

*Upon determining the issue of approval of the DPA, the Court did not make findings of fact. No process took place by which the culpability of individual people was determined or assessed. The Court observed that companies act through individuals, and it was necessary to consider some individual conduct for that reason, but the Court did not hear from any individuals or call upon them for their side of the story. The judgment in the DPA solely dealt with the culpability of the company Amec Foster Wheeler Energy Limited and not that of any individual person. No findings of any kind were made against any individual.*

**IN THE CROWN COURT AT SOUTHWARK**

**T20210867**

**BETWEEN**

**SERIOUS FRAUD OFFICE**

**-v-**

**AMEC FOSTER WHEELER ENERGY LIMITED**

**(PREVIOUSLY KNOWN AS FOSTER WHEELER ENERGY LIMITED)**

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**INDICTMENT**

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**COUNT 1 (NIGERIA)**

**STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

**PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED, (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED), between the 1st day of March 1996 and the 30th day of June 2004, conspired with certain of its employees and others to make corrupt payments to officials in the Nigerian National Petroleum Company, the Eleme Petrochemical Company Limited, and the Central Bank of Nigeria, as an inducement and / or reward to ensure that payments were

made to FW Management Operations (U.K.) Limited (incorporated in England and Wales under registered number 01628475) for invoices submitted under contracts for services in Nigeria.

## **COUNT 2 (NIGERIA)**

### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED), between the 1st day of November 2003 and the 30th day of May 2004, conspired with certain of its employees and others to make corrupt payments to Nigerian police and tax officials as an inducement and / or reward to settle an allegation of tax evasion against Foster Wheeler (Nigeria) Limited (incorporated in Nigeria under registered number 12992).

## **COUNT 3 (SAUDI ARABIA)**

### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED), between the 1st day of June 2004 and the 30th day of November 2007, conspired with certain of its employees and others to make corrupt payments, namely 403,000 Saudi Arabian Riyals, to officials in the Saudi Arabian Ministry of Labour Offices, as inducements and / or rewards to ensure that block visas were granted and / or processed more quickly for FOSTER WHEELER ENERGY LIMITED and/or Foster Wheeler Arabia, Ltd (incorporated in Delaware, USA and with the registration number of 2305742) projects in Saudi Arabia.

## **COUNT 4 (SAUDI ARABIA)**

### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

## **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED), between the 1st day of April 2007 and the 31st day of May 2007, other than as set out in Count 3, conspired with certain of its employees and others to make corrupt payments, namely 400,000 Saudi Arabian Riyals to officials in the Saudi Arabian Ministry of Labour Offices, as an inducement and / or reward to ensure that block visas were granted for FOSTER WHEELER ENERGY LIMITED and / or Foster Wheeler Arabia, Ltd (incorporated in Delaware, USA and with the registration number of 2305742) projects in Saudi Arabia.

### **COUNT 5 (MALAYSIA)**

#### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

#### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED) between the 1st day of March 1997 and the 31st day of January 2005, conspired with certain of its employees and others to make corrupt payments to one or more officials in the Malaysian state oil company Petronas, as inducements and / or rewards to ensure that Petronas would award Foster Wheeler (Malaysia) Sdn. Bhd. a contract for services under the Central Utility Facility project.

### **COUNT 6 (MALAYSIA)**

#### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

#### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED) between the 1st day of October 1997 and the 31st day of January 2005, conspired with certain of its employees and others to make corrupt payments to

one or more officials in the Malaysia state oil company Petronas, as inducements and / or rewards to ensure that Petronas would award to Foster Wheeler (Malaysia) Sdn. Bhd. a contract for services under the MLNG Tiga Plant project.

#### **COUNT 7 (MALAYSIA)**

##### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

##### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED) between the 1st day of September 2002 and the 31st day of March 2005, conspired with certain of its employees and others to make a corrupt payment, namely GBP 819,338, to one or more officials in the Malaysia state oil company Petronas, as a reward for Petronas awarding to Foster Wheeler (Malaysia) Sdn. Bhd. a contract for services under the MLNG Tiga Plant project.

#### **COUNT 8 (MALAYSIA)**

##### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

##### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED) between the 1st day of September 2002 and the 30th day of November 2010, conspired with certain of its employees and others to make corrupt payments to one or more officials in the Malaysia state oil company Petronas, as inducements and / or rewards to ensure that Petronas would award to Foster Wheeler (Malaysia) Sdn. Bhd. a contract for services under the Melaka Co-Generation project.

#### **COUNT 9 (INDIA)**

##### **STATEMENT OF OFFENCE**

Conspiracy to make corrupt payments, contrary to section 1(1) of the Criminal Law Act 1977 and section 1 of the Prevention of Corruption Act 1906.

### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED), between the 27th day of December 2005 and the 30th day of November 2012, conspired with certain of its employees and others, to make corrupt payments to officials in the Indian Oil Corporation Limited as inducements and / or rewards in order that the Indian Oil Corporation Limited would award to FOSTER WHEELER ENERGY LIMITED, and assist them in retaining, a contract for the provision of Front End Engineering and Design services on the Paradip Refinery Project.

### **COUNT 10 (BRAZIL)**

#### **STATEMENT OF OFFENCE**

Failure to prevent bribery, contrary to section 7 of the Bribery Act 2010.

#### **PARTICULARS OF OFFENCE**

AMEC FOSTER WHEELER ENERGY LIMITED (incorporated in England and Wales under registered number 01361134 and known at the time of the alleged offending as FOSTER WHEELER ENERGY LIMITED) being a relevant commercial organisation, between the 1st day of September 2011 and the 31st day of October 2014, failed to prevent its associated persons from bribing others, namely employees, servants or agents of Petróleo Brasileiro S.A, intending to obtain and/or retain business for FOSTER WHEELER ENERGY LIMITED, namely the award and/or retention of a contract to design a gas-to-chemicals complex in Brazil called Complexo Gás Químico UFN-IV, including a contract for the provision of Front End Engineering and Design services.