

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA** )

**v.** )

**SNAMPROGETTI NETHERLANDS B.V.,** )

**Defendant.** )

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**Criminal No. H-10-460**

**GOVERNMENT’S MOTION TO DISMISS CRIMINAL INFORMATION**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States of America, by and through undersigned counsel, hereby dismisses with prejudice the criminal information filed in the above-captioned case against the defendant, Snamprogetti Netherlands B.V. (“Snamprogetti”). As grounds therefore, the government states as follows:

1. On or about July 7, 2010, the United States filed a criminal information charging Snamprogetti with conspiracy to commit an offense against the United States in violation of 18 U.S.C. § 371, that is, to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. §§ 78dd-1 and 78dd-2 (Count One) and violating the anti-bribery provisions of the FCPA, 15 U.S.C. § 78dd-2 (Count Two). Docket Entry 1.

2. On the same date, the United States and Snamprogetti entered into a deferred prosecution agreement (“DPA”), which was to be effective for two years from the filing date of July 7, 2010. DPA at ¶3. Included as parties to the DPA were Saipem S.p.A. (“Saipem”), on behalf of its wholly owned subsidiary Snamprogetti, and ENI S.p.A. (“ENI”), on behalf

of its former wholly owned subsidiary Snamprogetti. The DPA required, among other things, that Snamprogetti acknowledge responsibility for the actions of its employees, subsidiaries, and agents who made improper payments to Nigerian government officials, officials of NNPC, officials of NLNG, and others in order to obtain contracts related to the Bonny Island Project. *Id.* at ¶2 and App. A (Statement of Facts). As part of the DPA, Snamprogetti also agreed, among other things, to pay a \$240 million penalty. *Id.* at ¶ 6. Snamprogetti, Saipem, and ENI also agreed to continue to cooperate with the United States, and adhere to certain compliance undertakings. *Id.* at ¶¶5-21.

3. In accordance with the DPA, Snamprogetti paid the \$240 million penalty within 10 days of the execution of the DPA on July 7, 2010. Snamprogetti, Saipem, and ENI also met fully their obligations of cooperating with the United States.

4. As part of the DPA, Snamprogetti, Saipem, and ENI agreed to conduct a review of their existing internal controls, policies, and procedures, as set forth in the DPA. Where necessary, Snamprogetti, Saipem, and ENI agreed to, among other things, develop and implement a new ethics and compliance program, including devoting additional resources to its compliance department; adopt remedial measures and internal control improvements, including enhanced policies and a revised code of conduct directed at prohibiting corruption; add staffing and resources dedicated to coordinating and overseeing the implementation and enforcement of the anticorruption program; improve their systems for reporting suspected misconduct consistent with Italian law; add accounting system controls designed to ensure the maintenance of accurate books and records; and improve due diligence and review processes for subcontracting and procurement agreements.

5. Pursuant to the DPA, if Snamprogetti, Saipem, and ENI complied with their obligations under the DPA, the United States would not continue the criminal prosecution against Snamprogetti and would dismiss with prejudice the criminal information. DPA ¶11.

6. Given that Snamprogetti has paid a \$240 million penalty, Snamprogetti, Saipem, and ENI fully cooperated with the United States, and they continued to meet their obligations under the DPA, the United States believes that dismissal with prejudice is appropriate under the circumstances and pursuant to the agreement of the United States and Snamprogetti, Saipem, and ENI contained in the DPA. Snamprogetti, Saipem, and ENI, as represented by counsel, do not oppose the government's motion.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States hereby dismisses with prejudice the criminal information filed in the instant case.

Respectfully submitted,

DENIS J. MCINERNEY  
CHIEF, FRAUD SECTION  
Criminal Division  
United States Department of Justice

DATED: August 10, 2012  
Washington, D.C.

By: /s/ Patrick F. Stokes  
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Leave of Court is granted for the filing of the foregoing Dismissal with Prejudice.

DATE: August \_\_\_\_, 2012

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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of August, 2012, I caused a copy of the foregoing “Government’s Motion to Dismiss Criminal Information” to be delivered electronically through the Electronic Filing System and via electronic mail to counsel of record for Snamprogetti Netherlands, B.V.

/s/ Patrick F. Stokes  
Patrick F. Stokes  
Deputy Chief, Fraud Section