

2021



**GLOBAL
ENFORCEMENT
REPORT**

INTRODUCTION

Almost every country in the world prohibits the payment of bribes to their own government officials. Anti-bribery conventions sponsored by the United Nations, the Organisation for Economic Co-operation and Development, the Organization of American States, the Council of Europe, and the African Union require signatory countries to establish binding standards for the criminalization of bribery of foreign public officials in international business transactions. Virtually every country in the world has ratified one of these international conventions and many have enacted laws that prohibit the payment of bribes to foreign government officials.

Despite the global denunciation of bribery, little information is publicly available on enforcement of these anti-bribery regulations. This can make it difficult to recognize trends concerning the extent to which countries are enforcing anti-bribery laws or where bribery is most prevalent, even though such information is critical to promoting transparency in global business. TRACE publishes the Global Enforcement Report (“GER”) annually in an attempt to provide this essential information. The 2021 GER provides an updated summary of international anti-bribery enforcement trends, based primarily on the cases and investigations tracked in the TRACE Compendium, TRACE’s online database of transnational corruption cases. The TRACE Compendium contains summaries of enforcement actions, investigations and declinations involving the alleged bribery of government officials that crosses at least one border. Neither the TRACE Compendium nor the 2021 GER include matters involving domestic companies bribing domestic government officials. The alleged bribe must have a cross-border component and must involve a government official.

The 2021 GER offers both graphic and textual analyses of investigations and enforcement actions concerning the bribery of government officials from the enactment of the U.S. Foreign Corrupt Practices Act in 1977 through 31 December 2021. Where appropriate, the 2021 GER reflects revisions to the statistics reported in earlier editions of the GER, as our data are updated whenever TRACE obtains new or improved information regarding an investigation or enforcement action, or when the status of an enforcement action changes. The 2021 GER also represents TRACE’s continuing efforts to refine and improve the data utilized in the report. Neither the TRACE Compendium nor the 2021 GER can provide a precise and objective measurement of global anti-corruption enforcement. Instead, they are meant to provide general information on trends in international anti-corruption efforts on a broad scale.

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The 2021 GER focuses on two distinct anti-bribery enforcement events undertaken by government authorities: investigations and enforcement actions. An **investigation** is an ongoing investigation by a government authority into allegations of bribery of government officials by a foreign company or individual. TRACE recognizes that investigations into allegations of bribery are sometimes dropped due to insufficient evidence, or for security or political considerations; they may be closed without any resolution; or they may continue indefinitely with no other action ever being taken. For purposes of the 2021 GER, investigations are no longer considered ongoing if 10 years have passed since they were last discussed in a publicly available document, or if five years have passed since a government authority brought an enforcement action or issued a declination on the same allegations. An **enforcement action** is an adjudication of allegations of bribery of government officials by a foreign company or individual. That is, there must be a final resolution that involves fines, penalties, disgorgement, a guilty plea, a sentencing or a settlement of charges.

The TRACE Compendium and 2021 GER include cases in which bribery allegations have been made against individual employees or representatives of companies (including employees of local subsidiaries of international companies). When a company and its employees or representatives face separate enforcement actions involving substantially the same conduct, only one enforcement action is counted in the 2021 GER. Except where a company specifically receives a declination, if a company does not face an enforcement action but its employees or representatives do, the enforcement action is counted as one enforcement action. Finally, while separate enforcement actions may be taken by different authorities in one country based on the same circumstances, only one such enforcement action is counted against a company or individual.

GLOSSARY OF TERMS

Investigation – An ongoing investigation by a government authority into allegations of bribery of government officials by a foreign company or individual that has not been resolved by either an enforcement action or a declination.

Enforcement Action – An adjudication of allegations of bribery of government officials by a foreign company or individual that is a final resolution of charges involving fines, penalties, disgorgement, a guilty plea, a sentencing or a settlement of charges.

Enforcement Event – Investigations and enforcement actions are both considered “enforcement events.”

Declination – Termination of an ongoing investigation by a government agency without any enforcement action.

Bribery of Foreign Official – Improper payments made by a foreign company to a government official who is not a citizen of the government undertaking the enforcement event.

Bribery of Domestic Official – Improper payments made by a foreign company to a government official who is a citizen of the government undertaking the enforcement event.

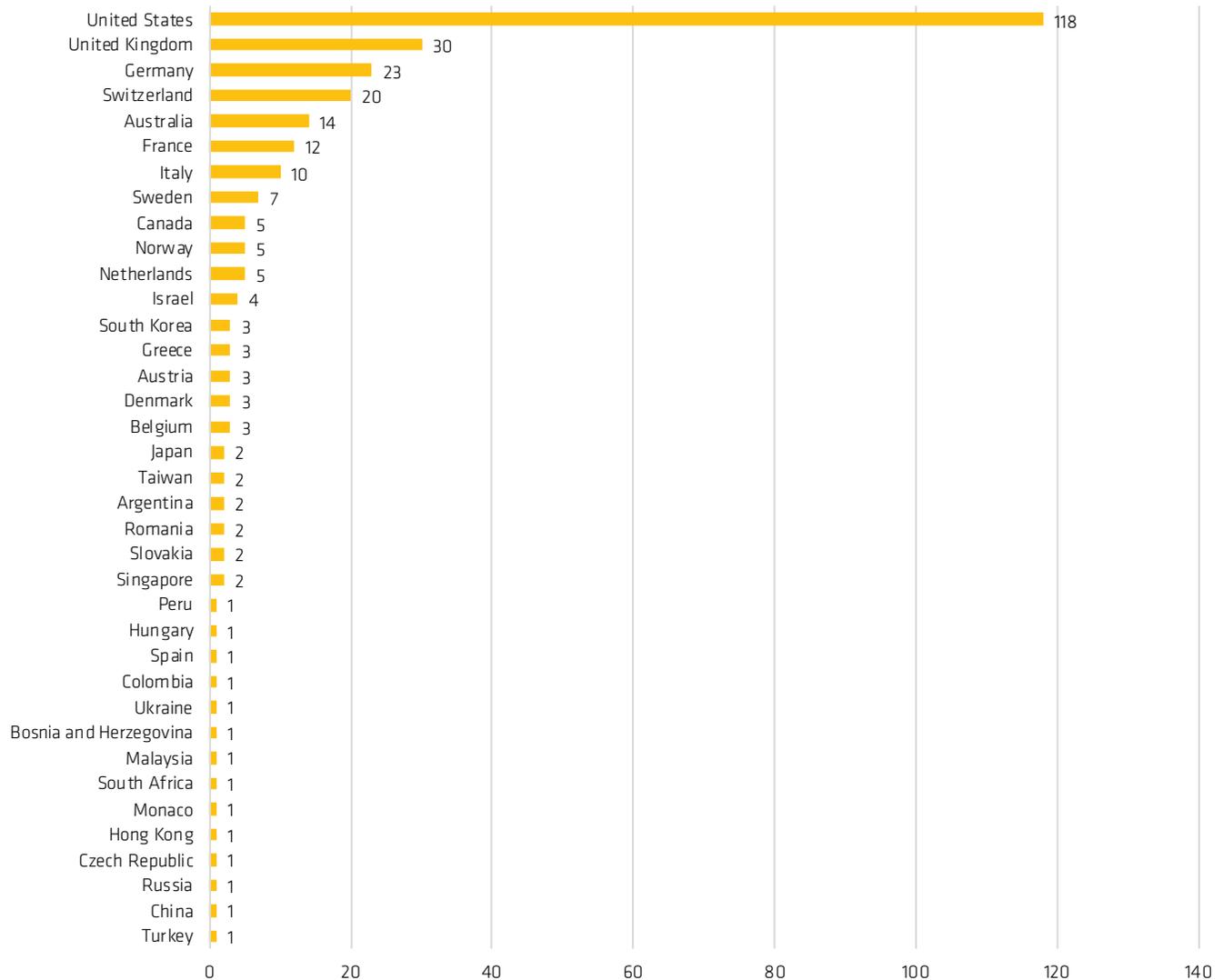
KEY FINDINGS

- There was a notable slowdown in the number of foreign bribery enforcement actions brought by the United States in 2021. Foreign bribery enforcement actions in other jurisdictions held closer to the average of recent years but did not reverse a longer-term slowdown.
- Both in the United States and elsewhere, the 2021 GER observes a drop in the number of open foreign bribery investigations. While this is caused in part by older investigations being dropped from the GER's tally due to inactivity, it also suggests a slowdown in the overall rate of replenishment for foreign bribery investigations.
- The 2021 GER finds Brazil to be currently the most active of non-U.S. jurisdictions (surpassing China) in bringing enforcement actions for domestic bribery from foreign companies. Brazil has also seen an increase in the number of open investigations concerning domestic bribery from U.S.-based companies.
- Foreign bribery investigations continue their focus on the Extractives sector, while non-U.S. investigations concerning bribery of domestic concerns by foreign companies are more heavily concentrated in Engineering/Construction. Enforcement agencies in the U.S. continued to focus largely on Extractives, Financial Services, Engineering/Construction and Manufacturing/Services in their open investigations and enforcement actions.

FIGURES AND ANALYSIS

FIGURE
01

INVESTIGATIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COUNTRY

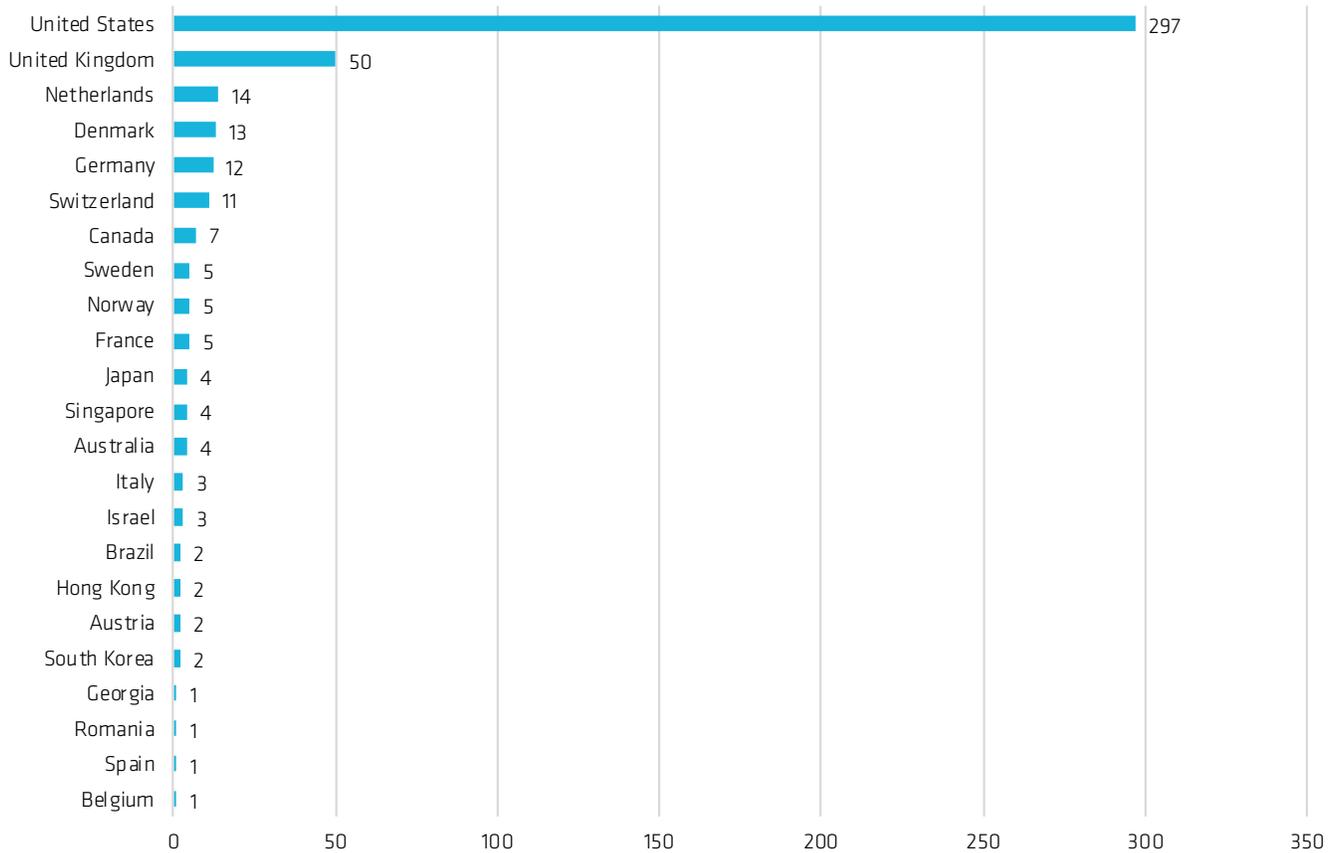


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This chart addresses where investigations of bribery of foreign officials are occurring. In total, there were 294 investigations concerning alleged bribery of foreign officials being conducted by authorities in 37 countries as of 31 December 2021. The United States had 118 open investigations, which represents 40% of all ongoing investigations concerning alleged bribery of foreign officials. European countries currently account for approximately 46% of all investigations—a total of 136—while the Asia Pacific region accounts for nearly 9% of ongoing investigations, followed by the Americas (excluding the U.S.) with 3%, the Middle East with approximately 1%, and Africa with fewer than 1%.

FIGURE
02

ENFORCEMENT ACTIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COUNTRY

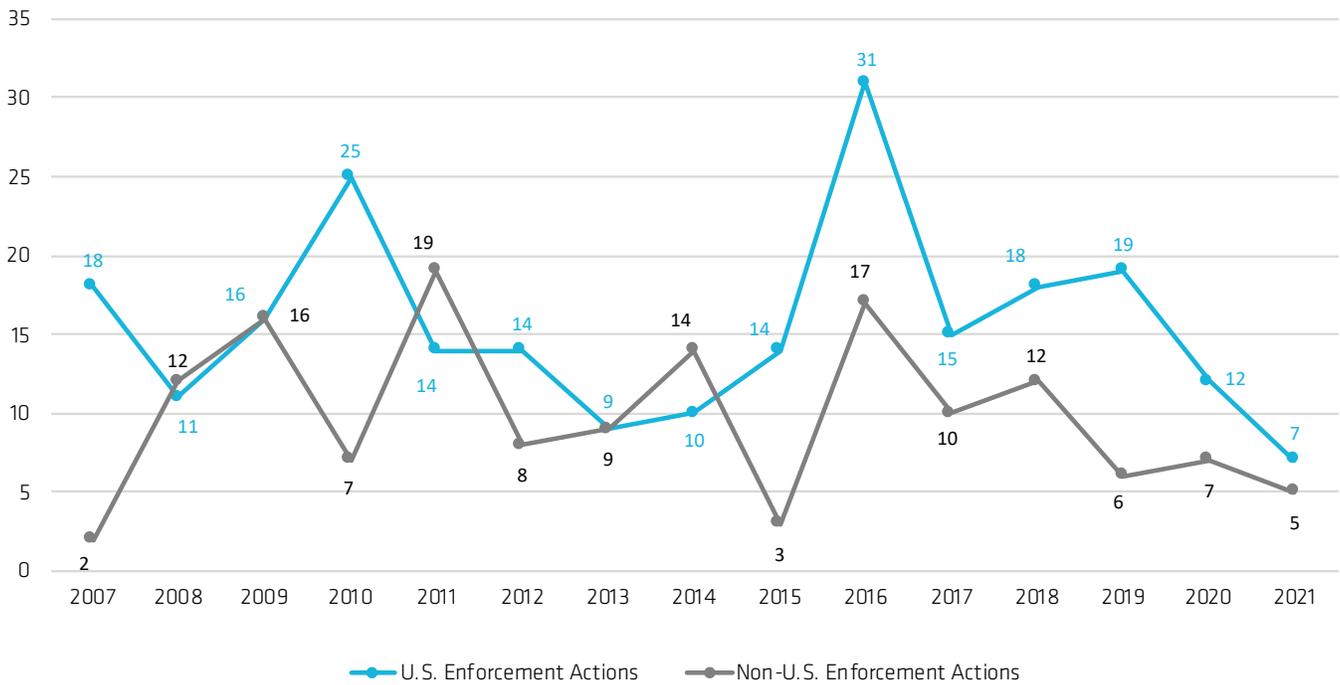


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From 1977 through 2021, 23 countries concluded 449 enforcement actions concerning alleged bribery of foreign officials. The United States maintained the strongest enforcement record during this period with 297 enforcement actions, representing approximately 66% of all enforcement actions concerning alleged bribery of foreign official taken to date. Countries in Europe undertook 124 enforcement actions, constituting approximately 25% of all actions concerning alleged bribery of foreign officials. Countries in Asia Pacific were responsible for approximately 4% of the total enforcement actions concerning the alleged bribery of foreign officials, followed by the Americas (excluding the U.S.) with 2% and the Middle East with fewer than 1%.

FIGURE
03

ENFORCEMENT ACTIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS 2007-2021

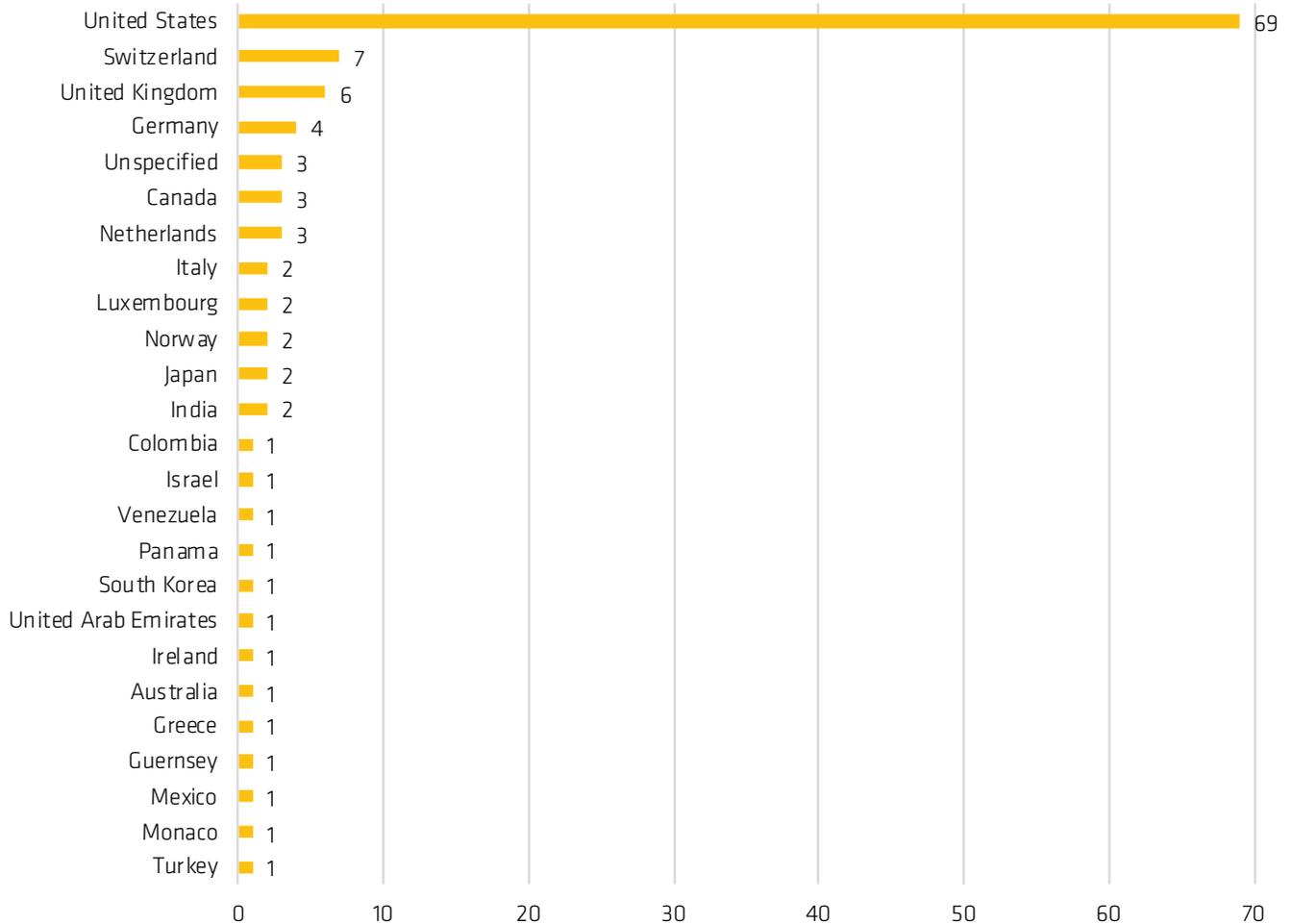


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Figure 3 modifies the analysis in Figure 2 to examine enforcement actions concerning alleged bribery of foreign officials undertaken from 2007 through 2021. The United States showed an ongoing decrease in enforcement activity in 2021. The volume of enforcement activity by non-U.S. enforcement agencies also dropped compared to the previous year.

FIGURE
04

U.S. INVESTIGATIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COMPANY HEADQUARTERS OR INDIVIDUAL CITIZENSHIP

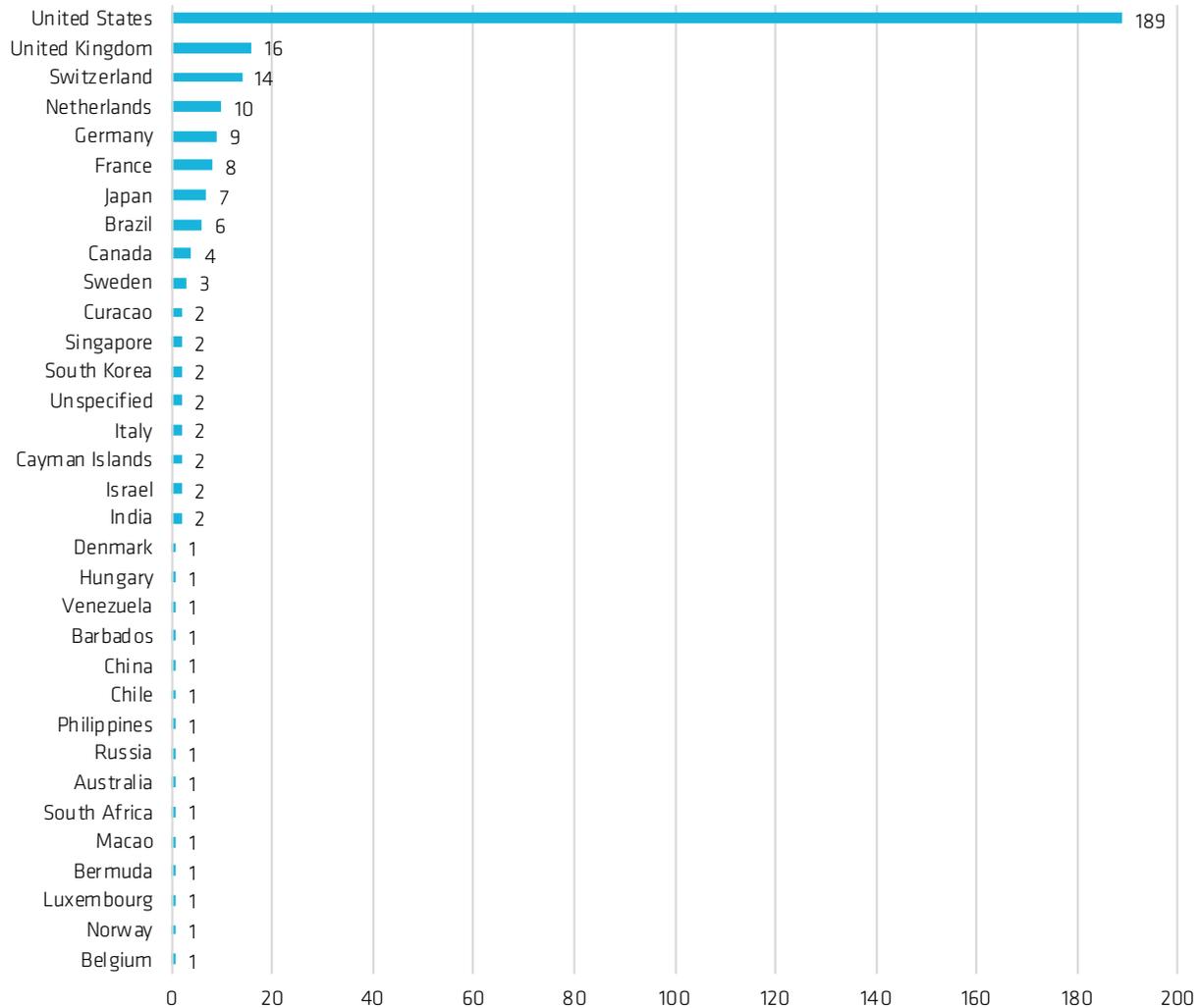


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The United States had 118 open investigations concerning alleged bribery of foreign officials in 25 countries as of 31 December 2021. There were 49 investigations concerning alleged bribery of foreign officials involving companies headquartered outside of the United States or individuals with non-U.S. citizenship, representing approximately 42% of all such investigations. Of the investigations concerning alleged bribery of foreign officials being conducted against non-U.S. companies and individuals, the highest number of involved companies or individuals is in Switzerland, followed by the United Kingdom, representing approximately 42% of all such investigations. Companies or individuals from Europe made up approximately 63% of U.S. investigations concerning alleged bribery of foreign officials being conducted against non-U.S. companies and individuals, followed by the Americas (excluding the U.S.) with approximately 14%, Asia Pacific with approximately 12%, and the Middle East with 4%.

FIGURE
05

U.S. ENFORCEMENT ACTIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COMPANY HEADQUARTERS OR INDIVIDUAL CITIZENSHIP

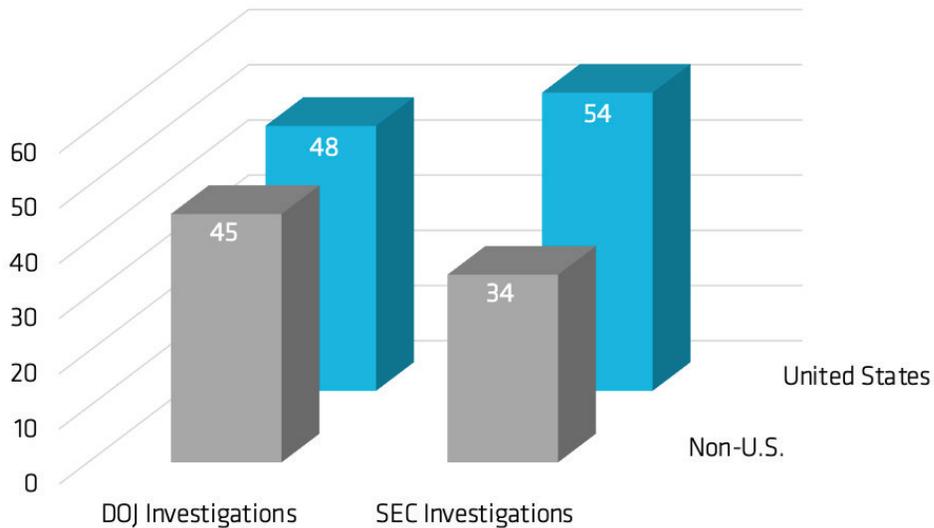


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The United States has concluded 297 enforcement actions concerning alleged bribery of foreign officials from 1977–2021. A total of 108 of these enforcement actions involved companies headquartered outside of the United States or individuals with non-U.S. citizenship, representing approximately 36% of all enforcement actions initiated by the United States concerning alleged bribery of foreign officials. Of the enforcement actions undertaken against non-U.S. companies and individuals, the highest number involved companies or individuals from the United Kingdom, followed by Switzerland and the Netherlands. Companies or individuals from Europe represent approximately 63% of U.S. enforcement actions concerning alleged bribery of foreign officials undertaken against non-U.S. companies and individuals, followed by the Americas (excluding the U.S.) with 17%, Asia Pacific with 16%, the Middle East with 2%, and Africa with 1%.

FIGURE
06

U.S. INVESTIGATIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COUNTRY OF HEADQUARTERS



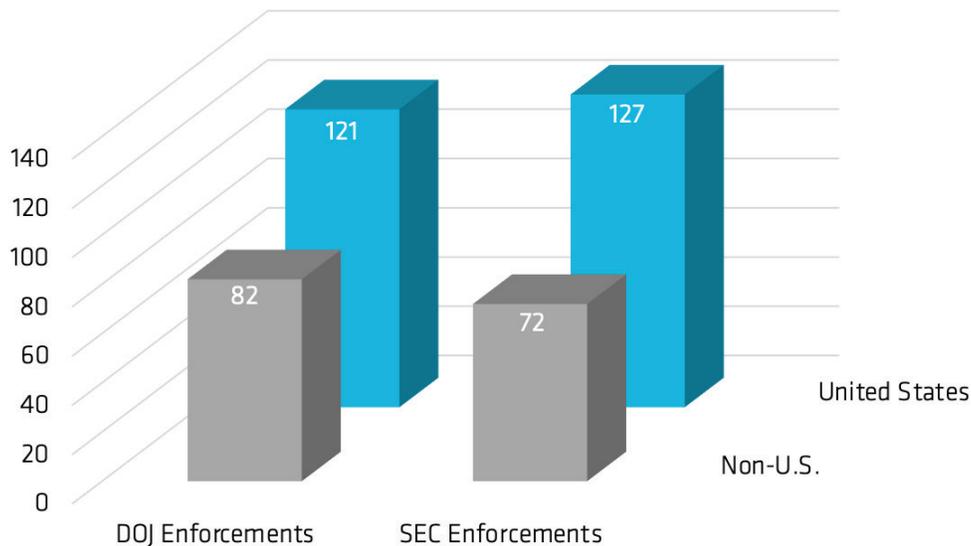
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While separate investigations may be conducted by different authorities in one country based on the same circumstances, generally only one such investigation is counted in this report against a company or individual. This chart addresses where separate investigations are conducted by the U.S. Securities and Exchange Commission (SEC) and the U.S. Department of Justice (DOJ).

Between the SEC and the DOJ, the U.S. is conducting a total of 181 foreign bribery investigations, with approximately 44% involving companies headquartered outside of the U.S. or individuals with non-U.S. citizenship. Of those 181, 93 are conducted by the DOJ (51%) and 88 by the SEC (49%). DOJ investigations account for approximately 57% of the total agency investigations involving non-U.S. companies and individuals, but only 47% of investigations involving U.S.-based companies and individuals.

FIGURE
07

U.S. ENFORCEMENT ACTIONS CONCERNING BRIBERY OF FOREIGN OFFICIALS BY COUNTRY OF HEADQUARTERS



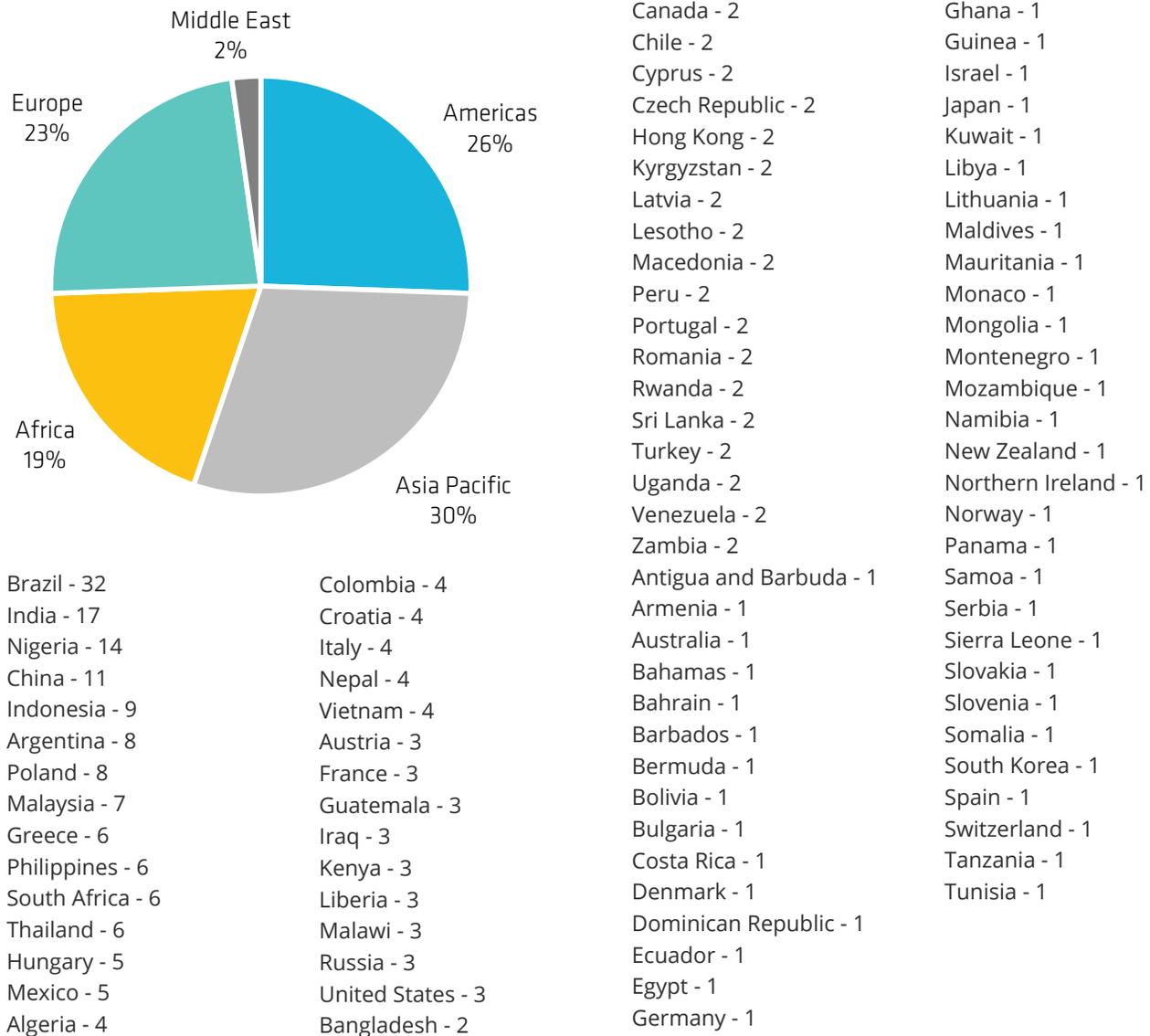
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While separate enforcement actions may be taken by different authorities in one country based on the same circumstances, generally only one such enforcement action is counted in this report against a company or individual. This chart addresses separate enforcement actions taken by the SEC and the DOJ.

Between the SEC and the DOJ, the U.S. has concluded 402 enforcement actions concerning the alleged bribery of foreign officials, with 154—approximately 38%—involving companies headquartered outside of the U.S. or individuals with non-U.S. citizenship. The SEC has remained slightly more active in prosecuting U.S.-based companies (51% to 49%). With respect to non-U.S.-based companies and individuals, the DOJ has concluded the greater number of enforcement actions, at a ratio of approximately 53% to 47%.

FIGURE
08

INVESTIGATIONS CONCERNING BRIBERY OF DOMESTIC OFFICIALS BY COUNTRY

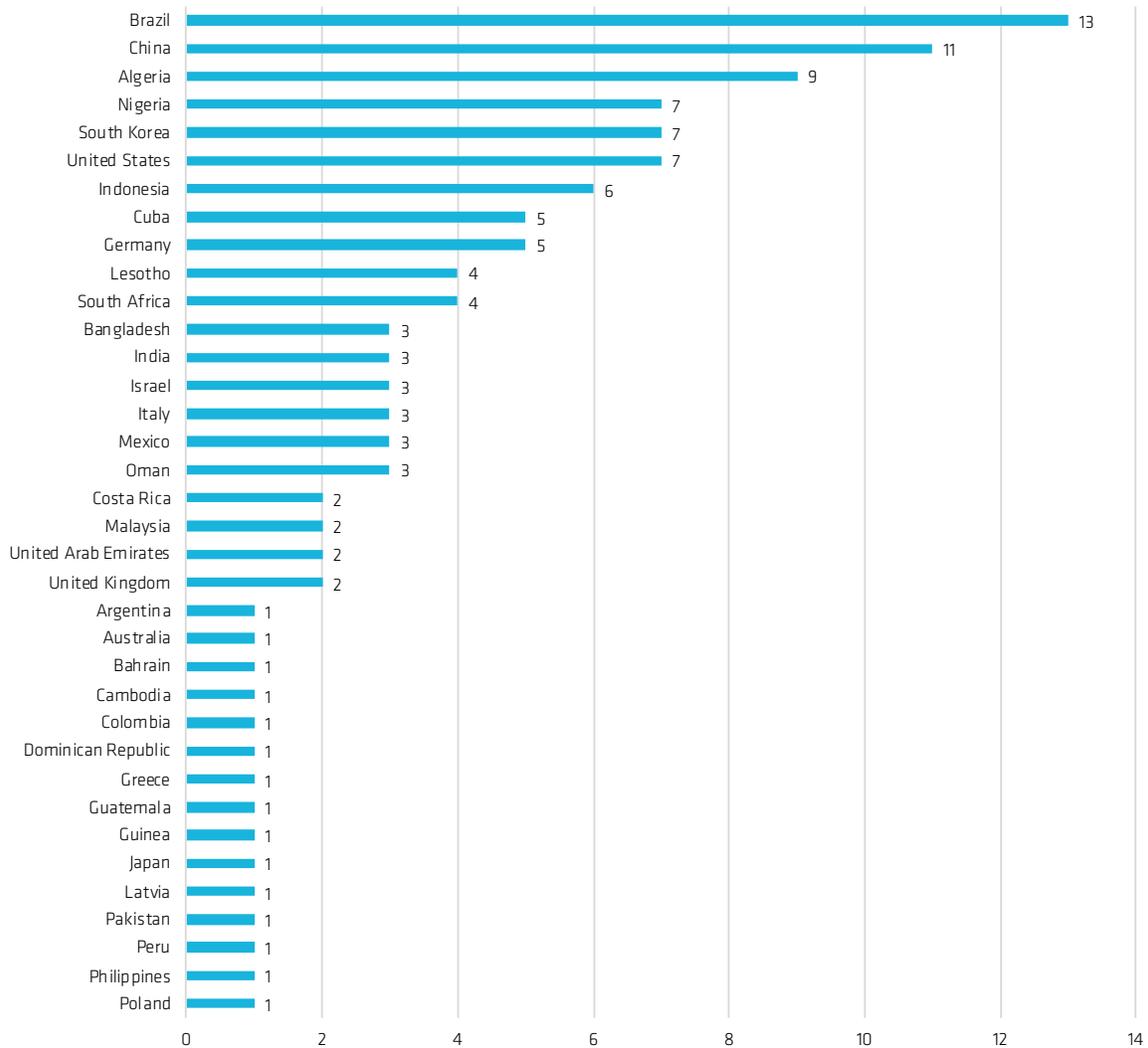


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Of the 92 countries conducting investigations concerning alleged bribery of domestic officials as of 31 December 2021, Brazil was conducting the most, followed by India, Nigeria and China. Countries in Asia Pacific accounted for approximately 29% of all such investigations, followed by the Americas with approximately 26%, Europe with approximately 23%, Africa with approximately 19%, and the Middle East with approximately 2%. Of the 20 countries conducting four or more investigations concerning alleged bribery of domestic officials, eight are in Asia Pacific, five are in Europe, four in the Americas, and three in Africa. Of the 72 countries conducting between one and three investigations concerning alleged bribery of domestic officials, 23 are in Europe, 18 are in Africa, 15 in the Americas, 12 in Asia Pacific, and four in the Middle East.

FIGURE
09

ENFORCEMENT ACTIONS CONCERNING BRIBERY OF DOMESTIC OFFICIALS BY COUNTRY

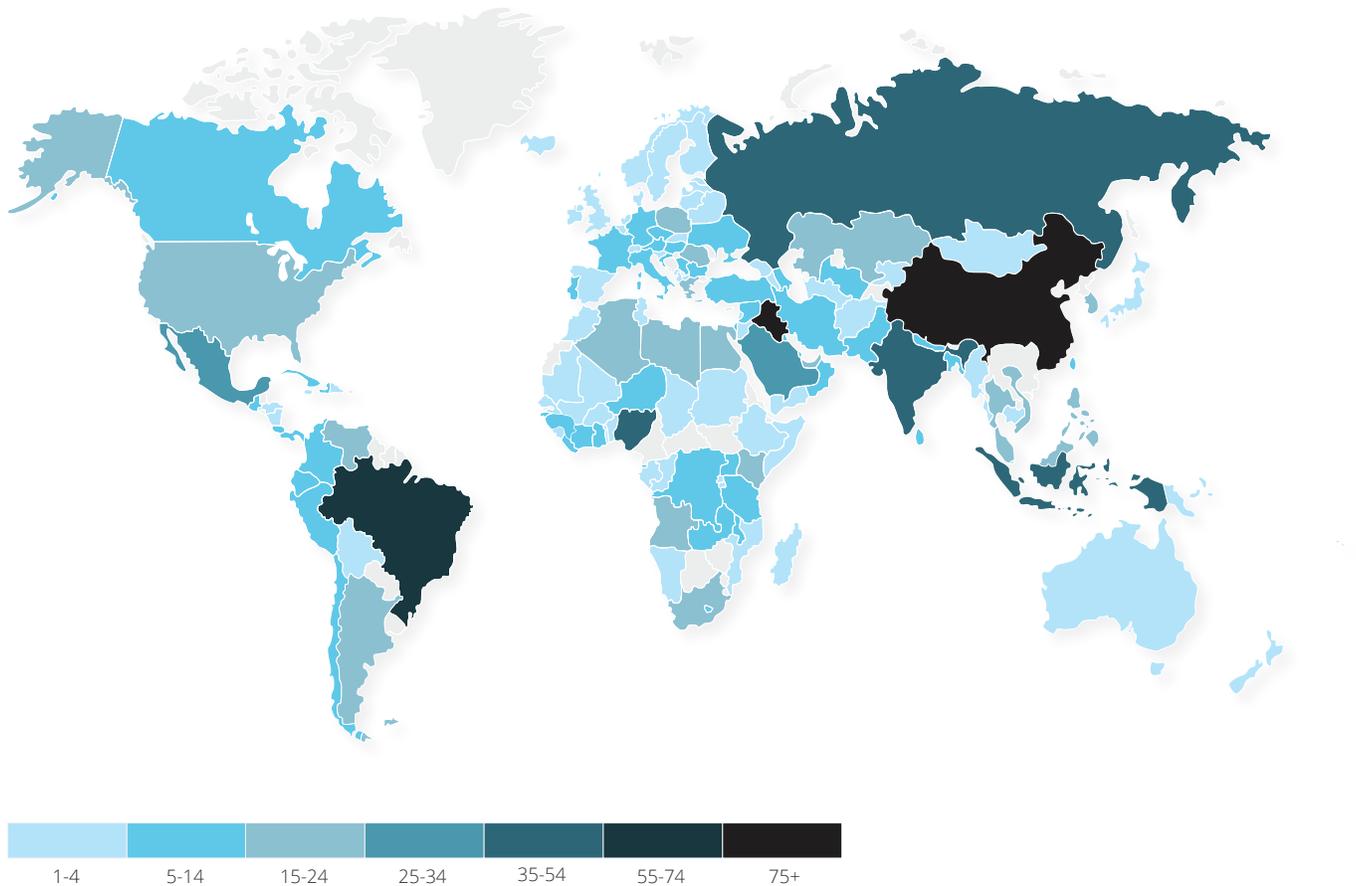


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As of 31 December 2021, there were more than twice as many investigations (273) as there have been enforcement actions (120) concerning alleged bribery of domestic officials from 1977-2021. Brazil and China have brought the most enforcement actions concerning alleged bribery of domestic officials, followed by Algeria, Nigeria, South Korea and the United States. Countries in Asia Pacific have undertaken approximately 32% of the enforcement actions concerning alleged bribery of domestic officials, followed by the Americas with approximately 29%, Africa with approximately 21%, Europe with 11%, and the Middle East with approximately 7%. Six countries had undertaken seven or more enforcement actions: two in Africa, two in Asia Pacific, and two in the Americas. Five countries had undertaken between four and six enforcement actions: two in Africa, and one each in the Americas, Europe and Asia Pacific. Of the 26 countries that had undertaken between one and three enforcement actions concerning alleged bribery of domestic officials, nine are in Asia Pacific, seven in the Americas, five in Europe, four in the Middle East, and one in Africa.

FIGURE
10

PREVALENCE OF BRIBERY 1977-2021



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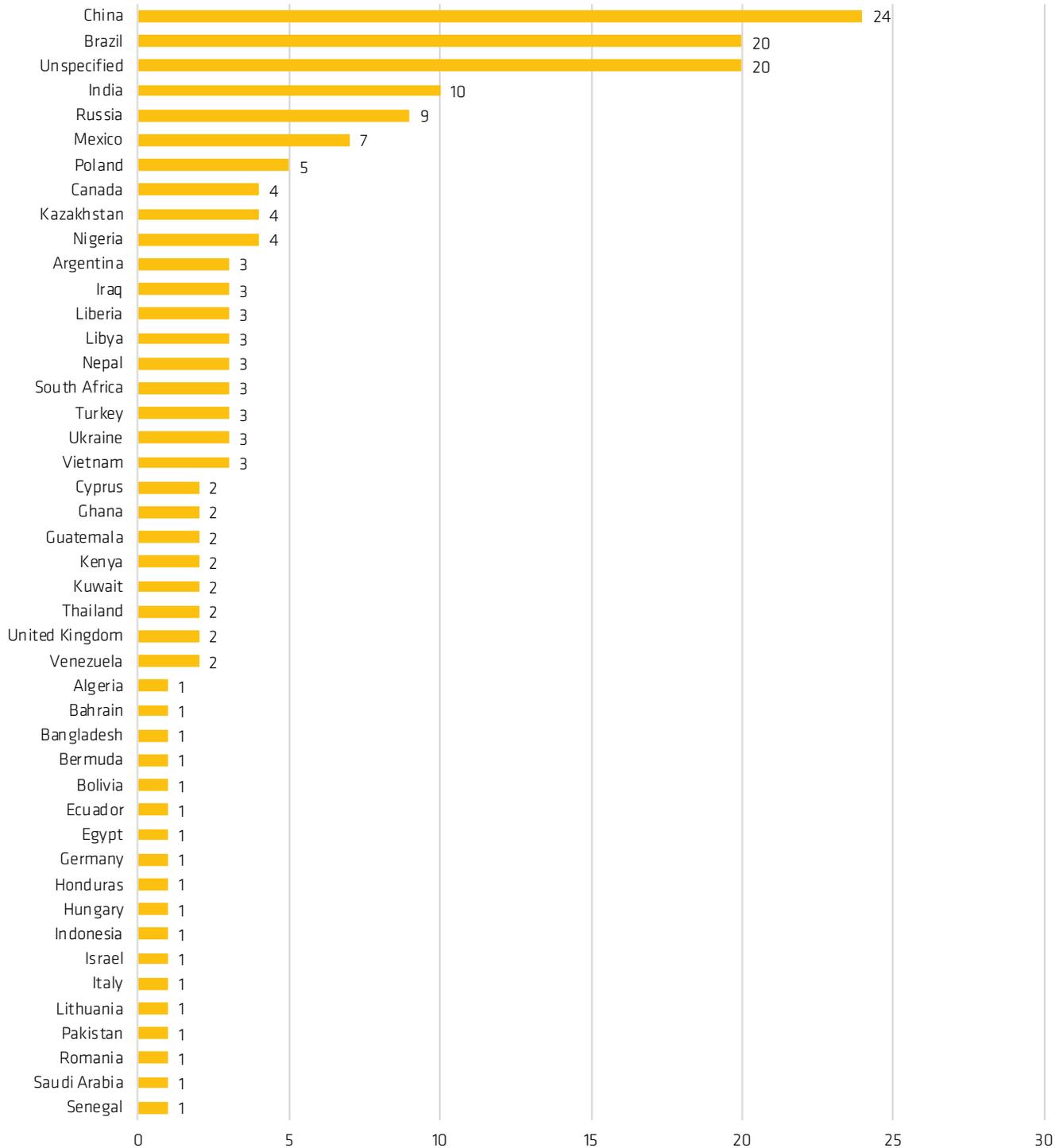
This Figure shows the prevalence of alleged bribery of government officials. Each country indicated on the map has a corresponding number of enforcement events concerning the alleged bribery of that country's government officials. China surpasses every other country, with Chinese officials being the alleged recipients of bribes in more than 110 different enforcement events. Iraq and Brazil have the next-highest numbers of enforcement events, followed by Nigeria, India and Indonesia. Officials in Asia Pacific were the alleged recipient of bribes in approximately 28% of enforcement events, followed by Africa with 21%, the Americas with 18%, Europe with 16%, and the Middle East with 12%. Fifteen countries had more than 20 enforcement events, with seven in Asia Pacific, two in each of Africa, the Americas and the Middle East, and one in Europe. There were 22 countries with between 11 and 20 enforcement events: seven in Africa, five in Europe, four in Asia Pacific, four in the Americas, and two in the Middle East. There were 120 countries with between one and 10 enforcement events: 36 in Africa, 31 in Europe, 23 in Asia Pacific, 21 in the Americas, and nine in the Middle East.

There were 89 enforcement events where the nationality of the government officials who were allegedly bribed is unspecified. This is because the information is taken from publicly available resources, and there may be instances where companies or authorities do not specify information about where alleged bribery took place.

FIGURE

11

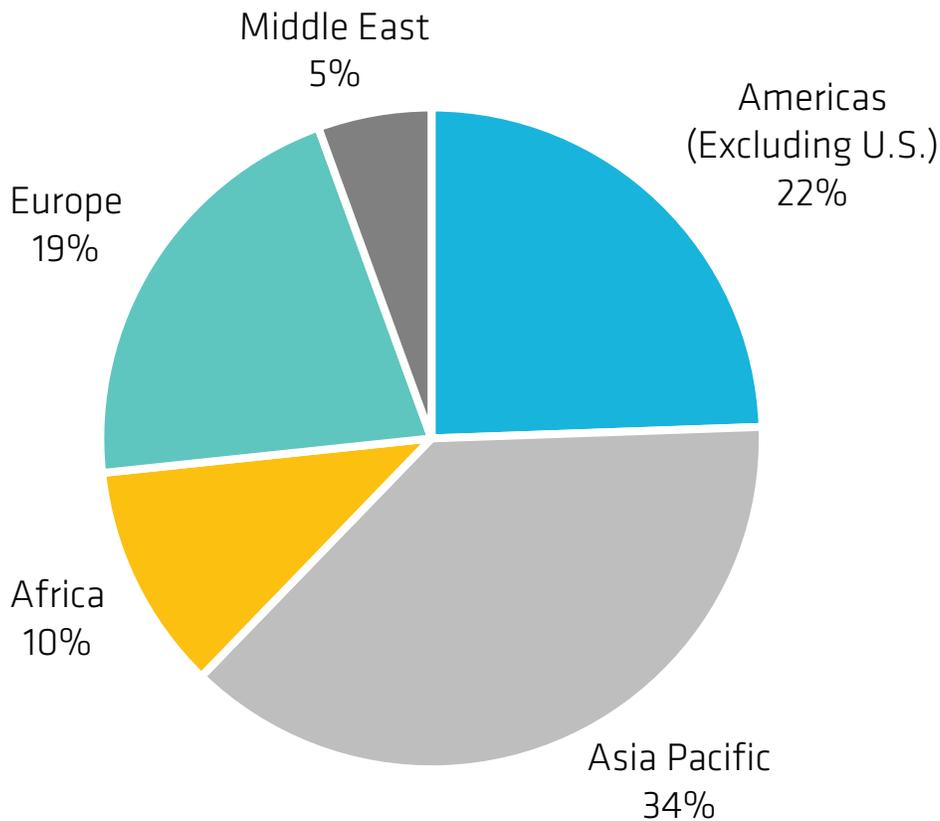
TOTAL INVESTIGATIONS CONCERNING BRIBERY BY COMPANIES HEADQUARTERED IN THE U.S.



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This Figure shows the 44 countries where U.S.-based companies under investigation as of 31 December 2021 have allegedly paid bribes. Chinese officials are the alleged recipients of bribes in 24 investigations, followed by Brazil. Officials in Asia Pacific were the alleged recipients of bribes in approximately 29% of investigations, followed by the Americas (excluding the U.S.) with approximately 25%, Europe with approximately 17%, Africa with approximately 12%, and the Middle East with 5%. Two countries were implicated in more than 10 investigations: one in Asia Pacific and one in the Americas (excluding the U.S.). There were 42 countries implicated in between one and ten investigations: 11 in Europe, nine in Africa, nine in the Americas (excluding the U.S.), eight in Asia Pacific, and five in the Middle East.

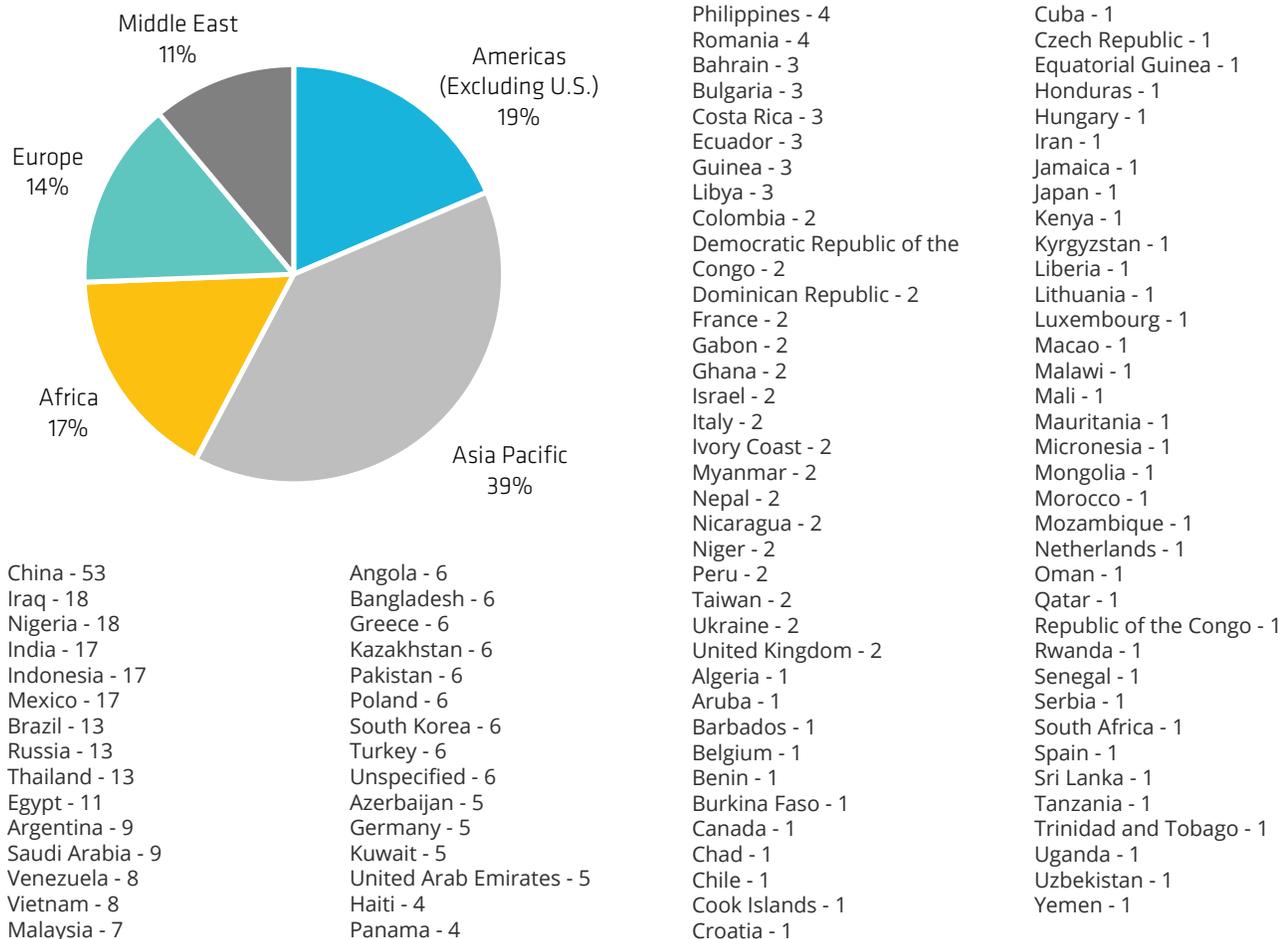
There were 20 investigations where the nationality of the government officials who were allegedly bribed is unspecified. This is because the information is taken from publicly available resources, and there may be instances where companies or authorities do not specify information about where alleged bribery took place.



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FIGURE
12

TOTAL ENFORCEMENT ACTIONS CONCERNING BRIBERY BY COMPANIES HEADQUARTERED IN THE U.S.



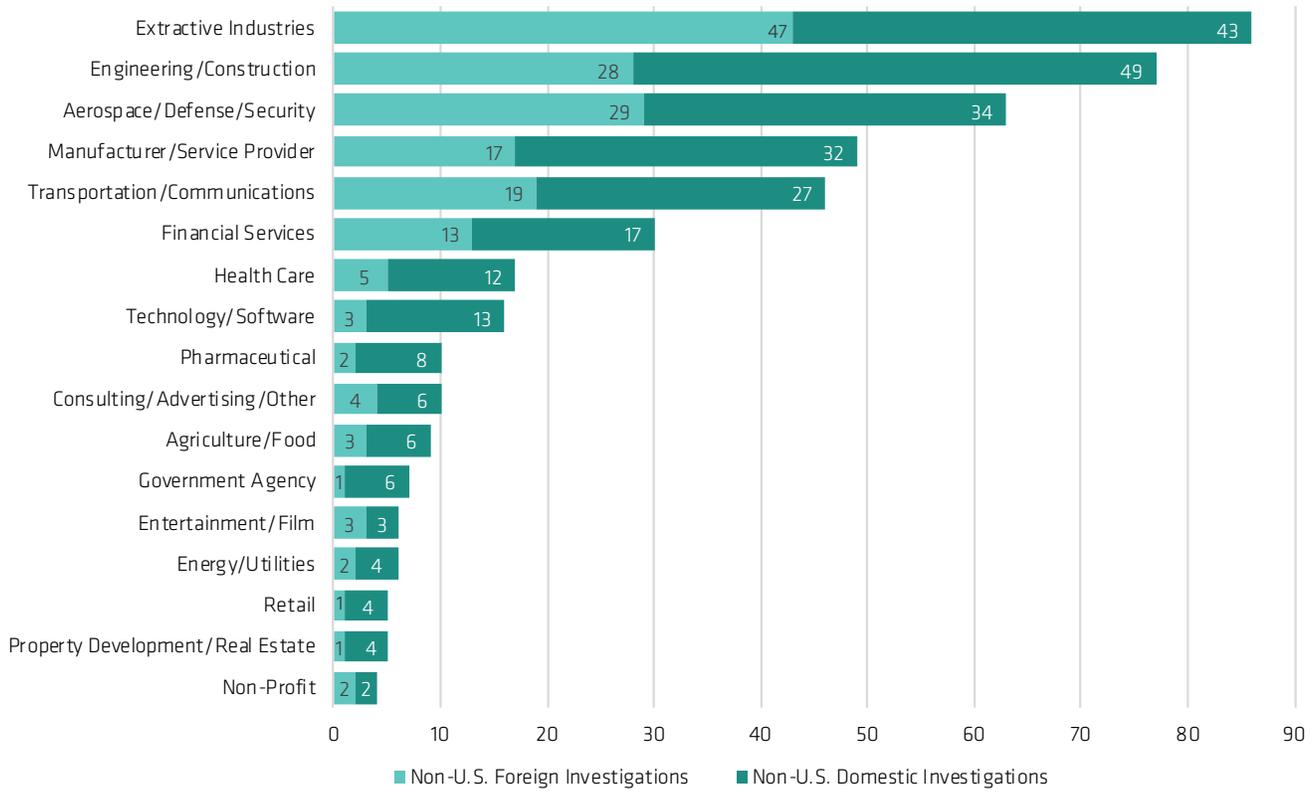
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This Figure shows the 101 countries where U.S.-based companies who were subject to an enforcement action between 1977 and 2021 allegedly paid bribes. Chinese officials are the alleged recipients of bribes in 53 enforcement actions, followed by Iraq, Nigeria, India, Indonesia and Mexico. Officials in Asia Pacific were the alleged recipients of bribes in approximately 39% of enforcement actions, followed by the Americas (excluding the U.S.) with approximately 18%, Africa with approximately 16%, Europe with approximately 14%, and the Middle East with approximately 11%. Ten countries were implicated in more than 10 enforcement actions: four in Asia Pacific, two in the Americas (excluding the U.S.), two in Africa, and one each in Europe and the Middle East. There were 91 countries implicated in between one and ten enforcement actions: 26 in Africa, 19 in Europe, 19 in Asia Pacific, 18 in the Americas (excluding the U.S.), and nine in the Middle East.

There were six enforcement actions where the nationality of the government officials who were allegedly bribed is unspecified. This is because the information is taken from publicly available resources, and there may be instances where companies or authorities do not specify information about where alleged bribery took place.

FIGURE
13

TOTAL INVESTIGATIONS CONCERNING BRIBERY OF DOMESTIC AND FOREIGN OFFICIALS BY INDUSTRY (EXCLUDING UNITED STATES)

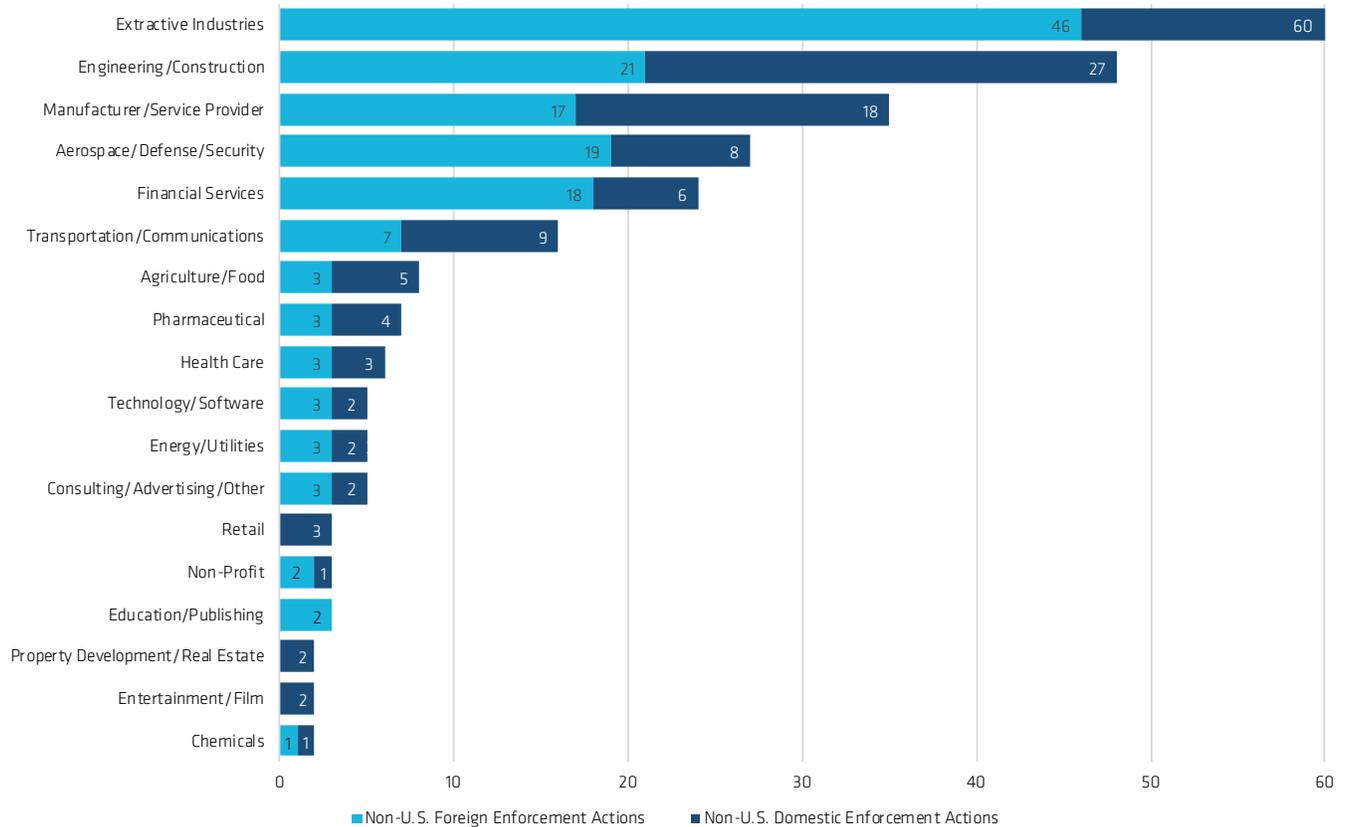


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This Figure shows the industries that have experienced the most investigations of alleged bribery of foreign or domestic officials, excluding investigations being conducted by the United States, as of 31 December 2021. The Extractive Industries represent the highest number of bribery investigations, with 19% of all non-U.S. investigations, followed by Engineering/Construction with approximately 17% and Aerospace/Defense/Security with approximately 14%.

FIGURE
14

TOTAL ENFORCEMENT ACTIONS CONCERNING BRIBERY OF DOMESTIC AND FOREIGN OFFICIALS BY INDUSTRY (EXCLUDING UNITED STATES)

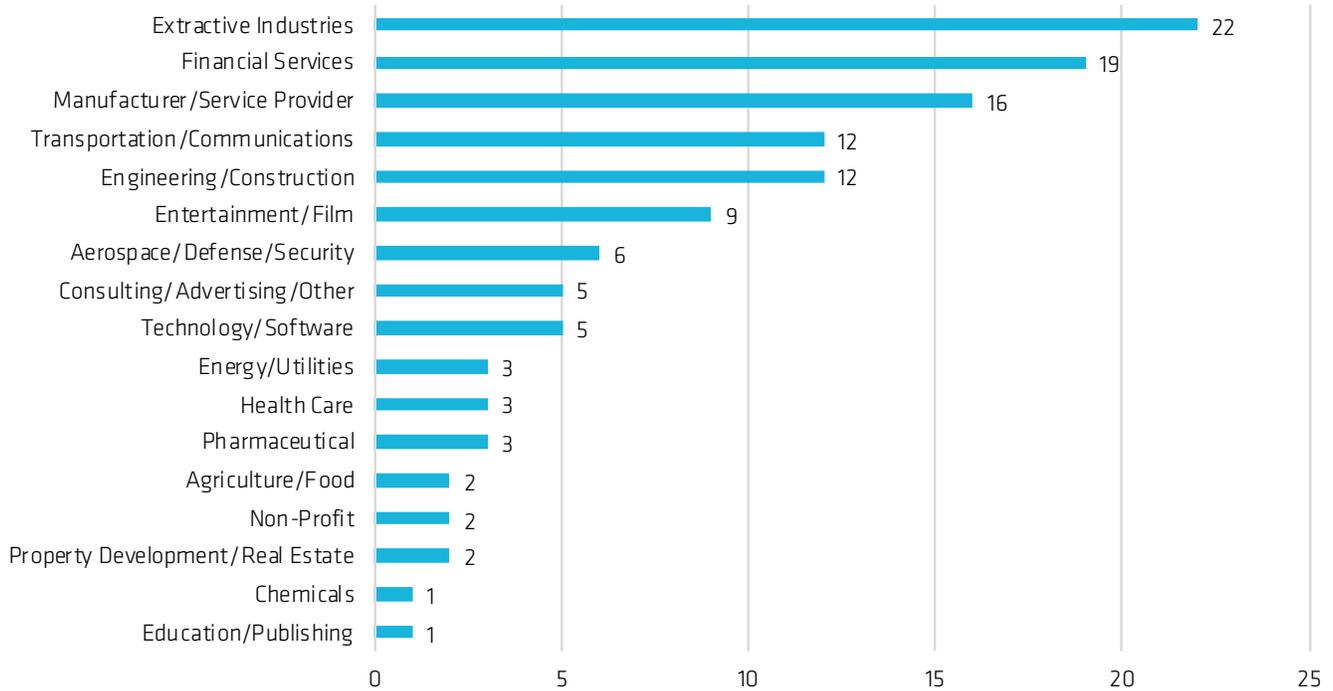


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This Figure shows the industries that have experienced the most enforcement actions concerning alleged bribery of domestic or foreign officials, excluding enforcement actions brought by the United States, from 1977 through 2021. The Extractive Industries represent the highest number of bribery enforcement actions, with approximately 24% of all non-U.S. bribery enforcement actions, followed by Engineering/Construction with approximately 18% and Manufacturer/Service Provider with approximately 13%.

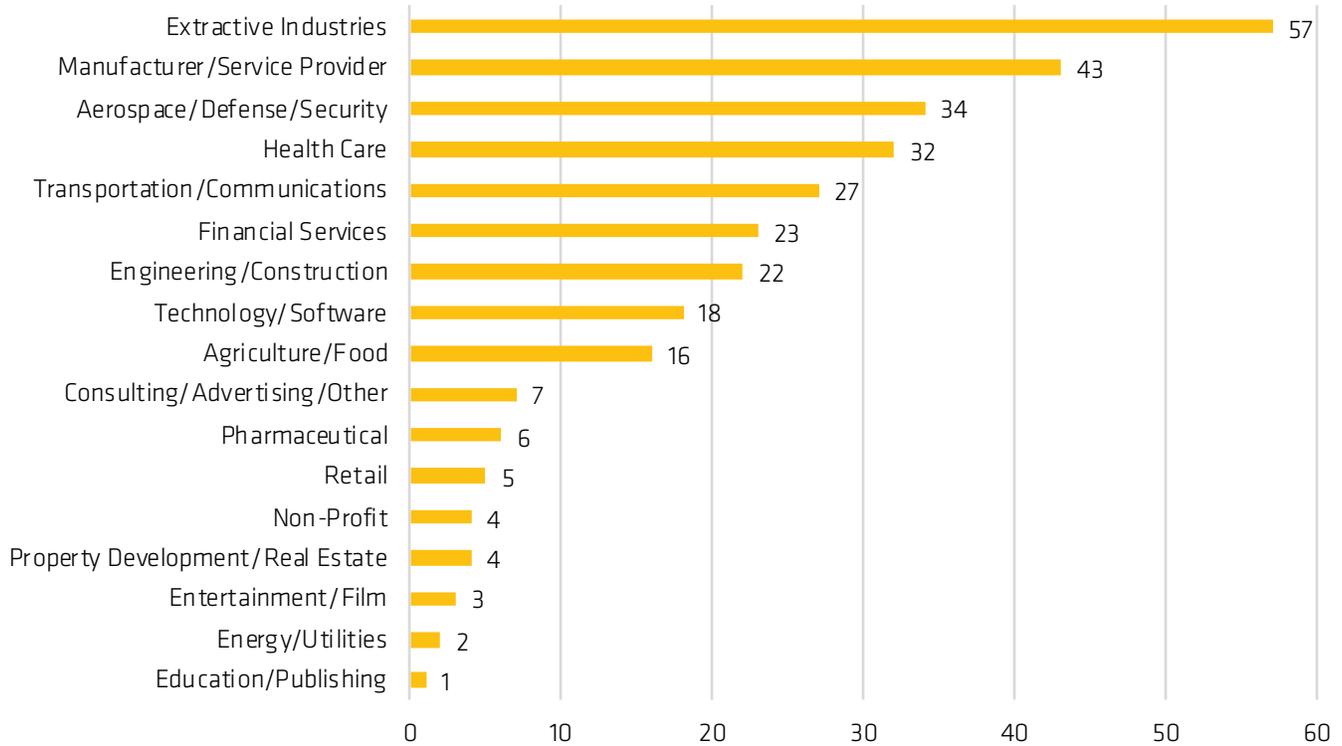
FIGURE
15

U.S. INVESTIGATIONS CONCERNING BRIBERY OF DOMESTIC AND FOREIGN OFFICIALS BY INDUSTRY



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This Figure shows U.S. investigations concerning alleged bribery of domestic and foreign officials as of 31 December 2021, separated by industry. The Extractive Industries faced the most investigations, with approximately 18% of all U.S. investigations, followed by Financial Services with 15% and Manufacturer/Service Provider with 13%.

FIGURE
16**U.S. ENFORCEMENT ACTIONS CONCERNING
BRIBERY OF DOMESTIC AND FOREIGN
OFFICIALS BY INDUSTRY**

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This Figure shows U.S. enforcement actions concerning alleged bribery of domestic and foreign officials from 1977 through 2021, separated by industry. The Extractive Industries have seen the most enforcement actions, with 19% of all such U.S. enforcement actions, followed by Manufacturer/Service Provider with 14% and Aerospace/Defense/Security with 11%.

ABOUT THE GLOBAL ENFORCEMENT REPORT

TRACE's annual Global Enforcement Report provides graphic and textual analyses of all known enforcement events—including investigations, enforcement actions and declinations—since the first bribery cases were prosecuted in the United States following the enactment of the U.S. Foreign Corrupt Practices Act. Data from the Global Enforcement Report is based primarily on the cases and investigations tracked in the [TRACE Compendium](#), TRACE's online database of transnational corruption cases. TRACE cannot know or accurately estimate how many enforcement events may be underway but not made public or not included in a major international publication. The analyses exclude purely domestic matters involving local companies bribing local government officials, reflecting only enforcement events for an alleged bribe with an international component that involve an alleged payment to a government official or an employee of a state-owned entity.

The 2021 Global Enforcement Report analyzes anti-bribery enforcement data from 2021 and provides a summary of 45 years of anti-bribery enforcement activity.

ABOUT TRACE

TRACE is a non-profit business association dedicated to anti-bribery, compliance and good governance. Founded in 2001 to make it easier and less expensive to reduce the risk of bribery, TRACE is widely recognized for establishing compliance standards and advancing commercial transparency worldwide. Members include hundreds of multinational companies across all industry sectors. TRACE is headquartered in the United States and registered in Canada, with a presence on five continents.



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