

FCPA Update

A Global Anti-Corruption Newsletter



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The Year 2024 in Review: Global Anti-Corruption Developments Amidst Uncertainty

In this first issue of 2025, we review the past year's most significant developments in global anti-corruption enforcement as well as related legislative and policy developments.

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In 2024, DOJ and the SEC resolved FCPA cases involving 11 companies, imposing approximately \$1.67 billion in monetary sanctions. This is lower than the number of corporate resolutions in 2023 (15), but is more than double the financial penalties imposed that year (approximately \$777 million). Consistent with DOJ's persistent messaging that it will prioritize holding culpable individuals accountable, DOJ announced FCPA or FCPA-related charges against 23 individuals and secured more individual convictions at trial in 2024 than ever before.

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These included cases against company officers and employees, intermediaries, and foreign government officials. The SEC also recently brought FCPA charges against individuals for the first time since 2020.

DOJ issued several noteworthy policy updates, including to further incentivize self-disclosure and to increase expectations for corporate compliance programs. These included updates to DOJ's Corporate Enforcement and Voluntary Self-Disclosure Policy ("CEP") and its Evaluation of Corporate Compliance Programs guidelines ("ECCP"), and the announcement of pilot programs to incentivize whistleblowing and self-disclosure by individuals. The common thread is the continued emphasis on incentivizing early self-disclosure and cooperation.

In 2024, U.S. enforcement authorities also continued to build new international partnerships, reinforce existing ones, and find new ways to generate investigative leads, including through data analytics and AI. DOJ and SEC officials also repeatedly reported that there is a robust pipeline of FCPA cases.

Looking ahead, the arrival of the new administration also brings some uncertainty with respect to the relative prioritization of anti-corruption enforcement, especially as to companies. But it is worth remembering that FCPA enforcement remained active during the first Trump Administration, yielding some of the largest settlements in the statute's history.

Another key question is the extent to which President Trump's Administration will maintain, revise, or rescind policies relevant to FCPA enforcement. At least some revisions seem inevitable, especially given the Trump Administration's changes in relatively short order to numerous other preexisting policies. At the same time, certain policies introduced during the first Trump Administration—including DOJ's Policy on Coordination of Corporate Resolution Penalties and guidance relating to evaluating an organization's inability to pay a criminal penalty—remain largely in place and seem less likely to see meaningful changes.

This section reviews the key takeaways from the past year's FCPA enforcement and related legislative and policy developments.

I. Corporate Enforcement Trends

A. Enforcement Actions

DOJ and the SEC resolved FCPA cases involving 11 companies in 2024. These cases involved companies across various industries, including aerospace and defense contracting, commodities trading, consulting, gaming and sport betting, tech services, and telecommunications. Although the number of resolutions was fewer than the 15

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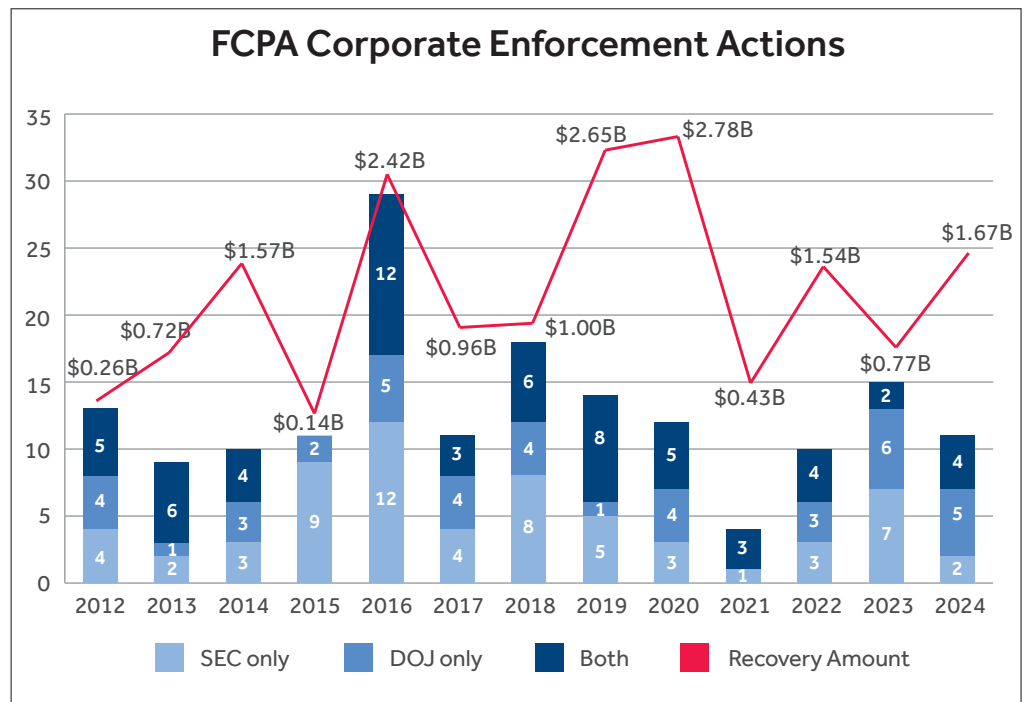
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reached in 2023, the financial penalties more than doubled (\$1.67 billion). The 2024 penalty totals are in line with approximate five- and ten-year averages for total penalties imposed (i.e., \$1.6 billion and \$1.4 billion, respectively).

Nine of the 2024 cases were brought by DOJ and resulted in two corporate guilty pleas, five DPAs, one NPA, and one declination with disgorgement pursuant to the CEP. The SEC’s six cases involved cease-and-desist orders; four of them were parallel resolutions with DOJ. As is typical, all six SEC cases involved alleged violations of the FCPA’s books and records and internal controls provisions. In the four parallel resolutions with DOJ, the SEC alleged also violations of the FCPA’s anti-bribery provisions.

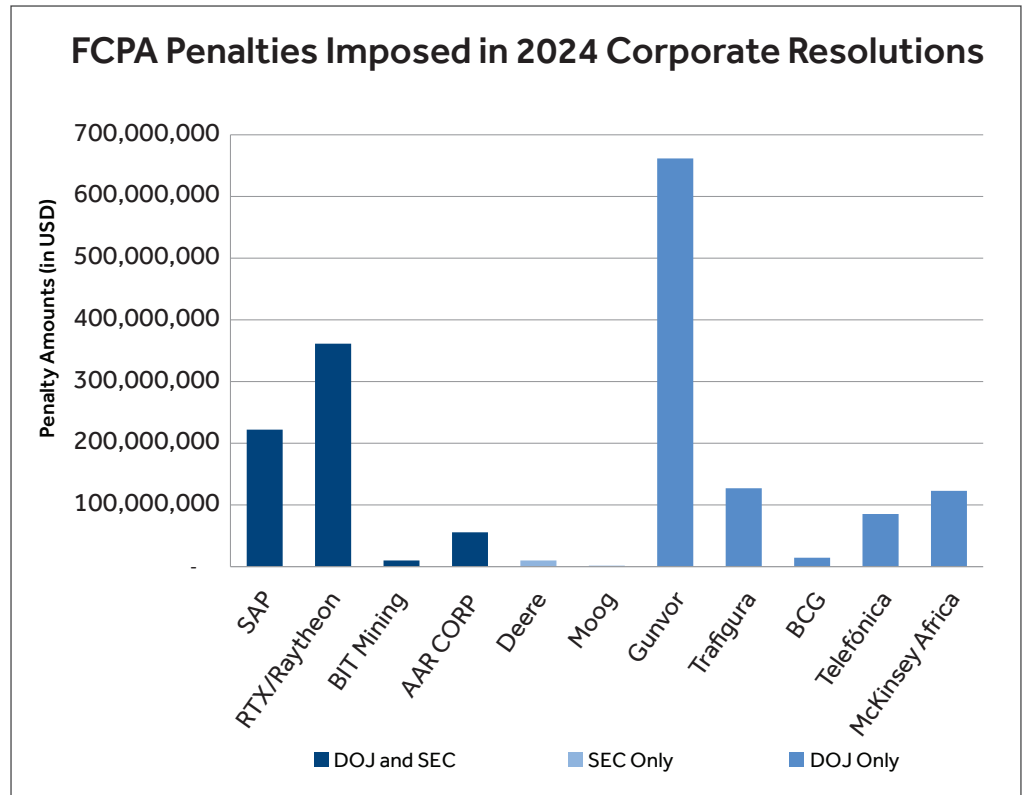
“Although the number of resolutions was fewer than the 15 reached in 2023, the financial penalties more than doubled (\$1.67 billion).”



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Below are several highlights from corporate enforcement in 2024:

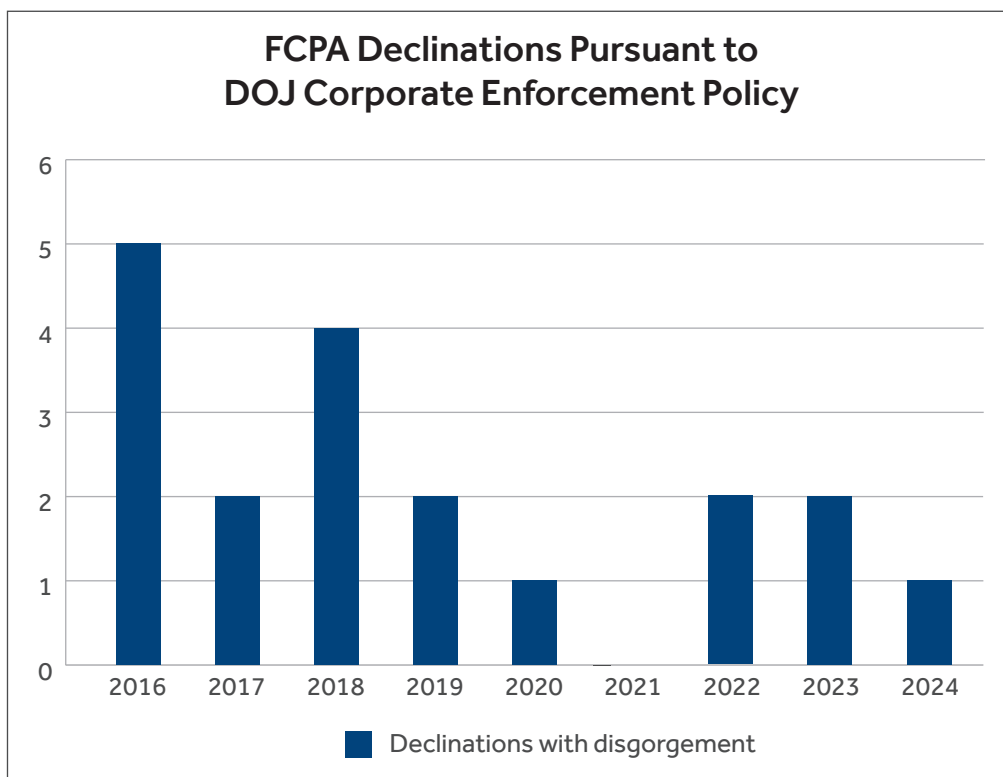
- CEP in action through declinations and penalty discounts:** Several 2024 cases demonstrate DOJ’s CEP in action. The CEP creates a presumption of declinations for companies that voluntarily self-report to DOJ, cooperate with prosecutors, remediate and take steps to prevent future violations, and disgorge any ill-gotten gains. In August, **Boston Consulting Group** (“BCG”) resolved a DOJ investigation into its activities in Angola through a declination pursuant to the CEP. Despite allegedly having evidence of FCPA violations, DOJ declined prosecution due to BCG’s voluntary self-disclosure, proactive cooperation, remediation, and disgorgement of approximately \$14 million in profits. BCG’s remediation included terminating allegedly implicated employees and imposing significant compensation-based penalties, such as withholding bonuses, forfeiting equity, and denying transition benefits.¹ Since a one-year drought in 2021, declinations with disgorgement pursuant to the CEP have continued as a form of resolution, now applied even outside the FCPA context.

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1. See Andrew M. Levine, Douglas S. Zolkind, Andreas A. Glimenakis, and Elizabeth R. White, “Recent FCPA Resolutions Highlight Key Considerations for Companies Operating In High-Risk Jurisdictions” at 2, FCPA Update, Vol. 16, No. 2 (Sept. 2024), <https://www.debevoise.com/insights/publications/2024/09/fcpa-update-september-2024> (“Sept. 2024 FCPA Update”).

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For companies that do not receive full credit for voluntary self-disclosure, the CEP still provides for a discount of up to 50% off the applicable sentencing guidelines range if a company cooperates and remediates, even when DOJ does not view the company as having made a full self-report to qualify for a declination. For example (by order of percentage reduction off the applicable guidelines sentence):

- o Aviation services company **AAR CORP.** entered into an 18-month NPA and received a 45% discount off its penalty in part because DOJ gave significant weight to the company’s good-faith self-report, which was made before the company became aware that the reported conduct already had come to DOJ’s attention 12 days earlier.² The company was also credited for “substantial cooperation and extensive and timely remediation,” including for its proactive efforts to provide the government with findings and strengthening its anti-corruption compliance program.³

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2. U.S. Dep’t of Justice Press Release No. 24-1616, “AAR CORP to Pay Over \$55M To Resolve Foreign Corrupt Practices Act Investigation” (Dec. 19, 2024), <https://www.justice.gov/opa/pr/aar-corp-pay-over-55m-resolve-foreign-corrupt-practices-act-investigation>.

3. Non-Prosecution Agreement Letter from the U.S. Dep’t of Justice at 2, Criminal Division to Daniel S. Kahn, Re: *AAR CORP.*, (Dec. 19, 2024), <https://www.justice.gov/opa/media/1381656/dl> (“AAR NPA”); Order ¶¶ 51-52, *In re AAR CORP.*, Securities Exchange Act Release No. 101987 (Dec. 19, 2024), <https://www.sec.gov/files/litigation/admin/2024/34-101987.pdf> (“AAR SEC Order”).

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- o **SAP SE** received a 40% discount despite not self-disclosing. DOJ credited SAP for its cooperation and timely remediation efforts, which included eliminating third-party sales commissions globally, disciplining relevant employees, and withholding \$109,141 in bonuses from employees suspected of misconduct. This withholding qualified the company for a commensurate fine reduction pursuant to DOJ's March 2023 Compensation Incentives and Clawbacks pilot program.⁴
- o And **McKinsey and Company Africa (Pty) Ltd** ("McKinsey Africa"), a wholly owned subsidiary of McKinsey & Company Inc., received a 35% discount due to its extensive cooperation, including proactive disclosure, evidence preservation, and assistance in uncovering alleged misconduct, as well as timely remedial actions such as enhanced compliance training, ceasing work with state-owned enterprises, and repayment of revenues from tainted contracts.⁵
- o **Telefónica Venezolana C.A.**—which previously had resolved an FCPA action with the SEC in 2019—entered into a DPA with DOJ and agreed to pay more than \$85 million to resolve allegations related to an alleged scheme to bribe government officials in Venezuela to gain access to U.S. dollars in a currency auction. In granting a 20% discount, DOJ noted the company's cooperation and remediation, but also that the company did not timely identify and produce certain information, which DOJ stated negatively affected its investigative efforts.⁶
- **Spotlight on aerospace and defense contracting:** Three of the corporate cases involved companies in the aerospace and defense industry, pushing the total up to five such companies that have resolved FCPA cases in the past two years. In October, **Moog Inc.**, a New York-based global provider of technology used in the aerospace and defense markets, agreed to pay more than \$1.6 million to resolve SEC charges that it violated the FCPA's accounting provisions in connection with bribes allegedly paid by Moog's wholly owned subsidiary in India to government officials to secure railway and aerospace contracts and to exclude competitors from public tenders.⁷

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4. See Winston M. Paes, Jane Shvets, Andreas A. Glimenakis, and José Jesús Martínez III, "SAP Settlement Signals Potential Leniency for Repeat Offenders That Cooperate" at 5, FCPA Update, Vol. 15, No. 7 (Feb. 2024), <https://www.debevoise.com/-/media/files/insights/publications/2024/03/fcpa-update-february-2024.pdf> ("Feb. 2024 FCPA Update").
 5. U.S. Dep't of Justice Press Release No. 24-1520, "McKinsey & Company Africa to Pay Over \$122M in Connection with Bribery of South African Government Officials" (Dec. 5, 2024), <https://www.justice.gov/opa/pr/mckinsey-company-africa-pay-over-122m-connection-bribery-south-african-government-officials> ("McKinsey Africa DOJ Press Release").
 6. U.S. Dep't of Justice Press Release No. 24-1410, "Telefónica Venezolana to Pay Over \$85M to Resolve Foreign Bribery Investigation" (Nov. 8, 2024), <https://www.justice.gov/opa/pr/telefonica-venezolana-pay-over-85m-resolve-foreign-bribery-investigation>.
 7. See Andrew M. Levine, Winston M. Paes, Anya C. Allen, and Andreas A. Glimenakis, "Recent Resolutions Involving Aerospace and Defense Companies Highlight Importance of Third-Party Risk Management and Compliance Culture," at 1-9, FCPA Update Vol. 16, No. 3 (Oct. 2024), <https://www.debevoise.com/insights/publications/2024/10/fcpa-update-october-2024> ("Oct. 2024 FCPA Update").

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Later the same month, **Raytheon Company**, a subsidiary of Virginia-based aerospace and defense company RTX, agreed to pay approximately \$360 million to resolve DOJ and SEC investigations related to alleged schemes to bribe Qatari military and other foreign officials to obtain Qatari military defense contracts. Raytheon entered into a three-year DPA in connection with a criminal information filed in the Eastern District of New York that charged the company with conspiracy to violate the FCPA's anti-bribery provisions and also with conspiracy to violate the Arms and Export Control Act ("AECA") by failing to disclose to the U.S. Department of State the fees and commissions paid to the Qatari official.

Finally, in December 2024, AAR CORP. agreed to pay approximately \$55 million to resolve DOJ and SEC investigations relating to allegations of bribery in Nepal and South Africa.⁸

“Three of the corporate cases involved companies in the aerospace and defense industry, pushing the total up to five such companies that have resolved FCPA cases in the past two years.”

The Raytheon case in particular underscores the risks of a compliance environment that, according to the SEC, gave way to “a wholesale breakdown of the company’s due diligence process and internal accounting controls.”⁹ The resolution highlights the importance of strong third-party risk management programs in higher-risk jurisdictions and ensuring that such programs work in practice. This is particularly so in industries like aerospace and defense that involve extensive interactions with government entities and officials, and where a corruption-related violation can trigger significant collateral consequences related to export control restrictions.

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8. See AAR NPA and AAR SEC Order, *supra* note 3.
 9. Andrew Levine, Winston Paes, Andreas Glimenakis, and Anya C. Allen, “Compliance Lessons From Raytheon’s FCPA Settlement,” Law360 (Dec. 19, 2024), <https://www.law360.com/articles/2275899/compliance-lessons-from-raytheon-s-fcpa-settlement> (citing Raytheon SEC Order ¶ 1).

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- **Multiple DOJ resolutions with commodities trading firms and related individuals:** In March, DOJ reached corporate resolutions with two Swiss-based companies as part of a long-running investigation into allegations of bribery in the commodities trading industry to secure business with state-owned and controlled oil companies in Latin America and Africa. **Gunvor S.A.** pleaded guilty and agreed to pay approximately \$661 million in connection with an alleged scheme to bribe government officials in Ecuador, and **Trafigura Beheer B.V.** pleaded guilty and agreed to pay approximately \$126 million in connection with allegedly bribing government officials in Brazil. Since 2017, DOJ has entered resolutions with six companies in this sector, yielding more than \$1.7 billion in penalties. And at least 20 individuals—including government officials, intermediaries, and employees of trading companies—have pleaded guilty or have been convicted in connection with their alleged roles in the underlying conduct.¹⁰
- **Cooperation with foreign law enforcement partners yields more resolutions:** U.S. authorities continued to expand their network of foreign law enforcement partners, including through the International Corporate Anti-Bribery Initiative (“ICAB”) that was announced in November 2023.¹¹ Having reached its first-ever coordinated resolutions with South Africa in 2022¹² and Colombia in 2023,¹³ DOJ coordinated its first-ever FCPA enforcement action with authorities in Ecuador in the Gunvor case in 2024.¹⁴ As part of this resolution, DOJ agreed to credit up to 25% of the fines paid to authorities in Ecuador and Switzerland against DOJ’s penalty.¹⁵

This past year, DOJ also strengthened existing international partnerships. U.S. authorities worked with their counterparts in South Africa to bring their second and third coordinated anti-bribery resolutions since December 2022. For example, in January, global software company SAP (mentioned above) agreed to pay approximately \$220 million to resolve charges by DOJ and the

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10. U.S. Dep’t of Justice Press Release No. 24-368, “Justice Department’s Investigation into International Commodities Trading Companies’ Foreign Bribery Schemes Results in Six Corporate Resolutions and 20 Individuals Convicted” (Mar. 28, 2024), <https://www.justice.gov/opa/pr/justice-departments-investigation-international-commodities-trading-companies-foreign>.
 11. Brent Wible, Chief Counselor “Chief Counselor Brent Wible Delivers Keynote Speech at the American Conference Institute’s International Conference on the Foreign Corrupt Practices Act” (Dec. 5, 2024), <https://www.justice.gov/opa/speech/chief-counselor-brent-wible-delivers-keynote-speech-american-conference-institutes> (“Dec. 2024 ACI FCPA Conference Keynote”).
 12. U.S. Dep’t of Justice Press Release No. 22-1296, “ABB Agrees to Pay Over \$315 Million to Resolve Coordinated Global Foreign Bribery Case” (Dec. 2, 2022), <https://www.justice.gov/opa/pr/abb-agrees-pay-over-315-million-resolve-coordinated-global-foreign-bribery-case>.
 13. U.S. Dep’t of Justice Press Release No. 23-871, “Corficolombiana to Pay \$80M to Resolve Foreign Bribery Investigations” (Aug. 10, 2023), <https://www.justice.gov/opa/pr/corficolombiana-pay-80m-resolve-foreign-bribery-investigations>.
 14. Dec. 2024 ACI FCPA Conference Keynote, *supra* note 11.
 15. See Andrew M. Levine et al., “Challenges and Opportunities in Latin America’s Ever-Evolving Anti-Corruption Landscape” at 13, FCPA Update, Vol. 15, No. 12 (July 2024), <https://www.debevoise.com/-/media/files/insights/publications/2024/07/fcpa-update-july-2024.pdf>.

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SEC in a coordinated global resolution with South Africa that related to alleged bribery schemes in Azerbaijan, Ghana, Indonesia, Kenya, Malawi, South Africa, and Tanzania. SAP entered into a three-year DPA with DOJ, which credited up to \$55 million in fines paid to South African authorities against DOJ's penalty.¹⁶ And in December, McKinsey Africa (mentioned above) agreed to a three-year DPA and to pay approximately \$122 million to resolve a coordinated action by DOJ and South African authorities related to alleged bribery involving the award of consulting contracts by South African state-owned enterprises. DOJ agreed to credit up to half the fines paid to South African authorities.¹⁷

In addition to formally coordinating resolutions with foreign partners, U.S. authorities publicly thanked foreign counterparts in at least 14 jurisdictions for aiding in connection with seven corporate cases.¹⁸

- **Continued emphasis on the need to timely integrate acquired entities into the acquirer's compliance program:** The SEC and DOJ continue to stress the importance of timely and effectively integrating acquired entities into the acquirer's compliance program. In September 2024, agricultural machinery manufacturer **Deere & Company** agreed to pay \$10 million to resolve an SEC investigation into alleged bribery involving its wholly owned subsidiary, Wirtgen Thailand. Following its 2017 acquisition of road-equipment manufacturer Wirtgen Group, Deere allegedly failed to integrate the Wirtgen Thai subsidiary into its compliance program, which the SEC said allowed improper payments to foreign officials and customers to go undetected. This emphasis on identifying and remediating misconduct at newly or soon-to-be acquired entities and integrating them into the new parent companies' compliance programs aligns also with the six-month M&A safe harbor that DOJ announced in 2023. The safe harbor offers the possibility of declinations for companies that voluntarily self-disclose misconduct at newly-acquired entities within six months of the acquisition.¹⁹
- **First monitorship in an FCPA case since May 2022:** The RTX/Raytheon matter marks the first monitorship imposed by DOJ and the SEC in an FCPA matter in approximately 2.5 years. According to the DPA, and consistent with prior DOJ statements, the monitorship was imposed because certain key portions of Raytheon's compliance program were either under development

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16. Feb. 2024 FCPA Update, *supra* note 4.

17. McKinsey Africa DOJ Press Release, *supra* note 5.

18. These included, for example, authorities in Brazil, Cayman Islands, Colombia, Curacao, Ecuador, Hong Kong, Japan, Luxembourg, Panama, Portugal, Singapore, South Africa, Switzerland, and Uruguay.

19. Sept. 2024 FCPA Update, *supra* note 1.

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or had been newly enhanced but not yet fully implemented or tested at the time of the resolution.²⁰

- **Failure is not a defense:** Several of the alleged bribery schemes investigated by DOJ and the SEC this year yielded minimal profit for the companies involved, but nonetheless drew the enforcement authorities' attention. Both **BIT Mining**, which was formerly an online sports lottery business known as 500.com Ltd. ("500.com"), and Raytheon resolved DOJ and SEC investigations related to unprofitable schemes. BIT Mining's \$10 million settlement related to an alleged plan to bribe government officials to support 500.com's ultimately unsuccessful efforts to open a gambling resort in Japan. Raytheon's settlement related to an alleged scheme to bribe military officials in Qatar to obtain military defense contracts, including one that ultimately did not proceed.²¹

“The SEC and DOJ continue to stress the importance of timely and effectively integrating acquired entities into the acquirer’s compliance program.”

B. Heat Map by Geography

In 2024, U.S. authorities resolved corporate investigations involving alleged misconduct in at least 16 jurisdictions.²² These included countries in Africa, Asia, and South America, and what appear to have been the first FCPA actions based on alleged misconduct occurring in Japan and Malawi. Notably, Japan ranks sixteenth on Transparency International's Corruption Perception Index (a very positive score), which highlights the importance of maintaining effective anti-corruption compliance controls even in jurisdictions perceived to be lower risk.²³

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20. Oct. 2024 FCPA Update, *supra* note 7, at 8; Deferred Prosecution Agreement, *United States v. Raytheon Company*, Case No. 24-cr-00399, ¶ 4(g) (E.D.N.Y. Oct. 16, 2024), <https://www.justice.gov/d9/2024-10/dpa.pdf>.

21. Andrew M. Levine, Winston M. Paes, Andreas A. Glimenakis, and Ricardo Hughes, "U.S. Authorities Settle with Former Sports Lottery Business and Charge Former Top Executive" at 1-7, FCPA Update, Vol. 16, No. 4 (Nov. 2024), <https://www.debevoise.com/insights/publications/2024/11/fcpa-update-november-2024> ("Nov. 2024 FCPA Update"); Oct. 2024 FCPA Update, *supra* note 7, at 3-4.

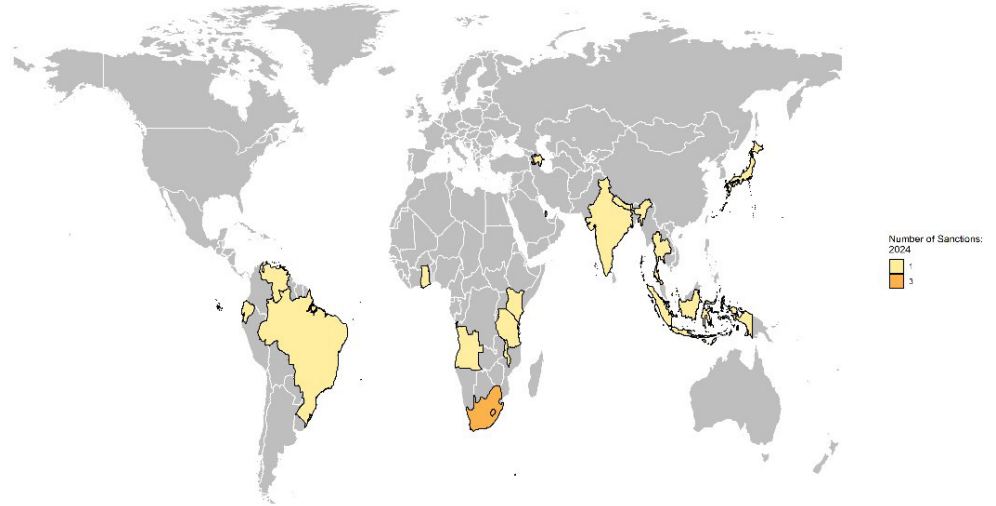
22. In 2024, U.S. authorities also announced charges against individuals involving alleged misconduct in at least ten jurisdictions. Of particular focus was Asia, where at least 14 individuals were charged, including at least eight individuals in India, four in the Philippines, and one in Japan. Other regions of note include South and Central America, where at least four individuals were charged, and Africa, where at least two individuals were charged.

23. Nov. 2024 FCPA Update, *supra* note 21, at 2, 5.

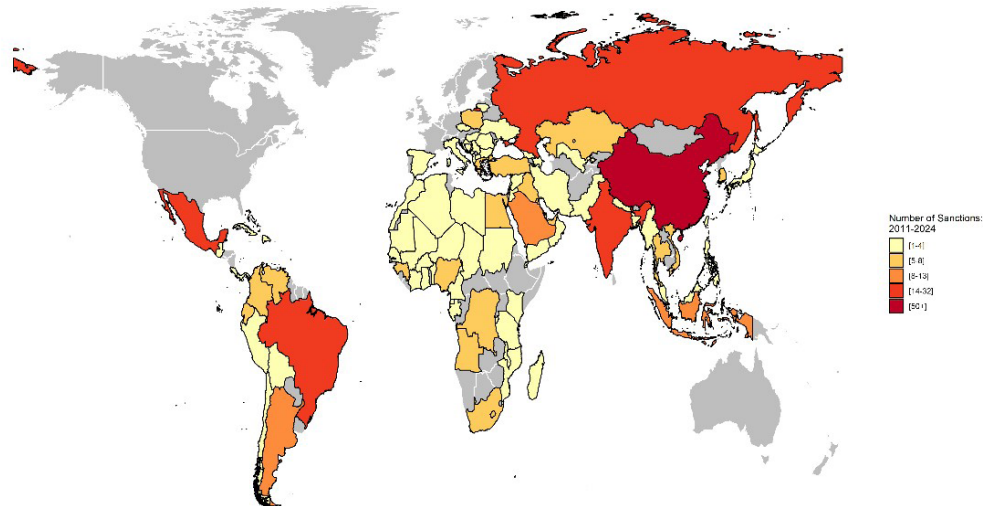
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Corporate Resolutions: 2024 Heat Map



Corporate Resolutions: 2011-2024 Heat Map



II. FCPA Enforcement Against Individuals

In 2024, DOJ and the SEC announced FCPA or FCPA-related charges against at least 23 individuals in foreign bribery cases.²⁴ As noted, DOJ has continued to emphasize individual accountability as its “number one priority.”²⁵ This commitment was demonstrated by four trial convictions that DOJ secured in 2024 and the first year-over-year increase in the number of individuals DOJ charged since 2019,

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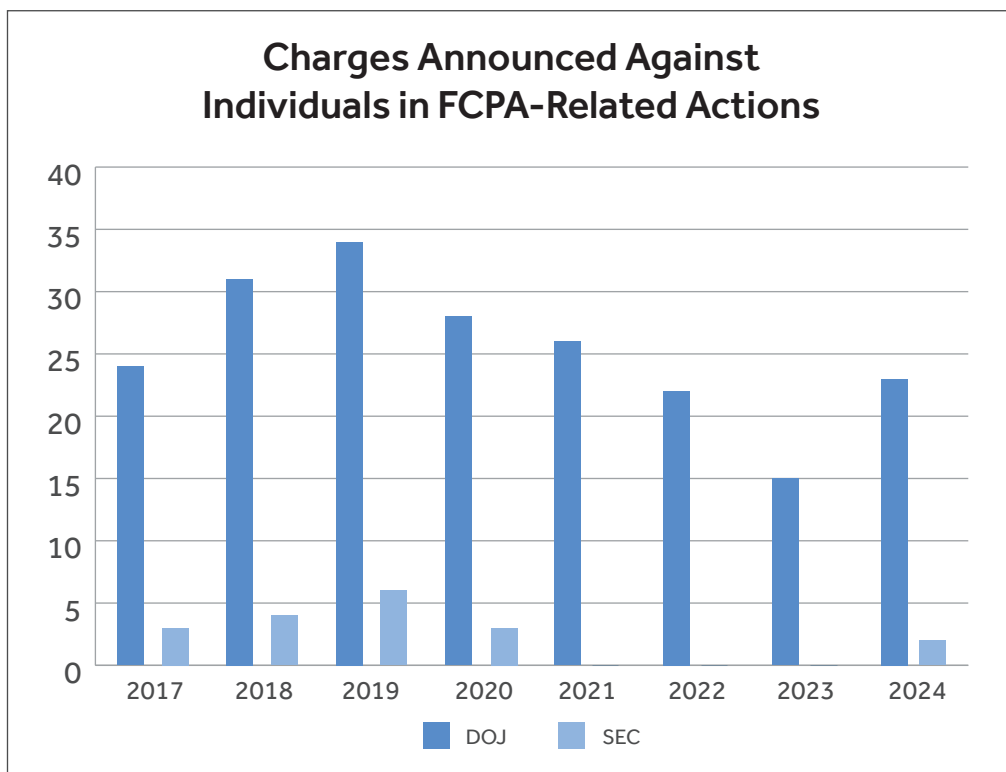
24. U.S. Dep’t of Justice, Fraud Section, Year in Review at 5 (Jan. 2025), <https://www.justice.gov/criminal/media/1385111/dl?inline>.

25. See Dec. 2024 ACI FCPA Conference Keynote, *supra* note 11.

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though the number of individuals charged was a bit below the historically high number charged between 2018 and 2021. For the first time since 2020, the SEC also announced charges against individuals for alleged FCPA violations.



A. DOJ Trial Updates

DOJ won four FCPA-related individual convictions at trial, the most ever in a single year.²⁶

- Former Vitol Trader** In February, after a trial in the Eastern District of New York, a former Vitol trader was convicted of conspiracy to violate the FCPA, violating the FCPA, and conspiracy to commit money laundering.²⁷ The conviction was based on the former trader’s alleged bribe payments to Ecuadorian and Mexican officials to secure contracts to purchase oil for Vitol, which paid more than \$135 million in a corporate resolution in 2020. In August, the former trader also pleaded guilty to conspiring to violate the FCPA and violating the

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26. *Id.*

27. U.S. Dep’t of Justice Press Release No. 24-213, “Oil and Gas Trader Convicted for Role in Foreign Bribery and Money Laundering Scheme” (Feb. 23, 2024), <https://www.justice.gov/opa/pr/former-oil-and-gas-trader-convicted-role-foreign-bribery-and-money-laundering-scheme>.

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Travel Act for conduct related to the same alleged scheme in Mexico that had to be refiled in the Southern District of Texas due to venue objections.²⁸

- **Former Comptroller General of Ecuador:** In April, the former Comptroller General of Ecuador was convicted at trial in the Southern District of Florida of conspiracy and substantive money laundering violations for his role in soliciting and receiving over \$10 million in bribe payments from Odebrecht S.A., the Brazil-based construction conglomerate that had reached a \$2.6 billion FCPA resolution in 2016. The former comptroller, who allegedly took bribes in exchange for removing or not imposing fines on Odebrecht projects, was sentenced to 10 years in prison and ordered to forfeit \$16.5 million.²⁹ In November, the former comptroller's son pleaded guilty to helping his father launder the proceeds of the alleged bribes.³⁰
- **Former Finance Minister of Mozambique:** In August, following a four-week trial in the Eastern District of New York, the former Finance Minister of Mozambique was convicted of conspiracy to commit wire fraud and conspiracy to commit money laundering. The conviction related to his role in an alleged bribery scheme tied to misappropriating funds from \$2 billion in loans intended for projects to develop Mozambique's fishing industry. On January 17, 2025, the former finance minister was sentenced to 8.5 years in prison and ordered to forfeit \$7 million.³¹
- **Former Energy Trader:** In September, following a trial in the District of Connecticut, a former energy trader was convicted of conspiracy and substantive FCPA and money laundering violations stemming from the former trader's alleged payment of bribes to officials at Brazilian state-owned energy company Petrobras to secure contracts for Arcadia Fuels Ltd. and Freepoint Commodities LLC, which had paid more than \$98 million in a corporate resolution in December 2023.³²

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28. U.S. Dep't of Justice Press Release No. 24-1043, "Former Energy Trader for Vitol Inc. Pleads Guilty to International Bribery Scheme" (Aug. 22, 2024), <https://www.justice.gov/opa/pr/former-energy-trader-vitol-inc-pleads-guilty-international-bribery-scheme>.
 29. U.S. Dep't of Justice Press Release No. 24-1243, "Former Comptroller General of Ecuador Sentenced in International Bribery and Money Laundering Scheme" (Oct. 1, 2024), <https://www.justice.gov/opa/pr/former-comptroller-general-ecuador-sentenced-international-bribery-and-money-laundering>; U.S. Dep't of Justice Press Release No. 24-502, "Former Comptroller General of Ecuador Convicted for \$10M International Bribery and Money Laundering Scheme" (April 24, 2024), <https://www.justice.gov/opa/pr/former-comptroller-general-ecuador-convicted-10m-international-bribery-and-money-laundering>.
 30. U.S. Dep't of Justice Press Release No. 24-1422, "Ex-Banker Pleads Guilty in \$16M International Bribery and Money Laundering Scheme Involving Former Comptroller General of Ecuador" (Nov. 13, 2024), <https://www.justice.gov/opa/pr/ex-banker-pleads-guilty-16m-international-bribery-and-money-laundering-scheme-involving>.
 31. U.S. Dep't of Justice Press Release, "Former Finance Minister Of Mozambique Sentenced to 102 Months' Imprisonment for His Role in \$2 Billion Fraud and Money Laundering Scheme" (Jan. 17, 2025), <https://www.justice.gov/usao-edny/pr/former-finance-minister-mozambique-sentenced-102-months-imprisonment-his-role-2>; U.S. Dep't of Justice Press Release No. 24-995, "Former Finance Minister of Mozambique Convicted of \$2B Fraud and Money Laundering Scheme" (Aug. 8, 2024), <https://www.justice.gov/opa/pr/former-finance-minister-mozambique-convicted-2b-fraud-and-money-laundering-scheme>.
 32. U.S. Dep't of Justice Press Release No. 24-1209, "Former Connecticut-Based Energy Trader Convicted of International Bribery Scheme" (Sept. 26, 2024), <https://www.justice.gov/opa/pr/former-connecticut-based-energy-trader-convicted-international-bribery-scheme>.

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On January 23, 2025, the former trader requested that a judge either acquit him because prosecutors failed to show that the misconduct took place within the statute of limitations or allow a new trial because of improper jury instructions.³³

B. Individual DOJ Enforcement Actions Related to Corporate Resolutions

At least five of DOJ's nine corporate cases in 2024 involved charges against individuals—in 2024 or previously—for FCPA and/or money laundering offenses, including company employees, intermediaries who served as middlemen to facilitate alleged bribe payments, and foreign officials who allegedly received or transferred the alleged bribe payments. For example, when DOJ entered into its DPA with BIT Mining, it also unsealed charges against 500.com's former CEO for allegedly directing consultants to pay and conceal nearly \$2 million in bribes to Japanese officials in an unsuccessful attempt to secure a contract.³⁴ And between 2020 and 2022, four individuals pleaded guilty for their involvement in Gunvor's alleged scheme to bribe government officials in Ecuador to secure business with Petroecuador, Ecuador's state-controlled oil company.³⁵

“In 2024, DOJ and the SEC announced FCPA or FCPA-related charges against at least 23 individuals in foreign bribery cases.”

Several individuals facing charges in 2024 did so years after companies settled related FCPA enforcement actions. For example, in February and March 2024, DOJ announced that it had charged a former senior vice president and former finance director of Stericycle's Latin American Division for allegedly making and concealing \$10.5 million in bribes to officials in Argentina, Brazil, and Mexico to secure government contracts for waste management services. Stericycle paid more than \$80 million to resolve charges brought by U.S. and Brazilian authorities related

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33. Memorandum of Law in Support of Defendant Glenn Oztemel's Motion for a Judgement of Acquittal or, In the Alternative, A New Trial, *United States v. Glenn Oztemel*, No. 3:23-cr-00026-KAD (D. Conn. Jan. 23, 2025), Doc. No. 379-1.

34. Nov. 2024 FCPA Update, *supra* note 21, at 1-7.

35. U.S. Dep't of Justice Press Release No. 24-237, "Commodities Trading Company Will Pay Over \$661M to Resolve Foreign Bribery Case" (Mar. 1, 2024), <https://www.justice.gov/opa/pr/commodities-trading-company-will-pay-over-661m-resolve-foreign-bribery-case>.

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to the alleged scheme in April 2022. The senior vice president pleaded guilty and was sentenced to seven months in prison;³⁶ the case against the former finance director is ongoing.³⁷

And in March, DOJ announced a plea agreement with the former vice president and general manager of Maxwell Technologies S.A., a wholly owned subsidiary of Maxwell that manufactured and sold energy technology. The guilty plea to violating the FCPA's books and records provisions came more than a decade after the former executive was indicted following Maxwell's 2011 DPA. In 2024, the former executive, a Swiss citizen, voluntarily traveled to the United States to face the 2013 charges. He was sentenced to two years of probation and ordered to pay a \$55,000 criminal fine.³⁸

C. (Thus Far) Standalone Enforcement Actions Against Individuals

DOJ and the SEC also announced several charges against individuals in cases that, to date, do not relate to corporate enforcement actions. For example, in November, DOJ indicted the billionaire chair of a major Indian conglomerate and seven other individuals in connection with an alleged scheme to pay Indian government officials over \$250 million in bribes between 2020 and 2024 to secure government solar energy supply contracts for two Indian renewable energy companies. Five individuals were charged with conspiracy to violate the FCPA. The chair and several others were charged with conspiracy to commit securities and wire fraud and substantive securities fraud for allegedly misrepresenting the robustness of their company's anti-corruption practices and concealing the alleged bribery from U.S. investors.³⁹ The SEC also charged one individual with violating the FCPA for his alleged role in the scheme.⁴⁰

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36. Judgment, *United States v. Gomez Baez*, No. 1:24-cr-20050-KMW (S.D. Fla. July 2, 2024), Doc. No. 43; Superseding Information, *United States v. Gomez Baez*, No. 1:24-cr-20050-KMW (S.D. Fla., Feb. 14, 2024), <https://www.justice.gov/criminal/media/1345101/dl?inline>; see also Kara Brockmeyer et al, "How Offering Cookies and Chocolates Can Expand Your Business: Stericycle Settles Parallel U.S. and Brazilian Bribery Investigations," FCPA Update, Vol. 13, No. 10 (May 2022), <https://www.debevoise.com/insights/publications/2022/05/fcpa-update-may-2022>.
37. U.S. Dep't of Justice Press Release, "Former Finance Director Charged for Role in \$10M Foreign Bribery Scheme" (Mar. 19, 2024), <https://www.justice.gov/usao-sdfl/pr/former-finance-director-charged-role-10m-foreign-bribery-scheme>.
38. Judgment, *United States v. Alain Riedo*, No. 3:13-cr-03789-JM (S.D. Cal May 20, 2024) Doc No. 35; Defendant Alain Riedo's Sentencing Memorandum, *United States v. Alain Riedo*, No. 3:13-cr-03789-JM (S.D. Cal. May 13, 2024), Doc. No. 30, p. 2; Plea Agreement, *United States v. Alain Riedo*, No. 3:13-cr-03789-JM (S.D. Cal. Mar. 7, 2024), <https://www.justice.gov/criminal/media/1376111/dl?inline>.
39. U.S. Dep't of Justice Press Release, "Billionaire Chairman of Conglomerate and Seven Other Senior Business Executives Indicted in Connection With Scheme to Pay Hundreds of Millions of Dollars in Bribes and Conceal Bribery Scheme From U.S. Investors" (Nov. 20, 2024), <https://www.justice.gov/usao-edny/pr/billionaire-chairman-conglomerate-and-seven-other-senior-business-executives-indicted>.
40. U.S. Sec. & Exch. Comm'n Press Release No. 2024-181, "SEC Charges Three Senior Executives in Two Actions Alleging Massive Bribery Scheme Involving Indian Energy Companies Adani Green and Azure Power" (Nov. 20, 2024), <https://www.sec.gov/newsroom/press-releases/2024-181>.

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In October, DOJ charged a Venezuelan television news network owner with conspiracy to launder funds allegedly received from Venezuela's state-owned and state-controlled energy company, PDVSA.⁴¹ And in August, three executives of an election voting machine company and the former Chairman of the Commission on Elections in the Philippines were indicted for an alleged bribery scheme to secure business related to election services for the 2016 election in the Philippines.⁴²

III. FCPA-Related Policy Updates and Other Developments

A. Enforcement Policy Updates

In 2024, DOJ announced several significant updates to its corporate enforcement policies and introduced reporting pilot programs for whistleblowers and individuals involved in the underlying wrongdoing—all of which seek to incentivize disclosure and cooperation.

1. Corporate Whistleblower Awards Pilot Program

In August 2024, DOJ launched its Corporate Whistleblower Awards Pilot Program for a three-year trial period. Under the program, a whistleblower who provides DOJ with original information about corporate misconduct may be eligible for a financial award of up to 30% of the first \$100 million in net proceeds forfeited and up to 5% of any net proceeds forfeited between \$100 million and \$500 million.⁴³

The program is modeled on, and intended to fill gaps in, existing whistleblower programs run by the SEC, the Commodity Futures Trading Commission, and the Financial Crimes Enforcement Network ("FinCEN").⁴⁴ Accordingly, it is focused on four areas of enforcement not covered by other whistleblower programs:

- Certain crimes involving financial institutions and their employees, including money laundering, financial fraud, obstructing or defrauding financial regulators, and failing to register a money transmitting business (possibly including certain cryptocurrency firms);

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41. U.S. Dep't of Justice Press Release No. 24-1341, "Venezuelan Television News Network Owner Charged in Alleged \$1.2B Money Laundering Scheme" (Oct. 23, 2024), <https://www.justice.gov/opa/pr/venezuelan-television-news-network-owner-charged-alleged-12b-money-laundering-scheme>. The television news network owner, who is a fugitive in a separately charged matter after having been indicted in 2018 and 2020 on bribery and money laundering charges, remains at large.
 42. U.S. Dep't of Justice Press Release No. 24-989, "Four Men Charged in Philippine Bribery and Money Laundering Scheme" (Aug. 8, 2024), <https://www.justice.gov/opa/pr/four-men-charged-philippine-bribery-and-money-laundering-scheme>.
 43. U.S. Dep't of Justice "Criminal Division Corporate Whistleblower Awards Pilot Program" (updated Aug. 1, 2024), <https://www.justice.gov/criminal/criminal-division-corporate-whistleblower-awards-pilot-program>; Helen V. Cantwell, et al., "DOJ Launches Program Offering Financial Awards to White-Collar Whistleblowers," Debevoise Debrief (Aug. 5, 2024), <https://www.debevoise.com/insights/publications/2024/08/doj-launches-program-offering-financial-awards>.
 44. U.S. Dep't of Justice, "Corporate Whistleblower Awards Pilot Program" at 1, <https://www.justice.gov/criminal/media/1362326/dl?inline>.

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- Foreign corruption involving privately held companies and others that are not issuers of U.S. securities (those are covered by the SEC’s whistleblower program), including violations of the FCPA, the Foreign Extortion Prevention Act, and money laundering statutes;
- Domestic corruption involving companies, including payment of bribes or kickbacks to federal, state, or local officials; and
- Health care fraud schemes targeting private insurers not covered by the False Claims Act.⁴⁵

“In 2024, DOJ announced several significant updates to its corporate enforcement policies and introduced self-reporting pilot programs for whistleblowers and individuals involved in the underlying wrongdoing—all of which seek to incentivize disclosure and cooperation.”

The program rewards whistleblowers who voluntarily share original information, provided that the information results in a successful forfeiture and that the whistleblower did not “meaningfully participate” in the criminal conduct. A whistleblower’s submission of information is considered “voluntary” if it occurs in the absence of an affirmative reporting obligation or a government investigation or threat of imminent disclosure to the government or the public, and before the whistleblower receives any request for information from the authorities. “Original information” is information derived from the whistleblower’s “independent knowledge” or “independent analysis” that is nonpublic and not previously known to DOJ, including information that “materially adds” to the information DOJ possesses.⁴⁶

Whistleblowers who first report original information internally (for example, through their companies’ hotlines or other reporting structures) must report the information to DOJ within 120 days of the internal report to be eligible for an award.⁴⁷ The CEP now provides that companies that report to DOJ within 120 days of receiving a whistleblower’s internal report are eligible for a declination.⁴⁸

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45. See *id.*; see also U.S. Dep’t of Justice, “Department of Justice Corporate Whistleblower Awards Pilot Program,” at 5–6 (Aug. 1, 2024), <https://www.justice.gov/criminal/media/1362321/dl?inline> (“DOJ Corporate Whistleblower Awards Pilot Program”).

46. DOJ Corporate Whistleblower Awards Pilot Program, *supra* note 45, at 1–4, 6.

47. *Id.* at 7.

48. U.S. Dep’t of Justice, “Criminal Division Corporate Enforcement and Voluntary Self-Disclosure Policy,” at 9, <https://www.justice.gov/criminal/criminal-fraud/file/1562831/dl?inline>.

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As of early December 2024, DOJ reported receiving approximately 250 unique submissions under the program, with 60 under close review.⁴⁹

2. Pilot Program on Voluntary Self-Disclosures for Individuals

In April 2024, DOJ announced a pilot program focused on voluntary self-disclosures by individuals, pursuant to which and if certain conditions are met, DOJ will enter into an NPA with the individual in exchange for self-disclosure, full cooperation with authorities, and payment of any applicable penalties (such as disgorgement or restitution). DOJ stated that this program provides transparency regarding the circumstances in which NPAs will be offered to incentivize individuals to provide useful information. But prosecutors retain discretion to offer an NPA pursuant to the program, including when the criteria are not fully met.⁵⁰

3. Corporate Enforcement Policy

In November 2024, DOJ announced several important changes to its CEP.⁵¹ These changes are intended to incentivize companies to self-disclose misconduct, cooperate with DOJ, and remediate any wrongdoing even if they fall short of the strict requirements for “voluntary self-disclosures” under the CEP.⁵²

First, pursuant to the revised CEP, a company that acts in good faith to self-report, fully cooperate, and timely and appropriately remediate may receive significant benefits even if the self-disclosure did not technically qualify as a “voluntary self-disclosure” (for example, if it was not “reasonably prompt”). These benefits may include an NPA, increased credit for cooperation and remediation, and a shorter NPA term.

Second, prosecutors may consider a company’s good-faith self-disclosure of information already known to DOJ even though a “voluntary self-disclosure” must involve disclosure of information of which DOJ was not already aware. However, the company will not be eligible for a declination with disgorgement unless it discloses information of which the DOJ was not already aware.

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49. Dec. 2024 ACI FCPA Conference Keynote, *supra* note 11.

50. U.S. Dep’t of Justice “The Criminal Division’s Pilot Program on Voluntary Self-Disclosures for Individuals” (Apr. 15, 2024), <https://www.justice.gov/criminal/media/1347991/dl?inline>; U.S. Dep’t of Justice “Criminal Division Pilot Program On Voluntary Self-Disclosures For Individuals” (updated Sept. 19, 2024), <https://www.justice.gov/criminal/criminal-division-pilot-program-voluntary-self-disclosures-individuals>.

51. U.S. Dep’t of Justice, Principal Deputy Assistant Attorney General Nicole M. Argentieri, “Transparency in Criminal Division Enforcement” (Nov. 22, 2024), <https://www.justice.gov/archives/opa/blog/transparency-criminal-division-enforcement>.

52. Helen V. Cantwell, Andrew M. Levine, Winston M. Paes, Jane Shvets, Douglas S. Zolkind, and Erich O. Grosz, “DOJ Revises Policy to Incentivize Companies to Self-Report Even If They Cannot Meet All Voluntary Self-Disclosure Requirements” at 8, FCPA Update, Vol. 16, No. 4 (Dec. 4, 2024), <https://www.debevoise.com/-/media/files/insights/publications/2024/12/fcpa-update-november-2024.pdf>.

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Third, “significant profit” from the alleged bribery scheme is no longer considered an aggravating circumstance that could make a company ineligible for a presumption of declination.⁵³ Both Albermarle (2023) and AAR CORP. (2024) received 45% discounts and resolved matters via NPAs in connection with their good-faith self-reports.

4. Evaluation of Corporate Compliance Programs

On September 23, 2024, DOJ updated its guidance to federal prosecutors related to the “Evaluation of Corporate Compliance Programs.” This framework and list of questions, which DOJ uses to evaluate companies’ compliance programs when making charging decisions, had been updated last in March 2023 to address more directly compliance-promoting compensation structures and the use and monitoring of off-system communications. This version now addresses how companies manage risks associated with emerging technology and expands on prior guidance regarding employee reporting channels, whistleblower protection, and post-acquisition integration.⁵⁴

Notably, DOJ now asks prosecutors to consider what technology (including AI) a company uses to conduct business, whether the company has conducted a risk assessment regarding the use of such technology, and whether the company has taken appropriate measures to mitigate risks associated with the technology.

The updated ECCP’s greatest impact likely will be on how companies tailor their compliance programs to address new technologies, particularly the expectation that companies will have conducted a risk assessment regarding the use of AI and taken appropriate steps to mitigate associated risks. To meet those expectations, companies that have deployed AI for significant business or compliance operations should be prepared to explain how they use AI, its related risk factors, and their underlying decision-making process. Companies also should be prepared to explain the risk testing, monitoring, and documentation of AI use.⁵⁵

B. Other Developments

1. SEC Whistleblower Reports and Awards

In Fiscal Year (“FY”) 2024, the SEC received 24,980 whistleblower tips, an increase of approximately one-third from FY 2023’s total. Notably, more than 14,000 of this year’s tips came from just two individuals, who also had submitted over 7,000 tips in FY 2023.

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53. *Id.* at 8-9.

54. Helen V. Cantwell et al., “DOJ Updates Guidance on Corporate Compliance Programs to Include AI Risk Management” Debevoise Update (Sept. 25, 2024), <https://www.debevoise.com/insights/publications/2024/09/doj-updates-guidance-on-corporate-compliance-pro> (Sept. 2024 Debevoise Update”); U.S. Dep’t of Justice, Criminal Division, “Evaluation of Corporate Compliance Programs” (Sept. 2024), <https://www.justice.gov/criminal/criminal-fraud/page/file/937501/dl>.

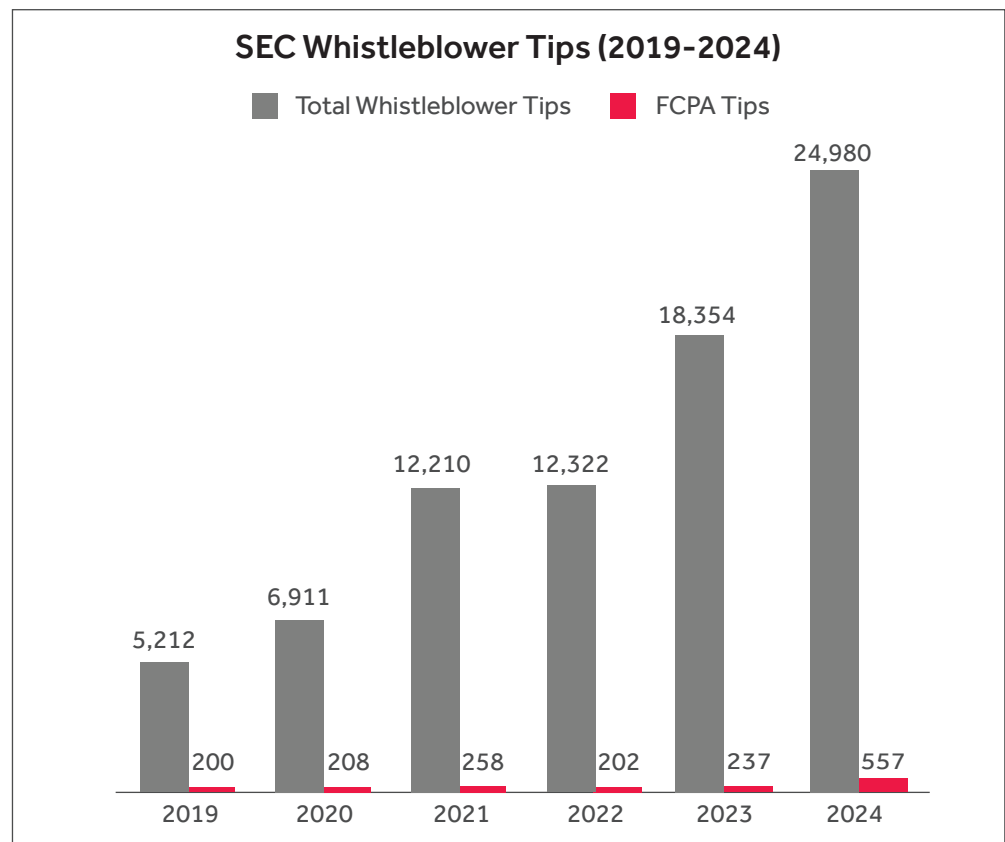
55. Sept. 2024 Debevoise Update, *supra* note 54.

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Excluding those two individuals’ tips, the FY 2024 tip totals are slightly below FY 2023 (approximately 10,980 in FY 2024 versus approximately 11,354 in FY 2023), which are largely in line with 2021-22 numbers. This year’s tips yielded more than \$255 million in whistleblower awards, a figure in line with FY 2022’s \$229 million.⁵⁶ Notably, the number of FCPA-related tips jumped significantly in FY 2024, from roughly 200 tips per year between FYs 2019 and 2023 to more than 500 in FY 2024.

The SEC brought 11 enforcement actions against companies that allegedly impeded whistleblowers from communicating with the SEC, more than ever before. These included an action against J.P. Morgan imposing an \$18 million penalty—the largest-ever penalty for a standalone violation of the Dodd-Frank whistleblower protection rule. The J.P. Morgan resolution was part of a broader effort to target regulated entities that maintained confidentiality agreements or related restrictions that allegedly did or could impede whistleblowing.⁵⁷



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56. U.S. Sec. & Exch. Comm’n, Office of the Whistleblower, “Annual Report to Congress for Fiscal Year 2024” (Nov. 15, 2024), <https://www.sec.gov/files/fy24-annual-whistleblower-report.pdf>.

57. Kara Brockmeyer et al., “SEC Brings Whistleblower Action Over Retail Client Agreements,” Debevoise Client Alert (Jan. 24, 2025), <https://www.debevoise.com/insights/publications/2024/01/sec-brings-whistleblower-action-over-retail-client>.

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2. FinCEN's Beneficial Ownership Reporting Regime

Beneficial ownership reporting obligations pursuant to the Corporate Transparency Act and its implementing regulations issued by FinCEN (together, the "CTA") went into effect on January 1, 2024 for reporting companies created or registered to do business in the United States after such date. Reporting companies created or registered to do business in the United States before January 1, 2024 were required to file initial beneficial ownership information reports by January 1, 2025, but reporting obligations for companies within the CTA's scope have been paused due to litigation challenging the CTA's constitutionality.⁵⁸

Such challenges to the CTA's constitutionality have been brought across a series of lawsuits. On March 1, 2024, the U.S. District Court for the Northern District of Alabama found the CTA to be unconstitutional, but limited its holding to the plaintiffs in that matter.⁵⁹ On December 3, 2024, the U.S. District Court for the Eastern District of Texas issued a nationwide preliminary injunction temporarily enjoining enforcement of the CTA against any companies in its scope.⁶⁰ On January 23, 2025, the Supreme Court stayed this injunction, but a separate stay of FinCEN's implementing regulations issued on January 7, 2025 by a different federal judge in the Eastern District of Texas continues to block the implementation and enforcement of the CTA.⁶¹ Various other cases challenging the CTA also remain pending.

The CTA's beneficial ownership requirements, if reinstated, could assist DOJ in investigating and prosecuting corrupt foreign officials. It remains to be seen whether the reporting obligations will survive the constitutional challenges and whether the new administration will take a different approach to the ongoing litigation. Other efforts also are being made to overturn the CTA. Several bills to repeal the CTA have been introduced in the new Congress, although it is too early in the legislative process to know if these bills will be enacted.⁶²

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58. Satish M. Kini et al., "CTA Reporting Remains on Pause After Supreme Court Stays Injunction," Debevoise Debrief (Jan. 27, 2025), <https://www.debevoise.com/insights/publications/2025/01/cta-reporting-remains-on-pause-after-supreme-court>; Satish M. Kini et al., "CTA Reporting Paused Once Again" Debevoise Debrief (Dec. 27, 2024), <https://www.debevoise.com/insights/publications/2024/12/cta-update-reporting-pause-reinstated>.
59. Satish M. Kini et al., "Corporate Transparency Act Ruled Unconstitutional, but Scope of Judgment Is Limited" Debevoise Debrief (Mar. 5, 2024), <https://www.debevoise.com/insights/publications/2024/03/corporate-transparency-act-ruled-unconstitutional>.
60. *Texas Top Cop Shop, Inc. v. McHenry*, No. 4:24-CV-478, 2024 WL 5049220 (E.D. Tex. Dec. 5, 2024); see also Satish M. Kini et al., "Is the CTA Dead? U.S. District Court Issues Nationwide Preliminary Injunction" Debevoise Debrief (Dec. 5, 2024), <https://www.debevoise.com/insights/publications/2024/12/is-the-cta-dead-us-district-court-issues-nation>. In late December 2024, a motions panel of the U.S. Court of Appeals for the Fifth Circuit briefly stayed that injunction, reinstating beneficial ownership reporting obligations, but a merits panel quickly reversed course. See, e.g., *Texas Top Cop Shop, Inc. v. McHenry*, No. 24-40792, 2024 WL 5203138 (5th Cir. Dec. 23, 2024); *Texas Top Cop Shop, Inc. v. McHenry*, No. 24-40792, 2024 WL 5224138 (5th Cir. Dec. 26, 2024).
61. See Satish M. Kini et al., "CTA Reporting Remains on Pause After Supreme Court Stays Injunction," *supra* note 58.
62. This information is subject to change based on legal or legislative developments and is updated as of January 27, 2025. If you would like to keep up with the latest developments in this area, please contact Aseel Rabie (arabie@debevoise.com) or Greer Hunter (ghunter@debevoise.com).

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2024 was an important year for the UK Serious Fraud Office (“SFO”) in defining its strategic vision under its new Director, Nick Ephgrave QPM, who assumed the role in September 2023. The SFO has continued to focus on prosecutions rather than DPAs, with an increase in funding and better use of new technologies intended to bolster its capabilities in 2025. It has also signalled a bolder approach than we have seen in previous years, including by the unprecedented step of taking a company to court for breaching a DPA and announcing its goal to be the first authority to bring a prosecution under the new Economic Crime and Corporate Transparency Act 2023 (“ECCT Act 2023”).

For the UK Financial Conduct Authority (“FCA”), 2024 saw a marked increase in the number of penalties imposed on firms and individuals (27 compared to 12 in 2023) as well as an increase in the total value of fines imposed (£176 million compared to £53 million in 2023). There was also a major proposal by the FCA to try to increase the transparency of its investigations by publishing details of new enforcement cases, which was followed by widespread industry and political backlash and currently remains under consideration.

I. Enforcement Activity

A. Serious Fraud Office

1. Deferred Prosecution Agreements (“DPAs”)

Although the SFO did not enter into any DPAs in 2024, in a first for the SFO, it applied to the Crown Court in November for a hearing in relation to its allegation that Güralp Systems Ltd, a UK-based seismic technology company, has breached the terms of its 2019 DPA. The five-year DPA covered charges of conspiracy to make corrupt payments and failure to prevent bribery regarding a scheme to pay South Korean public officials to recommend Güralp Systems’ products. Pursuant to the DPA, Güralp Systems disgorged £2 million in profits and committed to providing the SFO with annual reports on its compliance programme. If the Court finds that Güralp Systems has materially breached the DPA, it may order the DPA to be terminated and the SFO will be able to prosecute the company for the conduct that formed the basis of the DPA.

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2. Pursuing Individuals

There were a number of successes for the SFO in 2024 in relation to cases against individuals, including:

- In February, two former senior executives who held various roles within the Petrofac Group were charged with bribery offences in connection with the award of infrastructure and design contracts worth approximately \$3.3 billion. The contracts related to oil facilities in the UAE, including one for the design and construction of the second largest oil field in the Gulf. The trial is due to begin in October 2026.
 - o The SFO launched an investigation into Petrofac in May 2017 and has already secured a number of convictions. Petrofac Limited pleaded guilty in October 2021 to seven offences of failure to prevent bribery between 2011 and 2017. It was sentenced to a £47 million fine and a confiscation order of £22 million, and was ordered to pay the SFO's costs of £7 million. David Lufkin, the previous Global Head of Sales for Petrofac International Limited who pled guilty in February 2019 to eleven counts of bribery in February 2019 and a further three counts of bribery in January 2021, was sentenced to two years' imprisonment suspended for 18 months, and a confiscation order of approximately £140,000.
- In April, a former Ministry of Defence ("MoD") official was sentenced to 30 months' imprisonment and a confiscation order of £123,000 after being convicted of misconduct in public office between 2004 to 2008. The SFO investigation revealed that the individual had taken secret payments in exchange for commissioning work from offshore consultants for the MoD. A second individual was acquitted of conspiracy offences.
- In September, six former Glencore executives, including the former head of oil trading, appeared in court charged with conspiring to make corrupt payments relating to Glencore's operations in West Africa, in relation to the awarding of oil contracts in Nigeria, Cameroon, and the Ivory Coast from 2007 to 2014. Three of the six individuals were also charged with conspiracy to falsify documents. The trial is scheduled for mid-2027, with formal pleas expected to be entered in 2025.
 - o Notably, in 2022, Glencore Energy (UK) pled guilty to seven counts of bribery and paid a £183 million fine and a confiscation order of £93 million in relation to over \$2 million paid by Glencore employees and agents to secure preferential access to oil.

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Furthermore, the National Crime Agency (“NCA”), which also has the capability to investigate and prosecute bribery and corruption offences, secured the first conviction of a public official under the UK Bribery Act 2010 (“UKBA”) since its introduction in 2011. The former Chief of Staff to the President of Madagascar was sentenced in May to three and a half years’ imprisonment for soliciting bribes from a UK-based mining company, Gemfields Group Ltd. The Chief of Staff’s associate was also sentenced to 27 months’ imprisonment for his role in the scheme. The convictions followed a covert investigation launched by the NCA in April 2023, which involved the use of an undercover officer.

3. Closed Investigation

In November, the SFO announced that it had formally closed a four-year bribery and corruption investigation into Canadian aircraft manufacturer Bombardier Inc., on the basis that other overseas authorities were better placed to progress the case. The investigation involved the airline Garuda Indonesia’s acquisition and lease of aircraft in 2012. In 2020, the former CEO of Garuda and a Singaporean co-conspirator were convicted of bribery and money laundering charges following an investigation by the Indonesian authorities.

“The SFO has continued to focus on prosecutions rather than DPAs, with an increase in funding and better use of new technologies intended to bolster its capabilities in 2025.”

4. New Investigations

In November, the SFO announced an investigation into suspected bribery and corruption at Thales Group, a multi-national aviation and defence electronics company headquartered in Paris. The SFO is investigating Thales Group in partnership with France’s Parquet National Financier. This is the first cross-border international bribery investigation that the SFO has publicly announced for several years and may indicate a renewed focus on such cases after a prolonged period where the SFO has been prioritising domestic frauds and clearing its backlog of historic investigations.

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2024 saw three new SFO investigations relating to suspected fraud against UK consumers, all of which included multiple property raids. In December, the SFO also charged five men with offences including fraud, forgery, and the destruction of documents, following allegations of improper use of over £60 million of client money leading to the collapse of the law firm Axiom Ince.

5. Future Priorities

In November, the SFO announced that it will receive an additional £9.3 million in funding to create a new team to extend its capabilities to seize assets, to expand the use of technology to tackle disclosure, and to improve its case management system. While delivering a keynote speech in September at the Cambridge Symposium on Economic Crime, the SFO's Interim Chief Capability Officer emphasised the importance of using new techniques to embrace machine learning, as well as introducing economic incentives for whistleblowers (adopting elements of the U.S. approach to rewarding whistleblowers for providing vital information leading to a corporate penalty). It is hoped that this additional funding and focus will allow the SFO to manage disclosure more effectively, an issue which has repeatedly haunted the SFO and led to high profile trials collapsing.

It is also clear that the SFO intends to utilise the new provisions available under the ECCT Act 2023 to bring corporate prosecutions. The Director has stated that he is keen to prosecute companies under the failure to prevent fraud offence as soon as possible (once it comes into force in September 2025), and we can expect that to be a key area of attention in the coming year.

B. Financial Conduct Authority

In 2024, the FCA imposed financial penalties against 27 firms and individuals, totalling £176 million. This represents a significant increase from the number of penalties imposed by the FCA in 2023, but aligns with the level of enforcement action in 2022.

A key theme for the FCA in 2024 was increasing the transparency of its enforcement investigations. At present, the FCA does not publicise new investigations, except in exceptional circumstances. However, in February, the FCA announced proposals to publicise the commencement of enforcement investigations, including the identity of the relevant firm. This decision would be taken on a case-by-case basis and subject to a public interest test. After strongly negative reactions from external stakeholders, the FCA revised its proposals and a decision on its final approach to this issue is pending.

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In November, the FCA announced a number of changes to its disclosure process in regulatory enforcement cases. This followed a recommendation from the Upper Tribunal that the FCA should examine certain elements of its disclosure process. Under the new approach, document reviews will take a broader approach and be aimed at identifying and disclosing all material relevant to the facts of the matter, rather than focusing only on looking for potentially undermining material. These changes should allow firms and individuals to gain helpful insights into the rationale and evidence behind the FCA's decision-making.

1. Enforcement Actions

Some key enforcement actions taken by the FCA in 2024 include:

- In July, CB Payments Ltd, a platform for trading crypto assets with other entities in the global Coinbase Group, was fined £3.5 million for serious and persistent breaches of FCA-imposed requirements that prevented the firm from allowing high-risk customers to be onboarded or to access its e-money and payment services. These requirements were imposed due to significant weaknesses and gaps in the firm's financial crime control framework which were previously identified by the FCA. Notably, this was the first enforcement action taken by the FCA under the Electronic Money Regulations 2011.
- In August, PricewaterhouseCoopers LLP ("PwC") was fined £15 million for failing to report to the FCA its reasonable belief that London Capital & Finance Plc ("LCF"), for which PwC was the statutory auditor, might be involved in fraudulent activity. PwC encountered a number of red flags that led it to suspect fraud, including LCF failing to cooperate with PwC, acting aggressively towards auditors, and providing inaccurate and misleading information. LCF eventually entered administration, resulting in government compensation schemes paying out almost £200 million to bondholders. This is the FCA's first enforcement action against an auditor. While recognising that PwC was not responsible for investigating suspected fraud, the FCA emphasized that the unique insight auditors have means that they play an important role in alerting the FCA to significant issues, as required by specific regulations.
- In November, Metro Bank Plc was fined £16.6 million for various serious financial crime control deficiencies. These included failing to monitor over 60 million customer transactions worth more than £51 billion due to deficiencies in the set-up, operation, and oversight of its automated transaction monitoring system.

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2. Money Laundering

In July, the Court of Appeal held that the NCA had applied a flawed analysis in its decision not to investigate alleged money laundering offences in relation to consignments of cotton products imported into the United Kingdom which originated from the Xinjiang Uyghur Autonomous Region of China (“XUAR”). The Court found that the NCA was incorrect to require criminal conduct or criminal property to be established before an investigation can begin under the Proceeds of Crime Act 2022 (“POCA”), which gives authorities the power to confiscate any assets considered to have been gained illegally. In addition, the Court clarified the ‘adequate consideration’ defence under POCA, explaining that although the initial buyer of goods may rely on the defence, the property remains tainted after purchase and subsequent buyers may still commit money laundering offences when handling the property in question.

The judgement illustrates the need for companies to assess their exposure to a wider range of criminal offences that arise in the broader ESG context, in relation to modern slavery, other human rights abuses, or environmental crimes. The court remitted the question as to whether to carry out an investigation back to the NCA for reconsideration.

II. Legislative Developments

Economic Crime and Corporate Transparency Act 2023

- **Guidance Published on the Failure to Prevent Fraud Corporate Offence**

In November, the Home Office published much-anticipated government guidance on the new corporate offence of failure to prevent fraud (the “FTPF Offence”), introduced in the ECCT Act 2023. The FTPF Offence will enter into force on September 1, 2025. Under the FTPF Offence, large organisations may be held criminally liable where a person associated with the company commits a specific fraud offence with the intention of benefiting the organisation, unless it had implemented “reasonable procedures” to prevent fraud.¹

The guidance includes a high-level explanation of the elements of the FTPF Offence and provides some basic hypothetical scenarios illustrating the circumstances in which the offence might be engaged. It also sets out examples of good practice for organisations in developing and enhancing procedures to prevent fraud, informed by six principles which are the same as those for “adequate procedures” to prevent bribery under the UKBA.

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1. Debevoise & Plimpton LLP, “The New ‘Failure to Prevent Fraud’ Corporate Offence – UK Government Publishes Guidance” (Nov. 7, 2024), <https://www.debevoise.com/insights/publications/2024/11/the-new-failure-to-prevent-fraud-corporate-offence>.

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The FTPF Offence is intended to help drive a corporate culture shift around fraud prevention and make it easier to hold large organisations to account. Both UK and overseas companies may be subject to the FTP Offence. It remains to be seen how the offence will be interpreted and enforced in practice.

- **Extension of SFO's Pre-Investigation Powers**

Until last year, the SFO's powers to compel individuals and companies to provide information at the pre-investigation stage were limited to suspected cases of international bribery and corruption. In January, these powers were extended to cover all SFO cases. These powers are likely to assist the SFO significantly in its information and evidence-gathering for investigations and should enable the SFO to make faster decisions in complex fraud cases. The SFO reported using these new powers for the first time in early 2024.

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European Union

Draft EU Anti-Corruption Directive

In May 2023, the EU Commission unveiled a proposal for a directive meant to support anti-corruption efforts by ensuring a common high standard of legislation across all Member States (the “Proposed Directive”).¹ It sets minimum standards for sanctioning corruption offenses and includes preventive measures and rules for more effective investigation and prosecution. The Proposed Directive is expected to increase enforcement activity and lead to substantial financial penalties for entities that fail to implement effective corruption prevention measures.

The European Parliament adopted its position on the Proposed Directive in February 2024.² In June 2024, the Council of the European Union (the “Council,” the EU body representing the Member States’ governments) agreed on a new draft version of the Proposed Directive.³ The new Parliament now needs to confirm its position before trilogue negotiations can take place. Trilogues are informal meetings among the European Parliament, the Council, and the Commission to reach a provisional agreement on legislative proposals acceptable to both the Parliament and the Council. The legislative process is set to resume in January 2025.

Among the notable provisions of the Proposed Directive are:⁴

- *Harmonized Definitions.* In practice, variations in the definitions of offenses or legal concepts can complicate cross-border investigations. Under the Proposed Directive, all EU Member States will have to criminalize the same acts, defined in the same manner. The Directive includes harmonized definitions for the following offenses: bribery in the public and private sectors, misappropriation, trading in influence, abuse of functions, obstruction of justice, and enrichment from corruption offenses. The draft also includes definitions for key concepts, such as property, public official, breach of duty, and legal person.

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1. See “Proposal for a directive of the European Parliament and of the Council on combating corruption” (May 3, 2023), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN>.
 2. See “Report on the proposal for a directive of the European Parliament and of the Council on combating corruption” (Feb. 21, 2024), https://www.europarl.europa.eu/doceo/document/A-9-2024-0048_EN.html.
 3. See “Note from General Secretariat of the Council,” <https://data.consilium.europa.eu/doc/document/ST-10247-2024-INIT/en/pdf>.
 4. See Karolos Seeger, et al., “Draft EU Anti-Corruption Directive Makes Progress,” FCPA Update, Vol. 15, No. 12 (July 2024), <https://www.debevoise.com/insights/publications/2024/07/fcpa-update-july-2024>.

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- *Preventive Measures.* The Proposed Directive emphasizes the need to address the fight against corruption from a *preventive* perspective.⁵ Member States are expected to build systems to prevent corruption, raise public awareness on corruption issues, and ensure adequate levels of transparency and accountability. Member States also will have to put in place independent bodies specializing in the *prevention* of corruption. In France, the so-called “Sapin II” Law already requires companies that exceed certain turnover and employee thresholds to implement specific preventive measures, under the oversight of the French Anticorruption Agency. This model may inspire other Member States in the near future.
- *Corporate Liability.* On the *enforcement* side, the Proposed Directive provides that companies will face criminal liability for corruption offenses committed for the benefit of the company by individuals in positions of leadership within the company. Importantly, companies may also be held liable if a failure in supervision or control enabled the commission of the offense. This concept of liability for lack of supervision or control also has been incorporated into the recent EU Directive on the criminalization of EU sanction violations of April 24, 2024.⁶
- *Standardized Penalties for Individuals and Companies.* Under the Proposed Directive, Member States should implement effective, proportionate, and dissuasive criminal penalties for corruption-related offenses. The Council’s position reduced the maximum penalties initially proposed by the Commission for individuals. For companies, the proposed penalties depend on the offense: either a minimum of 3% or 5% of their total worldwide turnover or, alternatively, a minimum of €24 or €40 million.
- *Aggravating and Mitigating Circumstances.* The Proposed Directive provides for aggravating and mitigating circumstances in the event of an offense, such as the offender obtaining a substantial benefit or the offense causing substantial damage or, conversely, the offender cooperating with the authorities, implementing effective internal controls, or taking remedial measures.
- *Broad Jurisdiction.* The Proposed Directive establishes broad jurisdiction for Member States as it would apply in the following cases: (i) when the offense is committed, in whole or in part, within the territory of a Member State; (ii) when the offender is a national of, or has his or her habitual residence in, a Member State; or (iii) when the offense is committed for the benefit of a legal person established in the territory of a Member State.

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5. See “Explanatory Memorandum” (May 3, 2023), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52023PC0234>.

6. See “Directive (EU) 2024/1226 of the European Parliament and of the Council” (Apr. 24, 2024), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024L1226>.

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- *Effective Enforcement.* The Proposed Directive sets out several measures designed to enhance the efficiency of investigations and prosecutions. These include the option to waive privileges or immunities as part of a fair procedure, the introduction of a minimum limitation period (which the Council has considerably reduced), and the potential use of investigative tools typically reserved for organized crimes and other serious offenses. Moreover, national officials and law enforcement personnel are expected to receive anti-corruption training. However, the Proposed Directive does not provide for deferred prosecution agreement mechanisms, such as those already available in France and the United Kingdom in corruption cases.
- *Whistleblower protection.* Finally, Member States are required to ensure that the protection granted to whistleblowers under the EU Whistleblowing Directive⁷ also applies to individuals who report corruption offenses.

“The Proposed [Anti-Corruption] Directive is expected to increase enforcement activity and lead to substantial financial penalties for entities that fail to implement effective corruption prevention measures.”

Once the Directive is adopted, Member States will be required to transpose it into national law within a maximum of 36 months, as per the Council’s position, instead of the 18-month timeline initially proposed by the Commission.

While implementation into national law may present challenges for some Member States, others such as France have already implemented both preventive and responsive anti-corruption frameworks that align with many, if not most, of the Proposed Directive’s requirements.

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7. See “Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of person who report breaches of Union law” (Oct. 23, 2019), <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>.

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France

In 2024, French prosecutors have continued to resolve cases through French-style deferred prosecution agreements (“CJIPs”).⁸ Since 2016, a total of 23 corruption-related cases have been concluded through CJIPs, with two approved in 2024. Both cases involve corruption of foreign public officials.

- *SARL SOTEC*. In 2007, French prosecutors began an investigation into suspicious payments reported by the French AML agency (“Tracfin”). The investigation revealed payments made by a French manufacturing company to a Gabonese company, SOTEC, in connection with a 2005 public procurement by the Gabonese Ministry of Defense for the supply of uniforms and equipment for security forces. An advisor to the Gabonese Ministry of Defense allegedly received “undue advantages” from SOTEC in this context.

In July 2024, SOTEC agreed to pay €520,000 to settle charges of corruption for aiding and abetting the bribery of a foreign public official.⁹ Prosecutors took into consideration the isolated and dated nature of the facts, as well as the active cooperation of SOTEC and its management.

According to public sources,¹⁰ the head of SOTEC recently entered into a pre-trial guilty plea in France. Meanwhile, the French manufacturing company and the Gabonese official are set to stand trial before a French criminal court.

- *Areva SA and Orano Mining SAS*. In 2015, French prosecutors initiated an investigation into suspicious payments flagged by Tracfin. The investigation revealed that, in the context of Areva’s uranium exploitation activities in Mongolia, the company’s consultant Eurotradia made payments to a Mongolian intermediary. These funds subsequently were funneled into a real estate project almost entirely owned by a high-ranking Mongolian public official.

In December 2024, Areva SA agreed to pay €4.8 million euros to settle charges of corruption of foreign public officials.¹¹ Prosecutors took into consideration the company’s corrective measures, the effectiveness of its internal investigation, and its active cooperation as mitigating factors. Additionally, Orano Mining, the company to which Areva sold its mining operations, committed to a three-year anti-corruption compliance program, agreeing to allocate up to €1.5 million for that purpose.

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8. In 2024, a total of 16 CJIPs were approved (12 in environmental offense cases, two in tax fraud cases, and two in corruption cases).

9. “Convention judiciaire d’intérêt public entre la Procureure de la République près le Tribunal judiciaire de Paris et la société Sotec” (July 1, 2024), https://www.justice.gouv.fr/sites/default/files/2024-07/CJIP_SOTEC_20240708_.pdf.

10. See RFI, “L’entreprise gabonaise Sotec paye en France une amende de 500 000 euros pour corruption” (July 11, 2024), <https://www.rfi.fr/fr/afrique/20240711-l-entreprise-gabonaise-sotec-paye-en-france-une-amende-de-500-000-euros-pour-corruption/>.

11. “Convention judiciaire d’intérêt public entre le Procureur de la République financier près le Tribunal judiciaire de Paris et la société Areva SA et la société Orano Mining SAS” (Dec. 2, 2024), https://www.justice.gouv.fr/sites/default/files/2024-12/CJIP_AREVA_%20ORANO_20241202.pdf.

Asia

Last year saw continued aggressive enforcement of local anti-corruption laws in China and Vietnam as well as legislative proposals in China and Japan. Surprisingly, given its perceived lack of corruption risk, Singapore saw significant local anti-corruption prosecutions.

China (Mainland)

Regular anti-corruption sweeps of domestic industries continued to be the norm in 2024, the eleventh year of President Xi Jinping's anti-corruption campaign. At the beginning of the year, Xi addressed the fourth plenary session of the 20th Communist Party of China ("CPC") Central Commission for Discipline Inspection ("CCDI"), the country's top anti-corruption watchdog. Unlike his speech last January,¹ Xi did not repeat his statement that the country had won an "overwhelming victory" in its battle against corruption. Instead, he called for "resolutely winning the tough, protracted and all-around battle against corruption."²

According to the CCDI, 58 high-ranking officials under the supervision of the CPC Central Committee were investigated last year,³ as compared to 47 in 2023 and 32 in 2022. Recent investigations have focused on the pharmaceutical, finance, tobacco, infrastructure, and energy sectors, as well as state-owned enterprises.

Legislation Update

New Regulations Implementing International Criminal Judicial Assistance Law

On April 22, 2024, China's National Supervisory Commission and several other authorities promulgated the *Provisions on Several Issues Concerning the Implementation of People's Republic of China on International Criminal Judicial Assistance Law (Trial Implementation)* (the "Provisions").⁴ The Provisions are implementing regulations for the International Criminal Judicial Assistance Law

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1. See "习近平在二十届中央纪委三次全会上发表重要讲话 (Xi Jinping delivers an important speech at the third plenary session of the 20th CCDI)," State Council of PRC (Jan. 8, 2024), https://www.gov.cn/yaowen/liebiao/202401/content_6924871.htm (Chinese only).
2. See "习近平在二十届中央纪委四次全会上发表重要讲话强调：坚持用改革精神和严的标准管党治党 坚决打好反腐败斗争攻坚战持久战总体战" "Xi stresses winning tough, protracted, all-around battle against corruption," Global Times (Jan. 6, 2025), <https://www.globaltimes.cn/page/202501/1326364.shtml>.
3. See "2024正风反腐记 (2024 Anti-corruption Review)," the CCDI (Dec. 29, 2024), https://mp.weixin.qq.com/s/YXDjaHZKTOZUXTs4ikOVg?token=1371644607&lang=zh_CN (Chinese only).
4. See "国家监察委员会、最高人民法院、最高人民检察院、外交部、公安部、国家安全部、司法部印发《关于实施〈中华人民共和国国际刑事司法协助法〉若干问题的规定(试行)》的通知"(Notice of the National Supervisory Commission, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice on Issuing the Provisions on Several Issues Concerning the Implementation of People's Republic of China on International Criminal Judicial Assistance Law (Trial Implementation)) (Apr. 22, 2024), https://www.moj.gov.cn/pub/sfbgwapp/zwgk/tzggApp/202405/t20240511_498682.html; see also Andrew Levine, Winston Paes, Philip Rohlik, and Zhiqi Wu, "China Issues New Regulations Implementing International Criminal Judicial Assistance Law," FCPA Update, Vol. 15, No 11 (June 2024), <https://www.debevoise.com/insights/publications/2024/06/fcpa-update-june-2024>.

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(the “ICJAL”), originally enacted on October 26, 2018,⁵ which prohibits persons in the territory of China from engaging in certain activities relating to foreign criminal proceedings without approval from PRC authorities.

The Provisions create a new office under the judicial administrative department of the State Council, as well as related procedures to handle judicial assistance requests. Relevant to foreign companies operating in China and for Chinese companies exposed to foreign investigations, the Provisions create: (i) a reporting obligation for persons or entities who receive requests from foreign authorities outside of the state-to-state legal assistance framework; and (ii) a mechanism for entities and individuals to seek approval to voluntarily provide evidence or materials to a foreign country.⁶

Draft Amendments to the Anti-Unfair Competition Law

On December 25, 2024, the Standing Committee of the National People’s Congress published the draft amendments to the Anti-Unfair Competition Law (“Draft Amendments”).⁷ In China, commercial bribery is illegal under the Criminal Law, but is frequently investigated and prosecuted as a violation of the Anti-Unfair Competition Law (“AUCL”), with administrative penalties being issued to individuals and entities by local market regulators under the State Administration of Market Regulation (“SAMR”). The most serious cases of commercial bribery are referred to the police and prosecutors for prosecution under the Criminal Law.

The AUCL prohibits business operators from offering bribes to the following three categories of recipients for the purpose of selling or purchasing goods and services: (i) any employee of the counterparty in a transaction; (ii) any entity or individual authorized by the counterparty to handle relevant affairs; and (iii) any entity or individual which can use power or influence to affect a transaction.

The Draft Amendments explicitly extend the reach of the law by prohibiting the acceptance of bribes by these entities or individuals in commercial transactions. In prior years, commercial bribery under the AUCL focused on bribe-givers, but that focus is changing, as evidenced by the Draft Amendments. For bribe-takers, the Draft Amendments propose new fines of up to RMB 2 million on entities, while individuals face fines of up to RMB 500,000.

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5. 《中华人民共和国国际刑事司法协助法》(People’s Republic of China International Criminal Judicial Assistance Law) (effective on Oct. 26, 2018), http://www.npc.gov.cn/zgrdw/npc/xinwen/2018-10/26/content_2064576.htm, unofficial translation available at https://pkulaw.com/en_law/b1575aa60196ebe4bdfb.html; see also Kara Brockmeyer, et al., “The Year 2018 in Review: Continued Globalization of Anti-Corruption Enforcement,” FCPA Update, Vol. 10, No. 6 (Jan. 2019), <https://www.debevoise.com/insights/publications/2019/01/fcpa-update-january-2019>.
 6. Art. 13 and Art. 14 of the Provisions.
 7. See “反不正当竞争法 (修订草案) 征求意见(Draft Anti-Unfair Competition Law (Amendment) for Comments),” the National People’s Congress of the PRC (Dec. 23, 2025), <http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff808181927f0e7b0193fcb2fb3a74e1> (Chinese only).

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The Draft Amendments also would significantly increase the penalties for commercial bribery offenses. First, they introduce a tiered penalty system with fines ranging from RMB 1 million to RMB 5 million in severe cases. Second, they incorporate a dual-penalty system, imposing liability both on entities and on responsible persons thereof, similar to the Criminal Law. For instance, the legal representative, key personnel, or directly responsible individuals of a company found liable for bribery can face personal fines of up to RMB 1 million. The purpose of these derivative penalties is to place greater compliance responsibilities on corporate management, requiring the oversight of daily operations and risk controls in critical business activities.

“Regular anti-corruption sweeps of domestic industries continued to be the norm in 2024, the eleventh year of President Xi Jinping’s anti-corruption campaign.... Recent investigations have focused on the pharmaceutical, finance, tobacco, infrastructure, and energy sectors, as well as state-owned enterprises.”

Enforcement Trends: Continued Crackdown on Corruption in Finance and Healthcare

In 2024, Chinese enforcement authorities maintained their focus on corruption in the financial sector. During the year, at least 97 officials in the sector were investigated, a figure comparable to the 90 individuals investigated in 2023.⁸ Among those under investigation were three senior Communist Party cadres, colloquially referred to as “tigers,” who held senior positions at three of China’s largest state-owned banks.

On July 22, 2024, CCDI announced the establishment of the Central Financial Discipline Inspection and Supervision Work Committee to combat corruption in the financial sector.⁹ The committee was established to “strengthen political supervision and promote the strengthening of party building in the financial system.” This initiative aligns with President Xi Jinping’s commitment to intensify the country’s anti-corruption efforts. Recent enforcement actions indicate that scrutiny of the financial sector will persist, with the new committee expected to play a leading role in combating corruption within the industry.

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8. See <https://www.ccdi.gov.cn/scdcn/> (list of individuals put under the CCDI’s formal investigation) (Chinese only).

9. See “以一往无前的奋斗姿态把改革推向前进(Pushing reform forward with an unrelenting struggle),” CCDI (July 22, 2024), https://www.ccdi.gov.cn/specialn/esjzyscqhq/ywesjzyscqhq/202407/t20240722_363080.html (Chinese only).

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Chinese enforcement authorities also continued aggressive enforcement efforts aimed at reducing corruption in the healthcare sector. According to a report released by the National Supervisory Commission on December 22, 2024, the Commission coordinated efforts across all levels of supervisory bodies, targeting healthcare professionals who exploit medical services, misuse or facilitate the improper use of insurance funds, or accept kickbacks and bribes. Nationwide, 52,000 medical corruption cases were filed, 40,000 individuals were disciplined, and 2,634 people referred for prosecution.¹⁰ Those investigated included mid level officials, hospital directors, Communist Party secretaries, and heads of medical insurance authorities. Simultaneously, major local and international pharmaceutical companies and their key executives (including the president of AstraZeneca China) also have been subjected to formal investigation or asked to cooperate with ongoing investigations.¹¹

China also published a series of important anti-corruption regulations and guidelines for the healthcare sector. On January 14, 2025, SAMR finalized the “Compliance Guidelines for Pharmaceutical Enterprises to Prevent Commercial Bribery Risks” (the “Guidelines”).¹² The Guidelines, which are generally consistent with the draft published in October, are aimed at helping pharmaceutical companies mitigate commercial bribery risks and establish robust compliance systems, drawing on domestic enforcement practices and international standards.

The Guidelines are the first set of national-level industry-specific anti-corruption practical guidelines issued by a PRC regulator.¹³ These non-mandatory guidelines offer practical recommendations for state-owned and private companies involved in pharmaceutical activities, addressing high-risk areas such as speaker fees, hospitality, and sponsorships. The Guidelines provide useful guidance to Chinese enterprises in the healthcare sector and provide leverage for both domestic and international companies in requiring local business partners to adopt effective compliance programs. Although the Guidelines are high-level and nonspecific, they are noteworthy in that they explicitly suggest companies conduct internal investigations and consider self-reporting to regulators.

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10. See “国家监察委员会关于整治群众身边不正之风和腐败问题工作情况的报告(Report of the National Supervisory Commission on the work of rectifying unethical practices and corruption around the masses),” National Supervisory Commission (Dec. 25, 2024), https://www.ccdi.gov.cn/toutiaon/202412/t20241225_396429.html (Chinese only).
 11. See “AstraZeneca China President currently under investigation,” AstraZeneca (Oct. 30, 2024), <https://www.astrazeneca.com/media-centre/press-releases/2024/astrazeneca-china-president-currently-under-investigation.html>.
 12. See “市场监管总局关于发布《医药企业防范商业贿赂风险合规指引》的公告” (Announcement of the State Administration for Market Regulation on Compliance Guidelines for Pharmaceutical Enterprises to Prevent Commercial Bribery Risks) (Jan. 14, 2025), https://www.samr.gov.cn/zw/zfxgk/fdzdgnr/jjjzs/art/2025/art_0cee28b1eba84820addc024b351b7bac.html (Chinese only).
 13. See Kara Brockmeyer, Andrew M. Levine, et al., “Chinese Regulators Issue Draft Anti-Corruption Guidelines for Pharmaceutical Companies,” FCPA Update, Vol. 16, No. 5 (Oct. 2024), <https://www.debevoise.com/insights/publications/2024/10/fcpa-update-october-2024>.

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Vietnam

As in China, Vietnam continued its “Blazing Furnace” anti-corruption campaign in 2024, implicating several top political figures.

In March 2024, President Vo Van Thuong resigned after just over one year in office due to unspecified “violations” and “shortcomings.”¹⁴ Although the nature of the violations was unclear, they were reported by the Communist Party’s anti-corruption watchdog, the Central Inspection Commission, suggesting that Thuong’s resignation related to the anti-corruption drive.¹⁵ Only a month later, in April, the chairman of Vietnam’s parliament, Vuong Dinh Hue, also resigned due to unspecified “violations and shortcomings” following the arrest of his assistant regarding alleged bribery activities.¹⁶

Vietnam’s anti-corruption campaign also impacted the private sector. In April, real estate tycoon Truong My Lan, chair of developer Vạn Thịnh Phát Group, was sentenced to death for embezzling about USD \$12.5 billion from the Saigon Joint Stock Commercial Bank, a private bank she allegedly controlled. Truong My Lan later lost her appeal against the death sentence in December.¹⁷

Japan

While Japan has long been regarded one of the least corrupt jurisdictions in the region, its ruling party, the Liberal Democratic Party (“LDP”), found itself embroiled in a major slush-fund scandal that surfaced near the end of 2023 and caused significant political upheaval in 2024. The scandal reportedly involved the failure to report and the misuse of nearly JPY 600 million (approximately USD \$4 million) in campaign funds by over 80 members of the LDP lawmakers, in violation of applicable Japanese laws.¹⁸ As we previously noted, the scandal led to resignations

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14. See A. Anantha Lakshmi, “Vietnam’s political turmoil deepens as president resigns,” *Financial Times* (Mar. 20, 2024), <https://www.ft.com/content/53631068-6c9c-47b6-8b1c-0e7731589b40>.
 15. See Elaine Kurtenbach, “Vietnam’s president resigns in latest twist of anti-graft campaign shaking its fast-growing economy,” *AP News* (Mar. 20, 2024), <https://apnews.com/article/vietnam-economy-president-corruption-10a73952a106a234540748cad9fdaae2>.
 16. See Khanh Vu and Phuong Nguyen, “Vietnam parliament chief quits amid deepening political turbulence,” *Reuters* (April 26, 2024), <https://www.reuters.com/world/asia-pacific/vietnam-parliament-chief-quits-amid-deepening-political-turbulence-2024-04-26/>.
 17. See Jonathan Head and Thu Bui, “Vietnamese tycoon loses death row appeal over world’s biggest bank fraud” *BBC* (Dec. 3, 2024), <https://www.bbc.com/news/articles/cd753r47815o>.
 18. See Yusuke Kaite, “Japan’s LDP may demand members return unreported funds, donate the money to treasury,” *The Mainichi* (Nov. 11, 2024), <https://mainichi.jp/english/articles/20241111/p2a/00m/0na/009000c#:~:text=According%20to%20the%20LDP%27s%20investigation%2C%20there%20were%2085,totaling%20approximately%20579.49%20million%20yen%20%28about%20%243.78%20million%29>.

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of ministers and the arrest of a lawmaker.¹⁹ Later in the year, 18 members of the House of Representatives implicated in the allegations lost their seats in the election,²⁰ contributing to LDP's loss of its majority in Lower House.²¹

In 2024, Japan implemented significant amendments to the provisions governing bribing foreign public officials under the Unfair Competition Prevention Act ("UCPA"). These amendments became effective in April 2024 and included increased penalties for both individuals and entities convicted of bribing foreign officials, as well as an extension of the statute of limitations. The maximum term of imprisonment for individuals increased from five to ten years, with maximum fines increasing from JPY 5 million to JPY 30 million. For entities, the maximum fines increased from JPY 300 million to JPY 1 billion. The statute of limitations was also increased from five to seven years.²²

Singapore

Singapore is routinely rated as the least corrupt jurisdiction in Asia, but in 2024, we witnessed the first corruption case against a Singaporean minister in decades. Early in 2024, the Corrupt Practices Investigation Bureau (CPIB) brought a total of 35 charges against S Iswaran, the Minister for Transport. The charges included obstruction of justice and corruptly obtaining valuable things and gratification as a public servant, including from two prominent local businessmen.²³ The underlying allegations related to the acceptance of approximately USD \$300,000 in gifts, including tickets to sporting events and shows. Iswaran initially denied any wrongdoing. However, he later pled guilty to five of the charges and received a one-year term of imprisonment in October 2024.²⁴

Singaporean authorities also charged two former bankers in connection with a USD \$2.2 billion money laundering case, the largest financial crime in Singapore's history. This prosecution began in August 2023 with the arrest of 10 individuals of

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19. See Kara Brockmeyer, et al., "The Year 2023 in Review: Steady Enforcement as Laws and Policies Proliferate," FCPA Update, Vol. 15, No. 6 (Feb. 1, 2024), <https://www.debevoise.com/insights/publications/2024/01/fcpa-update-january-2024>.
 20. See "60% of 'slush fund' candidates lose in Japan Lower House poll," The Japan Times (Oct. 28, 2024), <https://www.japantimes.co.jp/news/2024/10/28/japan/politics/japan-lower-house-election-slush-fund-scandal-loss>.
 21. See Kanako Takahara and Kathleen Benozza "Japan faces political upheaval after LDP-led coalition loses majority," The Japan Times (Oct. 28, 2024), <https://www.japantimes.co.jp/news/2024/10/28/japan/politics/lower-house-election-results/>.
 22. See Article 18, 21, and 22 of Unfair Competition Prevention Act, https://www.japaneselawtranslation.go.jp/en/laws/view/2803/en#je_ch5at2 (official translation).
 23. See CPIB's official announcements, <https://www.cpiib.gov.sg/press-room/press-releases/180124siswaran/> (Jan. 18, 2024) (noting 27 charges) and <https://www.cpiib.gov.sg/additional-charges/250324-additional-charges/> (Mar. 25, 2024) (noting additional 8 charges).
 24. See A. Anantha Lakshmi "Former Singapore transport minister sentenced to year in jail over gifts," Financial Times (Oct. 3, 2024), <https://www.ft.com/content/0becf3a0-af35-44c2-88d6-23f49b167f1e>.

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Chinese origin holding overseas passports. The two bankers were not among the primary accused in the case, but were charged in connection with providing financial services to the primary accused. Both individuals are Chinese nationals and former relationship managers at international private banks. Prosecutors alleged, among other things, that these former bankers forged documents to conceal money laundering.²⁵ One of the two pled guilty to forgery and money laundering, while the case against the other is still pending.²⁶ The scandal has prompted a series of reforms and enhancements to Singapore's anti-money laundering regime in the past year, including the passage of the Anti-Money Laundering and Other Matters Act in August 2024, which, among other things, strengthened procedures around suspicious transaction reports and asset seizures to enable more effective prosecution of money-laundering offenses.²⁷

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25. See Xinghui Kok and Miral Fahmy, "Singapore charges two ex-bankers for helping \$2.2 bln money laundering ring," Reuters (Aug. 15, 2024), <https://www.reuters.com/world/asia-pacific/singapore-charges-two-ex-bankers-helping-22-bln-money-laundering-ring-2024-08-15/>.
 26. See Andrew Wong, "Former bank employee implicated in \$3b money laundering saga to plead guilty," The Straits Times (Dec. 11, 2024), <https://www.straitstimes.com/singapore/courts-crime/former-bank-staff-implicated-in-3b-money-laundering-saga-to-plead-guilty>.
 27. See full text at <https://sso-beta.agc.gov.sg/Acts-Supp/24-2024/Published/20240830?DocDate=20240830>.

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In 2024, anti-corruption efforts across Latin America again exhibited promise tempered by significant challenges. Argentina enacted a new anti-money laundering (“AML”) law and concluded the first application of its Corporate Criminal Liability Law. Brazil updated leniency agreement rules, substituted settlement agreements in place of summary judgment under its Anti-Corruption Law, saw judicial reversals of several *Lava Jato* resolutions, and concluded more Administrative Accountability Proceedings (“PARs”) than in 2023. In Mexico, the future of anti-corruption enforcement remains uncertain amidst what many perceive as serious challenges to the rule of law, including a controversial judicial reform and the proposed elimination of several federal agencies. Additionally, authorities in Chile, Colombia, Ecuador, Peru, and other countries brought corruption charges against public officials.

In 2025, the regional anti-corruption landscape will continue to evolve following the election of various new leaders. Several newly elected presidents have signaled commitments to strengthening anti-corruption measures, but these efforts’ effectiveness will depend on factors including political will, rule of law, institutional capacity, and sufficient resourcing.

I. Argentina

In 2024, Argentina built on previous reforms with the enactment of Law 27,739, an AML law that modified Law 25,246, and the first application of the Corporate Criminal Liability Law.¹ Despite some progress under President Javier Milei, challenges remain in fully advancing anti-corruption efforts in Argentina.

A. Legal and Policy Developments

- In March, Law 27,739 established a new AML framework that strengthened Argentina’s Financial Information Unit (“FIU”), defined new crimes as possible precursors to money laundering, and expanded the available sanctions. Notably, the law mandates lawyers to report suspicious transactions when representing their clients in the purchase, sale, or administration of assets. Following an unsuccessful protective action (*acción de amparo*) before the Federal Administrative Court, the Public Bar Association of the Federal Capital

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1. “Responsabilidad Penal Ley 27401” (Law 27,401”), Portal Oficial del Estado Argentino (Dec. 12, 2017), <https://www.argentina.gob.ar/normativa/nacional/ley-27401-296846/texto>.

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appealed on the ground that this rule violates the attorney-client privilege and requested that FIU suspend obligations impacting privilege while the appeal is pending.²

- In August, Argentina's Office of the Comptroller General signed a memorandum of understanding with Brazil's Comptroller General of the Union (*Controladoria-Geral da União* or "CGU") to strengthen collaboration through joint trainings and research activities related to anti-corruption and other common interests.³
- Also in August, Federal Judge Ariel Lijo appeared before Argentina's Senate to advocate for his appointment to Argentina's Supreme Court, following formal nomination by President Milei in April. Lijo has faced accusations of conspiracy, money laundering, and illicit enrichment. In November, President Milei's chief of staff stated that the administration was considering naming two Supreme Court justices by presidential decree after failing to obtain the Senate's support for Judge Lijo's nomination.⁴
- Also in November, President Milei's political party – Freedom Advances (*La Libertad Avanza*) – proposed a bill entitled Clean Slate ("*Ficha Limpia*"), which seeks to prevent individuals convicted of corruption from running for elective office.⁵

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2. "Solicitamos la suspensión temporal de las obligaciones establecidas en la Resolución UIF N° 48/2024" ["We request the temporary suspension of the obligations established in UIF Resolution No. 48/2024"], CPACF (Jan. 20, 2025), <https://www.cpacf.org.ar/noticia/6326/solicitamos-la-suspension-temporal-de-las-obligaciones-establecidas-en-la-resolucion-uif-n0-482024>; Hernán Cappiello, "Una jueza rechazó el amparo de los abogados contra la ley que los obliga a reportar a sus clientes por lavado de dinero" ["A judge rejected the lawyers' appeal against the law that requires them to report their clients for money laundering"], *La Nación* (July 8, 2024), <https://www.lanacion.com.ar/politica/una-jueza-rechazo-el-amparo-de-los-abogados-contra-la-ley-que-los-obliga-a-reportar-a-sus-clientes-nid08072024>.
 3. Ana de Liz, "CGU signs MoU with Argentinian counterpart," *Global Investigations Review* (Aug. 12, 2024), <https://globalinvestigationsreview.com/article/cgu-signs-mou-argentinian-counterpart>; "La Sindicatura General de la Nación y la Contraloría General de la Unión de Brasil firmaron un acuerdo de cooperación técnica y académica" ["The Office of the Comptroller General of the Nation and the Office of the Comptroller General of the Union of Brazil signed a technical and academic cooperation agreement"], *Portal Oficial del Estado Argentino* (Aug. 6, 2024), <https://www.argentina.gob.ar/noticias/la-sindicatura-general-de-la-nacion-y-la-contraloria-general-de-la-union-de-brasil-firmaron>.
 4. Facundo Iglesia, "Why Lijo is a controversial pick for Argentina's Supreme Court," *Buenos Aires Herald* (Aug. 22, 2024), <https://buenosairesherald.com/politics/judiciary/why-lijos-a-controversial-pick-for-argentinias-supreme-court>; FCPA Update, Vol. 15, No. 12 (July 31, 2024), <https://www.debevoise.com/-/media/files/insights/publications/2024/07/fcpa-update-july-2024.pdf?rev=c001db249aba4e298561fd33628fb1fa&hash=27A1A7F68DABA1CBAD72EDDA5FC72AB0> (citing "¿Quién es Ariel Lijo?" ["Who is Ariel Lijo?"], *La Asociación Civil por la Igualdad y la Justicia* (ACIJ) (May 2024), <https://acij.org.ar/wp-content/uploads/2024/05/Perfil-Ariel-Lijo.pdf>); "Argentina: Don't Name Supreme Court Justices by Decree," *Human Rights Watch* (Dec. 9, 2024), <https://www.hrw.org/news/2024/12/09/argentina-dont-name-supreme-court-justices-decree>.
 5. Manuel Tarricone, "Ficha Limpia: en qué consiste el nuevo proyecto de ley presentado por el gobierno de Javier Milei" ["Clean Slate: What is the new bill presented by Javier Milei's government?"], *Chequeado* (Jan. 20, 2025), <https://chequeado.com/el-explicador/ficha-limpia-en-que-consiste-el-nuevo-proyecto-de-ley-presentado-por-el-gobierno-de-javier-milei>.

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- In December, the Financial Action Task Force (“FATF”) determined that “Argentina has strengthened its laws and processes on AML and countering the financing of terrorism since FATF’s previous mutual evaluation [in 2010].”⁶ As a result, FATF will not place Argentina on the “grey list” of jurisdictions that need increased monitoring. Nevertheless, FATF also reported that Argentina must increase the prosecution of money laundering and improve confiscation in line with its risk profile, noting that 91 convictions is relatively low given the size and context of Argentina.⁷

“Argentina enacted a new anti-money laundering ... law and concluded the first application of its Corporate Criminal Liability Law.”

B. Enforcement Efforts

With the notable exception of a corporate resolution involving Securitas Argentina, local anti-corruption enforcement efforts in 2024 continued targeting mostly high-ranking government officials:

- In May, Argentina’s Public Prosecutor’s Office, the Ministerio Público Fiscal (“MPF”), announced that Securitas Argentina, a former subsidiary of Stockholm-based Securitas and now known as Securion, admitted to paying millions in bribes to representatives of public organizations and unions in Argentina to avoid losing contracts. Securitas Argentina, whose identity previously had been confidential, signed the first known collaboration agreement under the Corporate Criminal Liability Law in September 2022 after it self-reported “acts of corruption in Argentina linked to the public sector”

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6. “Argentina’s measures to combat money laundering and terrorist financing,” FATF-GAFI (Dec. 18, 2024), <https://www.fatf-gafi.org/en/publications/Mutualevaluations/MER-Argentina-2024.html>.

7. *Id.*; “Argentina dodges FATF money-laundering ‘grey list,’” Buenos Aires Times (Oct. 24, 2024), <https://www.batimes.com.ar/news/economy/argentina-dodges-fatf-money-laundering-grey-list-2.phtml>.

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in 2020, following an internal investigation.⁸ Full details regarding the collaboration agreement are still not public. However, Securitas agreed to have MPF evaluate its compliance program using criteria developed by Argentina's Anti-Corruption Office. This first application of the Corporate Criminal Liability Law included also 50 raids throughout the country, the arrest of nine former employees, and the processing of 19 suspects, including police personnel.⁹

- In November, Argentina's Federal Cassation Chamber upheld former President of Argentina Cristina Fernández de Kirchner's 2022 fraud conviction in the *Vialidad* case. The court found that Kirchner had arranged for 51 public works contracts in the Santa Cruz province to be awarded to a company belonging to a friend. Kirchner, who led Argentina as president from 2007 to 2015, and later as vice president from 2019 to 2023, is the first sitting vice president to be convicted on corruption charges. She continues to maintain her innocence, claiming that the charges are politically motivated and that judges and prosecutors are seeking to exclude her from electoral politics by imposing a lifelong ban on holding public office. Kirchner is expected to appeal to the Supreme Court.¹⁰

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8. Ana de Liz, "Brazilian supreme court ruling nixes information sharing with Argentina in Car Wash-linked case," *Global Investigations Review* (Nov. 26, 2024), <https://globalinvestigationsreview.com/article/brazilian-supreme-court-ruling-nixes-information-sharing-argentina-in-car-wash-linked-case>; Gabriel Di Nicola, "La empresa de seguridad privada Securitas admitió ante la Justicia que pagó millonarias coimas para vigilar organismos público" ["The private security company Securitas admitted to the courts that it paid millions in bribes to guard public bodies"], *La Nación* (Apr. 18, 2024), <https://www.lanacion.com.ar/seguridad/una-empresa-de-seguridad-privada-admitio-ante-la-justicia-que-pago-millonarias-coimas-para-vigilar-nid17042024>; Ana de Liz, "Argentina inches closer to first corporate criminal resolution," *Global Investigations Review* (July 4, 2024), <https://globalinvestigationsreview.com/article/argentina-inches-closer-first-corporate-criminal-resolution>; FCPA Update, Vol. 14, No. 6 (Feb. 1, 2023), <https://www.debevoise.com/-/media/files/insights/publications/2023/01/fcpa-update-january-2023.pdf?rev=d6d5615525ec4a3391ce2b5b95749f49&hash=86989DBEFEE910228A89EFC099F10187>.
 9. "La Importancia de la Colaboración Público-Privada en la Prevención y Lucha Contra la Corrupción" ["The Importance of Public-Private Collaboration in the Prevention and Fight Against Corruption"], Government of Argentina (May 21, 2024), <https://www.argentina.gob.ar/noticias/la-importancia-de-la-colaboracion-publico-privada-en-la-prevencion-y-lucha-contra-la>; Gabriel Di Nicola, "Las coimas pagadas por la empresa de seguridad privada Securitas a organismos públicos habrían sido de 7,6 millones de dólares" ["The bribes paid by the private security company Securitas to public bodies would have amounted to 7.6 million dollar"], *La Nación* (May. 7, 2024), <https://www.lanacion.com.ar/seguridad/las-coimas-pagadas-por-securitas-para-vigilar-organismos-publicos-habrian-sido-de-76-millones-de-nid07052024>; Gabriel Di Nicola, "La empresa de seguridad privada Securitas admitió ante la Justicia que pagó millonarias coimas para vigilar organismos público" ["The private security company Securitas admitted to the courts that it paid millions in bribes to guard public bodies"], *La Nación* (Apr. 18, 2024), <https://www.lanacion.com.ar/seguridad/una-empresa-de-seguridad-privada-admitio-ante-la-justicia-que-pago-millonarias-coimas-para-vigilar-nid17042024>.
 10. "Argentine court upholds Cristina Kirchner 'Vialidad' conviction," *Buenos Aires Herald* (Nov. 13, 2024), <https://buenosairesherald.com/politics/judiciary/argentine-court-upholds-cristina-kirchner-vialidad-conviction>; Hernán Cappiello, "Cristina Kirchner enfrenta hoy la confirmación de su condena por corrupción" ["Cristina Kirchner faces confirmation of her corruption conviction today"], *La Nación* (Nov. 13, 2024), <https://www.lanacion.com.ar/politica/cristina-kirchner-enfrenta-hoy-la-confirmacion-de-su-condena-por-corrupcion-nid13112024>.

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- Also in November, former president Alberto Fernández appeared in court for questioning in a case of alleged corruption relating to insurance policies taken out by government departments during his term from 2019 to 2023. Fernández is suspected of fraudulent administration over his government's use of brokers to contract insurance policies that could have been negotiated directly, and he remains under investigation.¹¹
- In December, Argentina's Senate voted to expel Edgardo Kueider, a member of the Unión por la Patria ("UxP") electoral coalition, over corruption allegations after his arrest at the Paraguay-Brazil border with over USD \$200,000 in undeclared cash while traveling with his personal assistant, Iara Guinsel Costa. Kueider and Guinsel Costa are currently under house arrest in Paraguay. The Argentine judge who has been investigating Kueider since July for illicit enrichment and money laundering has requested that Paraguay extradite Kueider and Guinsel Costa to Argentina.¹²

C. Looking Ahead

Although Argentina made some AML and anti-corruption progress in 2024, challenges remain. Milei's administration continues to focus on bolstering the economy and reducing government bureaucracy, and it has not prioritized anti-corruption enforcement. Nevertheless, Cristina Fernández de Kirchner this year will face two corruption trials: one in the *Cuadernos* case and another in the *Hotesur-Los Sauces* case. In addition, the corruption trial involving former public works minister Julio De Vido and 25 other defendants connected to the Brazilian construction firm Odebrecht (now Novonor) is set to begin in April.¹³

II. Brazil

In 2024, Brazil took center stage in global anti-corruption discussions as president of the G20 and host of the G20 Summit. At the G20 Anti-Corruption Ministerial Meeting in October, member countries endorsed the G20 Anti-Corruption Action Plan 2025–2027. From a survey of member states, Brazil identified common priorities including cooperating to recover assets in corruption cases and strengthening AML measures through beneficial ownership reporting. At the Ministerial Meeting, Vinícius Marques de Carvalho, Minister of Brazil's CGU,

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11. "Ex-president Alberto Fernández appears before judge in insurance fraud case" ["Ex-president Alberto Fernández appears before judge in insurance fraud case"], Buenos Aires Times (Nov. 27, 2024), <https://www.batimes.com.ar/news/argentina/ex-president-alberto-fernandez-appears-before-judge-in-insurance-fraud-case.phtml>.
 12. "Judge requests Kueider's extradition from Paraguay," Buenos Aires Herald (Dec. 18, 2024), <https://buenosairesherald.com/politics/judge-requests-kueiders-extradition-from-paraguay>; Martina Juareguez, "Senate expels Edgardo Kueider over corruption allegations," Buenos Aires Herald (Dec. 12, 2024), <https://buenosairesherald.com/politics/senate-expels-edgardo-kueider-over-corruption-allegations>.
 13. Ana de Liz, "Odebrecht-linked bribery trial to begin in Argentina 2025," Global Investigations Review (June 13, 2024), <https://globalinvestigationsreview.com/article/odebrecht-linked-bribery-trial-begin-in-argentina-2025>.

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emphasized the importance of combatting corruption through active civil society engagement, robust private sector participation, and effective management of financial resources during climate disasters.¹⁴

While some praised the Action Plan's priorities and Carvalho's recommendations, others criticized the failure to implement meaningful reforms and raised concerns about Brazil's anti-corruption commitment, especially given that the Supreme Federal Tribunal ("STF") recently overturned various high-profile convictions.¹⁵ Despite these challenges, Brazil remains at the forefront of combatting corruption in Latin America.

A. Legal and Policy Developments

1. Legislative & Executive Developments

In 2024, Brazilian federal legislators proposed laws that would strengthen Brazil's anti-corruption framework. For example, in March, the Senate Public Safety Committee approved a bill that would criminalize bribery of an employee or representative of a private company or institution by individuals, setting a two- to five-year prison sentence for any individual who offers or accepts any such undue advantage.¹⁶

Additionally, in June, the Senate Constitution and Justice Committee approved a bill that would encourage whistleblowing by establishing a reward of up to 10 percent of any illicit gains recovered, protecting anonymity, and prohibiting retaliation. Although it remains to be seen whether either of these bills will become law, they illustrate Brazil's continuing anti-corruption efforts.¹⁷

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14. "G20 Anti-Corruption Working Group Action Plan 2025-2027," Presidency of the G20 Anti-Corruption Working Group (Oct. 24, 2024), <https://www.g20.utoronto.ca/2024/241024-anticorruption-action-plan.html>; "G20 High-Level Principles on Incentives for the Private Sector to Adopt Comprehensive and Consistent Integrity Measures to Prevent and Combat Corruption," Presidency of the G20 Anti-Corruption Working Group (Oct. 24, 2024), https://www.g20.utoronto.ca/2024/241024-G20_High-Level_Principles_on_Incentives_for_the_Private_Sector_to_Adopt_Comprehensive_and_Consistent_Integrity_Measures_to_Prevent_and_Combat_Corruption.pdf.
 15. "G20 High-Level Principles on Incentives for the Private Sector to Adopt Comprehensive and Consistent Integrity Measures to Prevent and Combat Corruption," Presidency of the G20 Anti-Corruption Working Group (Oct. 24, 2024), https://www.g20.utoronto.ca/2024/241024-G20_High-Level_Principles_on_Incentives_for_the_Private_Sector_to_Adopt_Comprehensive_and_Consistent_Integrity_Measures_to_Prevent_and_Combat_Corruption.pdf; "Anti-Corruption: The Missing Ingredient in the G20's Sustainable Development Push," Transparency International (Oct. 24, 2024), <https://www.transparency.org/en/news/g20-brazil-rio-summit-corruption-financial-integrity-sustainable-development>; "G20 Leaders Must Rescue Anti-Corruption Commitments at the Rio Summit," Transparency International (Oct. 24, 2024), https://www.transparency.org/en/press/g20-leaders-must-rescue-anti-corruption-commitments-rio-summit?utm_source=newsletter&utm_medium=email&utm_campaign=weekly-25-10-2024.
 16. Projeto de Lei 4436/2020 ["Bill 4436/2020"], <https://www25.senado.leg.br/web/atividade/materias/-/materia/144451>.
 17. Projeto de Lei 2581/2023 ["Bill 2581/2023"], <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2442511>.

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In December, Brazil's president issued Decree 12,304/2024 (the "Decree"), which regulates Brazil's Public Procurement and Contracting Law, Federal Law 14,133/2021, effective February 7, 2025. Within six months of executing a public contract worth over R\$ 239 million (USD \$190 million), the Decree requires the contracting company to present its compliance program to CGU for validation. Notably, the Decree incorporates new environmental, social, and governance ("ESG") criteria in defining an effective integrity program. The Decree also makes compliance programs a criterion for deciding tiebreaking bids and a condition for granting public contracts to companies previously ineligible due to sanctions.¹⁸

“Brazil updated leniency agreement rules, substituted settlement agreements in place of summary judgment under its Anti-Corruption Law, saw judicial reversals of several *Lava Jato* resolutions, and concluded more Administrative Accountability Proceedings ... than in 2023.”

2. Regulatory Developments

In 2024, Brazilian authorities adopted significant new regulations. The Federal Court of Auditors ("TCU") published in February Normative Instruction 94, which updated the 2020 rules on leniency agreements. The updated rules strengthen TCU's role as the inspector of leniency agreements and reaffirm the role of the Attorney General's Office (*Advocacia Geral da União* or "AGU") and CGU in negotiations.¹⁹

In August, CGU replaced Ordinance 19/2022 with Ordinance 155/2024, introducing a procedure called "settlement agreement" or "term of commitment" (*termo de compromisso*). Unlike the previous "summary judgment" or "early judgment," this new procedure does not result in any judgment against the defendant.²⁰

Instead, a cooperating company must acknowledge responsibility, halt the misconduct, compensate for damage, forfeit improper profits, and agree to a fine, among other requirements. The term of commitment preserves the penalty reduction options available under the early judgment. It also allows CGU to require a company to implement, apply, or enhance an integrity program as part of a

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18. "Decreto No. 12,304/2024" ["Decree No. 12,304/2024"], https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2024/decreto/D12304.htm.

19. "Instrução normativa estabelece regras para atuação do TCU em acordos de leniência" ["Normative instruction establishes rules for the TCU's participation in leniency agreements"] (Feb. 21, 2024), <https://pesquisa.apps.tcu.gov.br/documento/norma/94/NUMNORMA%253A94%2520ANONORMA%253A2024%2520/score%2520desc/0>.

20. "Portaria Normativa No. 155" ["Ordinance No. 155"], <https://www.in.gov.br/web/dou/-/portaria-normativa-n-155-de-21-de-agosto-de-2024-581125693>.

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settlement. Additionally, the new ordinance suspends the statute of limitations on alleged violations for up to 360 days and clarifies when a federal agency other than CGU will initiate a proceeding.²¹

In October, CGU published a new volume of the Integrity Program Guide for Private Companies (“*Manual Programa de Integridade: Diretrizes para Empresas Privadas*”), which updated the first volume released in 2015. Although not legally binding, the guide discusses how CGU may address the rise of artificial intelligence and outlines how companies should integrate ESG factors into their compliance programs. The guide emphasizes continuous monitoring, regular audits, data-driven risk management, clear whistleblowing channels, and ongoing training.²²

Brazil’s federal agencies ended the year with a commitment toward greater cooperation amongst themselves. In December, CGU, AGU, the Ministry of Justice and Public Security, the Central Bank of Brazil, the Ministry of Finance, the Ministry of Management and Innovation in Public Services, and the Ministry of Planning and Budget launched the Integrity and Anti-Corruption Plan 2025–2027. The Plan articulates 260 initiatives for federal government agencies to strengthen anti-corruption efforts. These initiatives span five focus areas: (1) quality control for the use of public resources; (2) integrity in state-private sector relations; (3) transparency and open government; (4) fighting corruption; and (5) institutional strengthening for integrity.²³

Private corporations in Brazil also have taken proactive efforts to prevent corruption. In July, CGU launched the Brazil Business Integrity Pact, which encourages companies voluntarily to make a public commitment to business integrity. As of September, 160 companies have committed to the Pact and conducted the required self-assessment of their business practices. Also in July, CGU and Brazilian state oil company Petrobras entered into a Technical Cooperation Agreement (“TCA”) that aims to improve the company’s internal and external controls by exchanging information, data, and technology with CGU.²⁴

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21. *Id.*

22. “Programa de Integridade: Diretrizes para Empresas Privadas” [Integrity Program Guide for Private Companies], Vol. 2 (August 2024), https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/10/cgu-publica-novo-guia-de-diretrizes-para-empresas-privadas/GuiaDiretrizes_v14out1.pdf.

23. “Plano de Integridade e Combate à Corrupção 2025–2027,” Controladoria-Geral da União, https://www.gov.br/cgu/pt-br/plano-de-integridade-e-combate-a-corrupcao-2025-2027/arquivos/plano_integridade_combate_corrupcao_2025-2027.pdf.

24. “Pacto Brasil pela Integridade Empresarial cresce 30% em setembro e alcança 160 empresas” [“Brazil Pact for Business Integrity grows 30% in September and reaches 160 companies”], Controladoria-Geral da União (Oct. 2, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/10/pacto-brasil-pela-integridade-empresarial-cresce-30-em-setembro-e-alcanca-160-empresas>; “CGU e Petrobras firmam acordo estratégico para prevenção e combate à corrupção” [“CGU and Petrobras sign strategic agreement to prevent and combat corruption,” Controladoria-Geral da União (July 29, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/07/cgu-e-petrobras-firmam-acordo-estrategico-para-prevencao-e-combate-a-corrupcao>; “Ministro da CGU lança Pacto Brasil Integridade Empresarial em Cuiabá, Mato Grosso” [“CGU Minister launches Brazil Business Integrity Pact in Cuiabá, Mato Grosso”], Controladoria-Geral da União (July 4, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/07/ministro-da-cgu-lanca-pacto-brasil-integridade-empresarial-em-cuiaba-mato-grosso>.

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3. Judicial Developments

Despite successes, backlash against anti-corruption efforts persists in the wake of *Lava Jato*, especially as reflected in recent court decisions. Over the last year, STF issued rulings undoing significant *Lava Jato* resolutions. After a landmark order in September 2023 annulling all evidence obtained in the AGU proceedings against Odebrecht (now Novonor), STF reversed components of leniency agreements with Novonor in January. Justice José Antonio Dias Toffoli further suspended all financial obligations imposed on the company by the Federal Prosecution Office (“MPF”) after finding that evidence in leaked government files indicated that prosecutors unlawfully collaborated with the judge during the proceedings.²⁵

In February, STF authorized several firms to review and renegotiate their *Lava-Jato* leniency agreements through an Allegation of Non-Compliance with a Fundamental Precept (“ADPF”), which allows parties to challenge government actions contrary to certain principles. Justice André Mendonça granted reviews to ensure that leniency agreements complied with a 2020 TCA enacted to systematize the leniency process, albeit after the leniency agreements at issue. Specifically, this renegotiation option was offered to companies that entered into leniency agreements with AGU, MPF, or CGU before this TCA. The participating companies reportedly included UTC Participações S.A., Braskem S.A., Metha (formerly OAS S.A.), Camargo Corrêa, Andrade Gutierrez, Nova Participações S.A., and Novonor.²⁶

After multiple extensions of the original deadline, the parties submitted final amended leniency agreements in September. According to reports, the government agreed to reduce each outstanding penalty by 50 percent after waiving interest and agreeing with the firms that a 2022 law allowed them to offset penalties by claiming tax losses. The firms also have claimed that some of what the regulators considered to be corruption in fact was electoral crime, which could further decrease penalties.²⁷

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25. Supremo Tribunal Federal, Decisão, Reclamação 43.007 Distrito Federal (Sept. 6, 2023), at 132, <https://static.poder360.com.br/2023/09/integra-decisao-toffoli-impeachment-dilma.pdf>; Supremo Tribunal Federal, Decisão, Petição 11.972 Distrito Federal (Jan. 31, 2024), <https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/PET11972DECISaOMIN.DIASTOFFOLI.pdf>.
 26. Supremo Tribunal Federal, Decisão, Petição 11.972 Distrito Federal (Feb. 8, 2024), <https://www.conjur.com.br/wp-content/uploads/2024/02/decisao-toffoli-jef.pdf>.
 27. “AGU, CGU e empresas concluem renegociação e enviam ao STF proposta final sobre acordos de leniência,” [“AGU, CGU and companies conclude renegotiation and send final proposal on leniency agreements to the STF”], Controladoria-Geral da União (Sept. 20, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/09/agu-cgu-e-empresas-concluem-renegociacao-e-enviam-ao-stf-proposta-final-sobre-acordos-de-leniencia>.

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STF's September 2023 order also has impacted other high-profile *Lava Jato* cases. For example, in August 2024, Justice Toffoli barred evidence obtained under Odebrecht's leniency agreement in proceedings against Peter Weinzierl, the former CEO of Austria-based Meinl Bank. This ruling also may affect efforts to extradite Weinzierl to the United States to face charges there.²⁸

B. Enforcement Efforts

Enforcement proceedings in Brazil continued in 2024 with a notable increase in PARs since recent years. In December, CGU announced that 2024 saw the largest number of PARs concluded in one year, totaling 70 as of early October, or roughly 30% of all PARs in CGU's history. This surpasses the number of PARs achieved in 2023 (63 PARs) and 2022 (60 PARs).²⁹

“Throughout 2024, Brazilian authorities entered into notable settlements, imposed significant fines, and conducted numerous investigations, including 38 special operations to combat fraud and the misappropriation of funds.”

Throughout 2024, Brazilian authorities entered into notable settlements, imposed significant fines, and conducted numerous investigations, including 38 special operations to combat fraud and the misappropriation of funds. For example:³⁰

- In February, CGU and AGU entered into a R\$ 671 million (USD \$123 million) settlement agreement with Singapore-based marine engineering operator Seatrium, resolving *Lava Jato*-era corruption allegations.

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28. Supremo Tribunal Federal, Decisão, Petição 12.765 Distrito Federal (Aug. 6, 2024), <https://portal.stf.jus.br/publicacoes/abrirDocumento.asp?tipo=documentoGeral&numero=E307571EEEEFD5F4B26E6C22FCE9CFEF0>.
29. “CGU conclui 70 PARs e supera marco histórico de processos julgados em um ano” [“CGU concludes 70 PARs and surpasses historic milestone of cases judged in one year”], Controladoria-Geral da União (Oct. 10, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/10/cgu-conclui-70-pars-e-supera-marco-historico-de-processos-julgados-em-um-ano>; Andrew M. Levine, Kara Brockmeyer, et al., “The Year 2023 in Review: Steady Enforcement as Laws and Policies Proliferate,” FCPA Update, Vol. 15, No. 6 (Jan. 2023) at 64, <https://www.debevoise.com/insights/publications/2024/01/fcpa-update-january-2024>.
30. Visão Geral, Painel: Acordos de Leniência, CGU, <https://app.powerbi.com/?r=eyJrjoiZTU2MmWlOMjYtY2EzOS00NzYyLTg3MmWQyYWE3MmFiMmY0ODM4liwidCl6ljY2NzhkOWZILTA5MjEtNDE3ZC04NDExLTVmMmWxOGRIZmJiYiJ9&pageName=ReportSection> (last accessed 11 December 2024); “Dia Internacional de Combate a Corrupção: Controladoria-Geral da União (CGU) apresenta balance de ações do ano para dirigentes regionais” [“International Anti-Corruption Day: Office of the Comptroller General (CGU) presents a summary of the year's actions to regional leaders”], Controladoria-Geral da União (Dec. 9, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/12/dia-internacional-de-combate-a-corrupcao-controladoria-geral-da-uniao-cgu-apresenta-balanco-de-aco-es-do-ano-para-dirigentes-regionais>.

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- In May, CGU imposed over R\$ 190 million (USD \$35 million) in sanctions against five companies for violating the Anti-Corruption Law, including a PAR against Brazilian meat processor JBS/SA for alleged bribery of a government tax auditor.
- Also in May, CGU signed a R\$ 2 million (USD \$401,000) agreement with Canadian chemical producer Chemtrade, concluding investigations to allegations that the company's subsidiary violated Brazil's Anti-Corruption Law by improperly selling data from Brazil's import control computer system.³¹
- In June, CGU and AGU signed a R\$ 155.9 million (USD \$28.3 million) leniency agreement with Norwegian companies Viken Shuttle, Viken Shipping, and Viken Fleet I for irregular bidding and contracting practices.³²
- Also in June, CGU instituted PARs against and fined CEM Administração e Participações S/A R\$ 9 million (USD \$1.6 million) for fraudulently diverting money in violation of the Anti-Corruption Law.³³
- In July, CGU concluded a PAR and announced sanctions against five legal entities and three individuals totaling R\$ 12.86 million (USD \$2.1 million) for bribery of public agents relating to a contract with Eletronuclear, a subsidiary of Eletrobras.³⁴
- Also in July, CGU and AGU signed a R\$ 6.16 million (USD \$1.1 million) leniency agreement with software company MicroStrategy Brasil Ltda. The company proactively reported to CGU and AGU after an internal investigation identified failures to adhere to local procurement laws in engagements with government clients in Brazil.³⁵

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31. "CGU sanciona diversas empresas por infrações previstas na Lei Anticorrupção e indefere pedidos de reconsideração" ["CGU sanctions companies for violations of the Anti-Corruption Law and rejects requests for reconsideration"], Controladoria-Geral da União (May 23, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/05/cgu-sanciona-diversas-empresas-por-infracoes-previstas-na-lei-anticorruptao>.
 32. "CGU e AGU assinam acordo de leniência com empresas Norueguesas" ["CGU and AGU sign leniency agreement with Norwegian companies"], Controladoria-Geral da União (June 13, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/06/cgu-e-agu-assinam-acordo-de-leniencia-com-empresas-norueguesas>.
 33. "CGU multa empresas em mais de R\$ 9 milhões por infrações à Lei Anticorrupção" ["CGU fines companies more than R\$ 9 million for violations of the Anti-Corruption Law"], Controladoria-Geral da União (June 21, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/06/cgu-multa-empresas-em-mais-de-r-9-milhoes-por-infracoes-a-lei-anticorruptao>.
 34. "CGU sanciona diversas pessoas jurídicas e físicas por atos ilícitos contra a Administração Pública" ["CGU sanctions several legal entities and individuals for illegal acts against the Public Administration"], Controladoria-Geral da União (Jul. 2, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/06/cgu-multa-empresas-em-mais-de-r-9-milhoes-por-infracoes-a-lei-anticorruptao>.
 35. "CGU e AGU assinam acordo de leniência com a empresa MicroStrategy Brasil" ["CGU and AGU sign leniency agreement with MicroStrategy Brasil"], Controladoria-Geral da União (July 4, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/07/cgu-e-agu-assinam-acordo-de-leniencia-com-a-empresa-microstrategy-brasil>.

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- In September, CGU and PF investigated the diversion of federal funds through fraudulent contracts by a group led by a former public agent of the Ministry of Sports, freezing approximately R\$ 180 million in assets.³⁶
- In November, CGU concluded PARs with two entities, Culp Construções and the Evangelical Church Assembleia de Deus de Goiânia, for violations of the Anti-Corruption Law. Sanctions totaled R\$ 847,432.46 (USD \$138,742), and each entity was ordered to publish on its website and in a newspaper the decisions and declarations of unsuitability in bidding and contracting with the public administration.³⁷
- Also in November, CGU and AGU signed a leniency agreement with Connecticut-based commodities trading company Freepoint Commodities LLC for allegedly bribing public agencies to obtain privileged information and advantages in purchase and sale operations with Petrobras. Freepoint Commodities agreed to pay R\$ 131,253,647 (USD \$21.5 million) in fines and reimbursement.³⁸
- Throughout the year, CGU and PF launched separate special operations investigating fraud in the municipalities of Corumba and Pernambuco and in the states of Acre, Piauí, Bahia, and Mato Grosso.

C. Looking Ahead

Notwithstanding judicial setbacks, Brazil took important steps in 2024 to fortify domestic and international anti-corruption enforcement. While post-*Lava Jato* challenges will continue, Brazil seems likely to continue advancing its anti-corruption efforts in 2025.

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36. "CGU e PF realizam operação para desarticular esquema de desvio de recursos da Lei de Incentivo ao Esporte" ["CGU and PF carry out operation to dismantle scheme to divert resources from the Sports Incentive Law"], Controladoria-Geral da União (Sept. 30, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/09/cgu-e-pf-realizam-operacao-para-desarticular-esquema-de-desvio-de-recursos-da-lei-de-incentivo-ao-esporte>.

37. "CGU sanciona duas pessoas jurídicas pela prática de atos lesivos a Administração Pública" ["CGU sanctions two legal entities for carrying out acts that are harmful to the Public Administration"], Controladoria-Geral da União (Nov. 11, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/11/cgu-sanciona-duas-pessoas-juridicas-pela-pratica-de-atos-lesivos-a-administracao-publica>.

38. "CGU e AGU assinam acordo de leniência com a empresa Freepoint Commodities LLC" ["CGU and AGU sign leniency agreement with Freepoint Commodities LLC"], Controladoria-Geral da União (Nov. 14, 2024), <https://www.gov.br/cgu/pt-br/assuntos/noticias/2024/11/cgu-e-agu-assinam-acordo-de-leniencia-com-a-empresa-freepoint-commodities-llc>.

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III. Mexico

Mexico saw limited anti-corruption developments of note in 2024. Former President Andrés Manuel López Obrador failed to make significant progress in combating corruption during his last year in office. Nevertheless, the historic election of Claudia Sheinbaum – whose campaign promised government transparency and strong action against corruption – offers potential for strengthening Mexico’s anti-corruption efforts.

A. Legal and Policy Developments

In October, during her first month in office, President Sheinbaum announced that the Secretary of Anti-Corruption and Good Governance (the “SACG”) would replace the Secretary of Public Administration. This new entity will be premised on ten pillars, including modernizing public administration to inhibit corruption, promoting transparency, involving civil society and the private sector in anti-corruption efforts, strengthening whistleblowing culture, conducting more investigations, and imposing economic sanctions.³⁹

In November, the lower house of Mexico’s Congress approved a constitutional bill previously championed by former President López Obrador that would disband several agencies that previously were autonomous under the Constitution. These include the National Institute for Transparency for Access to Information and the Protection of Personal Data; Federal Economic Competition Commission; and Federal Telecommunications Institute. Subsequently, in December, certain articles of the Constitution were amended, added, and partially repealed, providing that new government ministries and departments would absorb these agencies’ responsibilities. President Sheinbaum, who previously has criticized constitutionally autonomous agencies as contributing to corruption, said that the recent reform will lead to greater transparency. Critics argue that this will concentrate power in the executive branch, potentially affecting business confidence and foreign investment.⁴⁰

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39. “Gobierno de México anuncia creación de Secretaría Anticorrupción y de Buen Gobierno [“Mexican government announces creation of Anti-Corruption and Good Government Secretariat”], Government of Mexico (Oct. 17, 2024), <https://www.gob.mx/presidencia/prensa/gobierno-de-mexico-anuncia-creacion-de-secretaria-anticorrupcion-y-de-buen-gobierno?idiom=es-MX>.

40. “DECRETO por el que se reforman, adicionan y derogan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de simplificación orgánica.” [“EXECUTIVE ORDER by which various provisions of the Political Constitution of the United Mexican States are amended, added and repealed, regarding organic simplification.”], Diario Oficial de la Federación (Dec. 20, 2024), https://www.dof.gob.mx/nota_detalle.php?codigo=5745905&fecha=20/12/2024#gsc.tab=0; “Mexican Congress takes first step toward eliminating watchdog agencies,” MND (Nov. 21, 2024), <https://mexiconewsdaily.com/politics/mexican-congress-takes-first-step-toward-eliminating-watchdog-agencies>.

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Another recently enacted constitutional amendment – first introduced by former President López Obrador and supported by President Sheinbaum – requires the election of all judges in Mexico through popular vote. The reform also mandates the dissolution of the Federal Judiciary Council and the creation of: (i) a Judicial Administration Body responsible for the management of the judiciary’s budget and administrative personnel; and (ii) a Court of Judicial Discipline (“CJD”) to oversee judges’ conduct and impose sanctions. The CJD can sanction judges at any time during a proceeding, and its decisions will be final with no appeal. While former President López Obrador asserted that this reform will aid in ending corruption, critics fear it will have the opposite effect and that the CJD could unjustifiably reverse rulings, especially those halting public projects or contrary to government interests. As a result of the judicial reform, many federal judges have submitted letters of resignation, including eight of eleven justices on the Supreme Court with seven resignations effective this August.⁴¹

“In Mexico, the future of anti-corruption enforcement remains uncertain amidst what many perceive as serious challenges to the rule of law, including a controversial judicial reform and the proposed elimination of several federal agencies.”

In December, the SACG and United Nations Mexico launched Anti-Corruption Week. The UN Resident Coordinator in Mexico called the recent creation of the SACG’s position a decisive step in preventing and combatting corruption.⁴²

B. Enforcement Efforts

While high-profile anti-corruption enforcement remains relatively limited in Mexico, several actions have generated headlines:

- In June, federal officials, including from the Secretariat of Public Security and the Taxpayer Defense Office, reported resolving a corruption probe focused on the Institute for Social Security and Services for State Workers (“ISSSTE”).

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41. “Majority of Mexico’s Supreme Court justices resigns after judicial reform,” Reuters (Oct. 30, 2024), <https://www.reuters.com/world/americas/third-judge-mexicos-top-court-resigns-citing-judicial-reform-2024-10-30>.

42. “Secretaría Anticorrupción y Buen Gobierno y ONU inauguran Semana Anticorrupción” [“Anti-Corruption and Good Governance Secretariat and UN inaugurate Anti-Corruption Week”], Government of Mexico (Dec. 6, 2024), <https://www.gob.mx/buengobierno/prensa/secretaria-anticorrupcion-y-buen-gobierno-y-onu-inauguran-semana-anticorrupcion?idiom=es#:~:text=En%20el%20marco%20del%20D%C3%ADa,Rueda%20de%20Cooperaci%C3%B3n%20T%C3%A9cnica%20Internacional>.

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The report detailed embezzlement and bribery involving ISSSTE workers, lawyers, and the Federal Labor Board that illegally increased pensions. Actions resulted in over 50 complaints to the Attorney General's Office and sanctions against public servants and contractors. Although several million pesos have been recovered, estimated damage to the treasury exceeds 15 billion pesos.⁴³

- In October, Genaro García Luna, head of Mexico's equivalent to the FBI from 2006 to 2012, was sentenced to 460 months' imprisonment and a \$2-million fine following a conviction in the Eastern District of New York in February for accepting bribes from a Mexican drug cartel.⁴⁴
- In November, as part of *Operation Swarm*, Mexico's Public Safety Department arrested several government officials suspected of cartel ties, including police commanders, a mayor, and other public servants.⁴⁵

C. Looking Ahead

It remains to be seen how President Sheinbaum's administration will address corruption. While her campaign focused on transparency, accountability, and anti-corruption measures, enforcement strategies have yet to fully materialize. Nonetheless, there is the potential for new ideas to address Mexico's challenges, including preventing and combatting corruption.

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43. Eduardo Marsán, "Así operó la red de corrupción en el ISSSTE que desvió miles de millones de pesos a la vista de todos" ["This is how the corruption network at ISSSTE operated, diverting billions of pesos in plain sight"], Infobae (June 19, 2024), <https://www.infobae.com/mexico/2024/06/19/asi-opero-la-red-de-corrupcion-en-el-issste-que-desvio-miles-de-millones-de-pesos-a-la-vista-de-todos>.
 44. La Fiscalía General de México detiene a una de las hermanas de Genaro García Luna, exsecretario de Seguridad bajo proceso en EE.UU. ["The Attorney General's Office of Mexico detains one of the sisters of Genaro García Luna, former Secretary of Security under trial in the U.S."], CNN Latin America (Dec. 15, 2023), <https://cnnespanol.cnn.com/2023/12/15/mexico-detienen-hermana-genaro-garcia-luna-orix>; U.S. Dep't of Justice, "Ex-Mexican Secretary of Public Security Genaro Garcia Luna Sentenced to Over 38 Years' Imprisonment" (Oct. 16, 2024), <https://www.justice.gov/usao-edny/pr/ex-mexican-secretary-public-security-genaro-garcia-luna-sentenced-over-38-years>.
 45. Héctor Ríos Morales, "'Operation Enjambre' Leads to Arrest of 7 Officials in Corruption Probe Inside Mexico's Most Populous State," The Latin Times (Nov. 25, 2024), <https://www.latintimes.com/operation-enjambre-leads-arrest-7-officials-corruption-probe-inside-mexicos-most-populous-567004>; "A police chief in Mexico kills himself as troops try to arrest him in a corruption probe," AP News (Nov. 22, 2024), <https://apnews.com/article/mexico-police-corruption-suicide-police-chiefs-arrested-3ff3d3dcd971b248796d503c07343d06>.

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IV. Other Latin American Developments

Over the last year, other countries in the region also advanced anti-corruption enforcement:

- **Chile:** In August, in the *Caso Audios* scandal, criminal lawyer Luis Herмосilla was indicted on bribery, money laundering, and tax fraud charges after an audio recording revealed discussions of illicit payments to officials at Chile's tax authority and financial regulator. In October, the former minister of the Supreme Court, Angela Vivanco, was removed for alleged influence peddling related to the scandal.⁴⁶
- **Colombia:** In February, the Presidential Transparency Secretariat filed criminal charges against a director and a deputy director of the National Disaster Risk Management Unit for misappropriation of funds and bribery linked to the purchase of water tankers worth approximately USD \$10.5 million. Both officials and the finance minister resigned.⁴⁷
- **Ecuador:** In April, the Attorney General charged 14 individuals – including judges and police officers – in a public corruption probe known as *Caso Plaga* involving bribes for favors such as releasing inmates. In October, five judges and a court secretary were dismissed for allegedly receiving USD \$60,000 in bribes related to *Caso Plaga*. Additionally, in November, the son of Vice President Veronica Abad, Francisco Barreiro, was due to stand trial for alleged influence peddling. Vice President Abad has been accused of similar misconduct and denied the allegations. In October, a judge ordered 30 people to stand trial related to *Caso Metastasis*, an ongoing investigation into organized crime and drug trafficking involving government officials. Separately, Ecuadorian authorities assisted the U.S. Department of Justice in prosecuting Gunvor S.A. (discussed above).⁴⁸

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46. "Chile Faces Biggest Corruption Scandal in Recent History," *Prensa Latina* (Oct. 7, 2024), <https://www.plenglish.com/news/2024/10/07/chile-faces-biggest-corruption-scandal-in-recent-history>.
 47. "Colombia's President Petro Replaces Finance Minister Embroiled in Scandal," *Al Jazeera* (Dec. 5, 2024), <https://www.aljazeera.com/news/2024/12/5/colombias-president-petro-replaces-finance-minister-embroiled-in-scandal>.
 48. "Hijo de la vicepresidenta de Ecuador es llamado a juicio por corrupción" ["Son of Ecuador's vice president is called to trial for corruption"], *AP News* (Nov. 19, 2024), <https://apnews.com/article/juicio-hijo-abad-vicepresidenta-corrupcion-978e378f682782ace028a6815cb4d4e0>; "Ecuador judge orders 30 to trial in corruption case," *Reuters* (Oct. 7, 2024), <https://www.reuters.com/world/americas/ecuador-judge-orders-30-trial-corruption-case-2024-10-07>; "Seis servidores judiciales, presuntamente involucrados en el caso Plaga, fueron destituidos porque habrían recibido más de USD 60 000 por cobros indebidos" ["Six judicial employees, allegedly involved in the Plaga case, were dismissed because they had received more than USD 60,000 in undue payments"], *Consejo de la Judicatura* (Oct. 3, 2024), <https://www.funcionjudicial.gob.ec/seis-servidores-judiciales-presuntamente-involucrados-en-el-caso-plaga-fueron-destituidos-porque-habrian-recibido-mas-de-usd-60-000-por-cobros-indebidos>; U.S. Dep't of Justice "Commodities Trading Company Will Pay Over \$661M to Resolve Foreign Bribery Case" (Mar. 1, 2024), <https://www.justice.gov/opa/pr/commodities-trading-company-will-pay-over-661m-resolve-foreign-bribery-case>.

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- **Guatemala:** In January, President Bernardo Arévalo – who campaigned on an anti-corruption platform – created the National Commission Against Corruption. By December, the new administration had filed 198 complaints alleging corruption against former officials of former President Alejandro Giammattei’s administration, of which 18.7% were dismissed and the rest have made no progress.⁴⁹
- **Peru:** In 2024, Peru faced another wave of corruption accusations against public officials. In May, the justice oversight board formally dismissed the Attorney General, who previously was suspended for allegedly interfering in an investigation of her sister and unjustifiably removing a prosecutor. In April, in the *Rolexgate* scandal, prosecutors accused President Dina Boluarte of illicit enrichment for failing to disclose luxury watches and jewelry. In October, former President Alejandro Toledo was sentenced to 20 years’ imprisonment for accepting \$35 million in bribes from Odebrecht for a highway contract.⁵⁰

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49. Sonia Perez D, “Guatemala: Government aims for new laws to combat corruption in the face of inaction by the Attorney General’s Office,” AP News (Dec. 7, 2024), <https://apnews.com/article/guatemala-corruption-fiscal-general-leyes-arevalo-7d7b99a8bbaf871cb61f28c6c989122c#>.

50. Franklin Biceno and Regina Garcia Cano, “Peru’s former president Alejandro Toledo sentenced to 20 years in corruption case,” PBS (Oct. 22, 2024), <https://www.pbs.org/newshour/world/peru-former-president-alejandro-toledo-sentenced-to-20-years-in-corruption-case>; “Peru’s Attorney General Dismissed After Corruption Probe,” Barron’s (May 23, 2024), <https://www.barrons.com/news/peru-s-attorney-general-dismissed-after-corruption-probe-edb7098c>; Dan Collins, “Peru president Dina Boluarte under pressure amid ‘Rolexgate’ scandal,” The Guardian (April 2, 2024), <https://www.theguardian.com/world/2024/apr/02/peru-president-dina-boluarte-rollox>.

FCPA Update

FCPA Update is a publication of
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