

United States v. Technip S.A. (S.D. Tex. 2010)

Nature of the Business.

Engineering, procurement, and construction (“EPC”) contracts for natural gas liquefaction facilities on Bonny Island in Nigeria (“Bonny Island Project”) as part of a four-company joint venture. Technip S.A. (“Technip”) is a French corporation headquartered in Paris.

Influence to be Obtained.

Technip participated in a joint venture to obtain and perform EPC contracts to build and expand the Bonny Island Project for Nigeria LNG Limited, which is owned in part by the Nigerian National Petroleum Corporation. The joint venture was awarded four EPC contracts for the Bonny Island Project between 1995 and 2004. From August 1994 until June 2004, Technip and its partners in the joint venture authorized, promised, and paid bribes to Nigerian government officials, including officials in the executive branch, employees of the government-owned Nigerian National Petroleum Corporation, and employees of government-controlled Nigeria LNG Limited, to win and retain the EPC contracts to build the Bonny Island Project. To conceal the bribes, the joint venture entered into sham consulting or services agreements with intermediaries and held “cultural meetings” where the joint venture partners met with their agents to plan how to pay the bribes. The joint venture used U.K. and Japanese agents to transfer approximately \$182 million to Nigerian officials during the relevant time period.

Enforcement.

On June 28, 2010, Technip entered into a two-year deferred prosecution agreement with the DOJ in which it agreed to pay a \$240 million penalty and to continue to cooperate with ongoing investigations. Technip also agreed to engage a corporate compliance monitor. In a related civil case brought by the SEC, Technip agreed to pay \$98 million in disgorgement of profits.

Key Facts

Citation. *United States v. Technip S.A.*, No. 1:10-cr-00439 (S.D. Tex. 2010).

Date Filed. June 28, 2010.

Country. Nigeria.

Date of Conduct. 1994 – 2004.

Amount of the Value. Approximately \$182 million.

Amount of Business Related to the Payment. Over \$6 billion.

Intermediary. Agents.

Foreign Official. Officials in the executive branch of the Nigerian government; Employees of Nigerian National Petroleum Corporation; Employees of Nigeria LNG Limited, controlled by the Nigerian government.

FCPA Statutory Provision. Conspiracy (Anti-Bribery); Anti-Bribery.

Other Statutory Provision. None.

Disposition. Deferred Prosecution Agreement.

Defendant Jurisdictional Basis. Conspiracy; Issuer.

Defendant’s Citizenship. France.

Total Sanction. \$240,000,000.

Compliance Monitor/Reporting Requirements. None.

Related Enforcement Actions. *SEC v. Technip*.

Total Combined Sanction. \$338,000,000.