

Política Antisoborno

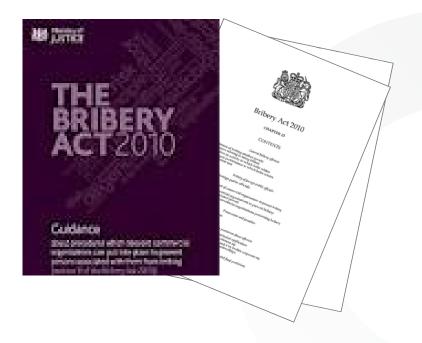




ASUNTOS CORPORATIVOS ECUADOR

Política Antisoborno ¿Por qué cumplir con la Política Antisoborno?

... Para cumplir con las normasUK Bribery Act

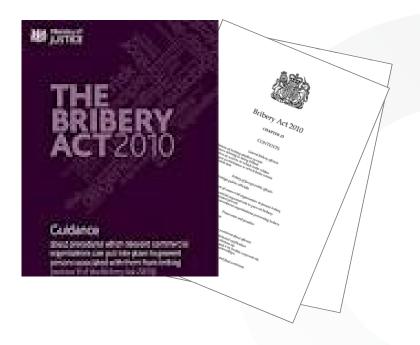


- El UKBA es la ley antisoborno del Reino Unido que establece una estructura legal para combatir el soborno a nivel global
- Entró en vigencia el 1° de Julio del 2011
- Aplica a las operaciones internacionales de las compañías Británicas o con operaciones en el Reino Unido
- Penaliza, tanto la corrupción pública como privada
- Penaliza también la intención de pago (promesas o solicitudes) y el no tomar medidas apropiadas para impedir la corrupción
- Sanciones, tanto para el que paga el soborno, como para el que lo recibe

Política Antisoborno ¿Por qué cumplir con la Política Antisoborno?

... sanciones y consecuencias ante el incumplimiento del UK

Bribery Act



Para la empresa...

Económicas

- Multas ilimitadas (a menudo entre los USD 10 y 100 millones)
- Confiscación de lo obtenido como beneficio
- Potencial exclusión para tener contratos con gobiernos de la Unión Europea

Reputacional

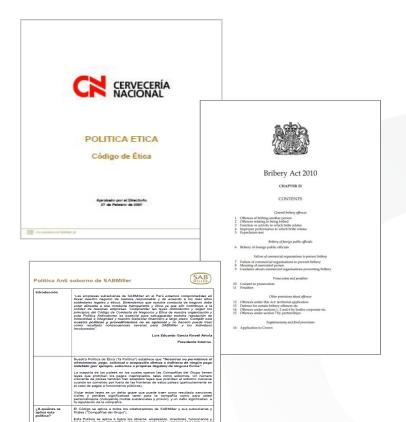
• Daño a la reputación... que es de valor incalculable

Para individuos...

- Multas ilimitadas
- Prisión (hasta 10 años bajo la legislación del RU)
- Daño reputacional . . . de valor incalculable

Política Antisoborno

¿Qué es corrupción?

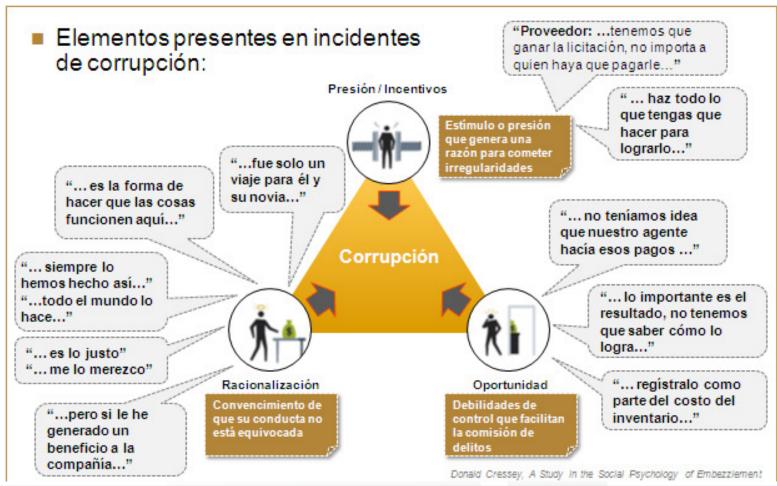


Corrupción es el abuso del poder delegado para beneficio propio

Soborno es el acto de dar, ofrecer, prometer, aceptar o solicitar una ventaja o algo de valor, directamente o a través de un intermediario, como un incentivo o recompensa para obtener negocios u otro tipo de beneficio

Los incentivos pueden ser regalos, préstamos, honorarios, viajes u otras ventajas (v.g. servicios, donaciones)

Política Antisoborno ¿Por qué ocurre?



Política Antisoborno

¿Corrupción?

Entorno de negocios mundial
Mapa de la corrupción (IPC 2011)



Política Antisoborno ¿Corrupción?

Casos internacionales de corrupción

SIEMENS

SIEMENS

Empresa tecnológica Alemania



USD 1,400 MM

pagados a funcionarios públicos para ganar licitaciones en <u>Argentina</u>, <u>Venezuela</u> y varias otras locaciones



Multa:

USD 1,600 MM

Prisión al Board en Alemania Siemens demandó a sus ex ejecutivos: CEO USD 21MM CFO USD 7 MM y otros por USD 28 MM



DIAGEO

DIAGEO

Fabricante de bebidas alcohólicas Gran Bretaña



USD 2.7 MM

pagados a funcionarios públicos para obtener ventas y beneficios fiscales para sus marcas de whiskey en India, Tailandia y Corea del Sur



Multa:

USD 16.4 MM

Diageo demandó a los empleados involucrados y a loa CEO's de las operaciones





VOLKSWAGEN

Industria automotriz Alemania



USD 2.5 MM

aprobados en sobornos, a dirigentes sindicales (<u>viajes, hoteles de lujo y efectivo</u>), a cambio del apoyo a sus planes de gestión



Penalidad:

Director de personal: 2 años de prisión, multa **USD 750,000**





PEPSI-CO

Fabricante de bebidas gaseosas Estados Unidos



USD 36.288

pagados como soborno a ejecutivos de compañías de Retail para que la marca sea expuesta en sus tiendas en China de



Multa:

USD 102,550





Política Antisoborno

Buen criterio y juicio en la toma de decisiones

Prueba del periódico

¿Estaría usted cómodo si la decisión que tomó o el hecho que ocurrió fuera publicado en un periódico local?

Política Antisoborno

¿Corrupción?

SIEMENS

Bloomberg Businessweek

Siemens to Settle Corruption Case

Posted by: Jack Ewing on December 15, 2008

German engineering and electronics giant Siemens will pay \$800 million to settle corruption charges brought by the U.S. Department of Justice, the company says. A formal announcement will come at a press conference scheduled for late afternoon German time in Munich, after a U.S. Federal Judge approves the settlement between Siemens and U.S. prosecutors.

The penalty blows away the previous record for a violation of the Foreign Corrupt Practices Act, \$44 million paid by oilfield service company Baker Hughes in 2007. And Siemens may par another \$400 million to \$500 million to German authorities on accusations it bribed foreign officials to win contracts, the Munich daily Süddeutsche Zeitung reports.

Yet the settlement is good news for Siemens, CEO Peter Löscher, hired in 2007 to oversee an

B B C MUNDO.com

Siemens: sobornos en Argentina y Venezuela Regardion ppc Mungo

El consorcio tecnológico alemán Siemens admitió haber pagado sobornos millonarios en Argentina y Venezuela, entre otros países, para conseguir un acuerdo favorable en licitaciones públicas.



juicio que se llevó a cabo en un : tribunal federal de Washington, Estados Unidos, donde las filiales de Siemens en los dos países latinoamericanos y en Bangladesh se declararon culpables de conspirar y violar las reglas del Acta de Prácticas sobre Corrupcióm en el

Siemens Charged With Bribery In Turkey

Siemens AG said Thursday in a securities filing that it was charged in October with bribery in Turkey

The company said in the filing it is cooperating with the Turkish Prime Ministry Inspection Board, which notified it of the investigation. The probe pertains to alleged bribery in Turkey and Iraq from 1999 to 2007, the filing said.

A spokeswoman for Siemens didn't immediately respond to a request for comment

Siemens AG settled a case with the U.S.



A file photo dated July 29, 2008, shows the

autho pay \$ Department of Justice and the

The Siemens AG and Three Subsidiaries Plead Guilty to Foreign Corrupt Practices Act Violations and Agree to Pay \$450 Million in Combined

ted Enforcement Actions by DOJ. DEC. and Dorman Buthautica. Decut in Decation of Birt.

subsidiaries today pleaded gully to violations of and charges related to the Foreign Corrupt Practices Act (FCPA), the Department of Justice and U.S. Securities and Exchange Commission announced.

At a hearing before U.S. District Judge Richard J. Leon in the District of Columbia, Siemens AG pleaded Ally to a third-court information changing criminal violations of the FDPAs infernal controls and books and books provisions. Sentence of the control of th

According to court documents, beginning in the mid-1990s, Siemens AG engaged in systematic efforts to taskly its corporate books and recoming features in and circumvention of internal controls. From the time of controls. As a result of Siemens AG's knowing features in and circumvention of internal controls, from the time of payments totaling approximately 51 to Billion through various mechanisms. Of this amount, approximately 550.15 million was paid for unknown purposes. Including approximately \$54.11 million in direct payments to business consultants for unknown purposes. The remaining \$50.55 dimilion of this amount was intended in while or in part as corrupt payments to foreign officials through the payment mechanisms, which included cash desirs and slinifi funds.

From 2000 to 2002, four Siemens AG subsidiaries - Siemens S.A.S. of France (Siemens France), Siemens From 2000 to 2002, four Siemens AGs subsidiaries – Siemens S.A.S. of France (Siemens France). Siemens Sanay ive Tracer At S. of Turkey (Siemens Turkey), Oxam Midole East) and Gas Turbne Technologies S.p.A. (GTT) – each wholly owned by Siemens AG or one of its subsidiaries, were avaired 42 contracts with a combined value of more than 550 million with the Ministries of Electricity and Oil of the government of the Republic of Iraq under the United Nations Oil for Food Program. To obtain these contracts. Siemens France, Siemens Turkey, Oxam Middle East and CITT paid a total of a least \$17.36.076 in Kickbacks to the Iraq government, and they collectively earned more \$3.0 million in profits on those 42 contracts. Siemens France, Siemens Turkey, Oxam Midole East and GTT inflated the price of the contracts by approximately 10 perceit before submitting them to the United National of Till Advanced to the Contracts by Approximately 10 perceit before submitting them to the United National Program Siemens Siemen ernment as "commissions" to the business consultants. For the relevant years, the books and records of nens France, Siemens Turkey, Osram Middle East and GTT, including those containing false. aracterizations of the kickbacks paid to the Iragi government, were part of the books and records of Siemen

The New Hork Times

At Siemens, Bribery Was Just a Line Item

SIEKACZEK was half asleep in bed when his doorbell rang here early



one morning two years ago.

Still in his pajamas, he peeked out his bedroom window, hurried downstairs and flung open the front door. Standing before him in the cool, crisp dark were six German police officers and a prosecutor. They held a warrant for his

At that moment, Mr. Siekaczek, a stout, graying former accountant for Siemens A.G., the German engineering giant, knew that his secret life had

"I know what this is about." Mr. Siekaczek told the officers crowded around his door. "I have been expecting you."

To understand how Siemens, one of the world's biggest companies, last week ended up paying \$1.6 billion in the largest fine for bribery in modern corporate history, it's worth delving into Mr. Siekaczek's unusual journey.

CNN EXPANSION

Siemens paga 1,331 mdd por corrupción

pagará 531.9 m dd por indegação a imitar votos advornou por contratos en Alemania.



FRANCFORT/WA SHINGTON (Reuters) - Siemens pagerá poco más de 1,300 milliones de dólares para transigir las investigaciones sobre corrupción que se realizaban en Estados Unidos y Alemania, dilo la firma el lunes, con lo que pone fin a dos años de apitación que afectaron al conglomerado de Ingenierla alemán

Para terminar con la investigación sobre corrupción corporativa más grande de la historia. Siemens acordó pagar 800 milliones de dólares para transjoir la investigación que realizaba el Departamento de Justicia de Estados Unidos y la Comisión de Valores de ese país (SEC por su sigla en inglés) por el pago de sobornos para obtener



Haciendo









Muchas Gracias!

Bienvenidos

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