despite their recidivist status, several companies still received credits, though they were often capped or started from a higher baseline. The reasoning provided by authorities focusses on the quality of co-operation:

- Extraordinary Co-operation: ABB received a 25% discount (from the midpoint) because of its “extraordinary co-operation”<sup>64</sup> with the U.S. DOJ, which included real-time sharing of facts from its internal investigation and collecting voluminous evidence that allowed the government to preserve proof for independent probes.
- Counteracting Recidivism through Disclosure: SAP SE received a relatively high 40% discount in its resolution with the U.S. DOJ despite its former misconduct history because of its self-reporting of certain conduct and substantial co-operation. This suggests that voluntary disclosure can mitigate the negative baseline shift usually mandated for recidivists.
- Remediation and Reforms: Credits for TechnipFMC and Trafigura were supported by remedial measures such as terminating employees involved in the conduct and discontinuing the use of third-party agents for business origination.

For MJRs, co-operation and assistance with the investigation by companies can therefore be viewed as an important factor when multiple authorities are working towards an NTR with the same company.

### 6.3.2. Ability to pay

While the determination of financial sanctions is often guideline-driven as in the United States, multijurisdictional resolutions increasingly account for the principle of corporate viability. In jurisdictions such as the United States and Brazil, the “Inability to Pay” doctrine serves as a safeguard to ensure that penalties remain dissuasive without being destructive, as evidenced by the USD 70 million reduction granted to GOL Linhas Aéreas to preserve its operational continuity. Similarly, Odebrecht’s total global penalty was assessed by the U.S. DOJ and the Brazil CGU, MPF, and AGU at USD 4.5 billion but it was capped at USD 2.6 billion because that was determined to be the maximum the company could realistically pay.<sup>65</sup>

Conversely, other jurisdictions such as France and Switzerland maintain a statutory approach to fine calculation, prioritizing the removal of illicit gain over the individual financial condition of the defendant. In Switzerland, the law only allows for a maximum punitive fine of CHF 5 million for legal persons,<sup>66</sup> though Swiss resolutions can also include confiscation and compensatory claims that may greatly exceed this limit.<sup>67</sup> In France, bilateral interviews with the prosecutors revealed that they have never had to consider the ability of a defendant to pay and have never encountered issues in defendant’s paying their fines according to the payment schedule as set out in the terms of a CJIP.

### 6.3.3. Confiscation, disgorgement of profits, victim compensation and costs

In 30 out of the 31 cases that were examined, at least one resolution contemplated confiscation, disgorgement of profits, victim compensation, or costs. Whereas confiscation and disgorgement of profits are meant to address the legal principle of the “removal of gain”, victim compensation seeks to provide restitution to the victims of the bribery scheme. Costs refer to the reimbursement of investigative and prosecutorial expenses incurred by enforcement authorities in the cases examined, as well as the administrative and monitoring fees associated with the oversight of a resolution.

**Table 16. Confiscation, compensation and costs in multijurisdictional resolutions**

Case Name	Confiscation / Disgorgement	Compensation / Restitution	Costs?	Imposing Authority	Percentage Split
ABB Ltd. (2022)	USD 72.5M (Disgorgement/ Interest)	USD 157.5M (Restitution Credit); ZAR 1.56B (SIU payment)	Yes (CGU displacement/ testing costs)	U.S. SEC; South Africa NPA/ SIU	50% U.S. Treasury; 50% South Africa (CARA fund)
Airbus SE (2020)	EUR 585.9M (UK); EUR 1.05B (FR); EUR 50M Euro Bond (US Forfeiture)	Denied (Not quantifiable in UK/FR)	Yes: EUR 6.9M(UK); EUR 8.5M (FR Monitor)	UK SFO; French PNF; U.S. DOJ	14% U.S. Treasury; 86% French Treasury (on corruption penalty)
Amec Foster Wheeler (2021)	GBP 47.8M; 3 531 260.40 (UK); 17.6M (SEC)	GBP 210 610 to Federal Republic of Nigeria	Yes: GBP 3.4M (Investigation costs)	UK SFO; U.S. SEC	42% U.S. Treasury; 25% UK Consolidated Fund; 33% Brazil
Balt SAS (2026)	USD 1.2M(Disgorgement)	N/A	Not specified	U.S. DOJ	100% U.S. Treasury (Disgorgement amount credited in France)
Braskem S.A. (2016)	USD 325M (Total); USD 65M (SEC), USD 260M (Brazil)	N/A	Yes: USD 400 Special Assessment	U.S. SEC/DOJ; Brazil MPF	15% U.S. Treasury; 70% Brazil; 15% Switzerland
Freepoint Commodities (2023)	\$30.6M (Total disgorgement – offset)	BRL 22.5M (Damages)	Not specified	U.S. CFTC/DOJ; Brazil CGU/AGU	66.7% U.S. Treasury; 33.3% Brazil

Case Name	Confiscation / Disgorgement	Compensation / Restitution	Costs?	Imposing Authority	Percentage Split
Glencore (2022 and 2024)	USD 272M (DOJ); GBP 93.5M (SFO); USD 320.7M (CFTC)	Switzerland (2024): \$150M UK: Denied (Loss not quantifiable)	Yes: GBP 4.6M (UK Prosecution costs)	U.S. DOJ; UK SFO; U.S. CFTC	60% U.S. Treasury; 32% UK; 8% Switzerland
GOL Linhas Aéreas (2022)	USD 24.5M (Reduced due to ability to pay)	BRL 8.6M (Restitution)	Not specified	U.S. SEC; Brazil CGU/AGU	90% U.S. Treasury (DOJ/SEC); 10% Brazil
Gunvor S.A. (2024)	USD 287.1M (DOJ); CHF 82.3M (Equivalent Claim)	N/A	Yes: CH sum includes procedural costs	U.S. DOJ; Swiss OAG	50% U.S. Treasury; 25% Switzerland; 25% Ecuador
Honeywell / UOP (2022)	USD 105.7M (Forfeiture – credited)	ZAR 456.3M (Restitution)	Yes: CGU displacement/testing costs	U.S. DOJ/SEC; Brazil CGU	50% U.S. Treasury; 50% Brazilian Authorities
Keppel O&M (2017)	USD 61M (Disgorgement to Malaysia)	BRL <sup>890</sup> . <sup>9</sup> M (Restitution Brazil))	Yes: Displacement/audit costs	Singapore MAS; Brazil CGU/AGU	25% U.S. Treasury; 50% Brazil; 25% Singapore
McKinsey Africa (2024)	N/A	Repayment of all revenues to Eskom/ Transnet	Not specified	South Africa NPA	50% U.S. Treasury; 50% South African Authorities
Odebrecht S.A. (2016)	\$325M (via Braskem sub)	BRL 2.2B (Restitution); CHF 117M (Comp claim)	Yes: CH procedural costs	Brazil CGU/AGU; Swiss OAG	10% U.S. Treasury; 80% Brazil; 10% Switzerland
Petrobras (2018)	\$933 473 797 (Disgorgement/Interest)	Fair Fund for harmed investors	Yes: Fair Fund admin costs	U.S. SEC	10% U.S. Treasury; 10% U.S. SEC; 80% Brazil
Rolls-Royce plc (2017)	GBP 258 170 000	Denied (UK); USD 25.5M to Petrobras	Yes: GBP 12 960 754 (Investigation costs)	UK SFO; Brazil CGU	~75% UK; ~15% U.S.; ~10% Brazil (split varies by tranche)
SAP SE (2024)	103 396 765 (Forfeiture); 85 046 035 (SEC)	R\$ 2.2B (Restitution repayments to SOEs)	Yes: Responsible for SEC payment costs	U.S. DOJ/SEC; South Africa NPA	54% U.S. Treasury; 46% South African Authorities
Société Générale (2018)	N/A (Handled via LIA settlement)	USD 1.1B settlement with LIA	Yes: EUR 3 000 000 (AFA audit budget)	Private (LIA); French AFA	50% U.S. Treasury; 50% French Treasury
Standard Bank (2015)	USD 8.4M	USD6M + Interest to Govt of Tanzania	Yes: GBP 330 000 (SFO costs)	UK SFO	100% UK Authorities (U.S. DOJ deferred all action)
Stericycle, Inc. (2022)	USD 28.2M (SEC Disgorgement/Interest)	BRL 65.5M to injured parties	Yes: Displacement/hosting costs	U.S. SEC; Brazil CGU/AGU	67% U.S. Treasury; 33% Brazil
TechnipFMC (2019)	USD 5.1M (SEC); BRL 439.3M (Brazil)	BRL 191.4 (Restitution)	Yes: Audit/displacement costs	U.S. SEC; Brazil CGU	27.6% U.S. Treasury; 72.4% Brazil
Telia Company (2017)	USD 457.2M (SEC); of which EUR 174M (NL sub value)	N/A	Yes: SEC admin costs	U.S. SEC; Dutch OM	50% U.S. Treasury; 50% the Netherlands
Vitol Inc. (2020)	Not specified (Handled via CFTC)	N/A	Not specified	U.S. CFTC	50% U.S. Treasury; 50% Brazil (offset for penalty)
Vimpelcom (2016)	EUR 167.5M (NL OM); USD 40M (DOJ criminal forfeiture); USD 167.5M (SEC)	N/A	Not specified	U.S. DOJ, SEC, Dutch OM	50% U.S. Treasury; 50% the Netherlands

## 6.4. Enforcement themes

There is a growing trend toward bilateral and trilateral enforcement where “demand-side” countries (those where the bribes were received) now play an active, co-ordinated role in the resolution of a case alongside “supply-side” countries (those where the companies are headquartered or where the conduct was initiated).

Starting with the first co-ordinated MJR in a foreign bribery case, that is the Siemens high profile corruption scandal, in 2008, transnational bribery was addressed by supply-side countries, co-ordinating resolutions among themselves. This typically involved the most active enforcers among the Parties to the OECD Anti-Bribery Convention, including the United States, the United Kingdom, France, and the Netherlands. In 13 of the 31 MJR cases covered in this paper (42%), co-ordinated resolutions were restricted to supply-side jurisdictions, even though the misconduct impacted numerous other countries (which possible separate resolution is not discussed under this paper).

- Supply-side only cases: Airbus (U.S., UK, France), Amec Foster Wheeler (U.S., UK), Balt SAS (U.S., France), Credit Suisse (U.S., UK, France, Switzerland), Glencore (U.S., UK, Switzerland), Goldman Sachs (U.S., UK, Singapore, Hong Kong (China)), Siemens (U.S., Germany, Switzerland), Société Générale (U.S., France), Standard Bank (UK, U.S.), Telia (U.S., the Netherlands), Teva (U.S., Israel, the Netherlands), Vimpelcom (U.S., the Netherlands).

In 21 of the 31 cases (68%), the resolution included a demand-side country as a formal enforcement partner. Among the cases, demand side partners included:

- Brazil (15 MJRs): the Braskem (2016), Keppel (2017), J&F Investimentos (2017), Rolls-Royce (2017), Odebrecht (2018), Petrobras (2018), TechnipFMC (2019), SBM Offshore (2018), Vitol (2020), Amec Foster Wheeler (2021), GOL (2022), Honeywell (2022), Stericycle (2022), Freepoint (2024), and Trafigura (2025) cases.
- France (1 MJR): Balt (2026) case
- Malaysia (1 MJR): participated in the Goldman Sachs (2020) case.
- South Africa (3 MJRs): ABB Ltd. (2022), SAP SE (2024), and McKinsey Africa (2024) cases.

In addition, while not a co-ordinated MJR *per se*, in the Surys case (2025), Ukraine partnered with France and Estonia in the investigation (as part of a JIT). The case involved a three-party commercial arrangement under which “Polygraph, a Ukrainian state-owned enterprise, obtained raw materials to produce secure documents through the Estonian company Ou Feature, which itself procured those materials from the French company Surys.”<sup>68</sup> While Ukraine has targeted the prosecution of natural persons involved in the scheme, Surys agreed, via a CJIP with the French PNF, to pay compensation to the Ukrainian state in the amount of EUR 3.37 million as reparation for the damage suffered.<sup>69</sup>

In the Gunvor case (2024), the United States agreed in the terms of its NTR concluded for this MJR to credit up to 25% of the criminal fine owed by the company against payments made to authorities in Ecuador as long as the company made the payments subject to a resolution with the Ecuadorian authorities within one year, even though Ecuador was not formally an enforcing country participating in the MJR.

### 6.4.1. Restitution to demand side countries

2024 GLEN participants emphasised that when it comes to restitution to victims, this presents another challenge, as it is difficult to determine who the actual victims of foreign bribery are, and countries may have differing understandings in this regard. Nevertheless, there are cases when countries reach an agreement on asset recovery.

Restitution or compensation mechanisms were used in every MJR case in which a demand-side jurisdiction participated in the co-ordinated resolution. In addition, supply-side enforcing jurisdictions sometimes still included compensation or other mechanisms for remediating the harm caused to the demand-side jurisdiction. For example, the United Kingdom’s resolution with Standard Bank gave rise to a compensation payment of USD 6 million plus interest to the Government of Tanzania. In contrast, certain MJR cases that only involved supply-side enforcers did not require compensation or other payments for demand-side jurisdictions for various reasons. These included:

- Difficulty in quantifying loss: The most common reason cited was that the amount of compensation could not be readily and easily ascertained. In both the Airbus and Glencore cases, the SFO noted it could not easily identify a quantifiable loss arising from the specific criminal conduct.
- Unidentifiable Victims: In some instances, such as the Goldman Sachs resolutions in the U.S., authorities stated that as of the date of the agreement, they had simply not identified any victim qualifying for restitution under the applicable statutory standards.

#### 6.4.2. Demand side enforcement

The analysis of the resolution of the 31 MJR cases shows that among the Parties to the Convention, demand-side authorities (countries where bribes were received) are increasingly moving beyond merely seeking restitution from companies – an approach largely followed in the many ramifications of the Siemens case for instance – to actively prosecuting the recipients of the bribes, including high-level politicians, ministers, and state-owned enterprise (SOE) executives.

This dual-track enforcement approach is most prominent in Brazil and South Africa, where co-ordinated global resolutions are used as a catalyst for domestic accountability. Even if domestic court resolutions with natural persons are not covered by this paper per se, it is worth mentioning that MJR resolutions have enabled demand-side authorities to also consecutively resolve individual matters, sometimes with prominent figures, in court. This was made possible largely thanks to the evidence obtained in the context of the NTRs concluded with the companies and the exchange of information among the countries involved in the MJRs – within the limits set under each legal system and subject to judicial oversight.

#### 6.4.3. Co-operation beyond the OECD Anti-Bribery Convention

A trend has recently emerged for Parties to the OECD Anti-Bribery Convention to resolve cases with legal persons in a co-ordinated manner with countries beyond this group.

Despite not being Parties to the OECD Anti-Bribery Convention at the time of the resolution, Malaysia, Singapore, and Hong Kong (China)<sup>70</sup> have all engaged as partners in MJRs. This demonstrates that foreign bribery enforcement via co-ordination of MJRs is not restricted to countries Party to the OECD Anti-Bribery Convention. The table below shows the MJRs in which countries that are not Parties to the OECD Anti-Bribery Convention partnered, as provides details about the type of NTR was used, and the nature of the co-operation with other countries.

**Table 17. Non-Parties to the OECD Anti-Bribery Convention as partners in multijurisdictional resolutions**

Case	Non-Parties	Parties	NTR Mechanism used	Defendant(s) & Type
Goldman Sachs (2020)	Singapore, Hong Kong (China) Malaysia	United Kingdom, the United States	Hong Kong (China): Disciplinary Action/Fine (Administrative Resolution); Singapore: 36-month Conditional Warning (NPA-like agreement); Malaysia: NPA-like resolution. U.S.: DPA (DOJ) and	Goldman Sachs Singapore Pte (Subsidiary); Goldman Sachs (Asia) L.L.C. (Subsidiary/Hub); The Goldman Sachs Group, Inc. (Parent)

Keppel O&M (2017)	Singapore	Brazil, the United States	Cease-and-Desist (SEC) <b>Brazil:</b> Leniency Agreement; <b>Singapore:</b> Conditional Warning (NPA-like agreement); <b>U.S.:</b> DPA (DOJ);	<b>Keppel Offshore &amp; Marine Ltd.</b> (Parent); <b>Keppel Offshore &amp; Marine USA, Inc.</b> (Subsidiary)
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## 6.5. Monitoring and compliance

Multijurisdictional resolutions often impose a monitoring obligation on companies. This serves to ensure that corporate offenders successfully implement and test the required enhancements to their anti-corruption internal controls and compliance programmes. Monitoring requirements vary significantly between jurisdictions, ranging from the appointment of external independent monitors to direct oversight by government agencies or mandated self-reporting terms.

### 6.5.1. Appointment of monitors by the U.S. DOJ

In the United States, the appointment of external independent compliance monitors was imposed in 8 of the 31 cases reviewed: Glencore, Stericycle, Teva Pharmaceutical, Odebrecht, Embraer, Braskem, Vimpelcom, and Siemens.

In 12 other cases, the U.S. authorities deemed it unnecessary to appoint an independent monitor either because the company's remediation efforts were considered sufficiently advanced to permit enhanced self-reporting or because they were subject to existing oversight by foreign regulators:

- **ABB Ltd. (2022):** The U.S. DOJ and SEC determined a monitor was unnecessary based on ABB's extensive remedial measures, which included investing significant resources in compliance testing and monitoring, restructuring internal reporting, and conducting a root-cause analysis.
- **Airbus SE (2020):** U.S. authorities decided against a monitor due to the company's remediation, the current state of its compliance program, and the fact that it was already subject to oversight by the French Anti-Corruption Agency (AFA) as part of its parallel CJIP.
- **Amec Foster Wheeler (2021):** In recognition of the remediation exercises already undertaken by the successor entity, Wood, following its acquisition of the company, U.S. and UK authorities allowed for self-reporting instead of a monitor.
- **Credit Suisse (2021):** The DOJ and SEC relied on the state of the bank's compliance programme and its agreement to periodically report on its implementation of improved hiring controls to determine that an independent monitor was not required.
- **Freepoint Commodities LLC (2023):** U.S. authorities cited Freepoint's overhaul of its third-party compliance programme and its agreement to report to the government annually during the three-year term as grounds for forgoing a monitor.
- **Goldman Sachs (2020):** Based on the bank's remediation and commitment to annual reporting regarding its compliance programme – which included heightened controls for electronic surveillance and intermediary due diligence – an independent monitor was deemed unnecessary by U.S. authorities.
- **GOL Linhas Aéreas (2022):** The U.S. DOJ and SEC determined a monitor was unnecessary because GOL had redesigned its entire anti-corruption program, formed a new compliance department, and agreed to periodic self-reporting on its remediation status.
- **Petrobras (2018):** U.S. authorities found a monitor unnecessary because Petrobras was already subject to oversight by several Brazilian authorities (including the TCU and CVM) and had engaged in extensive remediation, such as replacing its entire Executive Board.

- SAP SE (2024): U.S. authorities replaced the monitor requirement with three years of enhanced self-reporting because SAP had eliminated its third-party sales commission model globally, increased its compliance headcount, and deployed advanced data analytics for risk monitoring.
- Telia Company AB (2017): Based on the company's extensive remedial measures, including replacing its board and senior management and divesting the problematic business division, no compliance monitor was assigned.
- Trafigura (2024): A monitor was not required because the company had proactively discontinued the use of third-party agents for business origination and implemented enhanced risk-based policies, agreeing instead to a self-reporting term.
- Vitol Inc. (2020): The DOJ determined that an independent monitor was unnecessary based on Vitol's remediation, which included personnel changes and enhanced controls relating to the management of commercial agents.

In certain Parties to the Convention which participated in MJRs, direct oversight by government agencies of the implementation of compliance measures imposed by a NTR is mandatory. This is in particular the case in France and Brazil.

### **6.5.2. Monitoring by the French Anti-Corruption Agency**

In the MJRs, in which the PNF participated, specifically through a CJIP, monitoring is imposed to oversee the implementation of a mandatory compliance programme designed to ensure the entity implements robust anti-corruption measures. This oversight is governed by Article 41-1-2 of the Code of Criminal Procedure and is executed by the French Anti-Corruption Agency (Agence Française Anticorruption – AFA).<sup>71</sup>

The PNF imposes a compliance programme for a maximum period of three years. This term is standard across major resolutions, as seen in the cases of Airbus SE, Société Générale, Surys, and Balt SAS. The objective is to verify the existence and effective implementation of the anti-corruption measures required under French law (OECD, 2021, pp. 121-123<sub>[10]</sub>).

The monitor's mandate is highly structured, focussing on the eight pillars of a compliance programme listed in Article 131-39-2 of the French Penal Code.<sup>72</sup>

The AFA is required to report on the execution of the compliance programme at least annually to the PNF. In multijurisdictional cases, the PNF also co-ordinates with foreign partners, such as the U.S. DOJ or the UK SFO, to keep them apprised of the monitor's findings. Notably, U.S. authorities often deem an independent monitor unnecessary in simultaneous resolutions if the company is already subject to the AFA's monitorship, as seen in the Airbus and Société Générale cases.

### **6.5.3. Monitoring in Brazil**

The requirement for monitoring under Brazilian leniency agreements is a statutory obligation established by Law No. 12 846/2013 (the Anti-Corruption Law) and further regulated by Decree No. 11 129/2022. According to Article 45, IV of Decree 11 129/2022, it is mandatory for leniency agreements to contain clauses addressing the "adoption, application or improvement of an integrity program" as well as a related specific "monitoring period and conditions" to oversee the integrity program. The Comptroller General of the Union (CGU) is the primary authority responsible for conducting this monitoring, which can be performed either directly or through delegated third parties.

Duration of Oversight: Monitoring is generally required throughout the entire term of the leniency agreement. While the duration varies, many agreements specify a primary monitoring period of 24 to 36 months to verify the implementation and effectiveness of compliance enhancements.

Statutory monitoring is a condition for maintaining the benefits of the leniency agreement. Under the terms of the Decree and the standard clauses found in agreements such as those for Odebrecht, Keppel, and TechnipFMC, an unjustified failure to meet the CGU's recommendations or a refusal to co-operate with monitoring activities constitutes a material breach. Such a breach can lead to the rescission of the agreement, resulting in the loss of all negotiated benefits (such as fine reductions), the immediate collection of the full original fine, and potential debarment from public contracting for up to five years.

In multijurisdictional cases, Brazil co-ordinates with its partners in various ways. In the Odebrecht (2018) case, Brazil and the United States used a parallel structure where each country imposed a monitor. To promote seamless co-ordination, the U.S. DOJ appointed the Brazilian monitor to serve as counsel to the U.S. monitor. In addition, Brazilian leniency agreements typically require companies to submit periodic reports to the CGU documenting their compliance progress. In co-ordinated cases, Brazilian authorities may share these reports or administrative findings with their foreign counterparts. For example, the Odebrecht leniency agreement explicitly required the enforcement authorities to share information with each other regarding administrative measures required to execute the resolution.<sup>73</sup>

#### 6.5.4. Corporate monitoring and compliance programme requirements

The below table summarises how monitoring and compliance programme requirements were integrated into the multijurisdictional cases that were reviewed.

In the Odebrecht case (2018), the U.S. DOJ and Brazil CGU appointed parallel independent monitors. In other cases where Brazil concluded a leniency agreement (such as those for Freepoint, Technip, Keppel, and Trafigura), the leniency agreements contain clauses that expressly authorise the CGU and AGU to share the agreement, its annexes, and related documents with the U.S. Department of Justice or other foreign authorities with jurisdiction.<sup>74</sup>

**Table 18. Corporate compliance and monitoring obligations in multijurisdictional resolution cases**

Case Group	Compliance Program Required?	Monitoring / Oversight Required?	Term (years)	Tasked Monitoring or Reporting Party	Imposing Authority	Key Mandate / Focus Elements
ABB Ltd.	Yes	Yes (Self)	3	Company (CEO & CCO)	U.S. DOJ & SEC	Public tenders, supplier due diligence, and variation orders.
Airbus SE	Yes	Yes (AFA)	3	Agence Française Anticorruption (AFA)	French PNF; DOJ (deferred); SFO (deferred)	ITAR registration, gifts, hospitality, and third-party activity.
Amec Foster Wheeler	Yes	Yes (Self)	3	Successor (John Wood Group PLC)	UK SFO; U.S. DOJ	Ethics & Compliance (E&C) programme implementation and testing.
Balt SAS	Yes	Yes (AFA)	3	AFA	French PNF	Coordinated compliance requirements under French Law.
Braskem S.A.	Yes	Yes (ICM)	3	Independent Compliance Monitor & CGU	U.S. DOJ; U.S. SEC; Brazil CGU	Board-level compliance committee, training, and financial controls.
Credit Suisse	Yes	Yes (Self)	3	Bank Leadership	U.S. DOJ; U.S. SEC; UK FCA; French PNF	Anti-money laundering (AML), hiring controls for PEPs.
Embraer S.A.	Yes	Yes (ICM)	3	Independent Compliance Monitor	U.S. DOJ; U.S. SEC	Effectiveness of third-party policies and internal controls.
Freepoint Commodities	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; U.S. CFTC;	Global agent onboarding and compliance function independence.

Case Group	Compliance Program Required?	Monitoring / Oversight Required?	Term (years)	Tasked Monitoring or Reporting Party	Imposing Authority	Key Mandate / Focus Elements
					Brazil CGU	
Glencore	Yes	Yes (ICM)	3	Independent Compliance Monitor	U.S. DOJ; UK SFO; U.S. CFTC	Commodities trade surveillance and data analytics for monitoring.
GOL Linhas Aéreas	Yes	Yes (Self)	3-5	Company (US); CGU (Brazil)	U.S. DOJ; U.S. SEC; Brazil CGU	Risk department formation and third-party vendor relationships.
Goldman Sachs	Yes	Yes (Self)	3	Company & Internal Audit	U.S. DOJ; U.S. SEC; SFC; MAS; FCA/PRA	1MDB remediation, electronic surveillance, and deal committee controls.
Gunvor S.A.	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; Swiss OAG	Elimination of origination agents and risk-based communications.
Honeywell / UOP	Yes	Yes (Self/BR)	3-5	Company (US); CGU (Brazil)	U.S. DOJ; U.S. SEC; Brazil CGU	Automated third-party due diligence and sales agent reductions.
J&F Investimentos	Yes	Yes (Self/BR)	3	Company (US); Independent Firm (BR)	U.S. DOJ; U.S. SEC; Brazil MPF	Annual audited programme and BNDES loan remediation.
Keppel O&M	Yes	Yes (Self/BR)	3	Company (US); CGU (Brazil)	U.S. DOJ; Brazil CGU; SG AGC	Integrity programme adoption and disciplining involved employees.
McKinsey Africa	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; South Africa NPA	Continuous auditing and local compliance investment.
Odebrecht S.A.	Yes	Yes (ICM)	3	Parallel Independent Monitors (US/BR)	U.S. DOJ; Brazil MPF; Swiss OAG	Elimination of slush fund divisions and massive budget increases.
Petrobras	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; U.S. SEC; Brazil TCU/CVM	Internal accounting controls and board reorganisation.
Rolls-Royce plc	Yes	Yes (Special)	3-5	Lord Gold (Independent Specialist)	UK SFO; U.S. DOJ; Brazil CGU	Termination of intermediaries and implementation plans.
SAP SE	Yes	Yes (Self)	3	Company (CEO & CCO)	U.S. DOJ; U.S. SEC; South Africa NPA	Elimination of sales commission model and risk analytics.
SBM Offshore	Yes	Yes (Self)	3	Company Reporting	Dutch OM; U.S. DOJ; Brazil CGU; Swiss OAG	Management board overhaul and agent review process.
Siemens AG	Yes	Yes (ICM)	4	Dr. Theodor Waigel (Independent Monitor)	U.S. DOJ; U.S. SEC; Munich Prosecutor	Corporate restructuring and “unprecedented” programme centralisation.
Société Générale	Yes	Yes (Agency/Auditor)	2-5	AFA (FR) / 3rd Party Auditor (CFTC)	U.S. DOJ; U.S. CFTC; French PNF	LIBOR integrity, intermediary due diligence, and reporting chains.
Standard Bank	Yes	Yes (Special)	1	Price Waterhouse Co-ops (PWC)	UK SFO; U.S. SEC	Section 7 Bribery Act controls and training effectiveness.
Stericycle, Inc.	Yes	Yes (ICM)	2	Independent Compliance Monitor	U.S. DOJ; U.S. SEC; Brazil CGU	Internal accounting controls and remediation status.

Case Group	Compliance Program Required?	Monitoring / Oversight Required?	Term (years)	Tasked Monitoring or Reporting Party	Imposing Authority	Key Mandate / Focus Elements
TechnipFMC plc	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; U.S. SEC; Brazil CGU; French PNF	Consultant due diligence and increased compliance resources.
Telia Company AB	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; U.S. SEC; Dutch OM	Comprehensive board replacement and internal control perfection.
Teva Pharmaceutical	Yes	Yes (ICM)	3	Independent Compliance Monitor	U.S. DOJ; U.S. SEC	Healthcare community interactions and third-party diligence.
Trafigura	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ	Proactive discontinuation of third-party origination agents.
Vimpelcom	Yes	Yes (ICM)	3	Independent compliance monitor	U.S. DOJ	Must re-establish its compliance programme and self-report irregularities.
Vitol Inc.	Yes	Yes (Self)	3	Company Reporting	U.S. DOJ; U.S. CFTC; Brazil CGU	Personnel changes and enhanced commercial agent controls

Note: \*ICM = Independent Compliance Monitor.

# 7 Possible considerations to enhance multijurisdictional resolutions and expand the number of countries able to participate

Based on the paper's analysis of the 31 multijurisdictional cases, it is possible to draw some conclusions and recommendations on ways to promote the fight against transnational corruption by fostering the adoption and use of legal frameworks that enable jurisdictions to participate in multijurisdictional resolutions. While such recommendations would assist Parties to the OECD Anti-Bribery Convention to implement their obligations under the Convention and the 2021 OECD Anti-Bribery Recommendation, they would also enable other jurisdictions to join the global fight against transnational corruption and even, for demand-side jurisdictions, to enhance their ability to hold perpetrators accountable. In this way, the demand-side countries can restore accountability, institutional resilience, and the public trust following corruption scandals as well as mitigate the financial costs of the corruption schemes.

## 7.1. Ensure that appropriate non-trial resolutions mechanisms are available

The 2021 OECD Anti-Bribery Recommendation encourages Parties to consider establishing appropriate legal frameworks to enable enforcement authorities to resolve transnational corruption cases without trial. The paper demonstrates that such NTR mechanisms are useful for all jurisdictions – whether Parties or not – for resolving significant transnational corruption cases through multijurisdictional resolutions. Given the wide a variety of NTR mechanisms used in the MJR cases analysed, jurisdictions can some flexibility to find appropriate NTR mechanisms compatible with their legal frameworks. Still, jurisdictions are encouraged to consider adopting certain types of NTR mechanisms – in particular those similar to non-prosecution agreements (NPAs) and deferred prosecution agreements (DPAs), as they have enable countries to more effectively participate in the MJR cases and obtain co-operation from the companies during the investigation.

As shown in this paper, certain countries have in fact encountered obstacles in co-ordinating with international partners and, in some cases, have been unable to recover their share of confiscated funds due to limitations in their legal frameworks.

## 7.2. Use and strengthen existing non-trial resolutions frameworks

A number of jurisdictions already have some form of NTR mechanism. Law enforcement authorities should be encouraged to apply all mechanisms available to resolve cases, even if they were not originally designed for transnational corruption cases. Furthermore, all jurisdictions with existing NTR frameworks

should also consider further measures enhance their transparency, flexibility, effectiveness and procedural guarantees. This can help encourage companies to come forward to resolve past corruption misconduct and adopt measures to prevent future violations. They can also help build broader support from stakeholders and the general public by showing that such NTR mechanisms can be used effectively to ensure appropriate sanctions and accountability for transnational corruption in multijurisdictional cases.

### **7.3. Consider alternatives to enforcement by a single jurisdiction**

The OECD Anti-Bribery Convention provides, under its Article 4(3), that “When more than one Party has jurisdiction over an alleged offence described in this Convention, the Parties involved shall, at the request of one of them, consult with a view to determining the most appropriate jurisdiction for prosecution”. Alternatively, when more than one country or territory (whether a Party to the Convention or not) has jurisdiction over an alleged transnational corruption offence – whether described in this Convention or more generally pertaining to the corruption sphere, including the passive side of foreign bribery – the country or territory should consider the possibility of co-ordinating the multijurisdictional investigation and resolution of transnational corruption cases.

### **7.4. Promptly approach other jurisdictions with a potential interest in the case**

Countries or territories having jurisdiction over a transnational corruption offence should approach other countries or territories with potential jurisdiction over the same or a related offence as early as possible in the investigation process, provided it would not jeopardise the investigation. In this regard, when investigating corruption schemes involving multiple jurisdictions, authorities should consider whether they can approach potential partners informally to explore all possible avenues for co-operation, including the potential for seeking assistance through MLA or conducting co-ordinated investigations. This could ultimately lead to multijurisdictional resolutions. This could be further facilitated by participating in regional or global law enforcement networks.

### **7.5. Find ways to investigate cases either jointly or in parallel**

Jurisdictions should find ways to enhance, as appropriate, their co-ordination starting from the investigation stage. Depending on the context and countries legal national or supra-national frameworks, this could take the form of parallel investigations or joint investigation teams with more or less integrated and co-ordinated strategies. Such co-ordination can enable authorities to determine who is best placed to obtain relevant evidence despite the thicket of complex legal hurdles that may hinder an investigation, such as domestic blocking statutes, commercial secrecy, legal privilege, or other limitations on the use of investigative techniques. Jurisdictions should consider examining their legal frameworks to find ways to facilitate such corruption in transnational corruption investigations, including sharing information and evidence need to progress their cases.

### **7.6. Ensuring appropriate financial penalties and other remedial measures**

Article 3 of the OECD Anti-Bribery Convention calls on Parties to provide for “effective, proportionate and dissuasive” sanctions for foreign bribery as well as confiscation of the bribe and the proceeds and the proceeds of bribery. MJRs enable participating jurisdictions to ensure appropriate financial penalties – both sanctions and confiscation – can be imposed on companies that have engaged in transnational corruption.

In addition, authorities can impose compliance obligations or other measures, such as monitorships, to reduce the risk of repeat offences.

When determining the appropriate nature and level of sanctions or other remedial measures, the authorities participating in MJRs should consider, in a co-ordinated manner, monetary penalties, confiscation or asset forfeiture, compensation for victims or asset recovery, as well as compliance obligations and their implementation through monitorship, in line with the legislation and rules of the country where the company is headquartered (e.g. French law and AFA mandatory monitorship). This will help avoid disproportionate sanctions that could arise if multiple authorities pursued the same company in successive enforcement actions. When making their assessment, the authorities should also consider the extent and timing of a company's co-operation with the investigation, including whether it voluntarily reported the offence.

### **7.7. Use credit-granting and penalty offset frameworks**

Authorities should continue to explore ways to empower prosecutors and administrative bodies to provide credits or offsets for sanctions imposed by foreign jurisdictions. This legal enabler is critical for avoiding the “piling-on” of duplicative penalties and ensures that demand-side nations receive meaningful compensation. It can also encourage more jurisdictions to enforce their corruption offences through multijurisdictional resolutions.

## Conclusion

The analysis of 31 distinct multijurisdictional cases demonstrates that co-ordinated enforcement is transforming the global fight against transnational bribery. These resolutions allow multiple countries to investigate and resolve cases simultaneously, or sometimes consecutive (but still co-ordinated) manner, ensuring that the total amount of sanctions, confiscation and relevant compensation and restitutions are both proportionate to the misconduct and equitably distributed among affected countries. The findings underscore that the most successful MJRs rely on a sophisticated mix of formal mechanisms, such as JITs and mutual legal assistance, and informal prosecutor-to-prosecutor co-ordination to bridge jurisdictional conflicts and synchronise complex timelines. Additionally, MJRs enable Parties to the Convention to tackle both the supply-side and the demand-side of foreign bribery, at least when the country of the foreign public official – which could also be another Party to the Convention – co-operates with the investigation.

Challenges remain, primarily rooted in the differences across national legal frameworks. The absence of non-trial resolution mechanisms in some jurisdictions can lead to procedural complexities, preventing simultaneous resolutions in some countries, which delay the full resolution of a case – with all the consequences it may have on a company’s potential liabilities and image but also on a victim country potentially seeking timely restitution.

To further enhance the multijurisdictional resolution of transnational corruption cases with legal persons, more countries could consider adapting their legal framework with a focus on introducing adequate NTR mechanisms, supporting international co-operation as well as all possible means to join forces in an investigation, developing or considering further harmonizing legal enablers – such as voluntary disclosure incentives and credit-granting policies – while maintaining commitment to transparency and judicial oversight to protect the integrity of the such multijurisdictional enforcement process.

# References

- Bonhert, J., T. Shcherbai and J. Fromholz (2025), *How proactive law enforcement co-operation inspires new solutions in combating corruption*, OECD Publishing, Paris, <https://www.oecd.org/en/blogs/2025/10/how-proactive-law-enforcement-co-operation-inspires-new-solutions-in-combating-corruption.html>. [7]
- de Liz, A. (2026), *Singapore High Court greenlights Seatrium DPA*, Global Investigations Review, <https://globalinvestigationsreview.com/article/singapore-high-court-greenlights-seatrium-dpa>. [4]
- OECD (2023), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: Brazil*, OECD Publishing, Paris, <https://doi.org/10.1787/fd55d063-en>. [6]
- OECD (2021), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: France*, OECD Publishing, Paris, <https://doi.org/10.1787/2c7d8500-en>. [10]
- OECD (2021), *Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0378>. [3]
- OECD (2020), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: United States*, Implementing the OECD Anti-Bribery Convention, OECD Publishing, Paris, <https://doi.org/10.1787/0cd34e9f-en>. [5]
- OECD (2019), *Resolving Foreign Bribery Cases with Non-Trial Resolutions: Settlements and Non-Trial Agreements by Parties to the Anti-Bribery Convention*, OECD Publishing, Paris, <https://doi.org/10.1787/e647b9d1-en>. [1]
- OECD (2018), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: Switzerland*, OECD Publishing, Paris, <https://doi.org/10.1787/ca6fc1b2-en>. [9]
- OECD (2017), *Implementing the OECD Anti-Bribery Convention Phase 4 Report: United Kingdom*, OECD Publishing, Paris, <https://doi.org/10.1787/888c5655-en>. [8]
- OECD (1997), *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>. [2]

# Annex A. Legislative frameworks for multijurisdictional resolutions

**Table A A.1. Primary statutory bases used by various jurisdictions to conclude MJRs**

Country	Legislative basis	Relevant Provisions & Descriptions
United States	<a href="#">Foreign Corrupt Practices Act</a> ; <a href="#">Securities Exchange Act of 1934</a> (Exchange Act); <a href="#">Securities Act of 1933</a> (Securities Act); <a href="#">Federal Rule of Criminal Procedure 11</a>	FCPA: 15 U.S.C. § 78dd-1 et seq. (Anti-bribery); <a href="#">Exchange Act</a> : Section 21C (Cease-and-desist authority), Section 13(b) (Books and records); Securities Act: Section 8A; Criminal Procedure: Fed. R. Crim. P. 11(c)(1)(C) (Plea Agreements).
Brazil	<a href="#">Law 12.846/2013 (Clean Company Act)</a> English translation available at: <a href="https://www.legiscompliance.com.br/legislacao/norma/29">https://www.legiscompliance.com.br/legislacao/norma/29</a>	Article 1 & 16: Regulates administrative and civil liability and provides the framework for Leniency Agreements; <a href="#">Decree 11.129/2022</a> : (Replacing Decree 8.420/2015) formalises the operational requirements for leniency.
France	<a href="#">Code de procédure pénale</a>	Article 41-1-2: Establishes the <i>Convention Judiciaire d'Intérêt Public</i> (CJIP); Article 694-4: Provides the basis for excluding information from MLA requests if detrimental to essential interests.
United Kingdom	<a href="#">Crime and Courts Act 2013</a>	Section 45 & Schedule 17: Legal basis for Deferred Prosecution Agreements (DPAs); <a href="#">Bribery Act 2010</a> : Section 7 (Failure of a commercial organisation to prevent bribery).
Netherlands	<a href="#">Dutch Criminal Code</a>	Article 74: Provides for out-of-court resolutions (Transactions) between the prosecutor and a defendant.
Switzerland	<a href="#">Swiss Criminal Code</a>	Article 102 para. 2: Establishes corporate criminal liability for failure to prevent bribery; Article 322septies: Criminalises bribery of foreign public officials.
South Africa	<a href="#">Prevention of Organized Crime Act 121 of 1998</a>	Section 64(e): Used as the basis for concluding comprehensive settlement agreements involving “punitive reparations”.
Singapore	<a href="#">Prevention of Corruption Act</a>	Section 5(b)(i): Primary anti-bribery provision; resolutions often utilise Conditional Warnings.
Hong Kong (China)	<a href="#">Securities and Futures Ordinance</a>	Section 194: Provides the authority for disciplinary actions, including reprimands and fines for licensed corporations.
Israel	<a href="#">Criminal Procedure Law 5742-1982 (consolidated version of 2014)</a>	Section 67A: Provides the State Attorney’s Office with authority to sign a resolution with an admission of guilt without reaching a full trial (Conditional Case Closure).
Germany	<a href="#">An Act of Regulatory Offences (OWiG)</a> ; <a href="#">Code of Criminal Procedure (StPO)</a>	Sections 30 & 130 OWiG: Basis for administrative fines against legal persons for failure to supervise or prevent management offenses; Section 153a StPO: Allows for the discontinuance of prosecution under specific conditions.

## Annex B. Guidance and guidelines related to MJRs

**Table A B.1. Formal policies, manuals, and guidelines that inform the exercise of prosecutorial and administrative discretion in multijurisdictional cases**

Country	Relevant guidance	Source link / reference
United States	DOJ Corporate Enforcement and Voluntary Self-Disclosure Policy (CEP): Justice Manual § 9-47.120. Governing policy for granting co-operation credit.	<a href="#">Justice Manual 9-47.120</a> <a href="https://www.justice.gov/jm/jm-9-47000-foreign-corrupt-practices-act-1977">https://www.justice.gov/jm/jm-9-47000-foreign-corrupt-practices-act-1977</a>
	U.S. Sentencing Guidelines (USSG): Specifically Chapter 8, used to calculate fine ranges and culpability scores.	<a href="#">USSG Chapter 8</a> <a href="https://www.uscourts.gov/sites/default/files/pdf/guidelines-manual/2025/GLMFull.pdf">https://www.uscourts.gov/sites/default/files/pdf/guidelines-manual/2025/GLMFull.pdf</a>
	CFTC Foreign Corrupt Practices Advisory: Issued 6 March 2019; details the Division of Enforcement's approach to self-reporting and co-operation for Commodity Exchange Act violations.	<a href="#">CFTC Advisory 7884-19</a> <a href="https://www.cftc.gov/PressRoom/PressReleases/7884-19">https://www.cftc.gov/PressRoom/PressReleases/7884-19</a>
United Kingdom	Deferred Prosecution Agreement (DPA) Code of Practice: outlines the factors for entering into a DPA.	<a href="#">DPA Code of Practice</a> <a href="https://www.cps.gov.uk/sites/default/files/documents/publications/DPA-COP.pdf">https://www.cps.gov.uk/sites/default/files/documents/publications/DPA-COP.pdf</a>
	SFO Co-operation Guidance: Guidance on Corporate Co-operation and Enforcement in relation to Corporate Criminal Offending.	<a href="#">SFO Cooperation Guidance</a> <a href="https://www.gov.uk/government/publications/sfo-corporate-guidance/sfo-corporate-guidance">https://www.gov.uk/government/publications/sfo-corporate-guidance/sfo-corporate-guidance</a>
	Joint Prosecution Guidance on the Bribery Act 2010: Provides instruction on Section 7 (failure to prevent bribery) and self-reporting.	<a href="#">Joint Bribery Act Guidance</a> <a href="https://www.cps.gov.uk/prosecution-guidance/bribery-act-2010-joint-prosecution-guidance-director-serious-fraud-office-and">https://www.cps.gov.uk/prosecution-guidance/bribery-act-2010-joint-prosecution-guidance-director-serious-fraud-office-and</a>
	The Code for Crown Prosecutors: Sets the foundational evidential and public interest tests for all UK prosecutions.	<a href="#">The Code</a> <a href="https://www.cps.gov.uk/publication/code-crown-prosecutors">https://www.cps.gov.uk/publication/code-crown-prosecutors</a>
	PRA Fundamental Rules: High-level standards for safety and soundness, used alongside the PRA Penalty and Settlement Policies.	<a href="#">PRA Fundamental Rules</a> <a href="https://www.bankofengland.co.uk/-/media/boe/files/prudential-regulation/new-bank/fundamentalruleprinciples">https://www.bankofengland.co.uk/-/media/boe/files/prudential-regulation/new-bank/fundamentalruleprinciples</a>
South Africa	Corporate Alternative Dispute Resolution (C-ADR) Policy Directive: Finalised in 2024; provides the framework for NTRs like those seen in SAP and McKinsey.	<a href="#">NPA C-ADR Policy</a> <a href="https://www.npa.gov.za/sites/default/files/uploads/Annexure%20A%20PART%2051%20Corporate%20ADR%20M_0.pdf">https://www.npa.gov.za/sites/default/files/uploads/Annexure%20A%20PART%2051%20Corporate%20ADR%20M_0.pdf</a>
France	AFA Guidelines: Technical guidelines from the <i>Agence Française Anticorruption</i> regarding compliance programme standards and monitorship protocols.	<a href="#">AFA Guidelines</a> <a href="https://www.agence-francaise-">https://www.agence-francaise-</a>

Country	Relevant guidance	Source link / reference
		<a href="https://anticorruption.gouv.fr/files/files/French%20AC%20Agency%20Guidelines%20.pdf">anticorruption.gouv.fr/files/files/French%20AC%20Agency%20Guidelines%20.pdf</a>
	AFA Guidelines on Audits: Guidance on how the AFA audits the execution of judicial measures.	<a href="https://www.agence-francaise-anticorruption.gouv.fr/files/files/Operations%20to%20audit%20the%20execution%20of%20judicial%20measures.pdf">AFA Audit Guidance https://www.agence-francaise-anticorruption.gouv.fr/files/files/Operations%20to%20audit%20the%20execution%20of%20judicial%20measures.pdf</a>
	PNF Guidelines on the CJIP: Outlines the methodology for calculating the “public interest fine” and the evaluation of co-operation.	<a href="https://www.tribunal-de-paris.justice.fr/sites/default/files/2023-01/Lignes%20directrices%20sur%20la%20mise%20en%20oeuvre%20de%20la%20convention%20judiciaire%20d%27int%C3%A9r%C3%AAt%20public_PNF_16%20janvier%202023%20liens%20actifs.pdf">PNF CJIP Guidelines https://www.tribunal-de-paris.justice.fr/sites/default/files/2023-01/Lignes%20directrices%20sur%20la%20mise%20en%20oeuvre%20de%20la%20convention%20judiciaire%20d%27int%C3%A9r%C3%AAt%20public_PNF_16%20janvier%202023%20liens%20actifs.pdf</a>
Brazil	CGU/AGU Joint Normative Instructions: Specifically Ordinance No. 04/2019 and Normative Instruction No. 02/2018, which define the calculation methodology for administrative fines.	<a href="https://www.sinj.df.gov.br/sinj/Norma/fd51455c96af4568b0783301438c128c/Portaria_Conjunta_4_30_09_2019.html">Portaria Conjunta 04/2019 https://www.sinj.df.gov.br/sinj/Norma/fd51455c96af4568b0783301438c128c/Portaria_Conjunta_4_30_09_2019.html</a>
	CGU Ordinance No. 3 032/2025: Standardises interpretations and expands the scope of the Anti-Corruption Law.	<a href="https://www.in.gov.br/en/web/dou/-/portaria-n-3.032-de-9-de-setembro-de-2025-654456919">PORTARIA Nº 3.032. DE 9 DE SETEMBRO DE 2025 https://www.in.gov.br/en/web/dou/-/portaria-n-3.032-de-9-de-setembro-de-2025-654456919</a>
Hong Kong (China)	SFC Guideline on Anti-Money Laundering and Counter-Terrorist Financing: Mandatory standards for mitigating financial crime risks.	<a href="https://www.sfc.hk/-/media/EN/assets/components/codes/files-current/web/guidelines/guideline-on-anti-money-laundering-and-counter-financing-of-terrorism-for-licensed-corporations/AML-Guideline-for-LCs_Eng_30-Sep-2021.pdf">SFC AML Guideline https://www.sfc.hk/-/media/EN/assets/components/codes/files-current/web/guidelines/guideline-on-anti-money-laundering-and-counter-financing-of-terrorism-for-licensed-corporations/AML-Guideline-for-LCs_Eng_30-Sep-2021.pdf</a>
	SFC Code of Conduct: General principles for senior management responsibility in maintaining standards of conduct.	<a href="https://www.sfc.hk/-/media/EN/assets/components/codes/files-current/web/codes/code-of-conduct-for-persons-licensed-by-or-registered-with-the-securities-and-futures-commission/Code_of_conduct-Dec-2020_Eng.pdf">SFC Code of Conduct https://www.sfc.hk/-/media/EN/assets/components/codes/files-current/web/codes/code-of-conduct-for-persons-licensed-by-or-registered-with-the-securities-and-futures-commission/Code_of_conduct-Dec-2020_Eng.pdf</a>

## Annex C. Full list of cases and resolutions

Table A C.1. Full list of cases and resolutions

Case	Resolution authority	Resolution type	Source link (URL)	Resolution count
ABB Ltd.	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2022/34-96444.pdf">https://www.sec.gov/files/litigation/admin/2022/34-96444.pdf</a>	1
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/media/1263851/dl?inline">https://www.justice.gov/criminal/media/1263851/dl?inline</a>	2
	U.S. DOJ (ABB Mgmt Services)	Plea Agreement	<a href="https://www.justice.gov/criminal/media/1263866/dl?inline">https://www.justice.gov/criminal/media/1263866/dl?inline</a>	3
	U.S. DOJ (ABB South Africa )	Plea Agreement	<a href="https://www.justice.gov/criminal/media/1263861/dl?inline">https://www.justice.gov/criminal/media/1263861/dl?inline</a>	4
	South Africa NPA	Comp. Settlement	<a href="https://www.npa.gov.za/media/step-towards-accountability-state-capture-corruption-eskom-abb-pay-over-r25-billion-punitive">https://www.npa.gov.za/media/step-towards-accountability-state-capture-corruption-eskom-abb-pay-over-r25-billion-punitive</a>	5
	Swiss OAG	Summary Penalty	<a href="https://www.admin.ch/en/nsb?id=92020">https://www.admin.ch/en/nsb?id=92020</a>	6
Airbus SE	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1242051/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1242051/dl?inline</a>	7
	France PNF	CJIP	<a href="https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP%20AIRBUS_English%20version.pdf">https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP%20AIRBUS_English%20version.pdf</a>	8
	UK SFO	DPA	<a href="https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-airbus">https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-airbus</a>	9
Amec Foster Wheeler	UK SFO	DPA	<a href="https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-amec-foster-wheeler">https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-amec-foster-wheeler</a>	10
	U.S. DOJ	DPA	<a href="https://www.justice.gov/archives/opa/press-release/file/1411296/dl?inline">https://www.justice.gov/archives/opa/press-release/file/1411296/dl?inline</a>	11
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2021/34-92259.pdf">https://www.sec.gov/files/litigation/admin/2021/34-92259.pdf</a>	12
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Caso_39_Acordo_Leniencia_tarjado.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Caso_39_Acordo_Leniencia_tarjado.pdf</a>	13
	Brazil MPF	Leniency Agreement	<a href="https://apps.mpf.mp.br/apps/f?p=131:8">https://apps.mpf.mp.br/apps/f?p=131:8</a> (Procedimento 1.25.000.003204/2019-2096)	14
Balt SAS	U.S. DOJ	Declination	<a href="https://www.justice.gov/opa/pr/justice-department-resolves-foreign-bribery-investigation-balt-sas-healthcare-executive-and">https://www.justice.gov/opa/pr/justice-department-resolves-foreign-bribery-investigation-balt-sas-healthcare-executive-and</a>	15
	France PNF	CJIP	<a href="https://www.agence-francaise-anticorruption.gouv.fr/files/2026-03/CJIP%20BALT.pdf">https://www.agence-francaise-anticorruption.gouv.fr/files/2026-03/CJIP%20BALT.pdf</a>	16
Braskem SAS	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/920091/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/920091/dl?inline</a>	17
	U.S. SEC	Civil Resolution	<a href="https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-271.pdf">https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-271.pdf</a>	18
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoBRASKEMS.A.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoBRASKEMS.A.pdf</a>	19
	Swiss OAG	Summary Penalty Order	<a href="https://www.admin.ch/en/nsb?id=65077">https://www.admin.ch/en/nsb?id=65077</a>	20
Credit Suisse	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2021/33-11001.pdf">https://www.sec.gov/files/litigation/admin/2021/33-11001.pdf</a>	21

Case	Resolution authority	Resolution type	Source link (URL)	Resolution count
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1444986/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1444986/dl?inline</a>	22
	UK FCA (CSSEL)	Final Notice	<a href="https://www.fca.org.uk/publication/final-notice/credit-suisse-2021.pdf">https://www.fca.org.uk/publication/final-notice/credit-suisse-2021.pdf</a>	23
	France PNF (CSSEL)	CJIP	<a href="https://www.tribunal-de-paris.justice.fr/sites/default/files/2022-10/CJIP%20Credit%20Suisse%20sign%C3%A9e%2021%20octobre%202022.pdf">https://www.tribunal-de-paris.justice.fr/sites/default/files/2022-10/CJIP%20Credit%20Suisse%20sign%C3%A9e%2021%20octobre%202022.pdf</a>	24
	U.S. DOJ (CSSEL)	Plea Agreement	<a href="https://www.justice.gov/archives/opa/press-release/file/1447316/dl?inline">https://www.justice.gov/archives/opa/press-release/file/1447316/dl?inline</a>	25
Embraer S. A.	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/904636/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/904636/dl?inline</a>	26
	U.S. SEC	Civil Complaint	<a href="https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-224.pdf">https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-224.pdf</a>	27
	Brazil CVM	Admin. Settlement	Not Publicly Available	28
Freeport Commodities	U.S. CFTC	Consent Order	<a href="https://www.cftc.gov/media/9906/enffreepointcommoditiesorder120423/download">https://www.cftc.gov/media/9906/enffreepointcommoditiesorder120423/download</a>	29
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/media/1329231/dl?inline">https://www.justice.gov/criminal/media/1329231/dl?inline</a>	30
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/arquivos/Termo_Acordo_tarjado.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/arquivos/Termo_Acordo_tarjado.pdf</a>	31
Glencore	U.S. DOJ (Bribery)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1508931/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1508931/dl?inline</a>	32
	UK SFO	Plea/Sentencing	<a href="https://www.judiciary.uk/wp-content/uploads/2022/11/Sentencing-Remarks-Glencore.pdf">https://www.judiciary.uk/wp-content/uploads/2022/11/Sentencing-Remarks-Glencore.pdf</a>	33
	U.S. CFTC	Cease-and-Desist	<a href="https://www.cftc.gov/media/7291/enfoglencoreorder052422/download">https://www.cftc.gov/media/7291/enfoglencoreorder052422/download</a>	34
	Swiss OAG	Summary Penalty Order	<a href="https://www.sdc-cva.ch/en/nsb?id=101995">https://www.sdc-cva.ch/en/nsb?id=101995</a>	35
	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/file/1508266/dl?inline">https://www.justice.gov/criminal/file/1508266/dl?inline</a>	36
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1329926/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1329926/dl?inline</a>	37
Goldman Sachs	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2020/34-90243.pdf">https://www.sec.gov/files/litigation/admin/2020/34-90243.pdf</a>	38
	UK FCA	Final Notice	<a href="https://www.fca.org.uk/news/press-releases/fca-pra-fine-goldman-sachs-international-risk-management-failures-1mdb">https://www.fca.org.uk/news/press-releases/fca-pra-fine-goldman-sachs-international-risk-management-failures-1mdb</a> FCA Final Notice: <a href="https://www.fca.org.uk/publication/final-notice/gsi-2020.pdf">https://www.fca.org.uk/publication/final-notice/gsi-2020.pdf</a>	39
	UK PRA	Final Notice	<a href="https://www.fca.org.uk/news/press-releases/fca-pra-fine-goldman-sachs-international-risk-management-failures-1mdb">https://www.fca.org.uk/news/press-releases/fca-pra-fine-goldman-sachs-international-risk-management-failures-1mdb</a> PRA Final Notice: <a href="https://www.bankofengland.co.uk/-/media/boe/files/prudential-regulation/regulatory-action/final-notice-to-goldman-sachs-international.pdf">https://www.bankofengland.co.uk/-/media/boe/files/prudential-regulation/regulatory-action/final-notice-to-goldman-sachs-international.pdf</a>	40
	Singapore AGC	Conditional Warning	<a href="https://www.mas.gov.sg/news/media-releases/2020/agc-cad-and-mas-take-action-against-goldman-sachs-singapore-pte-on-1mdb-bond-offerings">https://www.mas.gov.sg/news/media-releases/2020/agc-cad-and-mas-take-action-against-goldman-sachs-singapore-pte-on-1mdb-bond-offerings</a>	41
	Hong Kong (China) SFC	Disciplinary Action	<a href="https://apps.sfc.hk/edistributionWeb/api/news/openAppendix?lang=EN&amp;refNo=20PR103&amp;appendix=0">https://apps.sfc.hk/edistributionWeb/api/news/openAppendix?lang=EN&amp;refNo=20PR103&amp;appendix=0</a>	42
	U.S. DOJ (GS Malaysia)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1329901/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1329901/dl?inline</a>	43
	Malaysia Attorney General	Settlement	<a href="https://www.goldmansachs.com/pressroom/press-releases/2020/announcement-24-july-2020">https://www.goldmansachs.com/pressroom/press-releases/2020/announcement-24-july-2020</a>	44
GOL Linhas Aéreas	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/media/1245506/dl?inline">https://www.justice.gov/criminal/media/1245506/dl?inline</a>	45
	U.S. SEC	Cease-and-	<a href="https://www.sec.gov/files/litigation/admin/2022/34-95800.pdf">https://www.sec.gov/files/litigation/admin/2022/34-95800.pdf</a>	46

Case	Resolution authority	Resolution type	Source link (URL)	Resolution count
		Desist		
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoGOL.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoGOL.pdf</a>	47
Gunvor S.A.	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/media/1340966/dl?inline">https://www.justice.gov/criminal/media/1340966/dl?inline</a>	48
	Swiss OAG	Summary Penalty	<a href="https://www.admin.ch/en/nsb?id=100264">https://www.admin.ch/en/nsb?id=100264</a>	49
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1558776/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1558776/dl?inline</a>	50
Honeywell / UOP	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2022/34-96529.pdf">https://www.sec.gov/files/litigation/admin/2022/34-96529.pdf</a>	51
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/acordo_de_leniencia_termo.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/acordo_de_leniencia_termo.pdf</a>	52
	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1334241/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1334241/dl?inline</a>	53
J&F Investments	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2020/34-90170.pdf">https://www.sec.gov/files/litigation/admin/2020/34-90170.pdf</a>	54
	Brazil MPF	Leniency Agreement	Not Publicly Available	55
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1021786/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1021786/dl?inline</a>	56
	U.S. DOJ (KOM USA)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1021796/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1021796/dl?inline</a>	57
Keppel O&M	Singapore AGC	Conditional Warning	<a href="https://www.cpib.gov.sg/press-room/press-releases/conditional-warning-issued-keppel-offshore-marine-ltd/">https://www.cpib.gov.sg/press-room/press-releases/conditional-warning-issued-keppel-offshore-marine-ltd/</a>	58
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Acordo_KeppelOffshoreMarine.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Acordo_KeppelOffshoreMarine.pdf</a>	59
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/media/1379476/dl?inline">https://www.justice.gov/criminal/media/1379476/dl?inline</a>	60
McKinsey Africa	South Africa NPA	C-ADR Resolution	<a href="https://www.sanews.gov.za/south-africa/npa-reaches-resolution-mckinsey-south-africa">https://www.sanews.gov.za/south-africa/npa-reaches-resolution-mckinsey-south-africa</a>	61
	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/920101/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/920101/dl?inline</a>	62
Odebrecht S.A.	Swiss OAG	Summary Penalty	<a href="https://www.admin.ch/en/nsb?id=65077">https://www.admin.ch/en/nsb?id=65077</a>	63
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoOdebrecht.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoOdebrecht.pdf</a>	64
	U.S. DOJ	NPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1097256/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1097256/dl?inline</a>	65
Petrobras	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2018/33-10561.pdf">https://www.sec.gov/files/litigation/admin/2018/33-10561.pdf</a>	66
	Brazil MPF/TCU/CONVIM	Leniency Agreement	Not Publicly Available	67
	UK SFO	DPA	<a href="https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-rolls-royce">https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-rolls-royce</a>	68
Rolls-Royce plc	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/929126/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/929126/dl?inline</a>	69
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoRollsRoycePLC.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoRollsRoycePLC.pdf</a>	70
	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/media/1333316/dl?inline">https://www.justice.gov/criminal/media/1333316/dl?inline</a>	71
SAP SE	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2024/34-99308.pdf">https://www.sec.gov/files/litigation/admin/2024/34-99308.pdf</a>	72
	South Africa NPA	C-ADR Resolution	<a href="https://www.npa.gov.za/sites/default/files/uploads/SAP%20Summary.pdf">https://www.npa.gov.za/sites/default/files/uploads/SAP%20Summary.pdf</a>	73
	Netherlands OM	Transactional Settlement	<a href="https://www.om.nl/actueel/nieuws/2014/11/12/sbm-offshore-n.v.-betaalt-ususd-240.000.000-wegens-omkoping">https://www.om.nl/actueel/nieuws/2014/11/12/sbm-offshore-n.v.-betaalt-ususd-240.000.000-wegens-omkoping</a>	74
SBM Offshore N.V.	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1017346/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1017346/dl?inline</a>	75
	Swiss OAG	Summary Penalty Order	<a href="https://www.admin.ch/en/nsb?id=86009">https://www.admin.ch/en/nsb?id=86009</a>	76

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	U.S. DOJ (SBM USA)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1017341/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1017341/dl?inline</a>	77
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/sbm.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/sbm.pdf</a>	78
Siemens AG	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/sites/default/files/criminal-fraud/legacy/2013/05/02/12-15-08siemensakt-plea.pdf">https://www.justice.gov/sites/default/files/criminal-fraud/legacy/2013/05/02/12-15-08siemensakt-plea.pdf</a>	79
	U.S. SEC	Civil Injunction	<a href="https://www.sec.gov/files/litigation/complaints/2008/comp20829.pdf">https://www.sec.gov/files/litigation/complaints/2008/comp20829.pdf</a>	80
	U.S. DOJ (Argentina Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensargen-plea.pdf">https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensargen-plea.pdf</a>	81
	U.S. DOJ (Bangladesh Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensbangla-plea.pdf">https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensbangla-plea.pdf</a>	82
	U.S. DOJ (Venezuela Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensvenez-plea.pdf">https://www.justice.gov/criminal/fraud/fcpa/cases/siemens/12-15-08siemensvenez-plea.pdf</a>	83
	Germany (Munich Public Prosecutor)	Administrative Fine	<a href="https://assets.new.siemens.com/siemens/assets/api/uuid:0d6eee47-5b44-4ad6-bd5d-34de580085ae/MucStaats.pdf">https://assets.new.siemens.com/siemens/assets/api/uuid:0d6eee47-5b44-4ad6-bd5d-34de580085ae/MucStaats.pdf</a>	84
Société Générale	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1072451/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1072451/dl?inline</a>	85
	France PNF	CJIP	<a href="https://www.agence-francaise-anticorruption.gouv.fr/files/2018-10/24.05.18 - CJIP.pdf">https://www.agence-francaise-anticorruption.gouv.fr/files/2018-10/24.05.18 - CJIP.pdf</a>	86
	U.S. CFTC	Remedial Sanction	<a href="https://www.cftc.gov/sites/default/files/2018-06/enfsocietegeneralesaorder060418.pdf">https://www.cftc.gov/sites/default/files/2018-06/enfsocietegeneralesaorder060418.pdf</a>	87
	U.S. DOJ (SGA Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1072441/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1072441/dl?inline</a>	88
Standard Bank	UK SFO	DPA	<a href="https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-standard-bank">https://www.gov.uk/government/publications/sfo-deferred-prosecution-agreement-with-standard-bank</a>	89
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2015/33-9981.pdf">https://www.sec.gov/files/litigation/admin/2015/33-9981.pdf</a>	90
Stericycle, Inc.	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1496296/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1496296/dl?inline</a>	91
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2022/34-94760.pdf">https://www.sec.gov/files/litigation/admin/2022/34-94760.pdf</a>	92
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoStericycle.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoStericycle.pdf</a>	93
TechnipFM C plc	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1225061/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1225061/dl?inline</a>	94
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2019/34-87055.pdf">https://www.sec.gov/files/litigation/admin/2019/34-87055.pdf</a>	95
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/TechnipBrasil.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/TechnipBrasil.pdf</a>	96
	U.S. DOJ (U.S.-based Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1225071/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1225071/dl?inline</a>	97
Telia Company	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/998601/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/998601/dl?inline</a>	98
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/admin/2017/34-81669.pdf">https://www.sec.gov/files/litigation/admin/2017/34-81669.pdf</a>	99
	Netherlands OM	Transactional Settlement	<a href="https://www.prosecutionservice.nl/site/binaries/site-content/collections/documents/fp/hoge-transacties/feitenrelaas/statement-of-facts-telia-company/statement_of_facts_telia+%281%29.pdf">https://www.prosecutionservice.nl/site/binaries/site-content/collections/documents/fp/hoge-transacties/feitenrelaas/statement-of-facts-telia-company/statement_of_facts_telia+%281%29.pdf</a>	100
	U.S. DOJ (COSCOM)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/998596/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/998596/dl?inline</a>	101
Teva Pharm.	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/920436/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/920436/dl?inline</a>	102
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-277.pdf">https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-277.pdf</a>	103

Case	Resolution authority	Resolution type	Source link (URL)	Resolution count
	Israel State Attorney	Settlement	<a href="https://www.timesofisrael.com/teva-to-pay-nis-75-million-to-israel-authorities-to-settle-foreign-bribe-claims/">https://www.timesofisrael.com/teva-to-pay-nis-75-million-to-israel-authorities-to-settle-foreign-bribe-claims/</a>	104
	U.S. DOJ (Russia Sub)	Plea Agreement	<a href="https://www.justice.gov/criminal/criminal-fraud/file/920426/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/920426/dl?inline</a>	105
Trafigura	U.S. DOJ	Plea Agreement	<a href="https://www.justice.gov/criminal/media/1345976/dl?inline">https://www.justice.gov/criminal/media/1345976/dl?inline</a>	106
	Brazil CGU/AGU	Leniency Agreement	<a href="https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/arquivos/SEI_3569333_Acordo_de_Lenienciatarjado.pdf">https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/arquivos/SEI_3569333_Acordo_de_Lenienciatarjado.pdf</a>	107
	Switzerland	Federal Criminal Court conviction	<a href="https://www.publiceye.ch/en/media-corner/press-releases/detail/swiss-court-sentences-trafiguras-wolves">https://www.publiceye.ch/en/media-corner/press-releases/detail/swiss-court-sentences-trafiguras-wolves</a>	108
VimpelCom	U.S. DOJ	DPA	<a href="https://www.justice.gov/archives/opa/pr/vimpelcom-limited-and-unitel-llc-enter-global-foreign-bribery-resolution-more-795-million">https://www.justice.gov/archives/opa/pr/vimpelcom-limited-and-unitel-llc-enter-global-foreign-bribery-resolution-more-795-million</a>	109
	U.S. SEC	Cease-and-Desist	<a href="https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-34.pdf">https://www.sec.gov/files/litigation/complaints/2016/comp-pr2016-34.pdf</a>	110
	Netherlands OM	Transactional Settlement	<a href="https://www.prosecutionservice.nl/latest/news/2016/02/18/vimpelcom-pays-close-to-400-million-dollars-to-the-netherlands-for-bribery-in-uzbekistan">https://www.prosecutionservice.nl/latest/news/2016/02/18/vimpelcom-pays-close-to-400-million-dollars-to-the-netherlands-for-bribery-in-uzbekistan</a>	111
Vitol Inc.	U.S. DOJ	DPA	<a href="https://www.justice.gov/criminal/criminal-fraud/file/1346651/dl?inline">https://www.justice.gov/criminal/criminal-fraud/file/1346651/dl?inline</a>	112
	U.S. CFTC	Consent Order	<a href="https://www.cftc.gov/media/5346/enfvitolorder120320/download">https://www.cftc.gov/media/5346/enfvitolorder120320/download</a>	113
	Brazil MPF	Leniency Agreement	<a href="https://combateacorrupcao.mpf.mp.br/feeder_novo/lavajato/f4258018f3997d07401f82c153c5f1af">https://combateacorrupcao.mpf.mp.br/feeder_novo/lavajato/f4258018f3997d07401f82c153c5f1af</a>	114

# Notes

<sup>1</sup> Among the 31 cases reviewed for this paper, one case (SBM Offshore) saw a seven-year span between the first and last resolution, two cases (Keppel, and Siemens) had resolutions that were five years apart, Rolls-Royce and Credit Suisse contained resolutions that were four years apart, and five other cases (J&F Investimentos, Glencore, Teva, Trafigura, and Freepoint) saw a maximum three-year gap between the initial and last resolution.

<sup>2</sup> In December 2016, Odebrecht S.A. and Braskem S.A. pleaded guilty and agreed to pay a combined total penalty of at least \$3.5 billion to resolve charges with authorities in the United States, Brazil and Switzerland. In January 2020, Airbus SE agreed to pay combined penalties of more than \$3.9 billion to resolve foreign bribery charges with authorities in the United States, France and the United Kingdom. In October 2020, Goldman Sachs agreed to pay more than \$2.9 billion as part of a co-ordinated resolution with criminal and civil authorities in the United States, the United Kingdom and Singapore.

<sup>3</sup> Data shows that over 78% of concluded resolutions imposing sanctions or confiscation for foreign bribery used a NTR mechanism between 1999-2019 (OECD, 2019, pp. 19-22<sup>[1]</sup>).

<sup>4</sup> After the cut-off date for the dataset for this paper, Singapore announced the April 2026 formal court approval of its first Deferred Prosecution Agreement, which had been initially agreed in July 2025. For information on the case see (de Liz, 2026<sup>[4]</sup>).

<sup>5</sup> Among the 31 cases reviewed for this paper, one case (SBM Offshore) saw a seven year span between the first and last resolution, two cases (Keppel, and Siemens) had resolutions that were five years apart, Rolls-Royce and Credit Suisse contained resolutions that were four years apart, and five other cases (J&F Investimentos, Glencore, Teva, Trafigura, and Freepoint) saw a maximum three year gap between the initial and last resolution.

<sup>6</sup> In the Surys case (2025), France, Ukraine and Estonia set up a Joint Investigation Team and contributed to the sharing of evidence. France entered into a [Convention judiciaire d'intérêt public](#) with the French legal person involved, while Ukraine sanctioned certain individuals through plea agreements, while Estonia initiated money laundering proceedings against other individuals. See (Bonhert, Shcherbai and Fromholz, 2025<sup>[7]</sup>).

<sup>7</sup> In Singapore, a “Conditional Warning” is issued by the AGC and CPIB “in lieu of prosecution,” as seen in the Keppel O&M and Goldman Sachs cases. In Malaysia, the resolution resembles a declination with disgorgement where criminal charges against the company were dropped in favour of a disgorgement penalty.

<sup>8</sup> Petroleo Brasileiro S.A. – Petrobras, [Non-Prosecution Agreement with the United States Department of Justice](#), 26 September 2018.

<sup>9</sup> The United States Sentencing Guidelines, [§8C](#).

<sup>10</sup> South Africa National Prosecution Authority – Annexure A Part 51: Corporate ADR. <https://www.npa.gov.za/sites/default/files/uploads/Annexure%20A%20PART%2051%20Corporate%20ADR.pdf>.

<sup>11</sup> Summary of Corporate ADR with SAP available on National Prosecuting Authority website: <https://www.npa.gov.za/sites/default/files/uploads/SAP%20Summary.pdf>.

<sup>12</sup> South African Government News Agency, “NPA reaches resolution with McKinsey South Africa”, 6 December 2024. <https://www.sanews.gov.za/south-africa/npa-reaches-resolution-mckinsey-south-africa>.

<sup>13</sup> For example, in France they are *Convention Judiciaire d’Intérêt Public (CJIP)*, in the Netherlands they are out-of-court resolutions or conditional non-prosecution under Article 74 of the Dutch Criminal Code.

<sup>14</sup> France’s *Convention Judiciaire d’intérêt public* is akin to a DPA as once a CJIP is offered to a legal person, the formal investigation is hence suspended but can resume if the obligations under the CJIP are not met. L’Agence Française Anticorruption provides a description of the CJIP on its website. <https://www.agence-francaise-anticorruption.gouv.fr/en/convention-judiciaire-dinteret-public>.

<sup>15</sup> Article 74 of the Dutch Criminal Code (Wetboek van Strafrecht) is widely understood as providing a DPA-like mechanism, but it is closer to an out-of-court resolution in the form of a non-prosecution agreement with conditions than a classic, court-supervised Deferred Prosecution Agreement. Under Art. 74 Sr, the public prosecutor can decide not to prosecute if the suspect fulfils specified conditions. Those conditions commonly include payment of a sum of money and can include other undertakings.

<sup>16</sup> The United States Department of Justice, “Swiss-Based Firm Agrees to Pay Over \$1.1 Billion”, 24 May 2022. <https://www.justice.gov/archives/opa/pr/glencore-entered-guilty-pleas-foreign-bribery-and-market-manipulation-schemes>.

<sup>17</sup> “Office of the Attorney General closes its criminal investigation against Glencore International AG with a summary penalty order and an abandonment order”, 5 August 2024. <https://www.news.admin.ch/en/nsb?id=101995>.

<sup>18</sup> The Netherlands Public Prosecution Service, “Glencore bribery investigation concluded with Summary Penalty Order in Switzerland; Dutch prosecutor dismisses case”, 5 August 2024. <https://www.prosecutionservice.nl/latest/news/2024/08/05/glencore-bribery-investigation-concluded-with-summary-penalty-order-in-switzerland-dutch-prosecutor-dismisses-case>.

<sup>19</sup> The United States Department of Justice, “Siemens AG and Three Subsidiaries Plead Guilty to Foreign Corrupt Practices Act Violations and Agree to Pay \$450 Million in Combined Criminal Fines,” Press Release, 15 December 2008. <https://www.justice.gov/archive/opa/pr/2008/December/08-crm-1105.html>.

<sup>20</sup> Convention judiciaire d’Intérêt Public entre Le Procureur de la République Financier et La Société Surys, 3 septembre 2025, paras.4-16. <https://www.tribunal-de-paris.justice.fr/sites/default/files/2025-09/CJIP.pdf>.

<sup>21</sup> “Gunvor SA held criminally liable for acts of corruption in Ecuador”, 1 March 2024. <https://www.swisstopo.admin.ch/en/nsb?id=100264>.

<sup>22</sup> [Regulation \(EU\) 2018/1727 of 14 November 2018](#) on the European Union Agency for Criminal Justice Co-operation (Eurojust). In recital 3, the Regulation states that Eurojust’s mission is to “support and strengthen coordination and cooperation between national investigating and prosecuting authorities” in serious cross-border crime cases. In recital 15, states that national members may directly contact and exchange information with competent authorities, participate in joint investigation teams, and issue and execute requests for mutual legal assistance or mutual recognition.

<sup>23</sup> [Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union](#) – Council Declaration on Article 10(9) – Declaration by the United Kingdom on Article 20.

<sup>24</sup> “Piling on” is the imposition of multiple penalties by different national authorities for the same transnational bribery conduct, raising concerns about duplicative punishment unless agencies co-ordinate and grant offsets or credit. To avoid this, co-ordinated enforcement efforts are required. For example, in the ABB case, authorities attempted to calibrate the overall sanctioning package across borders rather than simply stack full penalties independently.

<sup>25</sup> Airbus CJIP with French PNF (2020). [https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP%20AIRBUS\\_English%20version.pdf](https://www.agence-francaise-anticorruption.gouv.fr/files/files/CJIP%20AIRBUS_English%20version.pdf), U.S. DOJ DPA (2020): <https://www.justice.gov/criminal/criminal-fraud/file/1242051/dl?inline>.

<sup>26</sup> [U.S. v. The Goldman Sachs Group, Inc.: Docket No. 20-CR-00437-MKB](#), Deferred Prosecution Agreement (2020), at para.9. <https://www.justice.gov/criminal/criminal-fraud/file/1329926/dl?inline>.

<sup>27</sup> Odebrecht Leniency Agreement with Brazil CGU (2018). <https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoOdebrecht.pdf>.

<sup>28</sup> “The Office of the Attorney General of Switzerland resolves criminal investigation against ABB”, 2 December 2022. <https://www.news.admin.ch/en/nsb?id=92020>. See also Art.102, paragraph 1 of the Swiss Criminal Code: [https://www.fedlex.admin.ch/eli/cc/54/757\\_781\\_799/en#art\\_102](https://www.fedlex.admin.ch/eli/cc/54/757_781_799/en#art_102).

<sup>29</sup> The OECD Anti-Bribery Convention establishes legally binding baseline standards for Parties to criminalise and enforce against bribery of foreign public officials, while the OECD’s 2021 Recommendation further addresses foreign-bribery enforcement issues, including the use of non-trial resolutions in such cases. OECD, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>; OECD, Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2021), <https://legalinstruments.oecd.org/en/instruments/oecd-legal-0378>.

<sup>30</sup> <https://www.justice.gov/jm/jm-9-27000-principles-federal-prosecution>.

<sup>31</sup> See Federal Rule of Criminal Procedure 11(c)(1)(c). <https://www.justice.gov/archives/jm/criminal-resource-manual-623-pleas-federal-rule-criminal-procedure-11>.

<sup>32</sup> See (OECD, 2019, p. 143<sup>[1]</sup>) “...a handful of resolutions are merely filed in court with only a modicum of review. In the United States, for example, when the DOJ concludes a DPA, it will file charges in court,

submit the DPA, and seek leave to suspend the trial proceedings for the time period in which the defendant has agreed to fulfil the conditions set forth in the resolution. This has the effect of ensuring the charges will remain pending until all the DPA conditions are fulfilled. If the defendant satisfies all the conditions, the court can grant leave to dismiss the charges entirely. If instead the defendant does not comply with the DPA's terms, the prosecution can resume the proceedings.

<sup>33</sup> United Kingdom: *Crime and Courts Act 2013*, UK Public General Acts 2013 c. 22 SCHEDULE 17. <https://www.legislation.gov.uk/ukpga/2013/22/schedule/17> .

<sup>34</sup> United States Department of Justice, Justice Manual 1-12.000 and 9-47.120. <https://www.justice.gov/jm/jm-1-12000-coordination-parallel-criminal-civil-regulatory-and-administrative-proceedings>. Updated November 2018.

<sup>35</sup> SBM Offshore (U.S. 2017, Switzerland 2021); Glencore (U.S. 2022, Switzerland 2024); Siemens (U.S. 2008, Switzerland 2013).

<sup>36</sup> Part 51: Corporate Alternative Dispute Resolution, paras. A(1)–(3), and criteria in sections C–E of the NPA directive: NPA Corporate ADR Directive (Annexure A, Part 51). <https://www.npa.gov.za/sites/default/files/uploads/Annexure%20A%20PART%2051%20Corporate%20ADR%20Directive.pdf> .

<sup>37</sup> R. v. Airbus (2020), Statement of Facts, at paras.37-42. [https://assets.publishing.service.gov.uk/media/67c05a5b750837d7604dbc4e/R\\_v\\_Airbus\\_-\\_Statement\\_of\\_Facts\\_amended.pdf](https://assets.publishing.service.gov.uk/media/67c05a5b750837d7604dbc4e/R_v_Airbus_-_Statement_of_Facts_amended.pdf) .

<sup>38</sup> United States of America v. Airbus SE, Case 1:20-cr-00021-TFH, Deferred Prosecution Agreement, para.4(i). <https://www.justice.gov/criminal/criminal-fraud/file/1242051/dl?inline> .

<sup>39</sup> SFO v Rolls-Royce, Approved judgment (17 Jan. 2017). <https://www.judiciary.uk/wp-content/uploads/2017/01/sfo-v-rolls-royce.pdf> .

<sup>40</sup> Serious Fraud Office and Amec Foster Wheeler Energy Limited, In the crown court at Southwark.

In the matter of s.45 of the crime and courts act 2013, 1 July 2021, Deferred Prosecution Agreement, Approved Judgment. [https://assets.publishing.service.gov.uk/media/67c05e28750837d7604dbc5d/SFO-Amec\\_Foster\\_Wheeler\\_Energy\\_Limited\\_-\\_DPA\\_Judgment.pdf](https://assets.publishing.service.gov.uk/media/67c05e28750837d7604dbc5d/SFO-Amec_Foster_Wheeler_Energy_Limited_-_DPA_Judgment.pdf) .

<sup>41</sup> United States v. Siemens Aktiengesellschaft, Court Docket Number: 08-CR-367-RJL, Plea Agreement, 12 December 2008. <https://www.justice.gov/sites/default/files/criminal-fraud/legacy/2013/05/02/12-15-08siemensakt-plea.pdf> .

<sup>42</sup> Parquet National Financier, *Lignes Directrices sur la mise en œuvre de la convention judiciaire d'intérêt public*, at pp. 8 and 11. <https://www.tribunal-de-paris.justice.fr/sites/default/files/2023-01/Lignes%20directrices%20sur%20la%20mise%20en%20oeuvre%20de%20la%20convention%20judiciaire%20d%27int%C3%A9r%C3%AAt%20public%20PNF%20version%20sign%C3%A9e.pdf> .

- <sup>43</sup> UK SFO, Airbus SE Approved Judgment of Deferred Prosecution Agreement, 31 January 2020, [https://assets.publishing.service.gov.uk/media/67c05a5bb0bb6528ee866bab/R\\_v\\_Airbus\\_Approved\\_Judgment.pdf](https://assets.publishing.service.gov.uk/media/67c05a5bb0bb6528ee866bab/R_v_Airbus_Approved_Judgment.pdf).
- <sup>44</sup> Brazil CGU Press Release (2019), “CGU e AGU celebram acordo de leniência com a Braskem S.A”. <https://www.gov.br/cgu/pt-br/assuntos/noticias/2019/05/cgu-e-agu-celebram-acordo-de-leniencia-com-a-braskem-s-a>. See also Leniency Agreement: <https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoBRASKEMS.A.pdf>.
- <sup>45</sup> See para.16 of the Keppel Leniency Agreement: [https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Acordo\\_KeppelOffshoreMarine.pdf](https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/Acordo_KeppelOffshoreMarine.pdf).
- <sup>46</sup> Serious Fraud Office v. Glencore Energy UK Ltd., [2022] EWCR 2, 31 October 2022, at para.7. <https://www.judiciary.uk/wp-content/uploads/2022/10/Serious-Fraud-Office-v-Glencore-Energy-UK-Limited-and-another-1.pdf>.
- <sup>47</sup> Serious Fraud Office v. Rolls-Royce PLC, Case No: U2 0 170 036, Approved Judgment. <https://assets.publishing.service.gov.uk/media/67c061c4750837d7604dbc67/sfo-v-rolls-royce.pdf>.
- <sup>48</sup> Serious Fraud Office v. Airbus SE, Approved Judgment of Deferred Prosecution Agreement, 31 January 2020.
- <sup>49</sup> Article 248 and 248a of the Swiss Criminal Procedure Code. <https://www.fedlex.admin.ch/eli/cc/2010/267/en>.
- <sup>50</sup> Para. 12 of [Schedule 17 of the Crime and Courts Act](#) states: “The court may order that the publication of information by the prosecutor under paragraph 8(7), 9(5), (6), (7) or (8), 10(7) or (8) or 11(8) be postponed for such period as the court considers necessary if it appears to the court that postponement is necessary for avoiding a substantial risk of prejudice to the administration of justice in any legal proceedings.”.
- <sup>51</sup> FCPA Enforcement Policy, the United States Justice Manual, 9-47.120. <https://www.justice.gov/jm/jm-9-47000-foreign-corrupt-practices-act-1977#9-47.120>.
- <sup>52</sup> The United States Department of Justice, Letter to Counsel, Re: Balt SAS, 17 March 2026. <https://www.justice.gov/criminal/media/1431846/dl?inline>.
- <sup>53</sup> SAP SE Deferred Prosecution Agreement with the United States DOJ. <https://www.justice.gov/criminal/media/1333316/dl?inline>. See also the United States SEC Cease and Desist Order with SAP SE. <https://www.sec.gov/files/litigation/admin/2024/34-99308.pdf>.
- <sup>54</sup> Securities Exchange Act of 1934 § 21(c), 15 U.S.C. § 78j(b), <https://www.govinfo.gov/content/pkg/COMPS-1885/pdf/COMPS-1885.pdf>.
- <sup>55</sup> LAW N. 12.846, OF AUGUST 1, 2013. <https://www.legiscompliance.com.br/legislacao/norma/29>.
- <sup>56</sup> UK Crime and Courts Act 2013, Schedule 17, para. 7.
- <sup>57</sup> Crime and Courts Act 2013, Schedule 17 (UK), para. 8.

<sup>58</sup> Airbus approved Judgment (31 January 2020).

[https://assets.publishing.service.gov.uk/media/67c05a5bb0bb6528ee866bab/R\\_v\\_Airbus\\_Approved\\_Judgment.pdf](https://assets.publishing.service.gov.uk/media/67c05a5bb0bb6528ee866bab/R_v_Airbus_Approved_Judgment.pdf).

<sup>59</sup> The United States Sentencing Guidelines, <https://www.ussc.gov/guidelines/2025-guidelines-manual/annotated-2025-chapter-8>.

<sup>60</sup> The United States Department of Justice, Press Release, “SAP to Pay Over \$220M to Resolve Foreign Bribery Investigations”, 10 January 2024. <https://www.justice.gov/archives/opa/pr/sap-pay-over-220m-resolve-foreign-bribery-investigations>.

<sup>61</sup> The United States Department of Justice, Press Release, “Commodities Trading Company Will Pay Over \$661M to Resolve Foreign Bribery Case”, 1 March 2024.

<https://www.justice.gov/archives/opa/pr/commodities-trading-company-will-pay-over-661m-resolve-foreign-bribery-case#:~:text=Gunvor%20S.A.%2C%20a%20Swiss%2Dbased%20commodities%20trading%20company%2C,confidential%20Petroecuador%20information%20in%20exchange%20for%20bribes>.

<sup>62</sup> The United States Department of Justice, Press Release, “Swiss Commodities Trading Company Pleads Guilty to Foreign Bribery Scheme”, 28 March 2024. <https://www.justice.gov/archives/opa/pr/swiss-commodities-trading-company-pleads-guilty-foreign-bribery-scheme>.

<sup>63</sup> Decree No. 11.129, 11 July 2022. [https://www.planalto.gov.br/ccivil\\_03/ Ato2019-2022/2022/Decreto/D11129.htm](https://www.planalto.gov.br/ccivil_03/ Ato2019-2022/2022/Decreto/D11129.htm).

<sup>64</sup> The United States of America v. ABB Ltd., Deferred Prosecution Agreement (2022), at para.5(j). <https://www.justice.gov/criminal/media/1263851/dl?inline>.

<sup>65</sup> The United States Department of Justice, Odebrecht Plea Agreement, at para.21. <https://www.justice.gov/criminal/criminal-fraud/file/920101/dl?inline>.

<sup>66</sup> Article 102, Paragraph 2 of the Swiss Criminal Code caps the maximum punitive at CHF 5 million.

<sup>67</sup> Article 101(1) Swiss Criminal Code.

<sup>68</sup> De Navacelle, Stéphane et. al. (2026), “Judicial Public Interest Agreement concluded between SURYS and the French National Financial Prosecutor’s Office.” URL: [https://www.ibanet.org/Judicial-public-interest-agreement-concluded-between-SURYS-and-the-PNF?sap-outbound-id=3E262A7176BA9A7EF94733A8ECD964438FE0ACEB&utm\\_source=SAPHybris&utm\\_medium=email&utm\\_campaign=8472&utm\\_term=ACC%20eBulletin%20Feb%20%2726\\_Read%20more..&utm\\_content=EN](https://www.ibanet.org/Judicial-public-interest-agreement-concluded-between-SURYS-and-the-PNF?sap-outbound-id=3E262A7176BA9A7EF94733A8ECD964438FE0ACEB&utm_source=SAPHybris&utm_medium=email&utm_campaign=8472&utm_term=ACC%20eBulletin%20Feb%20%2726_Read%20more..&utm_content=EN).

<sup>69</sup> Surys (2025), CJIP between the French PNF and Surys. 9 September 2025. <https://www.tribunal-de-paris.justice.fr/sites/default/files/2025-09/CJIP.pdf>.

<sup>70</sup> The Working Group is composed of countries that are, or are eligible to become, Party to the OECD Anti-Bribery Convention. There are currently 46 Parties to the Convention. As of June 2026, the Working Group includes the 38 OECD Member countries and 9 non-Members (Argentina, Brazil, Bulgaria, Croatia, Peru, Romania, the Russian Federation, South Africa and Ukraine).

<sup>71</sup> For additional details, see French Anti-Corruption Agency (*Agence française anticorruption*). <https://www.agence-francaise-anticorruption.gouv.fr/fr>.

<sup>72</sup> Article 131-39-2 of the French Penal Code. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000048539764](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000048539764).

<sup>73</sup> Odebrecht Leniency Agreement, Brazil CGU (2016). <https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoOdebrecht.pdf>.

<sup>74</sup> See for example the Technip Brasil Leniency Agreement (2019) concluded with the CGU. <https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia/acordos-firmados/AcordoTechnip.pdf>.