

Fight against foreign bribery

The Brazilian experience

In Brazil

Criminal

Art. 337- B Active bribery in international business transactions

Art. 337-C Trafficking in influence in international business transactions

Authorities:

Federal Police

**Federal
Prosecution
Service**

Liability of legal persons

Administrative and Civil

Civil Sanctions
Judicial Measures

Disgorgement
Dissolution of the company

Administrative Sanctions
Administrative Proceedings

Monetary Fine
Extraordinary publication
Debarment*
Leniency agreements

Authorities:

**Office of the
Comptroller General**

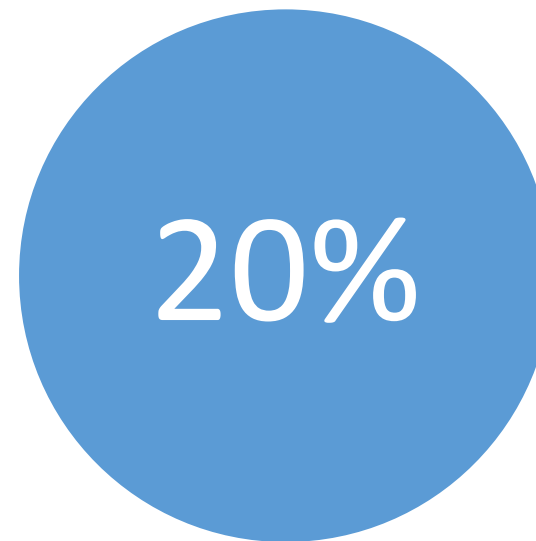
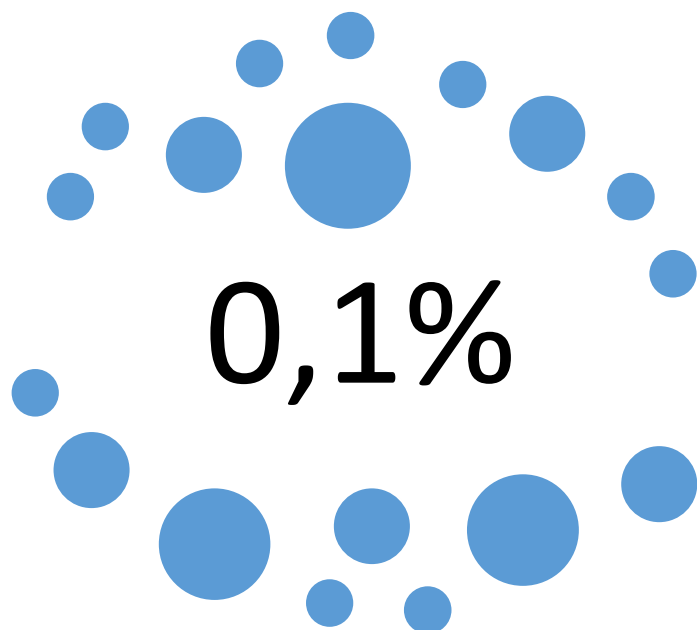
**Attorney General's
Office**

**Federal Prosecution
Service**

Fine

R\$ 734mi fines

(USD 145mi)



R\$ 15bi NTRs

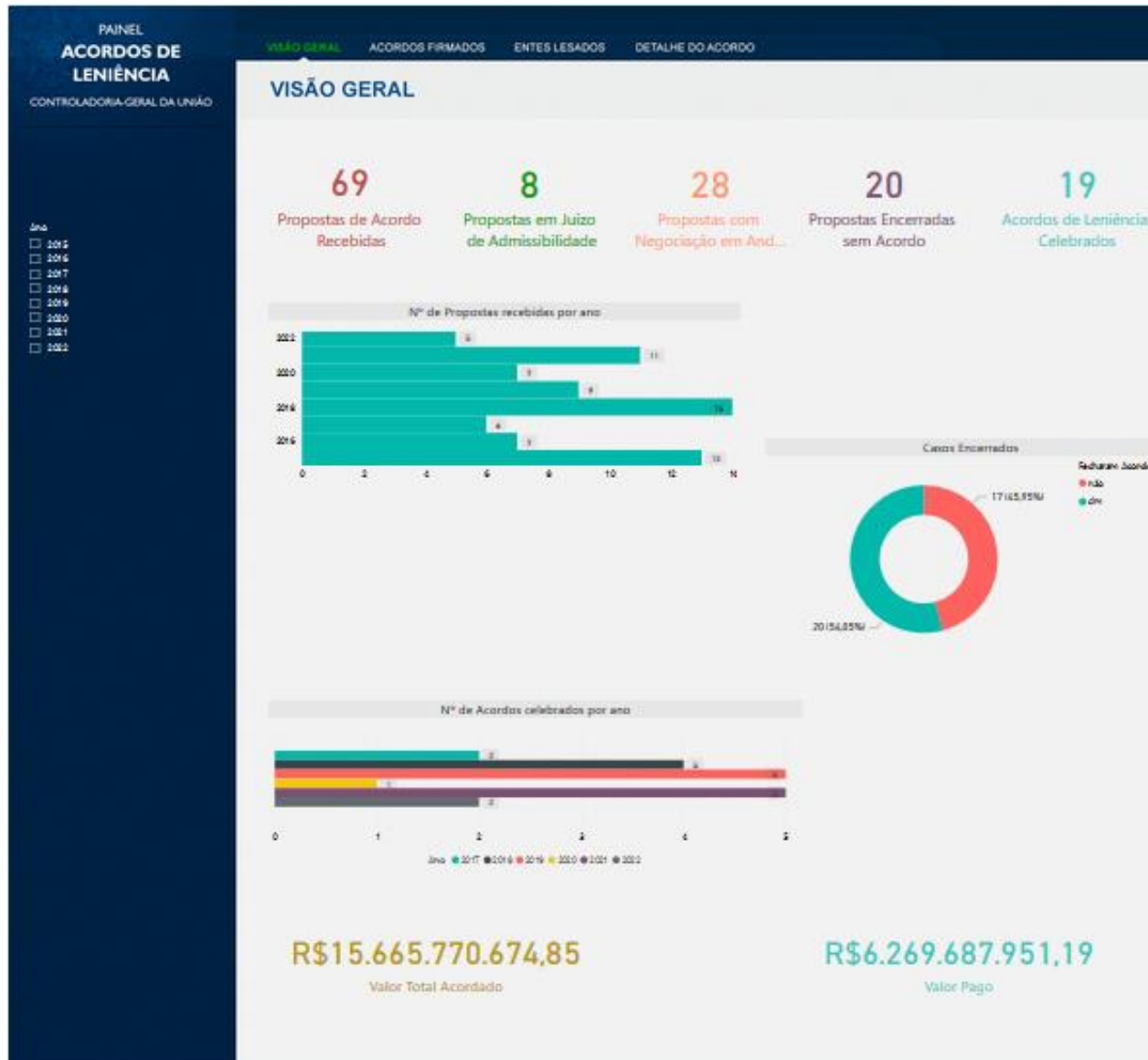
(USD 3bi)



Extraordinary publication

DECISÃO CONDENATÓRIA POR ATO
LESIVO DA LEI Nº 12.846/2013

Julgamento do Processo Administrativo de
Responsabilização nº 00190.105384/2018-01



Leniency agreements
(non-trial resolutions)

Assessment of Integrity Programs in Leniency Agreements

Reduction in fines: reduction of up to 5% of gross revenue for legal entities that demonstrate having and applying an integrity program

Definition of the integrity clause/ integrity obligations: The leniency agreement will contain, among other provisions, clauses that concern: the adoption, application or improvement of an integrity program

Assessment Methodology

- »» 1. Analysis of the characteristics of the illicit act**
- »» 2. Analysis of the root cause of the illicit act**
- »» 3. Analysis of the characteristics/profile of the legal entity**
- »» 4. Assessment of the response of the legal entity to the illicit act**
- »» 5. Assessment of the Integrity Program**

Integrity Obligations

Remediation

- Removal of implicated persons from their positions
- Termination of contracts with suppliers
- Internal or external communications about the illicit act
- internal investigations
- Submission to external audit

Changes in Corporate Governance

- Institution a Board of Directors
- Creation of an Internal Audit function
- Segregation of duties (Legal x Compliance)

Improvement of the Integrity Program

- Adoption of policies and controls
- Improvement of available training
- Adapting the program to Brazil

Monitoring the Integrity Program

Monitoring methodology:

Improvement Plan:

- Integrity obligations
- Definition of priorities and calendar
- Responsible persons/ departments

Biannual Reports

- All elements of the Program
- Existence and enforcement
- Improvements
- Evidence

Technical visits/meetings

- Interviews
- Sample-based verification of the practical application of policies and use of systems

Approval by CGU is mandatory

CEIS

12,518

debarred

Portal da Transparência

CONTROLADORIA-GERAL DA UNIÃO

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VOCÊ ESTÁ AQUI: INÍCIO » PAINEL DE SANÇÕES » CEIS

Detalhamento das Sanções Vigentes - Cadastro de Empresas Inidôneas e Suspensas - CEIS

ORIGEM DOS DADOS

FILTRO

BUSCA LIVRE

PERÍODO DE VIGÊNCIA

NOME

CPF / CNPJ

UF DO SANCIONADO

ÓRGÃO SANCIONADOR

TIPO DE SANÇÃO

« OCULTAR FILTROS DE CONSULTA

FILTROS APLICADOS:

Nenhum filtro aplicado

Data da consulta: 27/08/2019 12:19:35

Data da última atualização: 27/08/2019 04:45:12

Tabela de dados

IMPRIMIR | BAIXAR | REMOVER/ADICIONAR COLUNAS | PAINEL DE SANÇÕES | VISUALIZAÇÃO GRÁFICA

DETALHAR	CNPJ/CPF DO SANCIONADO	NOME DO SANCIONADO	UF DO SANCIONADO	ÓRGÃO/ENTIDADE SANCIONADORA	TIPO DA SANÇÃO	DATA DE PUBLICAÇÃO DA SANÇÃO
Detalhar	10.660.342/0001-91	3R Locação de Veículos e Turismo Eireli	DF	MINISTÉRIO DOS TRANSPORTES	Suspensão - Lei de Licitações	19/07/2019
Detalhar	11.972.928/0001-54	SS ARQUITETURA F	RS	Prefeitura de	Inidoneidade - Lei	25/06/2014

<http://www.portaltransparencia.gov.br/sancoes/ceis>

Cooperation challenges

Poor communication between
law enforcement agents

Difficulties to
obtain
effective MLA



Different legal
systems and
standards

International cooperation

Active engagement in specialized cooperation networks



**Latin America & Caribbean Anti-Corruption
Law Enforcement Network (LAC LEN)**

**Global Law Enforcement Network
against Transnational Bribery (GLEN)**



**Global Operational Law Enforcement
Network (GlobE)**

Multijurisdictional cases



Samsung Heavy Industries entered into a Leniency Agreement with the CGU, AGU and MPF, in a two-step global resolution involving the United States Department of Justice

By [Saud Advogados](#) on April 5, 2021

POSTED IN [ARTICLES](#)

Samsung Heavy Industries (SHI), one of the largest companies in the world in the shipbuilding market, entered into a leniency agreement with the Office of the Comptroller General (CGU), Office of the Attorney General (AGU) and the Federal Prosecutor's Office (MPF) on February 22, 2021, for bribery and money laundering misconducts in connection with Petrobras' agreements

Son of Congo-Brazzaville president accused of siphoning off \$50m

Denis Christel Sassou-Nguesso allegedly used money-laundering scheme spanning six European countries



Public money from Congo-Brazzaville allegedly went to Cypriot firms secretly owned by Denis Christel Sassou-Nguesso, son of the republic's president, Global Witness has said. Photograph: Romaric Oniangue/denischristel.cg

The son of Congo-Brazzaville's president has misappropriated \$50m (£41m) of public money by routing it through shell companies and secrecy jurisdictions, according to a new investigation.

 **ECONOMIA**

Telefônica é condenada a pagar R\$ 45,7 milhões por dar ingressos a agentes públicos

Em nota, a empresa alegou que a doação dos ingressos ocorreu no contexto de ações de marketing e de promoção institucional da companhia.

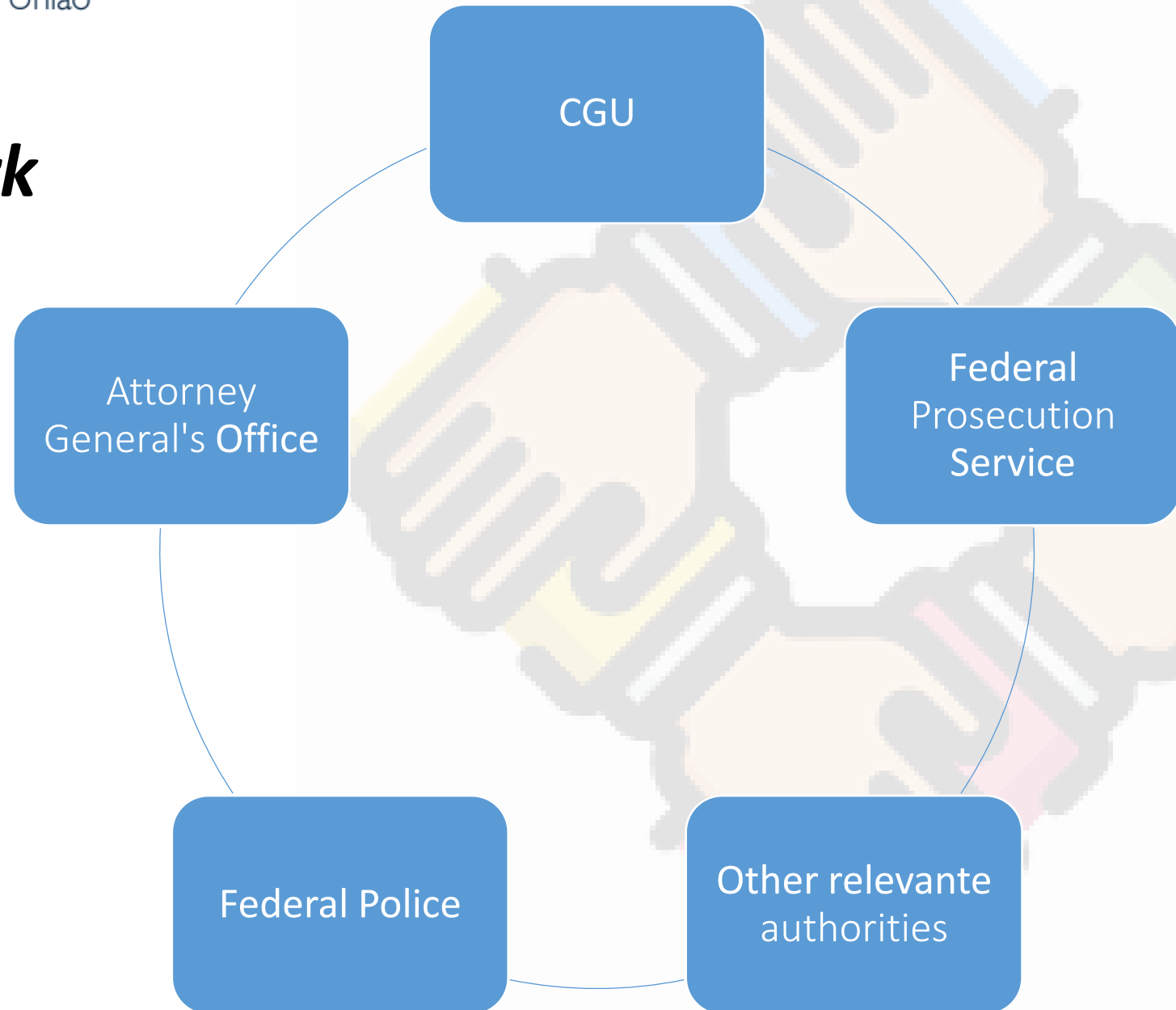
Por G1
16/10/2020 09h07 - Atualizado há 4 semanas



A **Telefônica Brasil** foi sancionada administrativamente pela Controladoria-Geral da União



***First,
do the homework
domestically***



Anticorruption Plan 2020-2025

Strengthen mechanisms to prevent,
detect and sanction acts of corruption

Constant
update to face
new challenges



Legal and
institutional
reforms

Anticorruption Plan 2020-2025

ÓRGÃO	2020	2021	2022	2023	2024	2025	TOTAL
AGU		8	2				10
BCB			1				1
CADE		1	1				2
CGU	6	25	35	8	3	2	79
ME	3	8	8			1	20
MJSP	2	8	9	1		4	22
PF		2	2				6
RFB		2	4	6	1		13
TOTAL GERAL	11	54	62	15	4	7	153

Controladoria-Geral da União
Office of the Comptroller General

<https://www.cgu.gov.br>
assessoria.internacional@cgu.gov.br